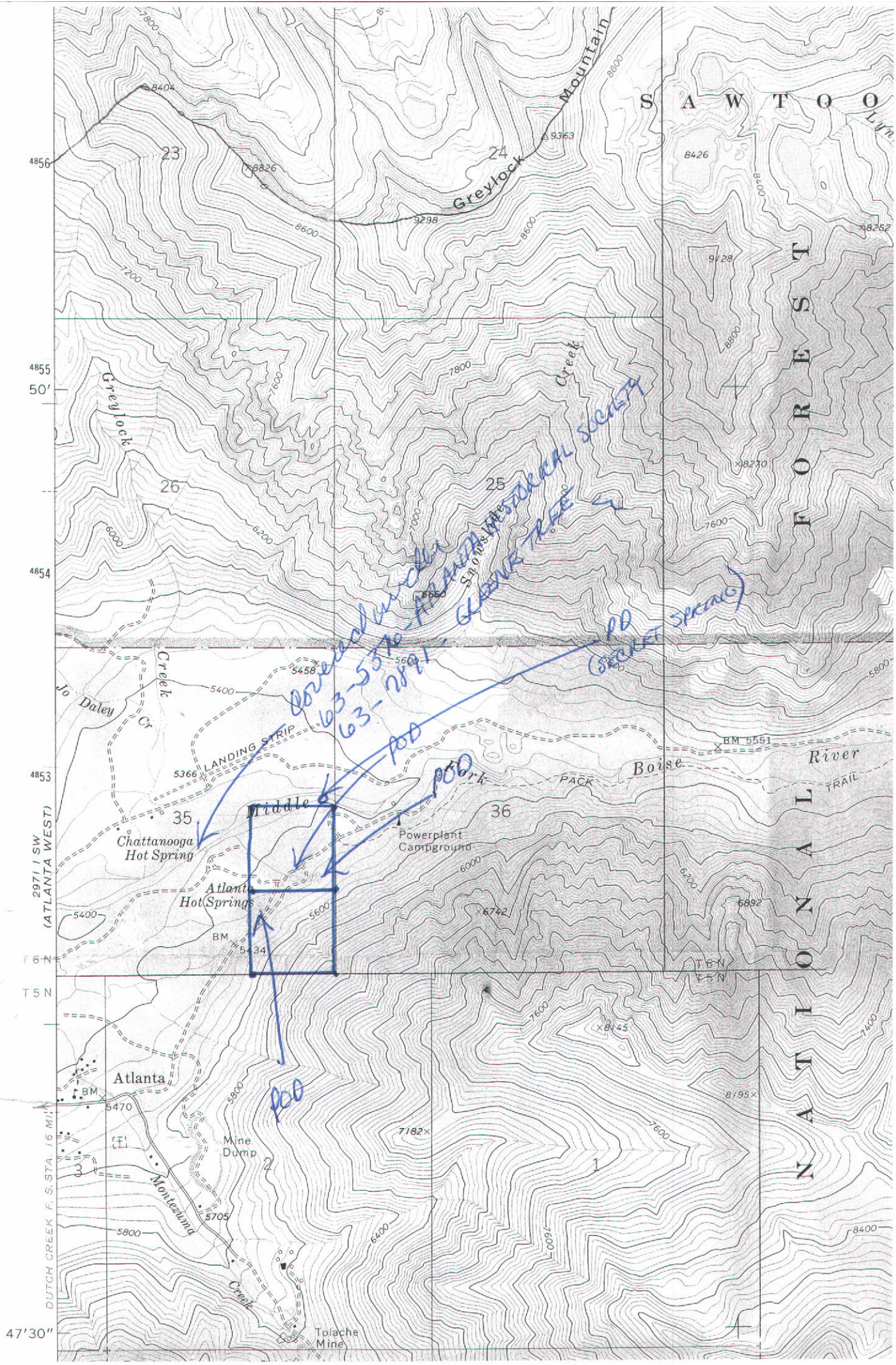




SPRING1

Middle

53

Chattanooga REALCHARTER.COM

Hot Birds to H

ATLHSP

Atlanta

Hot Springs



5484

○ ○ ○ ○ ○

SRBA Claim Number A63-5377

Date of Photos 09/26/2001

Photographer T. Diniucci

Legal Description T6N R1E S3S SE NE SE

① Point of diversion
located on hillside
above (east) of
pond.

GPS measurement
location "ALTHSP"



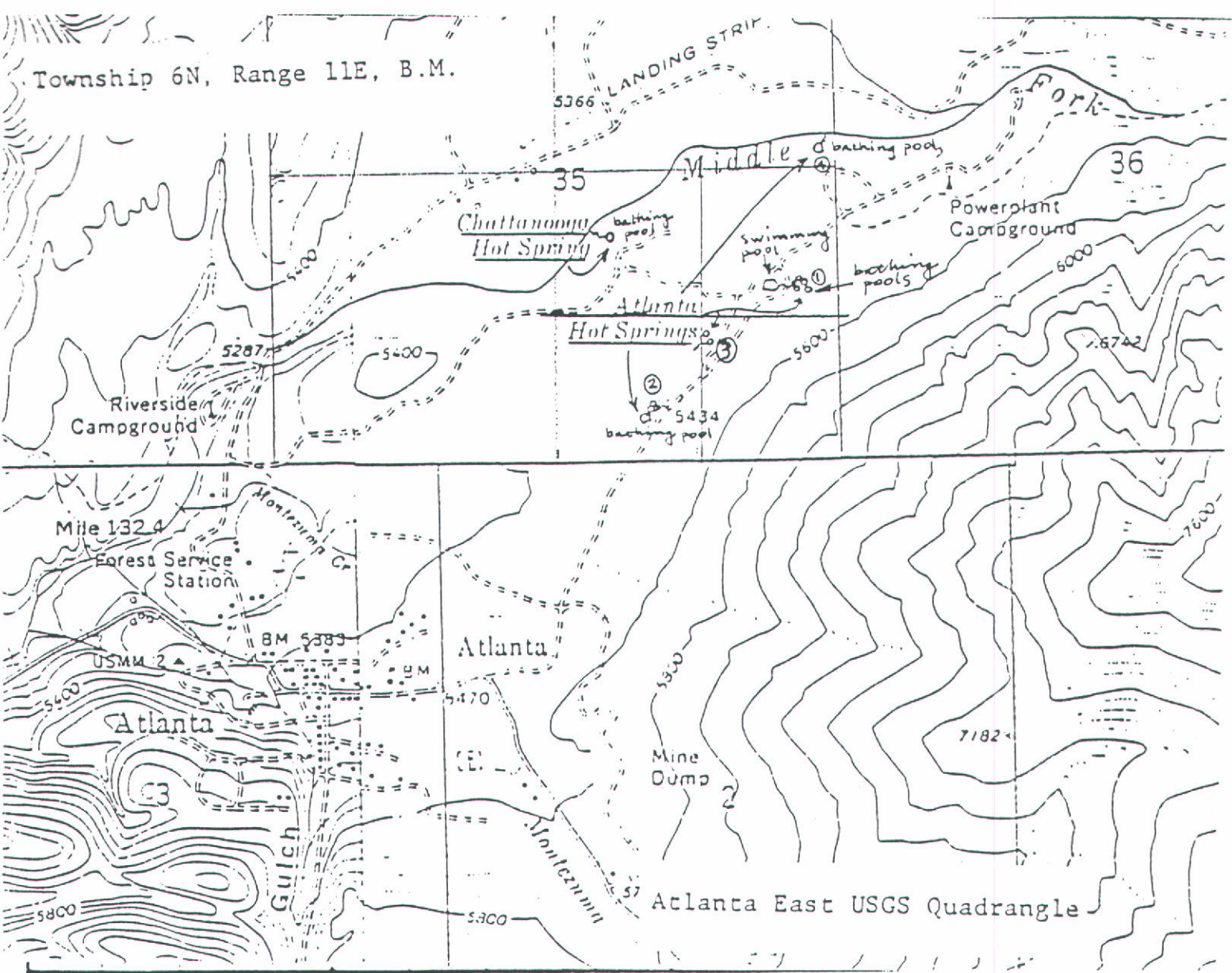
② Place of use

Small bath/tub
located uphill of
large pond.

Pipe discharge
measured at 28 gpm.



(8) Remarks (See appendix C.)



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of) ss.
County of)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.
The Village of Atlanta, Idaho, by and through
the Atlanta Historical Society, by its President:

Kerry Moorman
(Claimant)

Sworn to before me this 31st day of June, 1985.

[Signature]
Notary Public
Residing at [Address]

My commission expires January 1, 1986

FOR DEPARTMENT USE ONLY			
Received by <u>[Signature]</u>	Date <u>6/31/85</u>	Exception filed by:	Forwarded to
Prelim. check by <u>[Signature]</u>	Date <u>6/31/85</u>	Filed by <u>FL 36175</u>	claimant by:
100 cc \$30.00 fee received by <u>[Signature]</u>	Date <u>6/31/85</u>		
Published in			
Dates			

SRBA Claim Number A63-5377

Date of Photos 09/26/2001

Photographer NTINICUCCI

Legal Description T6N R11E S35 SW NESE

③ Point of Diversion - NO GPS

Measurement

Dam across drainage - photo shows
outlet of pond. Photo is taken
from west side of pond, looking
east across the pond.



④ Pond area

Photo taken from
east of pond.

Multiple springs
+ seeps.



\$140⁰⁰

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: A63-05377
Date Received: 12-6-89
Receipt No: C013311 & C013312
Received By: D.K.
rlt

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
JUN 6 1989

1. Name: ATLANTA HISTORICAL SOCIETY, INC.
Address: GENERAL DELIVERY
ATLANTA, ID 83601-0000
2. Date of Priority: JUL 22, 1873
3. Source: ATLANTA HOT SPRINGS Trib. to: BOISE RIVER, MIDDLE FORK
4. Point of Diversion:

Department: _____

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	11E	35	SE	SE	NE		ELMORE
				NE	SE		ELMORE
			SE	SW	SE		ELMORE
			NW	SE	SE		ELMORE

5. Description of diverting works:
DITCHES FROM NUMEROUS VENTS, PIPES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.450		
RECREATION	01/01	12/31	0.450		
STOCKWATER	01/01	12/31	0.030		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR WILDLIFE, R/SWIMMING POOL, D/20 HOMES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	11E	35	SE	NE		REC	
			SE	NE		DOMEST	
			SE	NE		STOCK	
			NE	SE		REC	
			NE	SE		DOMEST	
			NE	SE		STOCK	
			SW	SE		REC	
			SW	SE		DOMEST	
			SW	SE		STOCK	
			SE	SE		REC	
			SE	SE		DOMEST	
			SE	SE		STOCK	

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
A63-05376

14. Remarks:

2 P/D IN NWSESE, S35, T6N, R11E.
THIS USE IS LOCATED WITHIN THE VILLAGE OF ATLANTA, IDAHO.
PROPERTY IS ADMINISTERED BY THE U.S. FOREST SERVICE. THE
CITIZENS OF ATLANTA USE THE WATER FOR BATHING, SWIMMING,
THERAPEUTIC PURPOSES AND RELATED DOMESTIC AND RECREATIONAL USES.
STOCK USE IS BY WILDLIFE AND DOMESTIC ANIMALS.
HOT WATER IDSCHARGES THROUGH NUMEROUS VENTS ALONG A COMMON FAULT
LINE AT APPROXIMATELY 58 DEGREES C (135 DEGREES F) AND IS
DIVERTED INTO SWIMMING AND BATHING POOLS AT EACH POINT OF
DIVERSION CONSTRUCTED IN THE EARLY MINING DAYS AND IS MAINTAINED
BY THE CITIZENS OF THE VILLAGE OF ATLANTA.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of
Title
Atlanta Historical Society, Inc., that I have signed the foregoing
Organization
document in the space below as President of
Title
Atlanta Historical Society, Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

Kenny Moosman
Signature of Authorized Agent

President, Atlanta Historical Society
Title and Organization

December 15, 1989
Date

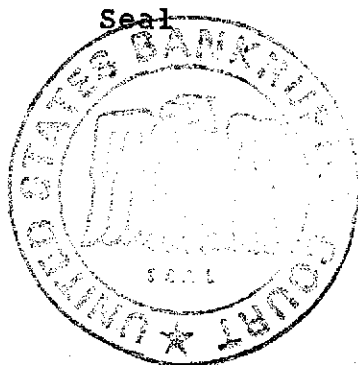
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of Dec 1989

Chris Depp, Deputy
Notary Public Clerk

Residing at Baese, Id

My Commission Expires N/A



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-05377

2004 FEB 27 AM 9:10
DISTRICT COURT - SRBA
TWIN FALLS CO, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDA FOREST SERVICE
550 W PORT STREET MSC 013
BOISE, ID 83724

SOURCE: ATLANTA HOT SPRINGS TRIBUTARY: MIDDLE FORK BOISE RIVER

QUANTITY: 0.37 CFS

PRIORITY DATE: 07/22/1873

POINT OF DIVERSION: T06N R11E S35 SESENE Within Elmore County
SENESE
NWSESE

2 POINTS OF DIVERSION LOCATED IN T06N, R11E, S35, SESENE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Recreation	01-01 TO 12-31	0.37 CFS

PLACE OF USE: Recreation Within Elmore County
T06N R11E S35 SESE
SESE NESE

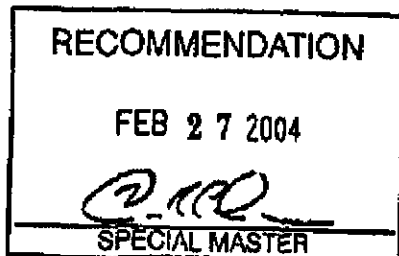
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE POINT OF DIVERSION AND PLACE OF USE FOR THIS WATER RIGHT ARE ON NATIONAL FOREST SERVICE LAND. THIS WATER RIGHT IS FOR RECREATIONAL USE BY THE PUBLIC, INCLUDING THE CITIZENS OF THE TOWN OF ATLANTA, AT ATLANTA HOT SPRING.

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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

Right Number: 63-05377

Name and Address: ~~ATLANTA HISTORICAL SOCIETY INC~~ UNITED STATES OF AMERICA
~~GENERAL DELIVERY~~ USDA FOREST SERVICE
~~ATLANTA, ID 83601~~ 550 W. FORT STREET MSC 033
BOISE, ID 83724

Source: ATLANTA HOT SPRINGS Tributary: BOISE RIVER

Quantity: .37 CFS

Priority Date: 07-22-1873

Diversion Point: T06N R11E S35 SESENE Within Elmore County
SENESE
NWSESE

2 POINTS OF DIVERSION LOCATED IN T06N, R11E, S35, SESENE.

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Recreation	01-01 TO 12-31	.37 CFS
Place of Use:	Recreation T06N R11E S35	SENE SESE	Within Elmore County NESE

Other Provisions Necessary for Definition / 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.

THE POINT OF DIVERSION AND PLACE OF USE FOR THIS WATER RIGHT ARE
ON NATIONAL FOREST SYSTEM LAND. THIS WATER RIGHT IS FOR
RECREATIONAL USE BY THE PUBLIC, INCLUDING THE CITIZENS OF THE
TOWN OF ATLANTA, AT ATLANTA HOT SPRING.

Explanatory Material: Basis of Claim - Beneficial Use

RECREATION USE IS FOR BATHING AND SWIMMING.
WATER TEMPERATURE MEASURED AT 135 DEGREES F.

DN
MCO
J

In Re SRBA	)	Subcase No. 63-05377
	)	
Case No. 39576	)	Standard Form 5
	)	
	)	STIPULATED ELEMENTS
	)	OF A WATER RIGHT
	)	

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

Michael C. Orr 2-10-04
Michael C. Orr Date

David L. Negri 2/12/04
David L. Negri Date

Jan Shurte 2-12-04
Jan Shurte Date
Adjudication Supervisor

Nicholas B. Spencer Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on Feb 12, 2004, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

Original to:

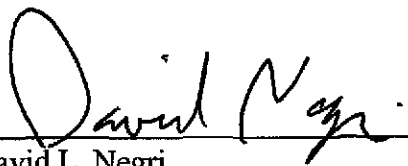
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Copy to:

GIVENS PURSLEY L.L.P.
Michael C. Orr
277 N 6th Street
P.O. Box 2720
Boise, ID 83701

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

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724



David L. Negri

Memorandum

Date: July 14, 2003

To: Jan Shurte

From: Craig L. Saxton

Subject: Atlanta Historical Society 63-05376 and 63-05377

It looks to me that the Forest Service is objecting because the POD and POU is on USFS land and that the right should be decreed in the name of the USFS. ArcView shapfiles seem to indicate that some if not all of the POU and POD's (springs) do fall on USFS ground.

My notes indicate that the POU falls on a government lot and my initial thoughts were that this was an objection similar to when the BLM objects when private ground falls within the same 40 that BLM owns ground. This, however, doesn't seem to be the case.

In a conversation with Dan Nelson, he confirmed that all 4 of the recommended springs do fall on USFS land. Dan indicated that he is familiar with the controversy in the area and might be able to provide some insight on the situation.

RECEIVED

JUN 26 2003

Department of Water Resources

Jeffrey C. Fereday, Idaho State Bar No. 2719
GIVENS PURSLEY LLP
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com
S:\CLIENTS\6853\1\Notice of Appearance.DOC

Attorneys for Atlanta Historical Society.

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

Subcase Nos. 63-05376 & 63-05377

NOTICE OF APPEARANCE

YOU WILL PLEASE take notice that Jeffrey C. Fereday of the firm Givens Pursley LLP, hereby enters his appearance as attorney of record for Claimant Atlanta Historical Society in the above entitled action.

Dated this 25th day of June, 2003.


Jeffrey C. Fereday

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of June 2003, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

United States of America
Represented by
David Negri
US Department of Justice
Environment & Natural Resource
550 West Fort Street, MSC 033
Boise, Idaho 83724

☒ U.S. Mail
☐ Facsimile
☐ Hand Delivery
☐ Overnight Delivery

Ms. Liz Merrill
Atlanta Historical Society
3801 Tamarack Street
P.O. Box 53
Boise, ID 83601

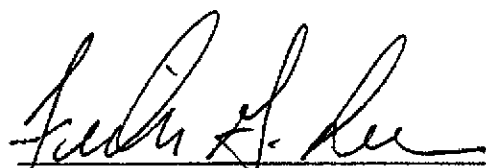
☒ U.S. Mail
☐ Facsimile
☐ Hand Delivery
☐ Overnight Delivery

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

☒ U.S. Mail
☐ Facsimile
☐ Hand Delivery
☐ Overnight Delivery

Clive J. Strong, Esq.
Chief Natural Resources Div.
Office of the Attorney General
State of Idaho
P.O. Box 4449
Boise, Idaho 83711-4449

☒ U.S. Mail
☐ Facsimile
☐ Hand Delivery
☐ Overnight Delivery


~~Jeffrey C. Foreday~~
Franklin G. Lee, 158 No. 6000

IDAHO DEPT. OF WATER RESOURCES
EASTERN REGION

CONVERSATIONAL MEMORANDUM

DATE: 4-1-02

PAGE: 1 OF 1

CLAIM NUMBER: 63-05376 + 63-05377

NAME OF PARTY: Liz Merrill 303-3401

EMPLOYEE: Craig Saxton

RE: Liz called and didn't receive PDR mailing.

E-mailing her copies at elmkim@netzero.net.

She will call with questions.

She is concerned that USFS might have filed
claims on these also.

4-5-02: Liz called. She had concerns about
only 3 springs being recommended and reduced
diversion rate under 63-05377. I informed her
that 41 springs were recommended and
diversion rate was based on USFS historical
records.

Craig

RECEIVED

JAN 31 2003

Department of Water Resources

**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: 63-05377
**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America, Acting through the USDA Forest Service
Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724
Daytime Phone: (208) 331-5943

Name and Address of Attorney, if any:

David L. Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

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

Name: Atlanta Historical Society Inc.
Address: General Delivery
Atlanta, ID 83601

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: United States of America
USDA Forest Service
550 West Fort Street
MSC 033
Boise, ID 83724

2. ☒ **Source**

Should be: See E below.

3. ☒ **Quantity**

Should be: See E below.

4. ☒ **Priority Date**

Should be:

5. ☒ **Point(s) of Diversion**

Should be: See E below.

6. ☐ **Instream Flow Description**

Should be:

7. ☒ **Purpose(s) of Use**

Should be: See E below.

8. ☒ **Period of Year**

Should be:

9. ☒ **Places of Use**

Should be: See E below.

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 descriptions of Atlanta Hot Spring and pools immediately adjacent to the source, POD and POU as shown in the Directors Report are all on National Forest System land. The claimant is not authorized to occupy and use National Forest System lands for this purpose. This water right should be decreed to the United States of America.

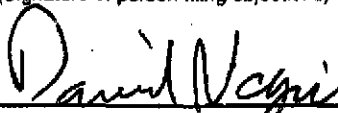
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

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

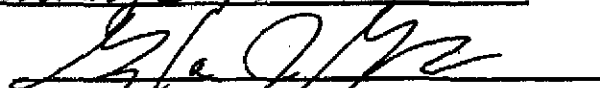
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

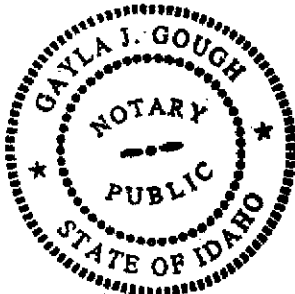

(Signature of person filing objections)


(Attorney signing in representative capacity)

Subscribed and sworn before me on:

January 30, 2003


Gayla J. Gough



Notary Public for: Idaho
Residing at: Kuna, Idaho
Commission Expires: 11/17/2004

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 1/30/03, 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:

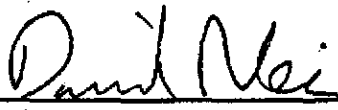
Name: Atlanta Historical Society Inc.
Address: General Delivery
Atlanta, ID 83601

3. Copies to:

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

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

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



Signature of Objector or attorney
mailing on Objector's behalf

02/27/2002

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

RIGHT NUMBER: 63-5377

NAME AND ADDRESS: ATLANTA HISTORICAL SOCIETY INC
GENERAL DELIVERY
ATLANTA ID 83601

SOURCE: ATLANTA HOT SPRINGS TRIBUTARY: MIDDLE FORK BOISE RIVER

QUANTITY: 0.37 CFS

PRIORITY DATE: 07/22/1873

POINT OF DIVERSION:

T06N R11E S35 SESENE Within ELMORE County

T06N R11E S35 SENESE Within ELMORE County

T06N R11E S35 NWSESE Within ELMORE County

2 POINTS OF DIVERSION LOCATED IN T06N, R11E, S35, SENESE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	01/01 12/31	0.370 CFS

PLACE OF USE: RECREATION Within ELMORE County

T06N R11E S35	SENE	T06N R11E S35	NESE
T06N R11E S35	SESE		

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

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

EXPLANATORY MATERIAL: Beneficial Use

RECREATION USE IS FOR BATHING AND SWIMMING.
WATER TEMPERATURE MEASURED AT 135 DEGREES F.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5377 V1

WATER RIGHT NUMBER: 63-5377 V1

Owner Type Name and Address
 Current Owner ATLANTA HISTORICAL SOCIETY INC
 GENERAL DELIVERY
 ATLANTA, ID 83601

Priority Date: 07/22/1873
 Basis: Beneficial Use
 Status: Active

Source Tributary
 ATLANTA HOT SPRINGS MIDDLE FORK BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION	01/01 to 12/31	~~0.430 CFS~~ .37 CFS	
	<u>Total Diversion:</u>	~~0.430 CFS~~ .37 CFS	

Location of Point(s) of Diversion

ATLANTA HOT SPRINGS
 ELMORE County

ATLANTA HOT SPRINGS
 ELMORE County

~~SE 1/4 NE 1/4 SE 1/4~~ (2 SPRINGS)
 Sec. 35, Twp 06N, Rge 11E, B.M.

~~SE 1/4 NE 1/4 SE 1/4~~
 Sec. 35, Twp 06N, Rge 11E, B.M.

MEAS .13 CFS

MEAS .15 CFS

SE SE NE

" " "

MEAS .09 CFS

Place of Use
 RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
06N	11E	35	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
						X					X				X			X	
						R					R				R			R	

Conditions of Approval:

1. C18 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.

Remarks:

1. Explanatory RECREATION USE IS FOR BATHING AND SWIMMING.
2. Explanatory WATER TEMPERATURE MEASURED AT 135 DEGREES F.

F82 - 2 PTS OF DIVERSION IN THE
 SE SE SE, S. 35, T. 6N, R. 11E

SEE
 PG. 5
 OF PROP.
 DECISION +
 ORDER FOR
 DENIED APP.
 FOR PERMIT
 NO. 63-10275

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-5377 V1

Comments:

1. sbock 1/1/2002 EXAM

Comment: Maria M. conducted field exam. The use is located within the village of Atlanta, Idaho. Property is administered by the USFS. The citizens of Atlanta use the water for bathing, swimming, therapeutic purposes and related domestic and recreational uses.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A63-5377

1. No Change NAME IS SAME
NEW OWNER: _____
No Change ADDRESS
NEW ADDRESS: _____

2. No Change - DATE OF PRIORITY: Completed evidence submitted
Incomplete - Claimant should be asked during the exam when was water first
used and submit proof of date of priority.

Priority date, per claimant, is: 07/22/1873
(If the priority date, based on your exam, seems questionable, explain below.)

Evidence supports existence of hot springs + "bath"
although location is not clearly defined.

3. No Change — SAME SOURCE
Source is different than that claimed:

Source found: ATLANTA HOT SPRINGS

4. No Change — POINT OF DIVERSION
Point of diversion is different than the claim and/or new P/D's:

Township 6N Range 11E Section 35 1/4 SE 1/4 NE 1/4 SE
Township _____ Range _____ Section _____ 1/4 SW 1/4 NE 1/4 SE

5. No Change - DESCRIPTION OF DIVERTING WORKS
Incomplete description, list below:

Pipe in stream discharges to small pool. Outlet via
Natural channels to much larger pool (90'x130') below.
Outlet again to Natural channel. ~~for~~ does

6. No Change - WATER USES
Different uses, (list uses found):

Use Recreation From 01/01 To 12/31 Amount .15 CFS AFA
Use From To Amount CFS AFA
Use From To Amount CFS AFA

7. No Change - TOTAL VOLUME

Incomplete on claim, the total is, Amount CFS AFA

Changes found, the new total is, Amount CFS AFA

8. No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: Stock # List types:

Additional comments: Recreation: Hot water for bathing + swimming.

9. No Change — PLACE OF USE: (If changed, list below.)

Use: Rec Township 6N Range 11E Section 35 1/4 NE 1/4 SE
Use: Township Range Section 1/4 1/4
Use: Township Range Section 1/4 1/4
Use: Township Range Section 1/4 1/4

Remarks: (Comments pertinent to field examination) See additional attachment

Temp. measured 09/01/1981 by USFS at 53.5°C, flow at
.09 x .13 = .0117 CFS. SEE PG. 5 OF PROPOSED PERMIT FOR U.S.G.S.
.15 CFS. Field exam found .062 CFS, but measured ESTIMATES
only pipeflow. Add'l flow from seeps + springs of SPRINGS FLOWS
throughout hillside above upper pond.

SYSTEM DIAGRAM INCLUDED

Shown on GIS Layout

CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 09/26/2001

FIELD EXAMINER:

MARIA MINICUCCI

Print Name

[Signature]

Signature

POD descriptions for
pipe (SENESE) and
dam (SWNESE) for larger pool.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5377

WATER RIGHT NUMBER: 63-5377

Owner Type Name and Address
 Current Owner ATLANTA HISTORICAL SOCIETY INC
 GENERAL DELIVERY
 ATLANTA, ID 83601

Priority Date: 07/22/1873
 Basis: Statutory Claim
 Status: Active

Source Tributary
 ATLANTA HOT SPRINGS MIDDLE FORK BOISE RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
RECREATION	1/01 to 12/31		0.450 CFS	.15 CFS
DOMESTIC	1/01 to 12/31		0.450 CFS	NONE FOUND
STOCKWATER	1/01 to 12/31		0.030 CFS	NONE FOUND
Total Diversion:			0.900 CFS	

Measured @ 289pm

.063 CFS by
IDWR field

exam 09/26/2001

Measured @ .15 CFS by USGS,
 per Proposed Decision & Order
 p95 (63-12075).

Location of Point(s) of Diversion

ATLANTA HOT SPRINGS "secret spring" SE 1/4 SE 1/4 NE 1/4 Sec. 35, Twp 06N, Rge 11E, B.M. OK SMALL (6' dia.)
 ELMORE County

ATLANTA HOT SPRINGS ALL 4 SP NE 1/4 SE 1/4 SE 1/4 SE 1/4 Sec. 35, Twp 06N, Rge 11E, B.M.
 ELMORE County

ATLANTA HOT SPRINGS ~~SECRET SPRING~~ NW 1/4 SE 1/4 SE 1/4 Sec. 35, Twp 06N, Rge 11E, B.M. OK
 ELMORE County

ATLANTA HOT SPRINGS NOT FOUND ? SE 1/4 SW 1/4 SE 1/4 Sec. 35, Twp 06N, Rge 11E, B.M.
 ELMORE County

$$\text{Pond is } \approx 90' \times 130' = 11700 \text{ ft}^2 \times 10' \text{ av. depth} = 117,000 \text{ ft}^3$$

$$117,000 \div 43560 = 2.69 \text{ AF}$$

Place of Use

RECREATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	11E	35				X					X	X	X	X	

DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	11E	35				X					X	X	X	X	

$$90 \times 130 = 11700 \text{ ft}^2 =$$

COPIES FROM DENIED APP FOR PERMIT
#63-10275 - SEE PG. 5 FOR CFS ESTIMATES
OF SPRINGS BY THE U.S. G.S.

- (a) it will reduce the quantity of water under existing water rights;
- (b) the water supply is insufficient for the proposed use;
- (c) the application was made for speculative purposes;
- (d) the applicants do not have sufficient financial resources with which to complete the proposed work; and,
- (e) it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use.

5. The applicants questioned the validity of claims to water rights from the springs filed by the U.S. Forest Service and the Village of Atlanta on behalf of the public for uses within the spring areas and the outflow channels.

6. A hearing on the protested application was conducted in Boise, Idaho on November 4 and 5, 1985. The applicants were present and represented by attorney John C. Arkoosh. For the protestants, Carl L. Meyers was present on behalf of Alva Greene; Vern P. Caldwell was present on behalf of the Marian Glovata Estate; the Atlanta Water Association, Inc., Kerry Moosman, Jane Stone and all other signators of the protest petition were represented by attorney Jeffery C. Fereday, who after the hearing also became the attorney of record for the Estate of Louis Inama.

7. The protestants represented by Jeffery C. Fereday submitted post-hearing briefs on December 12 and 26, 1985; and the applicants submitted post-hearing briefs on December 16 and 31, 1985.

Description of Spring System

8. There are five primary discernable spring areas in or near the SE1/4,

Sec. 35, T. 6N., R. 11E., B.M., Elmore County, located on property owned by the U.S. Forest Service. These spring areas are identified on the Atlanta East U.S. Geological Survey (U.S.G.S.) 7 1/2 minute quadrangle map as "Chatanooga Hot Spring" and "Atlanta Hot Springs". In addition, nearby spring areas may be located on property owned by Greene Tree, Inc. The springs on said property owned by the U.S. Forest Service are identified and referenced herein as follows:

Spring Area No. 1 *SENESE (2 PIS)*

This spring area appears to be located within the NE1/4 SE1/4, Sec. 35, T. 6N., R. 11E., B.M. It consists of waters issuing from at least three vents, which flow into an upper bathing pool and successively into a lower bathing pool and a larger pool called the "swimming pool" or the "frog pond".

Spring Area No. 2 *NOT FOUND DURING EXAM*

This spring area appears to be located within the SW1/4 SE1/4, Sec. 35, T. 6N., R. 11E., B.M. It consists of waters issuing from one or more vents, which flow into a bathing pool.

Spring Area No. 3 *NWSESE*

This spring area appears to be located within the SE1/4 SE1/4, Sec. 35, T. 6N., R. 11E., B.M. It consists of waters issuing from one or more vents, which flow into a bathing pool.

Spring Area No. 4 *SESENE*

This spring area appears to be located in the SE1/4 NE1/4, Sec. 35, T. 6N., R. 11E., B.M. It consists of waters issuing from one or more vents, which flow into two (2) bathing pools.

Spring Area No. 5

This spring area, identified as Chatanooga Hot Spring on the U.S.G.S. 7 1/2 minute quadrangle, appears to be located in the NW1/4 SE1/4, Sec. 35, T. 6N., R. 11E., B.M. It consists of waters issuing from a series of vents on a hillside, which flows into a bathing pool.

9. Definitive information regarding the rates of flow and water temperature of the five springs is not available in published records. U.S.G.S. data sheets provide the following data, based on estimates of rate of flow and measurements of temperature:

<u>Spring Area No.</u>	<u>Rate of Flow (cfs)</u>	<u>Temp. (C.°)</u>	<u>Date of Data Collection</u>
1 ~~SENESE~~	0.13	60	9/1/1981
3 ~~NUSESE~~	0.15	53.5	9/1/1981
5	0.22	53.0	9/1/1981

10. The rates of flow in spring areas nos. 2 and 4 are unmeasured, but have been estimated to be 0.09 ^{SESENE} cubic feet per second each.

11. Spring areas nos. 2 and 4 appear to be located outside the locations for points of diversion specified on the applicant's Application for Permit No. 63-10275. The applicants have indicated that they do not intend to amend the application to specify additional tracts of land to contain additional points of diversion.

12. Outflow from each of the five spring areas is diverted by at least one dam, and in some spring areas by additional pipes and facilities. Water at each spring area is used by the public for recreational and domestic purposes on a periodic basis throughout the year.

Existing Water Rights and Public Uses

13. Existing recorded water rights and claims to water rights from the five spring areas are as follows:

<u>Water Right or Claim No./ Name/Remark</u>	<u>Type of Filing</u>	<u>Spring Areas</u>	<u>Rate of Flow (cfs)</u>	<u>Use</u>	<u>Date of Priority</u>
63-5121 U.S. Forest Service	Statutory Claim	1,3,5	1.0	Domestic	7/1/1930
Remark: Spring areas nos. 2 and 4 do not appear to be located within the points of diversion described on this claim.					

63-3468 License 1 0.1 Recreation 9/23/1965
Village of Atlanta

Remark: The legal descriptions of the point of diversion and place of use were described incorrectly because the area was unsurveyed.

63-5376 Statutory Claim 5 0.22 Domestic/ 9/1878
Village of Atlanta Recreation

Remark: Claim was filed by the Atlanta Historical Society.

63-5377 Statutory Claim 1,2,3,4 0.45 Domestic/ 7/2/1873
Village of Atlanta Recreation

Remark: Claim was filed by the Atlanta Historical Society.

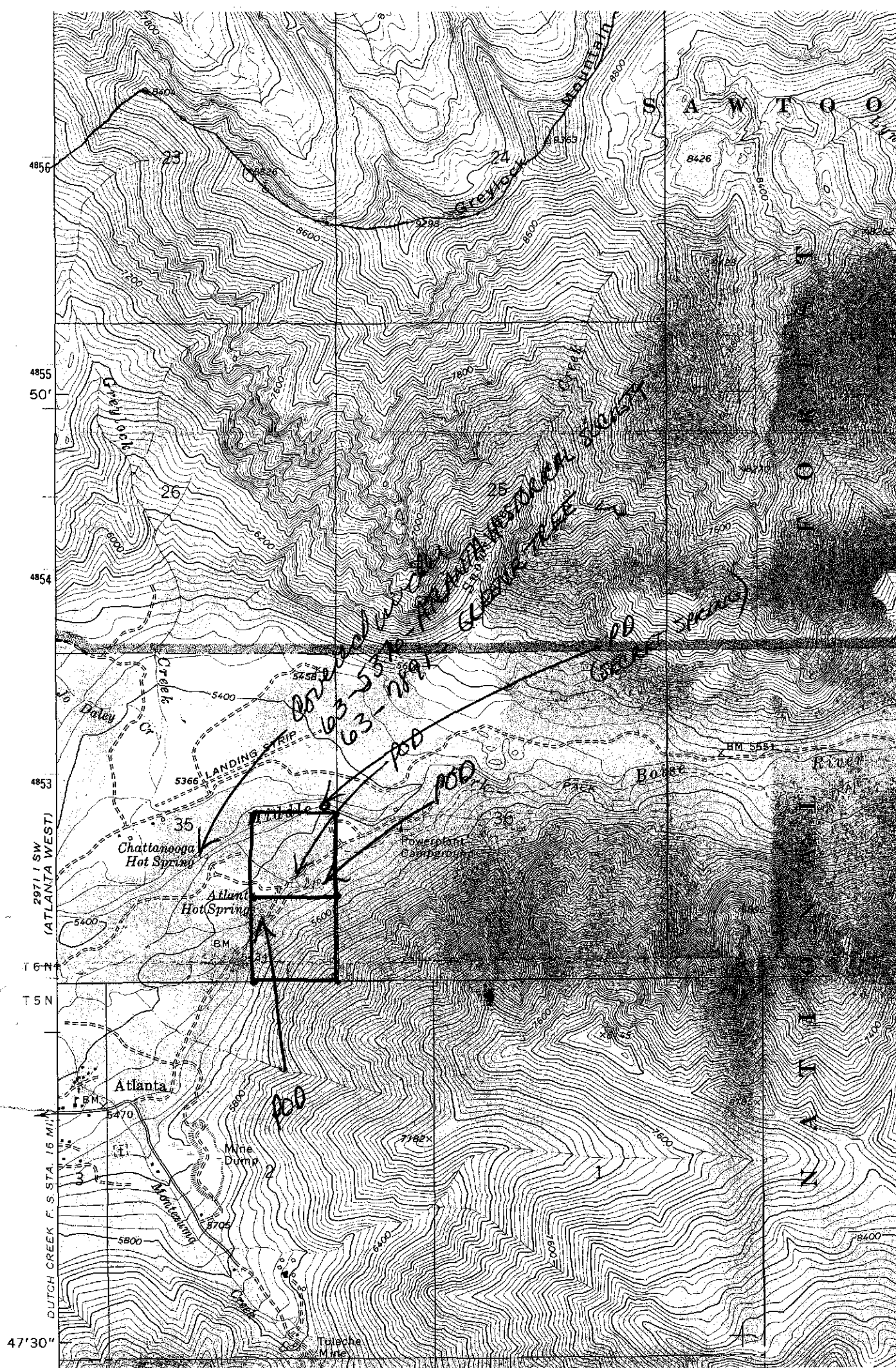
NOTE: Inclusion in this Finding of data concerning claims to water rights does not verify the validity of the claims nor quantify the extent of use pursuant to the claims.

14. License No. 63-3468 in the name of the Village of Atlanta describes the point of diversion as the NW1/4 SW1/4 (unsurveyed), Sec. 36, T.6N., R.11E., B.M., and describes the place of use as the SE1/4 SE1/4 (unsurveyed), Sec. 35, T.6N., R.11E., B.M. Now that the area has been surveyed, it appears that these legal descriptions are incorrect. Based on information in the file, it appears that License No. 63-3468 pertains to spring area no. 1.

15. The statutory claims filed by the Atlanta Historical Society for the Village of Atlanta, Nos. 63-5376 and 63-5377, overlap Claim No. 63-5121 filed by the U.S. Forest Service, and License No. 63-3468 in the name of the Village of Atlanta.

16. At the time of the hearing, the applicants had not physically measured the flows at any of the five springs.

17. Man-made pools have been formed at each of the five spring areas. Use has been made by the public routinely of all available flows at each of the



5366

35

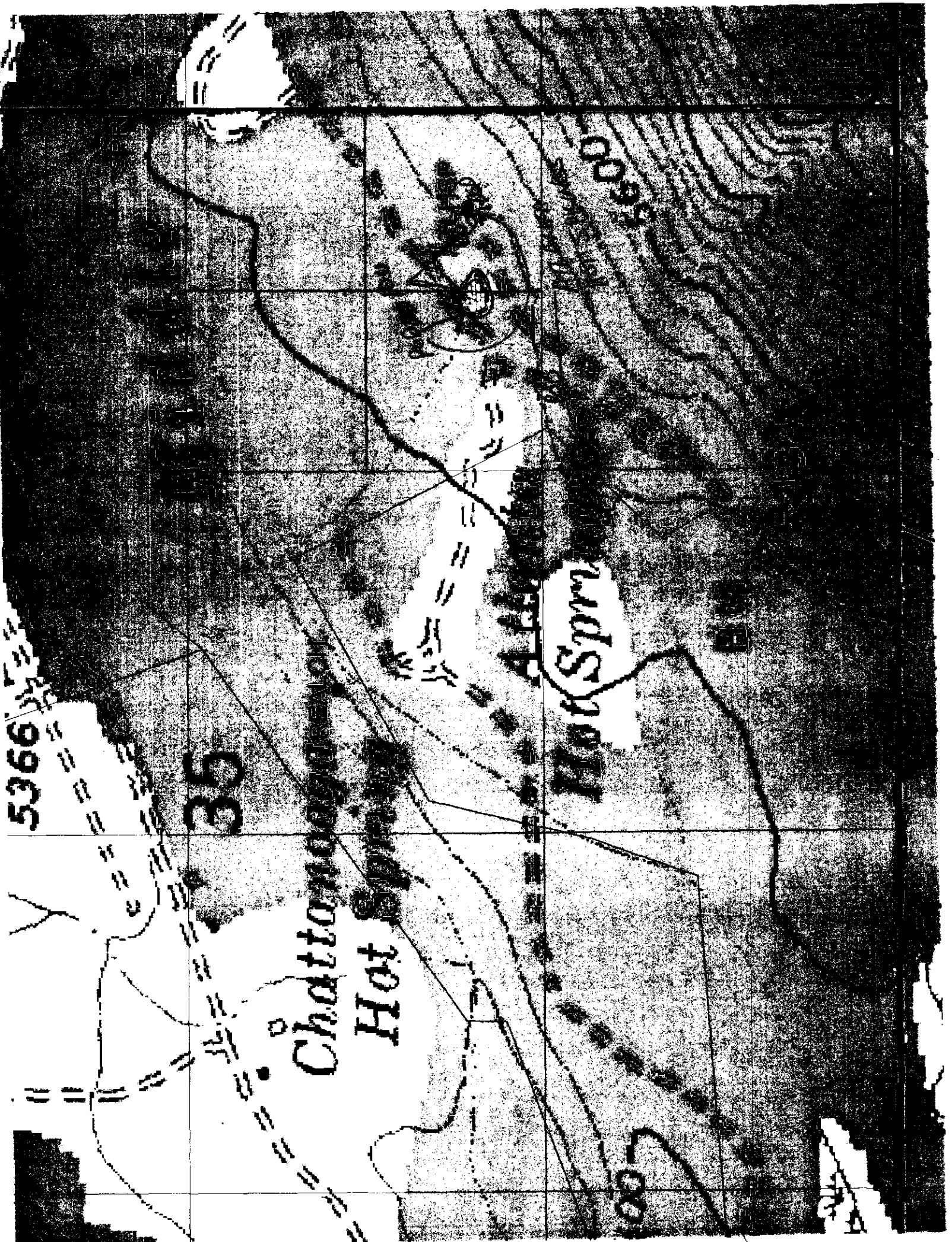
Chattanooga
Hot Springs

Hot Springs

Altitude

600

600



9/26/2001 : "Secret Springs"

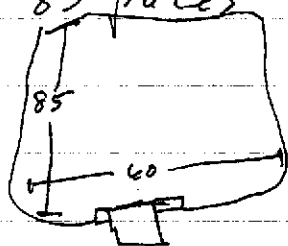
Several springs along shore on campground side
GPS location is at hottest (to touch) spring.
Pools are approximately 6' in diameter
Water runs through back to stream

GPS Waypoint "SPRING" 0410944 0302158

Located at Power Plant Recreation Area Campground.
(Middle Fork Boise River Trail 460, which is on
the other side of the campground)

Photos 1 + 2 : Outlet culvert w/ concrete headwall +
canvass. ATLANTA HOT SPRINGS

Pool is $\approx$ 60 paces x 85 paces



Inlet is unlined stream?

Lots of seep in hillside above pool

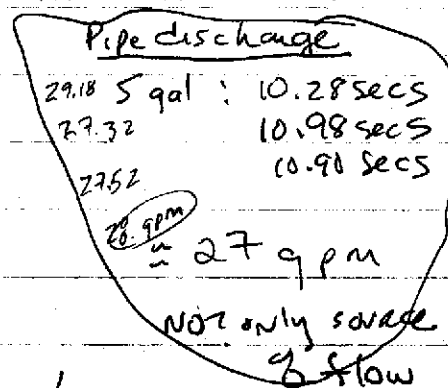


Photo 3: Smaller pool above large pool. "2" pipe discharging to
cemented pool. Small piece of wood covers pipe that is ~~now~~ collecting
a very small side spring. Overlets to "stream"

Photo 4: GPS measurement point. This pipe is inserted into the
stream bed and is the only effort at control of the water
above the pools. Multiple springs above.

GPS measurement "ATLHSP" 0410787 0301789

Photo 4: From above pool to small pool (w/ bench) + large pool below

Photo 5: Pool measurement location for ? Chattanooga. Smaller (very)
Rock dam is 30' downstream.

~~Atlanta~~
Atlanta

"Chattanooga" (NOT CHAT)

SRBA Claim Number A63-5377

Date of Photos 09/26/2001

Photographer T. DINICUCCI

Legal Description T6NR1E53S SE NESE

① Point of diversion
located on hillside
above (east) of
pond.

GPS measurement
location "ALTHSP"

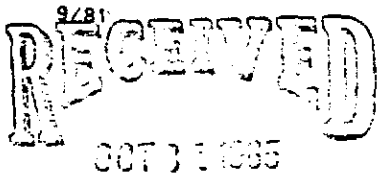


② Place of use

Small bath/tub
located uphill of
large pond.

Pipe discharge
measured at 28 gpm.





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



Department of Water Resources
Western Regional Office

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Village of Atlanta, Idaho (a/k/a Townsite of Atlanta, Idaho)
by and through the Atlanta Historical Society (Name of Claimant)
PO Box 53 Atlanta, Idaho 83601 Telephone No. _____
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) July 22, 1873 (See Appendix A)

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Atlanta Hot Springs tributary to Middle Fork Boise River & Snake River
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs. all)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>0.45 cfs</u>	Use <u>Domestic</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity <u>0.45 cfs</u>	Use <u>RECREATION</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

- (4) 0.45 cfs TOTAL QUANTITY USED. (See Appendix E--USGS Analysis of flows from points of diversion 1 and 2.)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

(1) NE 1/4 SE 1/4, Sec. 35 Twp. 6N Rge. 11E B.M., County of Elmore

Additional points of diversion: (2) SE 1/4, SW 1/4, SE 1/4; (3) NW 1/4, SE 1/4, SE 1/4;

(3) NW 1/4, SE 1/4, SE 1/4; and (4) SE 1/4, SE 1/4, NE 1/4, Sec. 35, T6N, R11E, Elmore Co.

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Hot water discharges through numerous vents along a common fault line at approximately 58° C. (135° F.) and is diverted into swimming and bathing pools at each point of diversion constructed in the early mining days and maintained by Citizens of the Village of Atlanta.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	11E	35				X									X		X	X	

No. of acres n/a

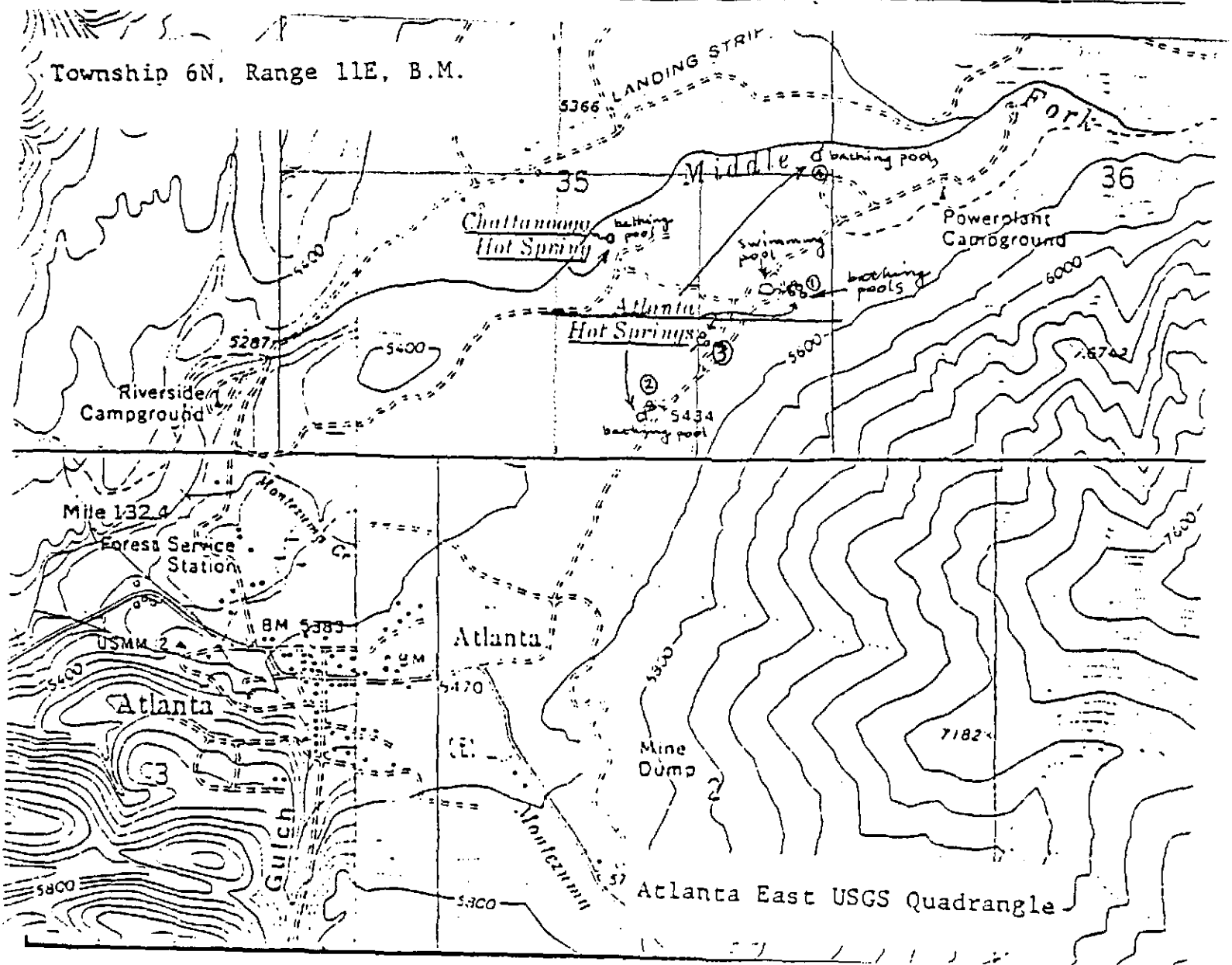
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: The citizens of Atlanta use the hot springs waters for bathing, swimming, therapeutic purposes and related domestic and recreational uses.

NOTE: Include here the type and number of stock watered: n/a

- (7) If you are claiming water as a member of an organization, list name of organization: Village of Atlanta, by and through the Atlanta Historical Society, a non-profit corporation.

PLAINTIFF'S
EXHIBIT
13(a)

(B) Remarks (See appendix C.)



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of) ss.
County of)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.
The Village of Atlanta, Idaho, by and through
the Atlanta Historical Society, by its President:

Kenny Moosman
(Claimant)

Sworn to before me this 31st day of June, 1985.

[Signature]
Notary Public
Residing at [Address]

My commission expires June 1987

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 10/31/85 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by [Signature] Date 10/31/85 Filed by: FR-36/75 claimant by: _____
100 cc \$30.00 fee received by [Signature] Date 10/31/85
Published in _____
Dates _____

SRBA Claim Number A63-5377

Date of Photos 09/26/2001

Photographer nninivuccl

Legal Description T6 NR 11E S35 SW NESE

③ Point of Diversion - NO GPS

Measurement

Dam across drainage - photo shows
oulet of pond. Photo is taken
from west side of pond, looking
east across the pond.



④ Road area

Photo taken from east of pond.

Multiple springs
+ seeps.



Atlanta Historical Society
General Delivery
Atlanta, Idaho 83601
October 10, 2001

RECEIVED

OCT 12 2001

WATER RESOURCES
WESTERN REGION

Ms Maria Minicucci
Adjudication Section, Western Regional Office
Department of Water Resources
2735 Airport Way,
Boise, Idaho 83705-5082

Dear Ms Minicucci,

Thank you so much for your interest and assistance over the phone.

Please find enclosed copies of the Atlanta Historical Society's filings for water right's claims on 63-5376 Chattanooga Hot Springs and 63-5377 Atlanta Hot Springs. Attached to each claim are copies of period newspaper clippings, which provide evidence of beneficial use of the hot springs by the residents of Atlanta. The relevant passages found in the articles are marked and highlighted for your convenience.

Regarding claim 63-5376, Mr. W. A. Goulder writes to the Idaho Statesman on Sept. 14, 1876 of visiting Chattanooga, where "... water, exactly the right temperature for bathing, gushes out from near top of the high perpendicular bank, and is caught in a cistern below where graceless bipeds go to revel in the luxuries of the bath in full view of all the Salmon in the stream."

Regarding claim 63-5377 an article published in the Idaho Statesman August 9, 1873 describes a visit to Atlanta by the author who on July 22 of that year, "...visited the Warm Springs and had a nice bath." (A second more legible copy of the article is also included.)

As we discussed on the phone, there is also an order dated April 28, 1986, "In the Matter of the Application for Permit no 63-10275 in the name of C. Lee Barron and/or Lynn Stevenson." That order adopts the "Proposed Memorandum Decision and Order" in the matter, which in paragraph 13 describes the springs in question. I am also including these documents for your convenience.

I hope this information is sufficient. If you have questions or need additional information, please feel free to contact Kerry Moosman at the above address. I am also happy to assist and may be reached at 208-383-3481.

Thank you again.

Sincerely,


Liz Merrill

see pg 2 - earliest published use of hot springs by the Atlanta community

Yulho Statesman.

Saturday Morning, August 9, 1873.

PROTECTION AGAINST FIRES.

There is no one question in our country that ought to call forth more serious consideration than the great destruction of property by fire. Every daily newspaper should be the destruction of property in cities, towns and country, throughout the length and breadth of the United States. Half, a third, a quarter of a city including property valued at millions upon millions of dollars is a matter of common occurrence now a-days. If loss of half a million is considered rather a small matter. The question is, can the people of the United States bear these great losses, with continued prosperity? We have no definite information of the aggregate losses within the last two years, but statistics of this character ought to be prepared and given to the public. If we were compelled to give a hasty estimate of the value of property destroyed, our calculation would equal all the buildings in the State of California. It may be argued that fires give more room for labor, and the loss will soon be replaced. This may be practically true, but not necessarily so. When cheap buildings are burned they often give place to more stately edifices. At the same time a cheap building can be taken down and all there is of value can be saved to help rebuild a better one. In a country where labor gives a beggling, the destruction of property is not so great a loss, for when labor is abundant wealth will not accumulate. This is not the case in this country. Labor is in good demand and the field for laborers is increasing. Any destruction of property is a loss to the country; it makes us so much poorer as a people; the aggregate amount of losses is certainly fearful. With all our labor and mechanical facilities for dispatching work, at the present

LETTER FROM ROCKY BAR.

Rocky Bar, L. I., Aug. 31, '73.
Editor Statesman:-In the multiplicity of my cares and anxieties, since the 1st of July, I have only to-day found time to write and give your readers a brief and hurried account of items that have come under my observation since that date. I hope some of our guests will feel enlightened by not having been sooner notified, as it is not our intention to omit the name of any one, and should a mistake of this kind occur, we can only ask pardon, and say it was unintentional, until we have the opportunity of explaining the cause.

YULHO AND ATLANTA.

On the morning of July 21st, Rev. M. Ellis, Mrs. J. Brumback, Mrs. E. O. Blotting, Mrs. A. J. Griffin, and the writer, mounted our several steeds, and being all well supplied with a most palatable lunch, set forth to see this far-famed, but not far-off, mining region, the Rev. M. Ellis, with Mrs. Brumback and her little boy, Arthur, taking the lead. We went by way of the Yuba trail to give our friends a fine view of the mountain scenery, which almost enticed them, so lost where they lay in "wonder, love and praise." Said one, "If this is earth what must heaven be." To see these towering and snow-capped mountains raising their heavy peaks high above the clouds, and seeming to penetrate the very heavens; and then to gaze beneath you down canyons, and narrow mountain gorges, to hear the sighing of the wind above you, and the roaring of waters below, and the universal stillness that at intervals seems to prelude all nature, focus such a magnificent view, that it must be seen to be felt and properly appreciated. The entire party did not stop for refreshments until they reached the town of Yulho, where they were kindly cared for by Mr. James Newton, while the "mount guard" waited nearly two hours on the summit to eat their lunch and gaze upon the wonderful scene before them. We arrived at Atlanta at about 5 P. M., and took up quarters at the residence of Henry

were accepted, to show Rev. M. Ellis the "Leontine" and "Tebama" Indians, who later being worked by Mr. David Jones, and in turning out at this time plenty of very rich silver ore. This is indeed very fortunate, for he has been in the vicinity a long time, is a very honest and industrious citizen and most eminently deserves success. The Leontine mine is too well known to your readers to require any comment at my hands. We also visited the placer claims of Mr. Charles Simmons, who was just making a "clean-up." He had about 200 lbs. of amalgam, besides many fine pieces of specimens, which made our fair friends feel quite anxious to engage in the mining business. Mr. Ostrom, who has charge of, and is working the "Stanley" mine very successfully, gave our party a number of handsome specimens from that mine, for which they all feel very grateful and desire to return their thanks for the same.

WEDNESDAY MORNING, JULY 23rd.

We started on our return to Rocky Bar, via Atlanta City, (at the mouth of the Yuba), an old town now entirely deserted and desolate. When passing the source of said stream, and in crossing a little rivulet within a clump of willows, not very wide nor yet very deep, but somewhat muddy and sluggish, astride of one of Sol Newman's Arabian cayuses, known as "Rocky," I fell a great, pitifully for "showing his agility" just when you least expect it, placed his two fore legs and his two hind legs in close proximity to each other, gave his back a curve, and without any further notification, landed the subscriber flat on his back, right plump in said mud-hole, carrying with him shot-gun, canteen, saddle-bags, etc., etc. There were no bones broken, or other damage done, but I do think it the dearest case of "stern reality" that ever befel me. Arriving at Rocky Bar, the stage had just got in a few hours ahead of us, having among its passengers Mr. W. C. Tabor and Mrs. J. M. Thompson, who had come up to spend a few weeks for comfort, health, etc., etc.

Charles Winters. The Greek women are prettier than the French women. There is a classical influence in America which follows features and gives delicacy to the complexion. This is especially the case in Louisiana, where finely formed women are often found to be the dearest. Little olive tint of the woman seems to have been painted over a ground color of blushing like, and this pinkish cream-sallowness. In a word, there is every thing of that transparency for which painters are always seeking the inheritance from hot countries over the physical characteristics of round limbs and delicate extremities, with a figure something altogether-another effect of climate, also that sense of art with which people are born, but can never entirely acquire. From the same source comes her coquetry and her grace of speech and action, but modified. She does not wear crude colors or awry shapes; nor does she expose herself with unseemly gesture, or dissonant tones. Her dress is rather somber than gay, and her carriage stately and conventional-for they all walk alike. Smooth-tongued and graceful propriety are here. In a word there is an absence of angels in her general conduct. Louisiana Creoles, by Albert Botta. In August Galaxy.

NEW ADVERTISEMENTS.

IMMEDIATE!

CLEARING OUT

SALE!

FOR THIRTY DAYS

CITY.

and rapid means of labor and accumulation, makes no account of the preservation. It is sometimes better to save what we have, than to take large risks in gaining more. Towns, cities and buildings spring up and increase, as it were, with magic. One needs to do a great deal, causes us to do it cheaply. The great Chicago fire was so intense in heat, the best fire-proof buildings melted away with the others. This has caused mechanics and architects to study the secret of fire-proof buildings. Much has been written and said on this subject, and some of it will be turned to good account. In the recent fire in Fort. Land we are not told that any fire-proof buildings were saved; it is true a large portion of the burnt district consisted of wooden buildings, but on Front and First streets were many substantial brick buildings. Had these been fire-proof, they ought to have withstood the conflagration. Instead of rushing hastily to erect other cheap buildings, our Fort-land people would be wise in adopting plans for buildings that will never burn by an outside fire. The only move we see in this direction is to widen the streets; this is a good move but is only a partial security. They complain of the supply of water and many other causes which delayed fighting the fire. Title is usually the cause in all cities. While it is the duty to make provisions against fire, it is about the last case attended to. Take Boise City and other small towns as an example, and there is no wonder that reports of fires are frequent all over the land. If we look through Boise City and examine into the condition of the fires, chimneys, storepockets, combustible matter in the various buildings, we will all wonder why the town has so long escaped burning, and we believe this would be the case with the most of the cities and towns throughout the land.

HARRIS & THORNTON, new blacksmith shop is going up in a hurry, and the firm will be ready to receive operations soon.

did everything to make us all comfortable and pleasant, and they succeeded most admirably, as we received nothing but the kindest of treatment from every one whom we met. We were very sorry to find Mrs. Young independent and feeling very unwell indeed, and should not have thus trespassed upon her good nature had we been advised in time. In the evening we took a little stroll down to the river, to the residence of the Lantis Brothers and Mr. W. L. Fry, where our party were showed a slight they never met before, viz: Poor mountain grates which had been caught by these gentlemen a few months ago, and probably about one-third grown. They were quite tame, and are certainly very pretty pets, and are prized very highly by their owners, as their fleece is said to be the finest in the world and very valuable.

July 12.
To-day we visited the Warm Springs, and had a nice bath. We also went to the graves of Phil. D. Mattingly, who died some three years ago from the effects of a blast, and August Kessler, who died of apoplexy some two years ago, when our party gathered flowers and evergreens, and strewed the same upon the graves of each. It will be a source of consolation to the surviving relatives of those whose names I have just mentioned, to know that, although their relatives lie buried in the mountains with only tall pines sighing their requiem, still old friends and even strangers are found who will not pass them by neglected, but are ever ready to pay still further respect to their memory. These are the only two graves we saw at Atlanta, and spare volunteers in favor of the health of the place. We also visited the "Atlanta" and "Silver Tide" mines. Messrs. J. H. Heath & Co. are at work on the Silver Tide, but nothing doing on the Atlanta. We then called at the residence of Mr. James Davis, who, with his pleasant lady, made us all feel perfectly at home. We all took supper here, and, although near eight, and Mr. Davis having been hard at work all day, yet he still offered his services, which

many friends who were glad to see her, and will regret what she leaves. We all hope she may enjoy herself while here, have a pleasant journey home, and I never have occasion to regret her visit to Rocky Har.

Mrs. J. M. Thompson
is a lady who a few days ago was known to but few of us, but during her brief visit, has endeavored herself to all who have been so fortunate as to make her acquaintance. She is one of those pleasant, amiable women who always dispense upon acquaintance, and the more you are in her society, the better you like her. Mild, gentle, kind and full of innocent cheerfulness, she makes every one in her presence feel happy.

We are sorry to part with our fair friends, but hope this visit will induce them and their friends to make us another soon.

Having given this letter to a much greater length than I intended when I began, I will, of necessity, defer an account of our trip to the lakes, Bonaparte, Mt. Red Warrior, South Indian river, etc., until my next letter. The excitement being over I will have time for reflection, re-consideration and improvement as a newspaper correspondent.

Mining Record
The Pittsburgh and Idaho M. M. Co. made a clean-up the other day from a run of forty-five tons of "Ada Mine" rock, over \$5,000—cash value. This is encouraging, or ought to be. S. H. D.

The Lawton Hybrid of the 2d instant, says Governor Bennett and General Shanks have returned from Hangman creek, whither they have been to have a talk with the Indians. The Indians want farming tools but will not receive clothing or household articles of civilization. On their return they visited the Lapwai reservation, and were to start for Umatilla by last Sunday's boat. They will probably visit the Umatilla Indians, as this reservation was included in their instructions, after which they will return here. We may now look for them most any day.

Ones in the vicinity of Blount Idaho, Nez Perce county, are said to be abundant, and the yield greater than ever before.

TO THE PEOPLE OF IDAHO.

IN ORDER TO MAKE ROOM FOR OUR Immense Fall and Winter Stock, we will sell, for the next 30 days.

AT COST!

Our Splendid Assortment of
LADIES' DRESS GOODS,
GENTS' FURNISHING GOODS,
CLOTHING,

Boots and Shoes

FANCY GOODS,

Notions, Etc., Etc., Etc.

All these wearing necessities will do well to give us a call and judge for themselves.

D. FALK & BRO.

ORIENTAL BLOCK.

For Special attention paid to orders from abroad.

Special Notice.

AS WE CONTINGENTLY MAKING A change in our business, we would request all those indebted to us to call within 30 days and settle, either by cash or note.
D. FALK & BRO.

LETTER FROM ROCKY BAR.

ROCKY BAR, I. T., Aug. 3d. '73.

EDITOR STATESMAN:—In the multiplicity of my cares and anxieties, since the 21st of July, I have only to-day found time to write and give your readers a brief and hurried account of items that have come under my observation since that date. I hope none of our guests will feel slighted by not having been sooner noticed, as it is not our intention to omit the name of any one, and should a mistake of this kind occur, we can only ask pardon, and say it was unintentional, until we have the opportunity of explaining the cause.

YUBA AND ATLANTA.

On the morning of July 21st, Rev. M. Eells, Mrs. J. Brumback, Mrs. F. C. Sterling, Mrs. A. J. Griffin, and the writer, mounted our several steeds, and being all well supplied with a most palatable lunch, set forth to see this far-famed, but not far-off, mining region, the Rev. M. Eells, with Mrs. Brumback and her little boy, Arthur, taking the lead. We went by way of the Yuba trail to give our friends a fine view of the mountain scenery, which almost entranced them, so lost where they in "wonder, love and praise." Said one, "if this is earth what must heaven be." To see these towering and snow-capped mountains raising their hoary peaks high above the clouds, and seeming to penetrate the very heavens; and then to gaze beneath you down canyons, and narrow mountain gorges, to hear the sighing of the wind above you, and the roaring of waters below, and the universal stillness that at intervals seems to prelude all nature, forms such a magnificent view, that it must be seen to be felt and properly appreciated. The advance party did not stop for refreshments until they reached the town of Yuba, where they were kindly cared for by Mr. James Newton, while the "rear guard" tarried nearly two hours on the summit to eat their lunch and gaze upon the wonderful scene before them. We arrived at Atlanta at about 5 P. M., and took up quarters at the residence of Henry

D. Young, where we were all kindly cared for by Mr. and Mrs. Young, who did everything to make us all comfortable and pleasant, and they succeeded most admirably, as we received nothing but the kindest of treatment from every one whom we met. We were very sorry to find Mrs. Young indisposed and feeling very unwell indeed, and should not have thus trespassed upon her good nature had we been advised in time. In the evening we took a little stroll down to the river, to the residence of the Lantis Brothers and Mr. W. L. Pray, where our party were showed a sight they never saw before, viz: Four mountain goats, which had been caught by these gentlemen a few months ago, and probably about one-third grown. They were quite tame, and are certainly very pretty pets, and are prized very highly by their owners, as their fleece is said to be the finest in the world and very valuable.

JULY 22.

To-day we visited the Warm Springs, and had a nice bath. We also went to the graves of Phil. D. Mattingly, who died some three years ago from the effects of a blast, and August Kessler, who died of pneumonia some two years ago, where our party gathered flowers and evergreens, and strew the same upon the graves of each. It will be a source of consolation to the surviving relatives of those whose names I have just mentioned, to know that, although their relatives lie buried in the mountains with only tall pines sighing their requiem, still old friends and even strangers are found who will not pass them by neglected, but are ever ready to pay still further respect to their memory. These are the only two graves we saw at Atlanta, and speak volumes in favor of the health of the place. We also visited the "Atlanta" and "Silver Tide" mines. Messrs. J. H. Heath & Co. are at work on the Silver Tide, but nothing doing on the Atlanta. We then called at the residence of Mr. James Davis, who, with his pleasant lady, made us all feel perfectly at home. We all took supper here, and, although near night, and Mr. Davis having been hard at work all day, yet he still offered his services, which

were accepted, to show Rev. M. Ellis the "Leonora" and "Tehama" mines, the latter being worked, I believe, by Mr. Davis alone, and is turning out at this time plenty of very rich silver ore. This is indeed very fortunate, for he has been in the country a long time, is a very honest and industrious citizen and most certainly deserves success. The Leonora mine is too well known to your readers to require any comment at my hands. We also visited the placer claims of Mr. Costen Simmons, who was just making a "clean-up." He had about 200 lbs. of amalgam, besides many fine choice specimens, which made our fair friends feel quite anxious to engage in the mining business. Mr. Ostram, who has charge of, and is working the "Stanley" mine very successfully, gave our party a number of handsome specimens from that mine, for which they all feel very grateful and desire to return their thanks for the same.

WEDNESDAY MORNING, JULY 23D.

We started on our return to Rocky Bar, via Alturas City, (at the mouth of the Yuba), an old town now entirely deserted, and James creek. When nearing the source of said stream, and in crossing a little rivulet within a clump of willows, not very wide nor yet very deep, but somewhat muddy and sluggish, astride of one of Sol Newcomer's Arabian cayuses, known as "Rocky," who has a great propensity for "showing his agility" just when you least expect it, placed his two fore legs and his two hind legs in close proximity to each other, gave his back a curve, and without any further admonition, landed the subscriber flat on his——back, right plump in said mud-hole, carrying with him shot-gun, canteen, saddle-bags, etc., etc. There were no bones broken, or other damage done, but I do think it the clearest case of "stern reality" that ever befel me. Arriving at Rocky Bar, the stage had just got in a few hours ahead of us, having among its passengers Mrs. W. C. Tatro and Mrs. J. M. Thompson, who had come up to spend a few weeks for comfort, health, etc., etc.

MRS. W. C. TATRO

Resided here a few years ago, and is well known to nearly all our people. She has many friends who were glad to see her, and will regret when she leaves. We all hope she may enjoy herself while here, have a pleasant journey home, and never have occasion to regret her visit to Rocky Bar.

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MINING RECORD.

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APPENDIX C

Claim to a Water Right: Atlanta Hot Springs

Village of Atlanta
by and through
the Atlanta Historical Society

The first of the four points of diversion listed on line 5 of this Claim relates to that portion of the Atlanta Hot Springs which is subject to License No. 32532 dated October 21, 1966 (the "License"). The License entitles the Village of Atlanta to divert 0.1 cfs from "Hot Springs Creek" for use in a "swimming pool." While not abandoning its rights under the License, the Village of Atlanta now wishes to restate its claim to the waters covered by License No. 32532 in the following particulars:

1. The point of diversion listed in the License originally was estimated, and therefore described in the License, to be in Section 36, T6N, R11E, B.M. However, the License acknowledges that the area was then unsurveyed. Since claimant now has an accurate survey of the Atlanta area, it wishes to correct the legal description so as to reflect that this portion of the Atlanta Hot Springs and the creek leading from it are situated in the southeast quarter of Section 35, T6N, R11E, B.M.

2. Based on reports of the U.S. Geological Survey, claimant also has a more accurate description of the amount of the appropriation from this portion of the springs which has been diverted and used historically in the swimming pool described in the License, as well as small bathing pools immediately up-gradient from the swimming pool. Instead of 0.1 cfs as stated in the license, the amount used historically is estimated by the USGS to be 0.13 cfs.

In addition, the Village of Atlanta, by and through the Atlanta Historical Society, Inc., wishes to assert a claim based on continuous historical diversion and use for all portions of the Atlanta Hot Springs, including those portions not specifically mentioned in the License. Accordingly, claimant further states as follows:

APPENDIX C

Page 2

3. Claimant has acquired proof that the diversion and beneficial use of the Atlanta Hot Springs, including that portion subject to the License and other related portions, occurred at least as early as July 22, 1873. These related portions may not have been included in the License, but also have been diverted and used for domestic uses such as bathing and therapeutics, and for recreation, since at least that date. The flow from these portions of the springs is 0.32 cfs. Accordingly, with this Claim the Village of Atlanta, by and through the Atlanta Historical Society, asserts an 1873 priority date for the entire Atlanta Hot Springs complex, claiming a right to a total flow (including the 0.13 cfs for the swimming pool mentioned in the License) of 0.45 cfs.

4. The points of diversion of these additional portions of the springs are listed on line 5 of the Claim to a Water Right, and are described on the map as parts of "Atlanta Hot Springs."



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

ATLANTA HISTORICAL SOCIETY INC
GENERAL DELIVERY
ATLANTA, ID 83601

Re: Claim No(s) 63-5376

63-5377

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

6-22-2000

TJ Clifford from
USFS 373-4311 called
about this claim. There
is no special use permit
for these springs on USFS
land. ownership should
be in the name of USFS.
call 373-4311 when
making recommendation to
check for any change in
status.

sltt

63-05377

License and Certificate of Water Right

Water License No. 32532 Priority September 23, 1965 Amount 0.1 c.f.s.

THIS IS TO CERTIFY that VILLAGE OF ATLANTA

of Atlanta, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 23, 1965; that Permit No. 32532 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 0.1 second feet, was issued thereunder on October 21, 1966, showing that said works were completed on the 15th day of March, 1966; and that on the 15th day of March, 1966

VILLAGE OF ATLANTA

of Atlanta, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Hot Springs Creek

a tributary of Boise River for the purpose of swimming pool, under Use Permit No. 32532 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 13 of Licenses, at Page 8571, on the 15th day of March, 1966.

The right hereby confirmed dates from September 23, 1965.

The Point of Diversion is located NW $\frac{1}{4}$ SW $\frac{1}{4}$, (unsurveyed)

in the -- $\frac{1}{4}$ -- $\frac{1}{4}$, Sec. 36, Twp. 6 N, R. 11 E, B.M. Elmore County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.1 cubic feet per second.

Description and location of use:

Trp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N	11 E	35	SE $\frac{1}{4}$ SE $\frac{1}{4}$ (unsurveyed)		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 21st day of October, 1966.

R. Keith Higgins
State Reclamation Engineer.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

NOT CLAIMED IN SR BAY
ATLANTA
HOT SPRINGS

Permit No. 32532

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

1. Name of applicant Village of Atlanta

2. Source of water supply: Hot Springs Creek

3. Location of point of diversion: Is in the (unsurveyed) NW 1/4 of Section 36

T. 6 N R. 11 E. B. M. County of Elmore

4. Describe works as they exist, giving dimensions and capacities of same:

A series of hot springs has been developed and channelled into a small pool impounded by a dam approximately 8 ft high. The stream flows through the pool and returns to the channel of Hot Springs Creek.

5. Water is used for: Swimming Pool

6. State whether or not water has been turned into works of diversion: yes

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

PLACE OF USE: SE 1/4 Sec. 35, Twp. 6 N., Rge. 11 E. B. M. (unsurveyed)

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

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

Remarks: The works are capable of diverting more than the 0.1 cfs filed on and more than 0.1 cfs is used during seasons when spring flow is high.

Allow 0.1 cfs.

Note: The location couldn't be confirmed exactly but the general area is correct.

This examination was made on the 26th day of April, 1966.

(Signed) Don Witter

Top 610

35

26

PO

*Atlas