

From: Kay Walker 2-20-85
To: File 29-2360

Per review of File, I
do not think that the
State of Idaho is right
holder. Applicant has
just notated that Lava
Hot Springs Foundation
is within the State
of Idaho. kw

SCANNED

APR 30 2001

State of Idaho

License and Certificate of Water Right

Water License No. G-25425

Amount .50 c.f.s.

Water District No.

Priority February 5, 1955

THIS IS TO CERTIFY that LAVA HOT SPRINGS FOUNDATION, STATE OF IDAHO of Lava Hot Springs, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated February 5, 1955; that Permit No. G-25425 was issued under said application; that Certificate of Completion of works, with a carrying capacity of .50 second feet, was issued thereunder on November 14, 1960, showing that said works were completed on the 15th day of January, 1960; and that on the 15th day of January, 1960, LAVA HOT SPRINGS FOUNDATION

of Lava Hot Springs, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation & bathing use under Use Permit No. G-25425 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

11 of Licenses at page 7010, on the 14 day of November, 1960;

The right hereby confirmed dates from February 5, 1955;

The Point of Diversion is located Lot 10

in the -- 1/4 -- 1/4, Sec. 22, Tp. 9 S, R. 38 E, B. M. Bannock County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed .50 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 S	38 E	21	Lot 7 Lot 8		18 3
			Total number of acres to be irrigated:		21

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

14 day of November, 1960.

/s/ RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

29 2360

State of Idaho

License and Certificate of Water Right

Water License No. G-24422Amount 1.8 c.f.s.

Water District No. _____

Priority August 21, 1953

THIS IS TO CERTIFY that ARTHUR L. CARRIER
 of Hansen, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated August 21, 19 53; that Permit No. G-24422
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.8 second feet, was issued thereunder on November 8, 19 60, showing that said works
 were completed on the 1st day of December, 19 58; and that on the 1st
 day of December, 19 58,

ARTHUR L. CARRIER

of Hansen, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of a well
 , a tributary of subterranean flow, for the purpose of irrigation & domestic
 , under Use Permit No. G-24422 of the Department of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
 and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page 7009, on the 8 day of November, 19 60;
 The right hereby confirmed dates from August 21, 19 53;

The Point of Diversion is located
 in the SW 1/4 NE 1/4, Sec. 34, Tp. 11 S, R. 19 E., B. M. County Twin Falls
 That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
 not exceed 1.8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S	19 E	27	NW 1/4 SE 1/4	40	40
			SW 1/4 SE 1/4	40	40
			NW 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	40
		34	Total number of acres to be irrigated:		160

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
 of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

8th day of November, 19 60.s/ GEO. N. CARTER

State Reclamation Engineer.

(SEAL)

29-2360

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G-33296
Permit No. G- 25425
District No.

Max D. Cohn
Lava Hot Springs
Idaho

1. Name of Applicant: LAVA HOT SPRINGS FOUNDATION. STATE OF IDAHO.
Postoffice address: Lava Hot Springs, County: Bannock State: Idaho.
2. Quantity of water claimed: .50 cubic feet per second,
 - (a) Rate of withdrawal in cubic feet per second. .50 or Idaho
Miners' inches or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean Flow, (Well)
4. Location of point of diversion or well is in the NE 1/4 of the SE 1/4 of Section 21
Twp. 9.S. , Rge. 38.E. , B.M., County of Bannock,
5. Water is to be used for: Irrigation and Bathing resort, purposes, 18 inches for irrigation and 7 inches for Bathing resort.
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the SE 1/4 of the SE 1/4 of Section 21 , Twp. 9.S.
Rge. 38.E. , B.M
 - (b) Waste water or sewage effluent is to be returned to
at a point in the SE 1/4 of the SE 1/4 of Section 21 , Twp. 9.S. , Rge. 38.E. , B.M.
7. Kind of works: Well, Pump and pipe lines, and sprinkler system
8. Estimated cost of works: \$ 6,000.00
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is Five, years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None,
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

By MAX D. COHN *Agent.*

Corrected application received:

MARK R. KULP
State Reclamation Engineer.

Governor

12.

Twp.	Range	Sec.	NE¼	NW¼	SW¼	SE¼	Totals
			NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	
9.S.	38.E.	21	18				18
Application for Amendment To Permit to Appropriate the Public Waters Of the State of Idaho, No. G-25425 Comes now MAX COHN, Manager, Lava Hot Springs Foundation and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-25425, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows: Lots 7 and 8, Sec. 21, T. 9 S., R. 38 E., B. M., making a total of 21 acres. That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change. Signed at Lava Hot Springs, this 8th day of November, 1960. s/ MAX D. COHN, Manager Date of Receipt at office of Department of Reclamation: November 10, 1960 APPROVAL OF STATE RECLAMATION ENGINEER I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. G-25425. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby. s/ GEO. N. CARTER State Reclamation Engineer							
Recorded: November 14, 1960							

Application for Amendment
POINT OF DIVERSION
Permit No. G-25425

Comes now MAX COHN, Manager, LAVA HOT SPRINGS FOUNDATION and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-25425.

That the point of diversion is described in said Permit as being located: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T. 9 S., R. 38 E., B. M.

That he now requests that the point of diversion be changed to a point located: Lot 10, Sec. 22, T. 9 S., R. 38 E., B. M.

That the reason for desiring to make such change is as follows: The examining engineer found the point of diversion to be in this location.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Lava Hot Springs, Idaho, this 8th day of November, 1960

s/ Lava Hot Springs Foundation
Max D. Cohn, Manager

Date of Receipt at office of Department of Reclamation November 10, 1960

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-25425. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ GEO. N. CARTER
State Reclamation Engineer

Recorded: November 14, 1960

Permit No. G-25425

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that LAVA HOT SPRINGS FOUNDATION, State of Idaho of Lava Hot Springs, County of Bannock, and State of Idaho, the holder of Permit No. G-25425, issued upon Application No. G-33296 bearing date of priority of February 5, 1955, authorizing the diversion of .50 second feet of waters of a well County of Bannock for irrigation & bathing resort purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use .50 second feet of the waters of a well from subterranean flow that the point of diversion of said waters Lot 10, Sec. 22, T. 9 S., R. 38 E., B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

Lots 7 and 8, Sec. 21, T. 9 S., R. 38 E., B.M., 19 inches for irrigation of 21 acres - 6 inches for bathing.

Witness my hand this 14 day of November, A. D. 1960.

/s/ Ralph W. Thomas
Deputy State Reclamation Engineer

Proof of Completion of Works Made: January 15, 1960
Certificate of Completion of Works Issued: November 14, 1960

PERMIT ISSUED FOR .50 SEC. FL.

Page 7010



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

SCANNED
APR 30 2001

ATTORNEY GENERAL OPINION NO. 97-1

RECEIVED

JAN 13 1997

To: Robert I. Meline, Executive Director
Lava Hot Springs Foundation
P.O. Box 669
Lava Hot Springs, Idaho 83246

Department of Water Resources

Per Request for Attorney General's Opinion

QUESTIONS PRESENTED

1. Does the Lava Hot Springs Foundation, under the terms of title 67, chapter 44, Idaho Code, have authority to control the use of hot springs and hot waters located on lands under the control of the Foundation?
2. If the Foundation has the authority to control the use of hot springs and hot waters on lands under the control of the Foundation, is such control exclusive, or is the use of such waters subject to the provisions of title 42, Idaho Code?
3. If the Foundation has authority to control the use of hot springs and hot waters on lands under the control of the Foundation, does such authority extend to authorizing the use of such hot springs and hot waters by private parties on private lands in exchange for an easement across such lands for a pipeline used for the discharge of the Foundation's waste water, or would such a use have to be licensed by the Idaho Department of Water Resources?

CONCLUSION

1. Yes, the Lava Hot Springs Foundation (Foundation) maintains authority to manage and control the use of all hot waters lawfully appropriated under state law that rise and flow on the Foundation's lands.
2. The rights to the use of all hot waters that rise and flow at Lava Hot Springs are water rights that have been appropriated under state law and are subject to regulation by the Idaho Department of Water Resources (Department) under the provisions of title 42 of the Idaho Code.

3. The Foundation has the authority under title 67, chapter 44, Idaho Code, to enter into agreements involving easements with private parties to discharge the Foundation's waste water. However, the Foundation may not authorize the use of any portion of its water in a manner that is inconsistent with its state water right. Other parties seeking to use the Foundation's waste water for new uses or on lands other than the authorized place of use must file for a permit from the Idaho Department of Water Resources.

BACKGROUND

Lava Hot Springs was acquired from the United States under an act of Congress in 1902 which conveyed certain lands to the state of Idaho for public use subject to state regulation. The Act reads as follows:

Chapter 1076. -- An Act to grant certain lands to the State of Idaho. Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That lots seven and eight in section twenty-one, the northwest quarter of the southwest quarter, and lots nine and ten in section twenty-two, all in township nine south, range thirty-eight east, base meridian, in the State of Idaho, are hereby ceded, granted, relinquished, and conveyed unto said State of Idaho for public use under such regulations as said State may prescribe. 32 Stat. 330 (1902)

Seventeen years later, in 1919, the state of Idaho passed Senate Bill No. 9 vesting in the department of welfare the responsibility to manage the lands and property at Lava Hot Springs. 1919 Idaho Sess. Laws 108. The Lava Hot Springs Foundation was created in 1935 and the statutes were amended to make the Foundation responsible for the management and control of the lands and property at Lava Hot Springs. 1935 Idaho Sess. Laws 16. The Foundation, operating as an agency within the department of parks and recreation, continues to manage the lands at Lava Hot Springs today.

ANALYSIS

A. Introduction

The threshold issue raised by the questions presented is whether the unique language in title 67, chapter 44, Idaho Code, creates a special type of water right for the benefit of the Foundation that is different from all other state water rights acquired under the appropriation process. An underlying legal issue is whether it is possible in this state for another type of state water right to exist other than one acquired by appropriation under Idaho law.

Idaho Code § 67-4401 provides: "All rights to the operation, management and control, and to the maintenance and improvement of the lands and property belonging to the state of

Idaho situated within and near the city of Lava Hot Springs, in Bannock County, state of Idaho, hereinafter more particularly described is vested in the Lava Hot Springs Foundation which shall be an agency within the department of parks and recreation”

Idaho Code § 67-4403 describes the lands and property placed under the jurisdiction and control of the Foundation. Idaho Code § 67-4403 provides:

Description of property: The property hereinbefore referred to, and herewith placed under the jurisdiction and control of the said foundation, is described as follows: The northwest quarter (1/4) of the southwest quarter (1/4), and lots nine (9) and ten (10) in section twenty-two (22), and lots seven (7) and eight (8) in section twenty-one (21) in township nine (9), south, range thirty-eight (38) east of the Boise meridian, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the hot springs and hot waters arising and flowing thereon, in Bannock County, state of Idaho.

Upon further analysis of Idaho’s Constitution and related water statutes, the language in Idaho Code § 67-4403 placing jurisdiction and control of the hot springs and hot waters under the direction of the Foundation is intended to refer to only those waters lawfully appropriated under state law.

B. The Right to Use Water at Lava Hot Springs is Sanctioned under Water Rights Acquired by Appropriation

All rights to water under state law in Idaho are acquired by appropriation. Article 15, § 3 of the Idaho Constitution provides: “The right to divert and appropriate the unappropriated waters of any natural stream to beneficial uses, shall never be denied, except that the state may regulate and limit the use for power purposes” Idaho Code § 42-101 provides: “All the waters of the state, when flowing in their natural channels, including the waters of all natural springs and lakes within the boundaries of the state are declared to be the property of the state, whose duty it shall be to supervise their appropriation and allotment to those diverting the same therefrom for any beneficial purpose” Idaho Code § 42-103, prior to the 1971 amendments, provided: “The right to the use of the waters of rivers, streams, lakes, springs, and of subterranean waters, may be acquired by appropriation.” Idaho Code § 42-104 provides: “The appropriation must be for some useful or beneficial purpose, and when the appropriator or his successor in interest ceases to use it for such purpose, the right ceases.” Idaho Code § 42-106 provides: “As between appropriators, the first in time is the first in right.”

The consistent thread in Idaho’s Constitution and water statutes is that the right to use water must be acquired by appropriation. The Idaho Supreme Court has long held that the method to acquire water in Idaho is by appropriation and that the state may regulate the means of appropriating water within the state. Speer v. Stephenson, 16 Idaho 707, 102 P. 365 (1909).

Unquestionably, the law of prior appropriation is specified as the method to establish the right to use water in Idaho. Absent a clear statutory expression by the legislature to create an exception to the appropriation statutes, all rights to the use of water in Idaho must be acquired by appropriation. The language in Idaho Code §§ 67-4401 and 67-4403 is not a clear expression that the legislature intended to create an exception from the appropriation process for the waters at Lava Hot Springs. The most reasonable interpretation of this language is that the Foundation's jurisdiction and control over waters at Lava Hot Springs refers to those waters that have already been appropriated or that will be appropriated in the future. The legislature has had several opportunities over the years to pass laws regarding the use of water by the state acting through the governor or a state board for a special purpose. In every instance there is a clear expression in the statutes that the water for the special purpose should be appropriated in trust for the people of the state of Idaho.¹ Additionally, Idaho Code § 42-1503 requires that an application to appropriate water be filed by the Idaho Water Resource Board before a minimum stream flow can be established under Idaho law.

Other statutory authority as well as past actions on the part of the Foundation and the Department indicate that the use of the water at Lava Hot Springs was based upon appropriative water rights developed under state law. Perhaps most instructive on the nature of the Foundation's water rights is the language contained in Idaho Code §§ 58-703 and 58-704, passed in 1931, which addressed cessions to the United States for the construction of a national veterans' sanatorium or hospital at Lava Hot Springs. Idaho Code § 58-703 provides: "The state board of land commissioners, acting for and on behalf of the state of Idaho, is hereby authorized, empowered and directed to cede, grant, relinquish and convey to the government of the United States, . . . such portion of the hot mineral and cold water and water rights appurtenant to said lands as may be necessary and convenient [for the operation of a national veterans' sanatorium or hospital]." The description of the lands provided in section 58-704 again refers to waters and water rights appurtenant thereto. The use of the terms "water rights" and "appurtenant" in sections 58-703 and 58-704 is a strong indicator that the Foundation merely controlled the use of the water under a traditional state water right that is appurtenant to lands at Lava Hot Springs.

The grant from the United States in 1902 provided that title to Lava Hot Springs was to be held by the state of Idaho under such regulations as the state may prescribe. In 1919, the Idaho Legislature passed laws directing the department of welfare to manage and control the hot springs and hot waters at Lava Hot Springs. It appears that the department of welfare was directed to manage and control the hot springs and the same hot waters that had been used for many years at Lava Hot Springs prior to the passage of the 1919 Act. In fact, the Foundation recognized this earlier use and claimed a 3 cfs year round water right with a 1902 priority when it filed a Claim to a Water Right with the Idaho Department of Water Resources in 1980. The Foundation filed applications for additional water rights as its needs increased over the years and the Department has processed the applications and issued two water right licenses authorizing the use of additional waters at Lava Hot Springs.

C. The Water at Lava Hot Springs is Subject to State Regulation under Title 42 and must be Applied in a Manner Consistent with the Underlying Water Right

Idaho Code § 67-4401 places a duty on the Foundation to manage and control the hot springs and hot waters arising from lands at Lava Hot Springs. The most reasonable interpretation of this statute is that jurisdiction and control is limited to those waters appropriated under state law. The Foundation's water rights acquired under the appropriation process are the same type of water rights held by other water users in the state and are subject to regulation under title 42 of the Idaho Code.

Finally, under Idaho Code § 67-4402, the Foundation is authorized to exercise such powers as are incidental or conducive to the attainment of the purposes of the Foundation. The authority granted to the Foundation in Idaho Code § 67-4402 appears sufficient to allow the Foundation to enter into agreements pertaining to easements, provided the purpose of the agreement is incidental or conducive to the attainment of the purposes of the Foundation. An agreement which pertains to an easement to discharge waste water from lands managed by the Foundation appears to fall within the grant of authority under Idaho Code § 67-4402. However, as with all appropriators of water, the Foundation must use its water in a manner that is consistent with its underlying water rights. The Foundation's water rights are appurtenant to the lands described in Idaho Code § 67-4403 and should not be applied to other lands. If an adjacent property owner desires to make beneficial use of the Foundation's waste water, that person needs to file an application for permit to appropriate water with the Idaho Department of Water Resources. The Foundation does not have the ability to enter into contracts authorizing the use of its waste water on lands not authorized under the water right.

AUTHORITIES CONSIDERED

1. Federal Statutes:

32 Stat. 330 (1902).

2. Idaho Constitution:

Art. 15, § 3.

3. Idaho Code:

§ 42-101.

§ 42-103.

§ 42-104.

§ 42-106.

§ 42-1503.

§ 58-703.

§ 58-704.
§ 67-4301.
§ 67-4304.
§ 67-4307.
§ 67-4308.
§ 67-4309.
§ 67-4310.
§ 67-4311.
§ 67-4401.
§ 67-4402.
§ 67-4403.

4. **Idaho Cases:**

Speer v. Stephenson, 16 Idaho 707, 102 P. 365 (1909).

5. **Other Authorities:**

1919 Idaho Sess. Laws 108.
1935 Idaho Sess. Laws 16.

DATED this 9th day of January, 1997.

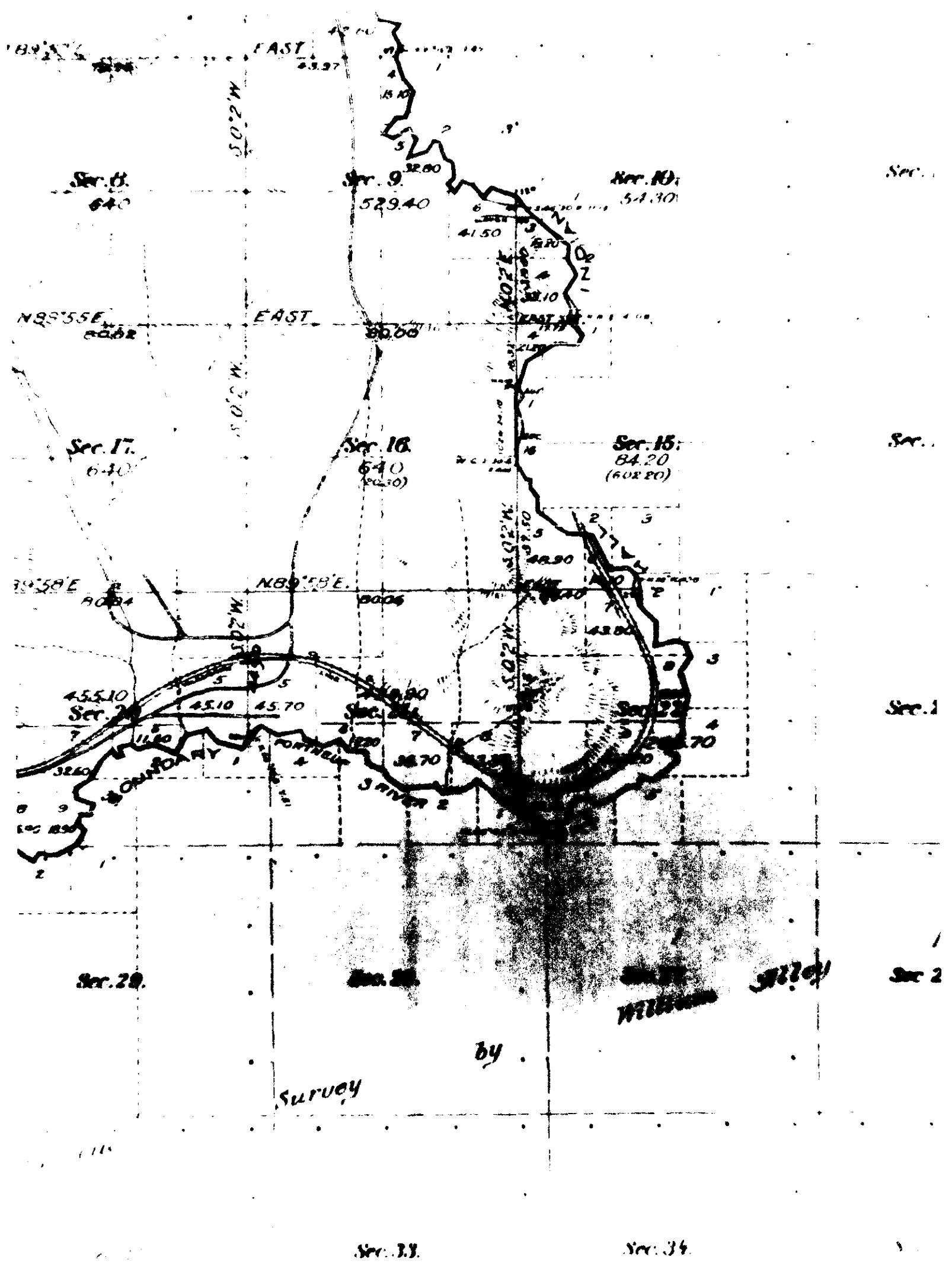


ALAN G. LANCE
Attorney General

Analysis by:

JOHN W. HOMAN
Deputy Attorney General

1. See Idaho Code § 67-4301, Appropriation of waters at Big Payette Lake; Idaho Code § 67-4304, Appropriation of waters at Priest, Pend d'Oreille and Coeur d'Alene Lakes; Idaho Code § 67-4307, Appropriation of waters at Malad Canyon; Idaho Code § 67-4308, Appropriation of waters at Niagra Springs; Idaho Code § 67-4309, Appropriation of waters at Big Springs; Idaho Code § 67-4310, Appropriation of waters at Box Canyon; Idaho Code § 67-4311, Appropriation of waters at Thousand Springs.



WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 25425 1 29-2360
OTd No. New No.

Record

1. Original Owner: Lava Hot Springs Foundation
State of Idaho
Present Owner: _____

2. Address: Lava Hot Springs Foundation

3. City: Lava Hot Springs State: ID Zip: _____

4. A. Source of Water: gwr

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): A

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 2-5-1955

D. County: OS

E. Total Diversion Rate: .5

F. Total Diversion Volume: _____

G. Transfer/Amendment (P,T of A or blank):

H. Water District: _____

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion		<u>22</u>	<u>9A</u>	<u>38E</u>	<u>10</u>	

7. Period of Use, Use, Diversion Rate/Volume:

from _____ to _____ for A purposes. Amount .5
(cfs or ~~AG-FT~~/yr)

from _____ to _____ for D purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: A

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

D/Bathing use.

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: 25425

F. Proof Made (P. or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

November 14, 1960

Re: Permit No. G-25425

Max Cohn, Manager
Lava Hot Springs Foundation
Lava Hot Springs, Idaho

Dear Mr. Cohn:

We enclose the Applications for Amendment to the
land list and to the point of diversion recorded in this office,
the Certificate of Completion of Works and License and
Certificate of Water Right all issued on Permit No. G-25425
in the name of the Lava Hot Springs Foundation.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. amendments (2)
certificate
license

25425

Application for Amendment

POINT OF DIVERSION

Permit No. G-25425

RECEIVED
NOV 10 1960
Department of Reclamation

Comes now Max Cohn, Manager, Lava Hot Springs Foundation and
represents to the State Reclamation Engineer of the State of Idaho:

That he is (~~was~~) the owner and holder of Permit to Appropriate the Public
Waters of the State of Idaho, No. G-25425.

That the point of diversion is described in said Permit as being located:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 21, T. 9 S., R. 38 E., S.M.

That he now requests that the point of diversion be changed to a point
located: Lot 10, Sec. 22, T. 9 S., R. 38 E., S.M.

That the reason for desiring to make such change is as follows:

The examining engineer found the point of diversion to be in this location

That no one will be injured by such change, and that such change will be made
at Permit Holder's own risk.

Signed at Lava Hot Springs, Idaho, this 8th day of November 1960

Lava Hot Springs Foundation

Max Cohn
Manager

Date of Receipt at Department Of Reclamation: November 10, 1960

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE
the above and foregoing application for amendment to Permit to Appropriate the Public
Waters of the State of Idaho, No. G-25425. This approval constitutes a new
permit and is issued as an amendment to the original permit, to which it refers and of
which it becomes a part, and said application is approved only insofar as the rights of
others will not be adversely affected thereby.

Recorded in Book 90 of
Permits, at Page 25425
November 14, 1960

G. N. Carter
State Reclamation Engineer

G-25425

November 7, 1960

RE: Permit No. G-25425

Max Cohn, Manager
Lava Hot Springs Foundation
Lava Hot Springs, Idaho

Dear Mr. Cohn:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-25425 shows the well is capable of conveying 25 miner's inches or 0.50 c.f.s. of water for the irrigation of 21 acres and for a bathing resort with point of diversion in Lot 10 Section 22, Township 9 South, Range 38 East, B.M. and place of use in Lots 7 and 8 of Section 21, Township 9 South, Range 38 East, B.M.

Since your permit shows the point of diversion to be in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 9 South, Range 38 East, and the place of use in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 9 South, Range 38 East it will be necessary to amend the point of diversion and the place of use.

Complete the enclosed amendment forms and return to this office. The Certificate of Completion of Works and License and Certificate of Water Right will then be issued, confirming the right with date of priority of February 5, 1955.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. amendment forms 2

25425

RT

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-25425

REPORT ON PROOF OF Completion of Works & Beneficial Use

Lava Hot springs, Max Cohn, Manager, Lava Hot Springs, Idaho

2 Buckers #69 Sprinkler heads $\frac{1}{2}'' \times 7\frac{1}{32}'' \times \frac{3}{16}''$

* 92 ft. pressure = 85.96 GPM per head

$$9 \overline{) 171.92}$$

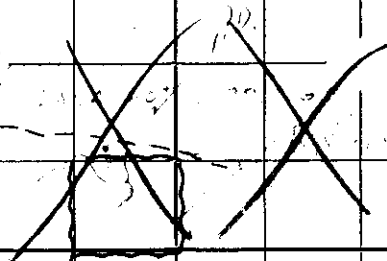
19.1 inches or .382 cfs.

This amount being applied to
Golf course

R-38E.

T
9
S,

U.S. HWY. NO. 30 N.



Lot #8 3 A
Lot #9 18 A
21 A.

~~Subdivision~~

allow -

19" irrigation

6" bathing & wash use.

25" inches or 0.50 cfs.

2 Buckner #69 Sprinkler heads $\frac{1}{2}'' \times 7\frac{1}{32}'' \times \frac{3}{16}''$

* 92 GPM pressure = 85.96 GPM per head

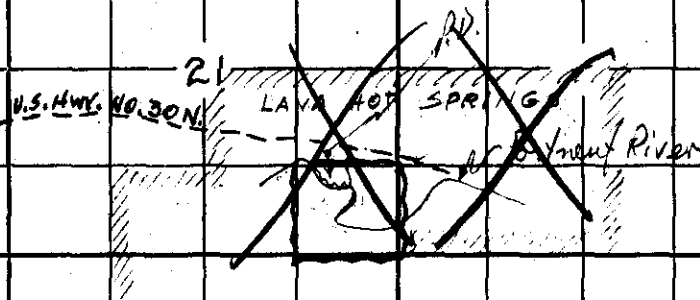
$$9 \overline{) 171.92}$$

19.1 inches at .382 cfs.

This amount being applied to
Golf course.

R-38E.

T
9
S,



Lot #8 3 A
Lot #9 18 A
21 A.

Subdivision

allow -

2
1
19" irrigation
6" bathing front use.
25" inches at 0.50 cfs.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-25425

This proof is for Completion of Works & Beneficial Use In Water District No. 109

1. Name of applicant Lava Hot Springs
2. Source of water supply: Subterranean flow from a well
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21
T. 9 S R. 38 E.B.M. County of Bannock

4. Describe works as they exist, giving dimensions and capacities of same: 30 HP US Motor
Serial # 1069681, 220V - Allen-Bradley Switch Panel on N. wall - Johnson
Pump (No. Serial Number) 6" x 25" Column - Well - 12" x 225' csg. - 6" Disch.
to South into 6" Steel Water Main for 240' reduced to 3" 235'; - 10' x 10' x 7'
Concrete base with cinder block walls and Metal roof (Reported a 10' dd.
when pumped).

5. Water is used for: 18 inches for irrigation and 7 inches for bathing resort.
6. State whether or not water has been turned into works of diversion: yes.

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

18 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 21., Twp. 9 S., Rge. 38 E.B.M.

Amended land list needed (Lot #8 and Lot #7 Sec
21)

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Max Cohn, Mgr. and Mr. Viggo FRANDSEN, Supt. along.

Aerial Photo in Placer Survey office shows P.D. in Lot #10
Sec. 22

This examination was made on the 23 day of September, 1960.

(Signed)

Lava Johnson

Examiner.

G-25425

Lava Hot Springs, Max Cohn Manager
Lava Hot Springs, Idaho

Permit No. G-25425

Examination for Completion of Works & Beneficial Use

County Bannock

21-9S.-38E.

Q = 0.5 c.f.s.

S = Well

P.D. = NE. SE, Sec. 21, T. 9 S. - R. 38 E

Use = Irrigation, Bathing Reservoir

Filed = Feb. 5, 1955

Due = Feb. 11, 1960

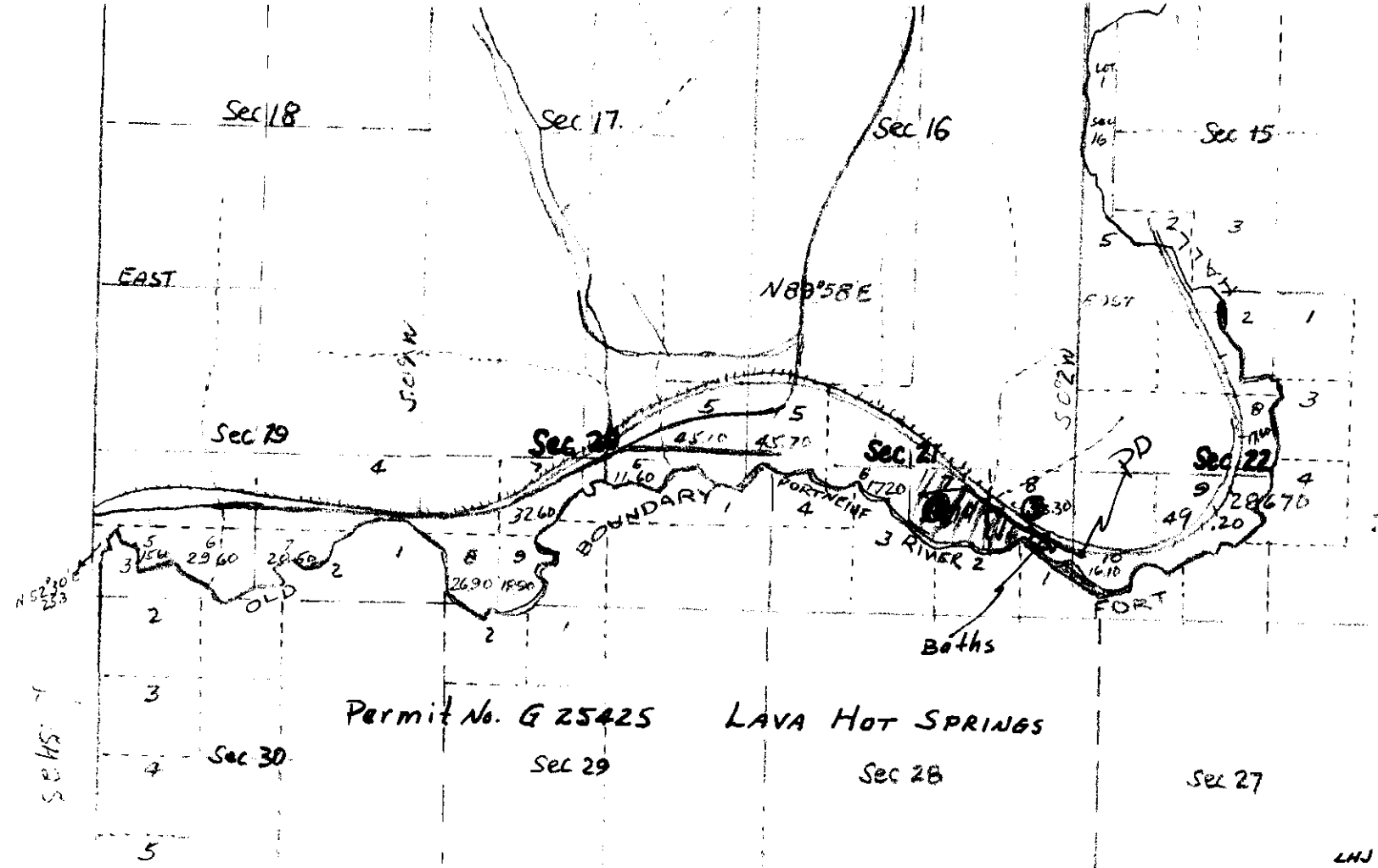
INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
NOV 2 1960

Department of Reclamation

no other rights



January 25, 1960

Permit No. G-25425

Max D. Cohn, General Manager
Lava Hot Springs Foundation
Lava Hot Springs, Idaho

Dear Mr. Cohn:

We acknowledge receipt of the Deposition of Holder and two witnesses, also affidavit of publication in the McCammon News, all submitted in proof of completion of works and beneficial use on Permit No. G-25425.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR

J 25425

TO WHOM IT MAY CONCERN: I, Mabel Kasiska Hillman of Lava Hot Springs, Idaho being duly sworn, deposes and says that she is one and the same person as M. J. Kasiska, and is commissioned as a Notary Public in and for the County of Bannock State of Idaho; that her business signature is M.J. Kasiska and was never changed at the time of her marriage.; that she took the depositions on January 15th, 1960 made by Max Cohn, David Seppi and Viggo Frandsen under Permit # G-a5425 and that there were no protests in regard to the proofs

Mabel Kasiska Hillman
M. J. Kasiska

Subscribed and sworn to before me, A Notary Public this 22nd day of January 1960 at Lava Hot Springs, Idaho



Notary Public
Lava Hot Springs, Idaho

State of Idaho)
) SS
County of Bannock)

copy

f 25425

RECEIVED
JAN 25 1960
Department of Reclamation

TO WHOM IT MAY CONCERN: I, Mabel Kasiska Hillman of Lava Hot Springs, Idaho being duly sworn, deposes and says that she is one and the same person as M. J. Kasiska, and is commissioned as a Notary Public in and for the County of Bannock State of Idaho; that her business signature is M.J. Kasiska and was never changed at the time of her marriage.; that she took the depositions on January 15th, 1960 made by Max Cohn, David Seppi and Viggo Frandsen under Permit # G-a5425 and that there were no protests in regard to the proofs

2

M. J. Kasiska
Mabel Kasiska Hillman

Subscribed and sworn to before me, A Notary Public this 22nd day of January 1960 at Lava Hot Springs, Idaho

[Signature]
Notary Public
Lava Hot Springs, Idaho

State of Idaho)
County of Bannock) SS

§ 254 25

January 20, 1960

RE: Permit No. G-25425

Max D. Cohn, General Manager
Lava Hot Springs Foundation
Lava Hot Springs, Idaho

Dear Mr. Cohn:

The legal notice of intention to make proofs of completion of works and beneficial use of water under Permit No. G-25425 names the Notary Public as Mabel Kasiska Hillman. The affidavits are signed by M. J. Kasiska as Notary Public. It will be necessary that we have an affidavit that they are the same person or that Mabel Kasiska Hillman's office was used by M. J. Kasiska to take the affidavits at the time mentioned in the legal notice and also that no protests in regard to the proofs were received.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

RT:EPR:mr

25425

State of Idaho - Lava Hot Springs Foundation

GOVERNOR
Robert E. Smylie
BOARD MEMBERS
Max D. Cohn
Robert M. Terrell
Archie W. Service



SUPT.
Viggo Frandsen
AUDITOR
Terrell Hall

Steam and Health Baths
Open all Year
Modern Trailer Park

Lava Hot Springs, Idaho

Jan 15, 1960.

Mr. J.C. Carter,
Reclamation, Engineer,
Boise, Idaho.

Dear Mr. Carter;

Enclosed please find Disposition of holder and witnesses forms which we trust are properly filled out and signed for the completion of Proof for Permit No C 25425. Also proof of Publication.

Yours very truly,

Lava State Foundation,

Max D. Cohn.

25425

WHERE YOU GROW YOUNGER WITH AGE

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JAN 18 1960
Department of Reclamation

✓
Permit No. G-25425

Proof of Application of Water to Beneficial Use

and Completion of Works Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Max D. Cohn, Lava Hot Springs, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Lava Hot Springs Foundation - Lava Hot Springs, Idaho — Max D. Cohn-General Manager.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit # G-25425 February 11, 1955

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Irrigation and bathing resort purposes Located— SE $\frac{1}{4}$ of the S E $\frac{1}{4}$ of Sec 21
tpw 9 S. Rge 38 E BM is point of use of water. Well located NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 21
tpw 9 S - Rge 38 E BM of Bannock County.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. The well is 225 Feet deep and quantity of water claimed is .50 cubic feet per second
and the casing is 12 inches in diameter and is cased 225 feet deep. The water is
conveyed from the well to point of use by pipes. The pump discharges 300 gals per
minute under a pressure of 80 pounds and is measured over a standard weir. There
are 6 nozzles of various sizes with an operating pressure of 70 pounds.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. The water is used for irrigation and bathing resort purposes at point NE $\frac{1}{4}$
of the SE $\frac{1}{4}$ of Section 21 tpw 9 S Rge 38 E BM of Bannock County and there is 21
acres of cultivated land.

G25425

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Used for cooling of bathing pools

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. A two inch pipe under pressure for 50 Minutes

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Same

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Continuous use for cooling of pools since August 11, 1957

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Entire amount of water produced by the well has been used for beneficial purposes since water system was completed during the irrigation season.

(Sign)

May L. Cohen

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed

and sworn to before me, at my office in Lava Hot Springs, County of Bannock,

State of Idaho, on this 15th day of January, A. D. 1960.

W. H. Kasiske

My commission expires Jan 10, 1964

25425

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-25425

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Viggo Frandsen, age 63 years old, Lava Hot Springs, Idaho
Superintendent of the Lava Hot Springs Foundation Lava Hot Springs, Ida

Ques. 2. Are you acquainted with.....yes....., the
holder of Permit No. G-25425? How long have you known him and where does
he reside Lava Hot Springs Foundation- Lava Hot Springs, Idaho --- Max D. Cohn-General Manager.

Ans. yes, I have known the Manager Max D. Cohn 11 years, lives in Lava Hot Springs, Idaho

Permit # G-25425 February 11, 1955

Ques. 3. Have you read or heard read said Permit No. G-25425, and are you
familiar with its provisions and conditions? yes
Irrigation and bathing resort purposes Located- SE 1/4 of the S E 1/4 of Sec 21
Ans. S. Rge 38 E BM is point of use of water. Well located NE 1/4 of SE 1/4 of section 21
Twp 9 S - Rge 38 E BM of Bannock County.

Ques. 4. State source of water supply, place of diversion, and describe works for con-
veying water from point of diversion to place of use.

Ans. see lines above for location

The well is 225 Feet deep and quantity of water claimed is .50 cubic feet per second
and the casing is 12 inches in diameter and is cased 225 feet deep. The water is
conveyed from the well to point of use by pipes. The pump discharges 300 gals per
minute under a pressure of 80 pounds and is measured over a standard weir. There

Ques. 5. How many second feet of water do you estimate said works will safely con-
duct to place of use, and how much water have you seen being so conveyed?

Ans. .05 cubic feet and I have seen approximately 300 gallons per minute

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons
per minute have you seen the pump deliver, and how did you measure or estimate the
amount? The water is used for irrigation and bathing resort purposes at point NE 1/4
of the SE 1/4 of Section 21 twp 9 S Rge 38 E BM of Bannock County and there is 21
Ans. acres of cultivated land.

about 300 gallons per minute It was measured over a standard weir when
the pump was installed. about 1956.

25425

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. A two inch pipe under pressure for 50 Minutes

Used for watering the Golf Course, gardens and cooling swimming pool.

Same

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Continuous use for cooling of pools since August 11, 1957

Ans.

and irrigating grounds

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Entire amount of water produced by the well has been used for beneficial purposes since water system was completed during the irrigation season.

Ans.

golf course was dry land, gardens had been irrigated from river water which was discontinued

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans.

No

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans.

During Each Year, since Well and Pump was completed - For Irrigating Golf Course and Cooling Swimming Pools - 6 months during the years 1957-58-59

(Signed)

Viggo Frandsen

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Lava Hot Springs, County of Bannock, State of Idaho, on this 15th day of January, A. D. 1960.

W. R. Rasmussen

Notary Public.

My commission expires Jan. 10, 1964

25425

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-25425

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. David Seppi, age 67 years - Lava Hot Springs, Idaho
Employee Lava Hot Springs Foundation, Lava Hot Springs, Ida

Ques. 2. Are you acquainted with Lava Hot Springs Foundation, the holder of Permit No. G-25425? How long have you known him and where does he reside? Lava Hot Springs Foundation - Lava Hot Springs, Idaho --- Max D. Cohn - General Manager.

Ans. Fifteen years or more yes

Permit # G-25425 February 11, 1955

Ques. 3. Have you read or heard read said Permit No. G-25425, and are you familiar with its provisions and conditions? yes
Irrigation and bathing resort purposes Located- SE $\frac{1}{4}$ of the S E $\frac{1}{4}$ of Sec 21
Twp 9 S - Rge 38 E BM is a point of use of water. Well located NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 21
Twp 9 S - Rge 38 E BM of Bannock County.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use. By Electric Pump thru

Ans. 6 inch Pipe see line above

The well is 225 Feet deep and quantity of water claimed is .50 cubic feet per second and the casing is 12 inches in diameter and is cased 225 feet deep. The water is conveyed from the well to point of use by pipes. The pump discharges 300 gals per minute under a pressure of 80 pounds and is measured over a standard weir. There

Ques. 5. How many second feet of water are you estimating to be conveyed to place of use, and how much water have you seen being so conveyed?

Ans. Six inch pipe under 70 pounds pressure

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount? The water is used for irrigation and bathing resort purposes at point NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21 Twp 9 S Rge 38 E BM of Bannock County and there is 21
Ans. acres of cultivated land. About 2.5 or 30 acres.

about .50 cubic feet per second and 250 gallons of water more or less

G-25425

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. A two inch pipe under pressure for 50 Minutes

the well on 16 acre of Courser, for lawn and trees also for cooling of swimming pools -

Same

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Continuous use for cooling of pools since August 11, 1957

Ans.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water produced by the well has been used for beneficial purposes since water system was completed during the irrigation season.

Ans.

Golf course was dry land

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans.

No - None -

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. *During Each year, Ever since water system was installed. As an employee of the State Foundation*

(Signed) *David Seppi*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in..... Lava Hot Springs....., County of.....Bannock....., State of Idaho, on this.....15th day of.....January....., A. D. 19.....60..

W. H. Sisk
Notary Public.

My commission expires..... January 10 1964.....

J 25425

RECEIVED
JAN 18 1950
Department of Legislation

Geo. N. Carter, State
Reclamation Engineer
1-1-4M

25425

Legal Notices

NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M., on the 15th day of January, 1960, at Lava Hot Springs, Idaho, County of Bannock, State of Idaho before Mabel Kasiska Hillman, Notary Public, at Lava Hot Springs, Idaho, proof will be submitted of the completion of works for the diversion of .50 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-25425, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Lava State Foundation, Lava Hot Springs, Idaho. 2. Said works of diversion will be fully completed on the date

set for such completion, and the amount of water which said works are capable of conveying to the place of use is .50 cubic feet per second.

3. The use of which said water has been applied is Irrigation and bathing resort purposes, and the amount applied to beneficial use is .50 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of section 21 Twp. 9S. Rge. 38 E.B.M.

5. The place where said water is used is Irrigation and Bathing resort—Lava Hot Springs resort. 18 Inches for irrigation and 7 inches for bathing resort; SE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 21, T. 9S., R. 38 E.B.M.

6. The date of priority which said user is prepared to establish is Feb. 5, 1935.

Geo. N. Carter, State
Reclamation Engineer

1-1-4M

PROOF OF PUBLICATION

STATE OF IDAHO,)
) ss.
County of Bannock)

RALPH B. SWISHER

being first duly sworn, on his oath, deposes and says:

That he is a citizen of the United States of America, over the age of 21 years; that he was at all times herein mentioned the principal Clerk of the MCCAMMON NEWS

_____ a weekly newspaper published at MCCAMMON, County of BANNOCK, State of Idaho, and having a general circulation therein.

That said deponent, during all times mentioned in this affidavit, has had and still has charge of all the advertisements in said newspaper; that the NOTICE OF PROOF OF COMPLETION _____, of which the annexed is a true printed copy, was published in the said MCCAMMON NEWS

_____ on the following dates, to wit:
Dec 11, 18, 25, 1959; Jan 1, 1960

That said newspaper has been consecutively, continuously and uninterruptedly published in said county for a period of 78 weeks prior to publication of said notice, and is a "newspaper" within the meaning of the laws of Idaho.

Ralph B. Swisher

SUBSCRIBED and sworn to before me this 6th day of January, 1960.

Notary Public, Pocatello, Idaho

My commission expires: 10-10-60

G-25425

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

December 9, 1959

Re: Permit No. G-25425

Lava State Foundation
Lava Hot Springs,
Idaho

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-25425. The proofs are to be made at 10:00 o'clock A.M., on the 15th day of January, 1960, ~~1959~~, before Mabel Kasiska Hillman, Lava Hot Springs, Idaho, Notary Public.

As of this date we have mailed the Notice to the McCammon News with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

J 25425

Encl.

EPR: pmk

cc: Notary

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit G-25425
Lava State Foundation

Date: December 9, 1959

McCammon News,
McCammon, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to January 15, 1960 the date set for proof; the expense of the publication is to be paid by the applicant

Lava State Foundation of Lava Hot Springs, Idaho
to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication**

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense

Encl.
EPR:pmk

G 25425

DEC 9 1953
RECEIVED INFORMATION

Mr. Carter,

Please check this and see if correct. If not please let us know so we can correct accordingly,

Thanks

Max D. Cohn

25425

DEC 9 1959
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) December 7, 1959

(P. O.) Lava Hot Springs, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
McCammon News of McCammon, Idaho published in
the county in which the works are situated.

*Lava Hot Springs
My Alex A. Cohn -*

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

823425

DEC 9 1959
Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10, A M., on the 15th day of January,
19 60, at Lava Hot Springs, Idaho, County of Bannock, State of Idaho
before Mabel Kasiska Hillman, Notary Public, at (address) Lava Hot Springs, Idaho
_____, proof will be submitted of the completion of
works for the diversion of .50 cubic feet per second of underground water from
a well, and of the application to beneficial use of said water, in accordance with
the terms and conditions of Permit No. 25425, heretofore issued by the Department
of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said
permit is Lava State Foundation - Lava Hot Springs, Idaho

2. Said works of diversion will be fully completed on the date set for such
completion, and the amount of water which said works are capable of conveying to the
place of use is .50 cubic feet per second.

3. The use of which said water has been applied is Irrigation and bathing resort purposes
purposes, and the amount applied to beneficial use is .50 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of section 21 Twp. 9.S.
Rge. 38 E. B.M.

5. The place where said water is used is Irrigation and Bathing resort-Lava Hot Springs
resort. 18 Inches for irrigation and 7 inches for bathing resort.

6. The date of priority which said user is prepared to establish is February 11, 1960

Geo. H. Carter
State Reclamation Engineer

823425

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

Boise, Idaho

Re: Permit No. G- 25425

Date: Dec. 1, 1959

Lava Hot Springs Foundation
Max D. Cohn
Lava Hot Springs, Idaho

Dear Mr. Cohn:

The date for proofs of Completion of Works and Application of Water to Beneficial Use, as set out under the terms of Permit No. G- 25425 are due not later than February 11, 1960.

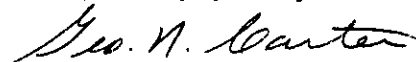
Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list which has been recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least forty (40) days before the mentioned date, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point of, or points of diversion; and the location of use of the lands which are irrigated -- all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with Form 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named and before the notary public, as advertised in the publication notice.

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

Enclosures Form 36 (2)
Form 11
instructions

825425

February 16, 1955

RE: Permit No. G-25425

C
Mr. Max D. Cohn
Lava Hot Springs
Idaho

Dear Mr. Cohn:

O
We enclose Permit No. G-25425 of the Lava Hot Springs
Foundation and direct your attention to the limitations and conditions
as given on the fourth page under approval of the State Reclamation
Engineer.

Very truly yours,

P
MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

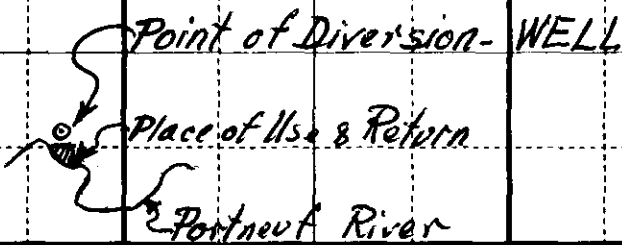
Y
A:hll
Enc.

25425

R-38E.

T.
9
S.

21



Q-25425

As Approved
FEB 11 1956
MARK R. KULB
State Reclamation Engineer

LEGAL NOTICES

NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M., on the 15th day of January, 1960, at Lava Hot Springs, Idaho, County of Bannock, State of Idaho before Mabel Kasiska Hillman, Notary Public, at Lava Hot Springs, Idaho, proof will be submitted of the completion of works for the diversion of .50 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-25425, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Lava State Foundation—Lava Hot Springs, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is .50 cubic feet per second.

3. The use of which said water has been applied is Irrigation and bathing resort purposes, and the amount applied to beneficial use is .50 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of section 21 Twp. 28S. Rge. 33 E.B.M.

5. The place where said water is used is Irrigation and Bathing resort—Lava Hot Springs resort. 18 inches for irrigation and 7 inches for bathing resort; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T. 28S., R. 33 E.B.M.

6. The date of priority which said user is prepared to establish is Feb. 5, 1955.

Geo. N. Carter, State
Reclamation Engineer

1-1-4M