

08/08/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-107

NAME AND ADDRESS: HEISE HOT SPRINGS INC
5116 E HEISE RD
RIRIE ID 83443

SOURCE: SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 08/03/1896

POINT OF DIVERSION:

T04N R40E S25 NWSESE Lot 5 Within JEFFERSON County
T04N R40E S25 SWSESE Lot 5 Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	1/01 12/31	1.000 CFS
HEATING	1/01 12/31	1.000 CFS

PLACE OF USE: HEATING Within JEFFERSON County

T04N R40E S25 Lot 5 SESE

RECREATION Within JEFFERSON County

T04N R40E S25 Lot 5 SESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SOURCE IS ALSO KNOWN AS PETER KELLY HOT SPINGS AND HEISE HOT SPRINGS.

WATER IS 122 F TEMPERATURE GEOTHERMAL WATER.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A23-00107
Date Received: 8/31/1988
Receipt No: E002243
Received By: KCW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HEISE HOT SPRINGS INC. 208-538-7312
Address: P.O. BOX 417
RIRIE, ID 83443

2. Date of Priority: AUG 03, 1896

3. Source: SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	40E	25	NW	SE	SE	5	JEFFERSON
			SW	SE	SE	5	JEFFERSON

5. Description of diverting works:
COLLECTION BOX PIPELINE TO SWIMMING POOL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
RECREATION	01/01	12/31	1.000		
HEATING	01/01	12/31	1.000		

7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
R/HOT WATER SWIMMING POOLS,G/SWIMMING POOL

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	25	SE	SE	5	REC	

A23-00107

Page 1

Date: 09/12/88

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	40E	25	SE SE	5	HEAT	

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

RIGHT IS USED FOR THERAPUTIC HOT POOL AND HEATING WATER USED IN
THE WARM POOL AND SUMMER SWIMMING POOL.
USE UNDER THIS RIGHT IS NONCONSUMPTIVE.
SOURCE CONSISTS OF TWO SPRINGS KNOWN AS PETER KELLY'S HOT SPRINGS

15. Basis of Claim: DECREED

Case Number:

Court : NINTH

Decree date: 12/31/1912

R. C. HEISE

Decree Plaintiff

vs

W. J. DINEEN

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Organizations:

I do solemnly swear or affirm that I am President of
Heise Hot Springs INC. that I have signed the foregoing
Organization Title

document in the space below as Pres. of
Title

Heise Hot Springs INC. and that the statements contained in the
Organization
foregoing document are true and correct.

Michael M. [Signature]
Signature of Authorized Agent

Pres. Heise Hot Springs INC.
Title and Organization

9-13-88
Date

State of Idaho)
County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 13 day
of Sept. 19 88

Blair Brown
Notary Public

Seal

Residing at Rigby, Idaho
My Commission Expires 10/24/91

08/08/2003

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 23-107

HEISE HOT SPRINGS INC

5116 E HEISE RD

RIRIE ID 83443

Telephone Number: (208)538-7312

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 8-28-04

SIGNATURE: [Signature]

Please print your name: MIKE QUINN

IDWR Regional Office,

Contacts Data Entry Form

Water Right No. 23-107

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner

HEISE HOT SPRINGS INC

Name connector: and _____, or _____, and/or _____

Current Owner

Current Owner

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

△ ADDRESS ✓

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

DECREED UNDER R.C. HEISE VS W.I. DINGEN, DEC. 1912.SEE DISCREET ATTACHED.

8/7/03
DRR

FE INDICATED: POOL/POOL, system/DRIVER, Overlap ⇒ No!
Non-Consumptive

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: Aug 03/1896 Claimed Basis: D&CRecommended Priority Date: 8/03/1896 Recommended Basis: "☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

CLAIM MATCHES DECREE

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

	Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
#1	4N	40E	25	5	NWSESE	JEFFERSON	SPRINGS
	GPS Coordinates: _____						
#2			5		SWSESE	JEFFERSON	SPRINGS
	GPS Coordinates: _____						
	GPS Coordinates: _____						
	GPS Coordinates: _____						
	GPS Coordinates: _____						
	GPS Coordinates: _____						
	GPS Coordinates: _____						

TRIB TO:
SNAKE RIVER SOFkOther rights from this POD? GPS TAG^N 1. *A0012438 2. *A0012423

Document how the POD and Source were verified and/or Pump and Motor data:

SOURCE LOCALLY KNOWN AS 'PETER KELLY'S HOT SPRINGS' ← Remark (By Deere)

" " " " 'HEISE HOT SPRINGS'

WHAT IS THE TEMPERATURE OF THE SPRING WATERS? 122°F

Transfers Changing POD _____

Reviewer: _____

Date: _____

*1 TAG ON ROCK ABOVE SPRING

*2 TAG ON OLD SPRING BOX

23-00107

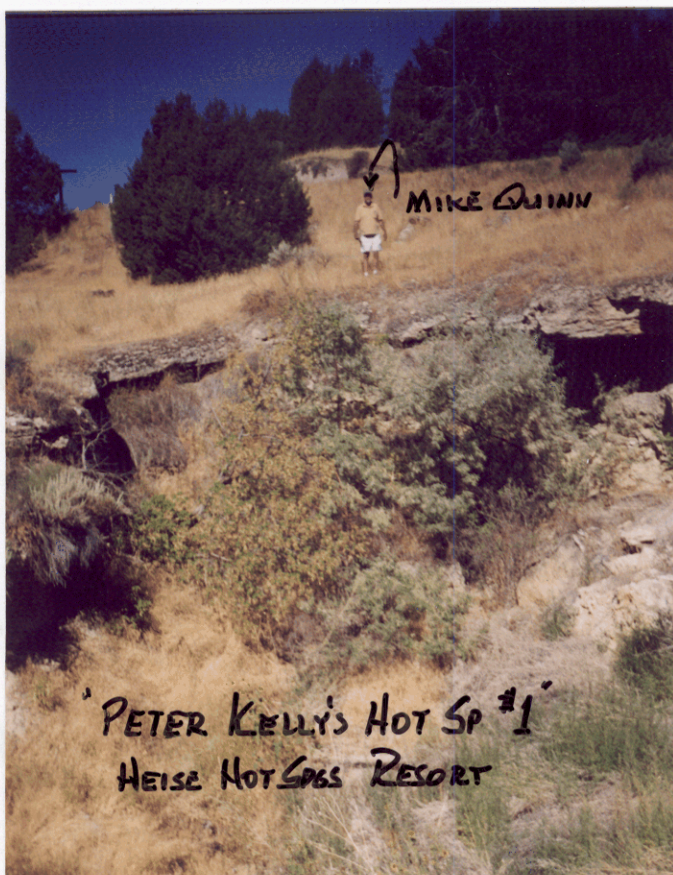


Photo 1. SPRINGS (AKA PETER KELLY'S HOT SPRINGS) ARE THE SOURCE OF HOT WATER (122°F) FOR THE HEAT EXCHANGER TO THE SWIMMING POOLS.

SHOWN IN PHOTO #1 IS MIKE QUINN, OWNER OF HEISE RESORT.

GPS TAG #A0012428 IS ON A ROCK ABOUT 30' NW OF SPRING HOLE.

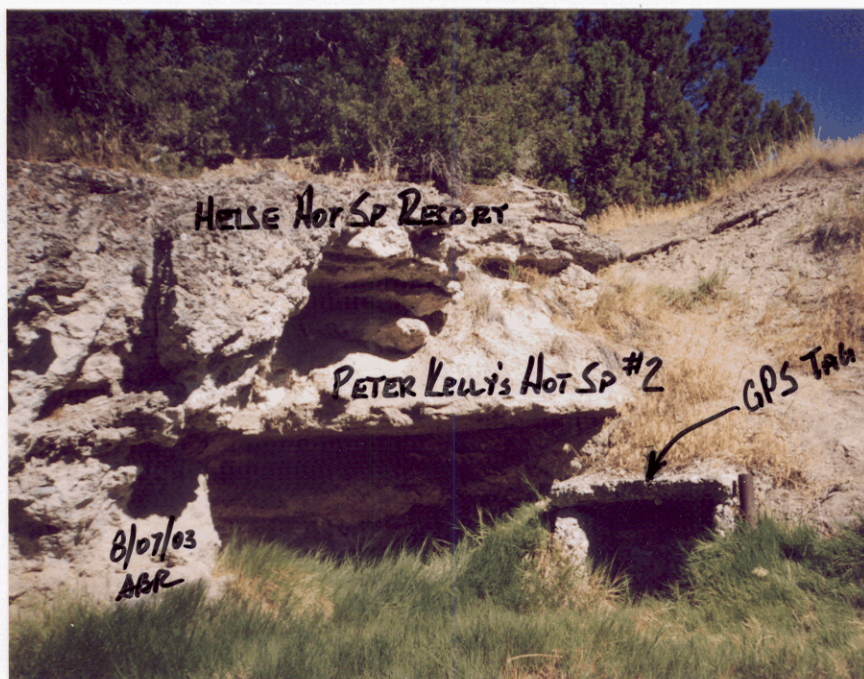


PHOTO #2 SHOWS OLD SPRING BOX. GPS TAG IS ON TOP OF OLD BOX #A0012423.

PHOTO DATE: 8/07/03
BY: A. Ruberry

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
4N	40E	25	SESE		Jefferson	5		RECREATION
			SESE			5		HEATING

Total Acres _____

NO!
~~POU~~
~~POU~~
 Same

Document how the POU was verified:

ORIGINALLY DECIDED FOR USE AS: DOMESTIC, DRINKING, BATHING, AND MEDICAL PURPOSES. CLAIM? RECREATION AND HEATING - SUSPECT THIS AMOUNTS TO A CHANGE OF WORDS THAT THE ORIGINALLY DECIDED USES ARE MUCH THE SAME AS TODAY'S USES W/ DIFFERENT DESCRIPTIONS. THIS => C84 - NO INJURY.
 THE SYSTEM ACTUALLY IS A NON-CONSUMPTIVE USE. WATER (HOT) GOES TO THE HOT POOL AND HEAT EXCHANGER FOR THE BIGGER POOL. - NO OVERLAP OF OTHER RTS.

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
DOMESTIC				
DRINKING & BATH				
MEDICINAL				

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
RECREATION				
HEATING				

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
RECREATION	1/1	12/31	1 ⁰	
HEATING	1/1	12/31	1 ⁰	

Overall Diversion Rate 1⁰

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

DECREED Q IS 1.0 cfs - SO CLAIMED. NON-ADDITIVE VALUES

RECOMMEND 1⁰ cfs

Reviewer: _____

Date: _____

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN
AND FOR THE COUNTY OF FREMONT.

R. C. HEISE,

Plaintiff.

VS.

W. J. DINEEN,

Defendant.

D E C R E E .

23-0107 This cause came on regularly to be heard in open Court on the 31st day of December, 1912, Holden & Holden, Attorneys-at-law, appearing for plaintiff; and the Court having heard all the evidence and proofs produced herein, and duly considered the same, and being fully advised in the premises, and it appearing therefrom to the satisfaction of the Court and the Court now finds as follows, that is to say:

1. That the defendant heretofore generally appeared herein and by answer set forth his disclaimer; that due and sufficient proof has been produced herein of all matters and things as required by law; that this Court has jurisdiction of the subject matter of this suit and of the person of W.J.Dineen, the above named defendant.

2. That on or about the 3rd day of August, 1896, plaintiff and one C.M. Johnson appropriated and diverted all the waters of what was then known as Peter Kelly's Hot Springs, being approximately 1 cubic foot of water per second of time and that plaintiff and said C.M.Johnson, at said time posted at or near the point of diversion of the said waters a notice of the intended appropriation and diversion of the waters of said springs in the manner and as required by law.

3. That said Peter Kelly's Hot Springs are located on that certain tract of land situate, lying and being in the County of Fremont, State of Idaho, and more particularly bounded and described as follows, that is to say: The Southeast Quarter of the Southeast Quarter of Section 25, Township 4 North of Range 40, East of the Boise Meridian.

4. That said springs are located on the North Bank of the South Fork of Snake River in said County and State and approximately 600 feet in a westerly direction from Heise Post Office, in Fremont County, State of Idaho, and that said Heise Post Office is located on the tract of land above described.

5. That the waters of said springs are diverted at the point where said springs are located, as aforesaid, and conducted by means of a pipe line in an easterly direction a distance of approximately 600 feet to the place where said 43

waters are used; that said waters are now, and ever since the 3rd day of August, 1896, have been, used for domestic, drinking and medical purposes.

6. That said Peter Kelley's Hot Springs are now, and for several years last past have been, known as Heise Hot Springs; that the waters of said springs are now, and ever since the 3rd day of August, 1896, have been, conducted by means of a pipe line, as aforesaid, and used for beneficial purposes as provided and required by law; that the said waters of said springs were used beneficially, as aforesaid, by the plaintiff and the said C.M. Johnson from the 3rd day of August, 1896, to the 9th day of November, 1903, and that the said waters of said springs have been used beneficially, as aforesaid, by the Plaintiff from the 9th day of November, 1903, up to the time of the trial of this cause.

7. That on or about the 9th day of November, 1903; the said C.M. Johnson, by Quit Claim Deed, conveyed to the plaintiff all his right, title or interest in or to all the waters of said springs and that plaintiff is now, and ever since the 9th day of November, 1903, has been, the owner of the right to beneficially use, as aforesaid, all the waters of said springs.

8. That the plaintiff claims and possesses title in fee to all of the waters of said springs and that the defendant disclaims any right, title or interest in or to the waters of said springs or any part thereof; that the defendant has not any estate, right, title, or interest whatever in or to the said waters of said springs, or any portion thereof.

9. That all the material averments of plaintiff's complaint are sustained by testimony free from all legal exceptions as to its competency, admissibility, and sufficiency; that said matters so alleged and proved in behalf of plaintiff are sufficient in law to entitle the plaintiff to the relief prayed for in his complaint.

On motion of Holden & Holden, counsel for plaintiff, it is hereby ordered, adjudged, and decreed as follows: That the plaintiff is possessed of title in fee to all of the waters of the springs mentioned and described in the foregoing findings of facts, being approximately One (1) Cubic Foot of water per second of time; that plaintiff is possessed of the right to use all the waters of said springs for domestic, drinking, bathing and medicinal purposes; that plaintiff's right and title to the use of all of the waters of the said springs for domestic, drinking, bathing and medicinal purposes shall and does hereby relate back to and date from the 3rd day of August, 1896; that plaintiff's title to the full flow of the waters of said springs and the right to the use of such waters for domestic, drinking, bathing and medicinal purposes is hereby forever quieted and vested absolutely in the plaintiff; that paragraphs numbered 2-3-4-5-6-7-8 and 9 of the foregoing findings of facts are hereby adopted and made a part of this decree.

Done in open Court this 31st day of December, 1912.

(SEALED).

JAMES G. CHINN,
Judge of said District Court.

44.

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CERTIFICATE OF ABTRACTER

WE HEREBY CERTIFY that the foregoing Seven (7) pages showing and
being No. 122-1 to No. 122-45, inclusive, contains a true and correct abstract
and exhibit of all instruments of record in the office of the Clerk of
District Court, in the county of Fremont, State of Idaho, since January 1st, 1912,
described in the caption of this abstract, and recorded in the office of the Clerk of
District Court, Idaho. Since January 1st, 1912, the County of Fremont,
State of Idaho, }
County of Fremont. } SS.

I, E.J. Rumsey, Clerk of the District Court, and Ex-Officio Auditor and Re-
Corder, in and for the County of Fremont, State of Idaho, do hereby certify that
the attached is a full, true, and correct copy of a certain Decree of R.C. Heise
VS W.J. Dineen, as recorded in Book "D" of Judgments, at Page 136, as the same
now appears of record on file in my Office, as Instrument No. 48241.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my office
this 27th day of July, A.D. 1942.

(SEALED).

E. J. RUMSEY, Clerk of District Court, and
Ex-Officio Auditor and Recorder,
By Mabel P. Willis, Deputy.

Recorded Instrument No. 70162.

Recorded July 27th, 1942, at 4:35 P.M.

Book 122 of Judgments, at Page 444.

Records of Jefferson County, Idaho.

THE CLERK OF DISTRICT COURT

JLB 45

45.

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A23-00107



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

RECEIVED
MAY 18 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 13, 1998

HEISE HOT SPRINGS INC
5116 E HEISE RD
RIRIE ID 83443

Re: Snake River Basin Adjudication (SRBA)
Water Rights #23-10015, 23-10016, 23-10017,
23-10018, 23-10019 & 23-10020
Change of Address

RECEIVED
MAY 18 1998
Department of Water Resources

*Records modified NCAP prepared.
-so 05-19-98-*

Dear Water Right Holder:

Mail recently sent to you was returned to us by the Postal Service. They also advised us your address has changed to the above address. We have enclosed the returned mail.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, **list any other water right claims you have**, and return the letter by June 1, 1998. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

S. Sherman

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosures

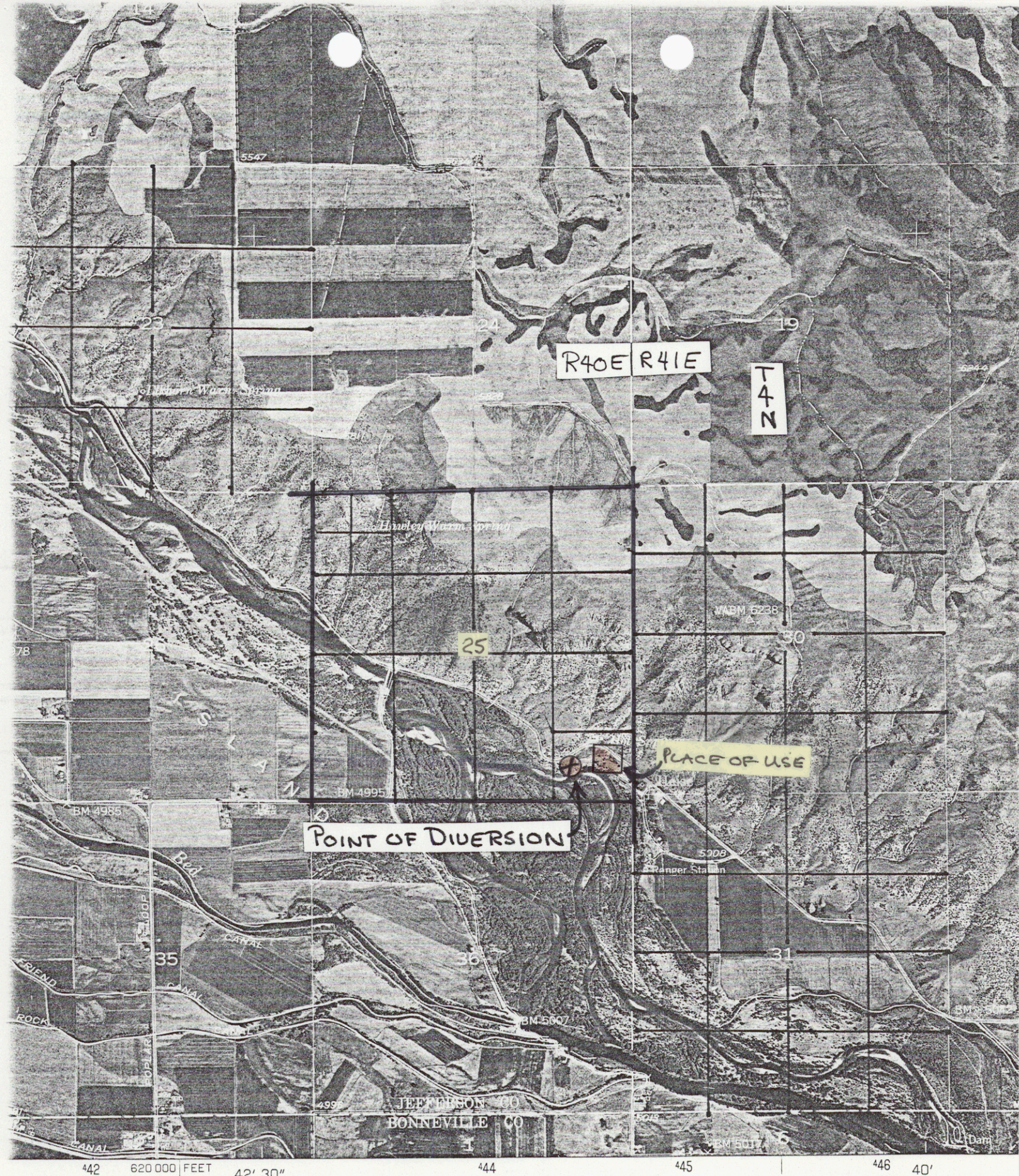
The address is correct as shown above or as otherwise changed.

Michael [Signature] *Pos Heise Hot Springs Inc - 208-538-7312*

Water Right Holder's Signature

Telephone Number

*also modified A23-02084B, A23-07016,
A23-10021, A23-10023, A23-10024, A23-10025
A23-10026, A23-10027 + A23-00107*



SCALE 1:24 000

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A23-00107

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