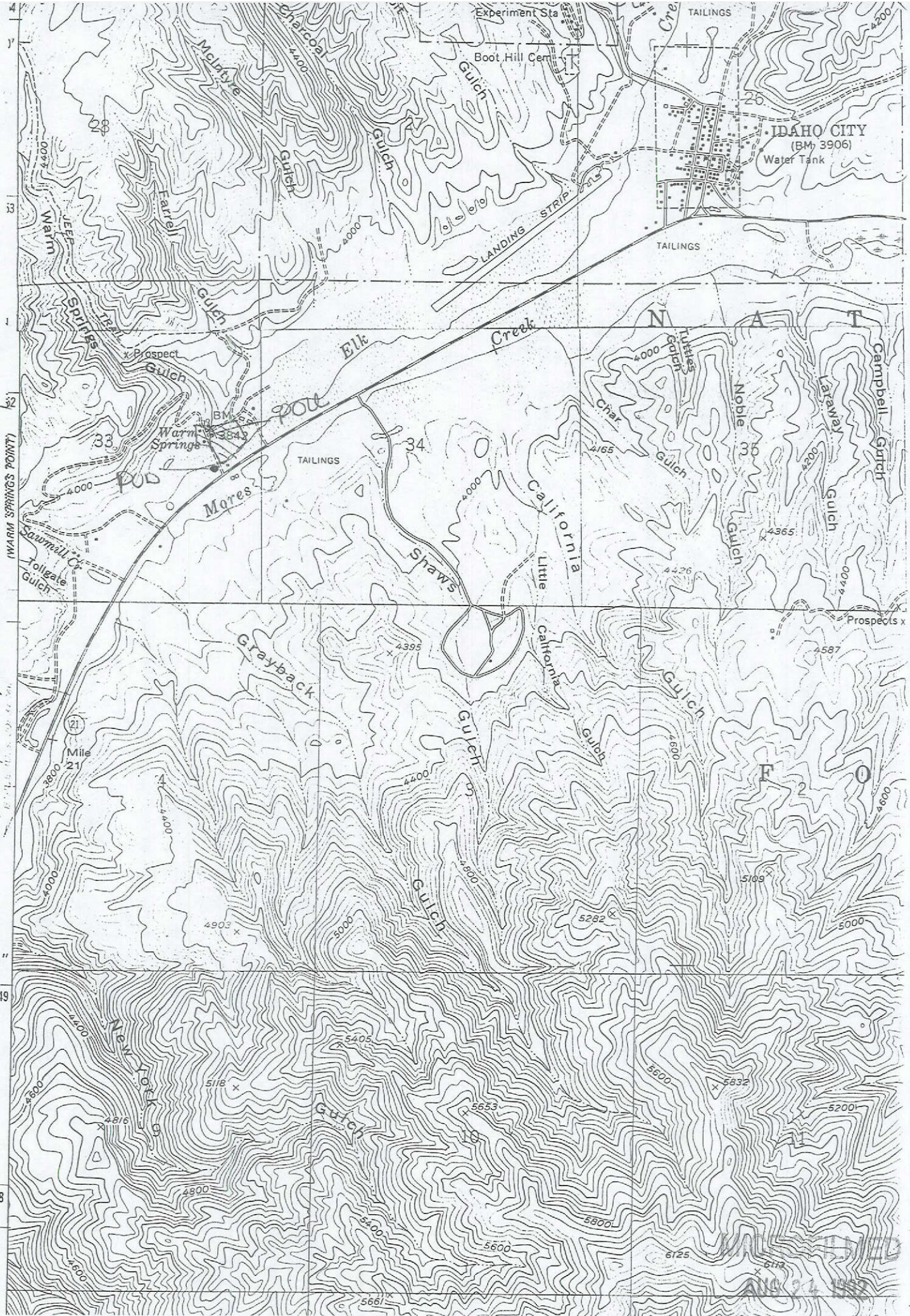


D. 15-15360 1 page

NW, NE, SE sec 33 to N 5E



FILED
AUG 24 1952

ADVERTISEMENT FOR BUENA VISTA BAR.

SWIMMING POND,

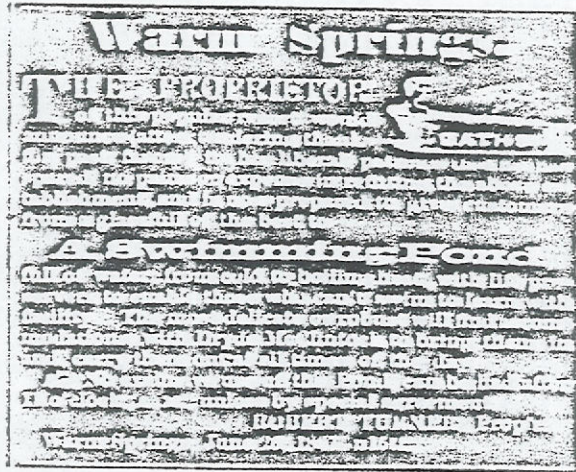
AT THE

WARM SPRINGS.

THE Proprietor would inform the public that he has added a Swimming Pond in addition to the regular baths, and assures the patrons of the establishment that no pains will be spared to contribute to their comfort and convenience

ROBERT TURNER.

1861



Warm-spring Laundry.

THIS Establishment will be opened for business on Monday January 25th. The services

SUPERIOR WORKMEN

have been secured, which combined with the

UNRIVALED NATURAL ADVANTAGE

of the locality, will enable the proprietor to guarantee to his patrons an

extra style of work

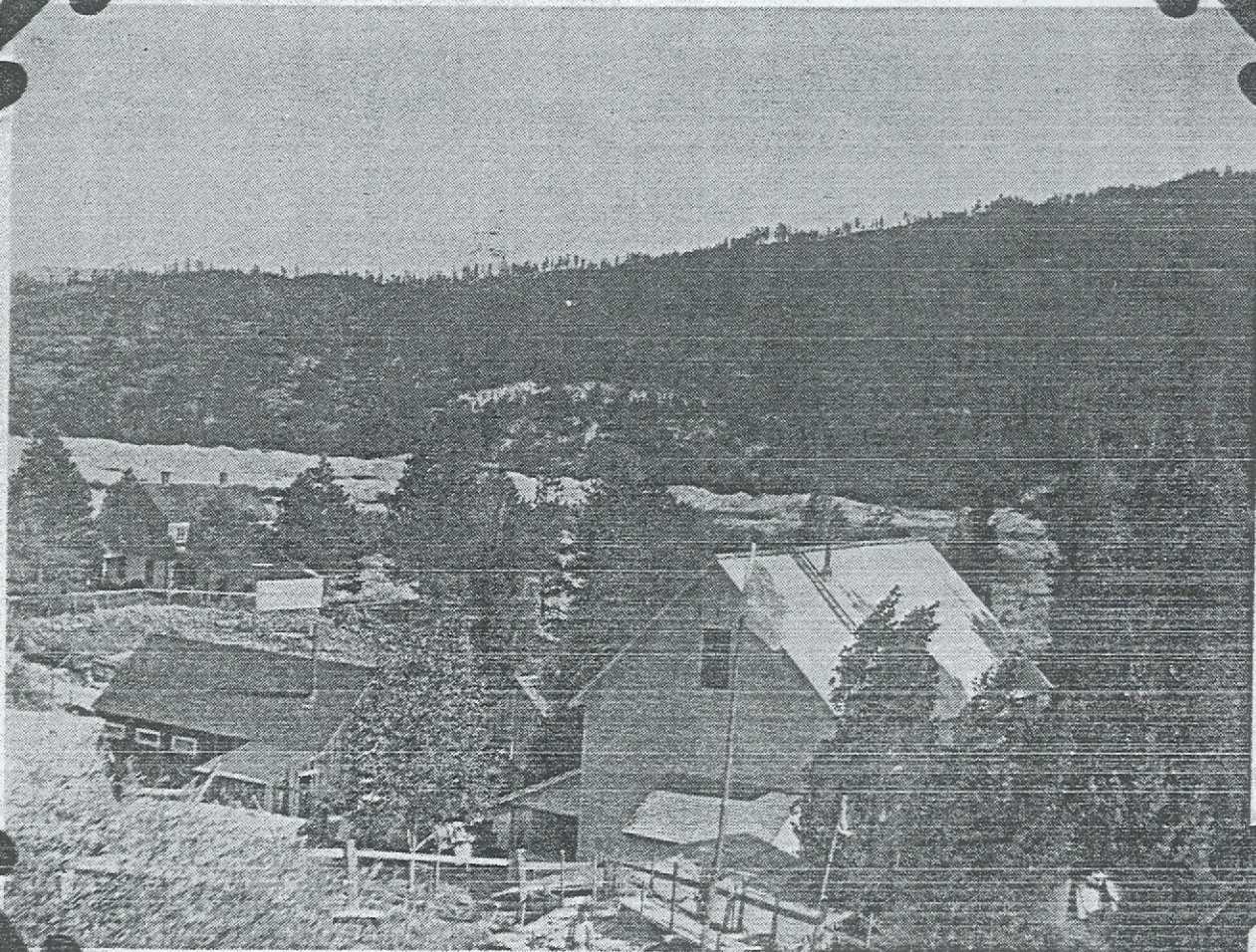
—The—

Purifying Qualities of the Water

from these springs are so well understood by the citizen of Bannock that it would be superfluous to enlarge upon that point.

FOR the present, agents of the establishment will collect clothing in the early part of each week, to be delivered on Saturdays or sooner if required.

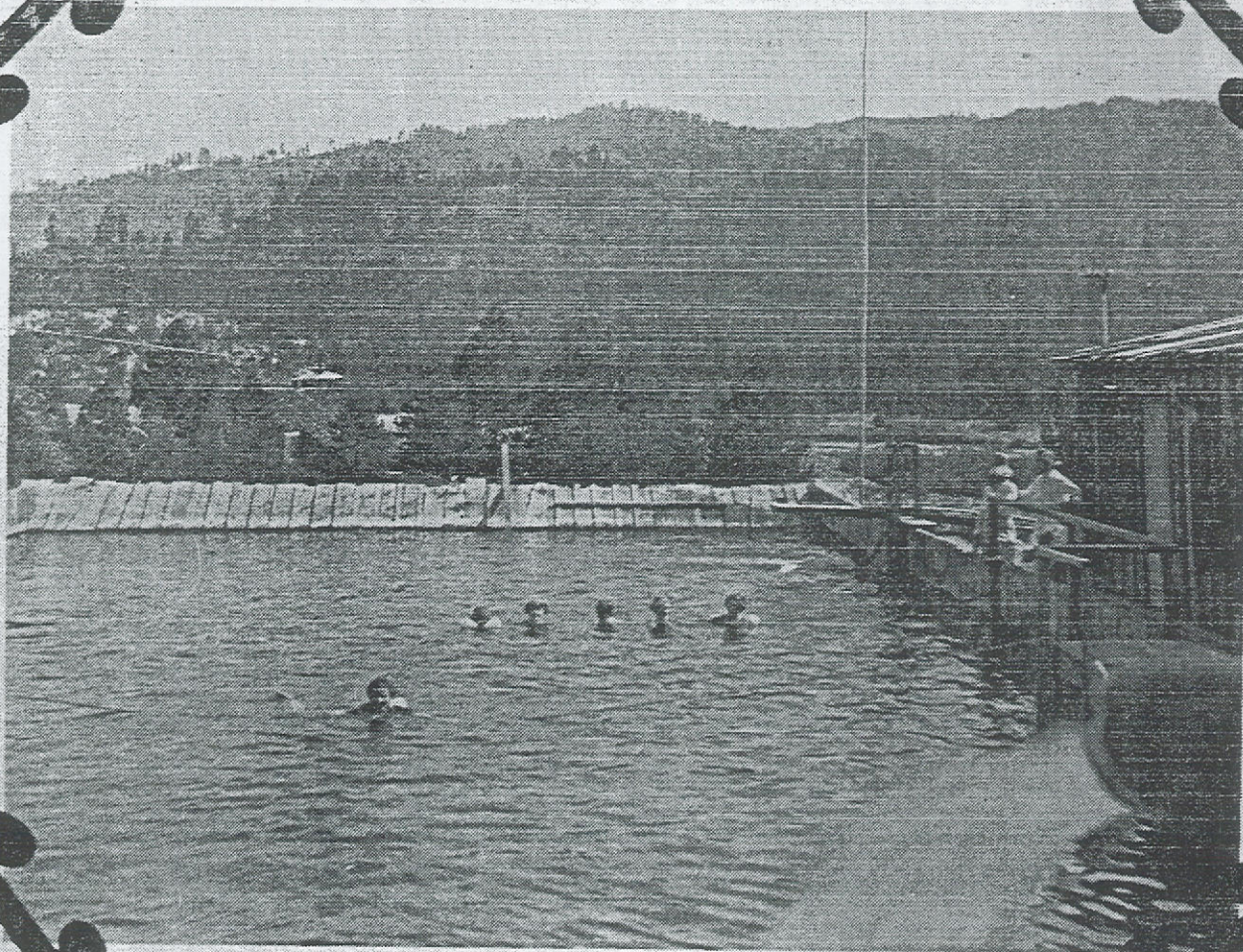
An Order-book, and Agency for the deposit of Bundles at Messrs. Fisk & Co.'s store, Main St. ROBT. TURNER.
Bannock City, January 21st, 1861. 1st



03-15360

MICROFILMED

AUG 24 1992



1903 Plunge-40 x 80 feet

BATHS AND BOARDING.

WARM  SPRINGS.

FRANK COOPER, PROPRIETOR.

HAVING TAKEN CHARGE OF THIS POPULAR place of public resort, I have thoroughly renovated the establishment and am prepared to receive PERMANENT BOARDERS OR TRANSIENT GUESTS. HOT AND COLD BATHS

ready at all times, and everything about the house kept clean and neat.

The LADIES' DEPARTMENT will be controlled by

MRS. COOPER,

And everything will be done to contribute to the comfort of guests.

[decistf]

Nov. 10, 1870

Hotels and Restaurants

BATHS AND BOARDING



WARM SPRINGS!

HAVING THOROUGHLY

renovated and refitted this establishment, we are now prepared to accommodate any number of



Transient Guests or

Permanent Boarders

In a style equal, if not superior, to any house in the Basin. Our hotel accommodations being now perfected, persons desiring to test the medicinal and curative properties of the water will receive every attention. HOT and COLD BATHS ready at all times and when it is desired the SWIMMING POND will be ready for those who prefer it to the bath-tub. The TABLE will be supplied with everything the market affords, and the L.A.S. well stocked with the best brands of Wines, Liquors and Cigars. Ample

Stable AND Corral

Accommodations are provided for stock.

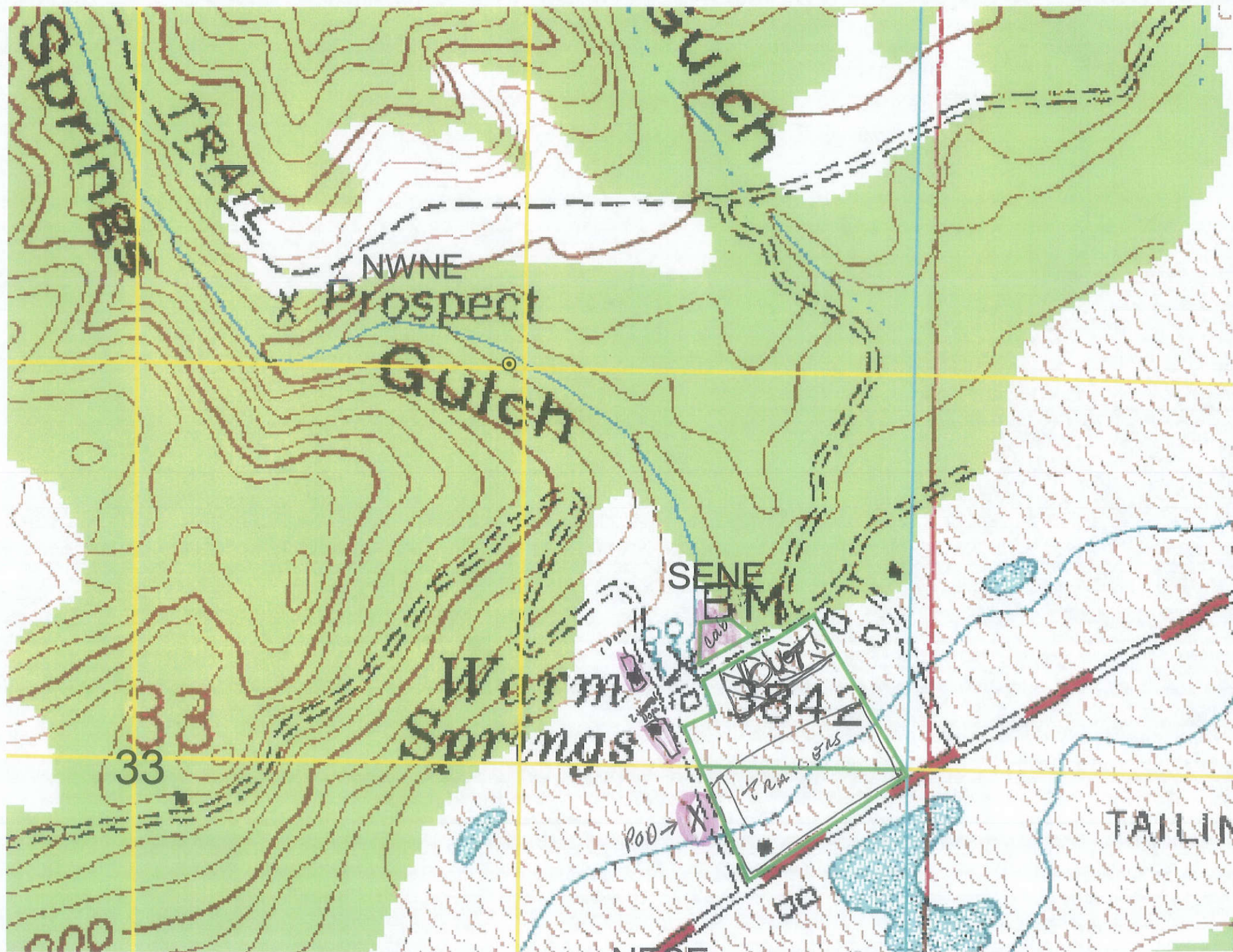
WM. M. VANCE

January 6, 1871-m2

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AUG 24 1992

63-15360



SRBA Claim Number A63-15360

Date of Photos 09/17/2001

Photographer P. Piniuccio

Legal Description T6NRSE33NESE + SENE

Point of diversion
& tank are
located in small
house, located
on side of
way on the
near Elk Creek



Storage tank
located on hill
at resort.

SENE

levation 4001 ft



SRBA Claim Number A63-15360

Date of Photos 09/17/2001

Photographer P. Nicicucci

Legal Description T6N26E33 SENE

Commercial use.

on spaces

bins.

ed east

wing +

Springs Gulch,

campground



Commercial use.

bins.

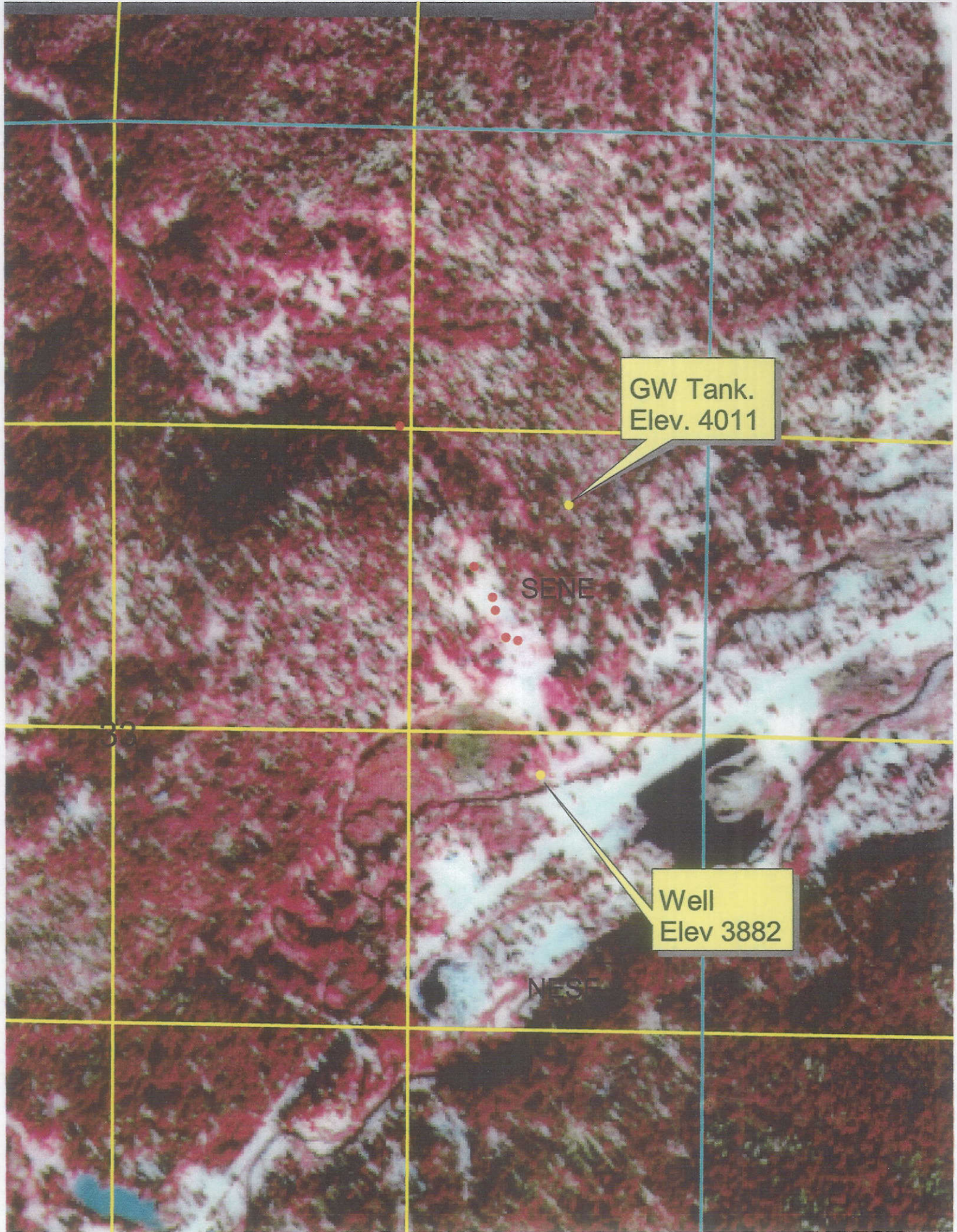
ed east of

Springs Creek

th of

ground area.





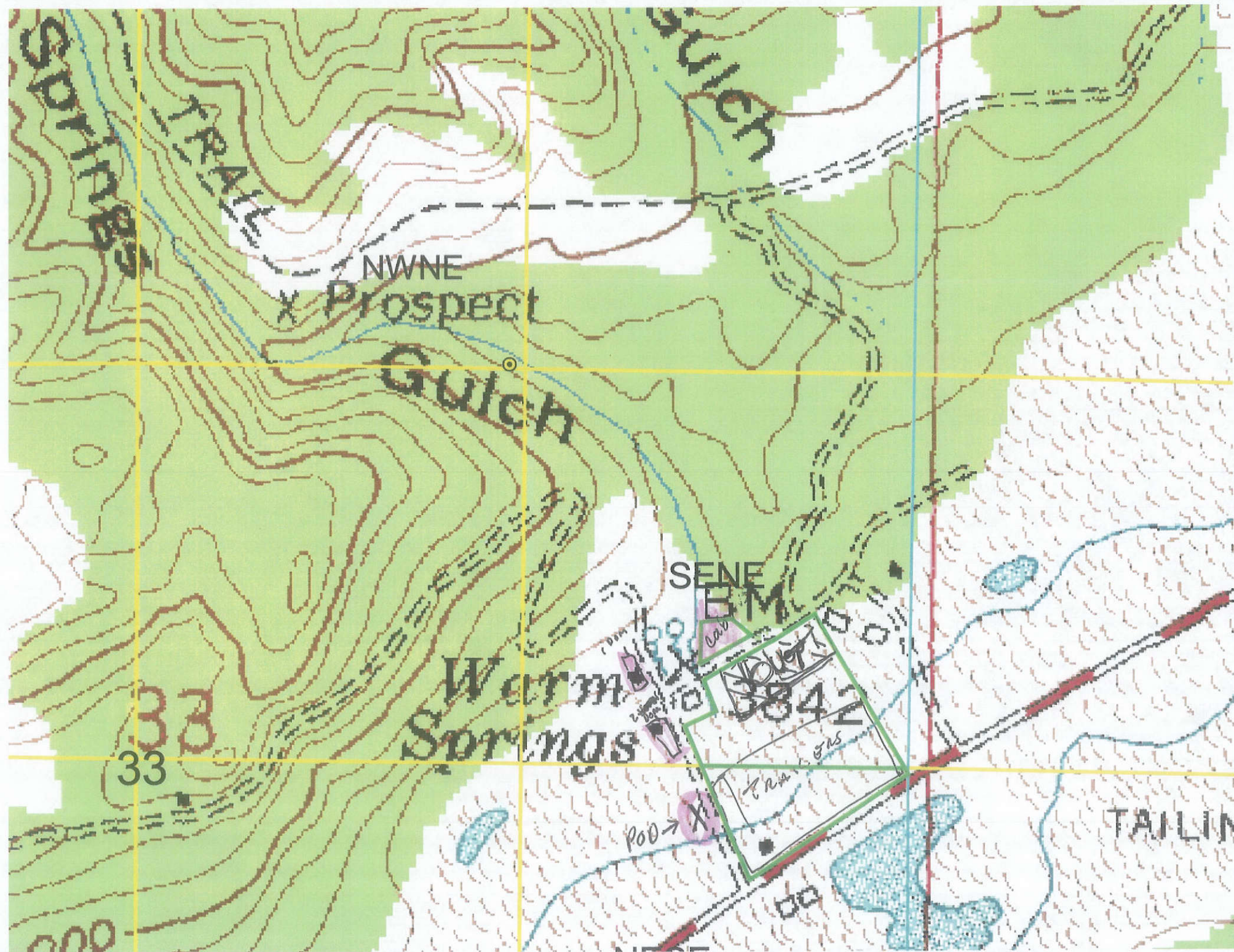
GW Tank.
Elev. 4011

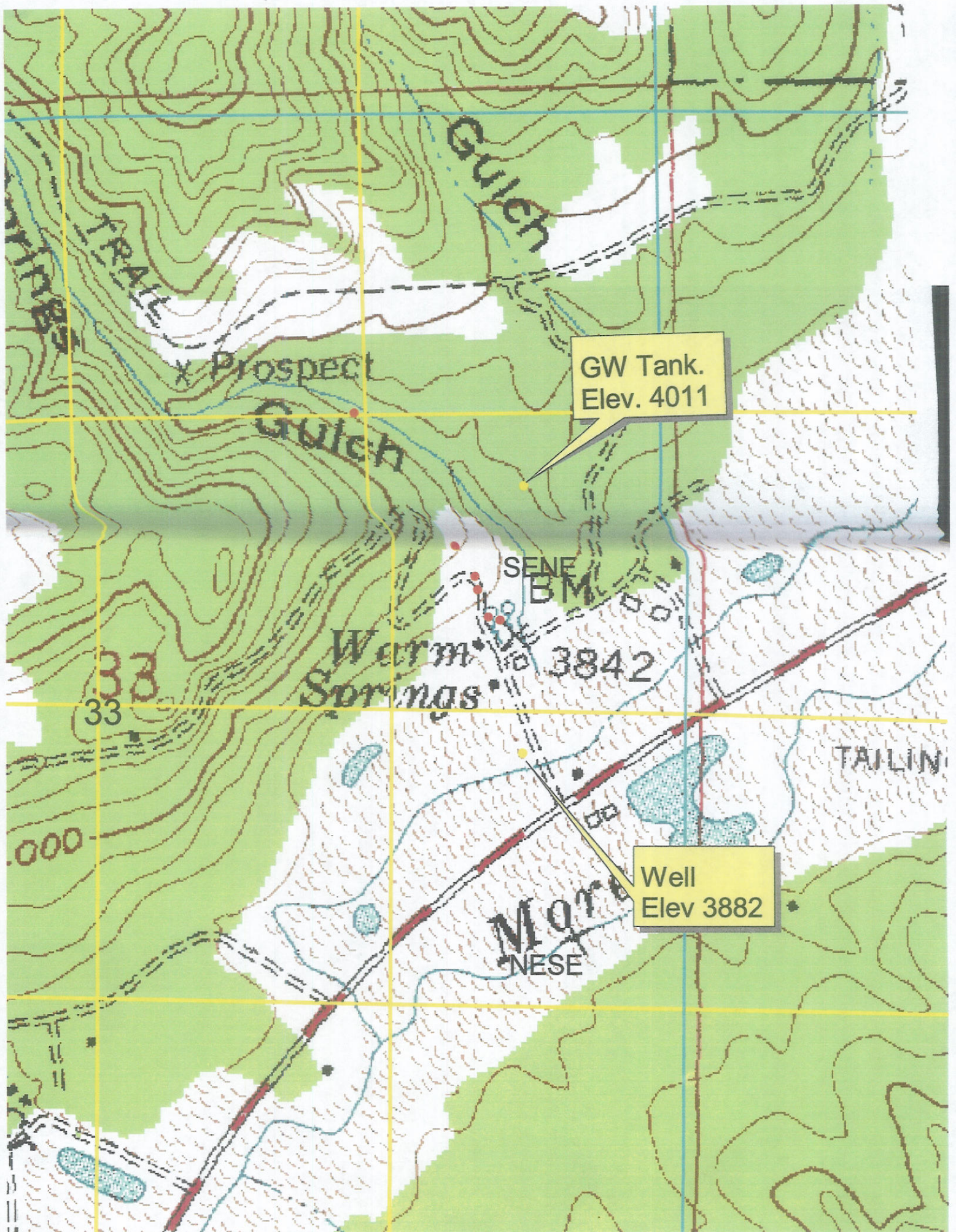
SENE

Well
Elev 3882

NESP

33





#6229 JP

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: A63-15360
Date Received: 5/16/1989
Receipt No: C006826
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WARM SPRINGS RESORT, INC. 208-392-4437
Address: C/O RICHARD B. WEIBYE
P.O. BOX 28
IDAHO CITY, ID 83631

2. Date of Priority: MAY 01, 1956 ✓

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	05E	33	NW	NE	SE ✓		BOISE

5. Description of diverting works:
SEE ATTACHMENT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.030	✓	
COMMERCIAL	01/01	12/31	0.030	✓	

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
SEE REMARKS AND ATTACHMENTS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	05E	33	SE	NE		COMMER	

A63-15360

Page 1

Date: 05/18/89

MICROFILMED

AUG 24 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	05E	33	SE	NE		DOMEST	
			NE	SE		COMMER	
			NE	SE		DOMEST	

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

NONE

14. Remarks:

NON-IRRIGATION USES: DOMESTIC - 3 HOUSEHOLDS (NO YARD);
COMMERCIAL - 3 CABINS, 22 FULL HOOKUP TRAILER SPACES, 1 SNACK
SHOP (RESTAURANT), 2 OUTSIDE TAPS FOR CAMPGROUND AND PICNIC AREA
SEE ATTACHMENTS

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 A63-15360
Date Received 5/16/89 *Y*
Receipt Number C006826

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Warm Springs Resort, Inc. Phone (208) 392-4437
Mailing Address c/o Richard B. Weibye
P.O. Box 28 Idaho City, Id. Zip 83631

2. Date of Priority (Only one (1) per claim) May 1956 (5/1/56)

3. Source of water supply (a) Groundwater
which is tributary to (b) —

4. a. Location of existing point of diversion is: Township 6N Range 5E Section 33,
NW 1/4 of NE 1/4 of SE 1/4, Govt. Lot, — B.M., County of Boise

Additional points of diversion if any: —

b. If instream flow, beginning point of claimed instream flow is:

Township — Range — Section —, — 1/4 of — 1/4 of — 1/4,

Govt. Lot — B.M., County of —

ending point is: Township — Range — Section —, — 1/4 of — 1/4 of

— 1/4, Govt. Lot — B.M., County of —

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. (See Attachment)

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AUG 24 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount .03 or _____

For Commercial purposes from 1/1 to 12/31 amount .03 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .06 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic - 3 Households (No Yard), Commercial - 3 Cabins, 22 Full Hookup Trailers Spaces
1 - Snack shop (Restaurant) 24 outside Taps for Campground & Picnic Area

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>6N</u>	<u>5E</u>	<u>33</u>				<u>D</u>									<u>D</u>				
<u>6N</u>	<u>5E</u>	<u>33</u>				<u>C</u>									<u>C</u>				

Total number of acres irrigated _____

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks:

Last Name Warm Springs Resort, Inc Ident No. A63 - 15360

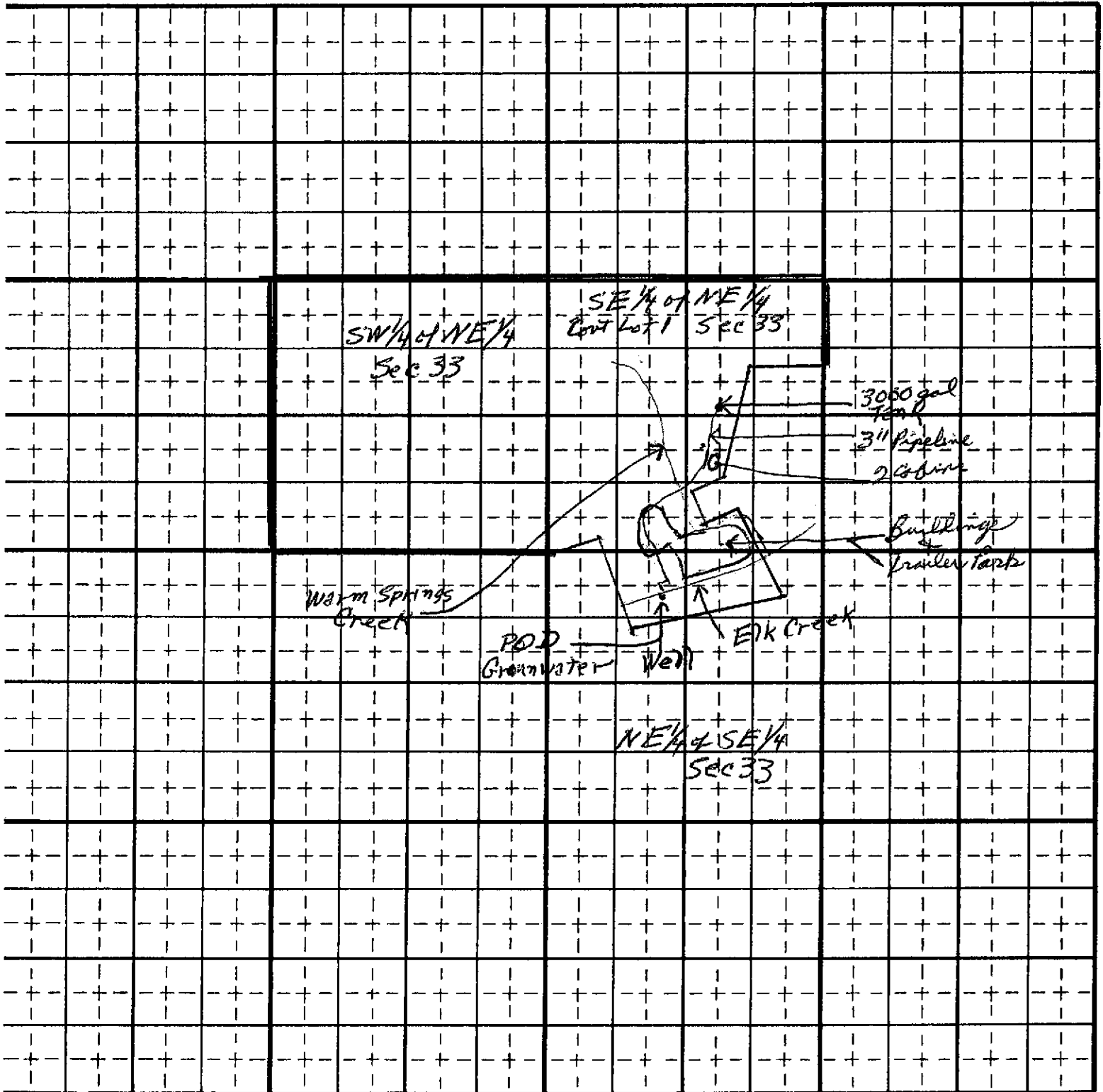
MICROFILMED
Copies: White - State, Yellow - Claimant
AUG 24 1992

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

Scale: $\frac{1}{8}$ inches equals 1 mile

8 inches = 1 mile

2" square = 40 Acres



Last Name Warm Springs Resort, Inc. Ident No. A63-15360

Copies: White-State, Yellow-Claimant **MICROFILMED**

AUG 24 1992

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

16. Signature (s)

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

Number of attachments 3 7 PAGES

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

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

of Warm Springs Resort, Inc. _____, that I have signed the foregoing
Organization
document in the space below as President of Warm Springs Resort, Inc.
Title Organization

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

Signature of Authorized Agent Richard B. Weidye

Title and Organization President - Warm Springs Resort, Inc. Date 5/16/89

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

Subscribed and sworn (or affirmed) before me this 16 TH day of MAY 19 89

SEAL

Notary Public Jeff Peppercorn

Residing at BOISE, ID

My Commission Expires 11/8/1994

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

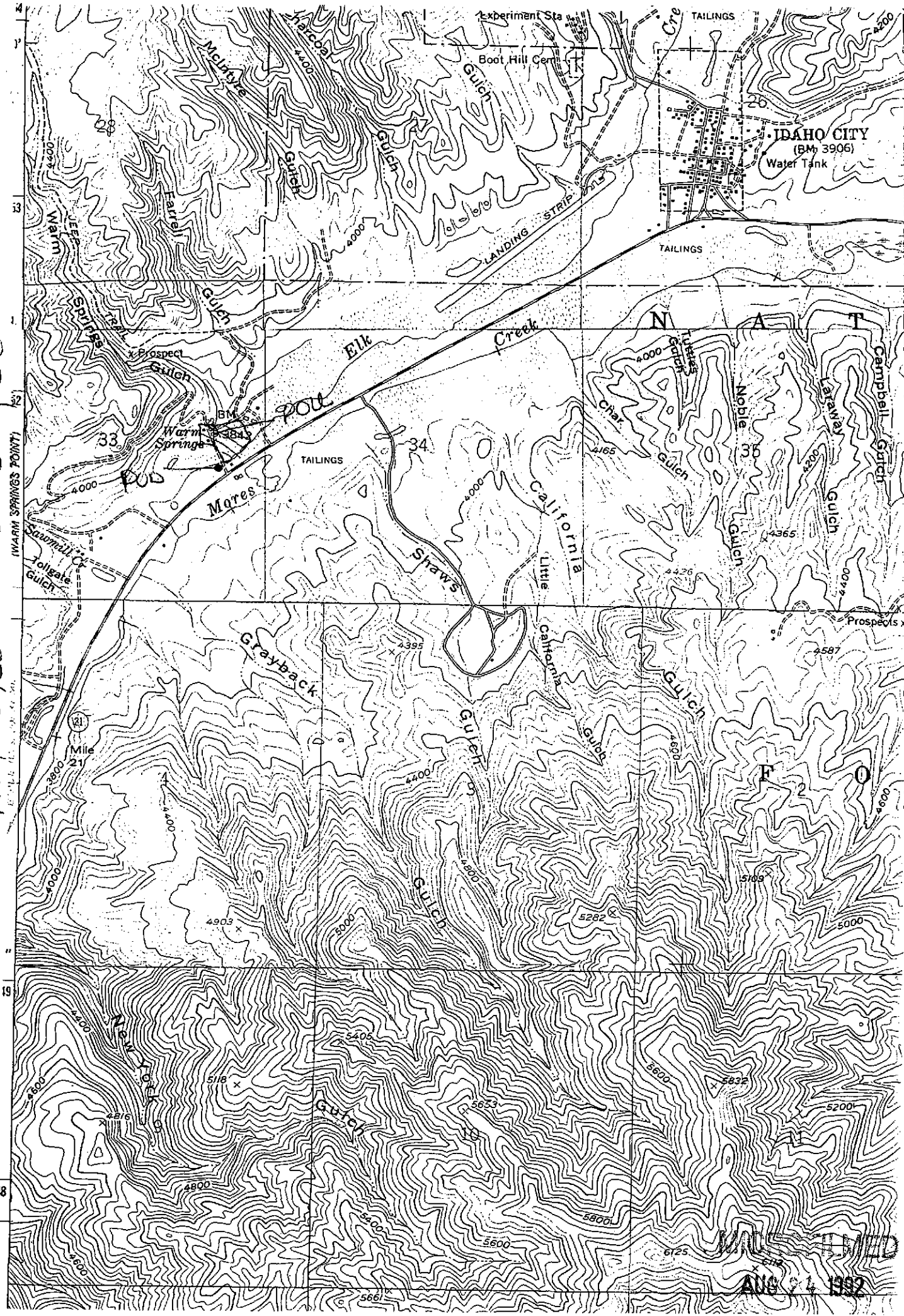
Date _____

Last Name Warm Springs Resort, Inc. Ident. Number A63-15360

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Copies White-State, Yellow-Claimant
AUG 24 1992

D. 15-15360 Page 1

NW, NE, SE SEC 33 T6N, 6E



MAILED
AUG 24 1992

Warm Springs Resort, Inc.
Box 28
State-Idz, #A 83431

Attachment #2
1 page

Item #12 Ownership.

Warm Springs Resort, Inc. is the recorded owner of all real property, except a 3.55 acre plot owned by Richard B. Weidye. Richard B. Weidye is also the sole owner of Warm Springs Resort, Inc.

The location of point of diversion is on property owned by Warm Springs Resort Inc. only. The 3.55 acre plot is considered an integral part of the Warm Springs Resort, Inc. complex by Richard B. Weidye, and title ownership will be transferred to Warm Springs Resort, Inc. shortly.

Item - ~~12~~ No Number

Also attached is "A History of the Warm Springs Resort Water Use" consisting of 5 pages.

463-15360

UNRECORDED

AUG 24 1992

A HISTORY OF THE WARM SPRINGS RESORT WATER USE (5 Pages)

The Warm Springs Resort originated in 1864 when it began providing laundry services, baths, and swimming to the Boise Basin gold rush miners and early pioneers. Today, over one hundred and twenty years later, the geothermal springs continue to provide refreshment and comfort at this historic and scenic mountain site.

An early advertisement from the Idaho World features the Warm Springs Laundry opening January 25, 1864. "The services of superior workmen combined with the unrivaled natural advantage of the purifying warm water will enable the proprietor to guarantee to his patrons an extra style of work." The first owner, Robert Turner also opened hot and cold baths and built a swimming pond. The swimming pond was sixty by one hundred and twenty feet, with a depth inclining from three to ten feet. The reservoir was located some hundred yards below the springs. "The springs cover a hillside area of little more than an acre, but within that space there are about a dozen separate and distinct perpetually bubbling springs all of nearly equally warm temperature, say from 91 to 105 degrees Fahrenheit." "The full volume of the springs has never been estimated, but a July 17, 1867 Idaho World news article (attached) stated that the flow of the springs which feed the great swimming pond is sufficient to fill that huge reservoir of 350,000 gallons in about ten hours." The article goes on to tell of two other large springs, whence the water flows - from one into the bathing rooms for ladies, which are attached to Mr. Turner's dwelling and presided over by his excellent wife. The other springs feed into the bathing rooms for gentlemen, which are attached to the saloon. The volume from each of these two large springs is sufficient to afford baths for hundreds of persons a day and besides yield a plentiful supply for adjoining wash house, the garden and huge horse trough in front at the roadside. Cold sulphur water was also in the rocky plat just north of the saloon as well as water from mining ditches on the hillside or from the creek. The Turner dwelling and boarding rooms, along with other buildings, also utilized the warm water.

763-15360

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AUG 24 1992

In 1902 Mrs. Frank Cooper began substantial improvements to the resort. She tore down the original 1864 residence and bathhouse and replaced them with new structures. The large 1902 two-story residence with its clapboard siding and numerous porches remains today. The new board and batten bathhouse was located in front of the residence and housed a toilet and nine cubicles with long metal tubs or copper soakers. The bathhouse was torn down in the ^{late 1920's} 1960's. Just above the old bathhouse is the crumbling wooden remains of the water or cooling tank that supplied the bathhouse. The water tank and bathhouse were connected to the springs by wooden troughs or flumes. A portion of this square wooden trough is still in use.

In June of 1903 Mrs. Turner replaced the swimming pond with a new 40-by 80-foot plunge located on the hillside. The shallow end was nestled into rock outcroppings and was 18 inches deep while the 10-foot deep end was supported by log cribbing and board and batten sides. (See photo.) The pool included a diving board on the deep end and a nozzle of warm water flowing in at the shallow end. Next to the pool was a board and batten toilet building, a shower structure, and below the plunge near the old water tank was the clapboard-sided dressing room building which is still intact.

A early utility map of the resort illustrates that besides supplying the plunge and bathhouse the various springs feed warm water lines to the dwellings, wash room, bedroom radiators, kitchens, bathroom and even to the chicken house which had a heat fan. Cold water was also supplied from a ditch on the hillside.

In 1956 a new 40- by 80-foot concrete pool was constructed and the old plunge and ^{W 25} bathhouse were discontinued.

*1902 Bathhouse removed in 1975
In 1956, Rebuilt pool, bathhouse, dressing rooms and shower were built.*

Compiled by Planmakers: Source: Idaho World, Idaho Directory for 1864, Abstract of Tittle, Idaho City Historical Foundation and Idaho Historical Society.

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AUG 24 1992

153-15360

ADVERTISEMENT FOR BUENA VISTA BAR.

SWIMMING POND,

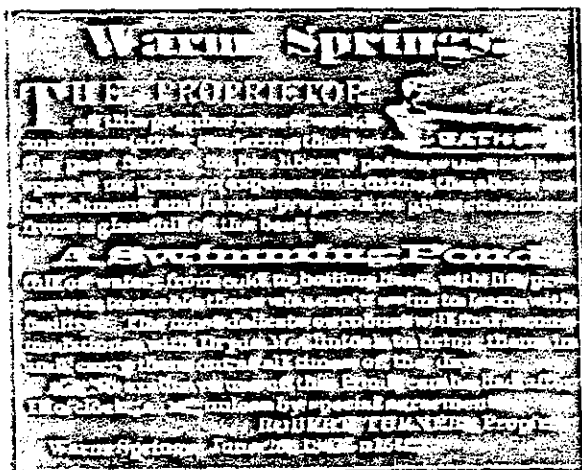
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1861



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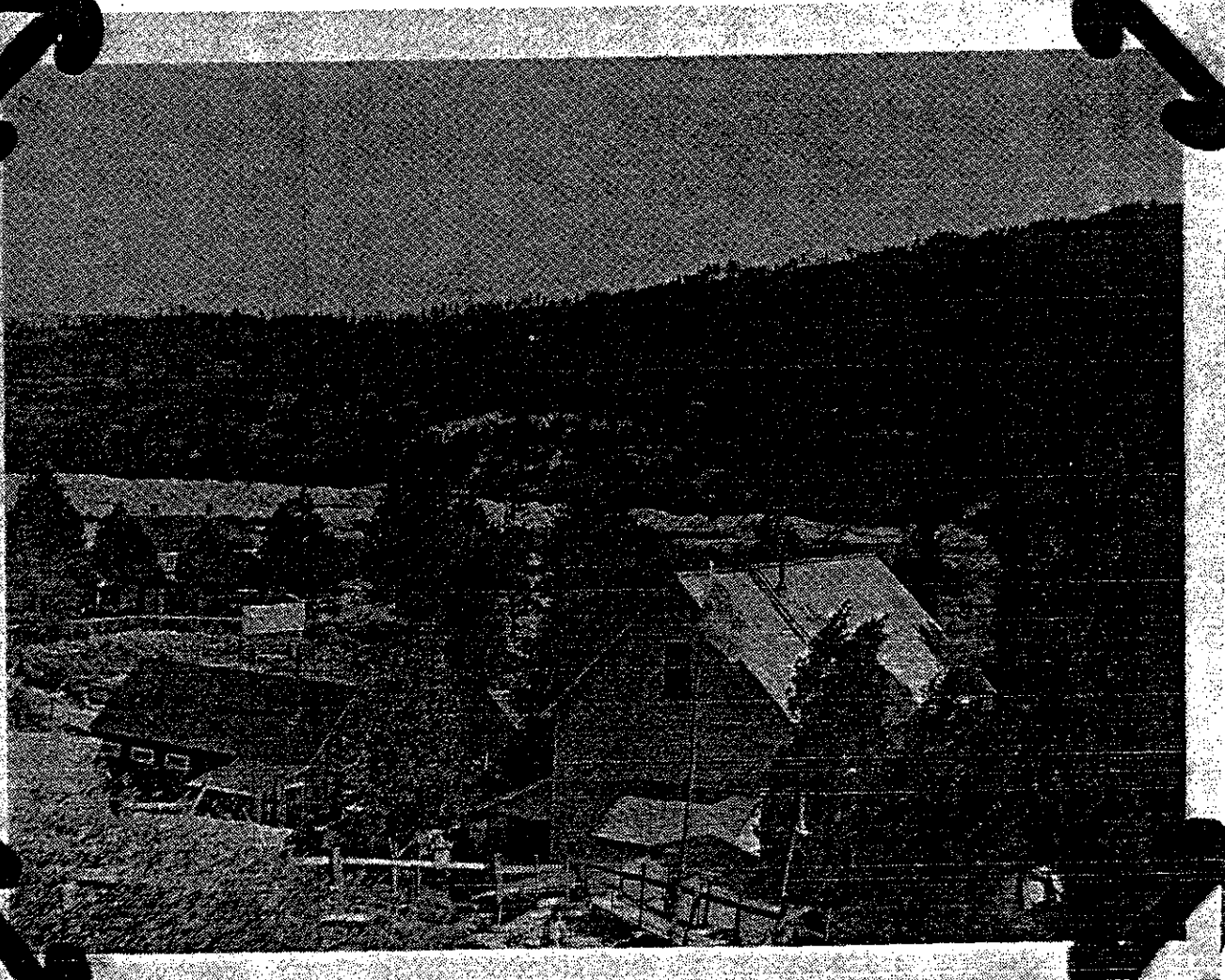
—The—

Purifying Qualities of the Water

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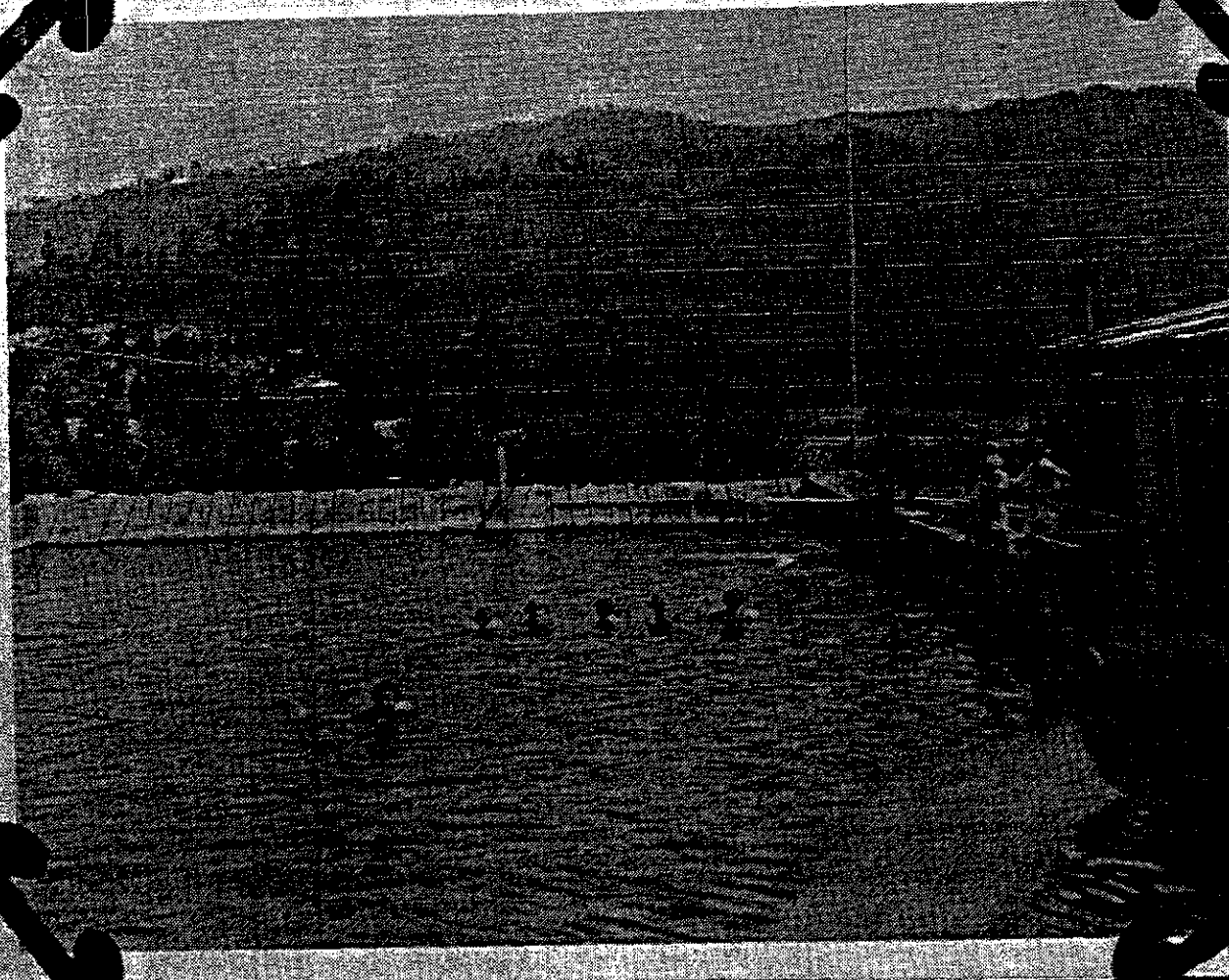
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Bannock City, January 21st, 1861. 1st



03-15360

MICROFILMED

AUG 24 1992



1903 Plunge-40 x 80 feet

BATHS AND BOARDING.

WARM  SPRINGS.

FRANK COOPER, PROPRIETOR.

HAVING TAKEN CHARGE OF THIS POPULAR place of public resort, I have thoroughly renovated the establishment and am prepared to receive **PERMANENT BOARDERS OR TRANSIENT GUESTS.**

HOT AND COLD BATHS

ready at all times, and everything about the house kept clean and neat.

The LADIES' DEPARTMENT will be controlled by

MRS. COOPER.

And everything will be done to contribute to the comfort of guests. [decide]

Nov. 10, 1870

Hotels and Restaurants

BATHS AND BOARDING



WARM SPRINGS!

HAVING THOROUGHLY renovated and refitted this establishment, we are now prepared to accommodate any number of



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In a style equal, if not superior, to any house in the Basin. Our hotel accommodations being now perfected, persons desiring to test the medicinal and curative properties of the water will receive every attention. **HOT and COLD BATHS** ready at all times and when it is desired the **SWIMMING POND** will be ready for those who prefer it to the bath-tub. The **TABLE** will be supplied with everything the market affords, and the **BAR** well stocked with the choicest brands of Wines, Liquors and Cigars. Ample

Stable AND Corral

Accommodations are provided for stock.

WM. M. VANCE.

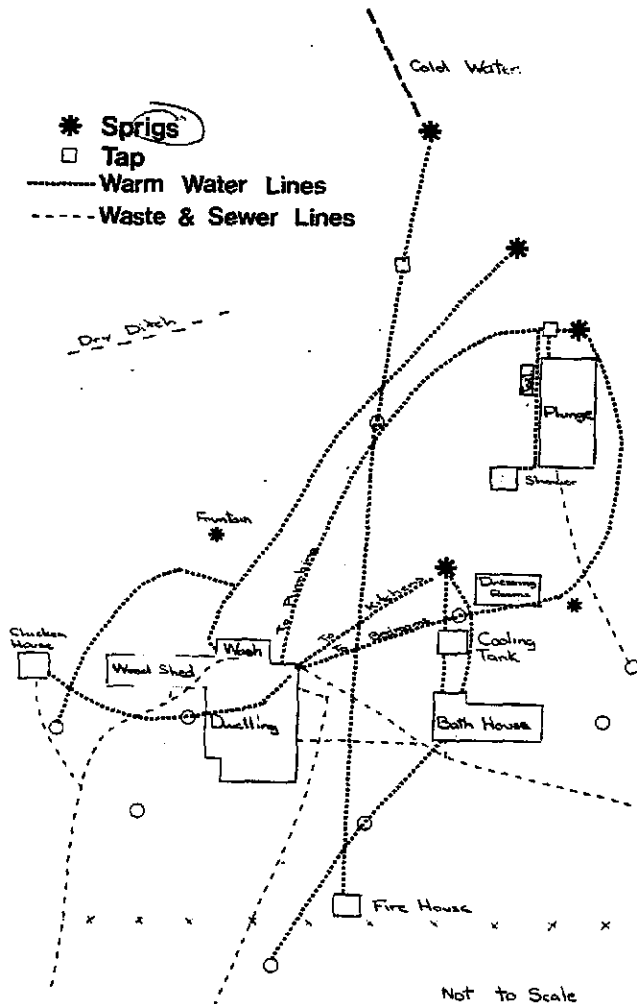
January 6, 1871-mk.

MICROFILMED

AUG 24 1992

63-15360

Reconstruction of Old Site and Utility Map c. 1910



TURNER'S WARM SULPHUR SPRINGS.

The delightful Summer resort, two miles below this city, on the road to Boise City, now known as Turner's Warm Springs, was discovered by George W. Thatcher, a present prominent citizen of Centerville, early in the Fall of 1862. He made no location of the premises, however. In October of that year a party of four, consisting of Stephen Maloney, (who still resides here, with John Cody,) Theodore Powers, Geo. Bentley and Wm. Skelly, regularly claimed and located the grounds. Mr. Turner and others were given interests subsequently, and finally, after several changes in the ownership, Mr. Turner became sole possessor by due purchase of the shares held by all the other partners. Since he has become sole proprietor, and all adverse claims against him have been settled—within the past six months—he has given much attention to the improvement of the grounds, the bathing houses and rooms for guests, and the other appointments required to meet the wants and accommodations of the public. He has still a good deal of projected work to accomplish, but in about another year, it is likely, he will have the buildings completed, handsomely furnished, and the grounds tastefully ornamented, with fine gardens and pleasant walks all about, agreeably to prepared plans.

These Springs are a great blessing to our people, not only in the matter of present refreshment and comfort, but also in the way of healthfulness. An analysis of the waters has never yet been obtained, but Mr. Turner purports to send bottles of the water from each of the several springs to a noted chemist in San Francisco, this season, so as to have a clear statement of the peculiar properties of them all. But it needs no scientific analysis to satisfy persons who drink of or bathe in the waters of their wholesome, purifying and beneficial qualities. For humors or diseases of the skin the water is singularly curative.

The springs cover an area of little more than an acre, but within that space there are above a dozen separate and distinct perpetually bubbling springs, all of nearly equally warm temperature, say from 91 to 105 degrees Fahrenheit. The full volume of all these has never been estimated by rule, but the flow of the springs which feed the great swimming pond is sufficient to fill that huge reservoir, of sixty by one hundred and twenty feet, to a depth of from three to ten feet, agreeably to the incline of the bottom from rear to front, in about ten hours. It is roughly estimated that this great pond holds 250,000 gallons. The springs which feed it are on the hill-side some hundred yards above the reservoir. Below and near by this are the two largest springs, whence the water flows—from one into the bathing rooms for ladies, which are attached to Mr. Turner's dwelling, and presided over by his excellent wife; from the other into the bathing rooms for gentlemen, attached to the saloon, and under the immediate supervision of Mr. Turner and his son "Bob, Jr.," who is no inconsiderable feature of the place. The volume from each of these two large springs is sufficient to afford baths for hundreds of persons a day, and besides, yields a plentiful supply for the adjoining wash house, the garden and huge horse-trough in front, at the road side—but horses have generally to be "educated" to drink the sulphur water, and few take kindly to it, even after long use of it.

A cold sulphur water spring was lately discovered in the rocky plat just north of the saloon. The water is strongly impregnated with the sulphur, but is less disagreeable to the taste than Saratoga or Napa sulphur water, and the new spring will undoubtedly attract the attention of invalids.

Take the whole place together—the many springs, their adaptability to use with trifling labor, their unceasing flow, their refreshing, curative, healthful effects, their convenience to our citizens; the charming, cooling, beneficent influence the baths, the ride thither and back, and the rest while there exercises upon a body—and we can well repeat the remark that Turner's Warm Springs are a blessing to this community. And we can truthfully add, that Mr. and Mrs. Turner, at the Springs, and McClintock & Stewart, in the carriage accommodations they give for rides thore and back every hour of the day, each and all manifest a cheerful desire to increase the enjoyment of the visitors.

MICROFILMED

AUG 24 1992

A63-15360

Get
F186

100



877 Main Street, Suite 1000
P.O. Box 1617
Boise, Idaho 83701-1617
(208) 344-6000 • Fax (208) 342-3829
www.hteh.com

June 4, 2002

VIA US MAIL

IDWR Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Notice of Change in Water Right Ownership

Dear IDWR:

Enclosed for filing with the Department of Water Resources is a Notice of Change in Water Right Ownership along with the required filing fee in the amount of \$75, a copy of the Deed with legal description attached and a topographical survey with the points of diversion clearly marked. If you have any questions or if any additional information is needed, please call Tim Tyree at 344-6000.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP

Colleen A. Proctor
Legal Administrative Assistant

Enclosures

RECEIVED

JUN 05 2002

**WATER RESOURCES
WESTERN REGION**

REFUND REQUEST

TO: S. Sherman to Log In
 FOR: D. Shaff/D. Allen
 FROM: Western Region Date: 6-24-02
 SUBJ: Receipt No. W029279 (Please attach ARQ2 Receipt copy immediately behind blue form)

RE: PayOR Hawley Joxell Ennis + Hawley
 Address 877 Main St. Suite 1000
P.O. Box 1617
Bowle, Id 83701-1617

Claimant(s) if NOT Payor JP Property Idaho City LLC
 Refund Amount \$ 75- Claim Location (Region/Claimant)
 Extension Filed? Y/N NA Copy Attached? Y/N NA
 Late Fees Paid? Y/N NA Late Fee Receipt #
 S.O. Verified Ext. by on D.B. Query by
 Refund Generated By (X) Agent () Claimant
 Refund Category:
 insufficient fees / claim incomplete / withdrawn (o-pmt)

Date of Last Correspondence (copy attached)

Claim No.	Use*	Fees Paid	Correct Fee	Rec't #
~~Alb3-15360~~	~~Comm + Dom.~~	~~\$25-~~	~~0~~	~~W029279~~
Alb3-15361	Irrigation	\$25-	0	W029279
Alb3-15362	Comm, Dom, Irr., Heating	\$25-	0	W029279
		\$		
		\$		
Total		\$	\$	

*Incomplete claims or insufficient fees for irrigation use will generally NOT be refunded. D.E. claim in AJSP1 at minimum.

Detailed Reason(s) for Refund Attached Y/N
No fee necessary for ownership change. Claims still pending in SRBA.

Region AJ Spvsr. Approval [Signature] S.O. AJ Spvsr. Approval
 Don Shaff Approval Hold To Fiscal
 Data Base Modified? Y/N NA A &/or R Records By on

Alb3-15360 split to Alb3-31456 + -31457

Receipt Details for ID W029279

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
6/5/2002 12:20:06 PM	6/5/2002 2:28:53 PM	WESTERN	\$75.00	Check
Payer		HAWLEY TROXELL ENNIS AND HAWLEY LLP		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
76528			
Card Expiration Date	Credit Card Transaction #		

Comment CHANGE IN WATER RIGHT OWNERSHIP 63-15360, 63-15361 AND 63-15362

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$75.00	OWNERSHIP CHANGES/SECURITY INTERESTS	62140	0229	21		1155

Refund(s):

Amount	Payee	Date	Document Number
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IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

COMMERCIAL USE IS FOR 22 TRAILER SITES.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
✓ 63-15360 = Parent			See large map in A63-15361		
63-15361					
63-15362					

Split into 63-31956 63-31957 ch OK

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Warm Springs Resort, Inc. c/o Richard Weibye
P.O. Box 28, Idaho City, ID 83631
4. New Owner/Claimant(s) JP Property IDAHO CITY LLC
Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 505 E. Kuiaha Rd.
- City, State and ZIP Code Haiku, HI 96708
- New Telephone Number (808) 575-7595
5. Date you acquired the property APRIL 29, 2002

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 WATER RESOURCES
 WESTERN REGION

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) IP PROPERTY IDAHO CITY LLC
(include title if applicable) Jesse Pearson
Jesse Pearson, Manager

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

For Office Use Only

Received by Jamie Fontaine Date 6/5/02 Fee 75.00 total
 Received by JF Date 6/5/02 Receipt No. W029279
 Processed by _____ AJ Date _____ WR _____ Date _____

21102

A Pioneer Company
PIONEER TITLE COMPANY
OF ADA COUNTY
821 W. State St. / Boise, Idaho 83702
(208) 373-3744

Instrument # 185551
IDAHO CITY, BOISE COUNTY, IDAHO
2002-04-30 04:37:29 No. of Pages: 4
Recorded for: PIONEER TITLE
RORA A. CANODY Fee: 12.00
Ex-Officio Recorder Deputy *Shirley George*
Index to: DEEDS

CORPORATE WARRANTY DEED

FOR VALUE RECEIVED,

Warm Springs Resort, Inc., an Idaho corporation

a corporation duly organized and existing under the laws of the State of, grantor, does hereby Grant, Bargain, Sell and Convey unto

JP Property Idaho City LLC, an Idaho limited liability company

whose address is: Highway 21, Idaho City, ID, grantee, the following described real estate, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

Tax Parcel No.'s RP 06N05331851A and RP 06N05331852A

SUBJECT TO current years taxes, irrigation district assessment, public utility easements, subdivision, restrictions, U.S. patent reservations, easements of record..

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in a fee simple of said premises; that they are free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its officers this.

Warm Springs Resort, Inc.

By: *Russell M. Weibye*
Russell M. Weibye, Director and Shareholder

By: *Richard B. Weibye*
Richard B. Weibye, Director and Shareholder

By: *Cinnamon S. Weibye*
Cinnamon Weibye, Director and Shareholder

STATE OF IDAHO, County of Ada, ss.

On this 25th day of April, in the year of 2002, before me Jeannette M. Griffin, a notary public, personally appeared Richard B. Weibye, Russell M. Weibye and Cinnamon Weibye known or identified to me to be the Directors and Shareholders of the corporation that executed the instrument or the person/persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Jeannette M. Griffin
Jeannette M. Griffin
Notary Public of Idaho
Residing at Boise, Idaho
Commission expires: February 15, 2008

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WATER RESOURCES
WESTERN REGION

PARCEL A

A tract of land being the Southwest quarter of the Northeast quarter of Section 33, Township 6 North, Range 5 East, Boise Meridian, Boise County, Idaho, described as follows:

Commencing at a found aluminum cap monumenting the center East 1/16th corner of said Section 33, said aluminum cap being the point of beginning.

Thence along the Southerly line of said Southwest quarter of the Northeast quarter South 89 degrees 00'29" West a distance of 1314.27 feet (formerly South 88 degrees 56'36" West a distance of 1314.37 feet) to a found aluminum cap monumenting the center quarter corner of said Section 33;
Thence along the Westerly line of said Southwest quarter of the Northeast quarter North 01 degree 41'16" West a distance of 1323.34 feet (formerly North 01 degree 40'14" West a distance of 1326.78 feet) to a found aluminum cap monumenting the center North 1/16th corner of said Section 33;
Thence along the Northerly line of said Southwest quarter of the Northeast quarter North 87 degrees 03'11" East a distance of 1345.07 feet (formerly North 87 degrees 05'11" East a distance of 1343.98 feet) to a found aluminum cap monumenting the Northeast 1/16th corner of said Section 33;
Thence along the Easterly line of said Southwest quarter of the Northeast quarter South 00 degrees 24'29" East a distance of 1369.19 feet (formerly South 00 degrees 26'33" East a distance of 1370.34 feet) to the point of beginning.

PARCEL B

A tract of land situated in a portion of the Southeast quarter of the Northeast quarter and the Northeast quarter of the Southeast quarter, lying Southerly of the Northerly line of the Warm Springs Flat Placer Claim as recorded in Mineral Survey No. 1483, within Section 33, Township 6 North, Range 5 East, Boise Meridian, Boise County, Idaho, described as follows:

Commencing at a found aluminum cap monumenting the center East 1/16th corner of said Section 33,
Thence Easterly along the Southerly line of the Southeast quarter of the Northeast quarter North 88 degrees 59'35" East (formerly South 88 degrees 56'38" West) a distance of 63.33 feet to a point on the Northerly line of said Warm Springs Flat Placer Claim,
Thence along said Northerly line North 59 degrees 24'49" East (formerly South 59 degrees 45' West) a distance of 189.93 feet to a found iron pipe monumenting Corner No. 2 of said Warm Springs Flat Placer Claim, said pipe being the point of beginning.
Thence continuing along said Northerly line South 85 degrees 10'52" East a distance of 255.46 feet (formerly South 81 degrees 47' East a distance of 254.1 feet) to a found iron pipe;
Thence leaving said Northerly line South 22 degrees 13'22" East a distance of 500.75 feet (formerly South 20 degrees 30' East a distance of 450 feet) to a set steel pin, being on the Northerly right-of-way of State Highway 21, said highway being a 200 foot wide deeded right-of-way;
Thence Southwesterly along said northerly right-of-way 228.54 feet along the arc of a circular curve to the left, said curve having a radius of 7790.00 feet, a central angle of 01 degree 40'51", a chord bearing of South 51 degrees 06'52" West (formerly South 53 degrees West) and a chord distance of 228.53 feet (formerly 224.4 feet) to a found steel pin;
Thence leaving said northerly right-of-way North 22 degrees 56'41" West a distance of 682.47 feet (formerly North 23 degrees 50' West a distance of 692.9 feet) to the point of beginning.

PARCEL C

A tract of land situated in the Southeast quarter of the Northeast quarter of Section 33, Township 6 North, Range 5 East, Boise Meridian, Boise County, Idaho, described as follows:

Commencing at a found aluminum cap monumenting the East quarter corner of said Section 33,
Thence North 00 degrees 15'21" East a distance of 907.78 feet along the Easterly line of said Section 33 to a point, said point being the point of beginning (from which a bolt bears South 89 degrees 27'39" West a distance of 1.79 feet).
Thence leaving the Easterly line of said Section 33 South 89 degrees 27'39" West a distance of 204.02 feet (formerly North 89 degrees 48' East a distance of 202.9 feet) to a found steel pin;
Thence North 41 degrees 44'26" West a distance of 71.97 feet (formerly North 39 degrees 15' West a distance of 72.2 feet) to a found steel pin;
Thence South 50 degrees 18'22" West a distance of 85.76 feet (formerly South 50 degrees 30' West a distance of 85.5 feet) to a found iron pipe;
Thence South 89 degrees 27'39" West a distance of 81.39 feet (formerly South 89 degrees 48' West a distance of 81.4 feet) to a found iron pipe;
Thence South 08 degrees 35'05" West a distance of 559.63 feet (formerly South 5 degrees 30' West a distance of 538.6 feet) to a found steel pin, said steel pin being on the Northerly line of the Badger Mineral Claim per Mineral Survey No. 1483;
Thence along said Northerly line South 66 degrees 06' 01" West a distance of 177.99 feet (formerly South 66 degrees 54' West a distance of 178.2 feet) to a found aluminum cap monumenting Corner No. 2 of said Badger Mineral Claim;
Thence South 11 degrees 23'55" East a distance of 179.79 feet (formerly South 12 degrees 31' East a distance of 183.5 feet) to a found steel pin;
Thence South 64 degrees 57'38" West a distance of 141.07 feet (formerly South 62 degrees 15' West a distance of 154.1 feet) to a set steel pin monumenting Corner No. 4 of said Badger Mineral Claim common with Corner No. 1 of the Warm Springs Flat Placer Claim;
Thence along the Northerly line of said Warm Springs Flat Placer Claim the following two courses:

North 85 degrees 10'52" West a distance of 355.46 feet (formerly North 81 degrees 47' West a distance of 354.1 feet) to a found iron pipe monumenting Corner No. 2 of said Warm Springs Flat Placer Claim;

Thence South 59 degrees 24'49" West (formerly South 59 degrees 45' West) a distance of 189.93 feet to a point on the Southerly line of the Southeast quarter of the Northeast quarter of Section 33;
Thence leaving said Northerly line of the Warm Springs Flat Placer Claim and following said Southerly line South 88 degrees 59'35" West (formerly South 88 degrees 56'38" West) a distance of 63.33 feet to a found aluminum cap monumenting the center East 1/16th corner of said Section 33;
Thence leaving said southerly line and following the Westerly line of said Southeast quarter of the Northeast quarter North 00 degrees 24'29" West a distance of 1369.19 feet (formerly North 00 degrees 26'33" West a distance of 1370.34 feet) to a found aluminum cap monumenting the Northeast 1/16th corner of said Section 33;
Thence leaving said Westerly line and following the Northerly line of said Southeast quarter of the Northeast quarter North 86 degrees 46'29" East a distance of 1333.02 feet (formerly North 86 degrees 43'47" East a distance of 1333.25 feet) to a found aluminum cap monumenting the Northeast corner of said Southeast quarter of the Northeast quarter;
Thence leaving said Northerly line and following the Easterly line of said Section 33 South 00 degrees 15'21" West a distance of 511.08 feet to the point of beginning.

TOGETHER WITH a road easement as defined and described by Quitclaim Deed recorded under Instrument No. 169607.

EXCEPT that portion described as follows:

A tract of land in the Southeast quarter of the Northeast quarter of Section 33, Township 6 North, Range 5 East, Boise Meridian, Boise County, Idaho, described as follows:

Commencing at a found aluminum cap monumenting the Southeast corner of the Northeast quarter of said Section 33,
Thence along the Easterly line of said Section 33 North 00 degrees 51'21" East a distance of 1418.86 feet to a found aluminum cap monumenting the Northeast corner of the Southeast quarter of the Northeast quarter of said Section 33,
Thence along said Easterly line South 00 degrees 15'21" West a distance of 367.79 feet to the point of beginning.
Thence continuing along said Easterly line, said line also being the Westerly line of Instrument No. 162202, (records of Boise County, Idaho) South 00 degrees 15'21" West a distance of 143.29 feet to a point;
Thence leaving said Easterly line South 89 degrees 27'39" West a distance of 40.00 feet to a point;
Thence North 00 degrees 15'21" East a distance of 143.85 feet to a point;
Thence South 89 degrees 44'39" East a distance of 40.00 feet to the point of beginning.

PARCEL D

A tract of land situated in the Southeast quarter of the Northeast quarter and the Northeast quarter of the Southeast quarter of Section 33, Township 6 North, Range 5 East, Boise Meridian, Boise County, Idaho, described as follows:

Commencing at a found aluminum cap monumenting the center East 1/16th corner of said Section 33,
Thence Easterly along the Southerly line of the Southeast quarter of the Northeast quarter of said Section 33 North 88 degrees 59'35" East (formerly South 88 degrees 56'38" West) a distance of 63.33 feet to a point on the Northerly line of the Warm Springs Flat Placer Claim as recorded in Mineral Survey No. 1483,
Thence along said Northerly line North 59 degrees 24'49" East (formerly South 59 degrees 45' West) a distance of 189.93 feet to a found iron pipe monumenting Corner No. 2 of said Warm Springs Flat Placer Claim,
Thence continuing along said Northerly line South 85 degrees 10'52" East a distance of 355.46 feet (formerly North 81 degrees 47' West a distance of 354.1 feet) to a set steel pin, said steel pin monumenting Corner No. 1 of said Warm Springs Flat Placer Claim common with Corner No. 4 of the Badger Mineral Claim and the point of beginning.
Thence along the Northerly line of said Badger Mineral Claim North 64 degrees 57'38" East a distance of 141.07 feet (formerly North 62 degrees 15' East a distance of 154.1 feet) to a found steel pin;
Thence leaving said Northerly line North 69 degrees 44'17" East a distance of 180.42 feet (formerly North 66 degrees 44' East a distance of 178.2 feet) to a set steel pin;
Thence South 24 degrees 42'50" East a distance of 348.66 feet (formerly South 24 degrees 00' East a distance of 367.8 feet) to a set steel pin, said steel pin being on the Northerly right-of-way of State Highway 21, said highway being a 200 foot wide deeded right-of-way;
Thence Southwesterly along said Northerly right-of-way 406.36 feet along the arc of a circular curve to the left, said curve having a radius of 7790.00 feet (formerly 7740.00 feet), a central angle of 02 degrees 59'20", a chord bearing of South 53 degrees 41'19" West (formerly South 53 degrees 58' West) and a chord distance of 406.32 feet (formerly 389.3 feet) to a set steel pin;
Thence leaving said Northerly right-of-way North 21 degrees 59'48" West a distance of 474.99 feet to a point on said Northerly line of the Warm Springs Flat Placer Claim;
Thence along said Northerly line South 85 degrees 10'52" East a distance of 62.72 feet (formerly South 81 degrees 47' East a distance of 58.6 feet) to the point of beginning.

PARCEL E

A tract of land situated in a portion of the Southeast quarter of the Northeast quarter and the Northeast quarter of the Southeast quarter of Section 33, Township 6 North, Range 5 East, Boise Meridian, Boise County, Idaho, more particularly described as follows:

Commencing at a found aluminum cap marking the center East 1/16th corner of said Section 33 from which the East quarter corner of said Section 33 bears North 88 degrees 59'35" East a distance of 1315.02 feet, said East quarter corner being a found aluminum cap,

Thence from the point of commencement North 88 degrees 59'35" East a distance of 63.33 feet along the South line of the Southeast quarter of the Northeast quarter of said Section 33 to a point on the Northerly line of the Warm Springs Flat Placer Claim, Mineral Survey No. 1483,

Thence along said Northerly boundary the following two courses:

North 59 degrees 24'49" East a distance of 189.93 feet to a found 2 inch iron pipe;

Thence South 85 degrees 10'52" East a distance of 255.46 feet to a found 1 inch iron pipe, said iron pipe being the point of beginning.

Thence along said Northerly boundary South 85 degrees 10'52" East a distance of 37.28 feet to a point;

Thence leaving said Northerly boundary South 21 degrees 59'48" East a distance of 474.99 feet to a set 5/8 inch rebar with cap P.L.S. 3624, said point being on the Northerly right-of-way line of State Highway 21 being a 200 foot dedicated right-of-way;

Thence along said Northerly right-of-way 32.55 feet Southwesterly along the arc of a circular curve to the left, said curve having a radius of 7790.00 feet, a central angle of 00 degrees 14'22", a long chord bearing of South 52 degrees 04'29" West and a long chord distance of 32.55 feet to a set 5/8 inch rebar with cap P.L.S. 3624;

Thence leaving said Northerly right-of-way North 22 degrees 13'22" West a distance of 500.75 feet to the point of beginning.

03/26/2002

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

RIGHT NUMBER: 63-31457

NAME AND ADDRESS: WARM SPRINGS RESORT INC
C/O RICHARD B WEIBYE
PO BOX 28
IDAHO CITY ID 83631

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.03 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500
GALLONS PER DAY.

PRIORITY DATE: 01/01/1981

POINT OF DIVERSION:

T06N R05E S33 NWNESE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.030 CFS

PLACE OF USE: DOMESTIC Within BOISE County

T06N R05E S33	SENE	T06N R05E S33	NESE
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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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: Beneficial Use

COMMERCIAL USE IS FOR 22 TRAILER SITES.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31457 V1

WATER RIGHT NUMBER: 63-31457 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WARM SPRINGS RESORT INC C/O RICHARD B WEIBYE PO BOX 28 IDAHO CITY, ID 83631 (208)392-4437

Priority Date: 01/01/1981

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	0.030 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4SE1/4	Sec. 33, Twp 06N, Rge 05E, B.M.
BOISE County		

Place of UseDOMESTIC Within BOISE County

T06N R05E S33	SENE	T06N R05E S33	NESE
---------------	------	---------------	------

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.
2. N06 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500 GALLONS PER DAY.
3. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

1. Explanatory COMMERCIAL USE IS FOR 22 TRAILER SITES.

Comments:

1. csaxton 3/26/2002 Split Right

Comment: This right is the result of splitting 63-15360 into 63-31456 and 63-31457 to represent two different development periods. This action was taken as a result of the Notice of Error process.

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31457 V1

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

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			03/26/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	3/26/2002 12:50:45 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Met with claimant during notice of error meeting on March 21, 2002.
POD	3/26/2002 12:51:24 PM	csaxton	Edited point location
Summary	3/26/2002 12:57:46 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

MEMEORANDUM

Date: March 26, 2002

From: Craig L. Saxton

Subject: Notice of Error for 63-15360

During the Basin 63-1 notice of error meeting I met with Richard Weibye the owner of Warm Springs Resort Inc.

He was concerned with the recommended priority date of 1981 and the fact that commercial use was not recommended.

The issue is that there were two different development periods for use from the well in question. In order to recommend all uses, the priority date of the latest development of the 22 trailer hookups put in place in 1981 was recommended. Since the recommended priority date was after the mandatory permit statute for groundwater, the right was recommended under the Domestic Definition part B.

From further review, the claim was split into two portions to represent both periods of development.

63-31456 is recommended for Domestic and commercial use with a 1956 priority date for all uses originally claimed except 22 full hookup trailer spaces.

Volume calculated by using 0.06 afa per use for 3 homes, 2 cabins and 1 snack shop totaling 3.6 afa.

63-31457 is recommended under Domestic Definition B for 22 full hookup trailer spaces with a 1981 priority date. Limited to 2500 gpd.

02/20/2002

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

RIGHT NUMBER: 63-15360

NAME AND ADDRESS: WARM SPRINGS RESORT INC
C/O RICHARD B WEIBYE
PO BOX 28
IDAHO CITY ID 83631

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.03 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500
GALLONS PER DAY.

PRIORITY DATE: 01/01/1981

POINT OF DIVERSION:

T06N R05E S33 NWNESE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.030 CFS

PLACE OF USE: DOMESTIC Within BOISE County

T06N R05E S33	SENE	T06N R05E S33	NESE
---------------	------	---------------	------

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.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: Beneficial Use

COMMERCIAL USE IS FOR 2 CABINS, 22 TRAILER SITES, FOOD
ESTABLISHMENT AND CAMPGROUND.

IDAHO DEPARTMENT OF WATER RESOURCES 01/30/2002
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Water Right 63-15360

NAME AND ADDRESS: WARM SPRINGS RESORT INC
C/O RICHARD B WEIBYE
PO BOX 28
IDAHO CITY ID 83631

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/01/1956

POINT OF DIVERSION:

T06N R05E S33 NWNESE Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
~~COMMERCIAL~~	~~1/01 12/31~~	~~0.030 CFS~~
DOMESTIC	1/01 12/31	0.030 CFS

PLACE OF USE: COMMERCIAL Within BOISE County

~~T06N R05E S33 SENE T06N R05E S33 NESE~~

DOMESTIC Within BOISE County

T06N R05E S33 SENE T06N R05E S33 NESE

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. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Commercial use is for 2 cabins, 22 trailer sites, food establishment, campground.

EXPLANATORY MATERIAL: Beneficial Use

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

CLAIM NO(s). A63-15360

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: 05/01/1956
(If the priority date, based on your exam, seems questionable, explain below.)

Evidence shows campground developed in early 1980s.
To comply w/mandatory permit statute, use limited
to 2500 gals per day. * Rec. 1/1/1981 *

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

Source found: _____

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

Township 6N Range 5E Section 33 1/4 _____ 1/4 NE 1/4 SE
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

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

Bentley Pump (submersible) SN. 8034884 Model No. BM. 1.5HP.
FRANKLIN Floron Model 282 3007 1002 Single phase
Set in well. Piped to small pressure tank, pumped to buried
storage tank to NE of resort. Gravity to POU.

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

Use	<u>Comm</u>	From	<u>1/1</u>	To	<u>12/31</u>	Amount	<u>0.3</u>	CFS	<u>0.06</u>	AFA
Use	<u>Dom</u>	From	<u>1/1</u>	To	<u>12/31</u>	Amount	<u>0.06</u>	CFS	<u>0.06</u>	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: 3 Stock # _____ List types: _____

Additional comments: Dom use is for 2 apts and one home, campground,

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

Use:	<u>Dom</u>	Township	<u>6N</u>	Range	<u>5E</u>	Section	<u>33</u>	<u>1/4 SE</u>	<u>1/4 NE</u>
Use:	<u>Comm</u>	Township	<u>6N</u>	Range	<u>5E</u>	Section	<u>33</u>	<u>1/4 SE</u>	<u>1/4 NE</u>
Use:		Township		Range		Section		<u>1/4 NE</u>	<u>1/4 SE</u>
Use:		Township		Range		Section		<u>1/4</u>	<u>1/4</u>

snackshop, 2
hydrants for
tent camping
& 3 rental
cabins

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

Dom uses are located near hot springs. Apartments are
above in lodge, on the 2nd floor. Third dom use is
original inn, now a home. Bath buildings also

Receive hot water. Cabins located on hill east of springs +
SYSTEM DIAGRAM INCLUDED NA north of trailer park
Shown on GIS Layout

CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 09/17/2001

FIELD EXAMINER: MARIA MINICUCCI

Print Name

[Signature]
Signature

Comm use is for campground
(22 hookups), snackshop, 2 taps
@ tent campground, and 3 rental cabins (vacation).

AJ5809NP
No. A63-15360

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/01
PAGE: 98

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WARM SPRINGS RESORT INC C/O RICHARD B WEIBYE PO BOX 28 IDAHO CITY ID 83631 (208) 392-4437	05/01/1956	COMMERCIAL DOMESTIC	01-01 12-31 01-01 12-31	0.030 CFS 0.030 CFS	
TOTAL DIVERSION:					0.060 CFS	

Water Source: GROUNDWATER ✓

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T06N R05E S33 ✓

NWNESE ✓

BOISE County

Place of use Legal Description for: COMMERCIAL

NE				NW				SW				SE			
T	R	S		T	R	S		T	R	S		T	R	S	
06N	05E	33	:				:				:				:

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
T	R	S		T	R	S		T	R	S		T	R	S	
06N	05E	33	:				:				:				:

POU County: BOISE

Non-Irrigation Uses: SEE REMARKS AND ATTACHMENTS

Other Rights: NONE

Remarks: GEN NON-IRRIGATION USES: DOMESTIC - 3 HOUSEHOLDS (NO YARD);
COMMERCIAL - 3 CABINS, 22 FULL HOOKUP TRAILER SPACES, 1 SNACK
SHOP (RESTAURANT), 2 OUTSIDE TAPS FOR CAMPGROUND AND PICNIC AREA
SEE ATTACHMENTS

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

PHOTO NO. 3

GPS Reading No. 2: Holding Tank

on hill East + N of
Campground

Coordinates

0350218

0303539

"6WTANK"

Altitude

4011 ft

WELL

Idaho Public Drinking Water
Chemical Sampling Location
GPS site ID NO.

ED0008177

3882 ft

42 lbs pressure on tank valve

GPS Reading No.

Coordinates:

SYSTEM DESCRIPTION ATTACHMENT TO CLAIM VERIFICATION REPORT

CLAIM NO. _____

Warm Spring Groundwater

? 9/17/01

15 on flat area

7' above, just on east side of creek,

Camp sites

N of road of it crosses the creek

Mostly short term (30 days). 1 permanent trailer

@ lower location.

Claireborne Springling Co

Berkely Pump (submersible)

345 2655

SN 8034884

Model BM

1 1/2 HP

Franklin Motor

Model 282 3007 1002

1 1/2 HP

1 PHASE

3450 RPM

Photo 11: WELL IN WELL HOUSE

12: ~~THE~~ IRR (springs) / Trailer sites (lower)

Waypoint 8

0350177

3882 ft

"WELL"

0303177

12:14

9/17

Well drilled @ same time concrete pools were built (Bill Huckshead was owner) : 1956 per current owner's statement

Huckshead

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A63-15360, 15361, 15362

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent M. Minicucci Date Sept 13, 2001

Contact Person(s) Richard Weibye 342 5628

Nature of Contact Field exam Sept. 17, 2001 10:00 a.m.

Substance of Communication Pool is closed - under construction.

Mr. Weibye has been on the property since 1960.

Submitted by claimant 9/17/2001

Aug. 15, 1986

In 1920 the Resort was owned by Sarah Starkey. She expanded the property with the US Government granting her 34.15 acres (Lot 1 of Section 33). In 1921 Frank Long purchased the plunge property. For thirty-five years it was known as Long's Warm Springs. Mr. Long and his wife expanded the property through another granting of U.S. Government land in 1927 (40 acres - SW 1/4 of NE 1/4 of Section 33) and by purchases of a small portion of Badger Placer in 1925 and 2.61 acres along the highway in 1950.

Access to Warm Springs was via the road connecting Idaho City to the toll road over the Boise Front to Boise along Mores Creek. This road ran just to the south of the main house near the present pool. It can be located in figure 12. It was not until 1931 that Highway 21 was built allowing easy access to the Springs and Idaho City.

Forestry activity increased in the 1920s with the Boise Payette Lumber Company having a right of way easement for railroad purposes across the Warm Springs Flat and Badger. In 1945 the Harris Saw Mill was built south of the resort. The log pond still exists just south of Highway 21 across from the resort.

W.D. Huckstep bought the property in 1956 and subsequently made new improvements. This included building a new 80 x 40 pool, wading pool and bathhouse and moving in three small homes. He also purchased additional highway frontage from Miles Young. The resort was also owned by Bob Jewell for a short period. In 1961 the plunge was purchased by Richard Weibye, the current owner. Mr. Weibye has built up a steady clientele who enjoy the well-maintained pool and the natural hot water. In the early 1980s he converted dredge tailings near highway 21 into a RV campground.

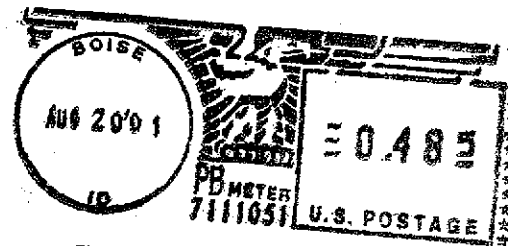
* Compiled by Planmakers: Source: Idaho World, Idaho Directory for 1864, Abstract of Tittle, Idaho City Historical Foundation and Idaho Historical Society.

Table 1
WARM SPRINGS RESORT PROPERTY

<u>Legal Location</u>	<u>Date</u>	<u>Project Description</u>	<u>Acres</u>
Pg. 41	01.06.21	Lot 1, Sec. 33	34.15
Pg. 47	10.15.25	-	.75
Pg. 58	03.14.27	SW 1/4 of NE 1/4 of Sec.33	41.16*
Pg. 94	12.00.50	Highway 21 Section	2.61
-	-	RV/Camp Area	3.55
<u>Sold or Traded Property</u>			82.22
Pg. 63	09.05.25	Sold to Small/Fruit (29)/ Idaho Canadian (44)	1.69**
Pg. 96	12.00.50	Traded to Idaho Canadian	4.07
* Listed as 40.00 acres, when granted			-5.76
** See Page 64/06.10.29 and Page 83/09.25.44			76.46
			Total Acres

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE
REQUESTED



RECEIVED

SEP 04 2001

WATER RESOURCES
WESTERN REGION

WEIB.028

WARM SPRINGS RESORT INC
C/O RICHARD B WEIBYE
PO BOX 28
IDAHO CITY, ID 83631

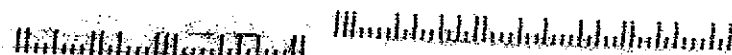
Re:

6:

WEIB028 836312019 1801 08 08/29/01
RETURN TO SENDER
WEIBY, RICHARD B
210 W ELWOOD DR
BOISE ID 83706-4671

RETURN TO SENDER

836312019 01



63-15360
-15361
+15362

Craig -

Appt for Tues. 9:00 AM
w/ Richard Wylie -
Cancelled.

Per S.O. 3:45 Monday.

Denise

PHONE MEMO	TO	Craig Saxton	DATE	3/25	TIME	3:46	AM PM							
	FROM	Richard Wylie	AREA CODE	208-										
	OF	Cancelled appt. Scheduled for 3/29, 9 AM - Needs to re-schedule. Available: 3/28 - Afternoon, 3/29 all day. 4/1, 4/2, 4/3, OKay, Please Call A.S.A.P. (Also see email.)	NO.	342-5628										
	MESSAGE													
	SIGNED													
	PHONED	☒	CALL BACK	☐	RETURNED CALL	☐	WANTS TO SEE YOU	☐	WILL CALL AGAIN	☐	WAS IN	☐	URGENT	☐

3/4/02

RBW

#1
PUMP

03/01/2002

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 5, 2002

Water right number: 63-15360

WARM SPRINGS RESORT INC

C/O RICHARD B WEIBYE

PO BOX 28

IDAHO CITY ID 83631

Telephone Number: (208)392-4437

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

Priority date

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

Should Be 5/1/1956

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

Well in Place in 1956

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190



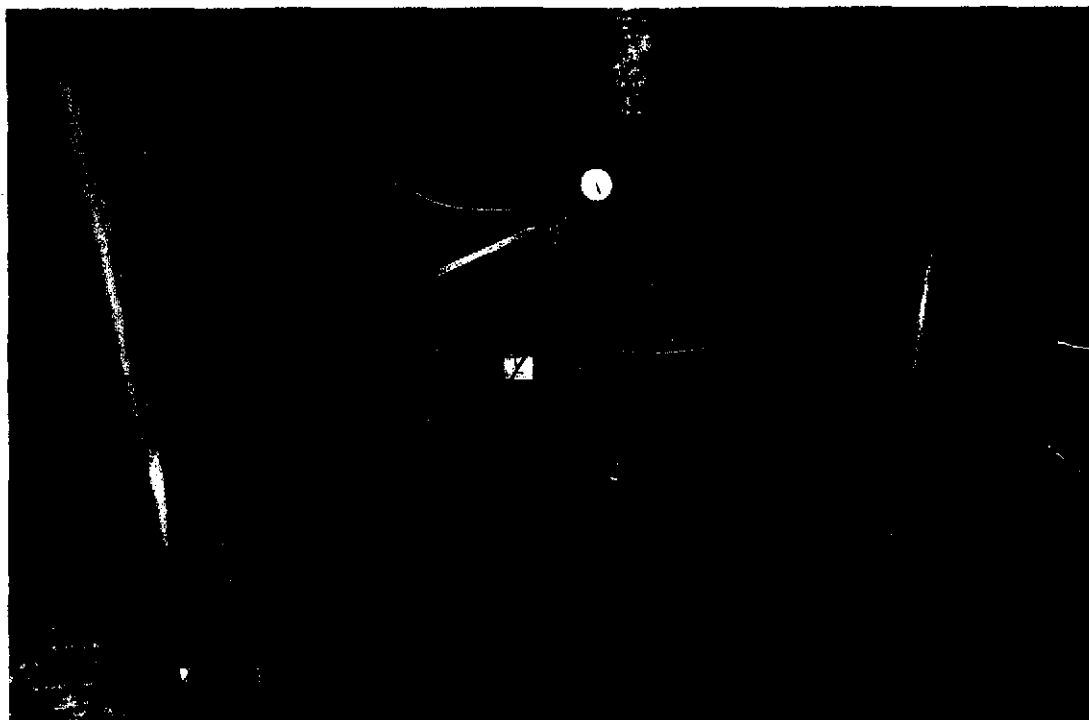
SRBA Claim Number 463-15360

Date of Photos 09/17/2001

Photographer P. Pinicucci

Legal Description T6NRSES33 NESE + SENE

Point of diversion
& tank are
ed in small
r house, located
est side of
way on the
near Elk Creek



storage tank
ed on hill
e resort.

SENE

variation 4001 ft



SRBA Claim Number A63-15360 Date of Photos 09/17/2001
Photographer P. Minicucci Legal Description T6N26E33 SENE

commercial use.
on spaces
bins.
ed east
wing +
Springs Gulch,
campground



commercial use.
bins.
ed east of
Springs Creek
TH of
ground area.



IDAHO DEPARTMENT OF WATER RESOURCES 09/18/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: WARM SPRINGS RESORT INC
C/O RICHARD B WEIBYE
PO BOX 28
IDAHO CITY ID 83631

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT
EXCEED ~~12,000~~ ^{25,000} GALLONS PER DAY.

PRIORITY DATE: 05/01/1956

POINT OF DIVERSION:

T06N R05E S33 NWNESE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	1/01 12/31	0.030 CFS
DOMESTIC	1/01 12/31	0.030 CFS

PLACE OF USE: COMMERCIAL Within BOISE County

T06N R05E S33 SENE T06N R05E S33 NESE

DOMESTIC Within BOISE County

T06N R05E S33 SENE T06N R05E S33 ~~NESE~~

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.
Commercial use is for 2 cabins, 22 trailer sites, food establishment,
campground.

EXPLANATORY MATERIAL: Beneficial Use

