

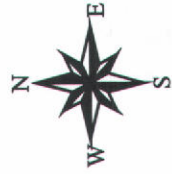
Claim No(s): 63-4221
T03N, R10E, S 33
Prepared by: Sue Bock
Date: 10/26/2001

 Place of Use

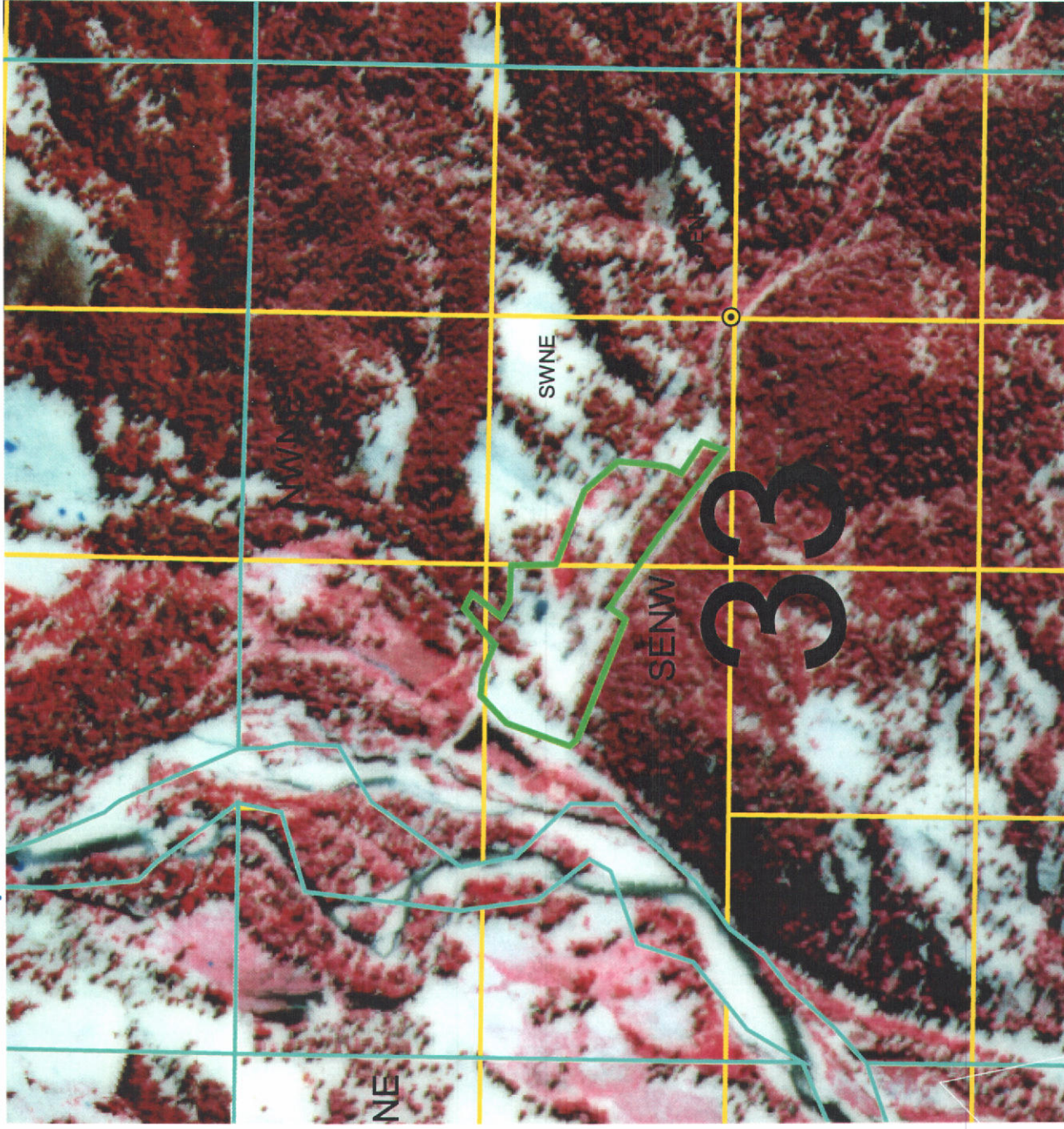
 Point of Diversion

 Section lines

 1/4 1/4 lines



600 0 600 1200 Feet



water samples

A : River, north

B: River, South

C = well

(For 63-11554 application)

Spring, (2) = 63-10560

Wells (2) = 63.10559

Pond - another b.v. claim
to be filed per 7/19/91
letter (see 63-04221 file)

SEE INSERT

Pumphouse with
2 wells.
Well on south side
is sample C

- Lodge, Paul, Spring #2

SPRING #1

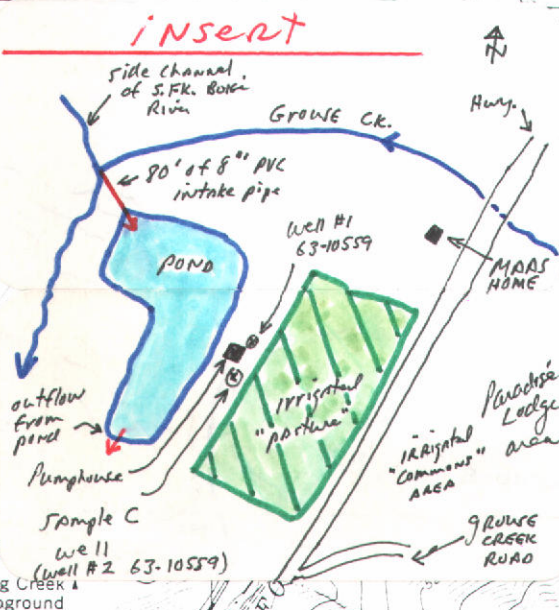
4" pvc insulated
line, ends south of
lodge

P/n green areas plus
all cabins south &
east of lodge?

NENW L.1
SE NW L.4
SW NG

Phi Boundary - See ortho-photo

insert



POOR ORIGINAL

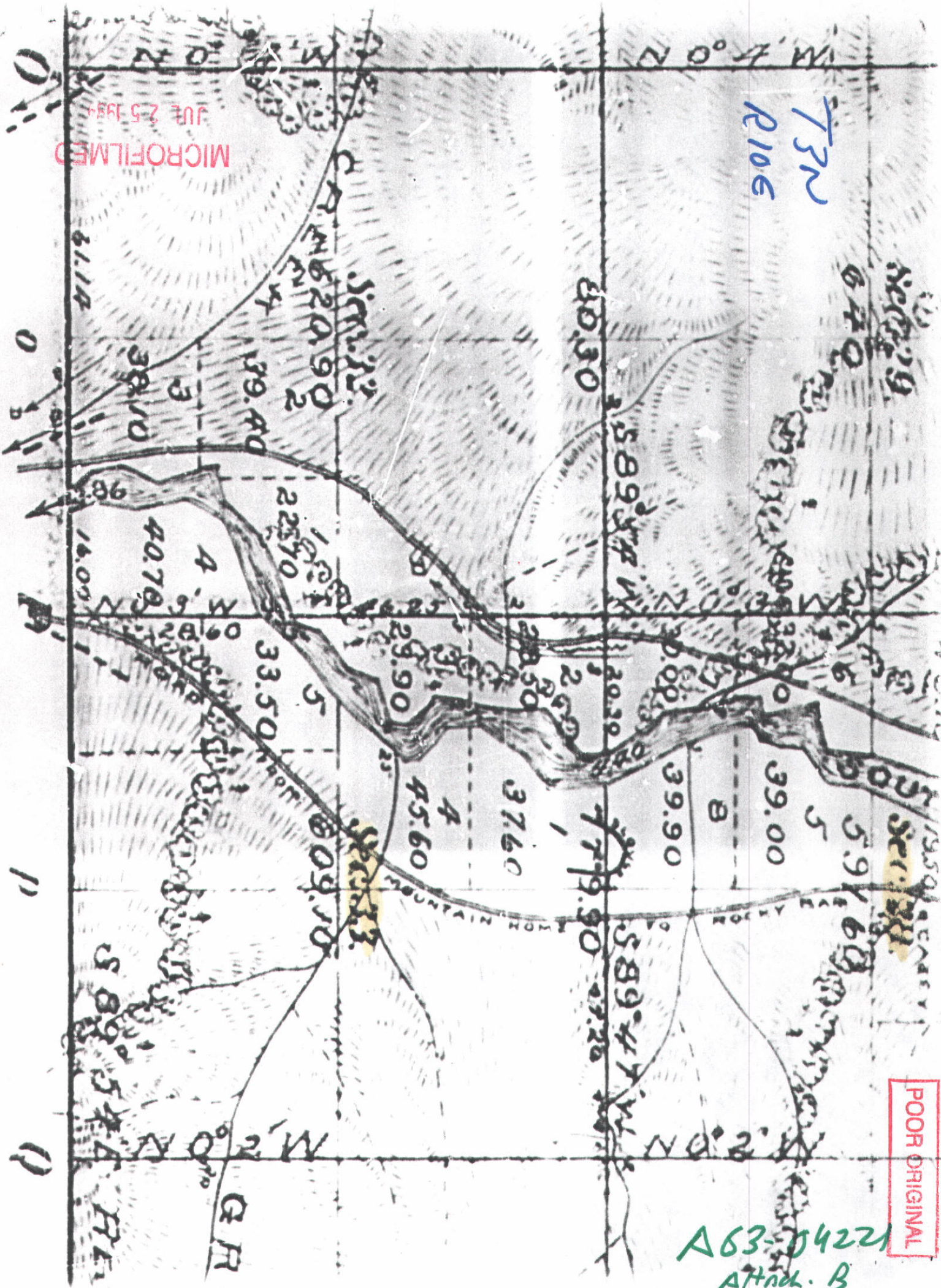
MICROFILMED

JUL 25 1954

A63-04221

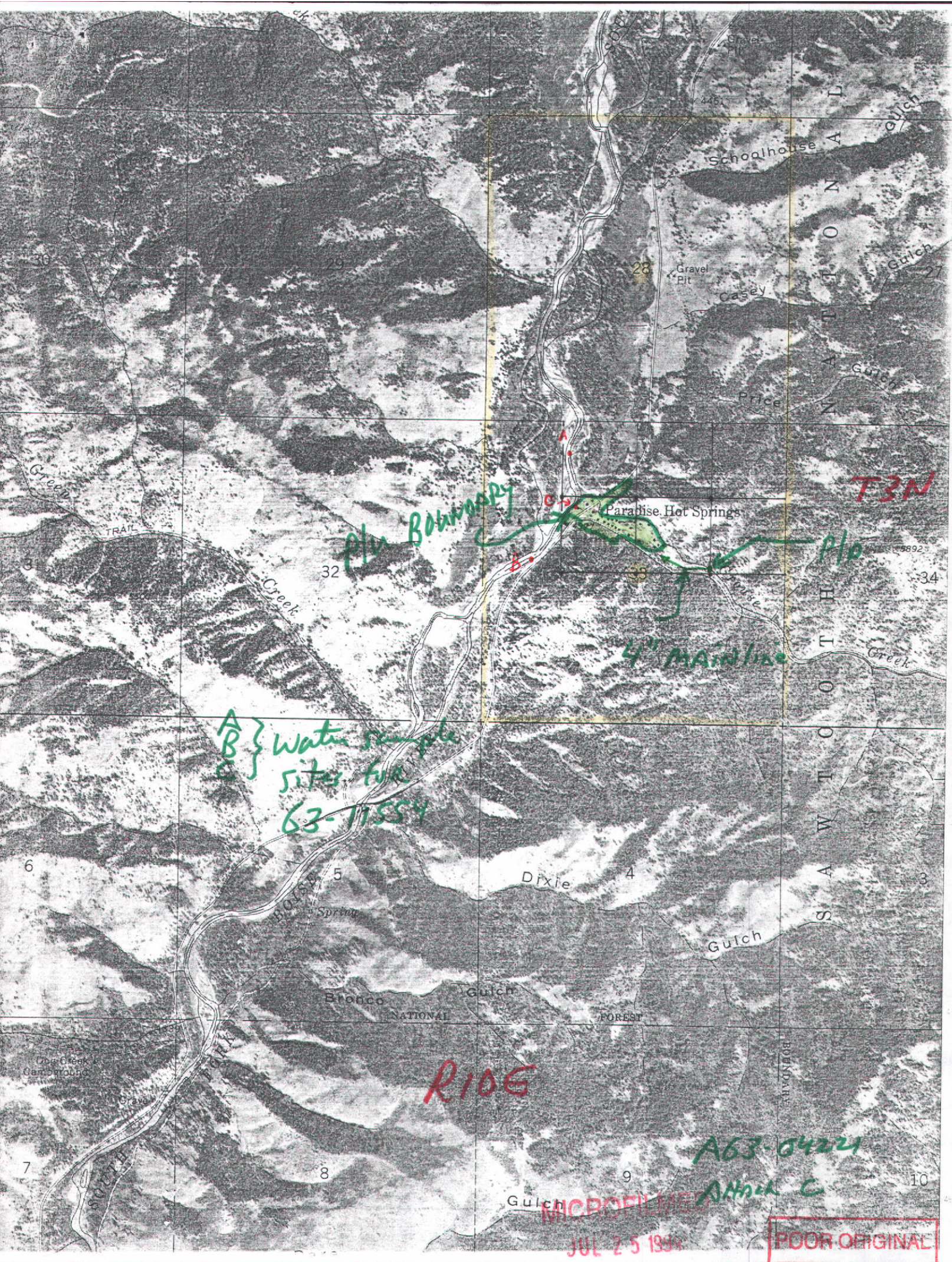
A Hack. A

MICROFILMED
JUL 25 1984



POOR ORIGINAL

A63-04221
Attch. B



POOR ORIGINAL

1987 ASOS Photo
1" $\approx$ 1000'



MICROFILMED
JUL 1980

A63-04824
Area D

MICROFILMED
JUL 25 1994

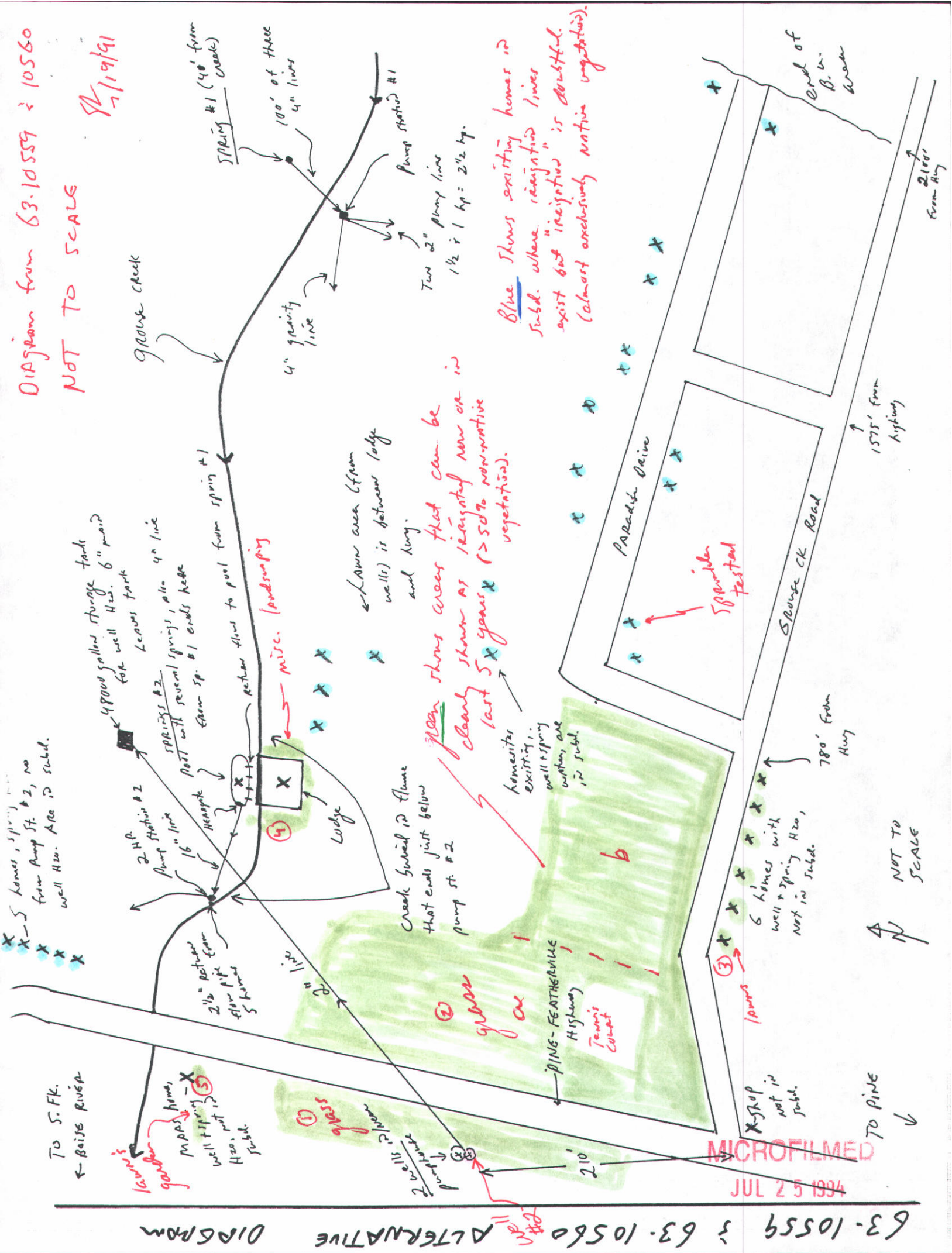


Diagram from 63-10559 & 10560
NOT TO SCALE
7/19/91

Blue shows existing homes in subd. where "revegetated" lines exist but "revegetated" is doubtful. (almost exclusively native vegetation).

mean shows areas that can be clearly shown as "revegetated" now or in last 5 years (>50% non-native vegetation).

Lawn area (from wells) is between lodge and highway.

Misc. landscaping

Spring tested

Homesites existing; wells & spring water, are in subd.

Creek buried in flume that ends just below pump st. #2

6 homes with well & spring H2O, not in subd.

X-shed not in subd.

NOT TO SCALE

TO PINE

TO S. Fk.
← RAISE RIVER

lawyer's garden
maple house
well & spring H2O, not in subd.

5 homes, 5 pump stations from Pump St. #2, no well H2O. Area is subd.

48000 gallon storage tank for well H2O. 6" main

Leaves tank
SPRINGS #2
Post with several springs, also 4" line from sp. #1 ends here

2 1/2" section from flow pipe from 5 homes

16" line

2 1/2" line

Pump Station #2

Heads up

return flows to pool from spring #1

4" gravity line

Pump Station #1

100' of these 4" lines

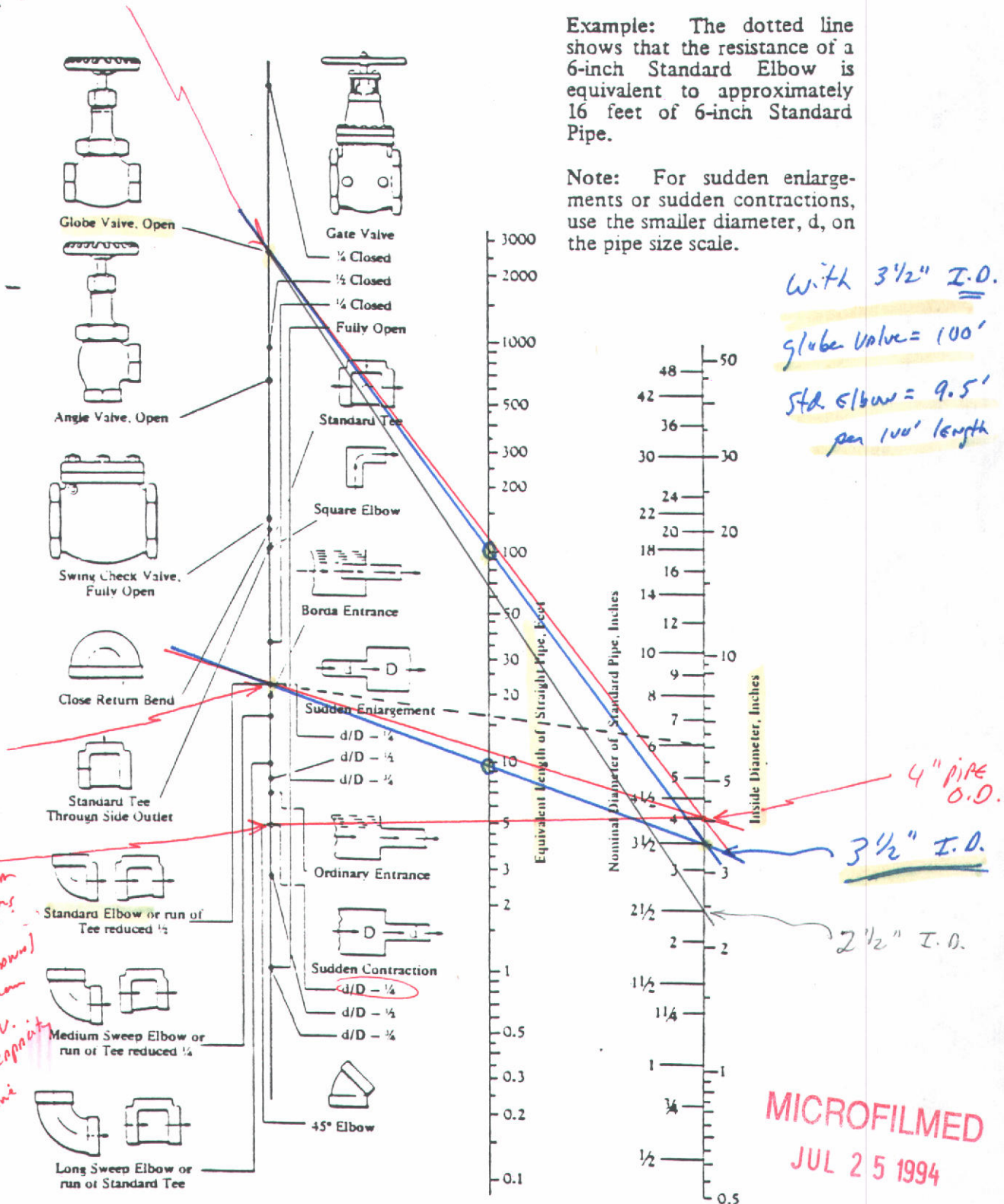
SPRING #1 (40' from creek)

FIGURE 37 - RESISTANCE OF VALVES AND FITTINGS TO FLOW OF FLUIDS

Note: Head loss through check valves varies with types manufactured.
Consult manufacturer for correct values.

Example: The dotted line shows that the resistance of a 6-inch Standard Elbow is equivalent to approximately 16 feet of 6-inch Standard Pipe.

Note: For sudden enlargements or sudden contractions, use the smaller diameter, d , on the pipe size scale.



delete this from calculations since of H₂O from mainline v. the flow capacity in mainline

4" O.D. { Assume
1 globe valve fully open, 120' equiv. for 1 time loss
1 std. elbow per 100' pipe, 11' loss per 100' of pipe
1 sudden contraction (d/D = 1/4) per 66' of pipe, 5' loss per 66' pipe
(or 7.6' per 100')

DATE OF PHOTOS 7/18/91 OWNER Paradise Homeowners Assoc. Inc.

CLAIM NUMBER(S) A63-04221

- ① P/O on grouse Creek, 4" intake pipe, usually covered by screen. Pipe replaced ditch diversion. PVC pipe.



- ② Looking "downstream" along ditch. Remnant (buried pipe in bottom) approx. 200' from pld. View is west.



Attach. I

MICROFILMED
JUL 25 1994

DATE OF PHOTOS 7/18/91 OWNER _____

CLAIM NUMBER(S) A63-04221



③ 1" PVC
lateral that runs
to a lot.
Currently, this
line is under
repair.



④ 1" riser with
3/4" hose connection
valve. Typical
line on a lot.

MICROFILMED

JUL 25 1994

DATE OF PHOTOS 7/18/91 OWNER _____

CLAIM NUMBER(S) AG3-04221



(5) Sprinkler
operating on a lot
in JUNE 5.33.
Note vegetation is
native species.



(6) Looking East at
3" line that branches
from 4" at junction
box near lodge.
3" line runs across
back (East end) of
pool. 1 1/2" line
branches from here
to cool pool.

MICROFILMED

JUL 25 1994

DATE OF PHOTOS 7/18/91 OWNER _____

CLAIM NUMBER(S) A63-04221

- ⑦ Looking south at irrigation riser with 2 valves for hoses. This is in "commons" area between lodge & highway. Homes in background are outside of subdivision & south of grouse ck. Road but do receive irrigation (yard) water. grass etc. mixture in foreground is > 50% non-native species.

MICROFILMED

JUL 25 1994



- ⑧ Looking n/nw at "pasture" (> 50% non-native species) on west side of hwy. Pond & pump house are parts of other rights. Ponderosa pine in foreground shows up on ortho & ASES photo.



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

RECEIVED

AUG 21 1989

Ident. Number: A63-04221
Date Received: 8/17/1989
Receipt No: S008884
Received By: lw

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PARADISE HOMEOWNERS ASSOC. INC. 208-653-2239
Address: C/O ROCKY BAR STAGE
HC 87 BOX 42
MOUNTAIN HOME, ID 83647
2. Date of Priority: OCT 27, 1913
3. Source: GROUSE CREEK Trib. to: BOISE RIVER, SOUTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	10E	33	SW	NE			ELMORE
5. Description of diverting works:
HEADGATE, GRAVITY IRRIG.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/31	1.200		
DOMESTIC	01/01	12/31	1.200		
7. Total Quantity Appropriated is:
1.200 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 35.0 Acre Feet Per Annum.
9. Non-irrigation uses:
D & G/7 BLDGS. & 14 MOBILE HOMES (HEATING ALSO COVERED IN ORIG.)
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	10E	33	NE	NW	1	IRR	14.0

Section Acres 14.0

A63-04221

Page

1

Date: 08/17/89

RECEIVED
JUL 25 1989

10. Place of Use: Continued

Total Acres 14.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
63-10559, 10560

14. Remarks:
MAP INDICATES THAT P/U IN LOT 4 (SEnw) & NWNE, S33, T3N, R10E.
HEATING WAS ALSO INCLUDED ON ORIG. STAT. CLAIM, BUT GROUSE
CREEK IS NOT A HOT WATER SOURCE...MAY BE USED FOR HEAT PUMPS.

15. Basis of Claim: STATUTORY CLAIM

WICOR FILE
JUL 19 1989

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Sec'y - Treas. of _____ Title

Paradise Homeowners Ass'n. Inc. that I have signed the foregoing Organization

document in the space below as Sec'y - Treas. of _____ Title

Paradise Homeowners Ass'n. Inc. and that the statements contained in the Organization

foregoing document are true and correct.

Larklee D. Cudmore
Signature of Authorized Agent

Sec'y - Treas.
Paradise Homeowners Ass'n. Inc.
Title and Organization

8/15/89
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of August 19 89

Ruth O. Warfield
Notary Public

Seal

Residing at Boise, Id

My Commission Expires May 12, 1994

MONTPELIER
JUL 10 1989

COPY

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

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Department of Water Resources
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NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PARADISE HOMEOWNERS ASSOC. INC. 208-653-2239
Address: C/O ROCKY BAR STAGE
HC 87 BOX 42
MOUNTAIN HOME, ID 83647

2. Date of Priority: OCT 27, 1913

3. Source: GROUSE CREEK Trib. to: BOISE RIVER, SOUTH FORK

4. Point of Diversion:

Township Range Section 1/4 of 1/4 of 1/4 Lot County
03N 10E 33 SE SW NE ELMORE
SW SE SE

5. Description of diverting works:

HEADGATE, GRAVITY IRRIG.

4" PVC pipe

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. // (or)	A.F.A.
IRRIGATION	05/01	10/31	1.200	
~~DOMESTIC~~ not found	01/01	12/31	1.200	
cooling	01/01	12/31	.36	

7. Total Quantity Appropriated is:

1.200 C.F.S. (and/or) A.F.A.
.36

8. Total consumptive use is 35.0 Acre Feet Per Annum.

9.3

9. Non-irrigation uses:

~~D & G/7 BLDGS. & 14 MOBILE HOMES (HEATING ALSO COVERED IN ORIG.)~~

cooling of swimming pool & tub areas

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	10E	33	NE	NW	1	IRR 14.0
			SE	NW	4	3.2
			SW	NE	Section	Acres 14.0

A63-04221

Page

1

MICROFILMED

08/17/89

cooling id

SE NW

4

JUL 25 1994

→ 3.7 acres

Div. volume using 3N 10E = chart shows nearest ones 4.5 or 3.0

But cont use SRBA = 2.5 ; if C.L. = (.7)(Div. vol.), $\frac{2.5}{.7} = 3.5$ Div. vol.

10. Place of Use: Continued

Total Acres 14.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
63-10559, 10560

14. Remarks:
MAP INDICATES THAT P/U IN LOT 4 (SESW) & NWN, S33, T3N, R10E.
HEATING WAS ALSO INCLUDED ON ORIG. STAT. CLAIM, BUT GROUSE
CREEK IS NOT A HOT WATER SOURCE...MAY BE USED FOR HEAT PUMPS.

15. Basis of Claim: STATUTORY CLAIM

Single pld on Q&A line

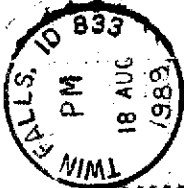
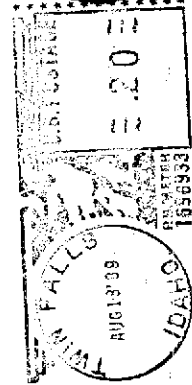
~~At~~ ~~At~~ ~~partly~~

Most of plm = Willis Carrier Paradise Subd.

Cooling occurs in Lot 38, Block 1.

P/D = Lot 16, Block 1 due N. of CE 1/16 cor.

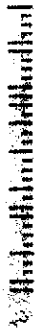
STATE OF Idaho
DEPARTMENT OF WATER RESOURCES
2148 4th Ave. E.
Twin Falls, Idaho 83301



Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83720

MICROFILMED

JUL 25 1994



Lester, Steve

From: Lester, Steve
Sent: Monday, February 14, 2005 3:28 PM
To: 'John M. Marshall'
Subject: RE: Paradise Homeowners Assn. irrigation question

John:

Decreed Right 63-4221 includes 8 irrigated acres. Of that, about 56,000 sq. ft. (1.3 acres) was determined to be on Lot 38, Block 1. The irrigated portion of that lot was found at the southwest portion of the lot in conjunction with the lodge building plus the common area south/southwest of the lodge.

This information stems from the 1991 field exam of the right and carried through the SRBA recommendation/decreed process.

I hope that provides the information you need.

Steve

-----Original Message-----

From: John M. Marshall [mailto:JohnMarshall@givenspursley.com]
Sent: Monday, February 14, 2005 12:35 PM
To: Lester, Steve
Subject: Re: Paradise Homeowners Assn. irrigation question

from SB file notes
2.6 AC - Attach H (1991)
5.4 AC - 43 lots x 1/8 acre
each
8.0 AC - total

Steve:

Thank you for stepping in to help. You are on the right track. As Manuel probably explained, he pulled up the shape file and was able to determine how much of this area was within Lot 38, but then we determined that the shape file likely does not match the number of acres irrigated or decreed (about 9 acres I believe). So ultimately what I am looking for is what portion of the decreed place of use is on Lot 38. Feel free to call me if you have any questions.

Thanks, John

--- Original Message---

To: "'johnmarshall@givenspursley.com'" <johnmarshall@givenspursley.com>
From: "Lester, Steve" <Steve.Lester@idwr.idaho.gov>
Sent: 2/14/2005 11:52AM
Subject: Paradise Homeowners Assn. irrigation question

>> John:

>>
>> Manuel Rauhut at Western Region briefed me on an office day question he
>> received from you - verifying the number of irrigated acres associated with
>> Lot 38, Block 1 - the large lot hosting the lodge/swimming pool etc. at this
>> development.
>>
>> I'll check into it since I am more familiar with the story than Manuel is.
>> Will get something to you soonest. Please let me know if I am not on the
>> right track. Thanks.
>>

SRBA PARTIAL DECREE 63-04221

Issued on 07-29-2003. THIS PARTIAL DECREE MAY HAVE BEEN AMENDED.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS:	PARADISE HOMEOWNERS ASSN INC C/O ROCKY BAR STAGE HC 87 BOX 42 MOUNTAIN HOME, ID 83647 GROUSE CREEK TRIBUTARY: SOUTH FORK BOISE RIVER 0.36 CFS 10/27/1913 T03N R10E S33	SWNE Within Elmore County
SOURCE:		
QUANTITY:		
PRIORITY DATE:		
POINT OF DIVERSION:		
PURPOSE AND		
PERIOD OF USE:		
	PURPOSE OF USE	PERIOD OF USE
	Irrigation	04-01 TO 10-31
	Cooling	01-01 TO 12-31
	Irrigation	Within Elmore County
PLACE OF USE:	T03N R10E S33	SWNE 2.5 LOT 1 (NENW) 0.5
	LOT 4 (SENW) 5.0	
	8.0 Acres Total	
	Cooling	Within Elmore County
	Same as Irrigation	

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

STOCKWATER USE IS FOR 5 HORSES.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

08/01/2002

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

RIGHT NUMBER: 63-4221

NAME AND ADDRESS: PARADISE HOMEOWNERS ASSN INC
C/O ROCKY BAR STAGE
HC 87 BOX 42
MOUNTAIN HOME ID 83647

SOURCE: GROUSE CREEK TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.36 CFS

PRIORITY DATE: 10/27/1913

POINT OF DIVERSION:

T03N R10E S33 SWNE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COOLING	01/01 12/31	0.360 CFS
IRRIGATION	04/01 10/31	0.160 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T03N R10E S33 SWNE 2.5 T03N R10E S33 Lot 1 NENW 0.5
T03N R10E S33 Lot 4 SENW 5.0

COOLING same as IRRIGATION

8 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

STOCKWATER USE IS FOR 5 HORSES.

EXPLANATORY MATERIAL: Beneficial Use

COOLING USE IS FOR POOL.

RECEIVED

FEB 25 2002

WATER RESOURCES
WESTERN REGION

PRICES' of PINE L.L.C.

1092 East 75 South, Bountiful, UT 84010
801-295-7773 ~~FAX 801-295-3451~~ Mobile 801-558 5561
PRICESIA@AOL.COM

November 20, 2001

Randy Fowers, Pres. PHOA
1007 Martingale Dr.
Boise, Idaho 93709

Dear Randy:

From records on hand, we find that the family of John and Harriet Price came to the Pine, Idaho area in 1886. The family consisted of sons Charles V., Orlando O., Oliver N. and daughter Nellie Price. Harry Price was born in Pine and Nellie Price died later.

They first settled on the West side of the South Fork of the Boise river, moving to the East side after bridges were built north and south for the road as it is now.

The home was built on the East side in 1894 next to Grouse creek taking advantage of the better road and proximity to the hot springs. A wooden, square pipe was run under the road to the family home for culinary water and winter heat with the run off going out to the garden on down west to the river. At that time the river channel was further West, leaving a much larger garden area.

They also had land to the North of Grouse creek that was later sold to Hammett Land and livestock, as well as the property on the West side of the river.

John Price filed homestead on the West property and son Orlando Price filed homestead on the East property.

In 1908, Orlando Price purchased a small saw mill and created the dam on Grouse creek to supply the turbine wheel for power. Later a larger saw mill was purchased and the dam raised again.

Orlando left the area in 1924 and Charles Price continued to operate the mill, later adding a 5 stamp gold mill and an electric generator to supply lights to the resorts, prior to the Rural Electrification lines, both running off a pelton wheel.

We have a letter written by Grandmother Harriet Price in fall of 1925 relating that they felt they were well off and ready for the usual winter closing the roads to wheel

Properties at Pine, Elmore County, Idaho

traffic. She reports they had sold \$150.00 worth of hay, \$140.00 worth of potatoe, received \$138.00 to winter horses through the season, as well as \$150.00 for bed and breakfast at \$1.00 per night!

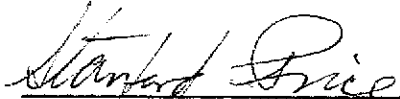
I personally visited there in 1921 and later in 1924, as well as less often after I moved from Idaho Falls to Southern California and started my own family. In 1924 I was on the dredge while it was in operation and I understand it shut down permanently in 1925.

I learned to swim in that "miracle" water in the plunge in those earlier days, and that probably accounts for the good health I have enjoyed since.

I am sure the County Records office in Mountain Home could reveal the title transfers. Charles Price was the last Price ownership here and moved down to Bird Gulch by the lake in 1938. We acquired that property in 1950 and hold it in a L.L.C. with our family.

This request has prompted me to do much research in our files, and I am grateful for the request to do so.

I hope this helps your cause,


Stanford O. Price

DATE: 05/22/01
PAGE: 4

RECEIVED
DIVISION
JUL 1 1964

1.200 CFS
1.200 CFS
1.200 CFS
1.200 CFS

TOTAL DIVERSION:

Stage: STATUTORY CLAIM

ELMORE County

5

2

```

: NESE NWSE SWSSE SESE SESE :
: Lt AC Lt AC Lt AC Lt AC :

```

01-14

14-0
14-0

Pou County: ELMORE

KEG

MAP INDICATES THAT P/U IN LOT 4 (SENW) & NWNE, S33, T3N, R10E. This is proposed to be replacement water for water diverted at springs located within LT 4 (NESWNE) & NWSENE, Sec. 5, T 2 N, R 10 E, B.M. and LT 4 (NESWNE), Sec. 33, T 3N, R 10 E, B.M.

This application is filed on the premise that the water diverted by the well comes from an aquifer that is not connected with the Grouse Creek surface water system. The applicant agrees to pay for isotopic age-dating on samples taken from the stream and from the well to confirm the aquifer separation. This well is intended to replace the consumptive component of water exported for bottling.

Commercial use is for bottled water.

Protestants: 45 local homeowners.

Status: Held per request of applicant.

App. Received:

Priority Date:

10/27/1013

Proof Due Date:

Proof Made Date:

Proof Made Date:

Exam Made Date:
Licensed Date:

Water District Number:

Field Field

Idaho Dept of Water Resources

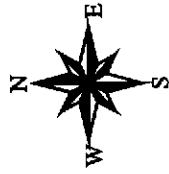
Claim No(s): 63-4221
T03N, R10E, S 33
Prepared by: Sue Bock
Date: 10/26/2001

☐ Place of Use

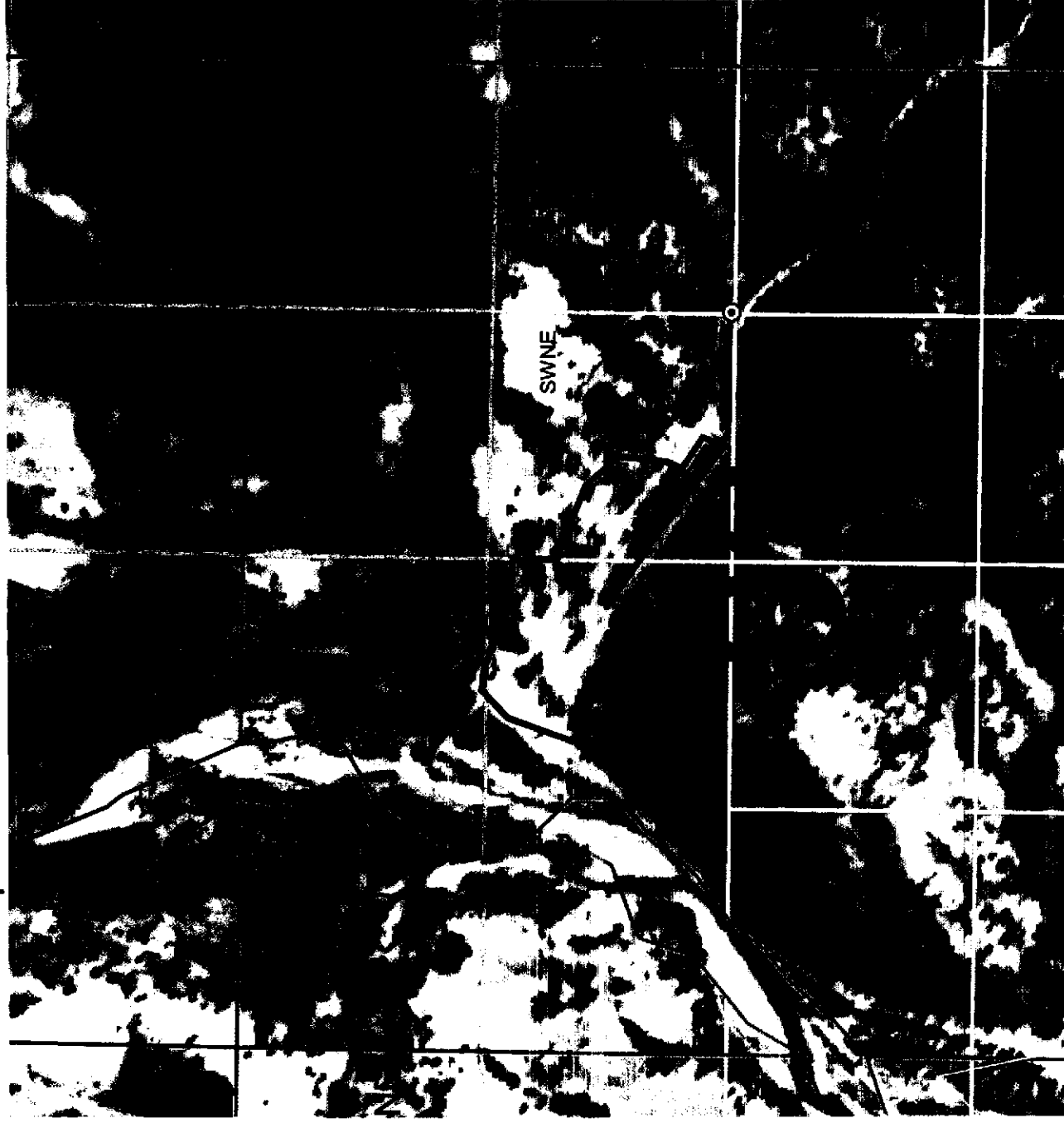
☒ Point of Diversion

☐ Section lines

1/4 1/4 lines



600 0 600 1200 Feet



1987 NAAPP Photo

Estimated IRR based on

Steve's Field exam + claimant's assertion

that all 43 lots were stubbed in to

provide water at 1/8 acre each

5.4 acres

2.68 acres from Steve's calculation

8.08 acres

irrigation season 4-1 - 10-31

$$8 \text{ acres} \times .02 \text{ FS} = 0.16$$

~~$$(.16 \text{ FS}) \times (418.8) \times (1.00) \times (24 \text{ days})$$~~
~~$$325.85 \text{ AF}$$~~

$$8 \text{ acres} \times 3.5 \text{ AF} = 28 \text{ AF}$$

$$.16 \times 365 \times 1.9835 = 72.4 \text{ AF}$$

$$\times .36 \text{ capacity} \times 365 \times 1.9835 = 260.6 \text{ AF}$$

RECEIVED
OCT 15 2001
WATER RESOURCES
WESTERN REGION

October 15, 2001

Sue Buck
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Dear Sue

Paradise Homeowners Association would like to request an extension to the October 15, 2001 deadline for submitting evidence of the priority date claimed for claim number 63-4221.

We are the process of contacting individuals with personal knowledge related to this issue and obtaining depositions from them that will be important to our claim. We would like to request an additional 60 days for this process.

I can reached at 208 385 9335 if you need further information.

Thanks you for you help



Randy Fowers
President, PHOA



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 17, 2001

Trinity Springs Ltd
Mark Johnson
P.O. Box 1630
Ketchum, ID 83340

Re: Water rights for Trinity Springs, Paradise Homeowners Association, and Eugenia Landon.

Dear Mark:

Thank you for meeting with me, your help was needed and appreciated. I have gone over all the rights for the above-mentioned parties, and have come up with the following information:

Rights under the name of Eugenia Landon-

63-8207 This is a licensed right, with a claim filed in the SRBA, from Dixie Gulch Creek for domestic use. This right was licensed for use at was the Moon Mountain Lodge. This right will be recommended as it was licensed. What Trinity will need to do - change of ownership. We have a warranty deed going from Landon to Bell and Acker, but will need further documentation going to Trinity. Additionally I understand this right has not been used due to the disrepair of pipes. Once this right has been decreed, you will need to use the right within a five-year period or forfeiture may occur.

63-8206 This is a licensed right, with a claim filed in the SRBA, from a hot spring for heating use at Moon Mountain Lodge. This right was originally developed to serve the 10 cabins that never materialized. Trinity will need to take the same steps as mentioned in 63-8207.

63-11051 This is a licensed right, no claim needed in the SRBA, from a spring for domestic use at the Moon Mountain Lodge. Springbox is described as being located approximately 20' from Dixie Gulch. Trinity will need to take the same steps as mentioned for the above rights. There is a \$25 fee associated with change of ownership for this right.

63-11053 This is a licensed right, no claim needed in the SRBA, from a spring for commercial use at the Moon Mountain Lodge. This right also included the pool behind the Moon Mountain Lodge. It appears that this is the same spring used for bottling and described in right 63-8206. Trinity will need to take the same steps as mentioned for the above rights. There is a \$25 fee associated with change of ownership for this right.

63-4327 This is a beneficial use right, with a claim filed in the SRBA, from a spring same source as 63-8206 and 63-11053. Landon filed this right with a 1900 priority date for heating, domestic, and recreation use for Moon Mountain Lodge. The recreation portion of this right is no longer valid. Licensed right 63-2806, which has a 1975 priority date, has already covered the heating portion of this right. If Trinity wishes to submit evidence of priority to substantiate the 1900 priority date, I can recommend the heating component under this right with an earlier priority date and disallow the 63-8206 right. Also, I can recommend the domestic portion of this right. Trinity will need to provide evidence of priority and change of ownership.

Rights under Trinity Springs LTD

63-27144 This is a beneficial use right, with a claim filed in the SRBA, from Grouse Creek and the South Fork Boise River. This right covers recreation/storage and diversion to storage. This right is for the pond

on the west side of the road. Trinity needs to provide evidence of priority for this right, date claimed is 1/1/1970.

63-11439 This is an application for permit for commercial bottling. No SRBA claim is needed for this right.

Rights under Paradise Homeowners Association

63-4221 This is a beneficial use right from Grouse Creek, with a claim filed in the SRBA. This right will be recommended for 3.7 acres of irrigation and cooling for the pool and tubs. Paradise or Trinity will need to submit evidence to support 1913 priority date. This right will stay in the name of Paradise unless Trinity wants a change of ownership, in which case this right will likely be split.

63-10559 This is a licensed right, no SRBA claim needed, from groundwater for commercial use at the lodge, shop and domestic use for 51 homes. This right will stay in the name of Paradise unless Trinity wants a change of ownership, in which case this right will likely be split, there would be a \$100 fee associated with splitting this right.

63-10560 This is a licensed right, no SRBA claim needed, from springs for recreation, heating and domestic use associated with the lodge, shop, 11 cabins, 43 homes and swimming pool. . This right will stay in the name of Paradise unless Trinity wants a change of ownership, in which case this right will likely be split, there would be a \$100 fee associated with splitting this right.

It appears that there are no water rights associated with the Landon home. If surface water is used, a water right is needed. If use occurred prior to 1971 a SRBA claim can be filed, otherwise an application for permit is needed. Also there is no right associated with the "shed" located next to the bridge. The same applies, if heating has been a use in the shed prior to 1971, you may want to file an SRBA claim for this also.

I realize this information is confusing to say the least. Please contact me if you have any questions, and return necessary documents by October 15, 2001.

Sincerely,



Sue Bock
Sr. Water Resource Agent

Enclosure: water right profiles, change of ownership form.

DAVE

7/26/91

- ① Exam i Recommendations A63-04221 *
- ② Should receive completed SRBA claim for pond found in SEMW 5.33 (see 7/19/91 letter to Trinity Sp. in transfer file).
- ③ question of ownership of land/water right in transfer appl.
- ④ H2O samples - a complication, see 63-11554

* Recalculate est. flow through 4" pipe?
See Attachment G - not sure if
correct methodology
-gl 4/27/92

-Steve

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JUL 25 1994

- Preliminary results only.
- Copies provided to
 - Earl Jackson, Pres. Paradise Hummers 8/23/91
 - Mark Johnson, Trinity Springs Ltel. 8/5/93

A63.04221

FIELD EXAM
ATTACHED

CONCLUSIONS

B.U.	PERIOD	CFS	AFA DIV. VOL.	AFA CONS. USE
Irrigation (3.7 ac.)	4/15-10/15	.11	13.0	9.3
Cooling (pool + tubs)	1/1-12/31	.36	21.7	Ø
TOTAL		.36*	34.7	9.3

NEED

1) EVIDENCE OF PRIORITY to recommend claim? **

2) Transfer Appl. PS 2 - # 66 } ownership
PS 3 - # A2 } questions

↑
JACK BELL indicated working on this

* system capacity

** not required at this point
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JUL 25 1984 8/23/91

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Staff Analysis Sheet For
SRBA Claim Verification Field Report

FIELD
Exam on
7/18/91

A. Prior to Conducting the Exam, the File Contains

- ☒ Claim Verification Report(CVR)
- ☒ Copy of Adjudication Claim
- ☒ Copies of pertinent files(prev. rts., exams, etc.)
- N/A Well Inspection Form (If Needed)
- ☒ Copy of U.S.G.S. Quad map, orthophotoquad, or NAPP photography
- ☒ Check P.D. & P.U. desc. for Govt. Lots(if a lot is found, a copy of the Govt. plat is needed to add the lot onto the R claim file later.)
- ☒ Check CVR for P.D. overlap(see page titled Pt. of Div. Review Sheet)
- ☒ Check AJ & ~~WR~~ P/D indexes(to ck. accuracy of CVR overlap ckd. above)
Overlap ☒ yes ☐ no If yes: ☐ copy of claims & water rights incl? N/A
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☒ Other: _____
- ☒ Check CVR for P.U. overlaps(see page titled Pl. of Use Review Sheet)
- ☒ Check AJ & ~~WR~~ P/U indexes(to ck. accuracy of CVR overlap ckd. above)
Overlap ☒ yes ☐ no If yes: ☐ copy of claims & water rights incl? N/A
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Different source for same acres
☒ Other: _____
- N/A Appointment Letter Sent? _____ (initial & date)
- ☒ Appointment Made and Telephone Conversation Memo Attached

B. After Conducting the Exam, the File Contains:

- ☐ Fully Completed and Signed CVR Form
- ☐ Completed Adjudication Claim Checklist
- ☒ Photographs of Point(s) of Diversion and Place of Use
- ☒ Completed map outlining Point(s) of Diversion and Place of Use

needs evidence of priority in order to recommend A63-04221
SL 7/26/91

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JUL 25 1994

10:09:28
07/17/91

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A63-04221

LAST: PARADISE HOMEOWNERS ASSOC. INC.

ADDRESS: C/O ROCKY BAR STAGE

HC 87 BOX 42

CITY: MOUNTAIN HOME

PHONE NUMBER: 208-653-2239

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS:

MAP INDICATES THAT P/U IN LOT 4 (SEHW) & NWNE, S33, T3N, R10E.
HEATING WAS ALSO INCLUDED ON ORIG. STAT. CLAIM, BUT GROUSE
CREEK IS NOT A HOT WATER SOURCE...MAY BE USED FOR HEAT PUMPS.

FIELD
EXAMINER

DATABASE

Y

STATE: ID ZIP: 83647

FIRST:

FIELD EXAMINATION INFORMATION

CONTACT PERSON:

* Earl Jackson, Pres. 653-2239

PHONE NUMBER: () 653-2260

DATE OF FIELD EXAM: 07/18/91

APPOINTMENT MADE: Y () N ()

TIME: 10:30 A () P ()

ACCOMPANIED BY:

Earl Jackson, Jack Bell (Trinity Springs LHA) all other persons (consulting parties)

PHONE NUMBER: () - - -

RELATIONSHIP TO CLAIMANT:

President of Homeowner Assoc. and interested parties

DIRECTIONS TO PROPERTY / REMARKS:

Paradise Hot Springs resort Between Pike & Easterville

* Pres. of Paradise Homeowners Assoc.

HC 87 Box 410

Mtn. Home 83647

653-2260 (Box #)

Trinity Springs Ctr. reportedly owns a % of Homeowner Association

Shaver is filed a transfer on entire right is 63-04221 / A-63-04221.

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A. AJ CLAIM: # A63-04221 PRIORITY DATE: 10-27-1913 STAGE: S
B. WR RECORD: # 63-04221 PRIORITY DATE: 10-27-1913 STAGE: S

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) ☐ N ☒ Y
FIELD EXAMINER *NO*

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS:

Good evidence of priority to cut in transfer appl. - J 7/26/91
Filed on 63-04221 by Jule Bell of Trinity Springs, Ltd.

RECOMMENDED PRIORITY DATE:
10-27-1913

REVIEWED BY

DATE

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JUL 25 1994

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A63-04221	03N	10E	33		SW	NE		ELMORE

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

WR RECORDS IN SAME 40 ACRE TRACT

63-04046
63-10560

* different divisions no longer in use
Springs, (a)

SOURCE: GROUSE CREEK

TRIB: BOISE RIVER, SOUTH FORK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
63-04221	03N	10E	33		SW	NE		ELMORE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

63-04046

NONE NONE

SOURCE: GROUSE CREEK

TRIB: BOISE RIVER, SOUTH FORK

C. FIELD EXAM REQUIRED?

DATABASE EXAMINER

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

Y N
Y N

REMARKS:

Single P/D on QR line between SE SWNE & SWSENE,
S. 33, T. 03N, R. 10E.

P/D located in Lot 16, Block 1, Willis Carver's Paradise Subd.

(NOTE: P/D is due north of CE 1/4 cor cap located during exam)

* 63-04046 - informed is an abandoned right, different div. than 63-04221.
Per AJ2, no claim A63-04046 found
note a possible abandonment filed in 63-04046 on 7/26/91.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:		1/4	1/4	1/4	LOT	COUNTY
TWP.	RGE.	SEC.				
03N	10E	33	SE	SW	NE	Elmore
			SE	SE	NE	
SOURCE: GROUSE CREEK						
REVIEWED BY: <u>JE</u>						
DATE: <u>7/26/91</u>						
TRIB: BOISE RIVER, SOUTH FORK						

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A. ROOT WATER RIGHT NUMBERS: A63-04221
A63-23996

Canyon Co. claim, not related to grange ch.

B. POU LISTING

TRP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
03N	10E	33	NE	NW	1	PARADISE HOMEOWNERS ASSOC. INC.	A63-04221 /14.0	63-04221 /14.0		.2	.2
			NE	NW	1	HAMMETT LIVESTOCK CO.	A63-05268 /10.0	63-05268 /10.0			
			NE	NW	1	RUSS, THOMAS L.		63-04046 / 6.0			
			NE	NW	1	PARADISE HOMEOWNERS ASSN. INC.		63-10559 /			
			NE	NW	1	PARADISE HOMEOWNERS ASSN. INC.		63-10560 /			
TOTAL ACRES							A63-04221	14.00	14.00	.2	.2

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

yes

PRESUMPTION FLAG: *0*

REMARKS:

Cooling is for pool & bathing facilities.

RECOMMENDATIONS:

TOTAL ACRES: *3.7*

REVIEWED BY: *gc*

DATE: *7/26/91*

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*different
previous
acres
abandoned
other to examine
per 11/16/89*

*See Pg.
5A*

Claim Number: A63.64224

Page: 5A
 Place of Use - continued

T	R	S	1/4	1/4	Lot	Fixed Exam Rec'd. Acres
3N	10E	33	SE	NW	4	3.2
			SE	NW	4	cooling
			SW	NE	-	.3
TOTAL acres from Pg 5 & 5a						<u>3.7</u>

See Attachment H

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A63-04221 IRRIGATION	FROM 05-01 TO 10-31	1,200 CFS
A63-04221 DOMESTIC	FROM 01-01 TO 12-31	1,200 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1,200 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
63-04221 IRRIGATION	FROM 05-01 TO 10-31	1,200 CFS
63-04221 DOMESTIC	FROM 01-01 TO 12-31	1,200 CFS
63-04221 HEATING	FROM 01-01 TO 12-31	1,200 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1,200 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N() Explain in remarks, below.

REMARKS:

Irrigation - nearest fit per SPBA guidelines chart = 6/15 - 10/15

No domestic or heating uses found.

Cooling uses found in addition to irrigation. Cooling period 1/1 - 12/31 acceptable.

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✓) NC)

1.200	CFS
1.200	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
DATABASE EXAMINER
Y 492

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FLOW MEASUREMENT

MEASUREMENT METHOD PVC Handbook, SEE ATTACHED CALCULATIONS.
method

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

OTHER RIGHTS LISTED IN CLAIM: 63-10559, 10560

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A63-06221	GROUSE CREEK	PARADISE HOMEOWNERS ASSOC. INC	1.200	0.085		
A63-05268	GROUSE CREEK	HAMMETT LIVESTOCK CO.	2.000	0.040	200.00	4.00
	BOISE RIVER,	SOUTH FORK				

NO RIGHTS WITH SAME POW BUT NOT USED FOR IRRIGATION

A63.05268 is a different division from Juneau Ck (division just west of lodge) for other areas.

of (large) fur sites

63-10559 = 2 wells c pump house west of hwy → NWSENW
63-10560 = 2 springs } 1 = spring is pool by ledge SEWNW
 } 1 = " " SWNE & north of garage st.

Pandori Homestead Note:

Other uses
abandoned well water
includes 1/2 acre

* NOTE No feasible way to actually measure flow. Plus, reduced flow found due to time of year & drought conditions.

(defined as extended part of communist war, similar to D/1) of "communists" area. See (2) on sketch & for location of "communists".

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See Attachment 5 H.

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE $\frac{0.3}{3.7} \times 0.02 \text{ CFS/ACRE} = 0.11 \text{ CFS}$
 (Taken from p/u review)

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

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

allow .03 cfs/acre as with signature procedure where ≤ 5 acres

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 35.0 AF/A

ACRES $3.7 \times$ CONSUMPTIVE VOL. AF/A FOR AREA $2.5 = 9.25$

TOTAL CONSUMPTIVE USE 9.3 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = — AF/A

ACRES $3.7 \times$ DIVERSION VOL. AF/A FOR AREA $3.5 = 12.95$

TOTAL DIVERSION VOLUME 13.0 AF/A

NOTE Water allocation chart (map)
 Max amount fit 300 ac is
 4.5 or 300 AF/A/yr.

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(✓) N() See Attachment 5

But if cons use = 70% div. vol.
 $2.5 = .7x$

$$x = \frac{2.5}{.7} = 3.57 \approx 3.5$$

use 3.5 ac/acre. for div. vol.

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

COOLING allow .36 cfs 1/1-12/21

Assume: cooling H₂O used 50% of year
 cooling H₂O used 4 hrs/day

$$\# \text{ days} = (15)(365) = 182.5$$

$$\text{gallons} = \frac{(36)(448.8)(60)(4)(182.5)}{325850} = 21.7$$

$$\text{Rate} = .36 \quad (\text{hrs} \text{ flow } .36 \times 365 \times 1.4815 = 260.6)$$

$$\text{Div. vol} = 21.7$$

$$\text{Cons. use} \approx 0$$

$$\text{If cons. use} = .6 \times$$

$$\frac{2.5}{.6} = 4.2 \text{ ac/acre, etc.}$$

Amount fit 4.5 or 3.0
 per map for div. volume

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
	FROM	TO	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
<u>Transpiration</u>	<u>4/15</u>	<u>10/15</u>		<u>.11</u>		<u>13.0</u>		<u>9.3</u>
<u>Cooling</u>	<u>1/1</u>	<u>12/31</u>		<u>.36</u>		<u>21.7</u>		<u>0</u>
TOTAL FOR THIS RIGHT				<u>.36</u>		<u>34.7</u>		<u>9.3</u>

REVIEWED BY: *[Signature]*DATE: 7/26/91

*36 cfs can produce
260.6 sta, volumes are
adequate.*

*Hy steam
capacity*

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP	ACCEPTED	NEEDS
FORFEIT/ABANDON	AS CLAIMED	REVIEW
ADDITIONAL DIV. AMOUNT	()	()
	()	()
	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 63-04221

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE	EXAMINER	CFS
12.740		

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
<i>Wells in Canyon Co. unrelated to A63-04221</i>	A63-04221	1.200	-	-	63-04221	1.200
	A63-23996	11.120	-	-	63-03029	1.580
	A63-23996	11.120	-	-	63-03046	1.000
	A63-23996	11.120	-	-	63-03149	2.110
	A63-23996	11.120	-	-	63-03276	2.000
	A63-23996	11.120	-	-	63-07647	6.050
TOTAL CFS		56.800				12.740

*error -
this has nothing
to do with
3N 10E
area*

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N) N

IF NO, is the written review sheet attached? (Y/N) N/A

REMARKS:

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JUL 25 1994

AUTHENTICATION:

SIGNATURE: John M. LesterDATE: 7/26/91NAME OF FIELD EXAMINER: Steven M. LesterTITLE: Sp. Water Examiner Agent

MICROFILMED

JUL 25 1994

10:09:28
07/17/91

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A63-04221

MR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
<u>PRIORITY DATE</u>			<i>SK</i> 7/18/91					
<u>POINT OF DIV</u>	Y			Y	1-2-5	<i>SK</i> 7/26/91		
<u>SOURCE</u>				N	1-2-5			
<u>PLACE OF USE</u>	Y			Y	1-2-5-6			
<u>DIV. AMOUNT CFS/VOLUME</u>	Y			Y	5-7			
<u>CONSUMPTIVE USE</u>	-			Y	5-7			
<u>PURPOSES</u>	Y			Y	5			
<u>PERIOD OF USE</u>	Y			Y	5-8			
<u>BASIS OF CLAIM</u>	Y			N	8			
<u>REMARKS</u>	Y			Y	8	<i>V</i>		

VERIFIED BY CODES

- ✓ TOPO MAP/ORTHO-PQ = 1
- ✓ ASCS MAP = 2
- ✓ WATERMASTER RECORDS = 3
- ✓ NAAPP 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.

- ✓ 6 = SURV. PLAT
- ✓ 7 = PVC HANDBOOK 15 224, 225
- ✓ 8 = E-Data Standards/Remarks

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JUL 25 1994

PRESENT during 7/18/41 exam: Earl Jackson, Pres. Homeowners Association
Jack Bell, Trinity Springs Ltd.
Elmer Mares, Maint. Sup't. & long time
Resident at site.

SYSTEM DESCRIPTION ATTACHMENT TO CLAIM VERIFICATION REPORT

CLAIM NO. A63-04221

Formerly, an earth ditch diverted water from Grasse Creek. Now, a buried 4" PVC pipe conveys water. The pipe is approximately 2365' long & ends in a buried buried junction box. From here, two 3" lines ^{convey} water to swimming pool just north of lodge to cool pool (pool Result) from hot water spring in base of pool & from hot water from another spring - these are p/d's in 63-10560. A 1 1/2" line branches off of 3" line at pool (east end). Also, a 3" line runs from junction box to the hot tub area adjacent to lodge & pool.

The 3" line running across back (east end) of pool continues along north side of pool & delivers creek water to cabins w/p's of pool area & to Mares home, which is on west side of highway.

1" branch lines deliver water from 4" main to lots in subd. plus to 6 homes outside of the subd. & on south side of Grasse Cr. Road. Irrigation (yards, grassy common area (Lot 38 Block 1), "pasture" on west side of Hwy, misc. non-native vegetation around lodge/pool site & cabins) occurs via 3/4" hose attachments for misc. sprinklers (1" risers with 3/4" valves).

The common ~~area~~ ^{area} & pasture areas (see Attach. H, A ① & ②) were last irrigated in 1988 or 1989*. The only tree lawns are found at Mares home & at 6 homes south of Grasse Cr. Rd.

Continued
MICROFILMED pg

* Elmer Mares, Maint. Sup't.

JUL 25 1994

SYSTEM DESCRIPTION ATTACHMENT TO CLAIM VERIFICATION REPORT

CLAIM NO. A63. 04221 Continued

1 Rainbird type sprinkler (unknown brand) with $3/16"$ nozzle is equivalent to model 25 or 30 was operating at 30 psi (photo #7 Attach. I). Other misc. lawn sprinklers were also running at some of the homes south of Green Cr. Rd.

The stat. claim describes 1.2 cfs irrig., domestic, heating. Dom. & heating were shown as 7 bldgs. & 14 fresh spaces. Item 8 of the claim describes 2 hot springs, one at pool & 1 one upstream near creek pld. These springs are the same as those examined in permit 63-10560. While it could be argued that the springs are part of the Green Creek Stat. claim (although different dates of priority are implied for creek -1917- and spring -1918-), the springs were recommended for .05 cfs domestic (intermittent), .64 heating, & .35 Recreation, .64 total. Essentially, these are all non-consumptive uses & thus do not provide any C.W. H₂O to be included in transfer appl. filed by Trinity Springs Ltd. Even if the use from springs is included in the stat. claim & thus the SPBA claim & thus deleted from permit 63-10560, no additional H₂O is available for transfer from the springs with this inclusion. 11/16/89

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Domestic & Heating are not recommended in review of A63-04221.

Assumes evidence of priority is sufficient { Irrigation of 3.7 acres at max. .03 cfs/ac for .11 cfs is recommended. Additionally, cooling is recommended as a historic beneficial use of the creek water. Cooling is recommended at .36 cfs, the maximum flow through 4" PVC pipe per Attach. G. However, cooling is essentially non-consumptive & thus does not provide C.W. water to be transferred. The only water available for transfer is that for 3.7 acres irrigation.

water samples

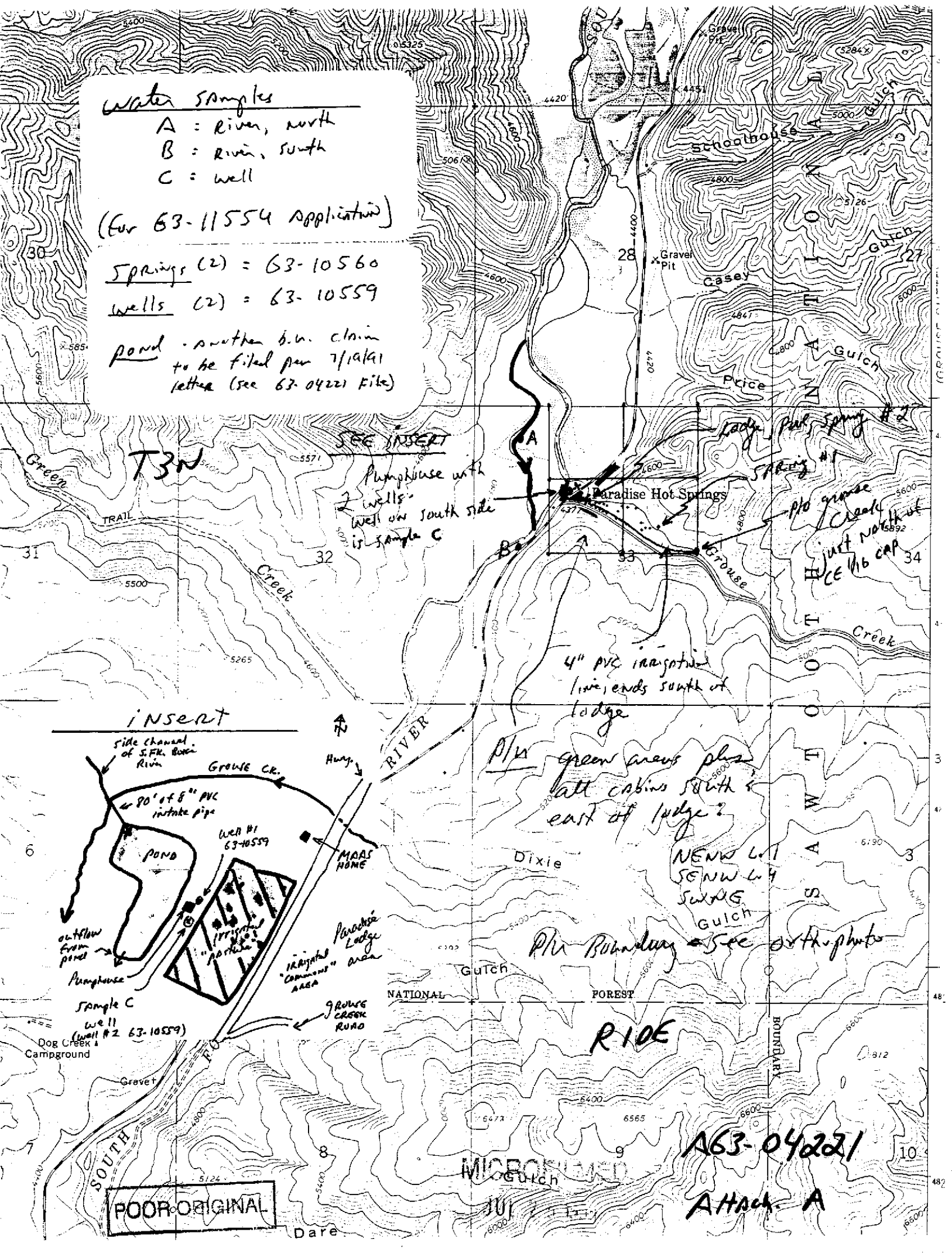
- A = River, north
- B = River, south
- C = well

(For 63-11554 application)

Springs (2) = 63-10560

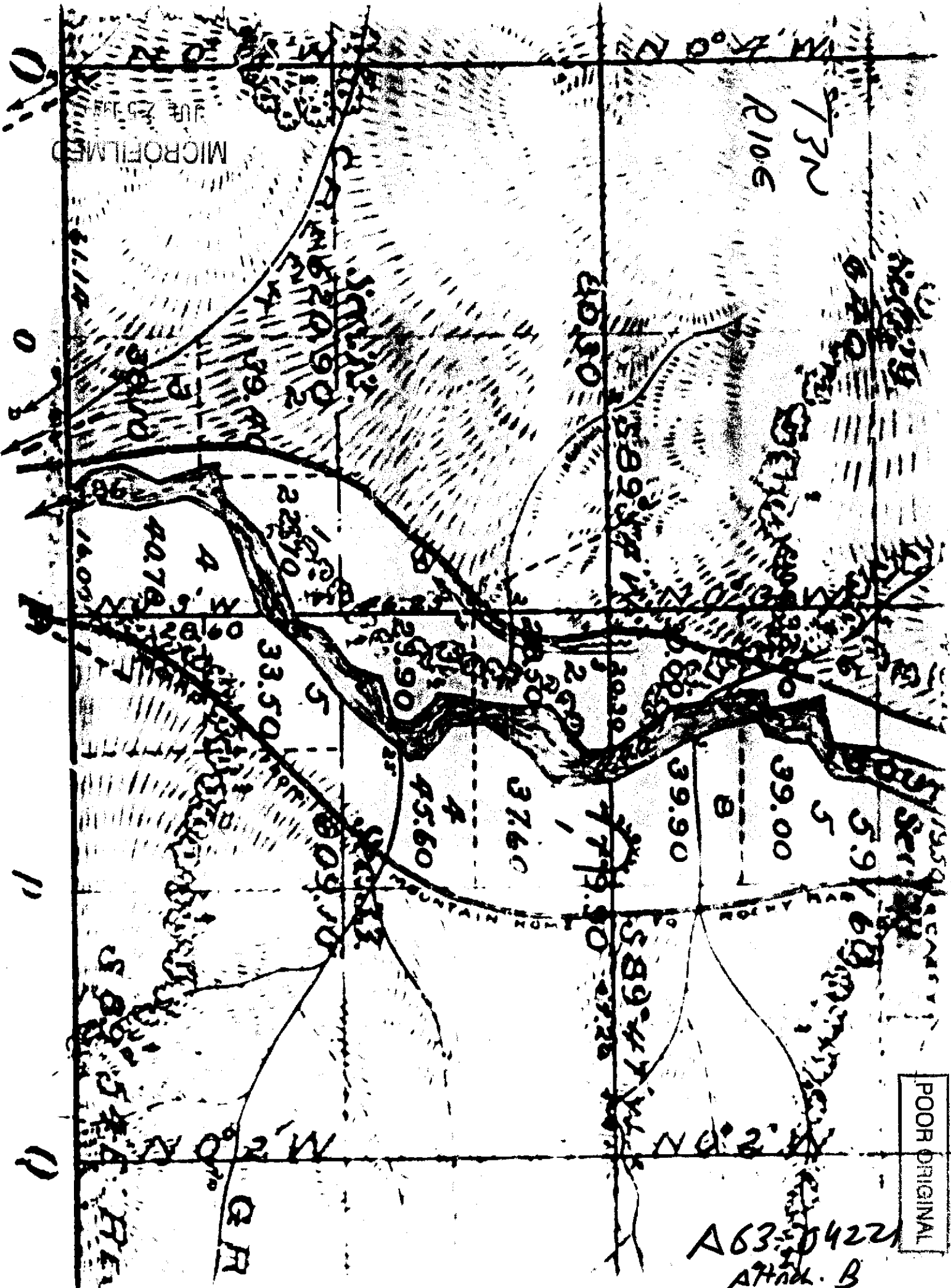
Wells (2) = 63-10559

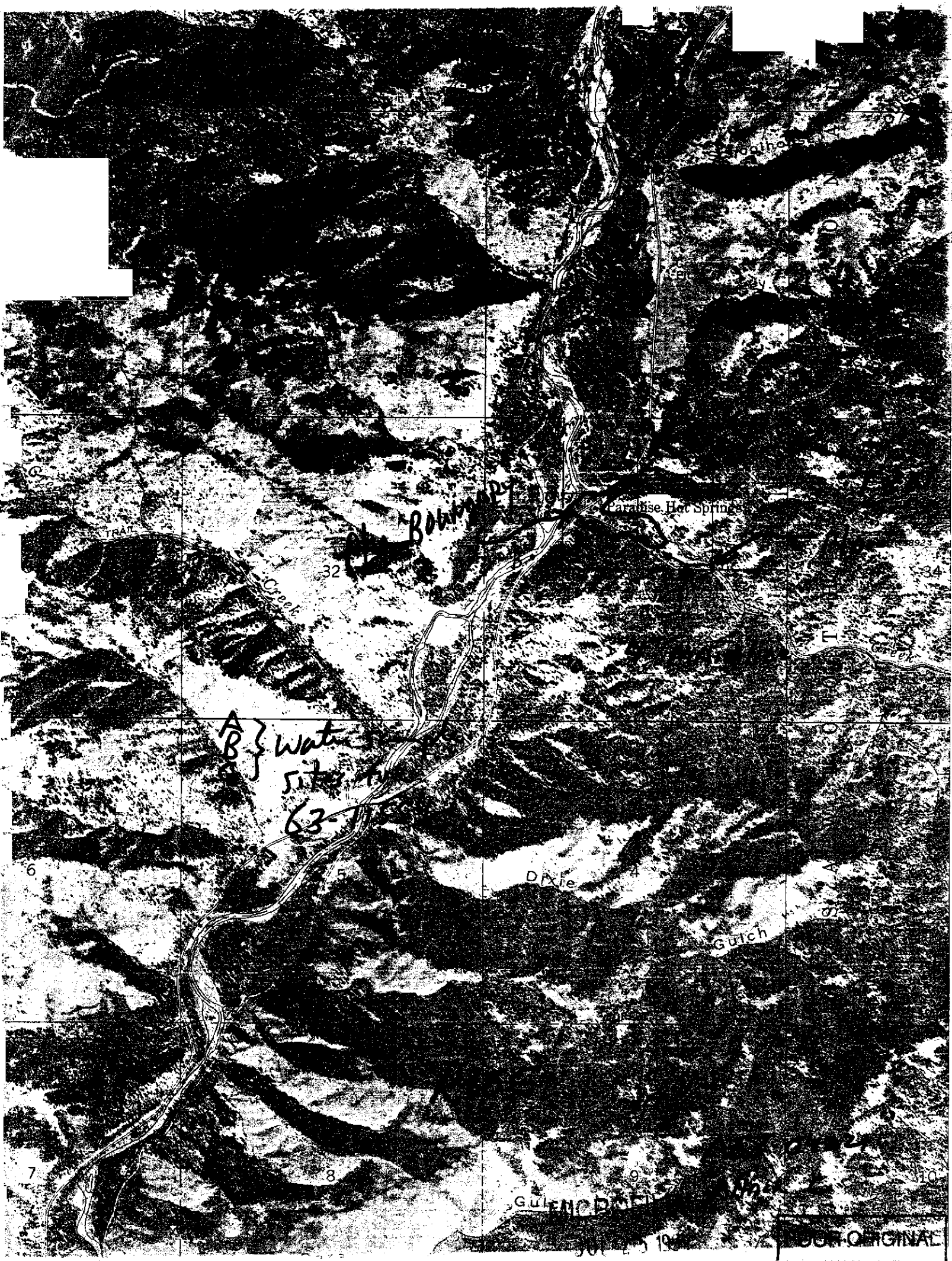
Pond - another b.w. claim
to be filed per 7/19/91
letter (see 63-04221 file)



A63-0422
Atmos. B

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A B } Water
Site
63-156

Dixie

Gulch

Paradise Hot Springs

BOWMAN

Creek

6

7

8

9

10

GULCH

NOT ORIGINAL

1987 DSC Photo
1" $\approx$ 1000'

River

Misc. River
Channel



ponded

pool

Blue
Boulder

gravel
Road

Hay

P15

0

63-10559 & 63-10560 ^{see} ~~the~~ == ALTERNATIVE DIAGRAM

~~7561 C 7 100~~

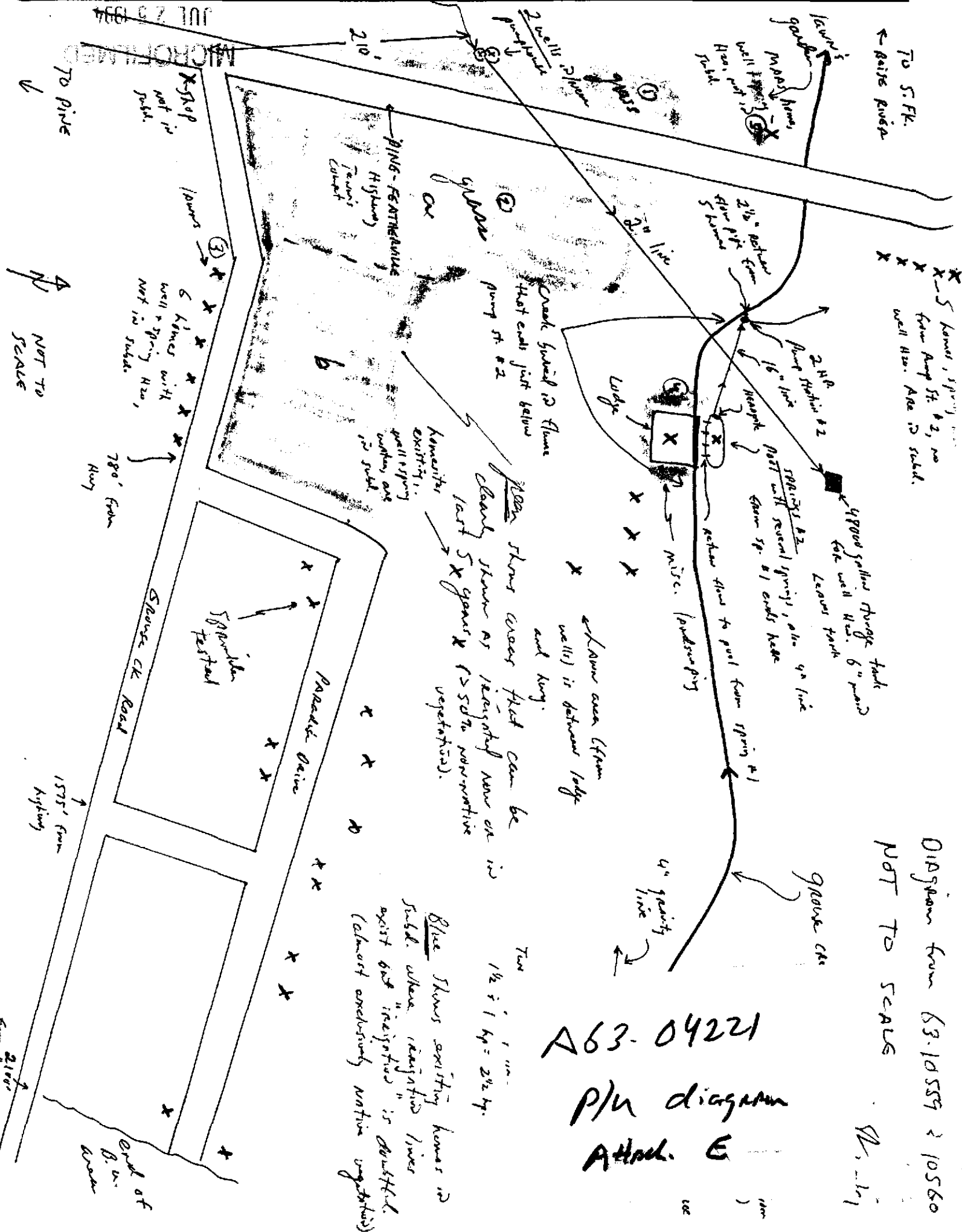


Diagram from 63.10559 & 10560
NOT TO SCALE

A63-04221
P/n diagram
Attach. E

63-10559 & 63-10560 ^{thru} ALTERNATIVE DISSEM

~~JUL 25 1994~~

↓
To Pine

NOT TO
SCALE

780' from
Hung

Samuel
testad

Paradise Drive

homocites
existing,
small & spiny
w/ spines, are

Mean shows areas that can be clearly shown as re-integrated new or lost 5% grass & (> 50% non-native vegetation).

Lower area (from
walls) is between ledge
and key.

Endorsed

--- #1 (40' from creek)

Grouse Creek

we gallon storage tank
for well H-2. 6" main
for well H-2 tank

To S. Fk.
- Baie Rive

Diagram from 63-10559 & 10560
NOT TO SCALE
8/21/91

Blue Shows existing homes in
field. where "migrants" lives
exist but "migration" is doubtful
(almost exclusively native vegetation)

End of
B. v.
area

2100' from Aug

1575' from
highly

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TOTAL DIVERSION RATE

7/25/91

Estimated Flow 4" PVC PIPE

SOLUTION = 162 gpm
OR
36 cfs

4" = O.D.

Assume 3 1/2" I.D.

Length of pipe = 2150' plus 10% for misc. curves etc
= 2365'

Head P10 4520' } 120' from topo
END 4400'

1" branch lines for lots 1-36

Assume 1 globe valve (1-time loss)

1 std. elbow / 100' length of pipe

Reducers from 4" to 1" at intervals $\downarrow \frac{4"}{1"} = 1"$

From "Handbook of PVC Pipe" pgs 224-225

① Equiv. length of pipe

1-time globe valve loss 3 1/2" I.D. pipe = 100'

elbow loss = $(9.5' \div 100') / 2365' = 224.7'$

total loss = $100' + 224.7' = 324.7'$

Equiv. length = $2365' + 324.7' = \underline{2689.7'}$

② Available head

total hcl = 120'

MORE realistic
assumption

a) Assume 20 psi at spigot, hcl. loss $(20)(2.31) = 46.2$

and $120' - 46.2' = \underline{73.8' \text{ avail. hcl.}}$

b) Assume 40 psi at spigot, hcl. loss $(40)(2.31) = 92.4'$

and $120' - 92.4' = \underline{27.6' \text{ avail. hcl.}}$

③ HEAD LOSS PER LENGTH OF PIPE

a) if avail. hcl. = 73.8'

$$\frac{73.8'}{2689.7'} = \frac{x}{100'} \rightarrow x = \frac{2.74'}{100' \text{ of pipe}}$$

b) if avail. hcl. = 27.6'

$$\frac{27.6'}{2689.7'} = \frac{x'}{100'} \rightarrow x' = \frac{1.03'}{100' \text{ of pipe}}$$

④ FLOW

with 3a $\rightarrow$ 162 gpm
(-36 cfs)

with 3b $\rightarrow$ 95 gpm
(-21 cfs)

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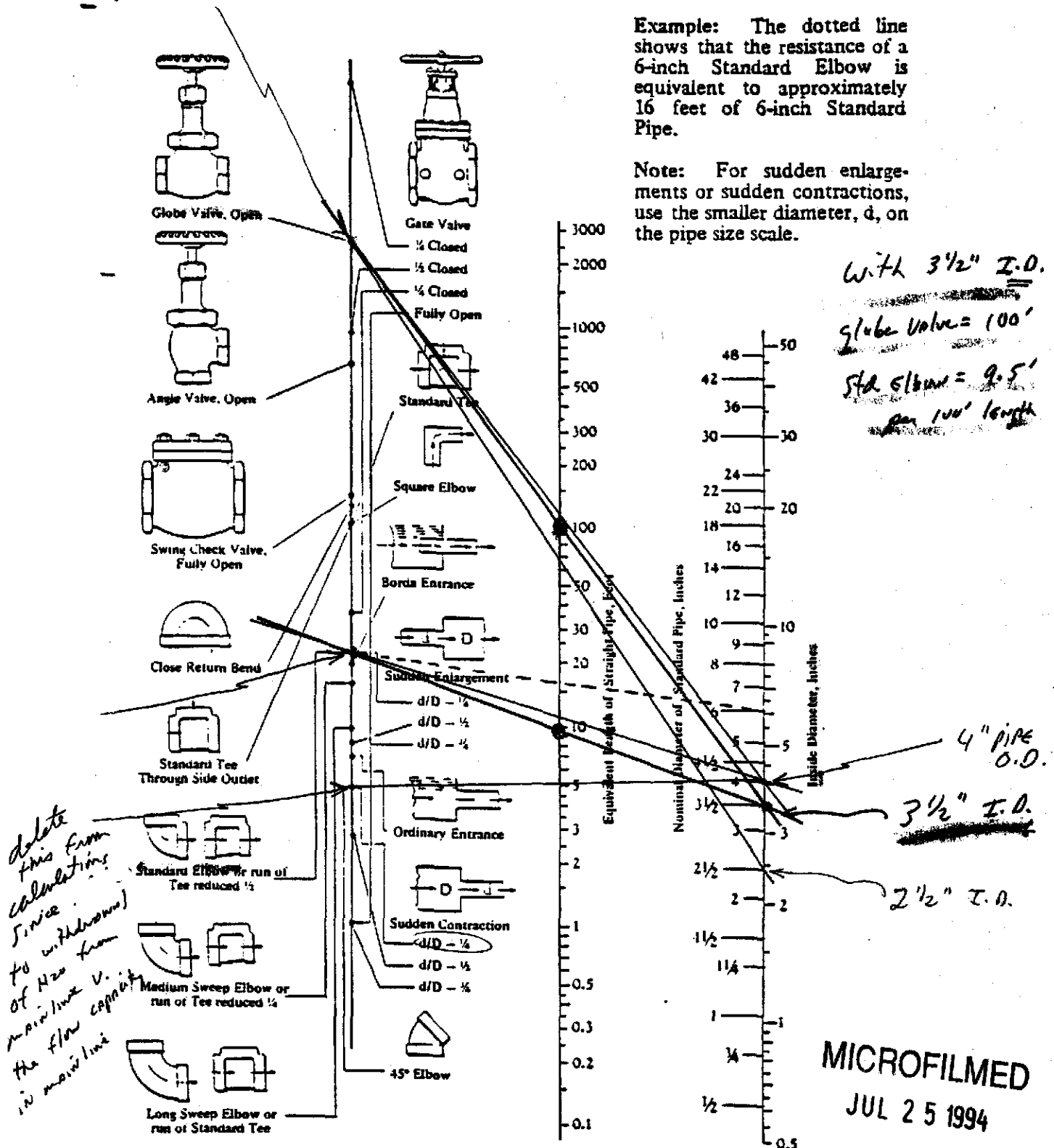
ATTACH
G

FIGURE 37 - RESISTANCE OF VALVES AND FITTINGS TO FLOW OF FLUIDS

Note: Head loss through check valves varies with types manufactured.
Consult manufacturer for correct values.

Example: The dotted line shows that the resistance of a 6-inch Standard Elbow is equivalent to approximately 16 feet of 6-inch Standard Pipe.

Note: For sudden enlargements or sudden contractions, use the smaller diameter, d , on the pipe size scale.

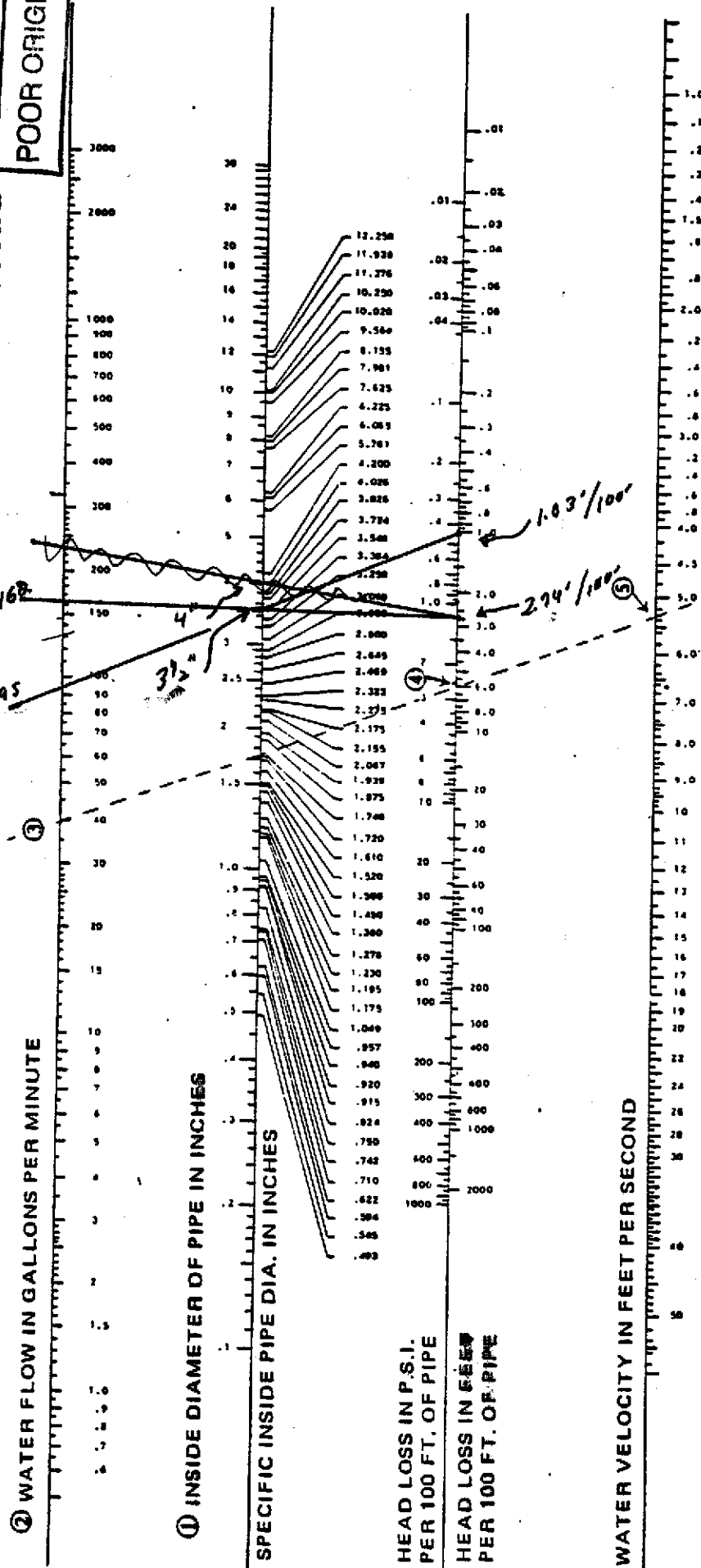


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4" O.D. { Assume
 1 globe valve fully open, 120' equiv. for 1 time loss
 1 std. elbow per 100' pipe, 11' loss per 100' of pipe
 1 Sudden contraction (d/D = 1/4) per 66' of pipe, 5' loss per 66' pipe
 (or 7.6' per 100')

POOR ORIGINAL

FIGURE 36 - FRICTION LOSS CHARACTERISTICS OF WATER FLOW THROUGH PVC PIPE



THE VALUES ON THIS GRAPH ARE BASED ON THE WILLIAMS AND HAZEN FORMULA:

$$(EQUATION 83) \quad f = .2083 \left(\frac{100}{C} \right)^{1.85} \times \frac{Q^{1.85}}{d_i^{4.85}}$$

WHERE:

- f = friction head in feet of water per 100 feet of pipe
- d_i = inside diameter of pipe in inches
- Q = Flow in gallons per minute
- C = Constant for inside roughness of pipe (150 for PVC)

EXAMPLE:

1½" schedule A pipe (I.D. = 1.740") ①
40 gallon per minute service ②

1. Line up these points with a straight-edge ③
2. Read 2.6 psi (or 6 ft.) from the head-loss line ④
3. Read 5.38 ft. per second from the velocity line ⑤

HOW TO USE THIS GRAPH:

1. Select the desired pipe size (inside diameter).
 2. Determine the amount of water to flow through the pipe.
 3. Place a straight-edge on these two points.
 4. The point at which the straight-edge intersects the head-loss line and the velocity line give these two values under the given conditions.
- This graph should be used for approximate values only.

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SOLUTION = 3.7 acres

7/25/91

Estimated Irrigated Acres (> 50% non-native species)

System diagram (not to scale) extracted from exam of permits 63-10559 (wells) & 63-10560 (springs).

A. Green areas are definitely defined as irrigations.

① west of highway $300 \times 110 = 33000 \text{ ft}^2$

② Commons area a) $385 \times 165 = 53525$

areal (-100 x 100 tennis courts)

b) $110 \times 210 = 23100$

~~② Mads home & S~~

③ 6 homes south of creek $25 \times 25 \times 6 = 3750$
Road

④ around lodge bldgs $200 \times 10 = 2000$

⑤ Mads home/yard area $50 \times 25 = 1250$

$116625 \text{ ft}^2 = 2.68$
acres

B. Blue areas around constructed cabins within subd.

boundary have some (very little) marginal irrigation.

Very little signs of lawns or gardens.

Allow max. of 10% of lots as irrigated using a definition of > 50% non-native species to qualify as irrigated.

Base estimate on MEAN lot size from subd. plot.

a) area north of grouse creek, 5 cabins, lot Lot 47 be representative.

Area = $276 \times 192 = 1.22 \text{ ac.}$, 5 cabins, 10% irrig:

$(1.22)(5)(.10) = .61 \text{ acre}$

b) area south of grouse creek, 19 cabins, lots 5 & 12 &

22 are representative sizes.

-Cont next pg.-

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Attach. H

$$\text{average area} = \frac{(160 \times 70) + (131 \times 90) + (103 \times 70)}{3} / 43566 = .231 \text{ acre}$$

19 cabins, 10% irrig:

$$(.231)(19)(.1) = .44 \text{ acre}$$

$$c) \text{ total of a+b} = .61 + .44 = 1.05 \approx \underline{1 \text{ acre}}$$

C. Total area irrigated in A + B

$$2.68 + 1 = 3.68 = \underline{3.7 \text{ acres}}$$

The estimate in part B is very generous; one could easily argue that no irrigation occurs in areas described in B. I included the 1 acre in B to give benefit of doubt to the users.

D. TOTAL IRRIG CFS

From Atch. G, capacity = .36 cfs

$$\text{acres} = 3.7$$

allow .03 cfs/ac since ≤ 5 acres (to be consistent with water allocation procedures)

$$(3.7)(.03) = .111 = \underline{.11 \text{ cfs}}$$

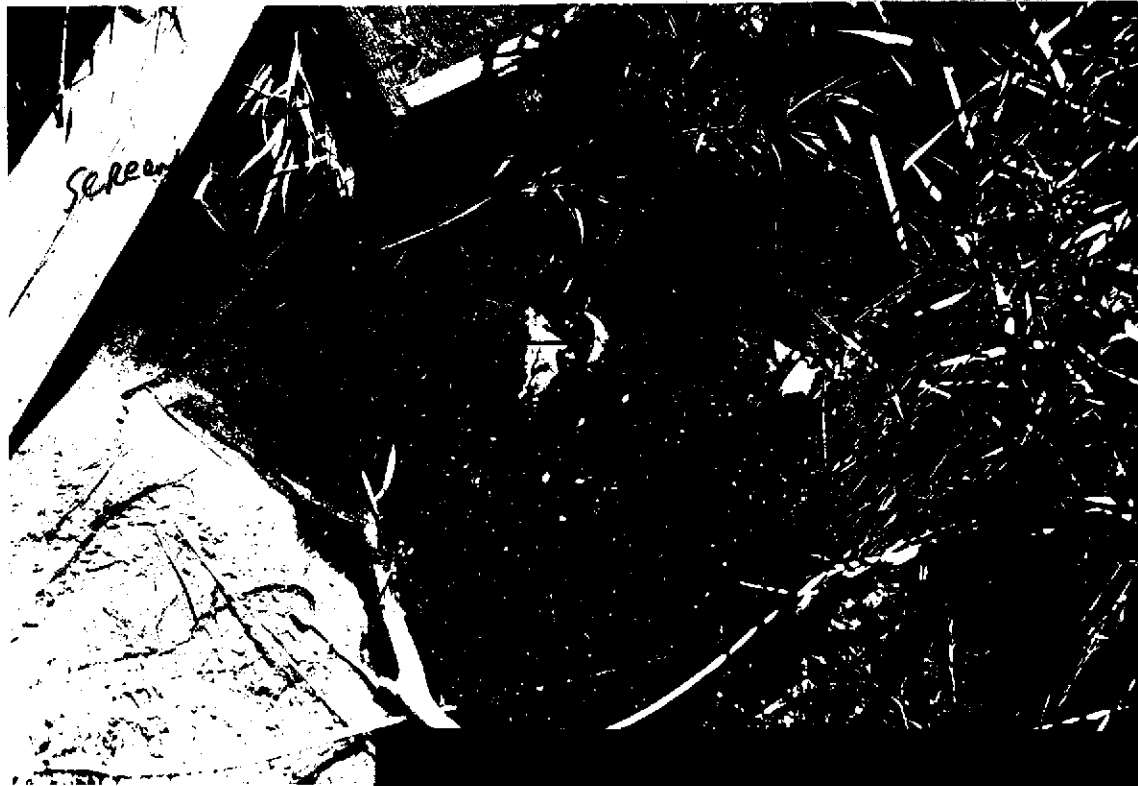
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JUL 25 1994

DATE OF PHOTOS 7/18/91 OWNER Paradise Homeowners Assoc. Inc.

CLAIM NUMBER(S) A63-04221

- ① P/O on grouse
Creek, 4" intake
pipe, usually
covered by
screen. Pipe
replaced ditch
diversion.
PVC pipe.



- ② Looking "downstream" along ditch
Remnant (buried pipe in bottom)
approx. 200' from pld. View is
west.



Attach. I

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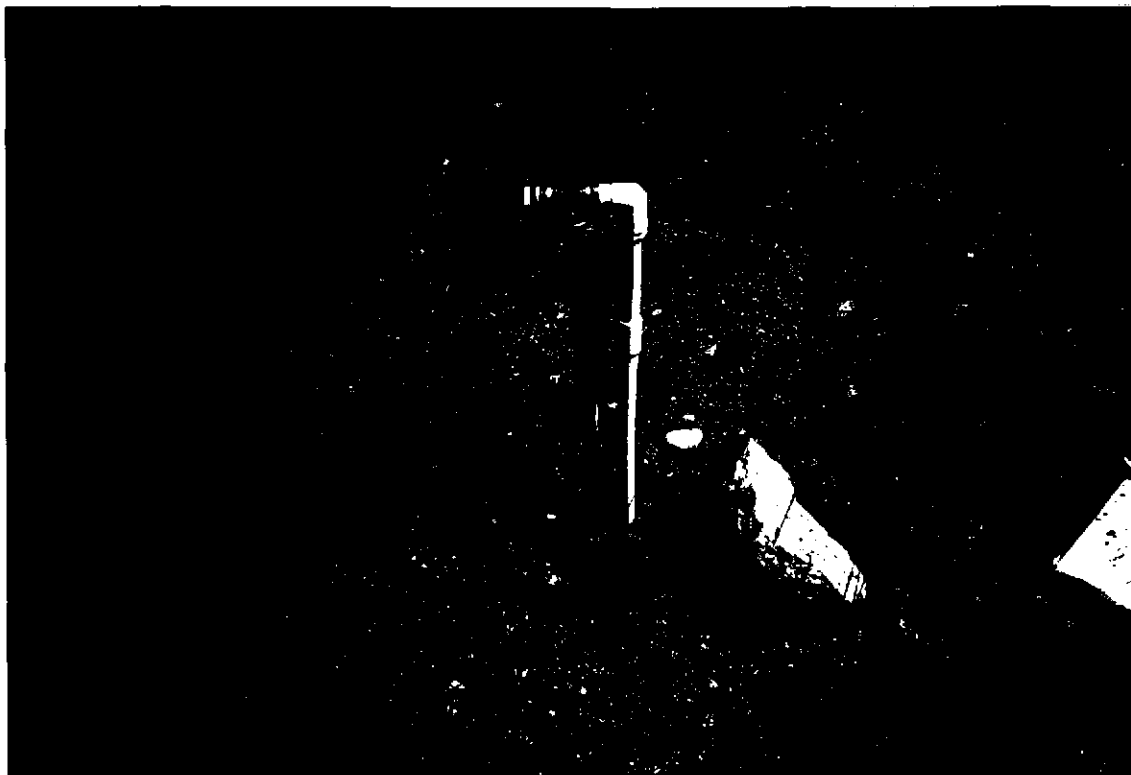
JUL 25 1994

DATE OF PHOTOS 7/18/91 OWNER _____

CLAIM NUMBER(S) A63-04221



③ 1" PVC
lateral that runs
to a lot.
Currently, this
line is under
repair.



④ 1" riser with
3/4" hose connected
valve. Typical
line on a lot.

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DATE OF PHOTOS 7/18/91 OWNER _____

CLAIM NUMBER(S) AG3-04221



(5) Sprinkler
operating on a lot
in JUNE 5.33.
Note vegetation is
native species.



(6) Looking east at
3" line that branches
from 4" at junction
box near ludge.
3" line runs across
back (east end) of
pool. 1 1/2" line
branches from here
to cool pool.

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JUL 25 1994

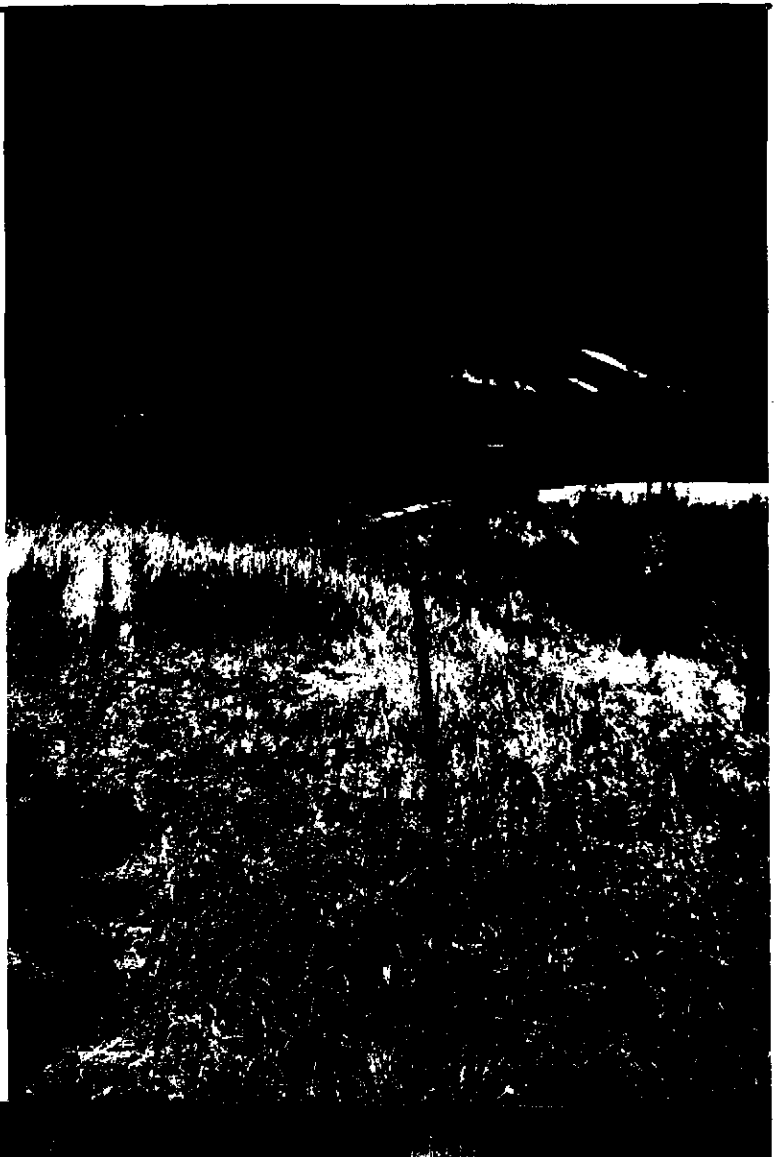
DATE OF PHOTOS 7/18/91 OWNER _____

CLAIM NUMBER(S) A63-04221

- ① Looking south at irrigation
Riser with 2 valves for hoses.
This is in "commons" area
between lodge & highway. Homes
in background are outside of
subdivision & south of grouse ck.
Road but do receive irrigation
(yard) water, grass etc. mixture
in foreground is > 50%
non-native species.

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- ② Looking n/w
at "pasture"
(> 50% non-native
species) on west
side of Hwy. Pond
& pump house are
parts of other
rights. Ponderosa Pine
in foreground shows up
on ortho & ASES photo.



OVERLAP

FAIRVIEW CREEK
BOISE RIVER, SOUTH FORK
ROBERTS GULCH
BOISE RIVER, SOUTH FORK
WAGONTOWN CREEK
UNNAMED STREAM
SPRING
GREENS CREEK
GROUNDWATER
GROUSE CREEK
GROUSE CREEK
SPRING
BOISE RIVER, SOUTH FORK
WAGONTOWN CREEK
UNNAMED STREAM
GROUSE CREEK
GROUNDWATER
SPRING
SHAKE CREEK
BOISE RIVER, SOUTH FORK
VAN GULCH
LITTLE WATER GULCH
BIG WATER GULCH
STEVENS GULCH

63-05270 HAMMETT LIVESTOCK C S 04/15/1921
63-04746 RIGGINS C S 06/01/1911
63-05269 HAMMETT LIVESTOCK C S 04/15/1921
63-04002 BALLANTYNE C S 06/01/1924
63-02324 JOHNSON D L 06/01/1943
63-07824 JOHNSON C L 07/10/1973
63-04046 EVANS C L 01/01/1900
63-04221 RUSS C S 10/27/1913
63-10560 CARRIE C P 11/18/1987
63-05269 PARADISE HOMEOWNER C S 04/15/1921
HAMMETT LIVESTOCK C
HAMMETT LIVESTOCK C S 04/15/1921
63-05268 PARADISE HOMEOWNER C P 11/18/1987
63-10559 U.S. DEPT. OF AGRICULTURE C P 10/11/1979
63-09313 U.S. DEPT. OF AGRICULTURE C L 10/19/1910
63-02140 LONDON C S 10/19/1912
63-04631 LONDON C

4 01
4 43, 10
43
01, 43
01, 43

SE NH
SE NH
NE SH
NE NH
NH SH

11 5
9
11

11 5
9
11

DATE: 02/29/91
PAGE: 150

IDRAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY POINT OF DIVERSION

TRP	RNG	SECT	TRACT	LOT	WATER USE CODE	WATER RIGHT NO.	LAST NAME	Q	STG	PRIORITY DATE	POD FLAG	WATER SOURCE
03N	11E	12	NE SH		01, 43	63-04631	LONDON LONDON	C	S	10/19/1912		BOISE RIVER, SOUTH FORK VAN GULCH LITTLE WATER GULCH BIG WATER GULCH STEVENS GULCH BOISE RIVER, SOUTH FORK VAN GULCH LITTLE WATER GULCH BIG WATER GULCH STEVENS GULCH BOISE RIVER, SOUTH FORK VAN GULCH LITTLE WATER GULCH BIG WATER GULCH STEVENS GULCH BOISE RIVER, SOUTH FORK VAN GULCH LITTLE WATER GULCH BIG WATER GULCH STEVENS GULCH
			NH SH		01, 43	63-04631	LONDON LONDON	C	S	10/19/1912		
			NH SH		01, 43	63-04631	LONDON LONDON	C	S	10/19/1912		
			SH SH		01, 43	63-04631	LONDON LONDON	C	S	10/19/1912		

HR4002NP
(0D-22)

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JUL 25 1994

See PJ Proof → A63.05268
A63.04046

1

DATE: 02/09/91
PAGE: 555

JUL 25 1994

CONVERSATION MEMORANDUM

DATE 7/11/91FILE 63-11439NAME OF PARTY Trinity Springs Ltd63-11554EMPLOYEE Steve Lister63-04221A63-04221

RE:

(1) PRE PERMIT EXAM FOR H2O samples 63-11554CONTACT JOCK BELL 788-3874

Samples A, B River

C Well

} info from JOHN MITCHELL 327-796
e how to collect etc(2) AM PRE PERMIT info to collect 63-11439 (holder) ?JOCK BELL(3) 63-04221 Transfer appl.A63-04221 Examine thiscopy in A63-04221 filecontact. see Prof B.U. form 63-10559 e Homeowners' association

Spoke with Jock Bell.

Trinity Springs Ltd = 50% holder of "shares" in Paradise Homeowners Assoc.Earl Jackson = Presn of Homeowners Assoc.APPT. H2O Samples + Exam 63-04221Thurs. 10:30 7/18/91He will contact Elmer Moore (const. super for association),
Meet at Pump House.

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JUL 25 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES

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

September 19, 1991

Stan Acker and Jock Bell
Trinity Springs, Ltd.
PO Box 1630
Ketchum, ID. 83340

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RE: Water Rights in Willis Carrie's Paradise Subdivision

Dear Stan and Jock:

As you requested during our meeting yesterday, I am sending general information on water right processes and specific information on rights associated with Lot 38, Block 1 of the subdivision. I hope the information clarifies some questions that may arise during your board meeting.

Except for Applications for Permit and for approved Water Right Permits to establish new water rights, other types of water rights are appurtenant to the land described in the rights. In contrast, applications and permits are personal property owned by the applicant or permittee.

General Water Right Information

The diversion and beneficial use of surface water prior to 5/20/1971 can be considered an historical or grandfather use. Diversion and beneficial use of ground water prior to 3/25/1963 can be considered an historical or grandfather use. These dates reflect the implementation of the mandatory permit statutes requiring water right permits for new development after the specified date. Some uses are exempt from water right requirements. Exempt uses are defined in Idaho Code 42-111 and generally include minor uses described as domestic.

Statutory Claims, based on and named for Idaho Code 42-243, are claimed rights based on historical use. These are also known as grandfather or beneficial use rights. These claims are not verified by the department unless an adjudication (court action to summarize water rights within a specified area) occurs. Statutory claims can no longer be filed except for a few situations.

Permits are approved water right applications to develop and use water where first use occurred or will occur after the dates discussed above. A permit is personal property and is not attached to the land. A specified amount of time is allowed to develop the diversion and beneficial use proposed in a permit. Once developed and put to use, a department examiner or a certified private examiner conducts a field exam to verify the water development. A water right license is then issued. Licenses are appurtenant to the property where water is used (the place of use). However, if the development did not occur and the permittee did not obtain an approved extension of time to complete the development, the permit will lapse or be cancelled.

COPY to 263-0422

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In an adjudication, most uses of water, whether or not such uses were previously recorded, must be recorded by filing adjudication claims. Again, exempted uses do not have to be recorded but can be recorded. Most of Idaho is currently involved in the Snake River Basin Adjudication (SRBA) that requires most water users to file adjudication claims to claim their water rights. Historical uses that are not covered by statutory claims can be protected by filing adjudication claims. Most existing water uses covered by statutory claims, permits, licenses, or court decreed rights must be protected by filing adjudication claims to claim the rights. This department assists in filing claims, reviews and verifies claims, and recommends the claims in one form or another to the court. Unclaimed rights or uses are not recommended as valid water rights. The court then considers the recommendations and any other pertinent information introduced within the adjudication process and finally adjudicates the rights. The water users obtain decreed rights from the court through this process. Therefore, statutory claims, permits, licenses, and adjudication claims based on valid information can be "ripened" into decreed rights.

Specific Water Right Information, Especially for Lot 38, Block 1

The rights related to the subdivision are statutory claim #63-04221 (Grouse Creek), permit #63-10559 (two wells), and permit #63-10560 (two hot springs). The permits are in the licensing process since field exams were conducted on 11/16/1989. Therefore, all three rights can be considered appurtenant to the property. When a split in land ownership occurs, appurtenant rights are automatically split on a prorata basis unless all or any portion of the rights are legally withheld or moved to other property.

An example of a possible grandfather right not previously recorded by a statutory claim that could be recorded by filing an adjudication claim is found at the recreation pond west of the highway and next to the two wells. If the pond was present prior to 5/20/1971, an adjudication claim should be filed to protect the diversion of the water. Otherwise, no valid right will be decreed for the pond and an illegal use of water will occur.

Turning to Lot 38, what rights are found there? A portion of rights 63-04221, 63-10559, and 63-10560 are reasonably considered to be appurtenant to Lot 38. The portion of each right attached to Lot 38 depends on the beneficial use described in the right and the percent of that use found on Lot 38 when compared to the remainder of the place of use. An example follows.

Claim #63-04221 was examined with a field inspection on 7/18/1991 because a transfer application was filed to change the right. Because the right is one that has not been previously verified, the extent of beneficial use developed under the claim had to be determined. The examiner found .11 cfs (49 gpm) for 3.7 acres of irrigation and .36 cfs (162 gpm) for cooling of the swimming pool and associated tubs for the Grouse Creek water development. The total rate of flow for the entire creek diversion was estimated to be .36 cfs. Lot 38 includes 49% of the irrigated area and 100% of the cooling use for the place of use for claim 63-04221. Therefore, a reasonable conclusion is that Lot 38 is entitled to 49% of 3.7 acres of irrigation and 100% of the cooling use.

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This translates to 1.8 acres of irrigation with .05 cfs (22 gpm) and .36 cfs for cooling, and the total does not exceed .36 cfs. The remainder of the right would be considered appurtenant to the rest of the place of use (.06 cfs for 1.9 acres of irrigation). As with any water right recommendation made by the department, the results can be challenged by the users.

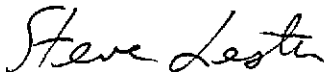
Once licenses are issued for 63-10559 and 63-10560, the portion of the licenses reasonably considered to be attached to Lot 38 can be determined in a similar manner. Due to a technicality in the adjudication process, adjudication claims do not have to be filed for these permits. Adjudication claim #A63-04221 was filed to protect statutory claim #63-04221.

Permit 63-10560 was filed and approved for 1.29 cfs or 579 gpm from the hot springs. The field examiner's recommendation included up to .64 cfs or 287 gpm. If more than .64 cfs is produced by the hot springs, the additional water can be considered available for new appropriations (new permits). Likewise, any water claimed from Grouse Creek but not recognized in the SRBA as a legitimate right can be considered available for new appropriations assuming that the creek flow is adequate to allow new rights to be developed. Also, new applications for Grouse Creek water can be filed and considered for approval at any time.

New appropriations for consumptive use of water that is considered tributary to the Boise River system face complications relating to existing water rights in the river basin. Essentially, any new right using such water for consumptive purposes must include a method to make up the loss to the river system to prevent injury to senior rights utilizing the river water. Tributary waters include surface water and possibly ground water.

I hope this information clarifies some of your questions. Please contact this office if you need more information.

Sincerely,



Steve Lester
Sr. Water Resource Agent

MICROFILMED

JUL 25 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2001

PARADISE HOMEOWNERS ASSOC INC
C/O ROCKY BAR STAGE
HC 87 BOX 42
MOUNTAIN HOME, ID 83647

Re: Claim No(s). 63-4221

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. ~~Field exams to verify~~ claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by **October 15, 2001**, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures

63-4221

RECEIVED

JUL 06 2004

WATER RESOURCES
WESTERN REGION

Perkins
Coie

251 East Front Street, Suite 400

Boise, ID 83702-7310

PHONE: 208.343.3434

FAX: 208.343.3232

www.perkinscoie.com

MELANIE G. RUBOCKI
Telephone: (208) 343-3434
Facsimile: (208) 343-3232
Mrubocki@perkinscoie.com

July 6, 2004

VIA HAND DELIVERY

Idaho Department of Water Resources
Western Division
2735 Airport Way
Boise, ID 83705-5082

Dear Representative:

Enclosed please find an executed original and a copy Notice of Security Interest in a Water Right along with a check in the amount of \$325 to cover the processing fees.

Please file the Notice of Security Interest in a Water Right and conform the copy by date stamping it and returning to our office runner. If there are any problems, please call me at 343-3434 or in my absence, please ask for my secretary, Linda Concannon.

Very truly yours,

*Dictated by Melanie G. Rubocki
and mailed in her absence in
order to avoid delay.*

Melanie G. Rubocki

MGR:lc
Enclosures

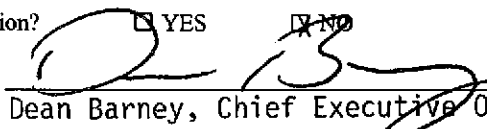
Note: Originals sent to S.O. to process.
PD issued (Amended) 7-29-03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 06 2004

WATER RESOURCES
WESTERN REGION**Notice of Security Interest in a Water Right****And Request for Notification of a Change in Ownership or Any Proposed
Or Final Action to Amend, Transfer, or Otherwise Modify a Water Right**Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): Please see Schedule A attached
Adjudication Claim No(s): Please see Schedule A attached
2. The following **REQUIRED** information must be submitted with this form:
 - A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - B) A **FEE** of \$25.00 per water right or adjudication claim.
3. Name and Mailing Address of Person or Company holding Security Interest
Dean Barney
Trinity Springs, Ltd.
160 7th Street West, #2C
P.O. Box 8810
Ketchum, Idaho 83340
4. Name of Water Right Owner/Claimant(s)
ISL Acquisition Corp.
5. Expiration Date of Notification Period perpetual
6. Is this a Renewal of Request for Notification? ☒ YES ☒ NO
7. Signature(s) (and title if applicable)

Dean Barney, Chief Executive Officer

For Office Use Only

Received by <u>DB</u>	Date <u>7-6-04</u>	Fee <u>\$25- Each</u>
Received by <u>DB</u>	Date <u>7-6-04</u>	Receipt No. <u>W031933</u>
Processed by <u> </u> AJ	Date <u> </u>	WR <u> </u> Date <u> </u>

SCANNED

JUL 08 2004

RECEIVED

JUL 06 2004

WATER RESOURCES
WESTERN REGION

**NOTICE OF SECURITY INTEREST IN A WATER RIGHT
SCHEDULE A**

1. Water Permit No. 63-11439
2. Water Permit No. 63-12316
3. Water Permit No. 63-12317
4. Water Permit No. 63-31526
5. Water Right Decree No. 63-4221, in re SRBA Case No. 39576;
6. Water Right No. 63-4327, Notice of Claim in re SRBA Case No. 39576;
7. Water Right Decree No. 63-8206, in re SRBA Case No. 39576, Water Right License No. 63-8206, and Partial Decree No. 63-8206;
8. Water Right Decree No. 63-8207, in re SRBA Case No. 39576, Water Right License No. 63-8207, and Partial Decree No. 63-8207;
9. Water Right License No. 63-10559, and any claim, decree or partial decree in re SRBA Case No. 39576;
10. Water Right License No. 63-10560, and any claim, decree or partial decree in re SRBA Case No. 39576;
11. Water Right License No. 63-11051, and any claim, decree or partial decree in re SRBA Case No. 39576;
12. Water Right License Number 63-11053, and any claim, decree or partial decree in re SRBA Case No. 39576;
13. Water Right Decree Number 63-27144, in re SRBA Case No. 39576; and Partial Decree Number 63-27144;
14. Any and all water rights, entitlements and other interests associated with the cold water well that serves the main office building and bottling facility and is believed to be located just south of the main office building near the common boundary between the SE1/4NE1/4 and the NE1/4NE1/4 of Section 5, Township 2 North, Range 10 East, Boise Meridian.

SCANNED

JUL 08 2004

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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-04221

NAME AND ADDRESS: PARADISE HOMEOWNERS ASSN INC
C/O ROCKY BAR STAGE
HC 87 BOX 42
MOUNTAIN HOME, ID 83647

SOURCE: GROUSE CREEK TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.36 CFS

PRIORITY DATE: 10/27/1913

POINT OF DIVERSION: T03N R10E S33 SWNE Within Elmore County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	0.16 CFS
Cooling	01-01 TO 12-31	0.36 CFS

PLACE OF USE: Irrigation Within Elmore County
T03N R10E S33 SWNE 2.5 LOT 1 (NENW) 0.5
LOT 4 (SENW) 5.0
8.0 Acres Total

Cooling Within Elmore County
Same as Irrigation

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

STOCKWATER USE IS FOR 5 HORSES.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

When Recorded Return To:

Christopher H. Meyer
Givens Pursley LLP
P.O. Box 2720
Boise, ID 83701
208-388-1200

RECEIVED

JUL 06 2004

WATER RESOURCES
WESTERN REGION

WATER RIGHT GRANT DEED AND ASSIGNMENT

Trinity Springs, Ltd., an Idaho corporation, whose address is 160 7th Street W. #2C, P.O. Box 8810, Ketchum, Idaho 83340 ("Grantor"), does hereby grant, bargain, sell, assign and convey unto TSL Acquisition Corp., a Delaware corporation, whose address is c/o AMCON Distributing Company, Attention: Chief Financial Officer, 7405 Irvington Road, Omaha, Nebraska 68164-7940 ("Grantee"), and to Grantee's heirs, successors and assigns forever, all of Grantor's right, title and interest in all of Grantor's water rights, claims to water rights, water right permits, water right licenses and applications for water rights, not otherwise conveyed by any other deed (collectively the "Water Rights"), including but not limited to each of the following:

1. Water Right No. 63-4221

- (a) that certain water right evidenced and represented by Water Right Decree Number 63-4221 issued to Grantor or Grantor's predecessor in interest (if any) by the Fifth Judicial District, the State of Idaho, in and for the County of Twin Falls, in re SRBA Case No. 39576; and
- (b) Idaho Water Right Decree Number 63-4221.

2. Water Right No. 63-4327

- (a) that certain claim for a water right evidenced and represented by Notice of Claim to Water Right No. 63-4237 filed by Grantor or Grantor's predecessor in interest (if any) in the Fifth Judicial District, the State of Idaho, in and for the County of Twin Falls, in re SRBA Case No. 39576.

3. Water Right No. 63-8206

- (a) that certain water right evidenced and represented by Water Right Decree Number 63-8206 issued to Grantor or Grantor's predecessor in interest (if any) by the Fifth Judicial District, the State of Idaho, in and for the County of Twin Falls, in re SRBA Case No. 39576;
- (b) Idaho Water Right License Number 63-8206; and
- (c) Idaho Partial Decree Number 63-8206.

4. Water Right No. 63-8207

- (a) that certain water right evidenced and represented by Water Right Decree Number 63-8207 issued to Grantor or Grantor's predecessor in interest (if

any) by the Fifth Judicial District, the State of Idaho, in and for the County of Twin Falls, in re SRBA Case No. 39576;

- (b) Idaho Water Right License Number 63-8207; and
- (c) Idaho Partial Decree Number 63-8207.

5. Water Right No. 63-10559

- (a) that certain water right evidenced and represented by Water Right License Number 63-10559 issued to Grantor or Grantor's predecessor in interest (if any) by the State of Idaho;
- (b) Idaho Water Right License Number 63-10559 ("License"); and
- (c) any claim, decree or partial decree (including any amendments thereto) with respect to said water right or license filed in or issued pursuant to the Snake River Basin Adjudication, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls, In re SRBA Case No. 39576.

6. Water Right No. 63-10560

- (a) that certain water right evidenced and represented by Water Right License Number 63-10560 issued to Grantor or Grantor's predecessor in interest (if any) by the State of Idaho;
- (b) Idaho Water Right License Number 63-10560 ("License"); and
- (c) any claim, decree or partial decree (including any amendments thereto) with respect to said water right or license filed in or issued pursuant to the Snake River Basin Adjudication, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls, In re SRBA Case No. 39576.

7. Water Right No. 63-11051

- (a) that certain water right evidenced and represented by Water Right License Number 63-11051 issued to Grantor or Grantor's predecessor in interest (if any) by the State of Idaho;
- (b) Idaho Water Right License Number 63-11051; and
- (c) any claim, decree or partial decree (including any amendments thereto) with respect to said water right or license filed in or issued pursuant to the Snake River Basin Adjudication, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls, In re SRBA Case No. 39576.

8. Water Right No. 63-11053

- (a) that certain water right evidenced and represented by Water Right License

Number 63-11053 issued to Grantor or Grantor's predecessor in interest (if any) by the State of Idaho;

- (b) Idaho Water Right License Number 63-11053 ("License"); and
- (c) any claim, decree or partial decree (including any amendments thereto) with respect to said water right or license filed in or issued pursuant to the Snake River Basin Adjudication, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls, In re SRBA Case No. 39576.

9. Water Right No. 63-27144

- (a) that certain water right evidenced and represented by Water Right Decree Number 63-27144 issued to Grantor or Grantor's predecessor in interest (if any) by the Fifth Judicial District, the State of Idaho, in and for the County of Twin Falls, in re SRBA Case No. 39576; and
- (b) Idaho Partial Decree Number 63-27144.

10. Any and all water rights, entitlements and other interests associated with the cold water well that serves the main office building and bottling facility and is believed to be located just south of the main office building near the common boundary between the SE1/4NE1/4 and the NE1/4NE1/4 of Section 5, Township 2 North, Range 10 East, Boise Meridian.

SUBJECT TO: the security interest of Trinity Springs, Ltd. ("Trinity"), to secure the performance of certain obligations of TSL Acquisition Corp. ("TSL") and AMCON Distributing Company ("AMCON") relating to the transaction contemplated by certain Asset Purchase Agreement, dated April 24, 2004, among Trinity, TSL, and AMCON.

Grantor retains no other residual or reversionary interest in any of the Water Rights.

Grantor hereby covenants and warrants to Grantee as follows:

- (a) that Grantor has not conveyed any of the Water Rights to anyone other than Grantee;
- (b) that each of the Water Rights is free from all liens, claims or encumbrances done, made or suffered by Grantor or its agents, excepting Grantor's security interest referenced herein;
- (c) that the undersigned is authorized to convey the Water Rights by this deed;

Grantor makes no other guarantees or warranties as to the Water Rights.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed this 17 day of June, 2004.

GRANTOR:

TRINITY SPRINGS, LTD.,
an Idaho corporation

By:

Name:

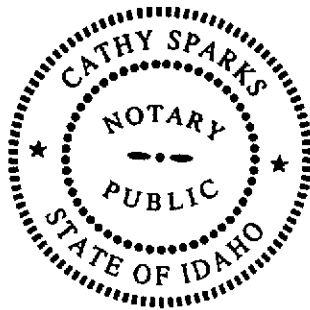
Title:


Dean Barney
CEO

State of Idaho)
County of Ada) ss.

On this 17 day of JUNE, in the year 2004, before me, a Notary Public in and for said County and State, personally appeared DEAN BARNEY, known or identified to me to be C.E.O. of Trinity Springs, Ltd. the Idaho corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Cathy Sparks
Notary Public for Idaho
Residing at Boise
My Commission Expires 11-7-06

Idaho Department of Water Resources Receipt

Receipt ID W031933

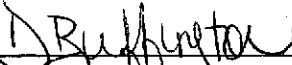
Payment Amount \$325.00 Date Received 7/6/2004 4:46:35 PM Region Western Status ☐
Payment Type Check Check Number 1020

Payer PERKINS COIE LLP

Comment NOTICE OF SECURITY INTEREST 63-11439, 63-12316, 63-12317,
63-31526, 63-4221, 63-4327, 63-8206, 63-8207, 63-10559,
63-10560, 63-11051, 63-11053 & 63-27144

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$325.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	62140	1155


Signature Line (Dept. Representative)

SCANNED
JUL 08 2004