

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07393

Priority: November 4, 1982

Maximum Diversion Rate:

1.69 CFS

This is to certify, that DEAN DAY
ETHEL DAY

PO BOX 112

LAVA HOT SPRINGS ID 83221 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 5, 1977; and has submitted Proof of Beneficial Use on April 11, 1982. An examination indicates that the works have a diversion capacity of 1.970 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
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IRRIGATION	04/15 to 10/15	1.69 CFS	
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LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 20, Township 09S, Range 38E
BANNOCK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	38E	20	Lot 2(NESW) 3	Lot 3(SESW) 8	Lot 2(NWSE) 23.5	
			SWSE 40	SESE 6		80.5
		29	NWNE 2.5	NENW 1.5		4

Total number of acres irrigated: 84.5

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
5. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
6. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 295.8 af for the lands above.

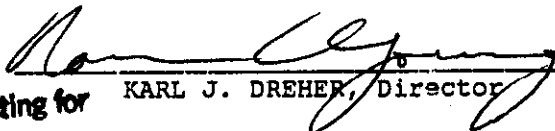
MICROFILMED
JUN 09 1987

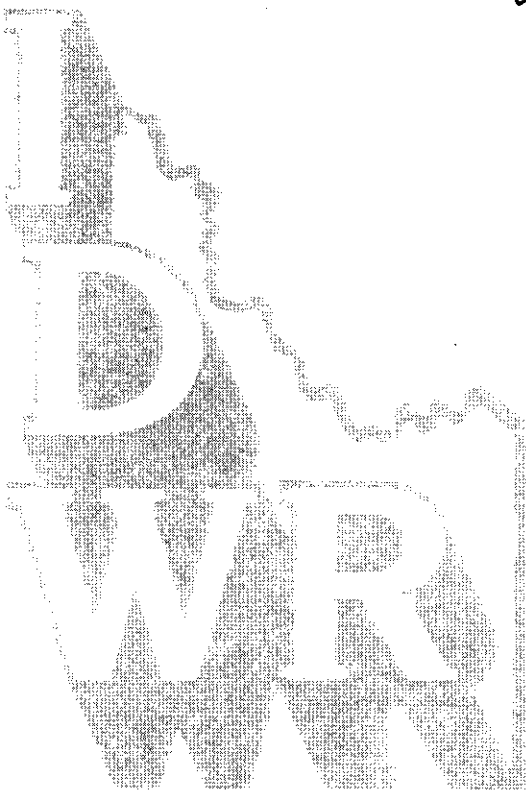
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07393

This license is issued pursuant to the provisions of Section 42-219, Idaho Code,
Witness the seal and signature of the Director, affixed at Boise, this 20TH
day of MAY, 1997.


Acting for KARL J. DREHER, Director



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JUN 8 9 1997

State of Idaho
Department of Water Resources

RECEIVED

MAY 14 1997

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 29-07393

Department of Water Resources

Date of Priority: November 4, 1982
Comes now DEAN DAY
ETHEL DAY

Maximum Diversion Rate: 1.69 CFS

PO BOX 112
LAVA HOT SPRINGS ID 83221

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 29-07393, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.69 CFS	

LOCATION OF POINT(S) OF DIVERSION: NWSE , Sec. 20, Township 09S, Range 38E
BANNOCK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
09S	38E	20	Lot 2 (NESW)	3	Lot 3 (SESW)	8	Lot 2 (NWSE)	23.5	
			SWSE	40	SESE	6			80.5
		29	NWNE	2.5	NENW	1.5			4

Total number of acres irrigated: 84.5

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at noon, this 6 day of May, 1997.

MICROFILMED
JUN 09 1997

Dean Day
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-07393

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50.00 Received by JW # C038894 Date 5-14-97

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 29-07393 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
5. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
6. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 295.8 af for the lands above.

Witness my hand this 20TH day of MAY, 1997.


KARL J. DREHER, Director

MICROFILMED
JUN 09 1997

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

IN THE MATTER OF PERMIT)
)
NO. 29-7393 IN THE NAME OF)
)
DEAN &/OR ETHEL DAY)

ORDER OF REINSTATEMENT

This matter having come before the Department of Water Resources (Department) as a result of preparing Permit No. 29-7393 for issuance of a license, the Department finds, concludes and orders:

FINDINGS OF FACT

1. The Department approved Application for Permit No. 29-7393 to appropriate the public waters of the State of Idaho with a proposed priority of MAY 05, 1977.

2. On APRIL 17, 1986 the Department advised the permit holder that a license examination fee was required before an examination could be conducted to confirm the extent of use developed under the permit. The examination fee was due on JUNE 16, 1986.

3. The license examination fee was not paid within one year of the date, and the permit lapsed for failure to pay the license examination fee.

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JAN 15 1992

4. The license examination fee was received on
DECEMBER 16, 1991, 2008 day(s) late.

CONCLUSIONS OF LAW

1. The Director may advance the priority date of the permit one day for each day the license examination fee is late, pursuant to the provisions of Section 42-217, Idaho Code.

2. The date of priority of Permit No. 29-7393 should be advanced 2008 day(s).

ORDER

IT IS HEREBY ORDERED that Permit to Appropriate Water No. 29-7393 is reinstated.

IT IS FURTHER ORDERED that the date of priority of Permit No. 29-7393 is advanced to NOVEMBER 04, 1982.

Dated this 23rd day of December, 1991.

J. Glen Sayton
Chief, Water Allocation Bureau

JAN 15 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 29-7393 }

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows:
"The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.

A. Glen Saylor
ALEX SAYLOR
Chief, Operations Bureau

Identification No. 29 7393
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

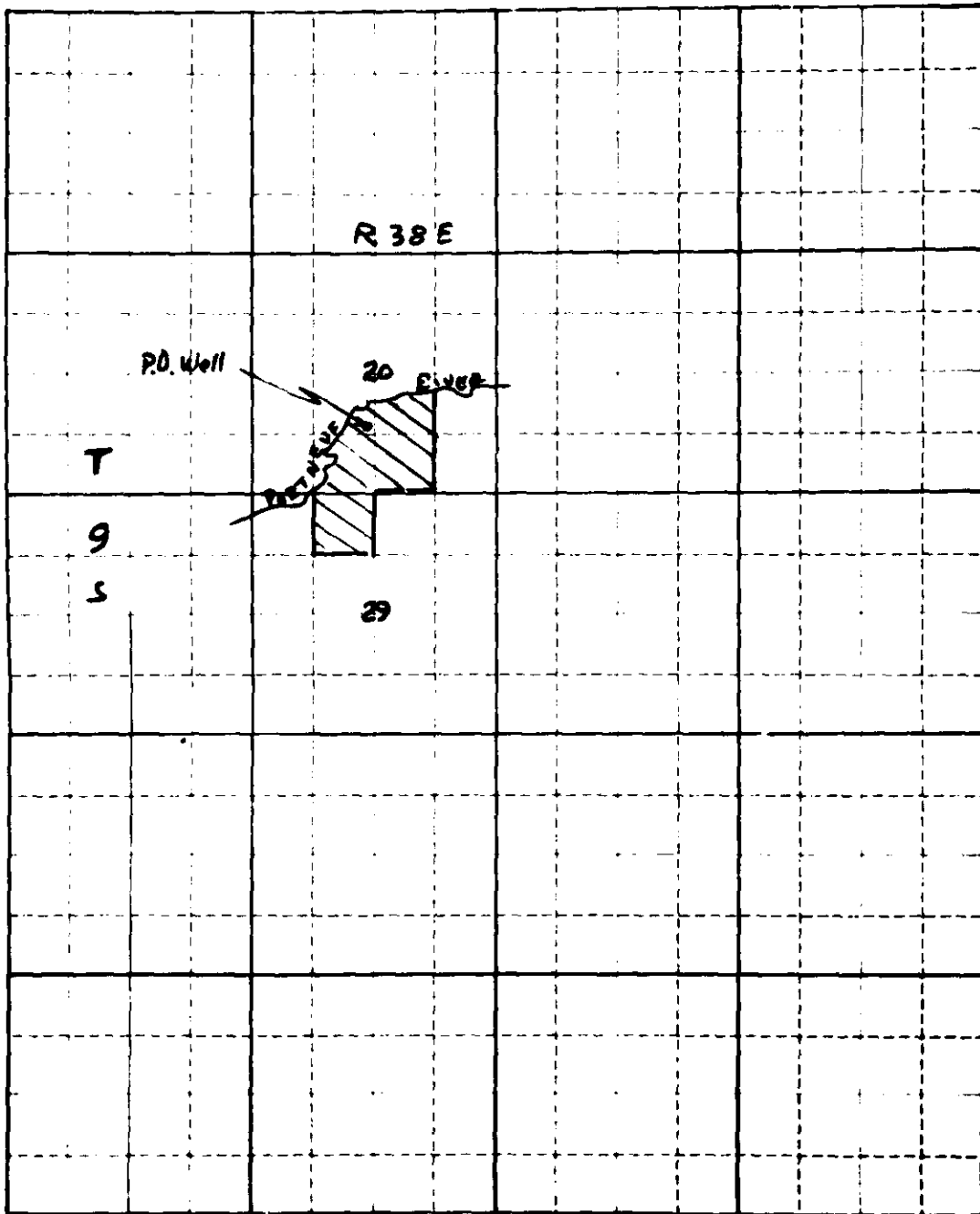
To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

- 1 Name of applicant Dean &/or Ethel Day Phone: 776-5356
post office address Lava Hot Springs, ID
- 2 Source of water supply ground water which is a tributary of _____
- 3 a Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20 Township 9S
Range 38E B.M. Bannock County; additional points of diversion if any: _____
b If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
- 4 Water will be used for the following purposes:
Amount 2.48 for irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
- 5 Total quantity to be appropriated:
a. 2.48 cubic feet per second and/or
b. _____ acre feet per annum.
- 6 Proposed diverting works:
a Description of ditches, flumes, pumps, headgates, etc. well, pump and sprinkler system

b Height of storage dam, _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet; materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c Proposed well diameter is 16 inches; proposed depth of well is 150 feet.
- 7 a Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years
b Estimated construction cost is \$ 20,000.00
8 Description of proposed uses
a If water is ~~not~~ for irrigation
(1) Give the place of use of water _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated _____ hp under _____ feet of head
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe _____

11. Map of proposed project show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Dean Day
(Applicant)

११

[illegible]

Total number of acres to be irrigated	124
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c. Describe any other water rights used for the same purposes as described above: 37 shares Dempsey Irrigation Company

- 9 a. Who owns the property at the point of diversion Applicant
b. Who owns the land to be irrigated or place of use Applicant and Mary Maher
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing applicant has a lease option to purchase SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, all in T. 9S, R. 38E

10. Remarks

Proposed Priority 5/ 5/77

Received by YLA Date 5 5 77 Time 4:30

Preliminary check by my fee \$45.00

Received by YLA Date 5-5-77

Publication prepared by YLA Date 5-23-77

Published in The Idaho State Journal

Publication dates May 19 + 26, 1977

Publication approved YLA Date 5 6 77

Priority reduced to _____ Reason _____

Protests filed by _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ROC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7393 and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions.

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 82.

Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

Witness my hand this 29 day of June, 19 77


Deputy Director

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

SS.

9 1977

Patricia Beck

NO. OF APPLICATION
FOR WATER PERMIT
Notice is hereby given that Dean
S. or Ethel Day, Lava Hot Springs,
Idaho have on 5-25-77 submitted
Application No. 29-7200 for a permit
to appropriate 2.4 cubic feet per
second of water from a ground-
water source by means of well and
pump within the NE 1/4 Sec. 28,
T. 16, R. 20E, S. 4N, Bannock
County; to be used from Apr. 1 to
Nov. 1 for the irrigation of 124 acres
within the E 1/4 Sec. 4, W 1/4 Sec. 4,
Sec. 28, NE 1/4 Sec. 4, Sec. 29, T. 16, R. 20E,
S. 4N.
If issued, this permit will be
subject to all prior water rights.
Protests against the granting of the
permit must be filed with the Idaho
Department of Water Resources,
1515 Lincoln Road, Idaho Falls,
Idaho, 83401 on or before June 4,
1977.
C. Stephen Akred
Director
May 19, 1977
No. 384

being first duly sworn on oath deposes and says That *She*
was at all times herein mentioned a citizen of the United States of
America, more than 21 years of age, and the Principal Clerk of THE
IDAHO STATE JOURNAL, a daily newspaper, printed and published at
Pocatello, Bannock County, Idaho, and having a general circulation
therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

MAY	19	1977	19
MAY	26	1977	19
		19	19
		19	19
		19	19

That said paper has been continuously and uninterruptedly pub-
lished in said County for a period of seventy-eight weeks prior to the
publication of said notice or advertisement and is a newspaper within
the meaning of the laws of Idaho.

Patricia Beck

Subscribed and sworn to before me this *3RD*
day of *June*, 1977

Notary Public, State of Idaho
Residence: Pocatello, Idaho



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

May 21, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DEAN DAY
ETHEL DAY
PO BOX 112
LAVA HOT SPRINGS ID 83221

RE: WATER RIGHT NO. 29-07393

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

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ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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JUN 09 1997

The appeal must be led within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

MICROFILM
3 JUL 09 1977

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of May, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 29-07393

DEAN DAY
ETHEL DAY
PO BOX 112
LAVA HOT SPRINGS ID 83221


Kari Lynn Townsend
Secretary

NOTED
JUN 09 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

April 22, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DEAN DAY
PO BOX 112
LAVA HOT SPRINGS ID 83246

RE: Water Right No. 29-07393

Dear Mr. Day:

Thank you for calling to inquire about my request for an amendment of permit 29-07393. As we discussed, the reason for the amendment is to correct the point of diversion and place of use descriptions. Your original application indicated your intention to locate your well in the NESW, Section 20, T9S, R38E. The field examiner sent by the department to verify your water use reported that your well is in the NWSE of Section 20. The examiner also reported that you are irrigating a few acres in the SESE of Section 20 and in the NWNE of Section 29. These tracts were not included on your original application.

As you requested, I have enclosed a copy of the map submitted by the examiner. I have also enclosed a copy of your original application so that you can compare it to the map and to the proposed amendment.

If, after reviewing this additional information, you agree with the proposed amendment, please sign the form and return it with the \$50.00 filing fee. If you disagree, or if you have any questions, please contact me at 208-327-7946. Please respond within fourteen days.

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

Enclosures

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JUN 09 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

April 11, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DEAN DAY
ETHEL DAY
PO BOX 112
LAVA HOT SPRINGS ID 83221

RE: WATER RIGHT NO. 29-07393

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has been actually developed. I have not yet received the amendment. If I do not receive it within fourteen days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin.

Enclosed for your convenience is another amendment form. Please note that the filing fee for this amendment is \$50.00. If you have any questions, please call me at (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

RECORDED

JUN 8 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

March 25, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DEAN DAY
ETHEL DAY
PO BOX 112
LAVA HOT SPRINGS ID 83221

RE: WATER RIGHT NO. 29-07393

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion and the place(s) of use description. Please review carefully and if you concur, sign the amendment and return it with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

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JUN 8 8 1997 1

MEMORANDUM

TO: File 29-07393

FROM: Sharla

DATE: March 19, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Right 29-07393 are based on the following:

C. DIVERSION AND DELIVERY SYSTEM

2. Place(s) of Use:

T9S, R38E, S20 - NESW (3.0 acres), SESW (8.0 acres)
NWSE (23.5 acres), SWSE (40.0 acres)
SESE (6.0 acres)
S29 - NWNE (2.5 acres), NENW (1.5 acres)
TOTAL 84.5 acres

There is a difference in the boundary line of Range 38E between Section 20 and Section 29. This shift to the east places part of the irrigated lands in both the NWNE and NENW for Section 29. The total number of acres remains the same.

Examiner: Alan Paris

Exam Date: July 3, 1991

104 08 107

LICENSE REVIEW CHECKLIST

PERMIT NO. 29-07393

DATE 3/10/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>P.O. Box</u>
SOURCE	Change <u>—</u>	OK <u>✓</u>	Is change clarification of originally intended source? <u>—</u>
POINT OF DIV	<u>✓</u>	<u>—</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>✓</u>	<u>—</u>	Amendment required <u>yes</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>2.48</u> cfs
Fee limit	<u>2.0</u> cfs #125 ⁰⁰ (#C022678)
Measured	<u>1.97</u> cfs [?] (no polysonic tape attached 40)
Theoretical	<u>2.10</u> cfs @ 100' lift and 52 psi 1.77 @ 70 psi exam)
Recommended Total Div Rate	<u>1.69</u> cfs

100 heads X 8.71 gpm = 1.95 cfs

ANNUAL VOLUME/
NATURE OF USES —

Use ✓

Volume Calculation

<u>84.5</u>	X	<u>3.5</u>	=	af
<u>295.8</u>				af
<u>—</u>				af
<u>—</u>				af
SUBTOTAL		<u>295.8</u>		af

Flow rate 1.69 cfs X 183 days X 1.98 = 612.4 af
Total volume recommended 295.8 af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

WB7 (295.8 af)

CONDITIONS — Watermaster Control WD# —

GW Measurement/Measuring Device

35 Overlap

— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed ✓

Adjustment Memo 6/1/95

1st Amend Letter P37, P38

2nd Amend Letter P47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

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JAN 22 1996

Department of Water Resources

(Reinstated)

A. GENERAL INFORMATION

Permit No. 29-7393

1. Owner: Dean or Ethel Day Phone No. 776-5356

Current Address: Box 112, Lava Hot Springs Id

2. Accompanied by: Dean Day EXAM DATE: 15 Aug 95

Address: _____ Phone No. _____

Relationship to Permit Holder: -

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: Shares in Dimpsey Frns. Comp

2. Other water rights with the same point of diversion: NA.

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	SE	20	9S	38E	Bannock	

2. Place(s) of Use:

Indicate Method of Determination

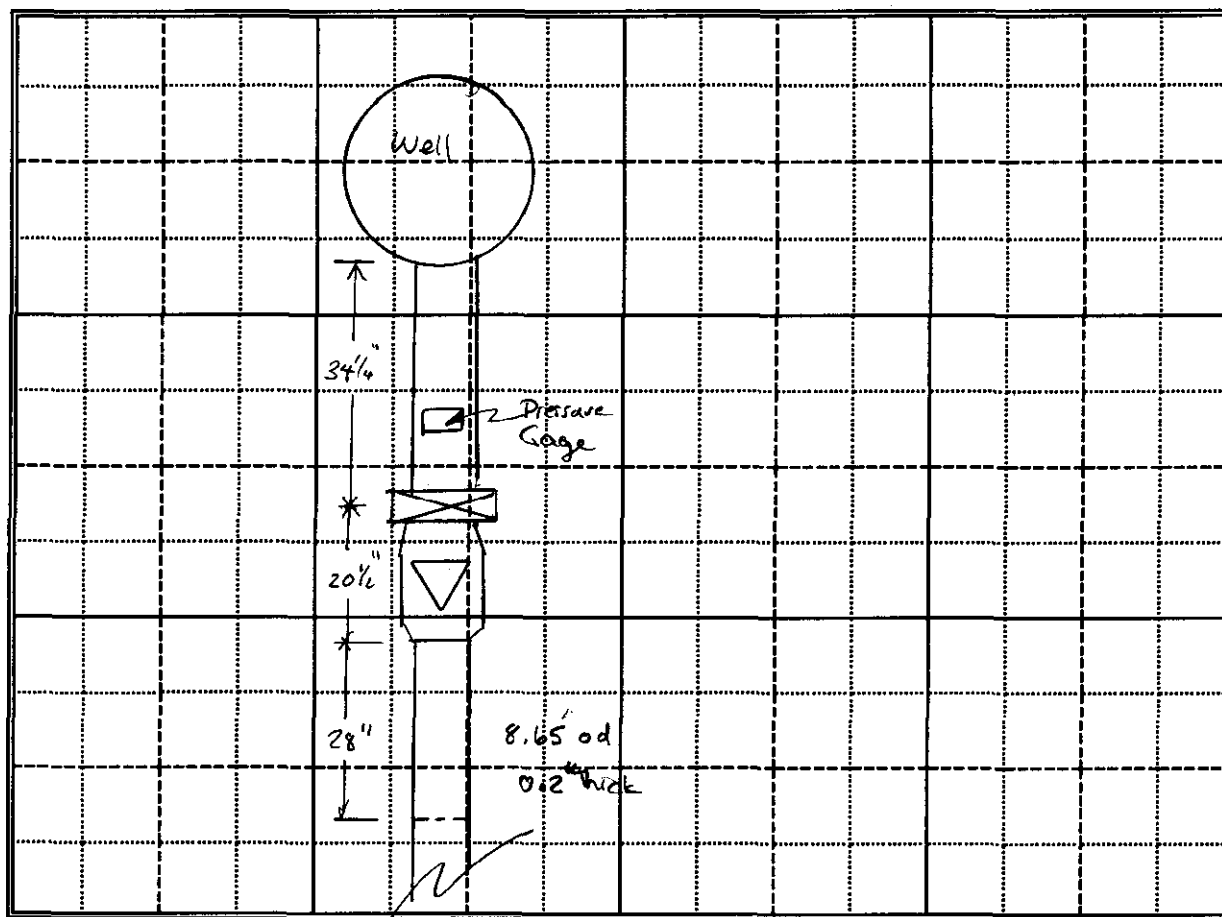
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	38E	20									3			8		23.5	40	6	80.5
											L-2			L-3		L-2			
		29							4										4

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JUN 09 1997

84.5

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	U.S. Electric	75	6326/R06R103R 014R-3	UNKNOWN	8"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Same Meter						

2. Measurements: 882 gpm or 1.97 cfs

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JUN 09 1987

E. NARRATIVE/REMARKS/COMMENTS

Sprinkler
100 - 1 1/4" according to owner

8.0" od

0.137" thickness

737.9 gpm

882 gpm w/ Signal strength

Signal strength 3 up & 3 down

9 up 9 down

Pumping PSI = 70 psi

1 1/4" nozzles @ 52 psi

Have conditions of permit approval been met? ☒ yes ☐ no

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JUN 09 1997

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method: Sonic meter

a/ 1.97 cfs capacity

b/ 84.5 acs at 0.02 cfs max = 1.69 cfs for licensing

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{84.5 \text{ acs} \times 3.5 \text{ af} = 295.7}$$

$$V_{D.R.} = [\text{Diversión Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{1.69 \text{ cfs} \times 183 \text{ d.} \times 1.9835 = 613.4}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{295.7}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Irrigation</u>	<u>4-15</u>	<u>10-15</u>	<u>1.69 cfs</u>	<u>295.7</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>1.69 cfs</u>	<u>295.7</u>

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☒ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

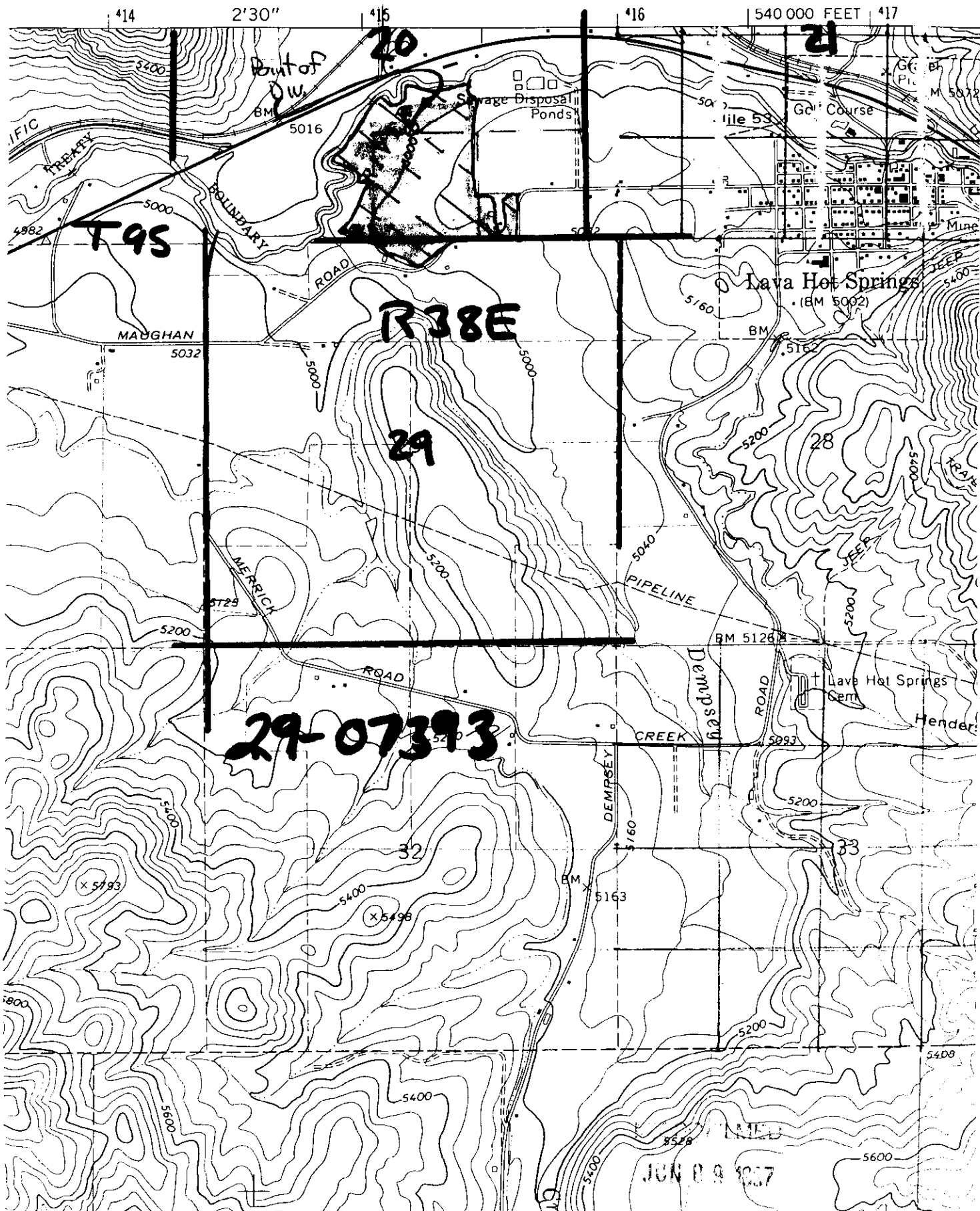
Field Examiner's Name Steve Mueller / Keith Wilson Date 8-15-95

Reviewer [Signature] Date 8-20-95

SEAL

MICROFILMED
JUN 09 1997

LAVA HOT SPRINGS QU
IDAHO - BANNOCK C
7.5 MINUTE SERIES (TOPC





29-07393

29-7393

100

Point of diversion



29-7393

MICROFILMED
JUN 8 9 1967

January 2, 1992

RE: Permit No. 29-7393

Dean Day
Ethel Day
Lava Hot Springs, ID 83221

Dear Permit Holder(s):

We acknowledge receipt of the license examination fee which authorizes the Department to reinstate the above referenced permit.

Before a license can be issued, a field examination will be made by a representative of this Department. Enclosed is an Order of Reinstatement. Please note that the priority date has been advanced to November 4, 1982.

If you have any questions regarding this matter, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MINIMUM 3000
JAN 15 1992

BENEFICIAL USE FIELD REPORT REVIEW

TO: FILE 29-07393

FROM: PAM SKAGGS

RE: PRIORITY ADVANCE REVIEW

DATE: 20-DEC-1991

=====

This review memo is prepared to show the process for determining what elements were involved in advancement of the priority.

	<u>DATE</u>	<u>JULIAN</u>
PERMIT		
Permit priority Date:	MAY 05 1977	125
Proof Received Date:	APRIL 11 1982	101
Proof Due Date:	JUNE 01 1982	152
Days Late:		0 DAY(S)
 EXAM FEE NOTICE		
Exam Fee Notice Date:	APRIL 17 1986	107
Exam Fee/Info Sheet Received Date:	DECEMBER 16 1991	2175
Exam Fee or Info Due Date:	JUNE 16 1986	167
Days Late:		2008 DAY(S)
 NEW PRIORITY DATE		
Original Priority Date:	MAY 05 1977	125
Total Days Late:		2008 DAY(S)
 New Priority Date:	NOVEMBER 04 1982	308

RECEIVED
JAN 15 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 5, 1991

Dean Day
Lava Hot Springs, ID 83221

RE: Permit #29-07393

Dear Mr. Day:

The above referenced permit has reached my office for final review and action. Tim Luke has been corresponding with you since April, 1990 concerning possible reinstatement of the permit.

The permit lapsed because an examination fee had not been received. I understand you contend a previous field exam was scheduled, but not completed and were told no further exam was required. Unfortunately, neither the Department or you can provide any documentation confirming this. The permit cannot be reinstated without such documentation or the exam fee. The proof of beneficial use form claims that the well produced 750 gallons per minute (or 1.67 cfs). This rate would require a \$125.00 exam fee. The permitted amount of 2.48 cfs would require a \$150.00 exam fee.

The purpose of this letter is to provide you with one final opportunity to provide either the past exam scheduling documentation or the exam fee, before the Department closes this matter. I will allow you an additional 30 days to submit the information or fee.

The permit remains lapsed and use of water without a valid water right may be cause for the Department to issue an order requiring you to cease diverting the water.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

DEC 16 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 29, 1991

Dean Day
Lava Hot Springs, ID 83221

RE: Groundwater Permit No. 29-7393

Dear Mr. Day:

Following our last meeting in Lava Hot Springs, I have reviewed your groundwater permit file. The permit still remains lapsed. My last correspondence to you concerning this matter was dated June 14, 1990. That letter advised you to provide any documentation which you may have that would show the department had at one time conducted or attempted to conduct a field exam for this permit.

In our last meeting you mentioned that you may have some old correspondence concerning prior field exam scheduling. Despite any recommendation I might make on your behalf, I am not certain that the department will ultimately waive your exam fee without some form of documentation which supports your position. I suggest that you search your records for the correspondence or documentation which you mentioned may still be in your possession. I will provide you with as much time as you need to search your records for any useful documentation. If I do not receive word from you within 60 days, I will again contact you to discuss the status of the permit.

Sincerely,

Tim Luke
Tim Luke

Sr. Water Resource Spec.

RECEIVED
AUG 31 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 14, 1990

Dean Day
Lava Hot Springs, ID 83221

ph. k. : 776-2256

Re: Permit No. 29-7393

Dear Mr. Day:

I have tried to call you several times over the past few days to further discuss the matter concerning your permit, but I have not been able to reach you.

I have spoken with several different individuals at our regional office in Idaho Falls, including Dennis Dunn, Keith Wilson and Harold Jones. They have again searched their records for any information which would confirm or indicate that a field exam had been scheduled or rescheduled for your permit. Again, they have found no correspondence or other information about past field exam scheduling.

When a field exam is scheduled and then can not be conducted, it is standard procedure for the Department representative to record the initial visit and reason as to why the exam could not be completed. It is also standard procedure to record the initial contact or conversation which results in the scheduling of the original or first field exam. As I have noted above, there is no documentation at all concerning any field examination.

I believe that there may have been some misunderstanding between you and our Idaho Falls personnel when you recently visited the office there. From what I can understand, our personnel there told you that if the Department could find documentation concerning the prior examination, then we would not require a exam fee, the permit would automatically be reinstated and the whole matter would be settled. That documentation unfortunately was not found. There also was no information about your prior visit to that office after you first received the lapse notice in 1987. Keith Wilson in Idaho Falls then sent me a memo asking what information the state office would require to dismiss the exam fee and reinstate the permit without a loss of priority.

Upon receiving that memo (copy enclosed) and reviewing your permit file on record at the state office, I sent you the letter dated April 27, 1990, which stated that the exam fee could be waived and the permit reinstated without loss of priority if you could produce some documentation or evidence concerning past

DEC 16 1991

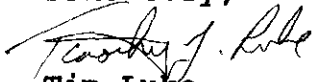
field examination scheduling. I did not hear from you until you called on Monday, June 11, 1990. I thought you had told me that you had again been to the Idaho Falls office and that somebody there told you the matter would be resolved. There is no one in the Idaho Falls office that recalls you visiting the office a second time after your first visit on April 4, 1990.

I regret to again inform you that the permit remains lapsed until you provide the documentation which I asked for in my April 27 letter, or you pay the exam fee. Your old proof of beneficial use statement claims that the well produced 750 gallons per minute (or 1.67 cfs). This rate would require a \$125.00 exam fee. The permitted amount of 2.48 cfs would require a \$150.00 exam fee.

I am truly sorry for any past misunderstandings between you and the Department over this matter. As I've said before, the Department does not choose to disbelieve you, there is just no information concerning prior exam scheduling or your 1987 office visit. At this time, you are still required to produce the past exam scheduling documentation or the exam fee in order to reinstate this permit.

Please feel free to contact me directly at 327-7864 if you have questions concerning this matter.

Sincerely,



Tim Luke

Sr. Water Resource Agent

DEC 16 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 8, 1990

Dean Day
Lava Hot Springs, ID 83246

RE: Permit No. 29-7393

Dear Mr. Day:

Enclosed is a copy of correspondence which I sent to you in April of 1990 concerning the above referenced lapsed permit.

The Department has not received any further response from you on this matter. This is a final reminder that the permit will remain lapsed until a field exam fee is paid. Use of water without a valid water right may be cause for the Department to issue an order requiring you to cease diverting the water.

Please contact this office if you have any questions concerning this matter.

Sincerely,

Tim Luke

Sr. Water Resource Agent

RECEIVED

DEC 16 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 27, 1990

Dean Day
Lava Hot Springs, ID 83246

RE: Permit No. 29-7393

Dear Mr. Day:

The state office has received your inquiry about reinstating the above referenced lapsed permit. Department records show that this permit had lapsed because an examination fee had not been received.

On April 4 of this year, you visited our regional office in Idaho Falls and told a representative there that you were not required to pay the license exam fee because a previous exam had been scheduled, but no completed. You mentioned that the visiting examiner informed you that an exam was not required.

Unfortunately, the Department has no record that a field exam was ever scheduled for this permit. There also is no evidence in the Departments files that indicate an examiner actually visited you and attempted to conduct an examination. There also is no correspondence mentioning that a re-examination was required.

Please do not interpret this letter to mean that the Department chooses to disbelieve your statements. Without any record of there having been a scheduled exam, I do not believe it is possible to reinstate the permit. If you could provide some documentation or evidence which confirms a past scheduled exam for this permit, the Department will gladly reinstate the permit with no loss in priority, and schedule a new exam.

Please feel free to contact me directly at 327-7864 if you have questions concerning this matter.

Sincerely,

Tim Luke

Sr. Water Resource Agent

DEC 16 1991

MEMORANDUM

TO: TIM

FROM: JIM JOHNSON

RE: 29-7393

DATE: April 26, 1990

=====

Without some supporting evidence to show field exam had been scheduled there is not much we can do. I don't understand why Mr. Dean waited until he received the lapsed notice before he came forward. If he was as prudent it appears he should have resolved the matter before the permit was lapsed, like at the time he received the certified letter notifying him that an exam fee was due.

Mr. Dean should be advised he must submit the examination fee and to start the reinstatement process.

RECEIVED

DEC 16 1991

INTER-DEPARTMENT MEMO — 1

FROM

Jim

TO

Jim J.

DATE

SUBJECT

Permit No. 29-7393

Ply see Keith Wilsons memo of 4/5/90. I called Keith today & he explained that Eastern Region office has no record that an exam had^{ever} been scheduled or attempted. As Keith said in memo, we have no reason to disbelieve permit holder, but we have no record to substantiate his claim. What do you think we can do?

DEC 16 1991

JJH

SIGNATURE

RECEIVED

APR 6 1990

Department of Water Resources

FROM: EASTERN REGION - ERIC VERNER ^{2/1}
HAROLD JONES ^{2/1}
KEITH C. WILSON ^{KCW}

05 APRIL 1990

TO: GARY SPACKMAN

SUBJECT: LAPSED PERMIT 29-07393 - REINSTATEMENT

ON 4 APRIL 1990 MR DEAN DAY VISITED WITH ERIC VERNER ABOUT FILING AN ADJUDICATION CLAIM ON 29-07393. WHEN HE WAS INFORMED THAT THE PERMIT WAS LAPSED HE INDICATED THAT HE HAD COME INTO THIS OFFICE AFTER HE HAD RECEIVED HIS LAPSE NOTICE AND DISCUSSED THE SITUATION WITH SOMEONE IN THIS OFFICE. HE INDICATED THAT HE WAS TOLD THAT SINCE AN EXAMINER HAD BEEN OUT TO DO THE EXAM AND HAD NOT BEEN ABLE TO COMPLETED THE EXAM THAT HE WOULD NOT BE REQUIRED TO PAY THE EXAM FEE, AND THIS OFFICE WOULD SCHEDULE A RE-EXAMINATION WITH HIM.

WHAT TYPE OF DOCUMENTATION WILL YOU REQUIRE FROM THIS OFFICE TO RE-INSTATE THIS PERMIT WITHOUT ANY LOSS IN THE PRIORITY?

WE BELIEVE MR. DAY IS TELLING THE TRUTH, AND HIS PERMIT JUST SLIPPED THROUGH THE CRACKS.


KEITH C. WILSON

RECEIVED

APR 16 1990

I certify that file No. 29 7393 has been
reviewed and is ready to be MICROFILMED
and DESTROYED.

Rita Fleck
Signature

2-16-1988
Date



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

24-7343
PAY. DEAN
PAY. HIRSH
PAY. HIRSH, ID. #3740

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 17, 1987

Dear Permit Holder:

LAPSE NOTICE
License Examination Fee

You are hereby notified that under the provisions of Section 42-217 and 42-218a, Idaho Code, the above referenced permit will lapse and be on no further force nor effect on June 17, 1987, for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Provisions of § 42-217, Idaho Code, and the Beneficial Use Examination Rules and Regulations provide that failure of the permit holder to submit either the fee or an acceptable field examination report within one (1) year and sixty (60) days after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. The Department notified you of the required submittal on April 17, 1986.

The lapsed permit can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the Department on or before August 17, 1987, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

If you have questions, please contact any office of the Department.

Sincerely,

L. GLEN SAXTON, Chief
Operations Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Permittee

29-7393
DAY, DEAN
DAY, ETHEL
LAVA HOT SPRINGS, ID 83246

Mailing address:
Storehouse
Boise, Idaho 83720

138198

April 17, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUMM
Deputy

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NOT COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

DEPARTMENT OF WATER RESOURCES 84-7-95

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No.

Name(s) of Permit Holder: *Dean King*

Post Office Address: *Lava Hot Springs, Idaho* Tel. No. *726-5356*

Source of Water: *Well*
 Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation *100+* (acres)
☐ Other

2 inch 1/2" pipe installed 750 gal per minute
 Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No
 Access Port: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

Date *April 11, 1982* Signature of Permit Holder *Dean King*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138577

DAY, DEAN & ETHEL
LAVA HUT SPRINGS, ID 83246

MARCH 31, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 29-7393 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JUNE 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

1. WELL OWNER
Name DAAN DNY
Address LAKE HOPKINS, ILL
Owner's permit No. 197393

2. NATURE OF WORK
☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandonment)

3. PROPOSED USE
☐ Domestic ☒ Irrigation ☐ Test ☐ Other (specify type)
☐ Mining ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED
☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION
Diameter of hole 16 inches Total depth 11 feet
Casing schedule: ☐ Steel ☐ Concrete
Tubing: Diameter From To
16 inches 16 inches 0 feet 32 feet
inches inches feet feet
inches inches feet feet
inches inches feet feet
inches inches feet feet
Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☒ Yes ☐ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches
Number From To
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☒ No Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 22 Material used in seal ☐ Cement grout
☒ Portland cement ☒ Seal coating
Sealing procedure used ☐ Slurry pit ☐ Temporary surface casing
☒ Overturn to seal depth

6. LOCATION OF WELL
Sketch map location must agree with written location. 23
Section No. _____
Lot No. _____ Block No. _____
County Rock Co. ILL
N. 6 1/2 Sec. 32 T. 2 N. R. 35 E.

7. WATER LEVEL
Department of Water Resources
Eastern District Office
Static water level 21 feet below land surface
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Temperature _____ ° F. Quality _____
Artesian closed in pressure _____ p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA
☐ Pump ☐ Bailor ☐ Other
Discharge G.P.M. _____ Draw Down _____ Return Perforal _____

9. LITHOLOGIC LOG
Hole Depth Material Pump
From To Feet Vol. (cu ft)
0 15 Bedrock clay 5
15 35 Gravel & sandstone 4
35 40 Gravel 1
40 42 Flint nodules 2
42 45 Gravel & sand 1
45 48 Gravel & sand 1
48 50 Black sand 1
50 55 Gravel & sand 1
55 60 Clay & gravel 1
60 65 Gravel & sand 1
65 70 Gravel & sand 1
70 75 Gravel & sand 1
75 80 Gravel & sand 1
80 85 Gravel & sand 1
85 90 Gravel & sand 1
90 95 Gravel & sand 1
95 100 Gravel & sand 1
100 105 Gravel & sand 1
105 110 Gravel & sand 1
110 115 Gravel & sand 1
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930 935 Gravel & sand 1
935 940 Gravel



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. PUGH
Governor

A. BRADSHAW SMITH
Attorney General

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 4, 1982

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the regional office nearest to you.

Sincerely,

DAVID R. TUTTHILL JR., P. E.
Supervisor, Water Allocations Section

DRJ:jg

Enclosures

NORTHERN REGION OFFICE
Route #3, Box 203, Government Way
Coeur d'Alene, Idaho 83814
Telephone 667-6484

SOUTHERN REGION OFFICE
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301
Telephone 734-3578

EASTERN REGION OFFICE
150 Shoup Avenue
Idaho Falls, Idaho 83401
Telephone 525-7161

WESTERN REGION OFFICE
92 South Cole Road
Boise, Idaho 83709
Telephone 334-2190



John V. Evans
Governor

A. Kenneth Dunn
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

1/15/77

150 Shoup
Idaho Falls, Idaho 83401
1/15/77

RE: Per 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Dear Mr. [redacted]:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

_____ A field examination of your system has been scheduled for _____.

If this time and date is not convenient for you, please contact this office as soon as possible.

_____ A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

CHARLES W. [redacted]
Mr. Secretary

July 1, 1977

Re: Permit No. 29-7393

Dean /or Ethel Day
Lava Hot Springs, ID 83246

Dear Mr. & Mrs. Day:

Enclosed is a copy of your approved Application for Permit No. 29-7393. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit

May 13, 1977

RE: Application for Permit No. 29-7393 DAY

The Idaho State Journal
Box 431
Pocatello, ID 83201

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 6-06-77 by Cul

RDC:ME

Enclosure

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Dean &/or Ethel Day,
Lava Hot Springs, Idaho

have Land Hot Springs, Idaho
 XXX 5-05-77 29-7393
 has on _____ submitted Application No. _____
 for a permit to appropriate 2.48 cubic feet per second XXXXXX acre feet per annum
 of water from a ground-water source
 by means of well and pump
 within the NELSWA, Sec. 20, T. 9S, R. 38E, B.M., Bannock County;

to be used from Apr. 1 to Nov. 1
for the irrigation of 124 acres

within the E₁SW₁, W₂SE₁, Sec. 20, NE₁W₁, Sec. 29, T. 9S, R. 38E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before _____
June 6, 1977

C. Stephen Allred
XXXXXXXXXXXXXXXXXXXX
R. KEITH HIGGINSON

Published in the Idaho State Journal, Pocatello, ID
on May 19 _____ and May 26, 1977.

the 6.
the 6.

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 149

Source
Point of Diversion
County
Quantity of Water and Period of Use
Description of Diverting Works
Time required for B/U of water
Place of Use or Acres Irrigated
Map
Signature
Fee

(1)

In form to receipt

(2)

Send Copies to:

Idaho State Health Department
Idaho Fish and Game Department
Bureau of Land Management

(3)

Request Special Use Permit from U.S.F.S.
Request Easement from B.L.M.
Request Information from Applicant
Request Dam Safety Information

(4)

In form for advertising

(5)

Platted on Map No.

(6)

Located within Water District No.

(7)

Critical groundwater area: yes no

(8)

Groundwater levels:

Declining, Stable, Increasing

(comment)

(9)

Other rights on the same place of use

(10)

Comments:

(11)

Affidavit of Publication received(date) June 6, 1977

(12)

Final date for protests June 19, 1977

Protests received: yes no

(13)

All requested information received from agencies or applicant: yes no

(14)

Action recommended:

 Approve Deny

5/77 Proposed Priority

Reason for Reduction

Measuring device required

See attached sheet for other conditions of approval

 No special conditions for approval

(15) District E

RDC

Date 4/4/78

Supplemental