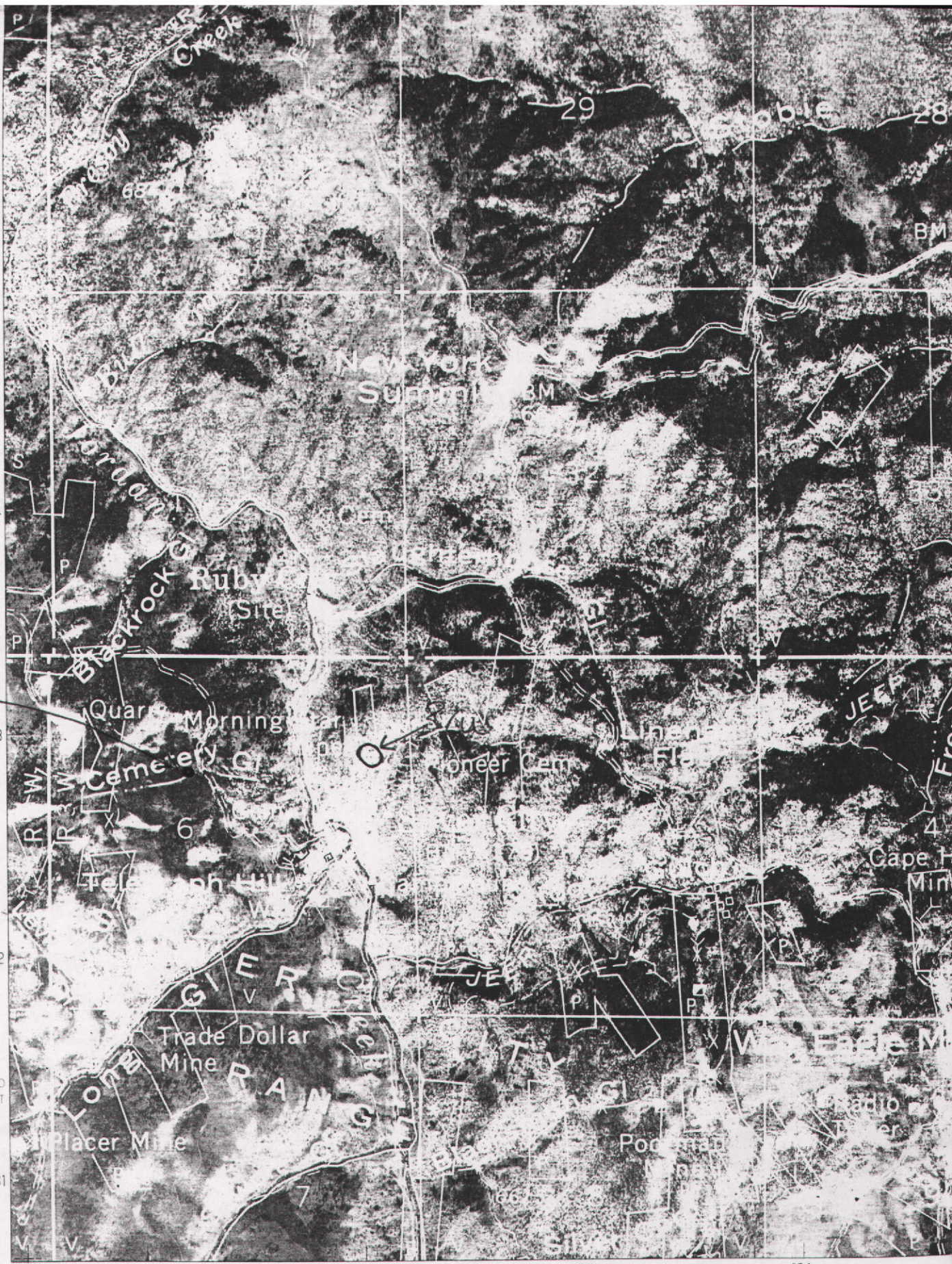




553W
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T. 5 S.

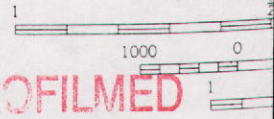
LINT CREEK NE)

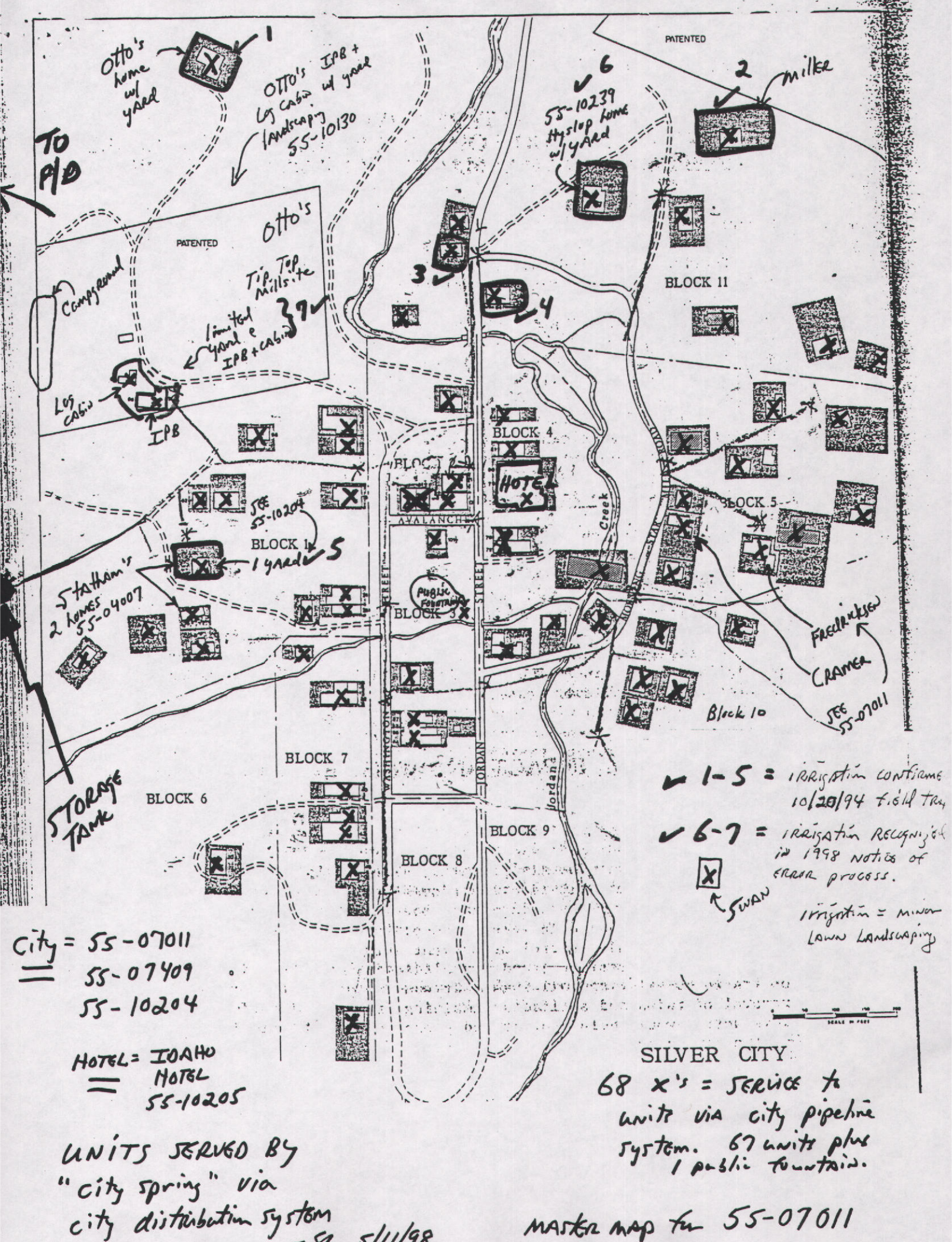
Produced by the Geological Survey
in cooperation with the Soil Conservation Service
Orthophotograph prepared from 1:80,000-scale
aerial photographs taken August 7, 1979
Projection and 10,000-foot grid ticks
Utah coordinate system, west zone

AS5.10239
Attachment 1

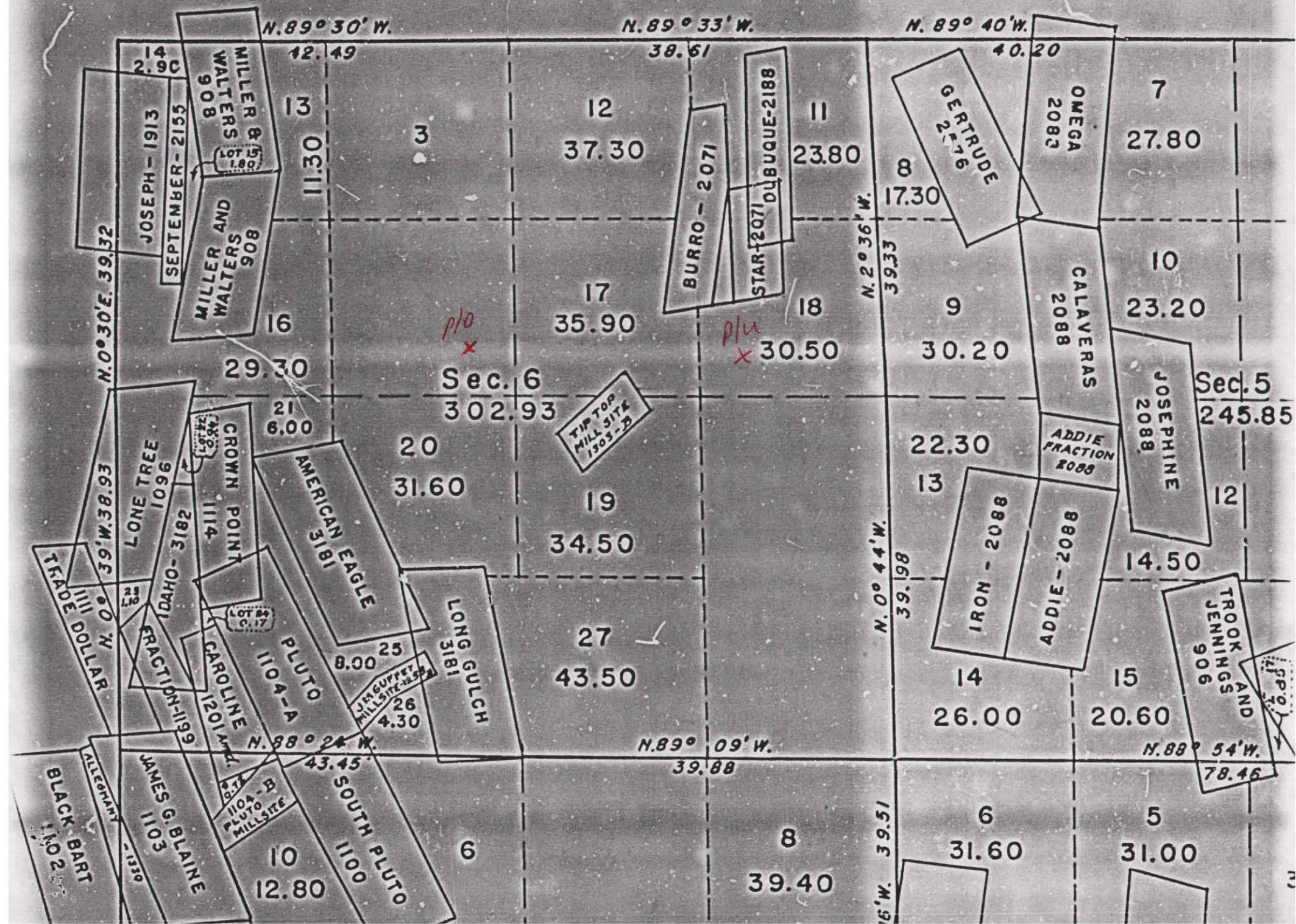
MICROFILMED

SEP 30 1992



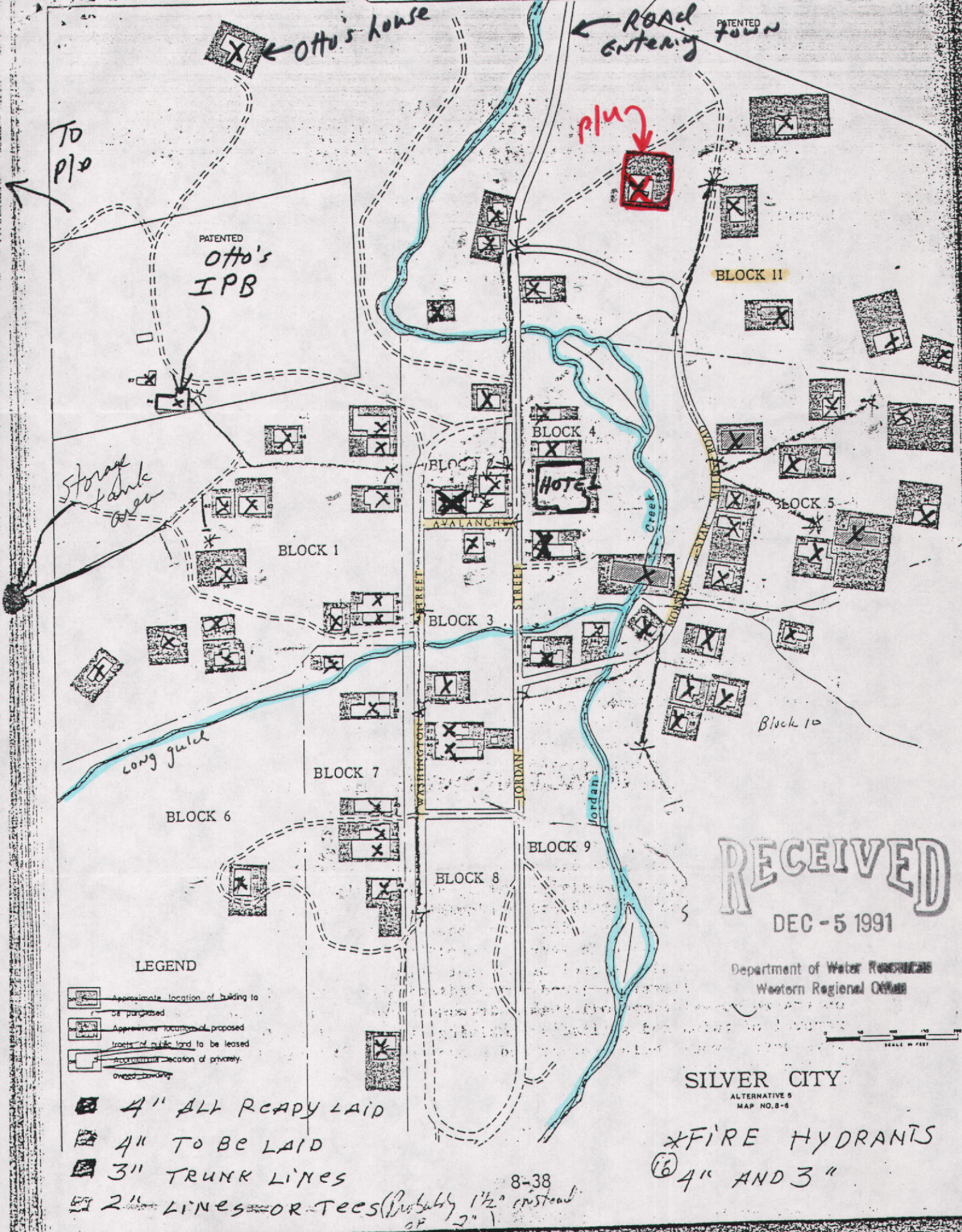


A55-10239



X UNIT WITH WATER

ASS-10239-HY5LOP



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A55-10239
Date Received: 11/13/1991
Receipt No: W013872
Received By: JH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: L DOUGLAS HYSLOP 208-466-3773
Address: 10139 RIM RD
NAMPA ID 83686
AND/OR
Name: JULIE J HYSLOP 208-466-3773
Address: 10139 RIM RD
NAMPA ID 83686

2. Date of Priority: AUG 29, 1874

3. Source: SPRING Trib. to: JORDAN CREEK

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME

10. Place of Use:

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

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
A55-10204 AND 10205

14. Remarks:
SOURCE KNOWN LOCALLY AS CITY SPRING
SEE ALSO REMARKS IN A55-10205

*See remarks
addition of
12/5/91 ID
Database - fl*

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: 2 (map + deed info)

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): L. Douglas Hepburn Date: Nov 13, 1991

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 13 day
of Nov 19 91

Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 8, 1994

553W
Sec 6

P/D

T. 5 S.

FLINT CREEK (NE)



Produced by the Geological Survey
in cooperation with the Soil Conservation Service
Orthophotograph prepared from 1:80,000-scale
aerial photographs taken August 7, 1979
Projection and 10,000-foot grid ticks
are shown on the map.

A55-10239
Attachment 1

MICROFILMED

SEP 30 1992

MINERS UNION HOSPITAL

Block 11 BLM Lot 50

List of Owners:

- 1865 Had been built by David H. Fogus
- 1867 Fogus deeds to Francis Ganahl and Andrew Huggan
Owy. Deeds Book N. Page 92
- 1871 Ganahl sells to R. Z. Johnson a 1/2 interest, May 5, for
\$50. Book P--p 645
- 1871 Fogus sells to Johnson for \$1. all that certain lot
of ground, together with the dwelling house thereupon, and
being situated on the hill North and adjoining the Morning
Star Mill, near the town of Silver City. Said dwelling house
having been built by the party of the first part. Book P--p
644
- 1872 Huggan sells to Johnson, a 1/2 interest, July 3, for \$25.
Book Q--p 221
- 1879 Johnson sells to F. T. Douglas for \$900. Book S--p 495
- 1882 Douglas sells to Fred Hoffer for \$800. Book T--p 362
- 1888 Hoffer sells to James Lynam for \$300. Book U--p 320
- 1889 Lynam sells to Mattie Kate Stoddard for \$300. Book
U--p 346
- 1897 Stoddard sells to Silver City Union No 66, Western Feder-
ation of Miners for \$1,450. Book Y--p 218
- 1908 Miners Union sells to Walter R. Lanford for \$500. Book
5---p 130
- 1910 Langford sells to Nora R. Schuyler for \$450. Book
6--p 322
- 1921 Schuyler sells to George H. Lewis for \$250. Book 16--p 55
- 1923 Lewis sells to Belle V. Cook for \$250. Book 56--p 18
- 1954 Cook Estate sells to L. Douglas Hyslop for \$500. Book 56--p
25

Charlie Cook, husband to Belle V. Cook, died in Silver City during the summer of 1954 while working on his truck. Belle had preceeded him in death. They had no children. Charlie's estate was settled by his sister in Caldwell.

HOUSE

E & CO.

of Idaho,
ER CITY.

king Business
urrency Ex-
owing list

lents:

Full St., New York
San Francisco
Portland, Oregon
Boise City
Idaho City
Salt Lake City
Thusha, Neb.

ect on—

sterdam,

Hanover,

Montreal.

open office.

Bullion, Quartermaster
and Drafts in California, or

ints in the United
meted with General
attention.

Gold and Silver Bars,

d Deposits.

made for a specified

W. MOORE & CO

STORE.

Store, Washington
St. J. T.

AGER & CO.

Store.

Periodicals,
story of all kinds,
N. Am.

a supply of fresh
fruit, eggs, chickens,
of all kinds

Description bought and

DELBERGER & CO.
SOLE

TING.

V ASS

Man of Silver City and
prepared to resume his
the 1st of March,
on Stock of

ASS, Wall PAPER, &c

Kind of
BRIDGE PAINTING
APERING,

ere and dispatch.

OWYHEE AVALANCHE

Silver City, I. T., Saturday, Aug. 30, 1874.

Local Hints and Happenings.

P. Pamme and family left for Omaha this week.

The Telegraph office is located in Moore & Co's Bank.

A. Packard, of the Middleton Mining Hill, was over to Silver this week.

Mr. Banner, the Revenue man, returned to Boise City last Wednesday.

Considerable rain has fallen here this week and the weather is cool and delightful.

Probate Court met in regular session last Wednesday and adjourned till ten o'clock on Wednesday, September 21.

Assessor Angell has appointed John Hallenbeck, Deputy Assessor, and has gone to South Mountain to keep a store.

When you go to South Mountain stop at J. M. Brunzell's Hotel, the advertisement of which will appear next week.

While two boys were witnessing a game of ball the other day, they were struck in the back of the head, the balls coming out of their mouths.

A Chinaman was taken before Justice King, at Fairview, day before yesterday, and fined \$20 and costs for assaulting a white man with a club.

S. D. Braxton, assistant Superintendent for Wells, Fargo & Co., on this morning passed through here last Monday on his way to San Francisco.

H. M. Pearce, of San Francisco, is very anxious to get a letter from Wm. H. Riley, who is supposed to be working in the mines here.

They now have two boxing grounds at Fairview—That of the Union, Union, and the Citizens—both of them neatly and out and substantially fenced.

John A. Post, the popular physician of Boise City, came over night last, and will remain here to attend the telegraph celebration next Monday.

J. C. Corey, formerly Superintendent of the Ophir Mine, at Virginia City, Nevada, arrived from San Francisco last Saturday, and is taking a look at our mines.

R. Z. Johnson, Esq., now has his residence supplied with water from the Idaho Hotel Water Works. It took about 500 feet of lead pipe to make the connection.

Dave McKenney, who left here for Sicken last spring, got back again this week. He only went to Fort Wagon—plenty far enough, from all accounts.

Mr. and Mrs. J. C. Brooks arrived from San Francisco last Sunday. Mrs. Brooks remained in Jordan valley to visit friends and Mr. Brooks came into town.

Mrs. Conant, daughter of Mrs. A. Hunt, of this place, went home to Boise City last Tuesday. She had been visiting her mother here during the past two weeks.

Attention is directed to Brooks & Co's dissolution notice in another column. The business will be continued by J. C. Brooks & Son, whose new advertisement will appear next week.

District Attorney Ewing has returned from Boise City, and in reply to our interrogatory upon the subject, informs us that he expects to be our next delegate to Congress.

We acknowledge the receipt of a railway ticket to the Union County

South Mountain Correspondence.

Bullion City, August 28, 1874.

BOYD'S AVALANCHE.—Everything in this camp seems to be on the go, and people feel as though work had begun in earnest. S. M. Wessels, Superintendent of the South Mountain Consolidated Mining Company, has his operations now fairly under way—grading all done for his furnaces, machinery on the ground under set, engine in place, saw-mill at work getting out lumber for the buildings, yard cleaned out, grading roads to mines, miners at work on four of the Company's mines, viz: The Virginia, the Colorado, Crown Point, and Hay State, only concerned with a few men, but are taking out from 25 to 30 tons of ore per day. The Virginia is looking the best so far. It is believed that the Virginia and Colorado are the mammoth lodes of the camp, although the ore of Crown Point and Hay State are of a higher grade, averaging from \$100 to \$150 per ton in silver, and 50 per cent in lead. The Company has contracted for about 100,000 lbs. of charcoal. Mr. Wessels brought with him 12 or 15 men who understand the different departments of that kind of mining, which shows that he knows what he is doing. It is believed that he expects to get his first furnace running the latter part of September. When Murray and Wessels came up from San Francisco about two weeks ago, there were but two or three men in the South Mountain District, now there are from 150 to 200, opening hotels, restaurants, saloons, stores, blacksmiths' shops, and many other kinds of establishments, which shows quite a change in two weeks' time.

Yours truly, SMELTER.

The Rattlesnake Murder.

Last week we mentioned the shooting and killing of a man at Rattlesnake station on the 20th inst. by Ed Douglass, brother for the Northwestern Stage Company at that place. It was transpired that the killing was a most wanton and cold-blooded murder, without any provocation whatever. The name of the murdered man was H. Walker, at least an Owyhee country publican, bearing that name was found in his pocket. The only article of value found upon the person of deceased was a pocket-book containing \$100 in gold notes which is now in the hands of Platte River, Superintendent of the Nevada and Northern Telegraph Company at this place. Douglass, the murderer, went over to Boise City and is thought to be out on the Overland stage road. The murdered man is supposed to have been working in the mines here, and was traveling down the road in search of employment. Any information concerning him will be gratefully received at the AVALANCHE office.

The Tailing Mill.

Messrs. Britton, Briggs & Co's tailing mill started up on Friday from the Ida Ellmore mill last Tuesday, and operates splendidly. It has two pans and four rollers. The capacity of the pans is 25 tons each, and they are charged every four hours, making 12 tons as the total daily 24 hours capacity of the mill. Only two cords of wood are consumed per day in driving the machinery, and it only takes four men on a shift to run the mill. A Varner pan will be put on to grind the sulphurets, which will be so much the gain. No clean-ups have yet been made, but they are confident that it will pay out handsomely. Everything is in apple-pie order, and the boys deserve much credit for the energy and perseverance which they

COMPLETION OF THE TELEGRAPH.

Three cheers, and a "Tiger" for the Nevada and Northern Telegraph Line! It was completed in Silver City last evening, and it affords us much pleasure to present to readers of the AVALANCHE today the first batch of dispatches ever sent over the line. We can now hold daily converse with almost every portion of the civilized globe. All honor to the projectors of the enterprise, and to those who have so liberally contributed means to make it an accomplished fact, not forgetting Superintendent Hunt, who has so persistently, energetically, and ably supervised the construction and brought the lightning messenger to our doors. Among other things that the finishing of this telegraphic line demonstrates is the following fact: The people of Owyhee are by no means uncivilized and backward-hearted. It is a fact to be proud of.

Preaching To-morrow

Rev. Wm. Knapp will hold divine service in Murray's Union Hall, Fairview, at 10 o'clock to-morrow, Sunday evening. Everybody is invited to attend.

T. W. JONES,

Carpenter and Builder,

East of Washington street, Silver City, I. T.
Carpenter work and building of houses, barns, etc., promptly and well done.

CABINET WARE

HOUSEHOLD FURNITURE

OF ALL LINES.

MANUFACTURED TO ORDER

DOORS, SASH,

WINDOW BLINDS

Constantly on hand.

BOISE LUMBER

of Every Variety for Sale.

Planing, Turning, &c.,

Executed on Short Notice.

O. P. 2nd St. 1874 T. W. JONES, JR.

CENTRAL HOTEL,

REMOVED TO NEW PLACE.

HART'S EXCHANGE,

CORNER OF THIRD AND 5TH STREETS.

Boise City, I. T.

HAVING PERISHED REUNITED AND

renewed the above named property, we have re-united the public that we are now having the same as the original and improved.

As a good bar for the public in the city of

Boise & Young

August 21, 1874. Proprietors.

STAR BREWERY

Important!

GREAT B

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See I. P.
Cw. Co.
Respectfully clubs P 644

Filed May 15th 1871, at 20 min. past 10 o'clock. A. M.
J. D. Beckett. Recorder

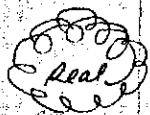
D. A. Hogan }
To }
R. J. Johnson }

This Indenture, made the nineteenth day of April, in the year of our Lord one thousand eight hundred and seventy one, between David A. Hogan, of Owyhee County, Idaho Territory, party of the first part, and Richard J. Johnson, of Silver City in said County and Territory, the party of the second part. — Witnesseth, That the said party of the first part, for and in consideration of the sum of one dollar, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and forever quit-claimed, and by these presents does remise, release and forever quit-claim unto the said party of the second part, and to his heirs and assigns, all that certain lot of ground, together with the dwelling House thereon, and being situated on the hill north of and adjoining the Morning Star Mill near the town of Silver City in said County of Owyhee and Territory of Idaho. Said dwelling house having been built by the party of the first part. The same being the same premises now occupied by the party of the second part as a dwelling house.

Together with all and singular, the Tenements, hereditaments and appurtenances thereto belonging or in any way appertaining, and the reversion and reversions, remainders and remainders, rents, issues and profits thereof, and also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in or to the said premises, and every part and parcel thereof with the appurtenances.

To have and to hold, all and singular, the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns, for-

Commissioner for the Territory of Idaho, and resident in the City of San Francisco, State of California, appointed by the Governor of the Territory of Idaho, under the laws, and commissioned under the Great Seal of that Territory, duly sworn, qualified to take Depositions, Acknowledgments &c. &c. be used or recorded in that Territory;— Do by this Instrument given under my hand and seal, Certify that on the nineteenth day of April, in the year of our Lord one thousand eight hundred and seventy one, before me in the City of San Francisco, personally appeared David H. Fogus, person known to me to be the individual described in, and who executed the annexed Instrument as party thereto, acknowledged to me that he executed the same as free act and deed for the purposes therein mentioned



N. Proctor Smith

Commissioner for the Territory of

Filed May 18th, 1871, at 55 min. past 10 o'clock A. M.

J. D. Beckett

Recorder

Frank Ganahl

To

R. F. Johnson

This Indenture, made the Fifth day of May in the year of our Lord one thousand eight hundred and seventy one Between Francis Ganahl of Los Angeles in the State of California, party of the First part and R. F. Johnson of Silver City, Owyhee County in the Territory of Idaho, the party of the second part, Witnesseth, that the party of the first part, for and in consideration of the sum of Fifty dollars in gold coin of the United States of America

part, and to him him and assigns, all that certain lot of ground, together with the dwelling house thereon, and being situated on the hill north and adjoining the Morning Star Mill, near the Town of Silver City in said County of Owyhee and Territory of Idaho;— said dwelling house having been built by one D. H. Fogus and by him conveyed to the party of the first part by deed dated October thirty-first, A. D. 1867, and recorded at page ninety-two of Book N. of Deeds of the records of said county of Owyhee and being the same premises now occupied by the party of the second part as a residence.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in or to the said premises, and every part and parcel thereof with the appurtenances.

To have and to hold, all and singular, the said premises together with the appurtenances, unto the said party of the second part and to his heirs and assigns forever.

In witness whereof the said party of the first part as hereunto set his hand and seal the day and year first above written.

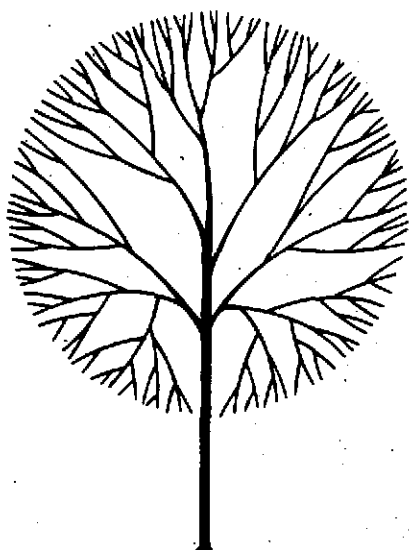
signed, sealed and delivered
in the presence of
B. D. Mott

J. Garabhl

Rev. Stamps 57 cts. cancelled.

State of California }
County of Los Angeles } ss.

On this 5th day of May, A. D. one



MICROFILMED BY THE GENEALOGICAL
SOCIETY, SALT LAKE CITY, UTAH
AT:

MURPHY

IDAHO

OPERATOR **LEWIS-LOUISE** REDUCTION X
ARRINGTON **17**

DATE FILMED

2 JUL 1985

LIGHT METER SETTING

64-6

FILM EMULSION NUMBER

039 4634 03 08

FILM UNIT SER. NO.

GS2 5404

PROJECT NUMBER

ID 03700

ROLL NUMBER

4

LOC

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CTION X

17

SETTING

SER. NO.

5404

NUMBER

4

LOCALITY OF RECORD

OWYHEE CO

AUDITOR AND

RECORDER

TITLE OF RECORD

DEEDS

ITEM

3

On this twelfth day of June, AD one thousand eight hundred and Seventy nine, personally appeared before me, James Lynam, County Recorder in and for the said Cuyhee County, John Catlow, whose name is subscribed to the annexed instrument as a party thereto, personally known to me to be the same person described in and who executed the said annexed instrument, as a party thereto, who duly acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

James Lynam
County Recorder



Filed June 12th 1879 at 4 min past 4 o'clock p.m.
James Lynam
County Recorder

Richard B. Johnson

G. I. Douglass

MATERIAL REPRODUCED FROM THE MANUSCRIPTS/ARCHIVES
COLLECTIONS OF THE IDAHO HISTORICAL SOCIETY

This Indenture, made the twenty third day of June, in the year of our Lord one thousand eight hundred and Seventy nine, Between Richard B. Johnson of Silver City, Cuyhee County, Idaho Territory party of the first part And G. I. Douglass, of the same place, the party of the second part. Witnesseth, That the said party of the first part, for and in consideration of the sum of Nine Hundred, Dollars, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and forever quitclaimed, and by these presents does convey

release and forever quit-claim unto the said party of the second part, and to his heirs and assigns, All that certain lot, piece or parcel of land situate on the East side and at the North End of Jordan Street, in the town of Silver City in said County of Quaylee and Territory of Idaho, and known as the Currier House, premises of, and, heretofore occupied by said party of the first part, being all that lot of land enclosed by a board and wire fence, and running from Jordan Street back to Mill or Morning Star Street, and the water pipe running from the Idaho Hotel to the dwelling house on said premises.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainders and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of in, or to the said premises, and every part and parcel thereof with the appurtenances.

I Have and Do Hold all and singular, the said premises together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever.

In Witness Whereof the said party of the first part, has hereunto set his hand and seal the day and year first above written,

Signed, Sealed and

Richard B. Johnson 

Delivered in the presence of,

Territory of Idaho ss.
County of Quaylee.

On this Twenty third day of June AD 1879, personally appeared before me, A. S. Peterson, Clerk of the District Court of the Second Judicial

District of Idaho Territory in and for Cuyahue County, Richard B. Johnson, whose name is subscribed to the annexed instrument as a party thereto, personally known to me to be the same person described in and who executed the said annexed instrument as a party thereto, and he duly acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court the day and year in this certificate first above written

A. L. Richardson Clerk

By Jos. Boyer Deputy

Filed June 24th 1879 at 8 o'clock A.M.

James Lynam

Recorder

Richard B. Johnson

Malcolm M. C. Gregor

This Indenture, made the twenty sixth day of June, in the year of our Lord, one thousand eight hundred and Seventy Nine. Between Richard B. Johnson, of Silver City, Cuyahue County, Idaho Territory, party of the first part and Malcolm M. C. Gregor, of the same place, the party of the second part. Witnesseth, That the said party of the first part, for and in consideration of the sum of Five Hundred dollars, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has revised, released and forever quitclaimed, and by these presents does revise, release and forever quitclaim unto the said party of the second part, and to his heirs and assigns, All that certain lot, piece or parcel of

AJ0749NP
No. R55-10239

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

DATE: 05/06/98
PAGE: 2

Comments: Date: 03/02/1998 User-ID: LHARRIS Subject: COPIED FROM REMARKS
THIS RIGHT IS DIVERTED THROUGH THE CITY DISTRIBUTION SYSTEM.

Date: 05/06/1998 User-ID: SLESTER Subject: NOTICE OF ERROR
GLORIA OTTO FILED A NOTICE OF ERROR VIA 4/14/98 FAX REGARDING
THIS RIGHT. IDWR REVIEW CONCLUDED THAT THE NOTICE OF ERROR DID
NOT CONTAIN SUFFICIENT INFORMATION TO ALTER THE RECOMMENDATIONS
FOR THIS RIGHT.

Audit: 05/06/98 SLESTER



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

August 19, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GLORIA OTTO
PO BOX 56
MURPHY ID 83650

RE: SRBA ADJUDICATION CLAIMS

Dear Gloria:

Today you called and requested copies of department letters sent after you filed your notices of error for Basin 55 adjudication claims in the Silver City area. You also requested that your attorney be provided with such copies. Your concern was that perhaps some information had not been mailed to you and/or your attorney.

You and your attorney filed the notices of error on April 3, 1998 at this office. I checked all of your SRBA claim files plus Mrs. Hyslop's claim file no. A55-10239, for which you filed a notice of error on that same date.

Enclosed please find copies of all Western Region letters or faxes sent after April 3, 1998 regarding your and Mrs. Hyslop's claims. Copies of fax notes are normally not provided to other parties, although fax information is included in today's mailing for your and your attorney's convenience.

The records indicate that only two letters are involved. The May 5 letter sent to your California address was copied to your attorney's office at that time. The May 6 letter to Mrs. Hyslop regarding the notice of error you filed against that claim apparently was not copied to you or your attorney. I regret that oversight.

The enclosed information is being sent to your attorney as you requested. A copy is also provided to Mrs. Hyslop since her claim is included in this discussion. As you know, all matters related to the adjudication claims are now before the Court but not the department.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

c (w/ enclosure): Scott Campbell, Attorney
Julie Hyslop, claimant

CONVERSATION MEMORANDUM

DATE 8/19/98

FILE See below

NAME OF PARTY Gloria Otto

EMPLOYEE 82

RE: REQUEST for copies

Gloria called & asked for CDs to be sent to her (c Murphy* address) + attorney of all docs mailed by IDA (Western office only) since filed her 4/13/98 notice of error w/ her attorney.

I checked all her SPBA files + Hyrup's ASS-10239 (Gloria's notice of error re Hyrup claim) & cc'd Gloria's attorney w/ letter & taxes from me dated 4/7 - 5/6 1998.

INTS was from files:

ASS-04151

ASS-10239

10130

13689

↑

Otto

↑

Hyrup

* PO Box 56
Murphy 83650

SUPPLEMENT TO RECOMMENDED RIGHTS FROM CITY SPRING AT SILVER CITY

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

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

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

The following terms are used:

CAMPGROUND = Ottos' private campground uphill from IPB site

CITY = Silver City Property Owners Association

CITY SYSTEM = City's diversion works and delivery pipelines

IDWR = Idaho Department of Water Resources

IPB = Ottos' hostel at Idaho Power building

LOG CABIN = Ottos' secondary structure near the IPB site

SRBA = Snake River Basin Adjudication.

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

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

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

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

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

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

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

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

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

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

FREDRICKSON RIGHT NO. 55-13655

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

HYSLOP RIGHT NO. 55-10239

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

IDAHO HOTEL RIGHT NO. 55-10205

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

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

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

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

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

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

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

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

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

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

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

ADDITIONAL RIGHT NOT FROM CITY SPRING

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

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

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

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

Silver City Master Plot Map

5/11/68

Attached plot replaces 1990 version. The 1990 map was best estimate then. Now, following SRBA Director's Report recommendation, this new map is the final word.

Not possible to indicate which units are covered by which city ^{1/}

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

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

No duplication occurs in coverage.

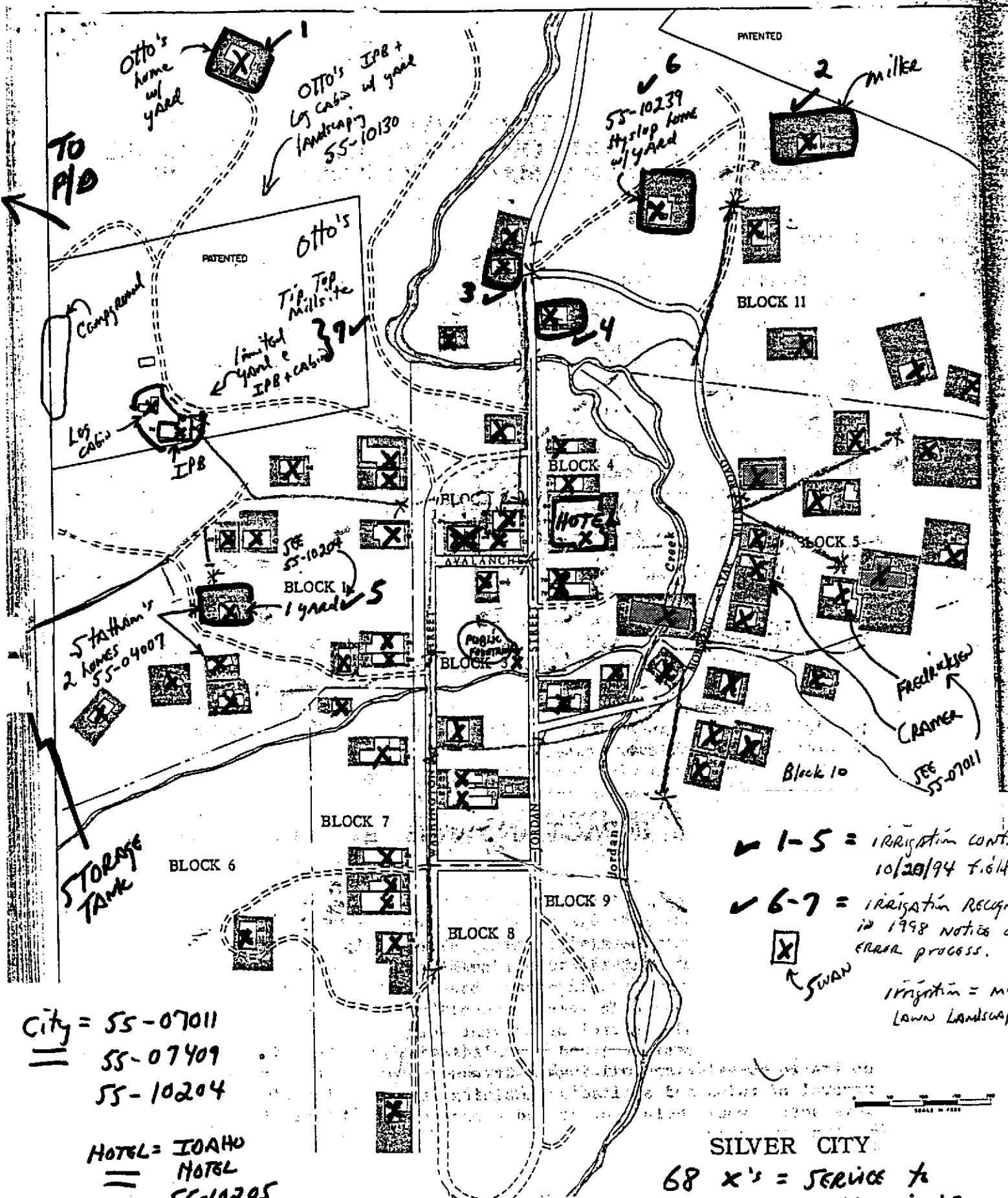
<u>OWNER & Right</u>	<u>Priority</u>	<u>USES</u>	<u>X's on map</u>
City SS-10204	1968	0/16 w/ 2 laws ^{2/}	16
SS-07011	1971	0/22 " 2 "	22
SS-07409	1990	0/23 " 1 "	} 24
		1 public fountain	
Hyslop SS-10239	1874	0/1 w/ 1 lawn	1
IO HOTEL SS-10205	1868	comm/1 -	1
OTTO SS-10130	1922	0/2 ^{3/} w/ 1 lawn	2
Statham SS-04007	1909	0/2 -	2

all X's accounted for $\rightarrow$ 68

^{1/} city = the association.

^{2/} 1 lawn = Statham's main home w/ internal use re SS-04007.

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



CITY = 55-07011
 = 55-07409
 = 55-10204

HOTEL = IOAHU
 = HOTEL
 = 55-10205

UNITS SERVED BY
 "CITY SPRING" via
 city distribution system
 - 5/11/98

✓ 1-5 = IRRIGATION CONTIGNE
 10/20/94 Field Trk

✓ 6-7 = IRRIGATION RECOGNIZED
 in 1998 NOTICE OF
 EASE PROCESS.

IRRIGATION = minor
 lawn landscaping

SILVER CITY

68 X's = SERVICE to
 units via city pipeline
 system. 67 units plus
 1 public fountain.

MASTER map for 55-07011



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

May 6, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JULIE HYSLOP
10139 RIM RD
NAMPA ID 83686

RE: RECOMMENDATION FOR RIGHT NO. 55-10239

Dear Julie:

The final Idaho Department of Water Resources (IDWR) recommendation has been made for your above referenced right in Silver City. The yard irrigation is recognized in the final recommendation per your amended notice of error received on April 16, 1998. IDWR's final recommendation will be sent to you shortly under a separate mailing.

Enclosed is a copy of a notice of error regarding your right. This notice was filed by Gloria Otto. The adjudication process allows such steps to be taken.

Final review of that notice of error did not alter the IDWR recommendation for your right because the information provided did not successfully rebut your evidence of priority. No further action will be taken by IDWR concerning the Otto notice of error about your right.

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

Sincerely,

Steve Lester
Water Rights Supervisor

CONVERSATION MEMORANDUM

DATE 4/20/98FILE See BelowNAME OF PARTY EMPLOYEE Steve LasterRE: REVISED RECOMMENDATIONS for Rights
FROM "CITY SPRING" AT SILVER CITY

BASED ON VARIOUS NOTICES OF ERROR, THE MARCH 1998

R file ARE REVISED for Rights from this spring.

SOME REVISIONS ARE BASED ON ADD'L INFO SUPPLIED BY

CLAIMANT, AND SOME ARE REVISED BECAUSE PREVIOUSLY

DISALLOWED SS-10205 (IN HOTEL) IS NOW RECOMMENDED AS OK.

REVISED Rights include:

SS-04007

Station

SS-07011

City

SS-10130

Otho

SS-10204

City

SS-10205

IN HOTEL (Jagels)

SS-10239

Hyslop

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

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

CONVERSATION MEMORANDUM

DATE 4/30/98

FILE ASS-10239

NAME OF PARTY —

EMPLOYEE Steve Lester

RE: REVISED Recommendations

Per amended notice of error of 4/16/98 -

Okay to allow yard use (flower boxes
etc) for landscaping irrigation.

March 6, 1998

NOTICE OF ERROR
REPLY

RECEIVED

APR 16 1998

WATER RESOURCES
WESTERN REGION

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

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

YOUR DEADLINE FOR RETURNING A

NOTICE OF ERROR REPLY IS: March 30, 1998

Water right number: 55-10239

L DOUGLAS HYSLOP
JULIE J HYSLOP
10139 RIM RD
NAMPA ID 83686

Daytime Telephone Number: 208-466-3773
Evening Telephone Number:

- Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): *My right to use of water outside my house. I own lot 50 The Mines Union Hospital my priority date for water is 1874 and that date is acceptable -*
- Describe the changes you wish to make in the proposed recommendation: *I should have some irrigation right near my house.*

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

There are three apple trees in my yard, some pinks, bushes, and some doeffashis and paper white narcissus that were all planted before we bought the house in 1954. I have kept them alive by watering. I also have several pots of flowers that I keep watering all summer.

DATE: 3/30/98

SIGNATURE: Julie J. Hyslop

Please print your name:

Julie J. Hyslop

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

this is amended notice of error replacing original filed on 3/30/98 - both are contained on this document (orig. with = agreed, amended = add'l info provided) - 8/22/98

CONVERSATION MEMORANDUM

DATE 4/13/98
FILE ASS-10239NAME OF PARTY Julie Hyslop # 466-3773
EMPLOYEE 82RE: Amended notice of error.

Called to discuss irrigation. Julie waters geraniums & other flowers in her place (flower boxes/pots etc). Also waters/mows yard (not sure veggie?) to keep fire hazard down.

We discussed some other claimants' notices of errors to see how others are responding.

She requested that original notice of error be ~~re~~ returned so an amended one can be filed.

I mailed original back to her today.

Attached = copy of her 3/30/98 original.

March 6, 1998

**NOTICE OF ERROR
REPLY**

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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: March 30, 1998

Water right number: 55-10239

L DOUGLAS HYSLOP
JULIE J HYSLOP
10139 RIM RD
NAMPA ID 83686

COPY

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 3/30/98

SIGNATURE: *Julie J. Hyslop*

Please print your name:

Julie J. Hyslop

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

this is a copy of original notice; now revised per 4/16/98 version
-82

kinko's
the copy center1194 El Camino Real
Menlo Park, CA 94025
Phone: 650-321-4202
Fax: 650-321-1387**FAX COVER SHEET****TO** Name Steve Lester
Company IDWR
Phone # _____ Fax # 208-334-2348
(for international fax) City _____ Country _____**FROM** Name GLORIA OTTO
Company _____
Phone # 650-368-5004 Fax # _____Date 14 April Number of pages including cover sheet 9**NOTE** _____

Kinko's provides public fax service. We are not responsible for the contents of any transmissions or receptions or for any fees associated with them.

OTTO's NOTICE of Gross
regarding _____

Files 55-10130

→ 55-10239

April 14, 1998

Steve Lester
Western Region
Idaho Department of Water Resources
2375 Airport Way
Boise, Idaho 83703

Dear Steve,

We have been reviewing the Recommendations for the Water Filings in Basin 55 and have come to the conclusion that the Priority Date of 1922 for our filing 55-10130 needs to be challenged on many grounds, one of which is that the process used by IDWR does not seem to be consistent with their other determinations. Scott Campbell and I would like to meet with you and John Marshall as soon as possible to find out if the need to resort to the legal proceedings in front of the adjudication court cannot be averted by using the opportunity offered by IDWR to discuss the problems now. Please let me know when the meeting date can be set so that I can contact Mr. Campbell and adjust my schedule.

When you and John and Scott and I met on April 3 in your office, you and John advised us to take the opportunity to address any issues with which we did not agree and that filing a Notice of Error to another claimant's IDWR recommendation was a direct way of formalizing our questions, especially when the other claimant's water rights impact ours adversely. Enclosed is a Notice of Error Reply pertaining to the Hyslop water filing 55-10239. I am always reluctant to intrude into other people's business but I know that the Stathams and Hyslops have filed protests (diplomatically labeled "Exceptions" by IDWR) against my filings and that they have discussed them with IDWR staff without my participation: therefore I am taking the IDWR up on its offer to settle as many differences as possible at this time.

I have included some supplementary material with the Notices of Error which might be helpful to John Marshall to clarify the issue that we are bringing up. Hopefully it will save him the trouble of trying to digest those volumes of paper while under time pressure.

Let me hear from you soon.

Sincerely,



Gloria W. Otto
Telephone 650-368-5004

March 6, 1998

**NOTICE OF ERROR
REPLY**

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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: March 30, 1998

Water right number: 55-10130

GLORIA W OTTO
PO BOX 56
MURPHY ID 83650

Daytime Telephone Number:

Evening Telephone Number:

650 - 368 - 5004

same

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

Priority date: 01/01/1922

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

See attachment 1.

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

See attachment 2.

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

DATE: 04-10-1998SIGNATURE: Gloria W. OttoPlease print your name: Gloria W. Otto

Attachment One to supplement Notice of Error Reply regarding 55-10130

The priority date of 1865 is true and correct. It is based on a tenet of Idaho law which holds that a spring that rises within the boundaries of the real property owned and occupied by the documented party can claim that spring as an asset of his property so long as that spring has not been claimed, or the waters thereof diverted and used by an adverse claimant, and as a condition the property owner must use all of the waters of said spring for his beneficial use and must dominate the possession and use of that spring.

Attachment Two to supplement Notice of Error Reply regarding 55-10130

Gloria Otto's Affidavit states that "During the 19th century this property received water through a system of wooden conduits, iron pipe and open ditch. Beginning in 1902, this property also received and used water from a wooden tank newly installed at that time.... The place of origin of the water for all these systems is the spring (said spring) designated in Notice of Claim to Water Right No. A55-10130."

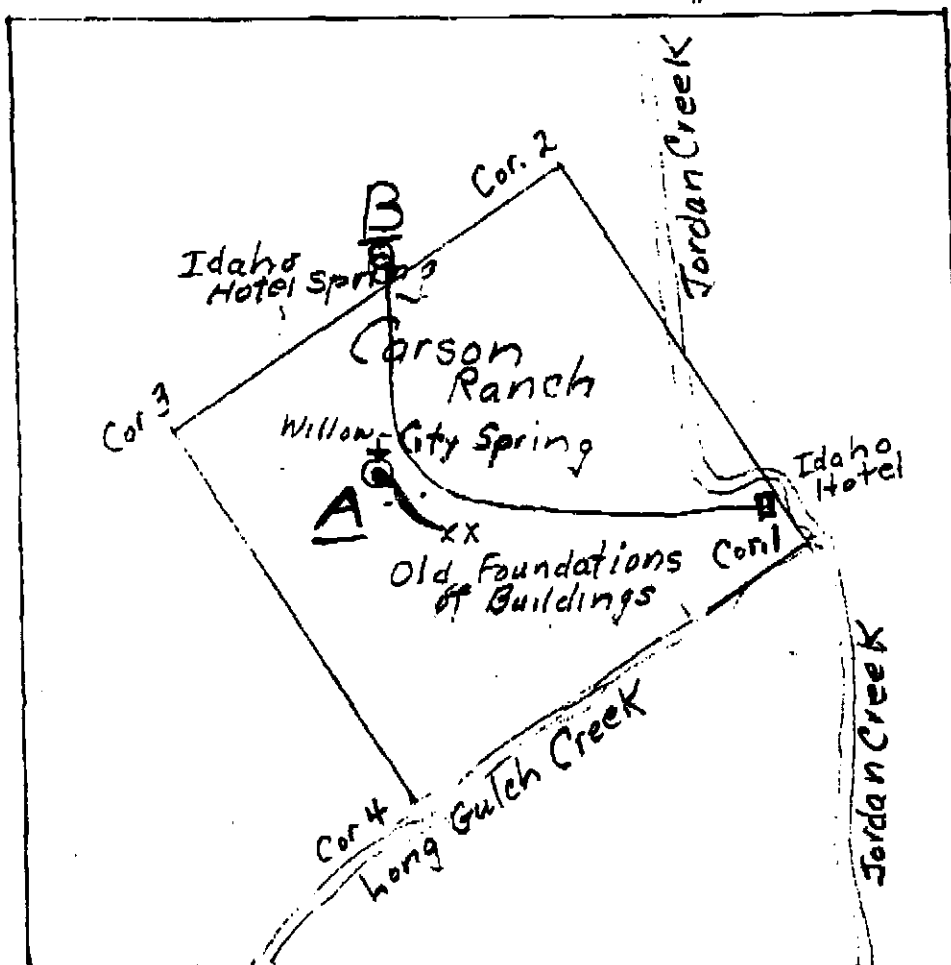
She further states that "This dual use has existed since the property was developed as a millsite in 1865; then water was used domestically in the homes of employees of the milling company and commercially in the auxiliary buildings of the milling company..."

It is further stated that "Part of my claim to water from said spring is the continuous use of the water by occupants of the land from 1865, when the Lincoln Silver Company built the mill complex, until the present. These owners of the land can be traced in documents recorded in the Owyhee County courthouse (Exhibits 3a and b) and in newspaper article."

It is further stated that "Prior to 1902, and for a number of years thereafter, the building was connected with said spring through a system of iron pipes, wire-wrapped, wooden conduits and ditches."

She also states that "I have conducted several searches of the historical records pertinent to this property from its beginnings as the Carson ranch in 1863 and as a millsite in 1865.....My claim to water from the spring noted in Notice of Claim to Water Right No. A55-10130 is based in part on the re-recorded records and references to the destroyed records [due to fire in Courthouse in Silver City in 1884] which are on file now in the Owyhee County Courthouse in Murphy, Idaho (Exhibit 9b), and, in part, on articles from newspapers published in Ruby City and Silver City between the years 1865 and 1870."

WILLOW/CITY SPRING - FIRST PERIOD OF TIME 1863 to 1866



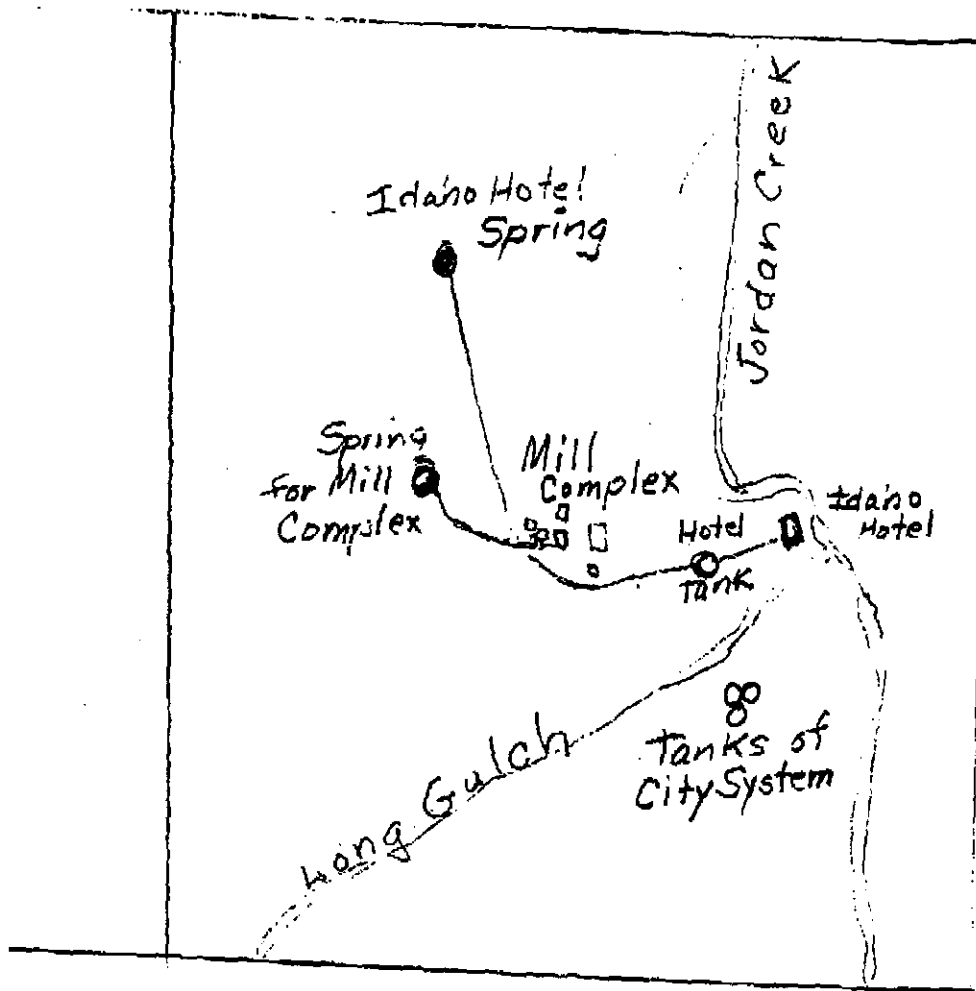
Section 6 T55R3W

A. The spring now referred to as Willow-City spring was located on the Thomas Carson Ranch and the waters thereof used by him for beneficial purposes appropriate to a ranch, including domestic purposes in the living quarters. Water was delivered by wooden conduits and ditching to points of use. Conduits were in place on the site as late as 1940.

The ranch was sold through a middleman named Clinton to the Lincoln Mining Company, in 1864. The Lincoln Mining Company built one of the biggest mills in Owyhee County and a large house for the manager and smaller ones for at least two employees. Water was piped into the residential units from the Willow/City spring.

B. The Idaho Hotel developed a spring about 1400 feet north of the Willow/City spring and piped the water first to a reservoir in the hotel and later to a tank located downhill and northeast of the wooden tank that the hotel built in 1903. The Idaho Hotel developed Spring B in 1868.

WILLOW/CITY SPRING * SECOND PERIOD OF TIME 1866 to 1898



The land on the northwest corner of Silver City was dominated by owners of the mill complex. Proof is the lack of buildings that went on in the rest of the town. When electricity was chosen to replace the power provided by wood, Col. Dewey, miner, and the Regan's who ran the mill complex and the Idaho Hotel, combined forces to spark a new mining boom. Providing a new water system and a new electric power substation and retrofitting the Lincoln-Idaho mill was part of the plan. By 1903 the plan was completed and it was successful for almost 20 years.

March 6, 1998

**NOTICE OF ERROR
REPLY**

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**YOUR DEADLINE FOR RETURNING A
NOTICE OF ERROR REPLY IS:**

March 30, 1998

Water right number: 55 - 10239

GLORIA W OTTO
PO BOX 56
MURPHY ID 83650Daytime Telephone Number: 650 - 368 - 5004
Evening Telephone Number: same

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

Priority date: 1874

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

Change the priority date to 1903. (See attachment One).

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

See attachment Two.

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

DATE: April 10,
1998SIGNATURE: Gloria W. OttoPlease print your name: Gloria W. Otto

Attachment One to supplement the notice of Error Reply regarding 55-10239

The claimant owns property that could not have used water from Willow/City Spring because that spring was owned and the waters used by the Lincoln-Idaho Elmore-TipTop mill complex that owned the land upon which the Willow/City spring rose. Proof of adverse use of the waters from Willow/City spring by the mill complex was shown by the Idaho Hotel when in 1868 it went out of its way 1400 feet north of Willow/City spring to develop a different spring. Also as proof, the residents of Silver City developed and used water from several springs and other sources in Long Gulch rather than appropriating Willow/City spring which was a much better spring and which was located more conveniently to the town. The Long Gulch system was known officially as the City Springs until that system became useless.

Attachment Two to supplement the notice of Error Reply regarding 55-10239

I want the Department of Water Resources to recognize the date 1903 as the earliest date that anyone with property in Silver City can claim for receiving water from Willow City spring because that is the first date with specific documentation pertaining to Willow/city spring. At the turn of the century the Idaho Hotel put in a new water delivery system and added Willow/City spring to its properties with the consent and cooperation of the owners of the mill complex (Lincoln-Idaho Elmore) and Col. Dewey of the Trade Dollar Mining and Milling Company which renovated David Adams realty office into a modern home for the substation operator who would soon be occupying it as an employee of the electrical power company that won the agreement (contract) to operate the Silver City area power grid. Before that date, all of the citizens of Silver City were either receiving water from the official City Springs whose tanks were located in Long Gulch or from the Idaho Hotel system which received water from a spring about 1400 feet north of the spring now referred to as City Spring. The term City Spring was not used to refer to Willow/City spring until recently as the townspeople began to take over the maintenance and repair of the old Idaho Hotel system as the hotel owners withdrew from active management of their water system.

Any claimant to Willow/City spring who uses a date of priority before 1903 has flaws in his case which make it open to objection and a test before the adjudication court. I believe that 1903 is a date that everyone could agree can be supported by factual documentation and acceptance by residents of Silver City, and would serve as a rallying point for those who have personal acknowledge and experience to challenge other claimants claims. Since 1933 when the courthouse was removed from Silver City, the town has undergone the wrenching experience of bitter depression in which feuding has dominated the social scene. Much of the fighting could be stopped if the involved parties were prevented from delving into the past hundred years by a decision of IDWR to set 1903 as the date supported by documentation and various affidavits of involved claimants.

AJ0749NP
No. R55-10239

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

DATE: 03/03/98
PAGE: 2

Comments: Date: 03/02/1998 User-ID: LHARRIS Subject: COPIED FROM REMARKS
THIS RIGHT IS DIVERTED THROUGH THE CITY DISTRIBUTION SYSTEM.

Audit: 03/03/98 LHARRIS

AJ0749NP
No. R55-10239

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

DATE: 03/02/98
PAGE: 2

Comments: Date: 01/20/1994 User-ID: DUNN1 Subject: COPIED FROM REMARKS
SEE ALSO REMARKS IN A55-10205
SL 12/5/91: P/U AKA BLOCK 11, BLM LOT 50. SAME SOURCE AND HOME AS
IN A55-10204.

delete

Date: 03/02/1998 User-ID: LHARRIS Subject: COPIED FROM REMARKS
THIS RIGHT IS DIVERTED THROUGH THE CITY DISTRIBUTION SYSTEM.

Audit: 03/02/98 LHARRIS

SUPPLEMENT TO RECOMMENDED RIGHTS FROM CITY SPRING AT SILVER CITY

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

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

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

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

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

FREDRICKSON RIGHT NO. 55-13655

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

HYSLOP RIGHT NO. 55-10239

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

IDAHO HOTEL RIGHT NO. 55-10205

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

OTTO RIGHT NOS. 55-04151 and 55-10130

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

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

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

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

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

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

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

ADDITIONAL RIGHT NOT FROM CITY SPRING

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

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

Recommendations for
R File

SEE ATTACHED profile
Report

-JR

3/1/98

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	L DOUGLAS HYSLOP	08/29/1874	DOMESTIC	01-01 12-31	0.04 CFS	
C	JULIE J HYSLOP 10139 RIM RD NANPA ID 83686 (208) 466-3773					
TOTAL DIVERSION:					0.04 CFS	

Water Source: SPRING

Tributary to: JORDAN CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T05S R03W S06 SESENW OWYHEE County

Place of use Legal Description for: DOMESTIC

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

POU County: OWYHEE

Non-Irrigation Uses: D/I HOME

internal use only use: Domestic use is for 1 home, inside use only.

Other Rights: ~~A55-10284 AND 10205~~ *delete*

Remarks: GEN

EXP SOURCE KNOWN LOCALLY AS CITY SPRING

~~SEE ALSO REMARKS IN A55-10205~~

~~BL 12/5/91: P/U AKA BLOCK 11, DEN LOT 50. SAME SOURCE AND HOME AS~~
~~IN A55-10204.~~ *EXP*

Dates: Exam Made Date: 12/05/1991

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

comments
→ This right is diverted through the city distribution system.

EXP *Foto* → Right nos. 55-04007, 55-07011, 55-10130 and 55-10204 are also diverted through same pld.

QNT *EOA* → This rights when combined with right nos. same list of #'s, cannot exceed .20 cfs.

Also see Next pg = 2/16/98 profile Report

AJ5809NP
No. R55-10239

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/16/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	L DOUGLAS HYSLOP	08/29/1874	DOMESTIC	01-01 12-31	0.04 CFS	
C	JULIE J HYSLOP 10139 RIM RD NANPA ID 83686 (208) 466-3773					
TOTAL DIVERSION:					0.04 CFS	

Water Source: SPRING

Tributary to: JORDAN CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T05S R03W S06 SESENW OWYHEE County

Place of use Legal Description for: DOMESTIC

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

POU County: OWYHEE

Non-Irrigation Uses: DOMESTIC, 1 HOME

Other Rights: ~~A55-10204 AND 10205~~

Remarks: ^{EXP} GEN PARCEL NO. RP F00600000500

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

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

Comments: Date: 01/20/1994 User-ID: DUNN1 Subject: COPIED FROM REMARKS
SOURCE KNOWN LOCALLY AS CITY SPRING
SEE ALSO REMARKS IN A55-10205
~~SL 12/5/91: P/U AKA BLOCK 11, BLK LOT 50. SAME SOURCE AND HOME AS~~
~~IN A55-10204.~~

Audit: 01/18/94 DUNN1 01/20/94 DUNN1 03/30/95 POST-STD

*This is the R file as of 2/16/98.
Can use parcel # as shown to add to
3/1/98 into on previous page
-JC*

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

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

RE: Silver City Recommendations

Steve:

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

A55-10205 Idaho Hotel (Lot 34)

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

A55-10239 Hyslop (Lot 50)

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

A55-13655 Fredrickson (Lot 35)

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

A55-04007 Statham

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

A55-04110 Statham

Disallow based on their withdrawal.

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

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

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

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

A55-10130 Otto

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

A55-10204 Tax Payers

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

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

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

A handwritten signature in dark ink, appearing to be 'JH' followed by a stylized flourish.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET

(use in place of the CVR for small Domestic/Stock exams)

1. ☒ No Change NAME
☒ NEW OWNER: _____
☒ No Change ADDRESS
☐ NEW ADDRESS: _____
2. ☒ No Change - DATE OF PRIORITY: Completed - No Field Verification Needed.
☐ Incomplete - Claim shows no priority date, claimant should be asked during the exam when was water first used.
Priority date, per claimant, is _____
(if the priority date, based on your exam, seems questionable, explain in remarks.)
3. ☒ No Change - SOURCE
☐ Source is different than that claimed:
Source found: _____
4. ☒ No Change - POINT OF DIVERSION
☐ Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4 _____ 1/4
5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete desc., complete items missing, IF KNOWN.
☐ Additional comments in remarks.
HP of pump _____ Pump Ser. # _____ Pumping water level _____
Well depth _____ Motor Ser. # _____ Static water level _____
Casing size _____ Method of irr. _____
6. ☒ No Change - WATER USES
☐ Different uses, (list uses found).
Use _____ From _____ To _____ Amount _____ cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af
7. ☐ No Change - TOTAL VOLUME
☒ Incomplete on claim, the total is, -- -- _____ cfs 1.2 af .6
☐ Change found, the new total is, -- -- -- _____ cfs _____ af
8. N/A
9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Exam found:
Domestic - No. of homes 1 Stockwater - No. of head _____
Other: _____

int. + ext. use = 1.2 ^{.6} af

See 10/2/11
update
-JL

added quit lot 18 to Plm data on 12/5/91
10. ☒ No Change - PLACE OF USE: (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4,

Remarks: (Comments pertinent to field examination)

Exam DATE DATA ENTERED ON 12/5/91

Plm also Block 11, Blm lot 50.

Source locally known as City Springs

Same source is home found ID A55-10204.

Exam per previous visits to Silver City is from mapping in

ATTACHMENTS:

earlier exams.

Attached to
This Form.

Attachments are
in Permit File.

PHOTOS (optional)

MAP

SYSTEM DIAGRAM

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

DATE EXAM CONDUCTED: 12-5-91

FIELD EXAMINER:

Signature

Steve Lester

Steve Lester

ASS-10239

Hydrop

12/5/91 per

previous Exams c City Sp.

See "Claim Verif. Exam Sheet"

Evidence - See Attach 2 is claim

Use - 0/1 int/ext? none

Same place covered under city filing.

Source - City Sp.

conveyed via city system.

No photos taken

Note 10/20/94

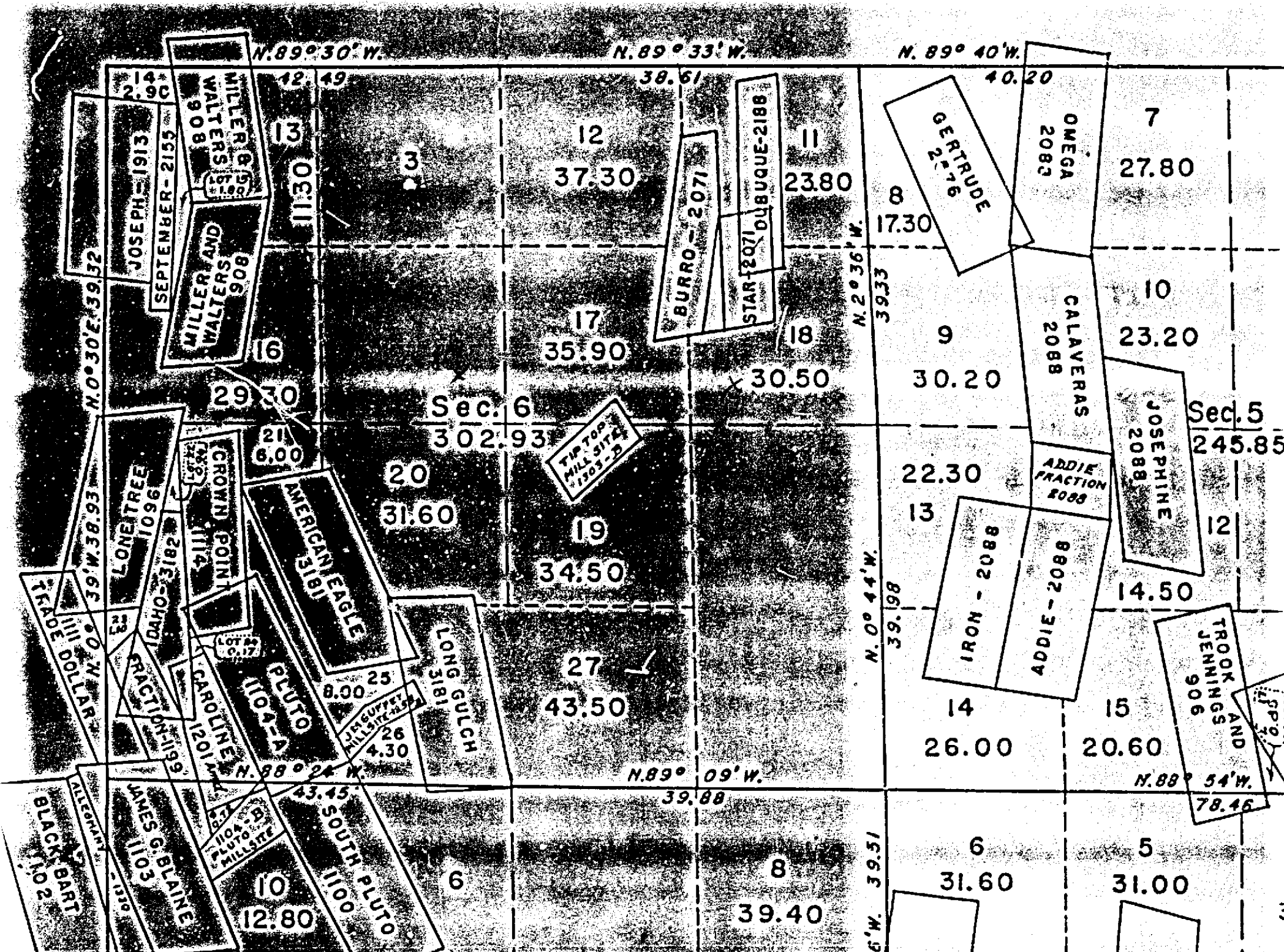
Site visit -
Appears this is
Nat. veg. yard
so not # inv.

TSS

R3w

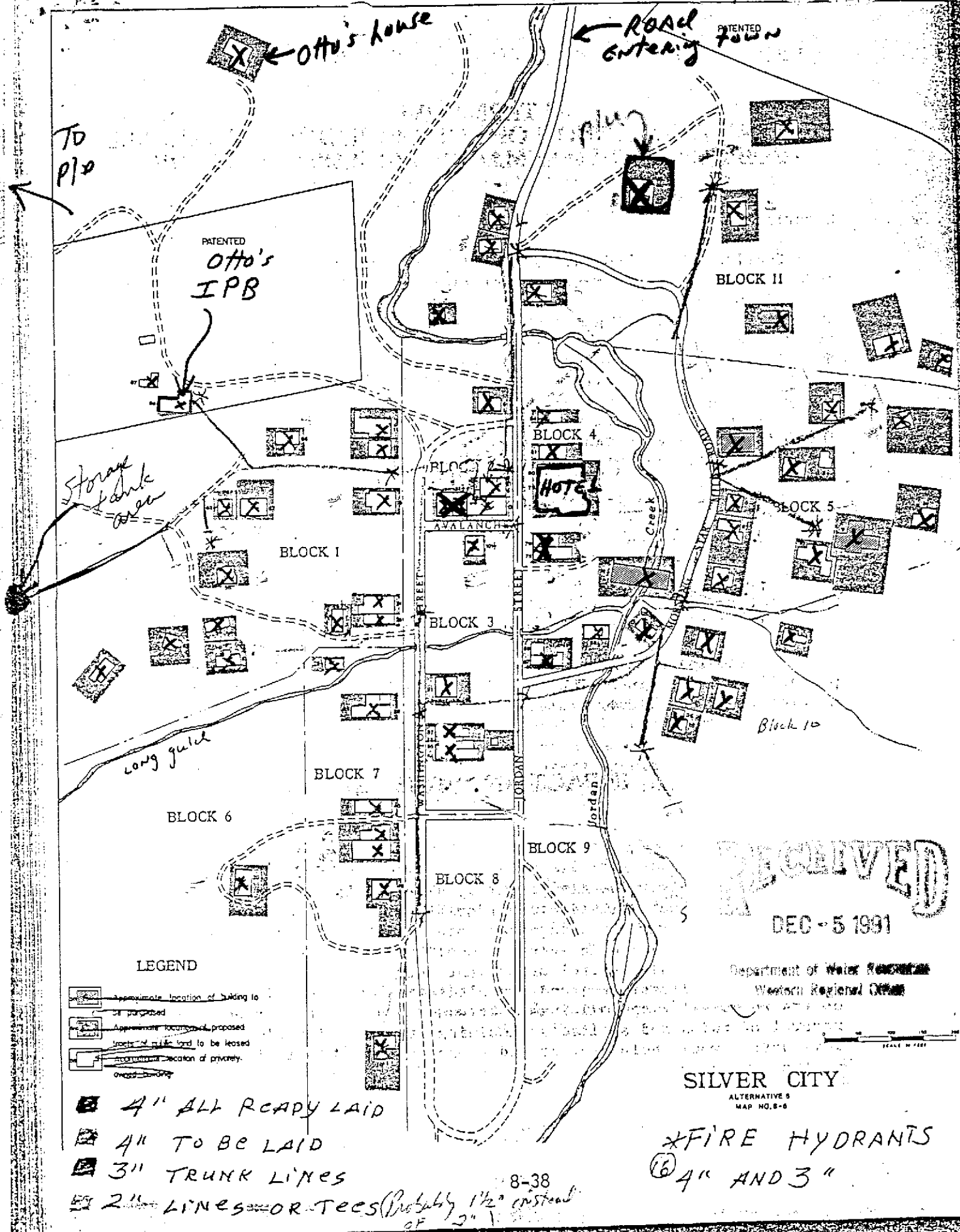
S.6

A 15. 10239



~~X~~ UNIT WITH WATER

ASS-10239-HYSLAP



THIS SHOWS UPGRADING IN PROCESS TO IMPROVE WATER DELIVERY TO HOMES

OLD (D) NUMBER -

+ - - - - ADDRESS - - - - - +

PHONE - 208-466-3773

+ - - - STATUS - - - - +

+ - - - - - TRIBUTARY - - - - - +
JORDAN CREEK

(73) C W Y H E E

+ - - - - OLD WATER RIGHT NUMBERS - - - - -
NO OLD WATER RIGHT NUMBERS FOUND.

WATER RIGHT NUMBER - A55-10239

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - CONDITIONS OF APPROVAL - - - - -
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 11/13/91 HODGES 12/05/91 LESTER

+ - - - - COMMENTS - - - - -
NO COMMENTS FOUND

+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - -

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 12/05/1991	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 11/13/1991	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- W013872	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- AND/OR	NOTICE OF ERROR FLAG	-

RP F00600000500

DATA ENTRY

ENTERED 1-20-94 RS
CHECKED 7-20-94

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED

DEC 14 1993

CERTIFIED
DEC 14 1993
WATER EXAMINER