

DINING ROOM
BAR

EST. 1863
SILVER CITY, IDAHO

ED JAGELS, PROPRIETOR

RESALE NUMBER
28473

PHONE (208) 495-2520
BOX 75
MURPHY, IDAHO 83650-0075

P/O
"city
spring" —
4763
T. 5 S.
P/u 4762
IOAHO
HOTEL
within
JENSEN BLVD
490 000
NGSG FEET

Produced by the Geological Survey
in cooperation with the Soil Conservation Service

Orthophotograph prepared from 1:80,000-scale
aerial photographs taken August 7, 1979

Projection and 10,000-foot grid ticks
Idaho coordinate system, west zone
(transverse Mercator)

1000-meter Universal Transverse Mercator grid ticks,
zone 11. 1927 North American datum

Photoimagery rectified by optical scanning
Where double or mismatched image occurs use the
mean of image position for map point

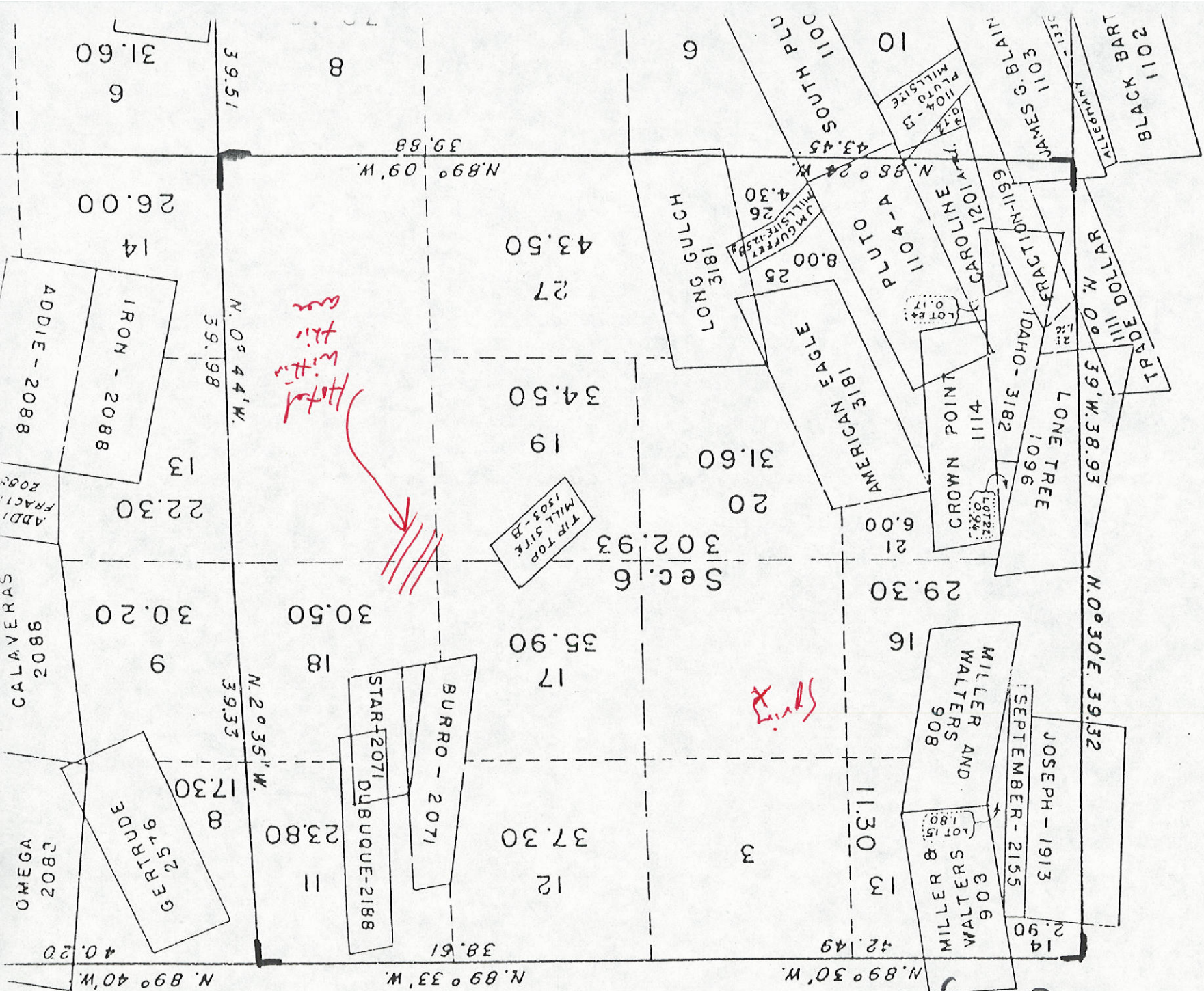
T55
R3W
5.6

ASS-10205
IDAHO HOTEL
c/o E. Jagers

SEP 29 1992

SEP 29 1992

755
5.6
R3W



X = UNIT WITH WATER

ASS-10205

PATENTED
TOONS NOTED
E. Jagals

TO
PLD



PATENTED
OTTO'S
IPB

Stork
Lake

Creek

BLOCK 1

BLOCK 3

BLOCK 7

BLOCK 6

BLOCK 8

BLOCK 9

BLOCK 4

BLOCK 5

BLOCK 11

Block 10

LEGEND

- Approximate location of building to be proposed
- Approximate location of proposed
- Location of public land to be leased
- Section of property

4" ALL READY LAID

4" TO BE LAID

3" TRUNK LINES

2" LINES OR TEES (Probably 1 1/2" instead of 2")

8-38

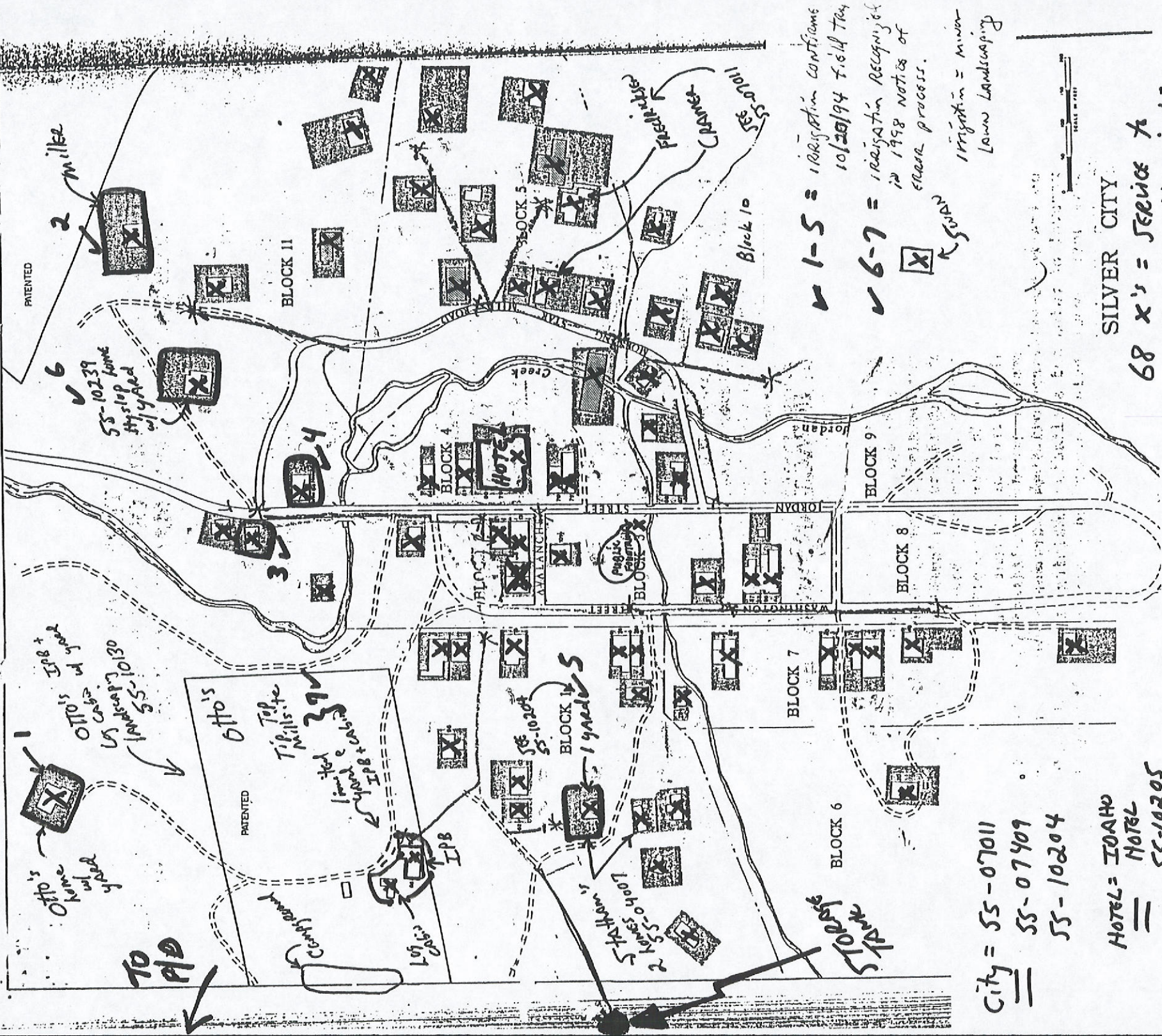
SILVER CITY
ALTERNATIVE B
MAP NO. B-4

* FIRE HYDRANTS
⑬ 4" AND 3"

MICROFILMED
SEP 29 1992



THIS FILM IS BEING MADE IN ORDER TO MAKE WATER DELIVERY TO HOME



SILVER CITY

68 x's = service to write via city pipeline system. 67 write plus 1 push to contain.

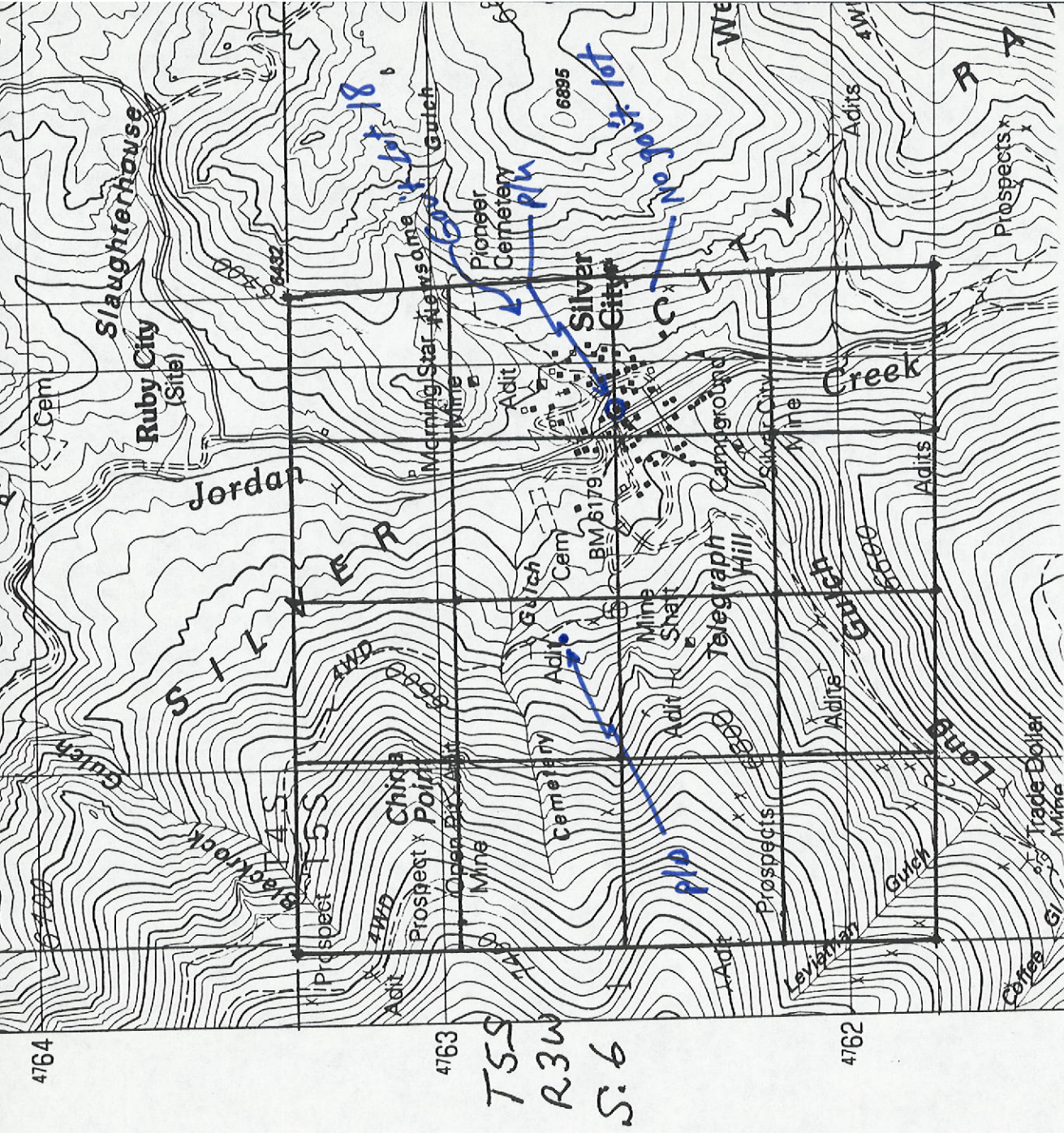
City = 55-07011
55-07409
55-10204

HOTEL = IOAHU
HOTEL
==
55-10205

UNITS SERVED BY
"city spring" via
city distribution syst

5/6m -82 5/11/98

Master map for 55-07611



TSS
R3W
S: 6

P/O "city spring" SESENNW
P/L ID. Hotel SENE Lot 18
NESE

1990 7 1/2' topo
Expanded 156%

IDAHO HOTEL
c/o Ed Jagals

ASS-10205
FIELD GAN info

Map Details:

- Section 6:** 302.93 acres. Subsections include:
 - 12: 37.30 acres
 - 13: 11.30 acres
 - 14: 26.00 acres
 - 15: 20.60 acres
 - 16: 29.30 acres
 - 17: 35.90 acres
 - 18: 30.50 acres
 - 19: 34.50 acres
 - 20: 31.60 acres
 - 21: 6.00 acres
 - 22: 8.00 acres
 - 23: 4.30 acres
 - 24: 43.45 acres
 - 25: 8.00 acres
 - 26: 4.30 acres
 - 27: 43.50 acres
- Section 5:** 245.85 acres. Subsections include:
 - 7: 27.80 acres
 - 8: 17.30 acres
 - 9: 30.20 acres
 - 10: 23.20 acres
 - 11: 23.80 acres
 - 12: 14.50 acres
 - 13: 22.30 acres
 - 14: 26.00 acres
 - 15: 20.60 acres
 - 16: 31.60 acres
 - 17: 39.40 acres
 - 18: 31.00 acres
 - 19: 39.51 acres
 - 20: 39.88 acres
 - 21: 39.93 acres
 - 22: 39.98 acres
 - 23: 40.20 acres
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 - 97: 40.20 acres
 - 98: 40.20 acres
 - 99: 40.20 acres
 - 100: 40.20 acres

Handwritten Annotations:

- Daisy:** Located near the center of the map, near the intersection of Section 6 and Section 5.
- Hotel:** Located near the center of the map, near the intersection of Section 6 and Section 5.
- Tip Top Mill Site:** Located near the center of the map, near the intersection of Section 6 and Section 5.

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: A55-10205
Date Received: 4/03/1990
Receipt No: W011813
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THE IDAHO HOTEL 208-495-2520
Address: C/O ED JAGELS
P.O. BOX 75
MURPHY, ID 83650-0075

2. Date of Priority: FEB 15, 1868

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	03W	6	NE	SE	NW		OWYHEE
			NW	SE	NW		OWYHEE

5. Description of diverting works:
SPRINGBOX, 1900' OF 2.5" PIPE, STORAGE TANK, PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
COMMERCIAL- HOTEL USING DOMESTIC WATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	03W	6	SE	NE	18	COMMER	

A55-10205

Page 1

Date: 04/04/90

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	03W	6	NE	SE		COMMER	

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:

A55-10204 SAME SPRING FOR SILVER CITY TAXPAYERS ASSN. CLAIM

14. Remarks:

SPRING LOCALLY KNOWN AS THE CITY SPRING. P/D IS SINGLE POINT ON OR NEAR 1/4-1/4-1/4 LINE. DATE OF PRIORITY MAY BE EARLIER THAN 2/15/1868; THIS DATE BASED ON ATTACHED "OWYHEE AVALANCHE" INFO. THE DELIVERY SYSTEM FOR THE HOTEL IS CURRENTLY PART OF THE SILVER CITY TAXPAYERS ASSN. SYSTEM DESCRIBED IN A55-10204 AND 55-07011. THIS CLAIM IS FILED TO RECORD HISTORICAL USE AT THE HOTEL. SOME CONFUSION RESULTED FROM THE 8/1971 PERMIT 55-07011 (SEE FILE) & THIS CLAIM IS FILED TO CLEAR UP SOME OF THE CONFUSION. BASED ON RECOMMENDATION BY WESTERN REGION STAFF, LATE FEE MAY BE WAIVED. A REQUEST FOR EXT. OF TIME TO FILE CLAIM IS SUBMITTED WITH CLAIM. FOR MORE INFORMATION, CONTACT S. LESTER &/OR J. SHURTE.

15. Basis of Claim: BENEFICIAL USE

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 5

For Individuals:

See original for notarized signature

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

DINING ROOM
BAR

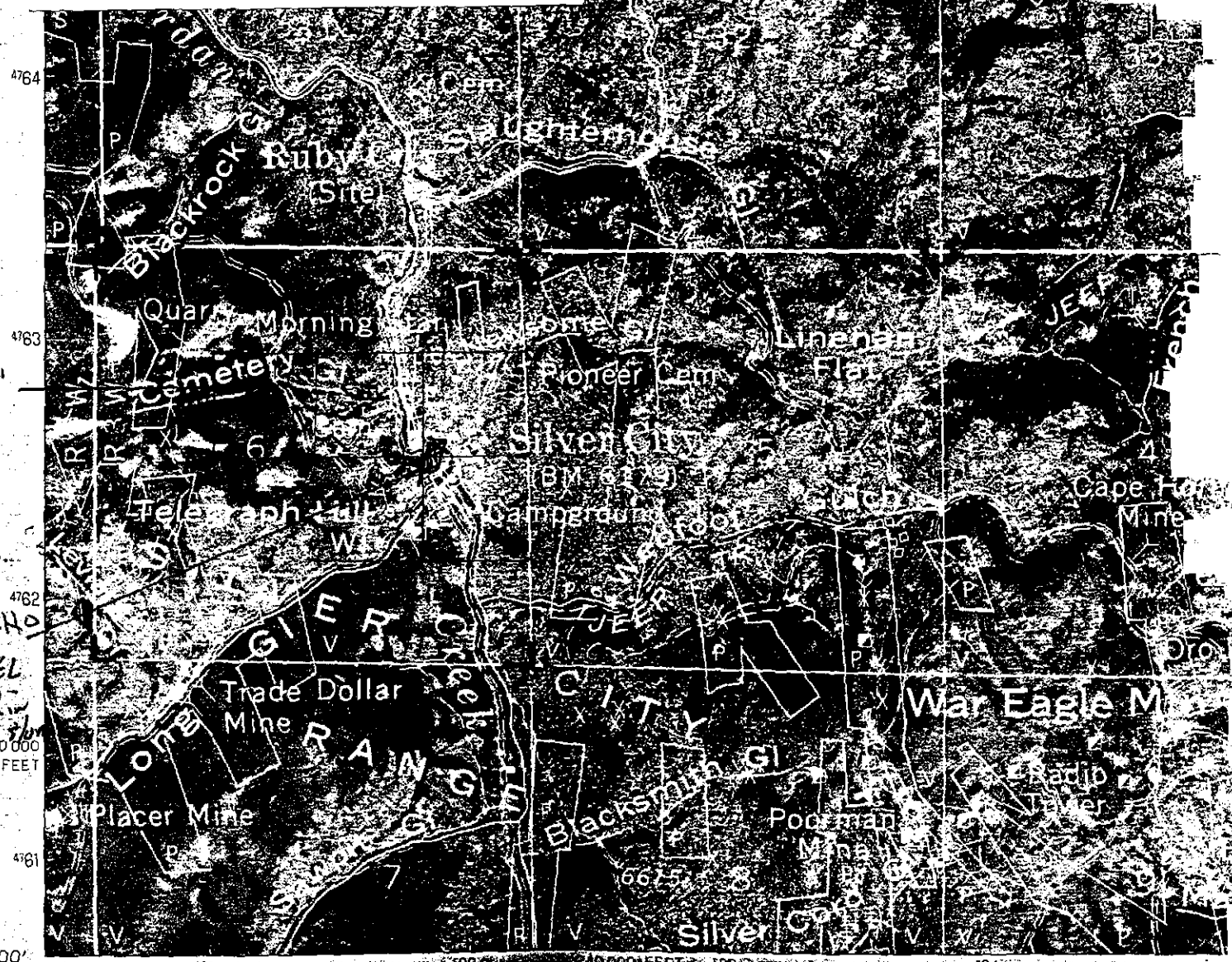
EST. 1863
SILVER CITY, IDAHO

ED JAGELS, PROPRIETOR

RESALE NUMBER
28473

PHONE (208) 495-2520
BOX 75
MURPHY, IDAHO 83650-0075

P/O
 " city 4763
 spring"
 T. 5 S...
 P/W 4762
 IDAHO
 HOTEL
 within
 JENSEN PLUM 490 000
 NESE FEET



Produced by the Geological Survey
in cooperation with the Soil Conservation Service
Orthophotograph prepared from 1:80,000-scale
aerial photographs taken August 7, 1979

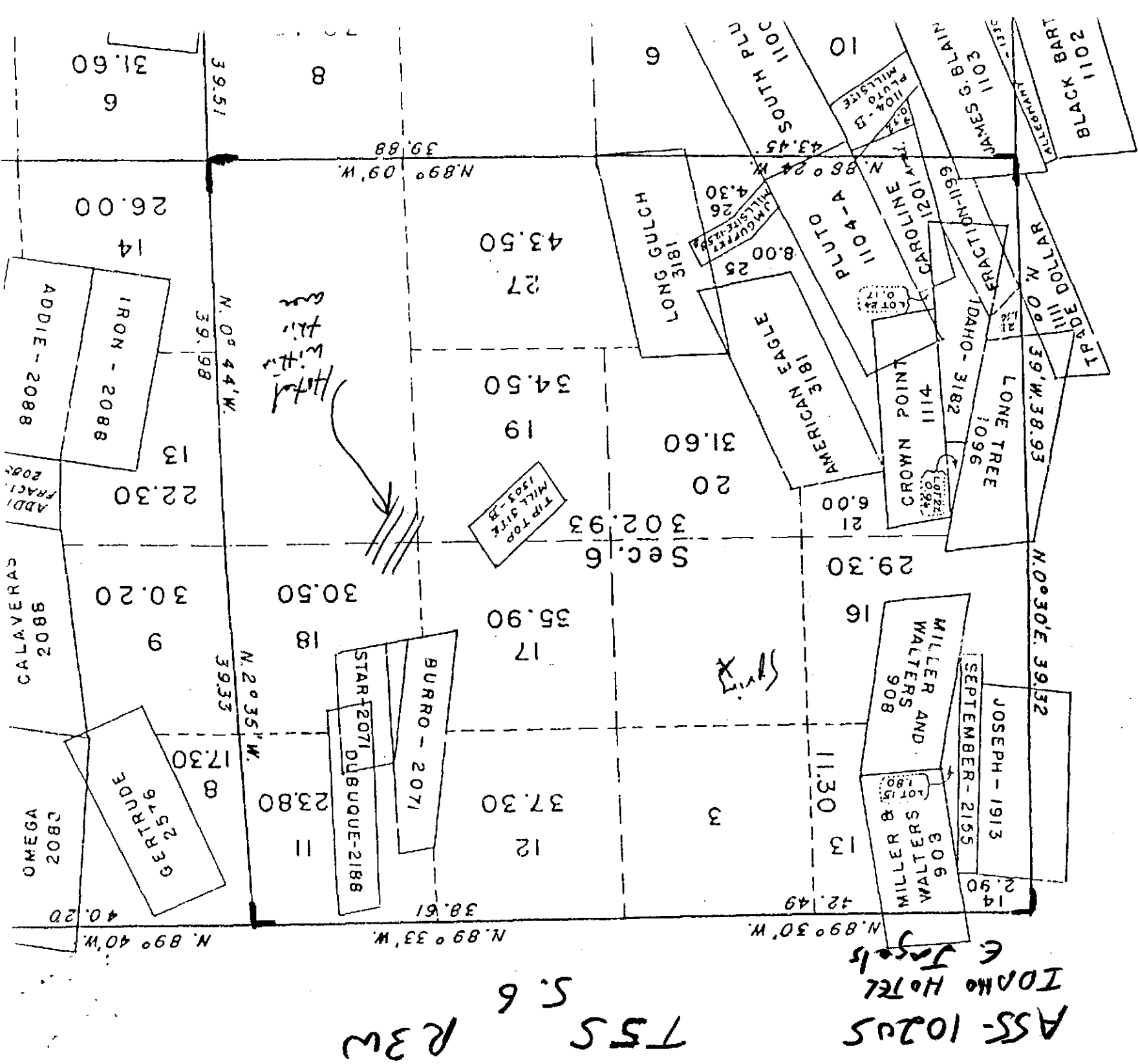
Projection and 10,000-foot grid ticks
Idaho coordinate system, west zone
(transverse Mercator)
1000-meter Universal Transverse Mercator grid ticks
zone 11 - 1927 North American datum

Photoimagery rectified by optical scanning
Where double or mismatched image occurs use the
mean of image position for map point

THE

SEP 29 1992

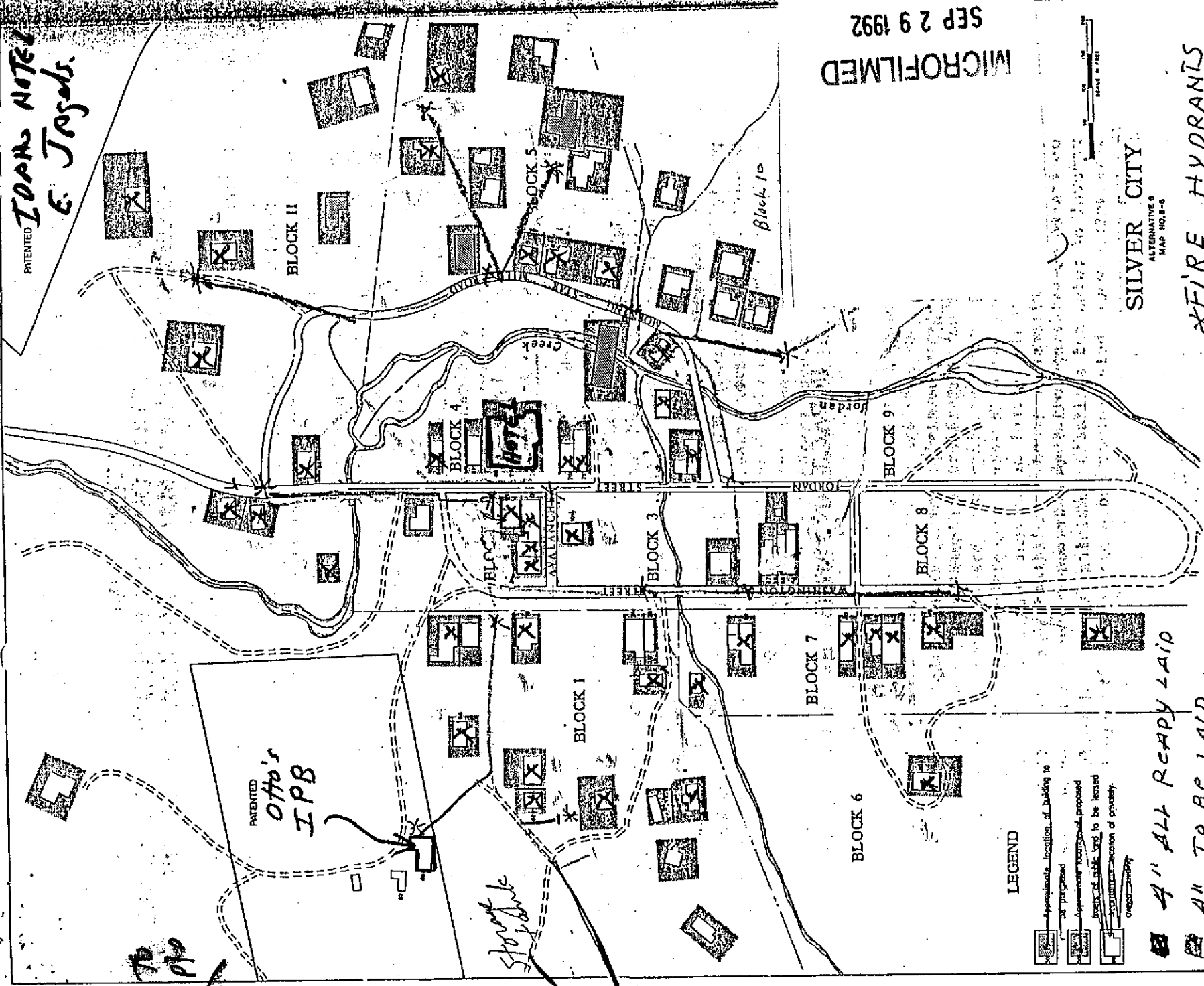
SEP 29 1992



X = UNIT WITH WATER

ASS-10205

PATENTED
TODD'S HOTEL
E. Torgals



4" ALL READY LAID
4" TO BE LAID
3" TRUNK LINES
2" LINES OR TEES (Probably 1 1/2" instead of 2")

* FIRE HYDRANTS
⑬ 4" AND 3"

8-38

THIS PLAN IS BEING SUBMITTED IN PROCESS TO MAKE WATER DELIVERY TO HOME

SEE ATTACHED REQUEST FOR EXT. OF TIME

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMCIVIL CASE NUMBER: 39576
Ident. Number A55-10205
Date Received 4/3/90
Receipt Number W011813NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) The Idaho Hotel Phone () 495-2520
Mailing Address % Ed Jagers P.O. Box 75 Murphy ID Zip 83650-0075
2. Date of Priority (Only one (1) per claim) Feb. 15, 1868
3. Source of water supply (a) Spring
which is tributary to (b) Snake
4. a. Location of existing point of diversion is: Township 55 Range 3W Section 6,
NE 1/4 of SE 1/4 of NW 1/4, Govt. Lot, — B.M., County of Owyhee
Additional points of diversion if any: NWSE 56 T55 R3W
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
Springbox, 1900' of 2 1/2" pipe, storage tank, mainline
and lateral to Hotel. This is same delivery system
shared in other rights using Silver City Taxpayers
Assess system.

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6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Commercial purposes from 1/1 to 12/31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Commercial use - Hotel using domestic water

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
55	3W	6				C									C				—
						478													

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Owyhee

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

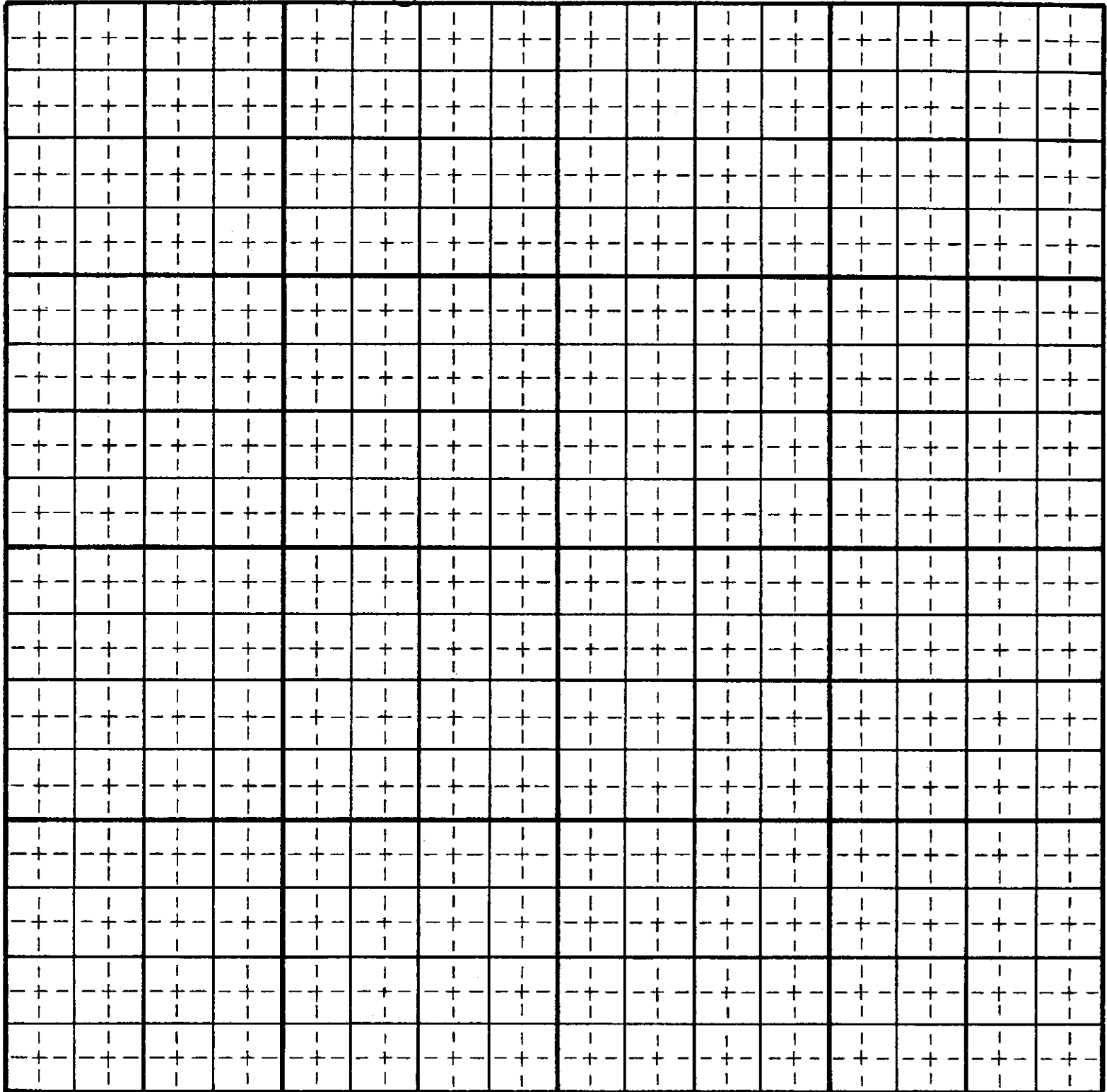
13. Describe any other water rights used at the same place and for the same purposes as described above.
A55-10204 same spring, claim for S.C. Taxpayers Assoc. or None ()

14. Remarks: Spring locally known as the City Spring. Single spring located on/ near 10 ac. tract line in N 1/2 SE 1/4. Date of priority may be earlier than 2/15/1868; this date based on attached "Owyhee Avalanche" article.

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

See attached maps



Last Name Idolo Hotel
c/o Jorgels

Ident No. ASS-10205

Copies: White-State, Yellow-Claimant

MICROFILME

SEP 29 1992

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 5

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

X Signature of Claimant (s)

Ed Jagels
(owner)

Date 3 April 1990

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 3RD day of April 19 90

SEAL

Notary Public

Residing at

My Commission Expires

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name

Idaho Hotel
40 Jagels

Ident. Number

ASS-10205

MICROFILMED
Copies White-State, Yellow-Claimant
SEP 29 1992

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: JORDAN CREEK

RIGHT NUMBER: 55-10205

NAME & ADDRESS: SILVER CITY PROPERTY OWNERS ASSN. INC
C/O CLARENCE ORTON
5033 LAKES EDGE PLACE
BOISE ID 83703

SOURCE: SPRING TRIBUTARY: JORDAN CREEK

QUANTITY: 0.04 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .20 CFS. COMBINED RIGHT NOS.:
55-04007, 55-07011, 55-10130, 55-10204 AND 55-10239.

PRIORITY DATE: 02/15/1868

POINT OF DIVERSION: T05S R03W S06 SESENW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	COMMERCIAL	01-01 12-31	0.04 CFS

COMMERCIAL USE IS FOR INSIDE USE AT A HOTEL.

PLACE OF USE: COMMERCIAL Within Owyhee County
T05S R03W S06 Lot 18 (SENE) NESE

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 55 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 55:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 55 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 55 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: JUN-10-1999
PAGE: A-2

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: JORDAN CREEK

RIGHT NUMBER: 55-10205 (CONT)

EXPLANATORY MATERIAL: (CONT)
SOURCE LOCALLY KNOWN AS CITY SPRING.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 55-04007, 55-07011, 55-10130, 55-10204 AND
55-10239.

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

In Re SRBA)
Case No. 39576) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDINGS
)
) Water Right 55-10205
)

IDWR has completed the following Administrative Proceeding:

☐ Change of Address
☒ Substitution of Party
☐ I.C. 42-222 Transfer

SUBSTITUTION OF PARTY

Does the change in "ownership" result in a splitting of the water
right claimed? ☐ Yes ☒ No

If yes, does the split involve an I.C. 42-222 transfer? ☐ Yes ☐ No

Water Right(s): 55-10205

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
9/4/1998

55-10205

PAGE 1

From (Claimant/Seller):

Name of Claimant: THE IDAHO HOTEL
Address: C/O ED JAGELS
1796 E 3550 N
BUHL ID 83316-6310
Phone: (208) 326-5051

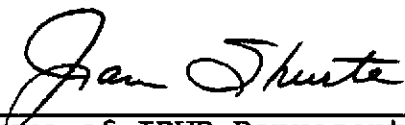
To (Claimant/Purchaser):

Name of Claimant: SILVER CITY PROPERTY OWNERS ASSN. INC
Address: C/O CLARENCE ORTON
5033 LAKES EDGE PLACE
BOISE ID 83703
Phone: (208) 853-2710

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: September 4, 1998



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on *September 4, 1998* I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:

THE IDAHO HOTEL
C/O ED JAGELS
1796 E 3550 N
BUHL ID 83316-6310
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

SILVER CITY PROPERTY OWNERS ASSN. INC
C/O CLARENCE ORTON
5033 LAKES EDGE PLACE
BOISE ID 83703
4. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
5. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Danise Buffington

Signature of person or attorney mailing the form

RECEIVED

SEP 03 1998

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.1. Water Right No(s): 55-10205

Adjudication Claim No(s): _____

2. The following REQUIRED information must be submitted with this form:

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

N/A → C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant

The Idaho Hotel, c/o Ed Jagels
1796 E 3550 N, Buhl, ID. 83316

4. New Owner/Claimant(s)

Silver City Property Owners ^{Assoc} Inc.

New Mailing Address

Name Connector (Check one): ☐ and ☐ or ☐ and/or
c/o Clarence Orton, 5633 Lakes Edge Place

City, State and ZIP Code

Boise, ID. 83703

New Telephone Number

(208) 853-2710

5. Date you acquired the property

June 21, 1998

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

Clarence Orton

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

President, Silver City Property Owners Assoc Inc

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1**. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3**.
4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6**.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 1341 Fillmore St. N., Twin Falls, ID 83301-3380 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

BILL OF SALE

I, ED JAGELS, for the sum of ten and no one hundredths dollars,
transfer all interest in the Idaho Hotel Water Right, known as IDAHO HOTEL
WATER RIGHT #55-10205 Silver City, Idaho, to the Silver City Property Owners
Association, Inc.. This transfer does not include any Real Property but only includes the
Idaho Hotel Water Right as Adjudicated by the Idaho Department of Water Resources.
I transfer this Right so that it may be pooled with other water rights held by the Silver
City Property Owners Association, Inc., and managed for the benefit of Silver City, Idaho.
Dated this 21st day of June 1998.

Ed Jagels

WITNESS ~~Clarence M. Orton~~
JEFF L. NELSON.

Witness Clarence M. Orton
Clarence M. Orton

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

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 55-10205

750-112-5 21 1:35
DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO

NAME AND ADDRESS: SILVER CITY PROPERTY OWNERS
ASSN INC
5033 LAKES EDGE PLACE
BOISE, ID 83703

SOURCE: SPRING TRIBUTARY: JORDAN CREEK

QUANTITY: 0.04 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .20 CFS. COMBINED RIGHT NOS.:
55-04007, 55-07011, 55-10130, 55-10204 AND 55-10239.

PRIORITY DATE: 02/15/1868

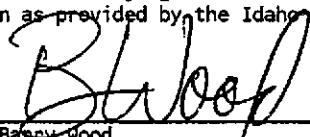
POINT OF DIVERSION: T05S R03W S06 SESENW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Commercial	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Commercial Within Owyhee County
T05S R03W S06 LOT 56 (NESE) LOT 56 (SENE)

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Betsy Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

MAR 09 1999

Department of Water Resources

1999 MAR -5 PM 1:35

DISTRICT COURT - SRBA
TWIN FALLS, IDAHO

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

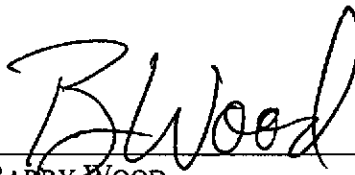
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 55-10205
	)	

On January 12, 1999, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 55-10205 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 5, 1999.



BARRY WOOD
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

1999 MAR 05 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)
)
Case No. 39576)

)

CERTIFICATE OF MAILING

Water Right(s): 55-10205

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 55-10205 was mailed
on March 05, 1999, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

SILVER CITY PROPERTY OWNERS
ASSN INC
5033 LAKES EDGE PLACE
BOISE, ID 83703
Phone: 208-853-2710

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
03/05/99

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

In Re SRBA

Subcase No. 55-10205

Case No. 39576

Standard Form 5

RECEIVED

DEC 11 1998

Department of Water Resources
Adjudication Bureau

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

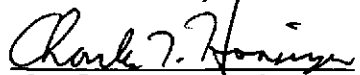
The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

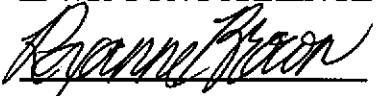
CLAIMANT:

Silver City Property Owners Assn.
c/o Clarence Orton, Pres.

 11/13/98
Clarence Orton, Pres. Date

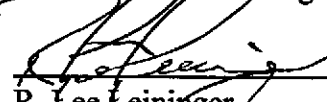
 12/10/98
Charles L. Honsinger Date
Attorney for SCPOA

IDWR CONCURRENCE:

 11/19/98
Date

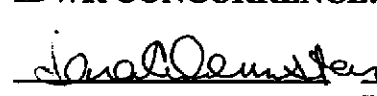
OBJECTOR:

United States on behalf of the
Bureau of Land Management

 11/16/98
R. Lee Leininger, Date

Paul F. Holleman, or
Larry A. Brown
Attorneys, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

 11/19/98
Date

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 55-10205

*
* THIS DIRECTORS REPORT HAS BEEN AMENDED SINCE *
* IT WAS 1ST FILED. *
*

SILVER CITY FOR IDAHO HOTEL

Name and Address: SILVER CITY PROPERTY OWNERS ASSN
5033 LAKES EDGE PLACE
BOISE, ID 83703

Source: SPRING Tributary: JORDAN CREEK

Quantity: .04 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .20 CFS. COMBINED RIGHT NOS.: 55-04007,
55-07011, 55-10130, 55-10204 AND 55-10239.

Priority Date: 02-15-1868

Diversion Point: T05S R03W S06 SESENW Within Owyhee County

Purpose and
Period of Use: Purpose of Use Period of Use Quantity
Commercial 01-01 TO 12-31 .04 CFS

Place of Use: Commercial Within Owyhee County
T05S R03W S06 LOT 56 (NESE) ~~LOT 18 (SENE)~~
LOT 56

Other Provisions Necessary for Definition / Administration of this
Water Right:

Explanatory Material: Basis of Claim - Beneficial Use

SOURCE LOCALLY KNOWN AS CITY SPRING.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 55-04007, 55-07011, 55-10130, 55-10204 AND 55-10239.

SF-5
55-10205

Commercial Use Is For Inside Use AT A Hotel

IN THE NEAR FUTURE IDWR WILL RECOMMEND A GENERAL PROVISION FOR THIS SUB-BASIN REGARDING THE INTERCONNECTION OF WATER RESOURCES WITHIN THE SNAKE RIVER BASIN. AN OPPORTUNITY WILL BE PROVIDED AT THAT TIME TO FILE AN OBJECTION WITH THE DISTRICT COURT TO THAT PROVISION. THIS WATER RIGHT WILL BE SUBJECT TO SUCH GENERAL PROVISIONS AS THE DISTRICT COURT DETERMINES NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF WATER RIGHTS.

CERTIFICATE OF MAILING

I certify that on December 10, 1998, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

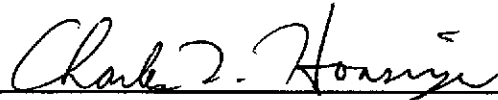
2. Copy to:

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Silver City Property Owners Assn.
c/o Clarence Orton, Pres.
5033 Lakes Edge Place
Boise, ID 83703



Signature of person or attorney mailing the form

RECEIVED

SEP 08 1998

Department of Water Resources
Adjudication Bureau

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

In Re SRBA

Case No. 39576

A. Subcase 55-10205

(Insert water right number)

DOMESTIC AND
STOCK WATER RIGHT
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

R. Lee Leininger, 202 305-0242; Paul F. Holleman, 202 305-0494

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: The Idaho Hotel

Address: 1796 E 3550 N; Buhl, ID 83316-6310

Name: C/O Ed Jagels

Address:

Name:

Address:

Name:

Address:

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See attached

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

RECEIVED
JUN 30 1992
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C.

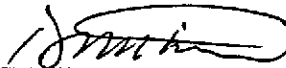
F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

Daryl Albiston, BLM Area Manager, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

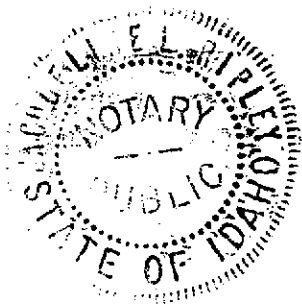
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 31, 1998



Jacqueline L. Ripley
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 4-7-1999

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on SEPT. 4, 1998, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: The Idaho Hotel

Address: 1796 E 3550 N; Buhl, ID 83316-6310

Name: C/O Ed Jagels

Address:

Name:

Address:

Name:

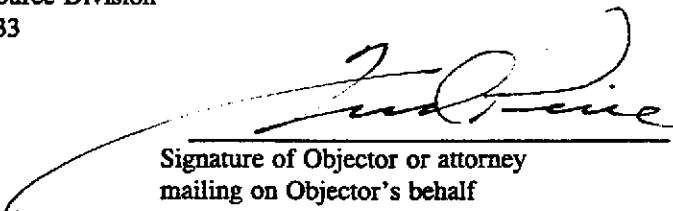
Address:

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: JUN-29-16
PAGE: A-366

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: JORDAN CREEK

RIGHT NUMBER: 55-10205

NAME & ADDRESS: THE IDAHO HOTEL
C/O ED JAGELS
1796 E 3550 N
BUHL ID 83316-6310

SOURCE: SPRING

QUANTITY: 0.04 CFS

-POD ON BLM.
-POUS ARE OF MIXED OWNERSHIP.
-THE POUS IDENTIFIED BELOW
CONTAIN BOTH PRIVATE AND
PUBLIC LAND.
-CLARIFY THE POUS SUCH THAT
IT IS CLEAR ONLY PRIVATE LAND
IS INTENDED.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .20 CFS. COMBINED RIGHT NOS.:
55-04007, 55-07011, 55-10130, 55-10204 AND 55-10239.

PRIORITY DATE: 02/15/1868

POINT OF DIVERSION: T05S R03W S06

SESENW BLM

Within Owyhee County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	COMMERCIAL	01-01 12-31	0.04 CFS

COMMERCIAL USE IS FOR INSIDE USE AT A HOTEL.

THERE IS NO LOT 18
WITHIN THE SENE.

THE NESE IS ENTIRELY
COMPRISED OF LOTS.

PLACE OF USE: COMMERCIAL Within Owyhee County
T05S R03W S06 Lot 18 (SENE) BLM/PUT

NESE BLM/PUT

THE USE OF WATER FOR COMMERCIAL PURPOSES DOES NOT INCLUDE
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT: FEDERAL PUBLIC LAND.

IN THE NEAR FUTURE IDWR WILL RECOMMEND A GENERAL PROVISION
FOR THIS SUB-BASIN REGARDING THE INTERCONNECTION OF WATER
RESOURCES WITHIN THE SNAKE RIVER BASIN. AN OPPORTUNITY WILL BE
PROVIDED AT THAT TIME TO FILE AN OBJECTION WITH THE DISTRICT
COURT TO THAT PROVISION. THIS WATER RIGHT WILL BE SUBJECT TO
TO SUCH GENERAL PROVISIONS AS THE DISTRICT COURT DETERMINES
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF WATER RIGHTS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
SOURCE LOCALLY KNOWN AS CITY SPRING.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 55-04007, 55-07011, 55-10130, 55-10204 AND
55-10239.

AJ0749NP
No. 55-10205

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/03/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SILVER CITY PROPERTY OWNERS ASSN. INC C/O CLARENCE ORTON 5033 LAKES EDGE PLACE BOISE ID 83703 (208) 853-2710	02/15/1868	COMMERCIAL	01-01 12-31	0.04 CFS	
				TOTAL DIVERSION:	0.04 CFS	

D THE IDAHO HOTEL
C/O ED JAGELS
1796 E 3550 N
BUHL ID 833166310
(208) 326-5051

Water Source: SPRING

Tributary to: JORDAN CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T05S R03W S06

SESENW

OWYHEE County

Place of use Legal Description for: COMMERCIAL

	NE				NW				SW				SE			
T R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
05S 03W 6	:				18-C	:					:				C	:

POU County: OWYHEE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

55-04007 55-07011 55-10000 55-10130 55-10204 55-10239 A55-10000 A55-10239 A55-13655

Other Water Rights Listing Overlapping Place(s) of Use:

A55-10204

Conditions of Approval:

- A07 - IN THE NEAR FUTURE IDWR WILL RECOMMEND A GENERAL PROVISION
- FOR THIS SUB-BASIN REGARDING THE INTERCONNECTION OF WATER
 - RESOURCES WITHIN THE SNAKE RIVER BASIN. AN OPPORTUNITY WILL BE
 - PROVIDED AT THAT TIME TO FILE AN OBJECTION WITH THE DISTRICT
 - COURT TO THAT PROVISION. THIS WATER RIGHT WILL BE SUBJECT TO
 - TO SUCH GENERAL PROVISIONS AS THE DISTRICT COURT DETERMINES
 - NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
 - ADMINISTRATION OF WATER RIGHTS.

Remarks: QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .20 CFS. COMBINED RIGHT NOS.:
55-04007, 55-07011, 55-10130, 55-10204 AND 55-10239.

USE COMMERCIAL USE IS FOR INSIDE USE AT A HOTEL.

AJ0749NP
No. 55-10205

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/03/98
PAGE: 2

Remarks: EXP SOURCE LOCALLY KNOWN AS CITY SPRING.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 55-04007, 55-07011, 55-10130, 55-10204 AND
55-10239.

Dates: Exam Made Date: 10/04/1991 Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 03/02/1998 User-ID: LHARRIS Subject: COPIED FROM REMARKS
THIS RIGHT IS DIVERTED THROUGH THE CITY DISTRIBUTION SYSTEM.
DATE OF PRIORITY MAY BE EARLIER THAN 2/15/1868; THIS DATE BASED
ON ATTACHED "OWYHEE AVALANCHE" INFO.
THE DELIVERY SYSTEM FOR THE HOTEL IS CURRENTLY PART OF THE SILVER
CITY TAXPAYERS ASSN. SYSTEM DESCRIBED IN A55-10204 AND 55-07011.
THIS CLAIM IS FILED TO RECORD HISTORICAL USE AT THE HOTEL. SOME
CONFUSION RESULTED FROM THE 8/1971 PERMIT 55-07011 (SEE FILE) &
THIS CLAIM IS FILED TO CLEAR UP SOME OF THE CONFUSION. BASED ON
RECOMMENDATION BY WESTERN REGION STAFF, LATE FEE MAY BE WAIVED. A
REQUEST FOR EXT. OF TIME TO FILE CLAIM IS SUBMITTED WITH CLAIM.
FOR MORE INFORMATION, CONTACT S. LESTER &/OR J. SHURTE.

Date: 06/25/1998 User-ID: AJU10-DS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) A07 ADDED IF NOT ALREADY PART
OF RECORD THRU

Date: 09/03/1998 User-ID: DBUFFING Subject: NAME CHANGE - OWNERSHIP CHANGE
THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN
OWNERSHIP CHANGE.

Audit: 09/03/98 DBUFFING



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 4, 1998

RE: Water Right No. 55-10205

Silver City Property Owners Association Inc.
c/o Clarence Orton
5033 Lakes Edge Pl
Boise ID 83703

Dear Claimant:

Enclosed is a copy of the above referenced water right which reflects the change in address of the land and appurtenant water rights covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Records Clerk
Adjudication Section
Western Region

DB:db

Enclosures

cc: The Idaho Hotel, c/o Ed Jagels

AJ0749NP
No. R55-10205

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/06/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THE IDAHO HOTEL C/O ED JAGELS 1796 E 3550 N BUHL ID 833166310 (208) 326-5051	02/15/1868	COMMERCIAL	01-01 12-31	0.04 CFS	
TOTAL DIVERSION:					0.04 CFS	

Water Source: SPRING

Tributary to: JORDAN CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T05S R03W S06

SESENW

OWYHEE County

Place of use Legal Description for: COMMERCIAL

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
05S	03W	6	:					18-C	:									C	:	

POU County: OWYHEE

Non-Irrigation Uses: COMMERCIAL: INTERNAL USE AT HOTEL

Other Rights: NONE

Remarks: QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .20 CFS. COMBINED RIGHT NOS.:
55-04007, 55-07011, 55-10130, 55-10204 AND 55-10239.

USE COMMERCIAL USE IS FOR INSIDE USE AT A HOTEL.

EXP SOURCE LOCALLY KNOWN AS CITY SPRING.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 55-04007, 55-07011, 55-10130, 55-10204 AND
55-10239.

Dates: Exam Made Date: 10/04/1991

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

*final
R
file
-82*

AJ0749NP
No. R55-10205

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/06/98
PAGE: 2

=====

Comments: Date: 03/02/1998 User-ID: LHARRIS Subject: COPIED FROM REMARKS
THIS RIGHT IS DIVERTED THROUGH THE CITY DISTRIBUTION SYSTEM.
DATE OF PRIORITY MAY BE EARLIER THAN 2/15/1868; THIS DATE BASED
ON ATTACHED "OWYHEE AVALANCHE" INFO.
THE DELIVERY SYSTEM FOR THE HOTEL IS CURRENTLY PART OF THE SILVER
CITY TAXPAYERS ASSN. SYSTEM DESCRIBED IN A55-10204 AND 55-07011.
THIS CLAIM IS FILED TO RECORD HISTORICAL USE AT THE HOTEL. SOME
CONFUSION RESULTED FROM THE 8/1971 PERMIT 55-07011 (SEE FILE) &
THIS CLAIM IS FILED TO CLEAR UP SOME OF THE CONFUSION. BASED ON
RECOMMENDATION BY WESTERN REGION STAFF, LATE FEE MAY BE WAIVED. A
REQUEST FOR EXT. OF TIME TO FILE CLAIM IS SUBMITTED WITH CLAIM.
FOR MORE INFORMATION, CONTACT S. LESTER &/OR J. SHURTE.

Audit: 05/06/98 SLESTER

SUPPLEMENT TO RECOMMENDED RIGHTS FROM CITY SPRING AT SILVER CITY

PREPARED BY STEVE LESTER *SL*
IDWR WESTERN REGION
~~MARCH 4~~ MAY 8, 1998

NOTE - THIS REPLACES THE 3/4/98 MEMO FOR RIGHTS FROM CITY SPRING & A FEW MISC. RELATED FILINGS. UPDATE BASED ON FINAL CONCLUSIONS FROM NOTICE OF ERROR PROCEDURE. OUT OF DATE INFO IS SHOWN IN ~~STRIKEOUT~~ FORMAT WHILE NEW INFO IS SHOWN IN UNDERLINE FORMAT.

~~This explanation is provided to all claimants whose Snake River Basin Adjudication Claims identify the "city spring" in Silver City as a source. The explanation is provided for the claimants because it may be confusing to receive a recommended right without a complete explanation of all uses from the city spring.~~

The following terms are used:

CAMPGROUND = Ottos' private campground uphill from IPB site

CITY = Silver City Property Owners Association

CITY SYSTEM = City's diversion works and delivery pipelines

IDWR = Idaho Department of Water Resources

IPB = Ottos' hostel at Idaho Power building

LOG CABIN = Ottos' secondary structure near the IPB site

SRBA = Snake River Basin Adjudication.

STORAGE TANK = the new City tank that replaced the old wooden tank.

~~The claims have been recommended by IDWR as shown in this mailing. The recommended rights are subject to corrections per the claimant response period provided under Idaho law.~~ IDWR recommendations are based on a review by IDWR legal and other staff. The recommendations result from a thorough review of all the evidence provided by the claimants plus IDWR field exams conducted from 1987 through 1994.

If a use for an individual owner is recommended under that owner's older claim, that use has been deleted from the City's younger claims to avoid duplication. Supplemental information shown below is arranged alphabetically by ownership.

CITY RIGHT NOS. 55-10204, 55-07011 AND 55-07409

55-10204 - recommended with 1968 priority date for domestic use for 16 homes where 2 of the homes include lawn irrigation. This right results from

from file 55-07011 → *Attachment 2
(6 pgs)*

combining a number of single family domestic uses, previously unrecorded until the SRBA, under a single priority date. The latest priority date for the combined uses must be used in such situations. The right lists the lot numbers served by this right.

55-07011 - recommended with 1971 priority date for 22 homes where 2 of the homes include lawn irrigation. ~~Also covers commercial use at the Idaho Hotel. The lot numbers are not completely known for this right so have been omitted. The recommendation is based on a pending license. The right now exists as a permit which was field examined in 1987 before SRBA claims were filed. Licensing has been complicated by competing SRBA claims. It is assumed that the license can be issued before the IDWR Director's Report is submitted to the SRBA Court (later this year after the claimant response period is completed).~~ in a timely manner while the SRBA Director's Report is being considered by the court.

55-07409 - this permit includes a 1990 priority date to cover those uses initiated after the November 1987 field exam of 55-07011. This right is outside of the SRBA scope and therefore will not be included in the Director's Report nor will it be decreed by the SRBA Court. The permit can be licensed for domestic use for 23 homes (includes 1 home with lawn irrigation) and a public drinking fountain assuming that the other two City rights are decreed as above.

City Summary - the 3 City rights will cover domestic use for 61 homes including lawn irrigation at 5 of those homes ~~(that is all of the irrigation found by 1994 field verification)~~ plus drinking water at the public fountain. ~~and commercial water for the Idaho Hotel.~~ All other uses via the City System are covered under individuals' rights.

FREDRICKSON RIGHT NO. 55-13655

Recommended to be disallowed based on insufficient evidence of priority date. IDWR legal staff determined that a contentious situation such as the City Spring requires better documentation to support SRBA claims. This use is recommended for 1 home (in-house use only) in City right 55-07011.

HYSLOP RIGHT NO. 55-10239

This right is recommended with a 1874 priority date for 1 home ~~(in-house use only)~~ for Lot 50. Use includes in-house and limited yard landscaping.

IDAHO HOTEL RIGHT NO. 55-10205

This right is recommended ~~for disallowal based on evidence of forfeiture from 1942-1968. This commercial use is recommended in City right 55-07011, with a 1868 priority for inside commercial use at the Idaho Hotel.~~

OTTO RIGHT NOS. 55-04151 and, 55-10130 & 55-13689

55-04151 - recommended with a ~~1937~~ 1922 priority date for 2 sources: overflow from the storage tank plus any additional water provided from the old shaft/tunnel located below the tank and the road (shaft/tunnel is near the flume by the Campground). The points of diversion include the overflow collection at

the storage tank plus the shaft/tunnel. This is not water from the City Spring except insofar as captured overflow from the Storage Tank is involved. Uses include commercial use at the campground and the IPB site plus and domestic use at the private Campground, Log Cabin and IPB sites (note dual uses depend on arrangement with guests at the site: domestic for non-paying but commercial for paying guests). This is not water piped into the IPB, rather it is water delivered via a ditch to the IPB site. Uses do not include any lawn etc. irrigation. Internal and limited yard landscaping uses are included. Landscaping of up to 1/2 acre includes non-native plants plus native plants, the latter case in which water is applied to refresh plants after campers depart so a beneficial use is derived from this practice.

55-10130 - recommended with a 1922 priority date for domestic and commercial water for the IPB and Log Cabin delivered by the City system. This is water piped into the two units and does not include lawn etc. irrigation. This right includes the dual use arrangement noted in 55-04151. The same internal and external uses occur (except not at the Campground) in this right as in 55-04151.

Additional right? - another filing is needed to cover a spring that contributes water to the delivery system in 55-04151. An old mining shaft is located above the road not far from the storage tank overflow diversion. This additional source cannot be included in any of the current Otto rights. If the use started before 5-20-1971, a late SRBA claim can be filed along with evidence to support the beneficial use claim. If the use started on or after 5-20-1971, an application for permit should be filed to establish a 1998 priority date. The appropriate filing should be made without delay. Result shown in next paragraph.

55-13689 - A 1937 beneficial use right has been recommended as claimed as a result of the claimant's notice of error action. This right is recommended for the same uses as in 55-04151. This is not water from the City Spring but is commingled with water from 55-04151.

STATHAMS' RIGHT NOS. 55-04007 AND 55-04110

55-04007 - recommended with a 1909 priority for in-house domestic use at 2 homes, Lots 91 and 92. Does not include lawn irrigation (see next right).

55-04110 - recommended to be disallowed per 1994 withdrawal of claim. This claim was for lawn irrigation at 1 of the Statham homes but has been recommended in City right 55-10204.

All of the uses regarding the City Spring are covered by the above recommendations to the extent that the uses have been verified by claimants' evidence and/or IDWR field examinations.

ADDITIONAL RIGHT NOT FROM CITY SPRING

Included in this explanation is another right not from the City Spring but serving homes also served under the City rights.

55-04000 - recommended with a 1948 priority for an unnamed stream (flow from old mining tunnel) located uphill from the homes. IDWR has been informed that this right serves Lots 36 and 44 for Cramer and Fredrickson homes. The claim lists Cramer and Statham, but IDWR has learned that Statham property is not

involved. The home owners served by this right ~~should file a change in ownership with IDWR to replace Statham with Fredricksen assuming that IDWR has the correct information for this situation.~~ filed the proper change in ownership to record the right in the names of Cramer and Fredricksen.

Original filed in permit 55-07011 with copies in all other water right and adjudication files at region and state office.

Silver City Master Plot Map

5/11/68

Attached plot replaces 1990 version. The 1990 map was lost estimate then. Now, following SBA Director's Report Recommendation, this new map is the final one.

Not possible to indicate which units are covered by which city ¹

Right - no master list has been found to correlate to this map.

Key point is that uses are covered by city rights or by separate

rights under separate ownership.

No duplication occurs in coverage.

<u>Owner & Right</u>	<u>Priority</u>	<u>Uses</u>	<u>X's on map</u>
City 55-10204	1968	0/16 w/ 2 laws ²	16
55-07011	1971	0/22 " 2 "	22
55-07409	1990	0/23 " 1 "	} 24
		1 public fountain	
Hydrolp 55-10239	1874	0/1 w/ 1 law	1
ID HOTEL 55-10205	1868	comm/1 -	1
OTTO 55-10130	1922	0/2 ³ w/ 1 law	2
Statham 55-04007	1909	0/2 -	2
all X's accounted for $\rightarrow$			68

¹ city = the association.

² 1 law = Statham's hand have w/ internal use per 55-04007.

³ also includes commercial use & same 2 units (SPB & by Gasco). Combined yard use for 2 units (plus compound which is served by other rights not from city spring) is $\leq \frac{1}{2}$ acre.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 6, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ED JAGELS
1796 E 3550 N
BUHL ID 83316-6310

RE: RECOMMENDATION FOR RIGHT NO. 55-10205

Dear Mr. Jagels:

The final Idaho Department of Water Resources (IDWR) recommendation has been made for your above referenced right in Silver City. I am pleased to say that instead of being disallowed, the right is recommended with a 1868 priority for commercial use at the Idaho Hotel. The final recommendation is based on the "notice of error" information provided by you and by Clarence Orton. IDWR's final recommendation will be sent to you shortly under a separate mailing.

Soon after you receive the final recommendation for your right, IDWR will deliver its director's report to the court. At that time, claimants must address their concerns to the court rather than to IDWR.

Sincerely,

Steve Lester
Water Rights Supervisor

c: Clarence Orton

CONVERSATION MEMORANDUM

DATE 4/30/48

FILE See below

NAME OF PARTY

EMPLOYEE

John Smith

RE: Revised Recommendations for Rights

From "City Spring" at Tulsa City

Based on varying notices of appeal, the March 1948

R file are revised for right from this spring.

Since revision are based on add'l info supplied by

claimant, and runs are revised because previously

disallowed 55-10205 (IN HOTEL) is now recommended as of

Revised Right include:

55-04007 Station

55-07011 City

55-10130 City

55-10204 City

55-10205 IN HOTEL (Jagels)

55-10239 Hyship

For example - 55-04007 is revised just to add 55-10205

to list of rights from same source (QNT & EXP)

Remarks:

55-07011 is revised as is 04007 plus comments
is deleted from 07011 since now in net 1-1045

CONVERSATION MEMORANDUM

DATE 4/30/98

FILE ASS-10205

NAME OF PARTY

EMPLOYEE Stere Lethin

RE: Revised Recommendations

Per notice of error received 4/15/98-

Claimant's info

C. O'Am's info

etc

okay to recommend this right with
1888 a.o.p. as claimed.

Then delete this coverage from city's
RSS-07011.

Then add this right # to "Exp" remark in
rights RSS-04007

- 07011

- 10130

- 10204

- 10239

Be sure to use BUHL ADDRESS see "returned"

notice e Murphy address (3/13/98)

NOTICE OF ERROR
REPLY

RECEIVED

APR 15 1998

WATER RESOURCES
WESTERN REGION

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:** *Apr. 15, 1998*

Water right number: *55-10205 - IDAHO HOTEL*

Daytime Telephone Number: *208-322-3606*

Evening Telephone Number: *208-853-2710*

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

"This right is recommended for disallowance based on evidence of forfeiture from 1942-1968."

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

Idaho Hotel Right No. 55-10205 should be approved with a priority date of 2-15-1868. When the Hotel closed in 1942 it closed for lodging not for day and evening use.

3. Give a brief explanation as to why you disagree with these portions: See attached statement from Ed Fogels, Hotel Owner. The bar in the Hotel continued to be operated after lodging ceased. According to Judy Agenbroad (statement 4-10-98) formerly Judy Turner wife of John Turner, (John is now deceased) they rented the Hotel Bar from 1945 to 1951. They sold drinks and food during the summers. She states they used water from the Hotel system every year. She also states that Tom and Lillian Rock helped them run the Bar. Tom continued to run the Bar after Tom and Judy gave it up. He "officially" purchased it in 1957.

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

DATE: *4-14-98*

SIGNATURE: *Clarence M. Orten*

Please print your name: *Clarence M. Orten*

My Mother was born in Silver City. I still maintain a family home there and have spent a considerable amount of time there during the summers since 1948. I remember going into the Hotel numerous times from the mid 50's through the mid 60's. Tom Rock let me play pool on the old table in the Hotel.

IDWR Western Regional Office, 2735 Airport Way, Boise, ID 83705-5082, (208) 334-2190

I remember seeing water used in the Hotel all during this period. There is no doubt that water was used in the Hotel continuously from 1868 to present. The Hotel has the best documented water right in Silver City and it should be approved with a 2-15-1868 priority date.

Clarence M. Orten

*NOTE: BUAL
ADDRESS TO USE
FOR CLAIMANT -
LAST MAILING TO MURPHY
ADDRESS RETURNED
-JL
4/30/98*

TO WHOM IT MAY CONCERN:

I, Ed Jagels, owner of the Idaho Motel on Jordan Street, in Silver City, Owyhee County, Idaho, do, to the best of my ability, hereby testify to the following:

In the 1940s "Tip" Grover operated the Idaho Motel Bar, which is located in the south wing of the Idaho Motel. The bar would have had running water at that time.

In the 1940s John Turner operated the Idaho Motel Bar. The bar would have had running water at that time. In the library-office of the Idaho Motel, I have at least one photo dating from the 1940s showing the interior of the Idaho Motel Bar in full operation with customers and the bartender, John Turner.

In the 1950s and the 1960s Mike Rock operated the Idaho Motel Bar. The bar would have had running water at that time.

A 1952 photo of the Idaho Motel shows the bar sign hung out front.

A 1961 photo of the Idaho Motel shows the bar sign hung out front and Mike Rock and Con Dewey standing beneath the sign.

In May of 1972, when I, Ed Jagels, purchased and opened the Idaho Motel, the building had running water piped into it.

Sources of the above information may be obtained from Ed Jagels, owner of the Idaho Motel at:

(from late May to late October)

P.O. Box 75

Murphy, ID 83650-0075

phone (208) 583-4104

(late October to late May)

1796 E. 3550 N.

Buhl, ID 83316-6310

phone (208) 326-5051

signed

date

Ed Jagels
13 April 1998

State of Idaho)
County of Twin Falls) ss

On this 13th day of April, 1998, before me, a Notary Public in and for said State, personally appeared Ed Jagels known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Michael Bohling
Notary Public
Residing: Buhl, Idaho
Commission Expires: 3/10/99

use for file -K

AFFIDAVIT

I, Ed Jagels, purchased the Idaho Hotel in 1972 from Lillian Rock. Widow of Tom Rock. At that time the water system had been maintained for a number of years by the home owners. The Silver City Taxpayers Organization (made up of home owners) had filed on the City Spring. Since that time the organization has replaced the entire system.

I agree that the only agent to own, operate, and manage the city water system is the Silver City Property Owners Inc.

Ed Jagels
signature

Notarized By: *D. M. Runk*
Date: *28 Oct 91*

Notary Public residing at Boise, Idaho.

File
23

7 6.51

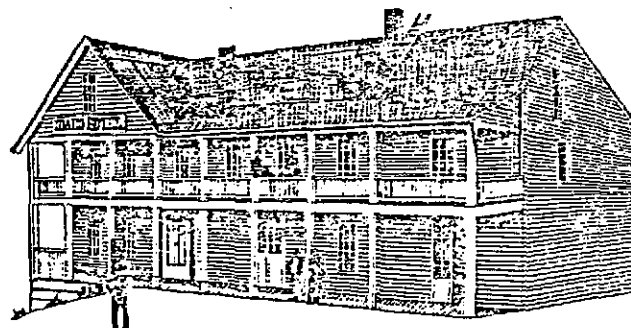
The
IDAHO HOTEL

Silver City, Idaho

WRITE: P.O. BOX 75
 MURPHY, IDAHO 83650-0075

TELEPHONE
 (208) 495-2520

1 March 1990



RECEIVED
 MAR 05 1990

Department of Water Resources
 Western Regional Office

Steve Lester
 Sr. Water Resource Agent
 State of Idaho
 Department of Water Resources
 Western Region
 2735 Airport Way
 Boise City, Idaho 83705

Dear Mr. Lester:

Regarding Permit 55-07011. Letter dated 8 November 1989 to Gloria and Carl Otto and Paul Nettleton:

I do wish that I had met with you when you conducted your field exam on 5 November 1987. I could have given you some information which may have been of some help in clarifying some details.

You mention in your letter that the Hotel is connected to the SCTA water system. If one wishes to split hairs one should say that Silver City is connected to the Idaho Hotel water system! I will explain this statement: In 1868 the Idaho Hotel secured the water rights to the spring on Florida Mountain. This is mentioned in the OWYHEE AVALANCHE. Silver City had a separate water system. "In the spring of 1902, the proprietors of the Idaho, intending to enlarge their water system offered the people of Silver City water, and fire protection for only \$12.50 a month. The citizens did not accept the offer." (FOUNDATIONS OF SILVER CITY, by Julie Hyslop, 1985, page 24.) After the Idaho Hotel closed around 1942, the Silver City water system had deteriorated badly. Permission was given by the owner of the Idaho Hotel for townspeople to hook up to the hotel water system which was still in operation.

When I purchased the Idaho Hotel in 1972 the Bill of Sale included the water system. However, as I understand it, the Silver City Taxpayer's Association filed on the Idaho Hotel's water system in 1971.

On 19 February 1990, I received a telephone call from Loren Fredricksen of Santa Rosa, California. (Mr. Fredricksen owns several buildings across Jordan Creek behind the Idaho Hotel.) He said that when he purchased property in Silver City in 1968 there was running water into the Idaho Hotel at that time. Mr. Orville Peete, from whom Loren Fredricksen purchased the property, had, in earlier years, connected his house with the Idaho Hotel water system running directly under the length of the hotel. Lillian Rock, from whom I purchased the hotel, had used the running water in the hotel for cleaning purposes prior to the sale of the hotel. Tom Rock purchased the Idaho Hotel in 1957. When I moved into the Idaho Hotel in 1972, there was running water in the hotel system. I have been using the water in the system continuously since 1972.

HISTORIC LANDMARK FEATURING: DINING ROOM, BAR, DISPLAY ROOMS, TOURS, GIFTS & ANTIQUES FOR SALE, ETC.

1-24-60

Glória Otto mentioned to me last year a bit about the history of the water system. She said something to the effect that the spring which is in use presently by the Silver City Taxpayer's Association and others (nonmembers) was developed by the Lincoln Mill sometime in the mid-1860s. (Some of Mrs. Otto's property is the old Lincoln Mill site.) I believe that she stated that the Lincoln Mill went bankrupt around 1868. That is the year in which the Idaho Hotel secured the water rights (presumably from defunct Lincoln Mill). The Idaho Hotel has been using that same spring since 1868. It maintained and up-graded the system till around 1942, about the time the hotel closed, though water still flowed through the interior hotel system during the time of the hotel's closure.

Several years ago I met with representatives of your downtown office on several occasions regarding the water system and the Idaho Hotel's use-status in Silver City. I was assured that there was nothing to worry about and that everything was taken care of or would be taken care of. Since then, numerous problems have arisen regarding the water system.

Also, what is the position with the Post Office Drugstore which I am purchasing? There is an apartment upstairs which I have for lease. The apartment has running water in it (a pair of hot and cold water taps in the kitchen and a pair in the watercloset-bathroom shower). There is also a pair of taps downstairs in the drugstore. Is the apartment domestic-use or, since I lease it out, considered commercial? The downstairs use would be commercial and a separate filing should have been made, years, ago for that. It is too late now, certainly.

I do not want anyone to loose their rights to their use of water, provided it is used wisely and frugally.

I hope that this letter has been of some help in answering some unanswered questions, both for you and for me.

Let me hear from you at your convenience.

Thank you for your time and consideration.

Very sincerely,



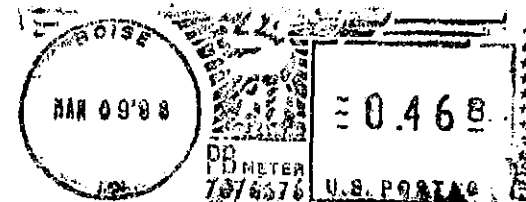
Ed Jagels, Proprietor

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

55-10205

PRESORTED
FIRST CLASS



RECEIVED
MAR 13 1998

Department of Water Resources

IDAHO 075
THE IDAHO HOTEL
C/O ED JAGELS
PO BOX 75
MURPHY

ID 83650-0075

IDAHO75 T836502020 1C97 05 03/11/98
RETURN TO SENDER
IDAHO HOTEL
TEMPORARILY AWAY

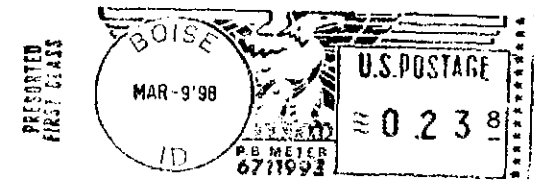
83720-0098

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

RECEIVED
MAR 13 1998

Department of Water Resources



IDAHO 075

R55-10205
THE IDAHO HOTEL
C/O ED JAGELS
PO BOX 75
MURPHY

ID 1

IDAHO75 T836502020 1C97 05 03/11/98
RETURN TO SENDER
IDAHO HOTEL
TEMPORARILY AWAY

AUTO 83650038

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R55-10205

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

IDAHO HOTEL

THE

1 - C/O ED JAGELS

2 - PO BOX 75

3 -

City- MURPHY

Phone - 208-495-2520

State- ID Zip- 836500075

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
02/15/1868 14 WESTERN I - DISALLOWED ✓

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRING SINKS

+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

05S 03W 6 NE SE NW (73) OWYHEE
NW SE NW (73) OWYHEE

+ - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
10 - COMMERCIAL 01/01 12/31 0.040

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.040 0.0

+ - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
05S 03W 6 SE NE 18 10 COMMERCIAL (73) OWYHEE
05S 03W 6 NE SE 10 COMMERCIAL (73) OWYHEE

Total Acres:

+ - - Diversion Means - SPRINGBOX, 1900' OF 2.5" PIPE, STORAGE TANK, PIPELINES

+ - - Non-Irrigation Use - COMMERCIAL- HOTEL USING DOMESTIC WATER

+ - - Other Rights for Same Use - A55-10204 SAME SPRING FOR SILVER CITY TAXPAYERS ASSN. CLAIM

+ - - - - - - - - - - - Remarks - - - - - +

GEN RECOMMENDED AS RIGHT NO. 55-07011. ✓

+ - - - - - - - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

Water right number - R55-10205

Prefix Translation: RESEARCH

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - -

Date: 03/02/1998 User Id: LHARRIS Subject: COPIED FROM REMARKS
SPRING LOCALLY KNOWN AS THE CITY SPRING. P/D IS SINGLE POINT ON OR NEAR 1/4-1/4-1/4 LINE. DATE OF PRIORITY MAY BE EARLIER THAN
2/15/1868; THIS DATE BASED ON ATTACHED "OWYHEE AVALANCHE" INFO. THE DELIVERY SYSTEM FOR THE HOTEL IS CURRENTLY PART OF THE SILVER
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FOR MORE INFORMATION, CONTACT S. LESTER &/OR J. SHURTE.

+ - - Audit Fields - - +
03/02/98 LHARRIS

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 04/03/1990 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - W011813 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

SUPPLEMENT TO RECOMMENDED RIGHTS FROM CITY SPRING AT SILVER CITY

**PREPARED BY STEVE LESTER 
IDWR WESTERN REGION
MARCH 4, 1998**

This explanation is provided to all claimants whose Snake River Basin Adjudication Claims identify the "city spring" in Silver City as a source. The explanation is provided for the claimants because it may be confusing to receive a recommended right without a complete explanation of all uses from the city spring.

The following terms are used:

CAMPGROUND = Ottos' private campground uphill from IPB site

CITY = Silver City Property Owners Association

CITY SYSTEM = City's diversion works and delivery pipelines

IDWR = Idaho Department of Water Resources

IPB = Ottos' hostel at Idaho Power building

LOG CABIN = Ottos' secondary structure near the IPB site

SRBA = Snake River Basin Adjudication.

STORAGE TANK = the new City tank that replaced the old wooden tank.

The claims have been recommended by IDWR as shown in this mailing. The recommended rights are subject to corrections per the claimant response period provided under Idaho law. IDWR recommendations are based on a review by IDWR legal and other staff. The recommendations result from a thorough review of all the evidence provided by the claimants plus IDWR field exams conducted from 1987 through 1994.

If a use for an individual owner is recommended under that owner's older claim, that use has been deleted from the City's younger claims to avoid duplication. Supplemental information shown below is arranged alphabetically by ownership.

CITY RIGHT NOS. 55-10204, 55-07011 AND 55-07409

55-10204 - recommended with 1968 priority date for domestic use for 16 homes where 2 of the homes include lawn irrigation. This right results from combining a number of single family domestic uses, previously unrecorded until the SRBA, under a single priority date. The latest priority date for the combined uses must be used in such situations. The right lists the lot numbers served by this right.

55-07011 - recommended with 1971 priority date for 22 homes where 2 of the homes include lawn irrigation. Also covers commercial use at the Idaho Hotel. The lot numbers are not completely known for this right so have been omitted. The recommendation is based on a pending license. The right now exists as a permit which was field examined in 1987 before SRBA claims were filed. Licensing has been complicated by competing SRBA claims. It is assumed that the license can be issued before the IDWR Director's Report is submitted to the SRBA Court (later this year after the claimant response period is completed).

55-07409 - this permit includes a 1990 priority date to cover those uses initiated after the November 1987 field exam of 55-07011. This right is outside of the SRBA scope and therefore will not be included in the Director's Report nor will it be decreed by the SRBA Court. The permit can be licensed for domestic use for 23 homes (includes 1 home with lawn irrigation) and a public drinking fountain assuming that the other two City rights are decreed as above.

City Summary - the 3 City rights will cover domestic use for 61 homes including lawn irrigation at 5 of those homes (that is all of the irrigation found by 1994 field verification) plus drinking water at the public fountain and commercial water for the Idaho Hotel. All other uses via the City System are covered under individuals' rights.

FREDRICKSON RIGHT NO. 55-13655

Recommended to be disallowed based on insufficient evidence of priority date. IDWR legal staff determined that a contentious situation such as the City Spring requires better documentation to support SRBA claims. This use is recommended for 1 home (in-house use only) in City right 55-07011.

HYSLOP RIGHT NO. 55-10239

This right is recommended with a 1874 priority date for 1 home (in-house use only) for Lot 50.

IDAHO HOTEL RIGHT NO. 55-10205

This right is recommended for disallowal based on evidence of forfeiture from 1942-1968. This commercial use is recommended in City right 55-07011.

OTTO RIGHT NOS. 55-04151 and 55-10130

55-04151 - recommended with a 1937 priority date for 2 sources: overflow from the storage tank plus any additional water provided from the old shaft/tunnel located below the tank and the road (shaft/tunnel is near the flume by the campground). The points of diversion include the overflow collection at the storage tank plus the shaft/tunnel. Uses include commercial use at the campground and the IPB site plus domestic use at the IPB site (note dual uses depend on arrangement with guests at the site). This is not water piped into the IPB, rather it is water delivered via a ditch to the IPB site. Uses do not include any lawn etc. irrigation.

55-10130 - recommended with a 1922 priority date for domestic and commercial water for the IPB and Log Cabin delivered by the City system. This is water piped into the two units and does not include lawn etc. irrigation. This right includes the dual use arrangement noted in 55-04151.

Additional right? - another filing is needed to cover a spring that contributes water to the delivery system in 55-04151. An old mining shaft is located above the road not far from the storage tank overflow diversion. This additional source cannot be included in any of the current Otto rights. If the use started before 5-20-1971, a late SRBA claim can be filed along with evidence to support the beneficial use claim. If the use started on or after 5-20-1971, an application for permit should be filed to establish a 1998 priority date. The appropriate filing should be made without delay.

STATHAMS' RIGHT NOS. 55-04007 AND 55-04110

55-04007 - recommended with a 1909 priority for in-house domestic use at 2 homes, Lots 91 and 92. Does not include lawn irrigation (see next right).

55-04110 - recommended to be disallowed per 1994 withdrawal of claim. This claim was for lawn irrigation at 1 of the Statham homes but has been recommended in City right 55-10204.

All of the uses regarding the City Spring are covered by the above recommendations to the extent that the uses have been verified by claimants' evidence and/or IDWR field examinations.

ADDITIONAL RIGHT NOT FROM CITY SPRING

Included in this explanation is another right not from the City Spring but serving homes also served under the City rights.

55-04000 - recommended with a 1948 priority for an unnamed stream (flow from old mining tunnel) located uphill from the homes. IDWR has been informed that this right serves Lots 36 and 44 for Cramer and Fredrickson homes. The claim lists Cramer and Statham, but IDWR has learned that Statham property is not involved. The home owners served by this right should file a change in ownership with IDWR to replace Statham with Fredrickson assuming that IDWR has the correct information for this situation.

Recommendations for

R File

See Attached profile
Report

-JL
3/1/98

AJ5809NP
No. A55-10205

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/01/98
PAGE: 3

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|---------------|--|------------------|------------|-----------------------|-------------------|---------------------|
| C | THE IDAHO HOTEL
C/O ED JAGELS
PO BOX 75
MURPHY ID 836500075
(208) 495-2520 | 02/15/1868 | COMMERCIAL | 01-01 12-31 | 0.04 CFS | |
| | | | | | TOTAL DIVERSION: | 0.04 CFS |

Water Source: SPRING

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion: T05S R03W S06 NESENW NWSENW Owyhee County

Place of use Legal Description for: COMMERCIAL

| NE | | | | NW | | | | SW | | | | SE | | | |
|-----|-----|---|------|----|---|---|----|----|---|---|----|----|---|---|----|
| T | R | S | Ac | T | R | S | Ac | T | R | S | Ac | T | R | S | Ac |
| 05S | 03W | 6 | 18-C | | | | | | | | | | | | |

POU County: Owyhee

Non-Irrigation Uses: COMMERCIAL- HOTEL USING DOMESTIC WATER

Other Rights: A55-10204 SAME SPRING FOR SILVER CITY TAXPAYERS ASSN. CLAIM

Remarks: GEN SPRING LOCALLY KNOWN AS THE CITY SPRING. P/D IS SINGLE POINT ON OR NEAR 1/4-1/4-1/4 LINE. DATE OF PRIORITY MAY BE EARLIER THAN 2/15/1868; THIS DATE BASED ON ATTACHED "OWYHEE AVALANCHE" INFO. THE DELIVERY SYSTEM FOR THE HOTEL IS CURRENTLY PART OF THE SILVER CITY TAXPAYERS ASSN. SYSTEM DESCRIBED IN A55-10204 AND 55-07011. THIS CLAIM IS FILED TO RECORD HISTORICAL USE AT THE HOTEL. SOME CONFUSION RESULTED FROM THE 8/1971 PERMIT 55-07011 (SEE FILE) & THIS CLAIM IS FILED TO CLEAR UP SOME OF THE CONFUSION. BASED ON RECOMMENDATION BY WESTERN REGION STAFF, LATE FEE MAY BE WAIVED. A REQUEST FOR EXT. OF TIME TO FILE CLAIM IS SUBMITTED WITH CLAIM. FOR MORE INFORMATION, CONTACT S. LESTER &/OR J. SHURTE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Presumption Flag:

Disallowed - recommended as ~~portion of~~ Gen
Right to. 55-07011. POC

-JC per
DWR attorney
memo of 2/26/98

***** Attorney-Client Privileged Information*****

TO: Steve Lester 
FROM: John Marshall
DATE: February 26, 1998

RE: Silver City Recommendations

Steve:

Following are the suggestions I have for the recommendations of the domestic and commercial claims in Silver City based on my review of the files you provided. I did not have a chance to research outside of the information contained in the files. However, I believe that the information contained in the files provides a sufficient factual background on which to make the recommendations.

A55-10205 Idaho Hotel (Lot 34)

This right should be disallowed for forfeiture for non-use. There is solid evidence that this right was not used from 1942-1968. This use should fall under the permit right A55-07011.

A55-10239 Hyslop (Lot 50)

Priority of 1874. They have submitted convincing evidence from the *Owhyee Avalanche* that this right was developed and we do not have any evidence that it was forfeited for non-use.

A55-13655 Fredrickson (Lot 35)

This right should be disallowed. Given the contentiousness of the area, I felt that a self-signed affidavit was not good enough evidence to support an early priority date. This right should be included in the permit right 07011.

A55-04007 Statham

This is the Statham's right to the city spring water through the city system. She provided convincing evidence from her mother that they were hooked in by 1909. This is the priority I would suggest for this right.

A55-04110 Statham

Disallow based on their withdrawal.

A55-04151 Otto IPB Overflow right in combination with unnamed spring

Gloria claims a priority for this right of Jan 1, 1903. I could not find any documentation from her that supports this priority. She has affidavits from several folks supporting a priority of 1922 and 1937, but nothing that I can find that supports 1903 (which does not

mean that its tucked away in her filings somewhere). This right is problematic since it claims as its source three different (as far as I can tell) sources--1) the overflow from the city system, 2) water that comes out of the tunnel even when there is no overflow, and 3) spring water coming out of an old mine shaft (good for drinking I'm sure). I parsing through the affidavits, I noticed several that gave 1922 the date of first use, but only for sources that did not include the city spring overflow. The only affidavit I could find on overflow supported a date of 1937. The reason this matters is because I'm not sure that this overflow right is a waste water right. It may be an independent right to the use of spring water. I have not looked carefully into the law of waste, but my recollection is that waste water is water that is captured after it has been put to a beneficial use. In this case the overflow water has not yet been put to a beneficial use and the argument can be made that this is an independent right on the spring regardless of the fact that her diversion system depends on the city system. If this is the case, then she can make a call on the city spring water. In thinking through this as I write, the difference between 1922 and 1937 does not make too much difference since there are no intervening appropriators in that gap. Anyway, it seems to me like she has two different water rights--one for the spring and one for the overflow. It is my understanding that the Department can and has "spun off" new rights to correct filing errors of this sort. That may be the best bet here--a 1937 right to the overflow and a 1922 right to the unnamed spring.

I question whether or not this water is being put to beneficial use. This is your call. I have not been out there, but the documentary evidence is pretty thin. I imagine that I my suspicions are raised given her might efforts (likely at the prodding of counsel) to show that there are beneficial uses occurring. Trying so hard to prove use makes me think that a legitimate use does not exist. At the very least, as you and I discussed before, there is not an irrigation use associated with this water.

A55-10130 Otto

I do not believe that Gloria provided sufficient evidence to support her contention that predecessors in interest to her property used the city spring prior to the installation of the hotel system in 1902. She has not provided any reliable evidence connecting "willow spring" to the city spring. I do believe, however, that she has provided good enough evidence to prove her property was tapped into the city system by 1922 through the affidavit of Patrick Kidder.

A55-10204 Tax Payers

The association did not provide sufficient information to support all of the claimed uses in 1968. Roxane Brown identified the following lots as having been identified with a priority of 1968: Lot 44, 49, 54, 55, 65, 66, 67, 71, 72, 74, 75, 76, 79, 88, 91, 94, 96.

Roxane identified through looking at the license file another 21 homes that can be included in the 07011 filing.

I hope that this helps. Please feel free to give me a call this weekend. I will be in the office most of the day on Sunday (327-5404) or you can catch me at home on Sat (395-1745).



INTER-DEPARTMENT MEMO--1

FROM Steve Lester
TO FILE

DATE 1/25/98

SUBJECT Julia Hyslop Affidavit dated 1/12/96 c IPB etc.

Relates to # of SRSA files. Rec'd on 2/6/96.

Filed as follows:

original - w/ 1/9/92 "EXCEPTION" c ASS-04151 ÷ ASS-10130.

copies - w/ ASS-10204 (ASSN.)

ASS-10205 (ID HURDC)

ASS-04006 (atts c IPB from another source)

Steve Lester
SIGNATURE

RECEIVED

FEB 06 1996

WATER RESOURCES
WESTERN REGION

AFFIDAVIT

Concerning the source of water now being used in the building in Silver City Idaho known as the Idaho Power building.

I Julia J. Hyslop affirm that I have been researching the buildings and the history of Silver City for 40 some years. My card file contains information on the buildings taken from all the deed books in the Clerks office of Owyhee County. My information file contains all references to the buildings and includes some other matters taken from the newspaper accounts of the Owyhee Avalanche from 1865 through 1904. I affirm the following statements to be accurate as I have learned them from my research.

First in time, first in right, seems to be the position in decisions concerning water rights in Idaho.

Carl and Gloria Otto claim first rights to the spring on Florida Mountain now known as City Spring and used by the town of Silver City to furnish water to the buildings in Silver City. Their claim concerns the building known as the Idaho Power building which is presently on the town system.

The Ottos claim first use of City Spring from Willow Spring.

Never in all the information I have collected have I found a reference to Willow Spring, except the one Gloria Otto refers to in her claim to the water rights of the Silver City Spring. In 1898 William Williams filed on a spring he called the Willow Spring. His stated reason was to furnish water for a residence and for mining. He had purchased a house in 1898 north of the Lincoln Mill building. It was close to where the Otto storage shed is now located. It is only reasonable to suppose that Williams intended his water to go to his house for the residential use called for in his filing. There is no record to my knowledge that equates Willow Spring to the City Spring. The only connection is, that they both seem to be within a half a mile of Silver City on the same side of the mountain. Williams had no connection to the Lincoln mill at this time.

Another point that the Ottos make is that the water for running the Lincoln Mill came from this (the City Spring) in 1866. The newspaper states that the Lincoln Mill was furnished water from a ditch they purchased.

The Idaho Hotel Water System

In 1868 the Idaho Hotel brought water from a spring on Florida Mountain, down into the hotel; in later years they furnished water to many buildings in town. All of the above has been documented and submitted to Water Resources by the Silver City Property Owners, the Silver City Water Board, the organization of the people of Silver City.

During the summer months of 1902 the Idaho Hotel had commenced work on what is now called the City Spring when they upgraded the town water system. The wooden tank was installed, new pipe laid, and half the town was using water from the system. This is the system that was still in use until 1988 when the water users installed a new tank and pipes so that all residents could come onto the water line.

In my opinion the important point in the Otto filing on the water rights to City Spring hangs only on when the building referred to now as the Idaho Power building began using water. The Idaho Power building sits on the Lincoln Mill property. It was used as a shed for many years and later as a transformer house for the Owyhee Electric Light Co. which became a part of Idaho Power Co.

The Idaho Power building had been a storage building for the mill, by 1902 it was used as a transformer building for Owyhee Electric Light Co. On August 1, 1902 The Board of County Commissioners met; sitting as a Board of Equalization they referred to the transformer house used by the Owyhee Electric Light company as being sixty feet southerly from the mill building. They ordered that the Assessor add the name of the Owyhee Electric Light company and the property described to the assessment roll of Owyhee County.

In the December 12, 1902 newspaper, there appeared a story on W. B. Hurd intending to turn a portion of the transformer house into a residence. On January 16, 1903 the Hurd family moved into their newly finished home in the transformer house.

Conclusion:

1866-The Lincoln Mill was built and used water from Long Gulch transferred by a ditch.

1868 The Idaho Hotel established a water system to the hotel from water on Florida Mountain.

1898 William Williams files for a water right, he showed no connection with the Lincoln Mill or with the Idaho Hotel for the use of this water.

1902 The Idaho Hotel upgraded their water works, installing a new tanks and pipes which were attached to the present City Spring .

1902 The Owyhee Electric Light Company used the Idaho Power building as a transformer house.

1902 Hurd began to construct a residence in the transformer house.

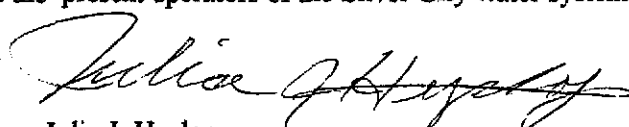
1903 January the Hurd family moved into the residence.

1903 The mill had been shut down.

1942 The hotel closed. The towns people took on the task of keeping the water lines repaired and usable. This continued until the Silver City Taxpayers was organized and took on the responsibility for the system which is continued to the present day. The Silver City Taxpayers name was changed to the Silver City Property Owners, Inc. The water is administered by the Water Board, elected from and by the water users of Silver City.

It is important to note that until the Hurds moved into the residence there was no need for water in the building known as the Idaho Power House. The Idaho Power House has been on the city water line for many years. Not always used but still attached. So, first in time first in right will be seen to be the present operators of the Silver City water system.

Sincerely


Julia J. Hyslop

Dated:

*notarized signature attached, filed with original.
-gr 1/25/58*

CLAIM NO. ASS-10205

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET
(use in place of the CVR for small Domestic/Stock exams)

1. ☒ No Change NAME
☐ NEW OWNER: _____
☐ No Change ADDRESS _____
☐ NEW ADDRESS: _____
- ? 2. ☐ No Change - DATE OF PRIORITY: Completed - No Field Verification Needed.
☐ Incomplete - Claim shows no priority date, claimant should be asked during the exam when was water first used.
Priority date, per claimant, is _____
(if the priority date, based on your exam, seems questionable, explain in remarks.)
3. ☒ No Change - SOURCE *trib to Jordan Cr*
☐ Source is different than that claimed:
Source found: _____
4. ☒ No Change - POINT OF DIVERSION *→*
☐ Point of diversion is different than the claim *claims 10 ac. front, rest is ok*
New P/D: Twp. _____, Rge. _____, Sec. 5E 1/4 _____ 1/4 _____ 1/4
5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete desc., complete items missing, IF KNOWN.
☐ Additional comments in remarks.
HP of pump _____ Pump Ser. # _____ Pumping water level _____
Well depth _____ Motor Ser. # _____ Static water level _____
Casing size _____ Method of irr. _____
6. ☒ No Change - WATER USES
☐ Different uses, (list uses found).
Use _____ From _____ To _____ Amount _____ cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af
- N/A* 7. ☒ No Change - TOTAL VOLUME
☐ Incomplete on claim, the total is, -- -- _____ cfs _____ af
☐ Change found, the new total is, -- -- -- _____ cfs _____ af
8. N/A
9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Exam found:
Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____

10. ☐ No Change - PLACE OF USE: (If changed, list below.)

| Use | Twp. | Rge. | Sec. | 1/4, | 1/4, |
|-----|------|------|------|------|------|
| | | | | 1/4, | 1/4, |
| | | | | NE | NE |
| | | | | NE | NE |

clarify - on p. 100
22 line
T-R-S ok

Remarks: (Comments pertinent to field examination)

uses city delivery system.

Idaho Hotel = plus on p. 100 line.

Actual use e 5 m. s. p. y.

no photos taken JEC 10/20/94 photo #1 in
A55-10204 for picture of hotel.

no known inv. found.

ATTACHMENTS:

Attached to
This Form.

Attachments are
in Permit File.

PHOTOS (optional)

MAP

SYSTEM DIAGRAM

| |
|-------------------------------------|
| ☐ |
| ☒ |
| ☐ |

| |
|--------------------------|
| ☐ |
| ☐ |
| ☐ |

☐ Changes found during exam or additional information in the permit file, see permit file.

DATE EXAM CONDUCTED: 10-4-91

FIELD EXAMINER:

Signature

STEVE LOSTER

Steve Loster

ASS-10205 Hotel 10/4/91 with Ed Jagob
owned

No photos taken

P/O = city spring, delivery via city system

Use c 5 months/year

max 80 people/day

(2)

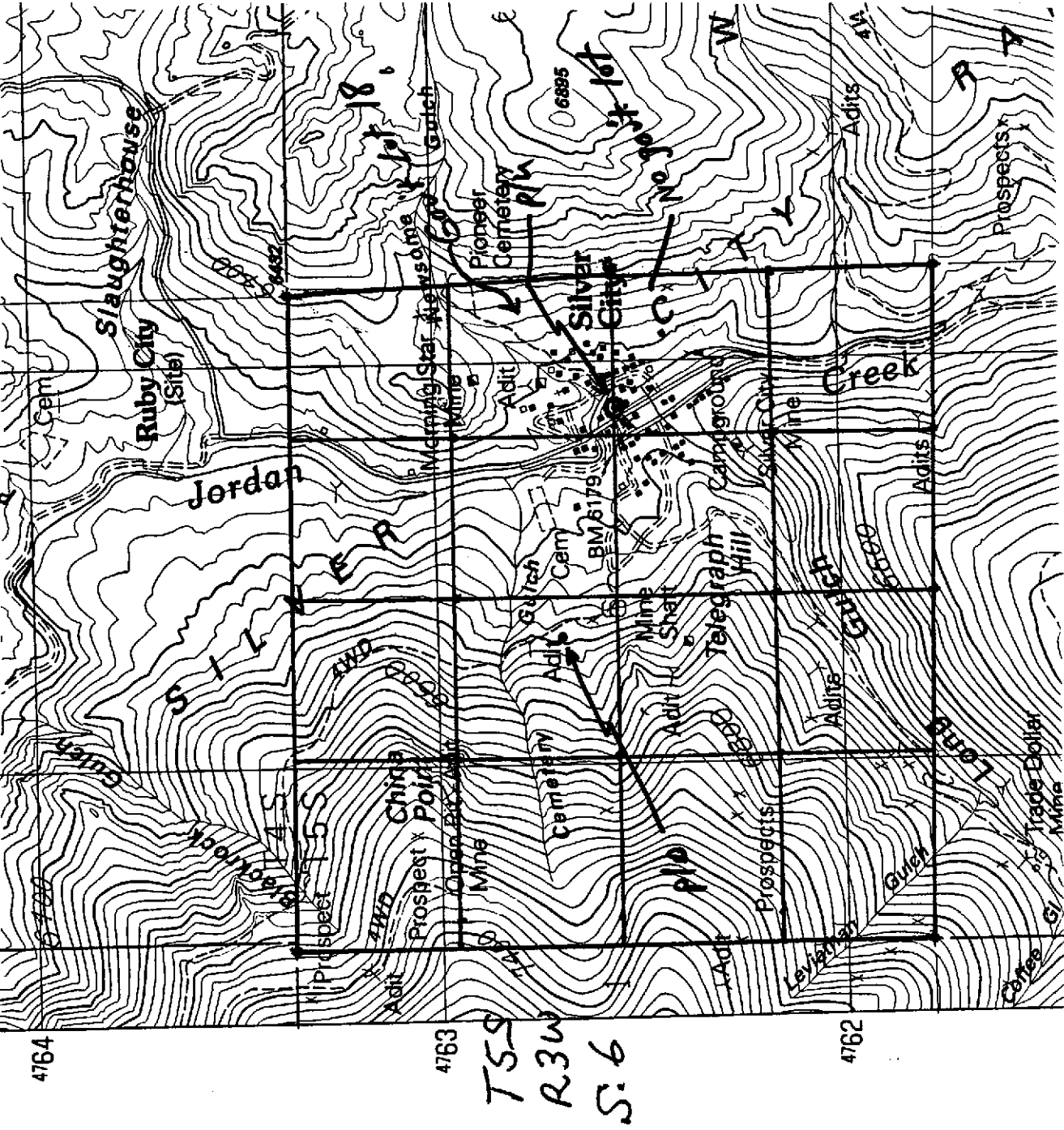
Facilities: sink for kitchen

1 shower

Rent Commercial .04 cfs vol. from above.

Same use as any city right that cover
Hotel

Evidence - see claim, 1866 date.



P/O "City Spring" SESENN
 P/L ID. Hotel SENE Lot 18
 NESE

1990 7 1/2' topo
 Expanded 1567'

Idaho Hotel
 c/o Ed Jagals

ASS-10205
 Field Exam info

RECEIVED

Approved

Date Received

4/3/90

APR 11 1990

State of Idaho

Department of Water Resources

RECEIVED

APR 4 1990

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Idaho Hotel & Ed Jagels () 495-2520
Name of Claimant Phone Number
P.O. Box 75 Murphy ID 83650-0075
Mailing Address City State Zip
Owyhee 11/19/1989
County(s) where place of use is located Date claim originally due
A55-10205
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

Confusion resulted from original filing for Permit 55-07011 in 8/1971. Based on licensing field exam & subsequent research, meetings and correspondence, it was determined that various water rights instruments were needed to properly identify the actual water uses. Thus, a late claim was filed. Western Region staff participated in this process and recommends waiving late fee.

Claimant requests an extension to 4/3, 19 90

Ed Jagels 3 April, 19 90
Signature Date of request

Owner of Idaho
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [X] granted [] denied for the following reasons:

Proper notice was not given.

and if granted the filing deadline is extended to April 3, 19 90

Signed this 7 day of April, 19 90

Director or his designated agent

DAVID B. SHAW

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706