



BLOCK II

HOTEL = 791041  
HOTEL = 791042

74076L  
55-10205

68 x's = service to  
with via city pipeline  
system. 67 with plus  
1 public fountain.

UNITS SERVED BY  
"city spring" via  
city distribution syst

ca chuga

maska nap fu 55-07611

✓ 1-5 = irrigation conference-  
10/20/94 Field Trip

✓ 6-7 = irrigation Recognition  
in 1998 notices of  
EPAAL process.

✓ 6-7 = Immigration Recognition  
in 1998 notices of  
final process.

↳  $\text{min}(\text{max}) = \text{min}$

city = 55-07011  
55-07409  
55-10204

HOTEL = IDAHU  
HOTEL  
55-10205

From: DWR80::SLESTER 25-JAN-1998 14:20:42.26  
To: DWR06::"martyp@uidaho.edu"  
CC: SLESTER  
Subj: SILVER CITY FILINGS

Dear Martin:

Please disregard that portion my Jan. 9 letter in which I requested evidence of priority for claim # A55-10204 (the 1968 priority for some of the users of city system). Today I located a 1994 document submitted by Julie Hyslop for the association in which that evidence is summarized.

I hope my earlier letter has not caused you a lot of unnecessary work & grief. I am very sorry about the mixup but at least have located that important document.

It will still be helpful to have a completed "change in address" form to show the current name for the association. Also, I found a copy of an aerial photograph view of the city on which the lot numbers are listed (is that something provided to the association by BLM?). I think it will be most helpful for the association to provide a list or table that identifies lot # and tax parcel # per user per association filing:

lot owner name - covered via assn. filing # - for lot # & tax parcel #.

The 3 filings for the assn. are A55-10204 (uses by 1968), A55-07011 (uses from 1971 through 1987) and 55-07409 (new permit beyond the scope of the adjudication, for uses started after 1987).

You might be contacted by IDWR legal staff in the next few weeks as that staff reviews the evidence of priority for A55-10204. I have provided your e-mail & postal address plus telephone numbers to our legal staff in case they need to reach you.

Please let me know if I can help you with anything in this process, and once again I'd like to express my regret for overlooking the evidence submitted in 1994.

-- Steve Lester, IDWR Western Region Office (334-2190).

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: A55-07011  
Date Received: 1/10/1989  
Receipt No: W001906  
Received By: \_\_\_\_\_

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: SILVER CITY PROPERTY OWNERS ASSOCIATION 208-364-4033  
Address: C/O MARTIN L PETERSON  
743 HEARTHSTONE DR  
BOISE ID 83702

2. Date of Priority: AUG 16, 1971

3. Source: SPRING Trib. to: JORDON CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05S      | 03W   | 6       | NE     | NE     | SW  |     | OWYHEE |

5. Description of diverting works:  
PIPELINE & TANK.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| DOMESTIC   | 01/01 | 12/31 | 0.760 |      |        |
| COMMERCIAL | 01/01 | 12/31 | 0.040 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
D/40 HOMES, IDAHO HOTEL, OTTO'S BED AND BREAKFAST.

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 05S      | 03W   | 6       | NE     | NE  |     | DOMEST |       |
|          |       |         | NW     | NE  |     | DOMEST |       |

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|-----|----|-----|-----|--------|-------|
| 05S      | 03W   | 6       | SW  |    | NE  |     | DOMEST |       |
|          |       |         | SE  |    | NE  |     | DOMEST |       |
|          |       |         | NE  |    | SE  |     | DOMEST |       |
|          |       |         | NE  |    | SE  |     | COMMER |       |
|          |       |         | NW  |    | SE  |     | DOMEST |       |
|          |       |         | NW  |    | SE  |     | COMMER |       |
|          |       |         | SW  |    | SE  |     | DOMEST |       |
|          |       |         | SE  |    | SE  |     | DOMEST |       |

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:  
NONE

14. Remarks:

2 P/D IN NESW, S6, T5S, R3W.  
PLACE OF USE IS ON BLM LAND.  
UPDATE 3/19/90 BY SL: P/U NOW OWNED BY S.C.T.A. MEMBERS PER  
RECENT SALE BY BLM. RATE OF FLOW RECOMMENDED IN REVISED FIELD  
EXAM = 0.20 CFS (MAXIMUM PRODUCTION FOR SPRING USING PRESENT  
DELIVERY SYSTEM). THIS RIGHT, WHEN COMBINED WITH ALL OTHER RIGHTS  
USING SAME SPRING, SHOULD NOT EXCEED 0.20 CFS.  
ADDRESS CHANGE PER CLAIMANT REQUEST 1/26/98.

15. Basis of Claim: PERMIT

## CHANGE IN ADDRESS OF NOTICE OF CLAIM

RECEIVED

☒ Water Right Number (s): A55-07011  
A55-10204

JAN 26 1998

WATER RESOURCES  
WESTERN REGION

☒ Old Mailing Address: P.O. Box 74, Murphy, ID 83650  
and

1849 NW 24th St., Fruitland, ID  
☒ New Mailing Address: Silver City Property Owners Assn. 83619  
Martin L. Peterson  
743 Hearthstone Dr.  
Boise, ID 83702

New Telephone Number: (208) 364-4033

☒ Signature of Claimant: *Martin L. Peterson*

Date: 1/22/98

## FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

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: A55-07011  
Date Received: 1/10/1989  
Receipt No: W001906  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: SILVER CITY TAXPAYERS ASSN. INC. 208-452-4512  
Address: C/O HAROLD CURT, PRES.  
1849 NW 24TH ST.  
FRUITLAND, ID 83619

2. Date of Priority: AUG 16, 1971

3. Source: SPRING Trib. to: JORDON CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05S      | 03W   | 6       | NE     | NE     | SW  |     | OWYHEE |

5. Description of diverting works:  
PIPELINE & TANK.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| DOMESTIC   | 01/01 | 12/31 | 0.760  |      |        |
| COMMERCIAL | 01/01 | 12/31 | 0.040  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
D/40 HOMES, IDAHO HOTEL, OTTO'S BED AND BREAKFAST.

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 05S      | 03W   | 6       | NE     | NE  |     | DOMEST |       |

A55-07011

Page 1

Date: 01/10/89

MICROFILMED

SEP 20 1991

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 05S      | 03W   | 6       | NW     | NE  |     | DOMEST |       |
|          |       |         | SW     | NE  |     | DOMEST |       |
|          |       |         | SE     | NE  |     | DOMEST |       |
|          |       |         | NE     | SE  |     | DOMEST |       |
|          |       |         | NE     | SE  |     | COMMER |       |
|          |       |         | NW     | SE  |     | DOMEST |       |
|          |       |         | NW     | SE  |     | COMMER |       |
|          |       |         | SW     | SE  |     | DOMEST |       |
|          |       |         | SE     | SE  |     | DOMEST |       |

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:  
NONE

14. Remarks:  
2 P/D IN NESW, S6, T5S, R3W.  
PLACE OF USE IS ON BLM LAND.

15. Basis of Claim: PERMIT

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 ~~not~~ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

For Organizations:

I do solemnly swear or affirm that I am President of Silver City taxpayers inc. that I have signed the foregoing document in the space below as President of Silver City taxpayers inc. and that the statements contained in the foregoing document are true and correct.

Harold Curt  
Signature of Authorized Agent

President  
Title and Organization

1-10-89  
Date

State of Idaho )  
County of ADA ) ss.

Subscribed and sworn (or affirmed) before me this 10 day  
of JAN 19 89

R. J. Haworth  
Notary Public

Seal

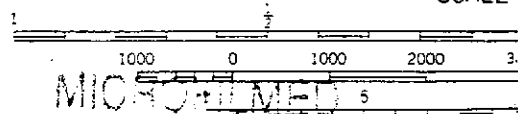
Residing at 4200 Plum  
Boise, Idaho 83702

My Commission Expires 12-8-94



(TRIAN

SCALE



MICROFILMED

SEP 29 1992

R.

A. LAND M  
B. LAND S

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 55-07011

1999 JAN -5 PM 1:35  
DISTRICT COURT  
TWIN FALLS, IDAHO

NAME AND ADDRESS: SILVER CITY PROPERTY OWNERS AS  
C/O CLARENCE ORTON  
5033 LAKES EDGE PLACE  
BOISE, ID 83703

SOURCE: SPRING TRIBUTARY: JORDAN CREEK

QUANTITY: 0.20 CFS  
14.40 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF .20 CFS. COMBINED RIGHT NOS.:  
55-04007, 55-10430, 55-10204, 55-10205 AND 55-10239.

PRIORITY DATE: 08/16/1971

POINT OF DIVERSION: T05S R03W S06 SESENW Within Owyhee County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY              |
|----------------------------|----------------|----------------|-----------------------|
|                            | Domestic       | 01-01 TO 12-31 | 0.20 CFS<br>14.40 AFY |

| PLACE OF USE: | Domestic      |              | Within Owyhee County |
|---------------|---------------|--------------|----------------------|
|               | T05S R03W S06 | NWSE<br>SENE | SWNE<br>NESE         |

THE USE OF WATER FOR DOMESTIC PURPOSES SHALL BE LIMITED TO  
PRIVATELY OWNED PROPERTY WITHIN THE DESCRIBED PLACES OF USE

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.

  
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 )

CERTIFICATE OF MAILING

Case No. 39576 )  
\_\_\_\_\_ )

Water Right(s): 55-07011

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 55-07011 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

USDI BLM

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

SILVER CITY PROPERTY OWNERS AS  
C/O CLARENCE ORTON  
5033 LAKES EDGE PLACE  
BOISE, ID 83703  
Phone: 208-364-4033

DIANA DELANEY  
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
03/05/99

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

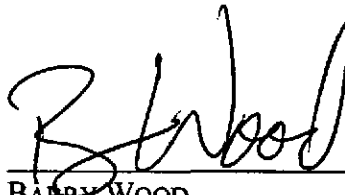
) For Water Right 55-07011  
)  
)  
)  
\_\_\_\_\_

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 55-07011 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

RECEIVED

DEC 11 1998

Department of Water Resources  
Adjudication BureauIN 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. 55-07011

## Standard Form 5

Case No. 39576

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.

Clarence Orton 11-13-98  
Clarence Orton, Pres. Date

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

## IDWR CONCURRENCE:

Raymond Brown 11/19/98  
Date

## OBJECTOR:

United States on behalf of the  
Bureau of Land Management

R. Lee Leininger 11/10/98  
R. Lee Leininger, Date  
Paul F. Holleman, or  
Larry A. Brown  
Attorneys, U.S. Department of Justice  
Environment and Natural Resources Div.

## IDWR CONCURRENCE:

David Dwyer 11/19/98  
Date

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

Right Number: 55-07011

Name and Address: SILVER CITY PROPERTY OWNERS AS  
~~C/O MARTIN L PETERSON PRES~~  
~~743 HEARTHSTONE DR~~  
~~BOISE, ID 83702~~  
C/O CLARENCE ORTON  
5033 LAKES EDGE PLACE  
BOISE, ID 83703

Source: SPRING Tributary: JORDAN CREEK

Quantity: .20 CFS  
14.40 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF .20 CFS. COMBINED RIGHT NOS.:  
55-04007, 55-10130, 55-10204, 55-10205 AND 55-10239.

Priority Date: 08-16-1971

Diversion Point: T05S R03W S06 SESENW Within Owyhee County

| Purpose and<br>Period of Use: | Purpose of Use | Period of Use  | Quantity |
|-------------------------------|----------------|----------------|----------|
|                               | Domestic       | 01-01 TO 12-31 | .20 CFS  |

|               |                             |                      |
|---------------|-----------------------------|----------------------|
| Place of Use: | Domestic                    | Within Owyhee County |
|               | T05S R03W S06 LOT-19 (NWSE) | LOT-17 (SWNE)        |
|               | LOT-18 (SENE)               | NESE                 |

THE USE OF WATER FOR DOMESTIC PURPOSES SHALL BE LIMITED TO  
PRIVATELY OWNED PROPERTY WITHIN THE DESCRIBED PLACES OF USE.

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

Explanatory Material: Basis of Claim - License

SOURCE ALSO KNOWN AS CITY SPRING.  
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION  
DESCRIBED ABOVE: 55-04007, 55-10130, 55-10204, 55-10205 AND 55-10239.

SF-5  
55-07011

Domestic Use Is For 20 Homes, Inside Use Only.  
2 Homes with Inside Use And Lawn Irrigation.

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 Dec. 10, 1999, 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

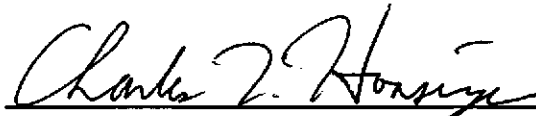
2. Copy to:

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 55-07011

(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: Silver City Property Owners Association

Address: 743 Hearthstone Drive; Boise, ID. 83702

Name: c/o Martin L. Perterson, President

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 legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land.

F.

**VERIFICATION (Must be Completed)**

State of Idaho )

)ss.

County of Ada)

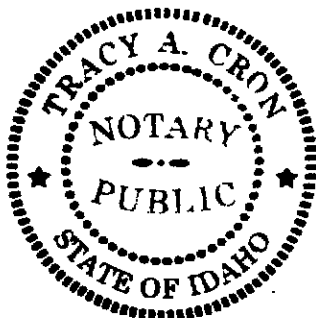
FRED PRICE  
, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

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]  
(Signature of person filing objection)

\_\_\_\_\_  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 4, 1998



Tracy A. Cron  
Notary Public for Idaho  
Residing at: Meridian, ID  
My Commission Expires: 8/22/2003

## 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:

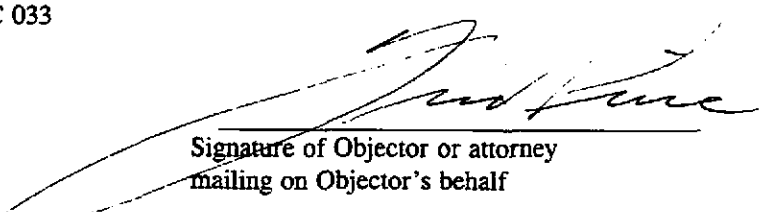
Name: Silver City Property Owners Association  
Address: 743 Hearthstone Drive; Boise, ID. 83702  
Name: c/o Martin L. Perterson, President  
Address:  
Name:  
Address:  
Name:  
Address:

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

-----  
RIGHTS FROM: SOURCE: SPRING TRIBUTARY: JORDAN CREEK  
-----  
RIGHT NUMBER: 55-07011 MIXED OWNERSHIP  
NAME & ADDRESS: SILVER CITY PROPERTY OWNERS ASSN  
C/O MARTIN L PETERSON PRES  
743 HEARTHSTONE DR  
BOISE ID 83702  
- P.O.s DESCRIBED BELOW  
CONTAIN BOTH PRIVATE AND  
PUBLIC LAND.  
- CLARIFY P.O.s SUCH THAT  
IT IS CLEAR ONLY PRIVATE  
LAND IS INTENDED.  
SOURCE: SPRING TRIBUTARY: JORDAN CREEK  
QUANTITY: 0.2 CFS  
14.4 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF .20 CFS. COMBINED RIGHT NOS.:  
55-04007, 55-10130, 55-10204, 55-10205 AND 55-10239.

PRIORITY DATE: 08/16/1971

POINT OF DIVERSION: T05S R03W S06 SESENW *BLM* Within Owyhee County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|-------------------------------|----------------|---------------|----------|
|                               | DOMESTIC       | 01-01 12-31   | 0.2 CFS  |
|                               |                |               | 14.4 AFY |

DOMESTIC USE IS FOR 20 HOMES, INSIDE USE ONLY; 2 HOMES WITH  
INSIDE USE AND LAWN IRRIGATION.

PLACE OF USE: DOMESTIC Within Owyhee County  
T05S R03W S06 ~~Lot 17 (SWNE) BLM/PUT~~ ~~Lot 18 (SENE) BLM/PUT~~ NESE *BLM/PUT* ~~Lot 19 (NWSE) BLM/PUT~~

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

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.

*LOTS 17, 18 & 19  
DO NOT EXIST  
IN SECTION 6.*

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

*PRIVATE LAND WITHIN THE  
TRACTS DESCRIBED ARE  
ENTIRELY COMPRISED OF LOTS.  
THE CORRECT LOTS NEED  
TO BE IDENTIFIED.*

AJ5856NP

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

DATE: JUN-29-1964  
PAGE: A-380

-----  
RIGHTS FROM: SOURCE: SPRING TRIBUTARY: JORDAN CREEK  
-----

RIGHT NUMBER: 55-07011 (CONT)

EXPLANATORY MATERIAL: (CONT)

SOURCE ALSO KNOWN AS CITY SPRING.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 55-04007, 55-10130, 55-10204, 55-10205  
AND 55-10239.

AJ0749NP  
No. R55-07011

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

DATE: 05/06/98  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                                                                           | PRIORITY<br>DATE | WATER USE | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|--------------------------------------------------------------------------------------------------------------------------|------------------|-----------|-----------------------|-------------------|---------------------|
| C                | SILVER CITY PROPERTY OWNERS ASSN<br>C/O MARTIN L PETERSON PRES<br>743 HEARTHSTONE DR<br>BOISE ID 83702<br>(208) 364-4033 | 08/16/1971       | DOMESTIC  | 01-01 12-31           | 0.20 CFS          | 14.40 AFA           |
| TOTAL DIVERSION: |                                                                                                                          |                  |           |                       | 0.20 CFS          | 14.40 AFA           |

Water Source: SPRING

Tributary to: JORDAN CREEK

Stage: LICENSE

Point(s) of Diversion:

T05S R03W S06

SESENW

OWYHEE County

Place of use Legal Description for: DOMESTIC

|     |     |   |   | NE |    |    |    | NW   |      |    |    | SW |    |    |    | SE |    |    |    |    |    |    |    |    |    |    |    |
|-----|-----|---|---|----|----|----|----|------|------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| T   | R   | S | : | Lt | Ac | Lt | Ac | Lt   | Ac   | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac |
| 05S | 03W | 6 | : |    |    |    |    | 17-D | 18-D |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

POU County: OWYHEE

Other Rights: 55-07409, 55-10204

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, 55-10130, 55-10204, 55-10205 AND 55-10239.

USE DOMESTIC USE IS FOR 20 HOMES, INSIDE USE ONLY; 2 HOMES WITH  
INSIDE USE AND LAWN IRRIGATION.

EXP SOURCE ALSO KNOWN AS CITY SPRING.

THIS RECOMMENDATION IS BASED ON PENDING LICENSE FOR THIS RIGHT  
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 55-04007, 55-10130, 55-10204, 55-10205  
AND 55-10239.

*deleted  
when license was  
issued + prior  
to report sent  
to Court  
6-23-98*

Dates: Exam Made Date: 11/05/1987

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag:

Audit: 05/06/98 SLESTER

AJ0729NP  
No. 55-07011

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/22/98  
PAGE: 2

=====

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

Audit: 03/02/98 LHARRIS 03/03/98 LHARRIS 05/06/98 SLESTER 06/23/98 JSHURTE  
06/25/98 AJU10-DS 06/29/98 CPDSHAFF 09/09/98 UPD-SEGB

*Western*

State of Idaho  
Department of Water Resources  
**Water Right License**  
WATER RIGHT NO. 55-07011

RECEIVED

JUN 10 1998

WATER RESOURCES  
WESTERN REGION

Priority: August 16, 1971

Maximum Diversion Rate:

0.20 CFS

Maximum Diversion Volume:

14.4 AF

This is to certify, that SILVER CITY TAXPAYERS ASSN INC  
C/O MARTIN L PETERSON  
743 HEARTHSTONE DR  
BOISE ID 83702

has complied with the terms and conditions  
of the permit, issued pursuant to Application for Permit dated August 16, 1971; and  
has submitted Proof of Beneficial Use on September 16, 1976. An examination indicates  
that the works have a diversion capacity of 0.020 cfs of water from:

SPRING

tributary to JORDAN CREEK

source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| DOMESTIC              | 01/01 to 12/31       | 0.20 CFS                 | 14.4 AF              |

LOCATION OF POINT(S) OF DIVERSION:

SESENW , Sec. 6, Township 05S, Range 03W  
OWYHEE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

|           |              |             |      |
|-----------|--------------|-------------|------|
| 05S 03W 6 | Lot 17(SWNE) | Lot 18(ENE) | NESE |
|           | Lot 19(NWSE) |             |      |

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

State of Idaho  
Department of Water Resources

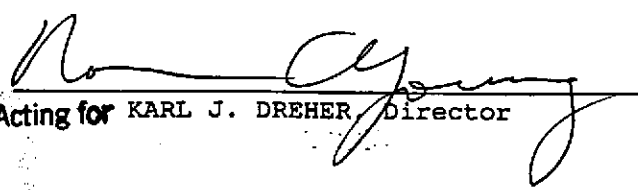
# Water Right License

WATER RIGHT NO. 55-07011

## CONDITIONS OF APPROVAL AND REMARKS

5. Rights 55-04007, 55-07011, 55-07409, 55-10130, 55-10204, 55-10205 and 55-10239 when combined shall not exceed a total diversion rate of 0.20 cfs.
6. Rights 55-04007, 55-07409, 55-10130, 55-10204, 55-10205 and 55-10239 are also diverted through the point(s) of diversion described above.
7. Source known locally as City Spring.
8. Domestic use is for 20 homes with in-house use only, and 2 homes with in-house and lawn irrigation use.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 8<sup>th</sup> day of JUNE, 1998.

  
Acting for KARL J. DREHER, Director

# **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*  
*(1)*

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 best estimate then. Now, following JABA Director's Report Recommendation, this new map is the final and.

Not possible to indicate which units are covered by which city <sup>1</sup>

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

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

rights under separate ownership.

No duplication occurs in coverage.

| <u>OWNER &amp; RIGHT</u> | <u>PRIORITY</u> | <u>USES</u>                 | <u>X's on map</u> |
|--------------------------|-----------------|-----------------------------|-------------------|
| City 55-10204            | 1968            | 0/16 w/ 2 laws <sup>2</sup> | 16                |
| 55-07011                 | 1971            | 0/22 " 2 "                  | 22                |
| 55-07409                 | 1990            | 0/23 " 1 "                  | } 24              |
|                          |                 | 1 public fountain           |                   |
| Hwy/loop 55-10239        | 1874            | 0/1 w/ 1 lawn               | 1                 |
| ID HOTEL 55-10205        | 1868            | comm/1 -                    | 1                 |
| OTTO 55-10130            | 1922            | 0/2 <sup>3</sup> w/ 1 lawn  | 2                 |
| Station 55-04007         | 1909            | 0/2 -                       | 2                 |

all X's accounted for  $\rightarrow 68$

<sup>1</sup> city = the association.

<sup>2</sup> 1 lawn = Station's front lawn w/ internal use re 55-04007.

<sup>3</sup> also includes commercial use c lawn 2 with (EPB & by Gas).  
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

SILVER CITY PROPERTY OWNERS ASSN  
C/O MARTIN L PETERSON PRESIDENT  
743 HEARTHSTONE DR  
BOISE ID 83702

***RE: RECOMMENDATIONS FOR ASSOCIATION'S WATER RIGHTS***

Dear Mr. Peterson:

The final Idaho Department of Water Resources (IDWR) adjudication and licensing recommendations have been made for the association's Silver City rights. Note that 55-07011 is involved in the adjudication plus licensing process, 55-07409 includes only the licensing process, while 55-10204 concerns only the adjudication process. Revised recommendations for 55-07011 are based on a recognition of the validity of the 1868 right for the Idaho Hotel, which was previously disallowed. Therefore, coverage for that hotel has been deleted from 55-07011 to avoid duplication in water right coverage. Recommendations for 55-07011 are based on pending licensing information for that right.

The recommendation for the other right held by the association and involved in the adjudication process (55-10204) remains unchanged. Through the adjudication and licensing procedures, complete coverage of the association rights will be recognized under rights 55-07011, 55-10204 and 55-07409. The latter right is beyond the scope of the adjudication and will be handled separately through the normal water right licensing process.

Soon after you receive IDWR's final adjudication recommendations for 55-07011 and 55-10204, IDWR will deliver its director's report to the court. At that time, claimants must address their adjudication concerns to the court rather than to IDWR. Also, licenses will be mailed to you for rights 55-07011 and 55-07409 for your review. The licensing mailing will be made sometime after the adjudication mailing.

Additionally, please provide the enclosed copy of the letter regarding 55-10205 to Monty Orton. He assisted Mr. Jagels in securing recognition of the old right for the hotel. I hope that the adjudication and licensing products will secure full water right protection for the Silver City system.

Sincerely,

Steve Lester  
Water Rights Supervisor

c: Letter for Clarence ("Monty") Orton

## CONVERSATION MEMORANDUM

DATE 4/30/98FILE See BelowNAME OF PARTY —EMPLOYEE Steve LasterRE: REVISED RECOMMENDATIONS for Rights  
From "CITY SPRING" AT SILVER CITY

BASED ON VARIOUS NOTICES OF ERROR, THE MARCH 1998  
R files ARE REVISOR for Rights from this spring.

SOME REVISIONS ARE BASED ON ADD'L INFO SUPPLIED BY  
CLAIMANT, AND SOME ARE REVISOR BECAUSE PREVIOUSLY  
DISALLOWED SS-10205 (IN HOTEL) IS NOW RECOMMENDED AS OK.

REVISED Rights include:

SS-04007

Station

SS-07011

City

SS-10130

Otho

SS-10204

City

SS-10205

IN HOTEL (Jagels)

SS-10239

Hyslop

For example - SS-04007 is REVISOR just to add SS-10205  
to list of rights from same source (QNT & EXP  
Remarks).

SS-07011 is REVISOR as in 04007 plus Commercial  
is deleted from 07011 since now covered by 10205.

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

DATE: 03/03/98  
PAGE: 1

=====

| OWNER<br>CODE    | NAME & ADDRESS                                                                                                           | PRIORITY<br>DATE | WATER USE              | USE PERIOD<br>FROM TO      | DIVERSION<br>RATE    | DIVERSION<br>VOLUME   |
|------------------|--------------------------------------------------------------------------------------------------------------------------|------------------|------------------------|----------------------------|----------------------|-----------------------|
| C                | SILVER CITY PROPERTY OWNERS ASSN<br>C/O MARTIN L PETERSON PRES<br>743 HEARTHSTONE DR<br>BOISE ID 83702<br>(208) 364-4033 | 08/16/1971       | COMMERCIAL<br>DOMESTIC | 01-01 12-31<br>01-01 12-31 | 0.04 CFS<br>0.20 CFS | 14.40 AFA<br>0.70 AFA |
| TOTAL DIVERSION: |                                                                                                                          |                  |                        |                            | 0.20 CFS             | 15.10 AFA             |

Water Source: SPRING

Tributary to: JORDAN CREEK

Stage: LICENSE

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  | :  | : |

Place of use Legal Description for: DOMESTIC

|     |     |   |   | 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 | : |    |    |    |    | 17-D | 18-D | :  |    |    |    |    |    |    |    | D  | 19-D | : |

POU County: OWYHEE

Other Rights: 55-07409, 55-10204

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, 55-10130, 55-10204 AND 55-10239.

USE DOMESTIC USE IS FOR 20 HOMES, INSIDE USE ONLY; 2 HOMES WITH  
INSIDE USE AND LAWN IRRIGATION.  
COMMERCIAL USE IS FOR IDAHO HOTEL.

EXP SOURCE ALSO KNOWN AS CITY SPRING.  
THIS RECOMMENDATION IS BASED ON PENDING LICENSE FOR THIS RIGHT  
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 55-04007, 55-10130, 55-10204 AND  
55-10239.

Dates: Exam Made Date: 11/05/1987

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag:

AJ0749NP  
No. R55-07011

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

DATE: 03/02/98  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                                                                           | PRIORITY<br>DATE | WATER USE              | USE PERIOD<br>FROM TO      | DIVERSION<br>RATE    | DIVERSION<br>VOLUME   |
|------------------|--------------------------------------------------------------------------------------------------------------------------|------------------|------------------------|----------------------------|----------------------|-----------------------|
| C                | SILVER CITY PROPERTY OWNERS ASSN<br>C/O MARTIN L PETERSON PRES<br>743 HEARTHSTONE DR<br>BOISE ID 83702<br>(208) 364-4033 | 08/16/1971       | COMMERCIAL<br>DOMESTIC | 01-01 12-31<br>01-01 12-31 | 0.04 CFS<br>0.20 CFS | 14.40 AFA<br>0.70 AFA |
| TOTAL DIVERSION: |                                                                                                                          |                  |                        |                            | 0.20 CFS             | 15.10 AFA             |

Water Source: SPRING

Tributary to: JORDAN CREEK

Stage: LICENSE

Point(s) of Diversion:

T05S R03W S06

SESENW

OWYHEE County

Place of use Legal Description for: COMMERCIAL

| NE  |     |   |   | NW   |      |      |      | SW |      |      |      | SE   |   |      |      |      |      |   |      |      |      |      |   |
|-----|-----|---|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|---|
| T   | R   | S |   | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | : |
|     |     |   |   | Lt   | Ac   | Lt   | Ac   |    | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   |
| 05S | 03W | 6 | : |      |      |      | 18-C | :  |      |      |      |      | : |      |      |      |      | : |      |      |      |      | : |

Place of use Legal Description for: DOMESTIC

| NE  |     |   |   | NW   |      |      |           | SW |      |      |      | SE   |   |      |      |      |      |   |      |      |      |      |   |
|-----|-----|---|---|------|------|------|-----------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|---|
| T   | R   | S |   | NENE | NWNE | SWNE | SENE      | :  | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | : |
|     |     |   |   | Lt   | Ac   | Lt   | Ac        |    | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   |
| 05S | 03W | 6 | : |      |      |      | 17-D 18-D | :  |      |      |      |      | : |      |      |      |      | : |      |      |      |      | : |

POU County: OWYHEE

Other Rights: 55-07409, 55-10204

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, 55-10130, 55-10204 AND 55-10239.

USE DOMESTIC USE IS FOR 20 HOMES, INSIDE USE ONLY; 2 HOMES WITH  
INSIDE USE AND LAWN IRRIGATION.  
COMMERCIAL USE IS FOR IDAHO HOTEL.

EXP SOURCE ALSO KNOWN AS CITY SPRING.  
THIS RECOMMENDATION IS BASED ON PENDING LICENSE FOR THIS RIGHT  
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 55-04007, 55-10130, 55-10204 AND  
55-10239.

Dates: Exam Made Date: 11/05/1987

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag:

AJ0749NP  
No. R55-07011

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

DATE: 03/02/98  
PAGE: 2

=====

Comments: Date: 03/02/1998 User-ID: LHARRIS Subject: COPIED FROM REMARKS  
2 P/D IN NESW, S6, T5S, R3W.  
PLACE OF USE IS ON BLM LAND.  
UPDATE 3/19/90 BY SL: P/U NOW OWNED BY S.C.T.A. MEMBERS PER  
RECENT SALE BY BLM. RATE OF FLOW RECOMMENDED IN REVISED FIELD  
EXAM = 0.20 CFS (MAXIMUM PRODUCTION FOR SPRING USING PRESENT  
DELIVERY SYSTEM). THIS RIGHT, WHEN COMBINED WITH ALL OTHER RIGHTS  
USING SAME SPRING, SHOULD NOT EXCEED 0.20 CFS.

Audit: 03/02/98 LHARRIS

*Delete*

**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.

# SRBA FIELD EXAM

## NOTES

CLAIM # A55-07011

EXAM DATE 11/5/1987

EXAMINER Steve Latta

See permit file 55-07011 for  
pending license.

Process assessor can get licensed as  
recommended by SRBA ~~by~~ before Director's  
request is delivered to SRBA Court.

-JL 3/1/98

Recommendations for

R File

See Attached profile

Report

-J2  
3/1/98

| OWNER<br>CODE    | NAME & ADDRESS | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------|------------------|------------|-----------------------|-------------------|---------------------|
|                  |                | 08/16/1971       | COMMERCIAL | 01-01 12-31           | 0.04 CFS          | 14.4                |
|                  |                |                  | DOMESTIC   | 01-01 12-31           | .20 - 0.76 CFS    | 0.7                 |
| TOTAL DIVERSION: |                |                  |            |                       |                   | 15.1                |

*See attached  
e name/address  
change*

*a*  
↓

Water Source: SPRING

Tributary to: JORDON CREEK

Stage: ~~PERMIT~~ *Licence*

Point(s) of Diversion: T05S R03W S06

~~WENESW~~ *SESENW*

OWYHEE County

Place of use Legal Description for: COMMERCIAL

| NE   |      |      |       | NW    |       |       |       | SW    |       |       |       | SE    |       |       |       |
|------|------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| NENE | NWNE | SWNE | SENE  | NENW  | NWNW  | SWNW  | SENW  | NESW  | NWSW  | SWSW  | SESW  | NESE  | NWSE  | SWSE  | SESE  |
| T    | R    | S    | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac |
| 05S  | 03W  | 6    |       |       |       |       |       |       |       |       |       |       |       |       |       |

*Lot 18 → C*

*C*

*X*

Place of use Legal Description for: DOMESTIC

| NE   |      |      |       | NW    |       |       |       | SW    |       |       |       | SE    |       |       |       |
|------|------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| NENE | NWNE | SWNE | SENE  | NENW  | NWNW  | SWNW  | SENW  | NESW  | NWSW  | SWSW  | SESW  | NESE  | NWSE  | SWSE  | SESE  |
| T    | R    | S    | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac |
| 05S  | 03W  | 6    |       |       |       |       |       |       |       |       |       |       |       |       |       |

*17-D 18-D*

*D*

*19-D*

*X*

*X*

POU County: OWYHEE

*↑ govt lots*

Non-Irrigation Uses: ~~D-40 HOMES, IDAHO HOTEL, OTTO'S BED AND BREAKFAST~~ *2 use remarks*  
*1-0/22 homes internal use; 12 of these include yard irrigation 3rd Commercial use at Idaho Hotel.*

Other Rights: ~~NONE~~ *55-07409 55-10204*

Remarks: GEN 2 P/D IN NESW, S6, T5S, R3W  
PLACE OF USE IS ON BLM LAND.  
UPDATE 3/19/90 BY SL: P/U NOW OWNED BY S.C.T.A. MEMBERS PER  
RECENT SALE BY BLM. RATE OF FLOW RECOMMENDED IN REVISED FIELD  
EXAM = 0.20 CFS (MAXIMUM PRODUCTION FOR SPRING USING PRESENT  
DELIVERY SYSTEM). THIS RIGHT, WHEN COMBINED WITH ALL OTHER RIGHTS  
USING SAME SPRING, SHOULD NOT EXCEED 0.20 CFS.

Dates: Exam Made Date: 11/5/1987 Verified Date: 04/23/1985 Objection Filed Date:

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

*EXP Source locally known as City Spring.*  
*EXP Right nos. 55-04007, 55-10130, 55-10204 and 55-10239*  
*are also diverted through the same pld.*  
*QNT EOT → This right, when combined with rights nos. same list of #'s*  
*cannot exceed .20 cfs.*  
*EXP → This Recommendation is based on pending license for this right*

*18*

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

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

Copy for ASS-07011

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 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.

*See A55-10204 for add'l 47 notes I added. -jr 3/1/98*

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).

*[Handwritten signature]*

*Add -  
Frankenstein +  
ID Hotel  
to 0122 + 1 comm.*

From: DWR80::SLESTER 25-JAN-1994 14:20:42.26  
To: DWR06::"martyp@uidaho.edu"  
CC: SLESTER  
Subj: SILVER CITY FILINGS

Dear Martin:

Please disregard that portion my Jan. 9 letter in which I requested evidence of priority for claim # A55-10204 (the 1968 priority for some of the users of city system). Today I located a 1994 document submitted by Julie Hyslop for the association in which that evidence is summarized.

I hope my earlier letter has not caused you a lot of unnecessary work & grief. I am very sorry about the mixup but at least have located that important document.

It will still be helpful to have a completed "change in address" form to show the current name for the association. Also, I found a copy of an aerial photograph view of the city on which the lot numbers are listed (is that something provided to the association by BLM?). I think it will be most helpful for the association to provide a list or table that identifies lot # and tax parcel # per user per association filing:

lot owner name - covered via assn. filing # - for lot # & tax parcel #.

The 3 filings for the assn. are A55-10204 (uses by 1968), A55-07011 (uses from 1971 through 1987) and 55-07409 (new permit beyond the scope of the adjudication, for uses started after 1987).

You might be contacted by IDWR legal staff in the next few weeks as that staff reviews the evidence of priority for A55-10204. I have provided your e-mail & postal address plus telephone numbers to our legal staff in case they need to reach you.

Please let me know if I can help you with anything in this process, and once again I'd like to express my regret for overlooking the evidence submitted in 1994.

-- Steve Lester, IDWR Western Region Office (334-2190).

January 22, 1998

Mr. Steve Lester *SL*  
Water Rights Supervisor  
Department of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082

RECEIVED  
JAN 26 1998  
WATER RESOURCES  
WESTERN REGION

**RE: ADJUDICATION CLAIMS A55-07011 AND A55-10204**

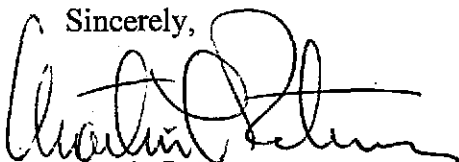
Dear Mr. Lester:

Thank you for your letter of January 9 concerning the need for additional information concerning the Silver City water system filings. The following requested information is provided:

- Change-of -Address. The attached change-of-address form provides our correct current mailing address as:  
Silver City Property Owners Assn.  
c/o Martin L. Peterson, President  
743 Hearthstone Dr.  
Boise, ID 83702  
  
208-364-4033
- Evidence of date of priority for claim no. A55-10204. I am enclosing notarized statements by six individuals attesting that the Silver City water system was in use prior to the September 1, 1968 priority dated listed under claim A55-10204.

If I can provide any additional information, please let me know.

Sincerely,



Martin L. Peterson  
President  
Silver City Property Owners Association, Inc.

cc: Silver City Water Committee

*Appears to be a  
from 1994 evidence  
in A55-10204  
-SL*

*Orig → A55-10204  
cc → A55-07011*



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

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

January 9, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

Mr. Martin L. Peterson  
President, Silver City Property Owners Assn.  
C/O President's Office, Univ. of Idaho  
800 Park Blvd.  
Boise, ID 83712

***RE: ADJUDICATION CLAIMS A55-07011 AND A55-10204***

Dear Mr. Peterson:

The above referenced Snake River Basin Adjudication (SRBA) claims cover uses served by the city's water system by late 1987. Additional connections to the system after that date are covered under a new permit (no. 55-07409) outside of the scope of the SRBA and thus not requiring an adjudication claim.

Note that claim no. A55-07011 is based on permit no. 55-07011 while claim no. A55-10204 is based on beneficial use ("grandfather right") that was not recorded prior to the SRBA. The former claim will be adjusted in the department's SRBA recommendation process to cover those uses between the older claim (A55-10204) and the newer permit (55-07409).

The association will have a full opportunity to respond to any SRBA recommendations that the department makes prior to the forwarding of the findings to the court (the Director's report). To assist in shaping the recommendations regarding these SRBA claims, please provide the following information.

1. Completed change in address form (see enclosed) to show the current name and address for the association.
2. Evidence of the date of priority for claim no. A55-10204 (see enclosed brochure).

The department's recently identified deadline to complete its recommendations is March 1, 1998. This is much sooner than I expected. Your earliest reply will be very helpful in this process. Please let me know if you need any assistance in this matter.

Sincerely,

Steve Lester  
Water Rights Supervisor

Enclosure

From: DWR06::"martyp@uidaho.edu" 30-OCT-1997 16:27:17.68  
To: "<dwr06::slester  
CC:  
Subj: Silver City water filings

Steve,

I understand that the Department of Water Resources would like some clarification concerning the onership and governance of the Silver City water system.

The Silver City water system is owned and operated by the Silver City Property Owners Association, Inc. This is the successor organization to the Silver City Taxpayers Association, Inc. The name was changed several years ago at the time that title to individual building lots in Silver City was transferred from the Bureau of Land Management to the individual building owners.

Our association is open to all individuals and organizations that own property in Silver City. We are governed by a board of directors elected by the membership. In addition, the board appoints a Water Committee that oversees the operation of the water system. At one time we had a Silver City Water Board which, while it was a part of the association, operated as a semi-autonomous entity. However, the bylaws of the association were amended in 1996 to eliminate the Water Board and establish the Water Committee as a standing committee under the direction of the association's board of directors.

The president of the association, Marty Peterson, should be the primary contact on issues concerning our water rights. The chairman of the Water Committee, Clarence Orton, is our secondary contact.

Martin L. Peterson  
743 Hearthstone Dr.  
Boise, ID 83702

208-345-7903 (H)  
208-364-4033 (W)  
208-364-4035 (fax)  
martyp@uidaho.edu

Clarence M. Orton, Jr.  
853-2710

If you have any questions, please don't hesitate to contact me.

Marty

CONVERSATION MEMORANDUM

DATE 10/30/97

FILE A55-07011

NAME OF PARTY CLARENCE "MONTY" PETERSON

A55-10204

EMPLOYEE JP

RE: update

Will send most current names/titles etc  
for contacts & these claims. \*

Taxpayers assoc. was replaced by prop owners  
assoc. upon sale from BLM to residents.

So same group but under different name.

Pres = Monty Peterson

Clarence = Chair of A20 Comm. for assoc.

\* When receive - also file w/ water rights  
(several permits)

From: DWR80::SLESTER 15-OCT-1997 17:00:13.61  
To: DWR06::"martyp@uidaho.edu"  
CC: SLESTER  
Subj: SILVER CITY

Marty,

In response to your Sept. 26 mail message (I was gone for awhile to east coast so only now have had chance to reply), the overflow from city tank is involved with the complications surrounding city water system and associated Snake River Basin Adjudication claims. Gloria Otto has a claim regarding the overflow for use on her property, for example.

The final determination of all the claims related to the city spring and thus including overflow will be made by the adjudication court in an as yet undetermined time frame, perhaps in the next year or so.

Meanwhile, it appears reasonable to allow this water to be used by the winter watchman for domestic needs. I assume that nobody would object to such a minor use especially during the winter months.

So the status of Gloria's claims is that the claims are pending in the adjudication process.

I hope this provides the answer to your question. If not, please give me a call at 334-2190 at your convenience.

Best regards,

Steve Lester  
IDWR Western Region Office

*file in city's claims*

*file in "Silver City"  
general file*

From: DWR06::"martyp@uidaho.edu" 26-SEP-1997 16:19:50.97  
To: "<slester@idwr.state.id.us  
CC:  
Subj: Water question

Steve,

I'm president of the Silver City Property Owners Assn. I know that you've spent more than your fair share time on Silver City water issues and I don't want to take up much more. However, I need a quick bit of information.

Our winter watchman will be living in a trailer this winter. Since we only have a seasonal water system, we will run a temporary surface line up to the overflow on our water tank for his water. We did that last winter and came up with some mutually agreed upon language for a letter that went to Gloria Otto thanking her for allowing us to run the line over a portion of her property. This year we are going to do the same thing and when I ran it by her she asked if I would mind contacting you and finding out what the status is of her filing on the overflow from the Silver City water tank.

I know this is probably not your favorite issue. However, if you could give me a brief update, she would at least know I made the effort.

Thanks,

Marty Peterson

Martin L. Peterson  
President's Office  
University of Idaho  
800 Park Blvd.  
Boise, ID 83712



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

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

**CECIL D. ANDRUS**  
GOVERNOR

**R. KEITH HIGGINSON**  
DIRECTOR

December 27, 1994

Silver City Property Owners, Inc.  
C/O Julie J. Hyslop, Secretary  
10139 Rim Road  
Nampa, ID 83686

RE: Amended Adjudication Claim No. A55-04151 (Gloria Otto)

Dear Mrs. Hyslop:

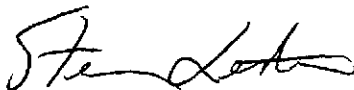
I am writing to you because the most recent address for the property owners' group is PO Box 74, Murphy. I am not sure if that is still a valid address to use. Perhaps you could provide me with an updated list of officers' names and addresses.

The above-referenced adjudication claim was amended by the claimant, Gloria Otto, on December 22, 1994. Enclosed is a data-entered copy of the amended claim for your records. Your organization is being provided with this copy due to the January 9, 1992 "Exception" to the claim -- the Exception was filed by the property owners' group regarding claim nos. A55-04151 and A55-10130.

The amended information is contained in claim item nos. 6, 7, 9, 10 and 14. Item 3 (source) is a re-naming of the city spring but not a change in source.

The claimant will be provided a copy of this letter via the same notification method used to acknowledge the previously mentioned Exception. Please contact this office if you need more information.

Sincerely,

  
Steve Lester  
Water Rights Supervisor

cc: Gloria Otto  
Scott L. Campbell



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

October 28, 1994

Gloria Otto  
250 Austin Ave.  
Atherton, CA 94027

Dear Gloria:

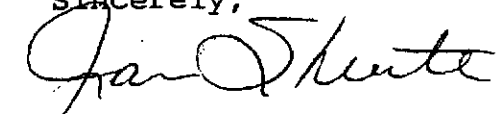
We have received your letters requesting that Claim Nos. A55-07011 and A55-10204 be changed from designating Otto's Bed and Breakfast to Group Hostel as a non-irrigation use.

Please be advised that Claim No. A55-10204 does not state on the claim that it includes a Bed and Breakfast establishment as a part of the Commercial use. It states, under Item No. 9, that the Commercial use is at the Idaho Hotel. A copy of this claim is enclosed for your review. Claim No. A55-07011 does state in Item No. 9 both the Idaho Hotel and Otto's Bed and Breakfast. However, we cannot change this item on the claim unless an authorized agent of the Silver City Taxpayer's Association Inc., would sign the amended claim form.

In Idaho, we do not differentiate between a Bed and Breakfast and a Group Hostel. To determine the amount of water, we use a chart based on what facilities are in the establishment, the average number of people served, and the average number of days per year the establishment is used.

If you have any further questions or comments concerning these claims, please feel free to contact either myself or Steve Lester.

Sincerely,

  
Jan Shurte  
Water Rights Supervisor  
Adjudication Section

Enclosure

October 3, 1994

Jan Shurte  
Department of Water Resources  
2735 Airport Way  
Boise, Idaho 83705-5082

RECEIVED

OCT 11 1994

WATER RESOURCES  
WESTERN REGION

Dear Jan:

I would like to ask you to help me correct something on the Claim to a Water Right A55-10204 which grew out of a mistake that was made several years ago. During the process of dealing with the problems that arose out of the overflow dispute, and the field examination for 55-07011, and then the adjudication filings, the term "bed and breakfast" was attached to the business that I conduct at the Idaho Power Building. This term was used because "group hostel" was not known to those of us involved. When I pointed this out to the Silver City Property Owners who are in charge of filing on A55-07011 and A55-10204 they thought that the distinction is not enough to bother with. In my opinion, the difference is important and the change should be made.

The term "bed and breakfast" implies that the business rents a bedroom and serves breakfast. In a group hostel situation, the business rents the whole building and the facilities. The big difference lies in the fact that the B&B owner has complete control of the use of the water except for the bath and toilets. The group hostel owner cannot control the use of the water that his guests make in the kitchen, the laundry and the other purposes that go with a facility, other than caution them, or deny certain activities. If there is a procedure recommended by the IDWR to take care of this problem, let me know. Otherwise, I'll try to convince the SCP0 that the difference is important enough to amend the application.

I have just had two school groups, each numbering 60 people. They engaged all the buildings I own for sleeping quarters, because it turned cold and rainy. A group of 14 mountain bike riders (all females) were here over the <sup>le</sup>week end. Another group from Boise school is scheduled for next week.

*Sincerely, Maria Otto*

TO WHOM IT MAY CONCERN

The following is a listing of buildings in Silver City which were connected to, and used water from the Silver City system and the city spring during or prior to 1968. The buildings are listed by lot number and owner at the time, as well as present owner.

1. Lot 74- Hugh Nettleton family residence now owned by Dave and Sharon Clark.
2. Lot 71- Sid and Ruby Orton (Butcher Shop) now owned by the Gayland Carr family.
3. Lot 79- Sid and Ruby Orton (residence) now owned by Jim and Judy Barnes.
4. Lot 75- Cecil (Moose) Wood (Undertakers' building) now owned by Storm Spoljarik.
5. Lot 76- Don Reich family residence now owned by the Paul Mc Grew family.
6. Lot 72- Leonard Souvenir Store now owned by Ken and Linda Jantz.
7. Lot 94- Floyd Tegnell residence now owned by Rob O'Malley.
8. Lot 54- Walt Adams residence still owned by Walt Adams family.
9. Lot 55- Avalanche Building now owned by the Chadwick family.
10. Lot 65- Tom Rock's Bar now owned by Paul and Pat Nettleton.
11. Lot 66- Lippincott Building (Dr. S.A. Swayne) still owned by Cleo Swayne.
12. Lot 67- Post Office owned then and now by the Karl Laible family.
13. Lot 91- Rusty Statham residence still owned by Rusty and Wilma Statham.
14. Lot 96- Bill and Mary Hanson residence now owned by the Loren Wahl family.
15. Lot 88- Bryan and Ida Brunzell residence now owned by Dick and Barbara Jayo.
16. Lot 49- Mrs. Eleanor Beaman residence now owned by David and Sara Miller.
17. Lot 44- Phil Cramer residence still owned by Phil Cramer family.

I CERTIFY THAT I HAVE PERSONAL KNOWLEDGE OF THE WATER USAGE OF EACH OF THESE BUILDINGS AS A RESIDENT OF SILVER CITY IN 1968 AND PRIOR YEARS.

SIGNED

Paul Nettleton  
Paul Nettleton

STATE OF IDAHO

COUNTY OF Orange

On this 24th day of Feb in the year of 1994, before me,

a Notary Public, personally appeared Paul Nettleton  
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Nicholas K. Shli  
Notary Public for Idaho

Residing at Murphy, Id

My commission expires 1/31/2000

My name is Lorraine Bonnell Bjork and my parents were Edna Grete Bonnell and Herbert H. Bonnell. I was born June 20, 1929 in Silver City, Idaho as were my brothers Allen H. Bonnell and Robert G. Bonnell.

Our Father Herbert H. Bonnell owned and operated the H. H. Bonnell General Merchandise Store located next to the Court House in Silver City. We used the water from the wooden tank on the hill above the Court House all the time that we owned the store. We moved from Silver City in 1932 but returned in 1938 to attend school for the next two years.

At that time we lived with our Grandparents Charlotte and Fred Grete Jr.. Their house is the first house on the right as you come into town known as the Townsend house. We at that time also used the water from the wooden tank on the hill above the Court House.

Lorraine Bonnell Bjork  
Lorraine Bonnell Bjork

ACKNOWLEDGMENT (INDIVIDUAL)

State of Idaho )  
County of Canyon ) ss.

On the 10th day of February in the year 1994, before me Bertha E. Fitch  
a Notary Public, in and for said State, personally appeared Lorraine Bonnell Bjork

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that She executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, the day and year in this Certificate above written.

Bertha E. Fitch  
Notary Public.

My commission expires 12-4, 1994

Residence Caldwell

February 16, 1994

My Grandfather, Fred Grete Jr.; and my Grandmother, Charlotte Townsend Grete were both born in Silver City, Idaho. My Mother Alta Grete Chadwick was also born in Silver City.

During the 1930's I spent my summers in Silver City. I lived with my Grandparents in the Townsend house. It is the first house as you come into town on the right. The water for their house came from the old wooden water tank on the hill North of Long Gulch and was fed by the spring on Florida Mountain which still supplies Silver City's water.

Keith F. Chadwick  
Keith F. Chadwick

---

I Cleo Swayne residing at 311 14th Ave S. Nampa, Id 83651, do hereby affirm that when my husband and I purchased the Lippencott building in 1960, the owner, Tip Grover, went with us to Silver City and showed us how to turn on the water into the house. The water has been used each year since that time.

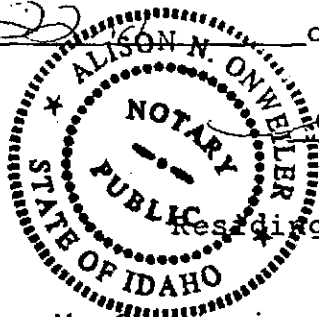
He told us at this time that he furnished water every year for the Owyhee Cattlemen's annual meeting in Silver City.

Cleo R. Swayne  
Cleo R. Swayne

2 - 28 - 1994  
Date

Subscribed and sworn to before me this

day 22 of February 19 94



Alison N. Onweller  
Notary Public

Residing at Nampa Idaho

My Commission Expires 1-4-99

STATE OF IDAHO )

) SS.

COUNTY of CANYON )

On this 11<sup>th</sup> day of FEB, 1994, before me, the undersigned, a Notary Public for Idaho, personally appeared KATHY CHARLTON known to me to be the person whose name are subscribed to within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for Idaho  
Bill Blackburn  
Residing at Middleton, Idaho 83644  
My Commission Expires 09/18/94



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

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

December 14, 1993

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

Silver City Water Board  
C/O Bob Nettleton, Chairman  
HC 79 Box 33  
Melba, ID 83641

RE: Questions Regarding Silver City Water Rights

Dear Mr. Nettleton:

This letter is in response to the office visit by you, Jim Hyslop, and Pat Ihli on October 29, 1993, in which you identified three questions for me. Now that the field season is ending, I have some time to respond.

The key point to keep in mind regarding all water rights, in whatever form the rights take, filed upon the city spring is that final details of the rights will be determined within the scope of the Snake River Basin Adjudication (SRBA). The only exception to this statement is permit no. 55-07409, a new right for the property owners association; the right is outside of the scope of SRBA. It is anticipated that department recommendations to the court for SRBA claims will be completed sometime this winter or by early spring, 1994.

Copies of the city water rights and SRBA claims are enclosed. Different rights have shown different names but are all lumped under city rights for purposes of this letter.

Question No. 1, Irrigation Use from the City Spring for City Water Rights

Irrigation from the city spring is part of at least two and perhaps three city water rights. Such use is implied but not yet verified by the city's SRBA claim no. A55-10204, which is a "grandfather" right based on uses in place by 9/1/1968. The claim includes four acres of irrigation for yards associated with 36 domestic units. The claim actually represents a number of individual rights with a number of priority dates up through 1968 but was filed as one right for a group of lots, all of which allegedly had beneficial use of city water by 1968. The validity of this claim will be determined in the SRBA.

Permit no. 55-07011 also implies irrigation for yards. A field exam was conducted on 11/5/1987 for this right in order to issue a license. Soon after that and based on additional questions and information, SRBA claims began to be filed. It became apparent that 55-07011 could not be licensed without completing SRBA recommendations for all uses of the city spring. The final definition of this right will be made within the context of overall SRBA recommendations this winter. Currently we can conclude that 55-07011 provides

Silver City Water Board  
December 14, 1993  
Page 2

an unspecified amount of irrigation for an unspecified number of lots. Furthermore, we can conclude that the right is intended to cover those uses in place after 9/1/1968 but by 11/5/1987 (after grandfather claim and up to field exam for permit).

A third right allows irrigation use for the city system, and this is permit no. 55-07409 filed in 1990 to cover existing or planned uses on-line after the 1987 field exam. The right includes four acres of yard irrigation.

Although not explicitly defined in the two permits, all irrigation listed or implied in city rights probably totals about four acres. This statement is based on a remark in claim A55-10204 ("Same acres as other irrig. from same P/D").

Based on the above information, it is within the city water rights to allow limited irrigation from the system, although the limits are not yet known.

Question No. Two - Specific Overflow from City Tank to Ottos

The Ottos filed SRBA claim A55-10130 (copy enclosed) that mentions overflow from the city tank as at least part of the delivery method. Overflow by itself is not a source - this is actually water from the city spring where it is a detail of the operation that overflow associated with a tank is involved. I cannot see any basis on which to conclude that overflow must be supplied - that would be analogous, at least to me, to requiring that someone irrigate his or her crops to provide waste water to another person having a waste water right below the cropland.

In my opinion, it is not reasonable to conclude that the city is obligated to provide overflow to anyone. This, and anything else in this letter, is not offered as a legal opinion nor should it be taken as one - legal counsel is recommended if you want an expert legal opinion.

Question No. Three - Irrigation Use versus Ottos' Use of Overflow

This question is really a key one in the disagreements over use of water from the city spring. I cannot answer it except to say the following. There is a difference between a valid water right and valid use of a conveyance system as part of that water right. Generally speaking, water rights do not convey easements or allow rights-of-way through other owners' property.

If the Ottos' claim is recognized by the court in the SRBA process, will the city be obligated to allow use of its conveyance system for delivery of the Ottos' use under A55-10130? I do not know but I think the answer is no. Again, legal counsel is the best source for legal advice on this question.

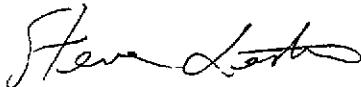
Silver City Water Board  
December 14, 1993  
Page 3

Well, you asked me to be brief in my reply which I tried to do as much as possible. As you can see, these questions can become complicated rather quickly and often do not have definitive answers. The final disposition of the rights mostly rests with the court, but even then all questions might not be answered. It is most likely that question three is a civil item outside of the jurisdiction of this department. Civil questions usually must be resolved between private parties, including use of the legal system if necessary, and although the department can often play a role it is not the ultimate decision maker in some of these matters.

I would like to ask you for some information at this point. Can you provide me with the name of the current president or chairman or chairwoman, along with a current address, for the Silver City Taxpayers Association and for the Silver City Property Owners Association? It will be helpful in updating the file.

I hope your questions have been addressed in a useful way. Please let me know if you need more information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Lester".

Steve Lester  
Water Rights Supervisor

CC: S. Campbell for Ottos

AFFIDAVIT

I, Harold R. Statham, of 4023 Hoover St. Boise, ID 83705, do hereby affirm that I have personal knowledge of the Idaho Hotel at Silver City. This facility closed in June, 1942.

I was the last paying guest of the Idaho Hotel on June 20, 1942. (From: Wilma Lewis Stathams' daily diary.) The Hotel was being closed as the proprietor, Olive Hicks had died. The hotel was closed by the caretaker, Mr. Tipton Grover, who retained that position for the Hicks-Brumbaugh families until the early 1950's when Thomas Rock bought the Hotel and water system. Mr Rock never re-opened the hotel during his lifetime, nor did his widow. Mrs. Rock sold the Hotel about 1971-72 to the present owner, Ed. Jagels. The Idaho Hotel was unoccupied for 29 to 30 years. (See" Item # 1.)

Water was supplied to Silver City commencing in 1902 from the present City spring and distributed through a new wooden water tank. The tank and distribution system was owned by the Idaho Hotel. Wilmas' family paid water rent to the Idaho Hotel until 1941. The Silver City distribution system was updated when a new underground tank was installed and went on line in 1988 or 1989.

During and after World War II the townspeople assumed the responsibility of maintenance on the water system. They fought the never ending battle with leaks in the system.. Twice the wooden tank was re-banded. It was an endless job to plug leaks either by wrapping the leaking pipes with cut-up strips of inner tubes or by soldering. Some pipes were replaced with the only materials available which were other old pipes. Nevertheless, we maintained the water supply to our Silver City homes.

Harold R. Statham  
(Signature)

Subscribed and sworn to before me this

day 6 of January 1992

SEAL

Betty J. Jenson  
(Notary Public)

Residing at Boise Id

My Commission Expires April 1993

item  
21

AFFIDAVIT

I, Cleo Swayne, and, my husband, Dr. Samuel A. Swayne, did pay to Tom Rock \$15.00 each year for water delivered to our house in Silver City. We paid this fee as he was the owner of the Idaho Hotel; our house was on to the hotel water system. This fee was paid from the time we purchased the building in 1960 until Mr. Rock died.

Cleo Swayne  
signature

Notarized By: \_\_\_\_\_  
Date: \_\_\_\_\_

Samuel A. Swayne  
11-07-91

idew  
22

RECEIVED

APP 3 1991

Department of Water Resources  
Western Regional Office

MEMORANDUM

RECEIVED

MAR 27 1991

Department of Water Resources

TO: Permit to Appropriate Water No. 55-7011 in the Name of  
Silver City Taxpayer's Association  
FROM: Gary Spackman *Gary*  
DATE: March 27, 1991

RE: Issuance of a License

I have spent substantial time reviewing the field examination for permit no. 55-7011. I find that the flow rate recommended for licensing far exceeds the possible capacity of the system. I have asked for further information from Steve Lester, and, in frustration, he asked that this matter be deferred until addressed by investigation pursuant to the Snake River Basin Adjudication. As I look at the deadline for filing of various Director's reports, I see that Basin 55 is scheduled for the summer of 1992. This file should be called up on approximately January 1, 1992, and notice sent to Western Region that further investigation must be completed.

1  
Probably required  
in Field Season '91.

MICROFILMED

SEP 29 1992

| RIGHT<br>NUMBER | NAME & ADDRESS                                                                                       | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | MAXIMUM<br>DIVERSION | STAGE  |
|-----------------|------------------------------------------------------------------------------------------------------|------------------|------------|-----------------------|----------------------|--------|
| 55-07011        | SILVER CITY TAXPAYERS ASSN. INC.<br>C/O HAROLD CURT, PRES.<br>1849 NW 24TH ST.<br>FRUITLAND ID 83619 | 08/16/1971       | DOMESTIC   | 01-01 12-31           | 0.76 CFS             | PERMIT |
|                 |                                                                                                      |                  | COMMERCIAL | 01-01 12-31           | 0.04 CFS             |        |
|                 |                                                                                                      |                  |            |                       | 0.80 CFS TOTAL       |        |
|                 |                                                                                                      |                  |            |                       | 0.00 AFA TOTAL       |        |

SOURCE: SPRING  
OTHER RIGHTS: NONE  
CONDITIONS OF APPROVAL:

TRIBUTARY: JORDON CREEK

REMARKS: 2 P/D IN NESW, S6, T5S, R3W.  
PLACE OF USE IS ON BLM LAND.  
UPDATE 3/19/90 BY SL: P/U NOW OWNED BY S.C.T.A. MEMBERS PER  
RECENT SALE BY BLM. RATE OF FLOW RECOMMENDED IN REVISED FIELD  
EXAM = 0.20 CFS (MAXIMUM PRODUCTION FOR SPRING USING PRESENT  
DELIVERY SYSTEM). THIS RIGHT, WHEN COMBINED WITH ALL OTHER RIGHTS  
USING SAME SPRING, SHOULD NOT EXCEED 0.20 CFS.

POINT OF DIVERSION:

T05S R03W S06 NENESW

PLACE OF USE: DOMESTIC

|               |      |      |      |      |      |
|---------------|------|------|------|------|------|
| T05S R03W S06 | NENE | NWNE | SWNE | SENE | NESE |
|               | NWSE | SWSE | SESE |      |      |

PLACE OF USE: COMMERCIAL

|               |      |      |
|---------------|------|------|
| T05S R03W S06 | NESE | NWSE |
|---------------|------|------|

*See field exam  
w permit file  
55-07011  
-JC 3/1/98*

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

14:25:54  
05/22/91

PAGE: 1  
GENERAL INFORMATION

CLAIM NUMBER: A55-07011

LAST: SILVER CITY TAXPAYERS ASSN. INC. FIRST:  
ADDRESS: C/O CLARENCE M. ORTON  
11462 HIGHLANDER RD.  
CITY: BOISE STATE: ID ZIP: 83705  
PHONE NUMBER: 208-000-0000

OWNER CODE: 0

LAST: SILVER CITY TAXPAYERS ASSN. INC. FIRST:  
ADDRESS: C/O HAROLD CURT, PRES.  
1849 NW 24TH ST.  
CITY: FRUITLAND STATE: ID ZIP: 83619  
PHONE NUMBER: 208-452-4512

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE  
Y

FIELD  
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: 2 P/D IN NESW, S6, T5S, R3W.  
PLACE OF USE IS ON BLM LAND.  
UPDATE 3/19/90 BY SL: P/U NOW OWNED BY S.C.T.A. MEMBERS PER  
RECENT SALE BY BLM. RATE OF FLOW RECOMMENDED IN REVISED FIELD  
EXAM = 0.20 CFS (MAXIMUM PRODUCTION FOR SPRING USING PRESENT  
DELIVERY SYSTEM). THIS RIGHT, WHEN COMBINED WITH ALL OTHER RIGHTS  
USING SAME SPRING, SHOULD NOT EXCEED 0.20 CFS.

CONTACT PERSON: \_\_\_\_\_

PHONE NUMBER: (\_\_\_\_) \_\_\_\_-\_\_\_\_

DATE OF FIELD EXAM: \_\_\_\_/\_\_\_\_/\_\_\_\_

APPOINTMENT MADE: Y(\_\_\_\_) N(\_\_\_\_)

TIME: \_\_\_\_:\_\_\_\_ A(\_\_\_\_) P(\_\_\_\_)

ACCOMPANIED BY: \_\_\_\_\_

PHONE NUMBER: (\_\_\_\_) \_\_\_\_-\_\_\_\_

RELATIONSHIP TO CLAIMANT: \_\_\_\_\_

DIRECTIONS TO PROPERTY / REMARKS:

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT     | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY   |
|-----------|------|------|------|-----|-----|-----|-----|--------|
| A55-07011 | 05S  | 03W  | 6    | NE  | NE  | SW  |     | OWYHEE |

OTHER AJ CLAIMS WITH SAME AJ POD  
A PREFIX R PREFIX  
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT  
55-04007

SOURCE: SPRING

TRIB: JORDON CREEK

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT    | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY   |
|----------|------|------|------|-----|-----|-----|-----|--------|
| 55-07011 | 05S  | 03W  | 6    |     | NE  | SW  |     | OWYHEE |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT  
A PREFIX R PREFIX  
NONE NONE

55-04007

SOURCE: SPRING

TRIB:

C. FIELD EXAM REQUIRED?

|                                  | DATABASE | FIELD EXAMINER |
|----------------------------------|----------|----------------|
| DUE TO POD DISCREPANCY? (Y/N)    | Y        | _____          |
| DUE TO SOURCE DISCREPANCY? (Y/N) | Y        | _____          |

REMARKS:

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP. RGE. SEC. 1/4 1/4 1/4 LOT COUNTY

\_\_\_\_\_  
\_\_\_\_\_

SOURCE: \_\_\_\_\_ TRIB: \_\_\_\_\_  
REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

A. ROOT WATER RIGHT NUMBERS: A55-07011

B. POV LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME                                    | AJ<br>#/ACRES | WR<br>#/ACRES | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|-----------------------------------------|---------------|---------------|-----------------|----------------|------------------|
| 05S | 03W | 6   | NW  | SE  |     | SILVER CITY TAXPAYERS ASSN. INA55-07011 | /             | 55-07011      | /               |                |                  |
|     |     |     | NW  | SE  |     | OTTO , CARL W. A55-04006                | /             | 55-04006      | /               |                |                  |
|     |     |     | NW  | SE  |     | STATHAM , WILMA L. A55-04007            | /             | -             | /               |                |                  |
|     |     |     | NW  | SE  |     | STATHAM , WILMA L. A55-04108            | /             | 55-04108      | /               |                |                  |
|     |     |     | NW  | SE  |     | STATHAM , HAROLD R. A55-04110           | /             | 55-04110      | /               |                |                  |
|     |     |     | NW  | SE  |     | OTTO , GLORIA A55-10130                 | /             | -             | /               |                |                  |
|     |     |     | NW  | SE  |     | JOYCE LIVESTOCK CO. A55-10135           | /             | -             | /               |                |                  |
|     |     |     | NW  | SE  |     | OTTO , GLORIA W. A55-04151              | / 2.0         | 55-04151      | / 2.0           |                |                  |
|     |     |     | NW  | SE  | 19  | SILVER CITY TAXPAYERS ASSOC. IA55-10204 | / 1.0         | -             | /               |                |                  |
|     |     |     | NW  | SE  |     | WILLIAMS , M. NED                       |               | 55-02212      | /               |                |                  |
|     |     |     | NW  | SE  | 19  | SILVER CITY PROPERTY OWNERS AS          |               | 55-07409      | / 1.0           |                |                  |
|     |     |     | NW  | SE  | 19  | SILVER CITY PROPERTY OWNERS AS          |               | 55-07411      | / 1.0           |                |                  |
|     |     |     | NW  | SE  | 19  | SILVER CITY PROPERTY OWNERS AS          |               | 55-07412      | /               |                |                  |
|     |     |     | NW  | SE  | 19  | SILVER CITY TAXPAYERS ASSN. IN          |               | L55-07011     | /               |                |                  |
| 05S | 03W | 6   | SW  | SE  |     | SILVER CITY TAXPAYERS ASSN. INA55-07011 | /             | 55-07011      | /               |                |                  |
|     |     |     | SW  | SE  |     | JOYCE LIVESTOCK CO. A55-10135           | /             | -             | /               |                |                  |
| 05S | 03W | 6   | NE  | NE  |     | SILVER CITY TAXPAYERS ASSN. INA55-07011 | /             | 55-07011      | /               |                |                  |
|     |     |     | NE  | NE  |     | JOYCE LIVESTOCK CO. A55-10135           | /             | -             | /               |                |                  |
| 05S | 03W | 6   | NW  | NE  |     | SILVER CITY TAXPAYERS ASSN. INA55-07011 | /             | 55-07011      | /               |                |                  |
|     |     |     | NW  | NE  |     | JOYCE LIVESTOCK CO. A55-10135           | /             | -             | /               |                |                  |
| 05S | 03W | 6   | SW  | NE  |     | SILVER CITY TAXPAYERS ASSN. INA55-07011 | /             | 55-07011      | /               |                |                  |
|     |     |     | SW  | NE  |     | OTTO , GLORIA W. A55-02212              | /             | -             | /               |                |                  |
|     |     |     | SW  | NE  |     | OTTO , GLORIA W. A55-10000              | /             | -             | /               |                |                  |
|     |     |     | SW  | NE  |     | JOYCE LIVESTOCK CO. A55-10135           | /             | -             | /               |                |                  |
|     |     |     | SW  | NE  | 17  | SILVER CITY TAXPAYERS ASSOC. IA55-10204 | / 1.0         | -             | /               |                |                  |
|     |     |     | SW  | NE  | 17  | SILVER CITY PROPERTY OWNERS AS          |               | 55-07409      | / 1.0           |                |                  |
|     |     |     | SW  | NE  | 17  | SILVER CITY PROPERTY OWNERS AS          |               | 55-07411      | / 1.0           |                |                  |
|     |     |     | SW  | NE  | 17  | SILVER CITY PROPERTY OWNERS AS          |               | 55-07412      | /               |                |                  |
|     |     |     | SW  | NE  | 17  | SILVER CITY TAXPAYERS ASSN. IN          |               | L55-07011     | /               |                |                  |
| 05S | 03W | 6   | SE  | NE  |     | SILVER CITY TAXPAYERS ASSN. INA55-07011 | /             | 55-07011      | /               |                |                  |
|     |     |     | SE  | NE  |     | JOYCE LIVESTOCK CO. A55-10135           | /             | -             | /               |                |                  |
|     |     |     | SE  | NE  |     | CRAMER , PHILIP A55-04000               | /             | -             | /               |                |                  |
|     |     |     | SE  | NE  | 18  | IDAHO HOTEL , THE A55-10205             | /             | -             | /               |                |                  |
|     |     |     | SE  | NE  | 18  | SILVER CITY TAXPAYERS ASSOC. IA55-10204 | / 1.0         | -             | /               |                |                  |
|     |     |     | SE  | NE  |     | SWAYNE , CLEO                           |               | 55-04040      | /               |                |                  |
|     |     |     | SE  | NE  | 18  | SILVER CITY PROPERTY OWNERS AS          |               | 55-07409      | / 1.0           |                |                  |
|     |     |     | SE  | NE  | 18  | SILVER CITY PROPERTY OWNERS AS          |               | 55-07411      | / 1.0           |                |                  |
|     |     |     | SE  | NE  | 18  | SILVER CITY PROPERTY OWNERS AS          |               | 55-07412      | /               |                |                  |
|     |     |     | SE  | NE  | 18  | SILVER CITY TAXPAYERS ASSN. IN          |               | L55-07011     | /               |                |                  |
| 05S | 03W | 6   | NE  | SE  |     | SILVER CITY TAXPAYERS ASSN. INA55-07011 | /             | 55-07011      | /               |                |                  |
|     |     |     | NE  | SE  |     | JOYCE LIVESTOCK CO. A55-10135           | /             | -             | /               |                |                  |
|     |     |     | NE  | SE  |     | IDAHO HOTEL , THE A55-10205             | /             | -             | /               |                |                  |
|     |     |     | NE  | SE  |     | SILVER CITY TAXPAYERS ASSOC. IA55-10204 | / 1.0         | -             | /               |                |                  |

|             |    |    |    |                                 |           |           |           |       |
|-------------|----|----|----|---------------------------------|-----------|-----------|-----------|-------|
|             | NE | SE |    | SILVER CITY PROPERTY OWNERS AS  |           | 55-07409  | /         | 1.0   |
|             | NE | SE |    | SILVER CITY PROPERTY OWNERS AS  |           | 55-07411  | /         | 1.0   |
|             | NE | SE |    | SILVER CITY PROPERTY OWNERS AS  |           | 55-07412  | /         |       |
|             | NE | SE |    | SILVER CITY TAXPAYERS ASSN. IN  |           | L55-07011 | /         |       |
| 05S 03W 6   | SE | SE |    | SILVER CITY TAXPAYERS ASSN. IN  | A55-07011 | /         | 55-07011  | /     |
|             | SE | SE |    | JOYCE LIVESTOCK CO.             | A55-10135 | /         | -         | /     |
| 05S 03W 6   | NW | SE |    | SILVER CITY TAXPAYERS ASSN. IN  | A55-07011 | /         | 55-07011  | /     |
|             | NW | SE |    | OTTO , CARL W.                  | A55-04006 | /         | 55-04006  | /     |
|             | NW | SE |    | STATHAM , WILMA L.              | A55-04007 | /         | -         | /     |
|             | NW | SE |    | STATHAM , WILMA L.              | A55-04108 | /         | 55-04108  | /     |
|             | NW | SE |    | STATHAM , HAROLD R.             | A55-04110 | /         | 55-04110  | /     |
|             | NW | SE |    | OTTO , GLORIA                   | A55-10130 | /         | -         | /     |
|             | NW | SE |    | JOYCE LIVESTOCK CO.             | A55-10135 | /         | -         | /     |
|             | NW | SE |    | OTTO , GLORIA W.                | A55-04151 | / 2.0     | 55-04151  | / 2.0 |
|             | NW | SE | 19 | SILVER CITY TAXPAYERS ASSOC. IA | A55-10204 | / 1.0     | -         | /     |
|             | NW | SE |    | WILLIAMS , M. NED               |           |           | 55-02212  | /     |
|             | NW | SE | 19 | SILVER CITY PROPERTY OWNERS AS  |           |           | 55-07409  | / 1.0 |
|             | NW | SE | 19 | SILVER CITY PROPERTY OWNERS AS  |           |           | 55-07411  | / 1.0 |
|             | NW | SE | 19 | SILVER CITY PROPERTY OWNERS AS  |           |           | 55-07412  | /     |
|             | NW | SE | 19 | SILVER CITY TAXPAYERS ASSN. IN  |           |           | L55-07011 | /     |
| 05S 03W 6   | NE | SE |    | SILVER CITY TAXPAYERS ASSN. IN  | A55-07011 | /         | 55-07011  | /     |
|             | NE | SE |    | JOYCE LIVESTOCK CO.             | A55-10135 | /         | -         | /     |
|             | NE | SE |    | IDAHO HOTEL , THE               | A55-10205 | /         | -         | /     |
|             | NE | SE |    | SILVER CITY TAXPAYERS ASSOC. IA | A55-10204 | / 1.0     | -         | /     |
|             | NE | SE |    | SILVER CITY PROPERTY OWNERS AS  |           |           | 55-07409  | / 1.0 |
|             | NE | SE |    | SILVER CITY PROPERTY OWNERS AS  |           |           | 55-07411  | / 1.0 |
|             | NE | SE |    | SILVER CITY PROPERTY OWNERS AS  |           |           | 55-07412  | /     |
|             | NE | SE |    | SILVER CITY TAXPAYERS ASSN. IN  |           |           | L55-07011 | /     |
| TOTAL ACRES |    |    |    | A55-07011                       |           |           |           |       |

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y( ) N( )  
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE  
Y

FIELD  
EXAMINER

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

A. AJ CLAIMED USES:

| PURPOSES                            | MONTH/DAY           | DIVERSION QUANTITY |
|-------------------------------------|---------------------|--------------------|
| A55-07011 DOMESTIC                  | FROM 01-01 TO 12-31 | .760 CFS           |
| A55-07011 COMMERCIAL                | FROM 01-01 TO 12-31 | .040 CFS           |
| TOTAL DIVERSION RATE/VOLUME CLAIMED |                     | .800 CFS           |

B. WR RECORDED USES:

| PURPOSES                            | MONTH/DAY           | DIVERSION QUANTITY |
|-------------------------------------|---------------------|--------------------|
| 55-07011 DOMESTIC                   | FROM 01-01 TO 12-31 | .800 CFS           |
| TOTAL DIVERSION RATE/VOLUME CLAIMED |                     | .800 CFS           |

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

|                                          | DATABASE | FIELD EXAMINER |
|------------------------------------------|----------|----------------|
| DUE TO WATER-USE DISCREPANCY? (Y/N)      | Y        | _____          |
| DUE TO DIVERSION RATE DISCREPANCY? (Y/N) | Y        | _____          |
| DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N) | Y        | _____          |

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y(\_\_\_\_) N(\_\_\_\_)

RECOMMEND TO WR STANDARDS OR OTHER? Y(\_\_\_\_) N(\_\_\_\_) Explain in remarks, below.

REMARKS:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y( ) N( )

AJ TOTAL CLAIMED DIVERSION RATE: 0.800 CFS  
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.800 CFS

\*\*\* IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. \*\*\*  
\*\* If an amount smaller than the original diversion rate is \*\*  
\*\* claimed and an exam is NOT required, explain in remarks. \*\*

FLOW MEASUREMENT REQUIRED? FIELD  
DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y DATABASE EXAMINER

B. FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y( ) N( ) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM     | SOURCE | NAME             | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-----------|--------|------------------|-----------|----------------|-----------|----------------|
| A55-04151 | SPRING | OTTO , GLORIA W. | 0.070     | 0.035          | 33.00     | 16.50          |

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

| CLAIM NO. | PURPOSES   | NAME                               | MONTH/DAY           | RATE     | VOLUME |
|-----------|------------|------------------------------------|---------------------|----------|--------|
| A55-07011 | DOMESTIC   | SILVER CITY TAXPAYERS ASSN. INFROM | 01-01 TO 12-31      | .760 CFS |        |
| A55-07011 | COMMERCIAL | SILVER CITY TAXPAYERS ASSN. INFROM | 01-01 TO 12-31      | .040 CFS |        |
| A55-04006 | DOMESTIC   | OTTO , CARL W.                     | FROM 01-01 TO 12-31 | .040 CFS |        |
| A55-04007 | DOMESTIC   | STATHAM , WILMA L.                 | FROM 05-15 TO 11-01 | .020 CFS |        |
| A55-04108 | DOMESTIC   | STATHAM , WILMA L.                 | FROM 01-01 TO 12-31 | .020 CFS |        |
| A55-04110 | DOMESTIC   | STATHAM , HAROLD R.                | FROM 01-01 TO 12-31 | .030 CFS |        |
| A55-10130 | DOMESTIC   | OTTO , GLORIA                      | FROM 01-01 TO 12-31 | .020 CFS |        |
| A55-10130 | COMMERCIAL | OTTO , GLORIA                      | FROM 01-01 TO 12-31 | .040 CFS |        |
| A55-10135 | STOCKWATER | JOYCE LIVESTOCK CO.                | FROM 01-01 TO 12-31 | .230 CFS |        |
| A55-02212 | DOMESTIC   | OTTO , GLORIA W.                   | FROM 01-01 TO 12-31 | .020 CFS |        |
| A55-10000 | DOMESTIC   | OTTO , GLORIA W.                   | FROM 01-01 TO 12-31 | .020 CFS |        |
| A55-04000 | DOMESTIC   | CRAMER , PHILIP                    | FROM 01-01 TO 12-31 | .040 CFS |        |
| A55-10205 | COMMERCIAL | IDAHO HOTEL , THE                  | FROM 01-01 TO 12-31 | .040 CFS |        |

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE  
ACRES \_\_\_\_\_ x 0.02 CFS/ACRE = \_\_\_\_\_ CFS  
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y( ) N( )

\*\*\* IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y( ) N( ) \*\*\*

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = \_\_\_\_\_ AF/A  
ACRES \_\_\_\_\_ x CONSUMPTIVE VOL. AF/A FOR AREA \_\_\_\_\_ =  
TOTAL CONSUMPTIVE USE \_\_\_\_\_ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = \_\_\_\_\_ AF/A  
ACRES \_\_\_\_\_ x DIVERSION VOL. AF/A FOR AREA \_\_\_\_\_ =  
TOTAL DIVERSION VOLUME \_\_\_\_\_ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y( ) N( )

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

RECOMMENDATIONS:

| REC.<br>PURPOSES     | REC. PERIOD |    | REC. DIV |          | REC. DIV |          | REC. CONS. |          |
|----------------------|-------------|----|----------|----------|----------|----------|------------|----------|
|                      | FROM        | TO | RATE     | CFS      | VOL.     | AF/A     | USE        |          |
|                      |             |    | DATABASE | EXAMINER | DATABASE | EXAMINER | DATABASE   | EXAMINER |
|                      |             |    |          |          |          |          |            |          |
|                      |             |    |          |          |          |          |            |          |
| TOTAL FOR THIS RIGHT |             |    |          |          |          |          |            |          |

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

A. CHECK ONLY THE FOLLOWING THAT APPLY:

|                              | ACCEPTED<br>AS CLAIMED | NEEDS<br>REVIEW |
|------------------------------|------------------------|-----------------|
| OWNERSHIP _____              | ( )                    | ( )             |
| FORFEIT/ABANDON _____        | ( )                    | ( )             |
| ADDITIONAL DIV. AMOUNT _____ | ( )                    | ( )             |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 55-07011

| TOTAL DIVERSION RATE OF WR SPLITS | DATABASE<br>0.800 | EXAMINER<br>_____ | CFS |
|-----------------------------------|-------------------|-------------------|-----|
|-----------------------------------|-------------------|-------------------|-----|

SPLITS:

| OLD RIGHT<br>NUMBERS | CURRENT<br>CLAIM NUMBERS | DIVERSION<br>RATE | CURRENT "R"<br>CLAIM NUM. | "R" DIV.<br>RATE | WR RIGHT<br>NUMBERS | DIVERSION<br>RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| -                    | A55-07011                | 0.800             | -                         |                  | 55-07011            | 0.800             |
| -                    | -                        |                   | -                         |                  | L55-07011           | 0.800             |
| TOTAL CFS            |                          | 0.800             |                           |                  |                     | 0.800             |

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)  
IF NO, is the written review sheet attached? (Y/N)

DATABASE  
Y

FIELD  
EXAMINER  
\_\_\_\_\_  
\_\_\_\_\_

REMARKS:

AUTHENTICATION:

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
NAME OF FIELD EXAMINER: \_\_\_\_\_ TITLE: \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

14:25:54  
05/22/91

PAGE: 14  
QUICKLOOK INFORMATION

CLAIM NUMBER: A55-07011

| WR ELEMENT                | FIELD EXAM<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | VERIFIED BY<br>CODE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE | VERIFIED<br>DATE<br>WHOM/DATE |
|---------------------------|-------------------|-------------------------------------------------|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE             |                   |                                                 |                            |                        |                     |                                  |                                      |                               |
| POINT OF DIV              | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| SOURCE                    | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| PLACE OF USE              | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| DIV. AMOUNT<br>CFS/VOLUME | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| CONSUMPTIVE USE           | -                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| PURPOSES                  | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| PERIOD OF USE             | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| BASIS OF CLAIM            |                   |                                                 |                            |                        |                     |                                  |                                      |                               |
| REMARKS                   | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1  
ASCS MAP = 2  
WATERMASTER RECORDS = 3  
NAIP PHOTOS = 4  
FIELD EXAM = 5  
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION  
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

Water Right Number - 55-07011 Prefix Translation: WATER RIGHT Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*  
SILVER CITY TAXPAYERS ASSN. INC.

1 - C/O CLARENCE M. ORTON  
2 - 11462 HIGHLANDER RD.  
3 -  
City- BOISE State- ID Zip- 83705  
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +  
08/16/1971 14 WESTERN P - PERMIT

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

+ - - - - Point of Diversion - - - - - +  
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

05S 03W 6 NE SW (73) OWYHEE 272.0 313.0 152.0 47.0 0.7

+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume

43 - DOMESTIC 01/01 12/31 0.800

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +  
0.800

+ - - - - Place of Use - - - - - +  
TwN Rng Sec Tract Lot Acres Code Description County

05S 03W 6 NE NE 43 DOMESTIC (73 ) OWYHEE  
05S 03W 6 NW NE 43 DOMESTIC (73 ) OWYHEE  
05S 03W 6 SW NE 43 DOMESTIC (73 ) OWYHEE  
05S 03W 6 SE NE 43 DOMESTIC (73 ) OWYHEE  
05S 03W 6 NE SE 43 DOMESTIC (73 ) OWYHEE  
05S 03W 6 NW SE 43 DOMESTIC (73 ) OWYHEE  
05S 03W 6 SW SE 43 DOMESTIC (73 ) OWYHEE  
05S 03W 6 SE SE 43 DOMESTIC (73 ) OWYHEE

+ - - Diversion Means - PIPELINE & TANK.

+ - - Irrigation Use - D/40 HOMES.

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +  
2 P/D IN NESW, S6, T5S, R3W.

+ - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers found.

MICROFILMED  
SEP 29 1992

Water right number - 55-07011

Prefix Translation: WATER RIGHT

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

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

+ - - - - Comments - - - - -  
No Comments Found

+ - - Audit Fields - 12/24/87 04/30/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - -

|                  |              |                   |              |                  |     |
|------------------|--------------|-------------------|--------------|------------------|-----|
| Proof Due Date   | - 10/01/1976 | Field Exam Made   | - 11/05/1987 | Field Exam Fee   | - R |
| Approved/Denied  | - 10/05/1971 | Protested Date    | - 00/00/0000 | Swan Falls       | -   |
| Proof Made Date  | - 01/01/1900 | Hearing Date      | - 00/00/0000 | Temporary Right  | - P |
| Start Work Date  | - 00/00/0000 | Verified Date     | - 04/23/1985 | DLE/Carey Act    | -   |
| Order Show Cause | - 00/00/0000 | Receipt Number    | -            | Water District   | -   |
| Licensed Date    | - 00/00/0000 | Appl Received     | - 00/00/0000 | Transfer/Amended | - A |
| Decree Date      | - 00/00/0000 | Microfilm Roll No | -            | Presumption Flag | -   |

MICROFILMED  
SEP 29 1992