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DEPARTMENT OF
WATER RESOURCES

6. Thus, the Family installed a four inch pipe into a hot water spring flowing into Grouse Creek on the property and started to divert the water for domestic purposes.

7. The Family also carried water from the spring in five gallon buckets for domestic purposes, such as doing dishes and cleaning.

8. In the late 1970s, the owner sold the entire parcel of property to Willis Carrie.

9. His son, Jim Carrie, began to develop the entire property into the Willis Carrie's Paradise Subdivision.

10. In 1980, the Family purchased two lots in the subdivision, including the lot where the cabin was located.

11. They purchased Lots 29 and 30, Block 1, in the Willis Carrie's Paradise Subdivision.

12. Shortly thereafter, the cabin was destroyed by a fire during a slash burning operation in the subdivision.

13. In 1981, the Family built a new cabin on the property.

14. At that time or shortly thereafter, the Family installed a catch basin at the hot water spring.

15. A pedestrian bridge was constructed over Grouse Creek to access the hot water spring.

16. The Family also installed a pump and piping from the spring to the cabin for heat, hot water, and to fill a four hundred gallon outdoor hot tub.

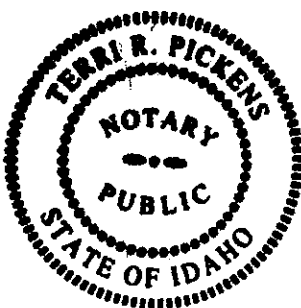
17. The catch basin was approximately two feet tall, two feet wide, and two feet deep, constructed of concrete.

18. The pump was a one horsepower electric pump which could pump about eight gallons per minute.
19. A flow meter located in the cabin indicates that the unit pumps about 50 p.s.i.
20. The lift from the pump to the cabin is approximately fifteen feet.
21. Subsequently, the Paradise Subdivision installed a hot water delivery system to all of the lots, including Lots 29 and 30.
22. Once that occurred, the Family used the water from the hot water spring only to fill the hot tub and as a back-up water system for the cabin.
23. The Family has used the hot water since the 1950s, and have regularly used it for domestic purposes ever since.
24. To this day, the Family still regularly uses the hot water to fill the hot tub and as a back up for the subdivision water system.
25. Since the 1950s, the Family and their guests are the only people to have used or attempted to use the hot water spring on their property.
26. On December 14, 2006, the Idaho Department of Water Resources issued its recommendation that the Trust has 0.020 cfs of water for domestic purposes per year, for one home, not to exceed 13,000 gallons per day.
27. This adjudication seeks to confirm that recommendation.
28. The Association protested the granting of the Water Right to the Trust on the grounds and for the reasons that the CCRs prevent the Trust from obtaining water from any source other than the subdivision water system.
29. The foregoing subcase is a result of the protest.

DATED this 23 day of October, 2008.

Richard Boesiger
RICHARD BOESIGER

SUBSCRIBED AND SWORN to before me this 23 day of October, 2008.



Terri R. Pickens
NOTARY PUBLIC FOR IDAHO
Residing at: BOISE
My Commission Expires: 11-1-10

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was mailed on October 23, 2008, with sufficient first-class postage to the following:

Paradise Homeowners Association, Inc.
Attn: Randy Fowers
320 SW 5th Avenue
Meridian, Idaho 83642

Director of IDWR
PO Box 83720
Boise, Idaho 83720-0098

A handwritten signature in cursive script, reading "Terri R. Pickens", written over a horizontal line.

Terri R. Pickens