

AJ5856NP

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

DATE: NOV-20-1998
PAGE: A-773

RIGHTS FROM: SOURCE: MURPHY HOT SPRINGS TRIBUTARY: JARBIDGE RIVER, EAST FORK

RIGHT NUMBER: 51-04037

NAME & ADDRESS: MATTHEW OLIVAS
DESERT HOT SPRINGS
ROGERSON ID 83302

SOURCE: MURPHY HOT SPRINGS TRIBUTARY: JARBIDGE RIVER, EAST FORK

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 06/20/1885

POINT OF DIVERSION: T16S R09E S24 SNWNW Within Owyhee County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
COMMERCIAL	01-01 12-31	0.02 CFS
HEATING	01-01 12-31	0.04 CFS
DOMESTIC	01-01 12-31	0.02 CFS

USE IS FOR 1 HOME; COMMERCIAL USE, POOL, BATHS, LODGE; AND
HEATING.

PLACE OF USE:

COMMERCIAL	Within Owyhee County
T16S R09E S24	NWNW
HEATING	Within Owyhee County
T16S R09E S24	NWNW
DOMESTIC	Within Owyhee County
T16S R09E S24	NWNW

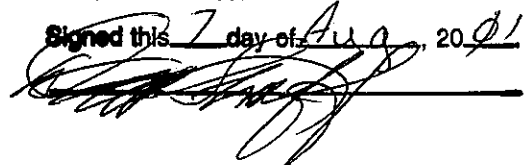
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
WATER TEMPERATURE MEASURED AT 117 DEGREES F.

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this 7 day of Aug, 2001



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 51-4037 V1

WATER RIGHT NUMBER: 51-4037 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ANITA F SHOWALTER MURPHY HOT SPRINGS ROGERSON, ID 83302 (208)857-2233
Original Owner	SYVIA OLIVAS DESERT HOT SPRINGS ROGERSON, ID 83302 (208)857-2233
Current Owner	WATERONE ENTERPRISES LLC 251 VERSAILLES CT TRACY, CA 95376 (209) 839-1151
Attorney	LING AND ROBINSON 615 H ST PO BOX 396 RUPERT, ID 83350-0396 (208)436-4717
Directors Report Owner	MATTHEW OLIVAS DESERT HOT SPRINGS ROGERSON, ID 83302 (208)857-2233
Original Owner	HARRY B SHOWALTER MURPHY HOT SPRINGS ROGERSON, ID 83302 (208)857-2233

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AUG - 6 2001

Department of Water Resources

Priority Date: 06/20/1885
Basis: Beneficial Use
Status: Active

Source
MURPHY HOT SPRINGS

Tributary
EAST FORK JARBIDGE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.020 CFS	
HEATING	1/01 to 12/31	0.040 CFS	
COMMERCIAL	1/01 to 12/31	0.020 CFS	
<u>Total Diversion:</u>		0.060 CFS	

Location of Point(s) of Diversion

MURPHY HOT SPRINGS
OWYHEE County

SW1/4NW1/4NW1/4

Sec. 24, Twp 16S, Rge 09E, B.M.

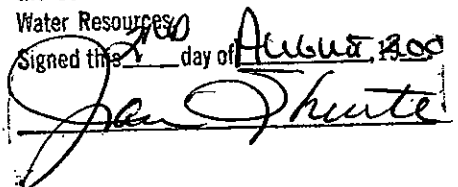
Place of UseDOMESTIC Within OWYHEE County

T16S R09E S24 NWNW

Total Acres: 0

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources

Signed this 1 day of August, 2001



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 51-4037 V1

HEATING Within OWYHEE County

T16S R09E S24 NWNW

Total Acres: 0

COMMERCIAL Within OWYHEE County

T16S R09E S24 NWNW

Total Acres: 0

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Purpose of Use USE IS FOR 1 HOME; COMMERCIAL USE, POOL, BATHS, LODGE; AND HEATING.^^
2. Explanatory WATER TEMPERATURE MEASURED AT 117 DEGREES F.^^

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: NONE RECEIVED
State or Federal: S
Owner Name Connector: OR
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

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APR 04 2001

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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Department of Water Resources
Southern RegionPlease 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
51-04037	51-04037	—			—
		—			—
		—			—
		—			—
		—			—

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WATER RESOURCES
WESTERN REGION

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

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

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)

Matthew Olivas
Desert Hot Springs
Rogerson, Idaho 83302

4. New Owner/Claimant(s)

WaterOne Enterprises, LLC

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

251 Versailles Court

City, State and ZIP Code

Tracy, California 95376

New Telephone Number

(209) 839-1151

5. Date you acquired the property

01/17/2001

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) Thomas Scroggins
(include title if applicable) Thomas Scroggins, CEO, WaterOne Enterprises, LLC

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 _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

51-04027	1-30-1998	JOSE BARINAGA TRUST	PD ISSUED
51-04028	1-30-1998	JOSE BARINAGA TRUST	PD ISSUED
51-04031	3-19-2001	USDI BLM	PD ISSUED
51-04032	12-01-2000	BLICK RANCHES	PD ISSUED
51-04033	11-16-1998	USDI BLM	PD ISSUED
51-04035	6-12-2000	FLOPET INC	PD ISSUED
51-04036	6-23-1998	BLICK RANCHES	PD ISSUED
51-04037	8-23-2001	OLIVAS, MATTHEW	TRIAL SET
	LAST EVENT/DATE:	MOTION FILED	4-30-2001
	NEXT EVENT/DATE:	DISCVY CUTOFF	6-01-2001
51-04038	4-26-2001	INGRAM, DELORES D	PD ISSUED
51-04039	1-30-1998	NYE, CLARENCE H	PD ISSUED
51-04040	12-01-2000	BUCK CREEK RANCH INC	PD ISSUED
51-04041	6-23-1998	BUCK CREEK RANCH INC	PD ISSUED
51-04045	12-01-2000	BRACKETT LIVESTOCK INC	PD ISSUED
51-04046	10-27-1999	USDI BLM	PD ISSUED
51-04047	12-01-2000	DEPT OF FISH & GAME	PD ISSUED
51-04048			

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APR 02 2001

Department of Water Resources
Southern RegionTRUSTEE'S QUITCLAIM DEED

THIS INDENTURE, Made as of this 17th day of January, 2001, by and between Lois K. Murphy, trustee, ("Grantor"), and Waterone Enterprises, LLC ("Grantee"), at 251 Versailles Ct., Tracy, CA 95376.

WITNESSETH:

WHEREAS, Grantor was duly and regularly appointed as qualified trustee of the bankruptcy estate of Matthew Olivas and Trini R. Olivas ("Debtors"), being bankruptcy Case No. 00-01741, now pending in the United States Bankruptcy Court for the District of Idaho; and,

WHEREAS, The trustee Grantor has authority to sell property of the estate pursuant to 11 USC 363(b)(1) and said Notice of Sale by Trustee was filed with the bankruptcy court on December 15, 2000 with a duly noticed auction held on January 12, 2001;

WHEREAS, Grantor sold and Grantee purchased at said auction whatever rights the bankruptcy estate may have had in real property of the Debtors being subject to an Amended Order, Judgment and Decree of Foreclosure filed May 12, 2000 and various other liens and encumbrances including IRS liens; and,

NOW, THEREFORE, for valuable consideration received, Grantor does hereby release and quitclaim to Grantee, its successors and assigns forever, any right, title, interest, and estate the debtors and the bankruptcy estate may have had by operation of law or otherwise in and to the following real property situated in Owyhee, Idaho, described as follows:

See Exhibit A attached.

Said conveyance is made subject to all liens and encumbrances of any kind remaining on the property and is further made without any warranties of title, condition, marketability, habitability, fitness or any other express or implied warranty. Grantor does not warrant that the bankruptcy estate had any such interest. The property is conveyed "AS IS and WHERE IS".

IN WITNESS THEREOF, Signed:

Lois K. Murphy
By: Lois K. Murphy, Trustee

STATE OF IDAHO)
) ss.
County of Ada)

On this 17th day of January, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Lois K. Murphy, known or identified to me to be the person whose name is subscribed to the within instrument, as Trustee in Bankruptcy for Matthew Olivas and Trini R. Olivas, and acknowledged to me that he executed the same as in his own name as Trustee in said Bankruptcy.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my official seal as of the day and year in this certificate first above written.

Michael L. Earls
Notary Public of Idaho

Residing in Boise, Idaho

Commission Expires: 9-27-01

RECORDING INFORMATION:

FILED OF
\$6.00
Ling Robinson

OWYHEE COUNTY RECORDS
BY *to McPeak*
DEPUTY

2353339

01 MAR 19 AM 9:13

FILED - RECORDED

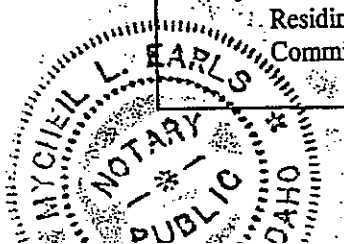


EXHIBIT "A"

A parcel of land within the West Half of the Northwest Quarter (W¹/2NW¹/4) of Section 24, Township 16 South, Range 9 East, Boise Meridian, Owyhee County, Idaho, and more particularly described as follows:

COMMENCING at a brass-cap marking the Northwest corner of Section 24, Township 16 South, Range 9 East, Boise Meridian;

THENCE South 54°09' East, 859.6 feet to the true point of beginning;

THENCE South 34°13' East, 560.0 feet;

THENCE South 55°47' West, 1230.7 feet to the west boundary of said Section 24;

THENCE North 0°13' East, 678.9 feet along the west boundary of said Section 24;

THENCE North 55°47' East, 846.9 feet to the True Point of Beginning. Together with all water rights evidenced by water right numbers

EXCEPTING THE FOLLOWING DESCRIBED 2 PARCELS OF LAND: S1-04037, A51-04037

PARCEL NO. 1:

and A51-12780

A parcel of land in the NW¹/4, Section 24, Township 16 South, Range 9 East, Boise Meridian, being more particularly described as follows:

BEGINNING at the NW corner of the NW¹/4 of Section 24, Township 16 South, Range 9 East, Boise Meridian

THENCE running South 0°12'13" West for a distance of 358.0 feet to a point;

THENCE running South 35°36'34" East for a distance of 512.9 feet, said point is the TRUE POINT OF BEGINNING, said point is also the SW corner of Lot 1, Block 12 of Murphy Hot Springs Subdivision No. 1 as recorded in Owyhee County Courthouse;

THENCE South 26°30' East for a distance of 124.28 feet;

THENCE North 56°28' East for a distance of 189.61 feet;

THENCE North 46°27' West for a distance of 128.32 feet to a point, which lies on the Southerly boundary of said Murphy Hot Springs Subdivision No. 1;

THENCE South 55°47' West for a distance of 145.43 feet, along the Southerly boundary of Lot 1, Block 12, Murphy Hot Springs Subdivision No. 1 to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

A parcel of land in the NW¹/4 of Section 24, Township 16 South, Range 9 East, Boise Meridian, Owyhee County, Idaho, described as follows:

BEGINNING at the Northeast corner of Lot 28, Block 7, Murphy Hot Springs Subdivision No. 2, Owyhee County, Idaho;

THENCE North 34°13'00" West 37.5 feet to a point;

THENCE South 55°47'00" West 85 feet, more or less, to the East Bank of Jarbidge River;

THENCE in a Southeasterly direction 37.5 feet, more or less, to the Northwest corner of Lot 29, Block 7 of Murphy Hot Springs Subdivision No. 2;

THENCE North 55°47'00" East 80.8 feet to the Point of Beginning.

TOGETHER with 0.060 (cfs) of water evidenced by IDWR Water Right Number S1-04037.

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MATTHEW OLIVAS DESERT HOT SPRINGS ROGERSON ID 83302 (208) 857-2233	06/20/1885	COMMERCIAL HEATING DOMESTIC	01-01 12-31 01-01 12-31 01-01 12-31	0.02 CFS 0.04 CFS 0.02 CFS	
TOTAL DIVERSION:					0.06 CFS	

Water Source: MURPHY HOT SPRINGS

Tributary to: JARBIDGE RIVER, EAST FORK

Stage: BENEFICIAL USE

Point(s) of Diversion: T16S R09E S24 SWNWNW

OWYHEE County

Place of use Legal Description for: COMMERCIAL

	NE				NW				SW				SE			
T R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
16S 09E 24	:		:		:		:		:		:		:		:	

Place of use Legal Description for: HEATING

	NE				NW				SW				SE			
T R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
16S 09E 24	:		:		:		:		:		:		:		:	

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
16S 09E 24	:		:		:		:		:		:		:		:	

POU County: OWYHEE

Other Rights: 51-12760

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: USE USE IS FOR 1 HOME; COMMERCIAL USE, POOL, BATHS, LODGE; AND HEATING.

EXP WATER TEMPERATURE MEASURED AT 117 DEGREES F.

AJ0749NP
No. R51-04037

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

DATE: 09/10/98
PAGE: 2

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Dates:	Exam Made Date: 03/03/1994	Verified Date: 09/10/1998	Objection Filed Date:
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Misc:	Water District Number:	Field Inspection Flag:
		Presumption Flag:

Comments: Date: 06/19/1996 User-ID: MMINICUC Subject: COPIED FROM REMARKS
THIS CLAIM WAS ORIGINALLY FILED ON THE SHORT FORM, AND THE
CLAIMANT PAID \$25 UNDER RECEIPT NUMBER W017115. SINCE THE
USE IS COMMERCIAL, ADDITIONAL FEES, INCLUDING A LATE FEE, ARE
REQUIRED.
STATUTORY CLAIM WAS PERFECTED PRIOR TO 05/20/1971.

Date: 07/08/1996 User-ID: MMINICUC Subject: OWNERSHIP
OWNERSHIP CHANGED 07/08/1996. WARRANTY DEED SHOWS OWNERSHIP TO
SYLVIA OLIVAS ONLY. MM.

Date: 04/08/1997 User-ID: MMINICUC Subject: C OF O
OWNERSHIP CHANGED 04/08/1997. QUIT CLAIM DEED IN FILE. MM.

Date: 04/03/1998 User-ID: SBOCK Subject: RECEIPT NO. W017115
AN ADDITIONAL \$81 WAS PAID TO COVER THE SRBA LATE FEE AND
COMMERCIAL USE AT 0.06 CFS.

Audit: 09/10/98 SBOCK

August 4, 1998

NOTICE OF ERROR
REPLY

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SEP 02 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: September 4, 1998

Water right number: 51-04037

MATTHEW OLIVAS
DESERT HOT SPRINGS
ROGERSON ID 83302

or Lloyd S. Walker, attorney at law
P.O. Box 1923
Twin Falls, Id 83303-1923

Daytime Telephone Number:

208-857-2233

208-433-3083

Evening Telephone Number:

208-857-2233

or

208-433-3083

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

Priority Date changed to June 20, 1885
(See attached document)

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

Priority Date - changed to June 20, 1885
(See attached documents)

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

See attached document

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

DATE:

8/31/98

SIGNATURE:

Please print your name:

Lloyd S. Walker
Attorney for Matthew Olivas

AJ0749NP
No. R51-04037

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

DATE: 07/15/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MATTHEW OLIVAS DESERT HOT SPRINGS ROGERSON ID 83302 (208) 857-2233	01/31/1935	COMMERCIAL HEATING DOMESTIC	01-01 12-31 01-01 12-31 01-01 12-31	0.02 CFS 0.04 CFS 0.02 CFS	
TOTAL DIVERSION:					0.06 CFS	

Water Source: MURPHY HOT SPRINGS

Tributary to: JARBIDGE RIVER, EAST FORK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T16S R09E S24

SWNWNW

OWYHEE County

Place of use Legal Description for: COMMERCIAL

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		
---	---	---		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
16S	09E	24	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

Place of use Legal Description for: HEATING

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		
---	---	---		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
16S	09E	24	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		
---	---	---		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
16S	09E	24	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

POU County: OWYHEE

Other Rights: 51-12760

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

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AJ0749NP
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ADJUDICATION CLAIM PROFILE REPORT
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STATUTORY CLAIM WAS PERFECTED PRIOR TO 05/20/1971.

Date: 07/08/1996 User-ID: MMINICUC Subject: OWNERSHIP
OWNERSHIP CHANGED 07/08/1996. WARRANTY DEED SHOWS OWNERSHIP TO
SYLVIA OLIVAS ONLY. MM.

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Audit: 07/15/98 SBOCK

AJ0749NP
No. R51-04037

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

DATE: 07/08/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SYVIA OLIVAS DESERT HOT SPRINGS ROGERSON ID 83302 (208) 857-2233	01/31/1935	COMMERCIAL HEATING DOMESTIC	01-01 12-31 01-01 12-31 01-01 12-31	0.02 CFS 0.04 CFS 0.02 CFS	
TOTAL DIVERSION:					0.06 CFS	

Water Source: MURPHY HOT SPRINGS

Tributary to: JARBIDGE RIVER, EAST FORK

Stage: BENEFICIAL USE

Point(s) of Diversion: T16S R09E S24 SWNWNW

OWYHEE County

Place of use Legal Description for: COMMERCIAL

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
16S	09E	24	:																	:

Place of use Legal Description for: HEATING

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
16S	09E	24	:																	:

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	:
16S	09E	24	:																	:

POU County: OWYHEE

Non-Irrigation Uses: DOMESTIC, ONE HOME; COMM., POOL, BATHS, LODGE; HEATING

Other Rights: 51-12760

Dates: Exam Made Date: 03/03/1994 Verified Date: Objection Filed Date:

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

AJ0749NP
No. R51-04037

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

DATE: 07/08/96
PAGE: 2

=====

Comments: Date: 06/19/1996 User-ID: MMINICUC Subject: COPIED FROM REMARKS
THIS CLAIM WAS ORIGINALLY FILED ON THE SHORT FORM, AND THE
CLAIMANT PAID \$25 UNDER RECEIPT NUMBER W017115. SINCE THE
USE IS COMMERCIAL, ADDITIONAL FEES, INCLUDING A LATE FEE, ARE
REQUIRED.
STATUTORY CLAIM WAS PERFECTED PRIOR TO 05/20/1971.

Date: 06/19/1996 User-ID: MMINICUC Subject: GEN
WATER TEMP. MEASURED AT 117 DEGREES F.

Date: 07/08/1996 User-ID: MMINICUC Subject: OWNERSHIP
OWNERSHIP CHANGED 07/08/1996. WARRANTY DEED SHOWS OWNERSHIP TO
SYLVIA OLIVAS ONLY. MM.

Audit: 07/08/96 MMINICUC

AJ0749NP
No. R51-04037

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

DATE: 04/08/97
PAGE: 1

42-233

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MATTHEW OLIVAS DESERT HOT SPRINGS ROGERSON ID 83302 (208) 857-2233	01/31/1935	COMMERCIAL HEATING DOMESTIC	01-01 12-31 01-01 12-31 01-01 12-31	0.02 CFS 0.04 CFS 0.02 CFS	
TOTAL DIVERSION:					0.06 CFS	

Water Source: MURPHY HOT SPRINGS

Tributary to: JARBIDGE RIVER, EAST FORK

Stage: BENEFICIAL USE

Point(s) of Diversion: T16S R09E S24 SWNNW

OWYHEE County

Place of use Legal Description for: COMMERCIAL

	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
16S 09E 24	:	C	:	:

Place of use Legal Description for: HEATING

	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
16S 09E 24	:	H	:	:

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
16S 09E 24	:	D	:	:

POU County: OWYHEE

U.S. Private

Non-Irrigation Uses: DOMESTIC, ONE HOME; COMM., POOL, BATHS, LODGE; HEATING

Other Rights: 51-12760

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A51-04037	A51-07135	A51-07194	A51-10005	A51-10008	A51-10011	A51-10051	A51-10200	A51-10220	A51-10307
A51-10394	A51-12760	R51-07135	R51-07194	R51-10008	R51-10200	R51-10220	R51-10307	R51-10394	R51-12760

Other Water Rights Listing Overlapping Place(s) of Use:
A51-07138

Dates: Exam Made Date: 03/03/1994 Verified Date:  Objection Filed Date:

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

211

Comments: Date: 06/19/1996 User-ID: MMINICUC Subject: COPIED FROM REMARKS
THIS CLAIM WAS ORIGINALLY FILED ON THE SHORT FORM, AND THE
CLAIMANT PAID \$25 UNDER RECEIPT NUMBER W017115. SINCE THE
USE IS COMMERCIAL, ADDITIONAL FEES, INCLUDING A LATE FEE, ARE
REQUIRED.
STATUTORY CLAIM WAS PERFECTED PRIOR TO 05/20/1971.

Date: 06/19/1996 User-ID: MMINICUC Subject: GEN
WATER TEMP. MEASURED AT 117 DEGREES F.

Date: 07/08/1996 User-ID: MMINICUC Subject: OWNERSHIP
OWNERSHIP CHANGED 07/08/1996. WARRANTY DEED SHOWS OWNERSHIP TO
SYLVIA OLIVAS ONLY. MM.

Date: 04/08/1997 User-ID: MMINICUC Subject: C OF O
OWNERSHIP CHANGED 04/08/1997. QUIT CLAIM DEED IN FILE. MM.

Audit: 04/08/97 MMINICUC

Commercial use \$50⁰⁰
\$100 per cfs .006 = \$ 6⁰⁰
Late Fee \$ 50⁰⁰

106⁰⁰

\$25⁰⁰ paid originally
\$31⁰⁰ paid by
Showalter
\$50⁰⁰ SRBA late
fee

\$106⁰⁰ paid

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:32:09
06/10/96
19

PAGE: 19
PROFILE REPORT

CLAIM NUMBER: A51-04037

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ANITA F SHOWALTER	07/04/1934	COMMERCIAL	01-01 12-31	0.02 CFS	
C	HARRY B SHOWALTER	01/31/1935	HEATING	01-01 12-31	0.04 CFS	
			DOMESTIC	01-01 12-31	0.02 CFS	
TOTAL DIVERSION:					0.06 CFS	

Water Source: MURPHY HOT SPRINGS Tributary to: JARBIDGE RIVER, EAST FORK Stage: STATUTORY CLAIM ☒
Point(s) of Diversion: T16S R09E S24 SW NWNW OWYHEE County

Place of use Legal Description for: HEATING

NE				NW				SW				SE			
T	R	S		T	R	S		T	R	S		T	R	S	
16S	09E	24	:	:	:	:	:	:	:	:	:	:	:	:	:
			:	:	:	:	:	:	:	:	:	:	:	:	:

Place of use location for COMMERCIAL is the same location as described for: HEATING

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
T	R	S		T	R	S		T	R	S		T	R	S	
16S	09E	24	:	:	:	:	:	:	:	:	:	:	:	:	:
			:	:	:	:	:	:	:	:	:	:	:	:	:

POU County: OWYHEE

Non-Irrigation Uses: 1 HOUSEHOLD/HOT SPRINGS POOL FOR BATHING & SWIMMING POOL & LODGE.

Other Rights: A51-12760

Remarks: GEN THIS CLAIM WAS ORIGINALLY FILED ON THE SHORT FORM, AND THE CLAIMANT PAID \$25 UNDER RECEIPT NUMBER W017115. SINCE THE USE IS COMMERCIAL, ADDITIONAL FEES, INCLUDING A LATE FEE, ARE REQUIRED. STATUTORY CLAIM WAS PERFECTED PRIOR TO 05/20/1971.

To comments

Dates: Exam Made Date: 07/07/1994 Verified Date: Objection Filed Date:

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

POD: 2 POD's located in SWNWNW

51-10220 is also diverted through this POD (1 of springs, ^{NORTH} ~~South~~ spring)

Water Temp 117°F

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:13:52
06/10/96

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A51-04037

LAST: SHOWALTER FIRST: ANITA F
ADDRESS: MURPHY HOT SPRINGS
CITY: ROGERSON STATE: ID ZIP: 83302
PHONE NUMBER: 208-857-2233

OWNER CODE: C

LAST: SHOWALTER FIRST: HARRY B
ADDRESS: MURPHY HOT SPRINGS
CITY: ROGERSON STATE: ID ZIP: 83302
PHONE NUMBER: 208-857-2233

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE

(Y)

FIELD
EXAMINER

Y(77) N()

CLAIM REMARKS: GEN THIS CLAIM WAS ORIGINALLY FILED ON THE SHORT FORM, AND THE
CLAIMANT PAID \$25 UNDER RECEIPT NUMBER W017115. SINCE THE
USE IS COMMERCIAL, ADDITIONAL FEES, INCLUDING A LATE FEE, ARE
REQUIRED.
STATUTORY CLAIM WAS PERFECTED PRIOR TO 05/20/1971.

CONTACT PERSON: Sylvia Olivas

PHONE NUMBER: (208) 857-2233

DATE OF FIELD EXAM: 03/03/1994

APPOINTMENT MADE: Y(X) N()

TIME: 11:00 A(X) P()

ACCOMPANIED BY: M.A. Olivas

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: Spouse

DIRECTIONS TO PROPERTY / NOTES:

I84 Boise to Twin Falls. RT 93 toward Jackpot NV, turn off @ Rogerson.
Take LT turn in Rogerson (at bar), follow road to Murphy Hot Springs.

A. AJ CLAIM: # A51-04037 PRIORITY DATE: 07-01-1934 STAGE: S

B. WR RECORD: # 51-04037 PRIORITY DATE: 07-01-1934 STAGE: S

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y() N(☒)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y() N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y() N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A(☒) Y() N()

FIELD EXAM COMPLETED

N/A(☒) Y() N()

FIELD EXAM SENT TO STATE OFFICE

N/A(☒) Y() N()

LICENSE ISSUED

N/A(☒) Y() N()

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A() Y(☒) N()

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y() N(☒)

NOTES: 06/18/1996: Change stage to I (beneficial use). Affidavits support use of the springs
for the claimed purposes of use since January 1935. As per SRGA Memo No. 15, pg. 3,
recommended date is last day of the month. m

=====

RECOMMENDED PRIORITY DATE:

01 - 31 - 1935

REVIEWED BY THH

DATE 06/18/1996

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A51-04037	16S 09E	24		NW	NW			OWYHEE		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
* **

WR RECORDS IN SAME 40 ACRE TRACT

51-04039
51-07135
51-07138
51-07194
51-07195

* 21 A PREFIX CLAIMS WITH THIS POD
** 20 R PREFIX CLAIMS WITH THIS POD

SOURCE: MURPHY HOT SPRINGS

TRIB: JARBIDGE RIVER, EAST FORK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
51-04037	16S 09E	24		NW	NW			OWYHEE		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

51-04039 ✓
51-07135 ✓
51-07138 ✓
51-07194 ✓
51-07195 ✓

***** *****

***** 21 A PREFIX CLAIMS IN SAME 40 ACRE TRA
***** 20 R PREFIX CLAIMS WITH THIS POD

SOURCE: MURPHY HOT SPRINGS

TRIB: JARBIDGE RIVER, EAST FORK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(X) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N(X)

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y(X) N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE?

Y() N(☒)

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM?

Y(☒) N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____)

Y() N(☒)

AJ FIELD EXAM (DATE OF FIELD EXAM 03/03/1994 NAME OF EXAMINER T. J. NICUCCI)

Y(☒) N()

OTHER (DESCRIBE IN NOTES BELOW)

L. Werner

NOTES: 06/18/1996: Source confirmed by field exam. 2 springs are located in hillside above pool area. Assume these are the same springs as mentioned in the affidavits, as they are piped directly to the pool. Since the location of the pool probably has not changed, the springs used in the pool probably have not changed either. Ned Olivas mentioned another spring on the north east side of the road but this spring was not developed at the time of the field exam.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY OWYHEE	DIVERSION NAME	DIVERSION NBR
16S	09E	24		NW	NW					
<u>16S</u>	<u>09E</u>	<u>24</u>	<u>SW</u>	<u>NW</u>	<u>NW</u>			<u>Owyhee</u>		

SOURCE: MURPHY HOT SPRINGS

TRIB: JARBIDGE RIVER, EAST FORK

REVIEWED BY: [Signature]

DATE: 06/18/1996

SYSTEM DESCRIPTION: DESCRIBED BELOW (☒) , SEE LICENSE FILE (), OR SEE ATTACHMENT ()

Pool is 40' x 20', av. depth 5'. One spring has 3" pipe to barrel 7' away, then a 2" pipe from the barrel to the pool, lodge, house, ~~and~~ A neighbor's domestic use (claimed separately) AT Second spring, ~~the~~ to the north of the first spring. Again the water is piped to a barrel and then 2 pipes leave the barrel to the pool, house, baths, etc. ~~and~~ The neighbor's pipe is a third pipe + runs directly to her property from the barrel. ~~on~~

A51-10220
is neighbor's
dom. claim
from spring.

(2 POD'S
IN SWXWNW)

A. ROOT WATER RIGHT NUMBERS: A51-04037

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
16S	09E	24	NW	NW		SHOWALTER, ANITA F	A51-04037 /	51-04037 /			
			NW	NW		SCHOWALTER, ANITA F	R51-12760 /	- /			
			NW	NW		DODD, VIRGIL E	R51-10006 /	- /			
			NW	NW		NYE, CLARENCE H	A51-04039 /	51-04039 /	GW		
			NW	NW		THOMPSON, JERRY L	A51-10005 /	- /	GW		
			NW	NW		DODD, VIRGIL E	A51-10006 /	- /	GW		
			NW	NW		THOMPSON, MARGARET O	A51-07135 /	51-07135 /	EF		
			NW	NW		THOMPSON, MARGARET O	A51-07194 /	51-07194 /	GW		
			NW	NW		POTTER, CHARLES R	A51-10011 /	- /	GW		
			NW	NW		FLORENCE, FRANK	A51-10020 /	- /	GW		
			NW	NW		BURKHART, LEON	A51-10051 /	- /	GW		
			NW	NW		SMITH, JAMES D	A51-10068 /	- /	GW		
			NW	NW		MONTGOMERY, NANCY J	A51-10155 /	- /	GW		
			NW	NW		ELTON, CLIFFORD N	A51-10200 /	- /	GW		
			NW	NW		THOMPSON, MARGARET O	A51-07138 /	1.0 51-07138 /	1.0		
			NW	NW		LAZAROS, J LEWIS	A51-10151 /	- /	GW		
			NW	NW		THOMPSON, MARGARET O	A51-10220 /	- /	MHS	DOT.	
			NW	NW		ETTER, JOHN	A51-10010 /	- /	GW		
			NW	NW		DENTON, ROBERT E	A51-10307 /	- /	GW		
			NW	NW		NYE, FRANCES R	R51-04039 /	- /			
			NW	NW		BAIRD, RUSSELL	R51-10150 /	- /			
			NW	NW		DENTON, ROBERT E	R51-10307 /	- /			
			NW	NW		ETTER, SUE	A51-10008 /	- /	GW		
			NW	NW		ETTER, JOHN	R51-10008 /	- /			
			NW	NW		SMITH, JAMES D	R51-10068 /	- /			
			NW	NW		LAZAROS, J LEWIS	R51-10151 /	- /			
			NW	NW		MONTGOMERY, NANCY J	R51-10155 /	- /			
			NW	NW		ELTON, CLIFFORD N	R51-10200 /	- /			
			NW	NW		WILLIS, THURMAN	R51-10154 /	- /			
			NW	NW		THOMPSON, MARGARET O	R51-07194 /	- /			
			NW	NW		THOMPSON, RUTH N	R51-10005 /	- /			
			NW	NW		WHITMORE, HARRY A	R51-10010 /	- /			
			NW	NW		POTTER, CHARLES R	R51-10011 /	- /			
			NW	NW		FLORENCE, FLORENCE	R51-10020 /	- /			
			NW	NW		BURKHART, LEON	R51-10051 /	- /			
			NW	NW		SMITH, DELORES ANN	A51-12810 /	- /	GW		
			NW	NW		WILLIS, THURMAN	A51-10154 /	- /	GW		
			NW	NW		THOMPSON, MARGARET O	R51-10220 /	- /			
			NW	NW		SCHOWALTER, ANITA F	A51-12760 /	- /			
			NW	NW		THOMPSON, MARGARET O	R51-07135 /	- /			
			NW	NW		BAIRD, RUSSELL	A51-10150 /	- /	GW		
			NW	NW		NYE, CLARENCE H.		51-07195 /			
16S	09E	24	NW	NW		SHOWALTER, ANITA F	A51-04037 /	51-04037 /			

HEATING
COMM
DOMESTIC

NO PORT LOT -
CORRECTION
R51-10150

6

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			NW	NW		SCHOWALTER, ANITA F	R51-12760 /	- /			
			NW	NW		DODD, VIRGIL E	R51-10006 /	- /			
			NW	NW		NYE, CLARENCE H	A51-04039 /	51-04039 /			
			NW	NW		THOMPSON, JERRY L	A51-10005 /	- /			
			NW	NW		DODD, VIRGIL E	A51-10006 /	- /			
			NW	NW		THOMPSON, MARGARET O	A51-07135 /	51-07135 /			
			NW	NW		THOMPSON, MARGARET O	A51-07194 /	51-07194 /			
			NW	NW		POTTER, CHARLES R	A51-10011 /	- /			
			NW	NW		FLORENCE, FRANK	A51-10020 /	- /			
			NW	NW		BURKHART, LEON	A51-10051 /	- /			
			NW	NW		SMITH, JAMES D	A51-10068 /	- /			
			NW	NW		MONTGOMERY, NANCY J	A51-10155 /	- /			
			NW	NW		ELTON, CLIFFORD N	A51-10200 /	- /			
			NW	NW		THOMPSON, MARGARET O	A51-07138 /	1.0 51-07138 / 1.0			
			NW	NW		LAZAROS, J LEWIS	A51-10151 /	- /			
			NW	NW		THOMPSON, MARGARET O	A51-10220 /	- /			
			NW	NW		ETTER, JOHN	A51-10010 /	- /			
			NW	NW		DENTON, ROBERT E	A51-10307 /	- /			
			NW	NW		NYE, FRANCES R	R51-04039 /	- /			
			NW	NW		BAIRD, RUSSELL	R51-10150 /	- /			
			NW	NW		DENTON, ROBERT E	R51-10307 /	- /			
			NW	NW		ETTER, SUE	A51-10008 /	- /			
			NW	NW		ETTER, JOHN	R51-10008 /	- /			
			NW	NW		SMITH, JAMES D	R51-10068 /	- /			
			NW	NW		LAZAROS, J LEWIS	R51-10151 /	- /			
			NW	NW		MONTGOMERY, NANCY J	R51-10155 /	- /			
			NW	NW		ELTON, CLIFFORD N	R51-10200 /	- /			
			NW	NW		WILLIS, THURMAN	R51-10154 /	- /			
			NW	NW		THOMPSON, MARGARET O	R51-07194 /	- /			
			NW	NW		THOMPSON, RUTH N	R51-10005 /	- /			
			NW	NW		WHITMORE, HARRY A	R51-10010 /	- /			
			NW	NW		POTTER, CHARLES R	R51-10011 /	- /			
			NW	NW		FLORENCE, FLORENCE	R51-10020 /	- /			
			NW	NW		BURKHART, LEON	R51-10051 /	- /			
			NW	NW		SMITH, DELORES ANN	A51-12810 /	- /			
			NW	NW		WILLIS, THURMAN	A51-10154 /	- /			
			NW	NW		THOMPSON, MARGARET O	R51-10220 /	- /			
			NW	NW		SCHOWALTER, ANITA F	A51-12760 /	- /			
			NW	NW		THOMPSON, MARGARET O	R51-07135 /	- /			
			NW	NW	6	BAIRD, RUSSELL	A51-10150 /	- /			
			NW	NW		NYE, CLARENCE H.		51-07195 /			

ADDITIONAL POU FOUND

TOTAL ACRES A51-04037

0 IRRIGATION

POU COUNTY: OMYHEE

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(X)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A51-07138	WASTE WATER	THOMPSON, MARGARET O	0.100	0.100	0.80	0.80

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A51-04037	HEATING	SHOWALTER, ANITA F	FROM 01-01 TO 12-31	0.040 CFS	
A51-04037	DOMESTIC	SHOWALTER, ANITA F	FROM 01-01 TO 12-31	0.020 CFS	
A51-04037	COMMERCIAL	SHOWALTER, ANITA F	FROM 01-01 TO 12-31	0.020 CFS	
R51-12760	DOMESTIC	SCHOWALTER, ANITA F	FROM 01-01 TO 12-31	0.040 CFS	
R51-10006	DOMESTIC	DODD, VIRGIL E	FROM 01-01 TO 12-31	0.040 CFS	
A51-04039	DOMESTIC	NYE, CLARENCE H	FROM 01-01 TO 12-31	0.040 CFS	
A51-10005	DOMESTIC	THOMPSON, JERRY L	FROM 01-01 TO 12-31	0.020 CFS	
A51-10006	DOMESTIC	DODD, VIRGIL E	FROM 01-01 TO 12-31	0.040 CFS	
A51-07135	DOMESTIC	THOMPSON, MARGARET O	FROM 01-01 TO 12-31	0.020 CFS	
A51-07194	DOMESTIC	THOMPSON, MARGARET O	FROM 01-01 TO 12-31	0.020 CFS	1.20 AF/A
A51-10011	DOMESTIC	POTTER, CHARLES R	FROM 01-01 TO 12-31	0.040 CFS	
A51-10020	DOMESTIC	FLORENCE, FRANK	FROM 01-01 TO 12-31	0.030 CFS	
A51-10051	DOMESTIC	BURKHART, LEON	FROM 01-01 TO 12-31	0.040 CFS	
A51-10068	DOMESTIC	SMITH, JAMES D	FROM 01-01 TO 12-31	0.020 CFS	
A51-10155	DOMESTIC	MONTGOMERY, NANCY J	FROM 01-01 TO 12-31	0.040 CFS	
A51-10200	DOMESTIC	ELTON, CLIFFORD N	FROM 05-01 TO 11-01	0.020 CFS	
A51-10151	DOMESTIC	LAZAROS, J LEWIS	FROM 01-01 TO 12-31	0.040 CFS	
A51-10220	DOMESTIC	THOMPSON, MARGARET O	FROM 01-01 TO 12-31	0.010 CFS	
A51-10010	DOMESTIC	ETTER, JOHN	FROM 01-01 TO 12-31	0.040 CFS	
A51-10307	DOMESTIC	DENTON, ROBERT E	FROM 01-01 TO 12-31	0.020 CFS	
R51-04039	DOMESTIC	NYE, FRANCES R	FROM 01-01 TO 12-31	0.040 CFS	
R51-10150	DOMESTIC	BAIRD, RUSSELL	FROM 01-01 TO 12-31	0.040 CFS	
R51-10307	DOMESTIC	DENTON, ROBERT E	FROM 01-01 TO 12-31	0.020 CFS	
A51-10008	DOMESTIC	ETTER, SUE	FROM 01-01 TO 12-31	0.040 CFS	
R51-10008	DOMESTIC	ETTER, JOHN	FROM 01-01 TO 12-31	0.040 CFS	
R51-10068	DOMESTIC	SMITH, JAMES D	FROM 01-01 TO 12-31	0.020 CFS	
R51-10151	DOMESTIC	LAZAROS, J LEWIS	FROM 01-01 TO 12-31	0.040 CFS	
R51-10155	DOMESTIC	MONTGOMERY, NANCY J	FROM 01-01 TO 12-31	0.040 CFS	

06/18/1996
ALSO DIRECTED
FROM South North
Spring in

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
R51-10200	DOMESTIC	ELTON, CLIFFORD N	FROM 05-01 TO 11-01	0.020 CFS	
R51-10154	DOMESTIC	WILLIS, THURMAN	FROM 01-01 TO 12-31	0.040 CFS	
R51-07194	DOMESTIC	THOMPSON, MARGARET O	FROM 01-01 TO 12-31	0.020 CFS	1.20 AF/A
R51-10005	DOMESTIC	THOMPSON, RUTH N	FROM 01-01 TO 12-31	0.020 CFS	
R51-10010	DOMESTIC	WHITMORE, HARRY A	FROM 01-01 TO 12-31	0.040 CFS	
R51-10011	DOMESTIC	POTTER, CHARLES R	FROM 01-01 TO 12-31	0.040 CFS	
R51-10020	DOMESTIC	FLORENCE, FLORENCE	FROM 01-01 TO 12-31	0.030 CFS	
R51-10051	DOMESTIC	BURKHART, LEON	FROM 01-01 TO 12-31	0.040 CFS	
A51-12810	DOMESTIC	SMITH, DELORES ANN	FROM 01-01 TO 12-31	0.040 CFS	2.40 AF/A
A51-10154	DOMESTIC	WILLIS, THURMAN	FROM 01-01 TO 12-31	0.040 CFS	
R51-10220	DOMESTIC	THOMPSON, MARGARET O	FROM 01-01 TO 12-31	0.010 CFS	
A51-12760	DOMESTIC - Cold well	SCHOWALTER, ANITA F	FROM 01-01 TO 12-31	0.040 CFS	
R51-07135	DOMESTIC	THOMPSON, MARGARET O	FROM 01-01 TO 12-31	0.020 CFS	3.00 AF/A
A51-10150	DOMESTIC	BAIRD, RUSSELL	FROM 01-01 TO 12-31	0.040 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y(☒) N(☐)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A51-12760

A51-12760 represents the cold water well which also serves ~~domestic~~ domestic use.

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A(☐) Y(☐) N(☒)

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(☒) N(☐)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y(☐) N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: () ORTHOPHOTOQUAD, IDWR NO. _____; (X) TOPOGRAPHIC QUAD, IDWR NO. DD66 _____;
() NAPP, IDWR NO. _____; () ASCS PHOTO; (X) OTHER GOVT PLAT ~~PLAT~~

NOTES: 06/18/1996: POU confirmed by field exam. Water is piped to home, lodge/cafe, restrooms, and ^{is} used in a swimming pool which measures 40' x 20' x 5'. Cold water ground water is also used in the house, lodge/cafe, 3 camping trailer sites, and restrooms which are separate from the lodge. ON 03/07/1994 the current owner was notified that the water right on the cold well is not valid for any use beyond domestic (.04 cfs, 2500 gpd) (Attachment G). Please also see correspondence dated 06/18/1996. n7

RECOMMENDATIONS:

TOTAL ACRES: _____ N/A (X)

REVIEWED BY: William

DATE: 06/18/1996

A. AJ CLAIMED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A51-04037	HEATING	FROM 01-01 TO 12-31	0.040 CFS	
A51-04037	DOMESTIC	FROM 01-01 TO 12-31	0.020 CFS	
A51-04037	COMMERCIAL	FROM 01-01 TO 12-31	0.020 CFS	
TOTAL DIVERSION RATE/VOLUME			0.060 CFS	

B. WR RECORDED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
51-04037	HEATING	FROM 01-01 TO 12-31	0.040 CFS	
51-04037	DOMESTIC	FROM 01-01 TO 12-31	0.020 CFS	
TOTAL DIVERSION RATE/VOLUME			0.060 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y(X) N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(X) N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

Added commercial use, which has always been present. (17)

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y(X) N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y(X) N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y(X) N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(X) N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y(X) N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(X) Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(X) Y() N()

NOTES: 06/18/1996: Water is used year-round for home, lodge/cafe, restrooms which are separate, trailer sites, and swimming pool. Total diversion rate claimed is the same as the statutory claim, but the commercial use has been ~~se~~ delineated in the SRBA claim. This is not an expansion of the right as far as I can tell. All uses are non-consumptive. Pool ~~uses~~ uses 4000 ft³ of water; Mr. Olivas indicated during the field exam that it takes approximately 22 hrs for the pool to fill. Outflow from the springs was measured at .07 cfs just below the pool (the pool was not filling). ~~Mr.~~ This measurement may not reflect the full outflow from the springs since some water was being diverted to the house and the lodge. MR

AJ CLAIM TOTAL DIVERSION RATE: 0.060 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.060 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(X) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N(X)

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(X)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y(X) N()

E. FLOW MEASUREMENT

MEASUREMENT METHOD hydro meter, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

1b. CALCULATIONS

$$4000 \text{ ft}^3 / 22 \text{ hrs} = 181.8 \text{ ft}^3 / \text{hr} =$$

$$3.03 \text{ ft}^3 / \text{min} = \underline{.05 \text{ ft}^3 / \text{sec.}}$$

Flow to swimming pool.
Approximation,

T T T

Pg 14 (div. amt review) deleted

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (X)

REC. PURPOSE OF USE	REC. PERIOD FROM TO		REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER
HEATING	01-01	12-31	0.040	<u>.04</u>		0.0
DOMESTIC	01-01	12-31	0.020	<u>.02</u>		0.0
COMMERCIAL	01-01	12-31	0.020	<u>.02</u>		0.0
TOTAL FOR THIS RIGHT				<u>.06</u>		0

NON-IRRIGATION USES CLAIMED: 1 HOUSEHOLD/HOT SPRINGS POOL FOR BATHING & SWIMMING POOL & LODGE.

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REVIEWED BY: T. H. Munn

DATE: 06/18/1996

FLAG:

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

POB: 51-10220 is also diverted through one of the points of diversion listed.
2 POB's in SWXWNW S. 24, T16S R09E.

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	(X) - Now Olivas?
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 51-04037

TOTAL DIVERSION RATE OF WR SPLITS DATABASE 0.060 EXAMINER TCN CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A51-04037	0.060	R51-04037	.06	51-04037	0.060
TOTAL CFS		0.060	.06			0.060

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE (Y) FIELD
EXAMINER Y(TCN) N()

NOTES:

06/18/1996: This water right has not been split. The current owners may be the Olivas - see corr. dated 06/19/1996 to a second effort to get change of ownership (+ Applications for permit) from current owner, TCN

AUTHENTICATION:

SIGNATURE: [Signature] DATE: 06/18/1996
NAME OF FIELD EXAMINER: MARIA YINICUCCI TITLE: SR WATER AGENT

DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet For

SRBA Claim Verification Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☐ Claim Verification Report(CVR)
☒ Copy of Adjudication Claim
☐ Copies of pertinent files(prev. rts., exams, etc.)
☒ Well Inspection Form (If Needed)
☒ Copy of U.S.G.S. Quad map, orthophotoquad, or NAPP photography
☒ Check P.D. & P.U. desc. for Govt. Lots(if a lot is found, a copy of do
the Govt. plat is needed to add the lot onto the R claim file later. Govt
lots
☐ Check CVR for P.D. overlap(see page titled Pt. of Div. Review Sheet)
☒ Check AJ & WR P/D indexes(to ck. accuracy of CVR overlap ckd. above)
Overlap ☒ yes ☐ no If yes: ☒ copy of claims & water rights incl?
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: AS1-10220: Deeded access
☒ Check CVR for P.U. overlaps(see page titled Pl. of Use Review Sheet)
☒ Check AJ & WR P/U indexes(to ck. accuracy of CVR overlap ckd. above)
Overlap ☒ yes ☐ no If yes: ☐ copy of claims & water rights incl?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☒ Different source for same ~~acres~~ uses
☐ Other: _____
☐ Appointment Letter Sent? _____(initial & date)
☒ Appointment Made and Telephone Conversation Memo Attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully Completed and Signed CVR Form
☒ Photographs of Point(s) of Diversion and Place of Use
☒ Completed map outlining Point(s) of Diversion and Place of Use.

C. Review and Processing:

- Claim No. submitted for weekly exam completed prog. report? ☒ Yes ☐ No
Exam completed date data entered on claim TNN 06/19/1996 (initial & date)
Claim Verification Report completed TNN 06/19/1996 (initial & date)
Was CVR spot-checked by Supervisor? ☐ Yes ☐ No _____(initial & date)
R claim file created TNN 06/19/1996 (initial & date)
Recommendations entered on R claim file TNN 06/19/1996 (initial & date)

A51-04037

A51-12760

FIELD EXAM PHOTO INDEX SUMMARY

Date: 03/03/1994

Roll No.: _____

Photographer: Y MINICUCCI

PHOTO NO.

SUBJECT

- | | |
|----|---|
| 1 | <u>Cold water well / house (cold water)</u> |
| 2 | <u>Trailers & lodge from X river</u> |
| 3 | <u>cold water well + Jamaica</u> |
| 4 | <u>Hot Spring P.O.D. (H₂O under corrugated pipe)</u> |
| 5 | <u>Pool - lodge. Taken from hillside</u> |
| 6 | <u>2nd Hot Spring - taken from below</u> |
| 7 | |
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| 24 | |

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
(X) TOPOGRAPHIC	DATE FIELD CHECKED <u>1974</u> IDWR ID NO. <u>DD66</u>	Y(✓) N() <u>(E)</u>
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
(X) TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY <u>1918</u>	Y(✓) N() <u>(I)</u>
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
(X) PHOTOGRAPHS	DATE(S) PHOTOS TAKEN <u>03/03/1994</u>	_____	<u>(E), (D)</u>
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
(X) FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED <u>03/03/1994</u>	<u>1</u>	<u>(F)</u>
(X) OTHER <u>Statutory claim</u>	DATE <u>03/30/1982</u>	<u>2</u>	<u>Describes VRS of hot water</u>
(X) OTHER <u>Conv. Memo</u>	DATE <u>02/11/1994</u>	<u>1</u>	<u>Field exam appointments (A)</u>
X <u>Evidence of Priority</u>		<u>15</u>	<u>Local history, affidavits (B)</u>
X <u>IDWR Correspondence</u>	<u>03/07/1994</u>	<u>1</u>	<u>(G)</u>
X <u>MEMO</u>	<u>05/02/1994</u>	<u>1</u>	<u>(H) (J)</u>
X <u>STAT CLAIM</u>	<u>03/30/1982</u>	<u>2</u>	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:13:52
06/10/96

PAGE: 18
QUICKLOOK INFORMATION

18
CLAIM NUMBER: A51-04037

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y	03/07/1994 N N	03/03/1994 N N	Y		N N 06/18/1996	N N 06/19/1996	
POINT OF DIV								
SOURCE				(add 10- acre) N				
PLACE OF USE	Y			N				
DIV. AMOUNT CFS/VOLUME	Y			N				
CONSUMPTIVE USE	-							
PURPOSES OF USE	Y			N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM				Y				
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

N N 06/13/1996

CONVERSATION MEMORANDUM

NAME OF PARTY Sylvia Olivas 857-2233
EMPLOYEE: M. Minicucci

DATE 02/11/1994
FILE A51-04037, -12760

RE: Field Exam

New owner of Murphy Hot Springs.

Appt scheduled for Thurs 17 FEB 94 11:00 a.m.

From Boise → Twin Falls.

Road toward Jack Pot, To ROGERSON.
Turn @ bar in Rogerson to Murphy Hot Springs

02/17/1994

Cancelled appt. - Inclement weather

Rescheduled for 03/03/1994 11:00 a.m.

HOT HOLE KITTY'S HOT HOLE MURPHY'S HOT SPRINGS

25 - 26

A hot spring bubbled out of the ground and ran into the East Fork of the Jarbidge River. This spring, located on the road to the Jarbidge Gold Camp, was claimed by Laura Kitty Wilkins and became known as Kitty's Hot Hole in about 1885. The Hot Hole was not really a ranch, but served as headquarters for the summer grazing land, where thousands of horses were kept and shipped to eastern and western markets. The United States Cavalry was one of the ranch's regular and best customers. Kitty achieved fame as the "Horse Queen of Idaho." In 1890 she had a band of 700 or 800 horses. A rock fence, which is still visible at a right angle to the grade down the canyon, was built by Kitty to contain her horses. While mares could easily jump the barrier, colts could not, and therefore the mares stayed inside this economical fence.

Kitty Wilkins ran horses on the Bruneau and Island ranges until 1919, when the First World War was over and the horse ranges were gone and so were the horse markets. Tales of Kitty's colorful life were widely known in early days. In 1919 Kitty Wilkins, still the horse queen and young at heart, sold her ranch and horses and semi-retired to her home in Glenns Ferry. She was always interested in the progress of the nation. She kept a small ranch until her death in October of 1936.

In 1935 the site, located seven miles inside the Idaho border, was for sale. It was purchased by Pat Murphy, who had come west from Missouri at the age of seventeen. He had worked as a camp tender and farm worker, and in 1924 found himself in Jarbidge, hoping to get rich.

The Hot Springs were just a hole in the ground when Pat purchased the site. "You could dip the hot water from the springs in the corner of one room," he said. Hot Hole became a stop-over for travelers going to Jarbidge. A permanent log building with sleeping rooms on the second floor was constructed. Pat intended to merely improve the two-room structure for a home, but a group of CCC (Civilian Conservation Corps) boys stationed nearby changed his plans. He was told that if he constructed a swimming pool so the boys could swim, they would help build a road and Pat could make a few bucks.

Pat built a pool and also installed private baths. As more people came, eight cabins were constructed. Soon meals were being served to the public in his house. Pat's sister, Zoe Wilson, served as cook. A dance hall was soon built out of railroad ties. Dances attracted people from far and wide.

Soon a primitive landing strip was built so that small planes could land on a small area above the canyon. Pat and his wife, Ottoway (Brown), together served as genial hosts. Ottoway often played a "mean" piano for the Saturday night dances held at the Hot Springs.

Pat sold the resort in about 1960 to Chuck and May Janacek. The Janaceks continued to offer swimming, food, cool drinks and conversation to many a visitor for many years. Harry and Anita Showalter purchased the Hot Springs from the Janaceks and continue to operate the resort to this day.

While the Island is still used for livestock grazing, the vast rangeland is known for its scenery, hunting, fishing, and recreational uses, rather than for the famous mustang roundups of the past.

Submitted by
Ronda Macaw



Kitty Wilkins

NANT'S NAME: ShowalterDATE: 05/23/1995ITY: Owyhee.OYEE: MMWCCCL

Carolyn Q. Idaho Historical Library (334-3356)
confirmed that the CCC was active in Idaho from 1933
to 1942. The peak year was 1935. She was unable to
determine the years CCC workers were in the Murphy Hot
Springs area.

AFFIDAVIT

STATE OF IDAHO)
 : ss.
County of Twin Falls)

JULE LARIOS, being first duly sworn, deposes and says:

1. Attached hereto as Exhibit "A" is an Idaho Department of Water Resources Water Right Proof Reading Report for Harry and Anita Showalter. This relates to Water Right No. 51-04037.

2. I am personally familiar with the water source known as Murphy Hot Springs and the tributary known as the East Fork of the Jarbidge River.

3. I have been personally acquainted with this property since prior to July 1, 1934. I have resided in the Murphy Hot Springs area since prior to July 1, 1934. The owners of the property used the water from Murphy Hot Springs for a hot water swimming pool, hot water baths and for hot water heat to the buildings and for domestic purposes also. The water from the springs have been used for that purpose, to my knowledge, since at least January of 1935.

DATED this 11 day of February, 1994.

Jule Larios
JULE LARIOS

SUBSCRIBED AND SWORN to before me this 11 day of February, 1994.

Russell Kvanvig
Notary Public for Idaho
Residing at Twin Falls
Commission Expires: 8-12-99

Water Right Number - 51-04037

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SHOWALTER

HARRY B.

1 -
2 -
3 -

City- ROGERSON
Phone -

State- ID Zip- 83302

SHOWALTER

ANITA F.

1 -
2 -
3 -

City- ROGERSON
Phone -

State- ID Zip- 83302

+ - - Priority Date - - +
07/01/1934

+ - - Region - - - +
14 WESTERN

+ - - Stage - - - +
S - STATUTORY CLAIM

+ - - Status - - - +

+ - - Source - - - - - +
MURPHY HOT SPRINGS

+ - - Tributary - - - - - +
JARBIDGE RIVER, EAST FORK

Tw	Rng	Sec	Tract	Lot	RFlg	Point of Diversion - County	Diversion Name	Diversion Rate	Diversion No.
16S	09E	24	NW NW			(73) OWYHEE			

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
22 - HEATING		01/01	12/31	0.040	
43 - DOMESTIC		01/01	12/31	0.020	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.060

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use - Code	Description	County
16S	09E	24	NW NW			22 HEATING		(73) OWYHEE

+ - - Diversion Means - PIPELINE

+ - - Non-Irrigation Use - D/1 HOME

+ - - Other Rights for Same Use -

+ - - Remarks - - - - - +
No Remarks found.

+ - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

1
B
T
X
E

AS1-04037
B-5

Water right number - 51-04037

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 01/13/86 04/30/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - p
Exam to S.O. Date - 00/00/0000	Verified Date - 01/13/1986	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000	Presumption Flag -	

AS 1-04037
B-6

AFFIDAVIT

STATE OF IDAHO)
 : SS.
County of Twin Falls)

NOY ELBERT BRACKETT, II, being first duly sworn, deposes
and says:

1. Attached hereto as Exhibit "A" is an Idaho
Department of Water Resources Water Right Proof Reading Report for
Harry and Anita Showalter. This relates to Water Right No.
51-04037.

2. I am personally familiar with the water source known
as Murphy Hot Springs and the tributary known as the East Fork of
the Jarbidge River.

3. I have been personally acquainted with this property
since 1934. I have resided in the Three Creek area since prior to
April 1, 1934. The owners of the property used the water from
Murphy Hot Springs for a hot water swimming pool, hot water baths
and for hot water heat to the buildings and for domestic purposes
also. The water from the springs have been used for that purpose,
to my knowledge, since at least January of 1935.

DATED this 11 day of February, 1994.

Noy Elbert Brackett II
NOY ELBERT BRACKETT, II

SUBSCRIBED AND SWORN to before me this 11 day of
February, 1994.

Russell Kravitz
Notary Public for Idaho
Residing at Twin Falls
Commission Expires: 8-12-99

Water Right Number - 51-04037

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SHOWALTER

HARRY B.

1 -
2 -
3 -

City- ROGERSON

State- ID Zip- 83302

Phone -

SHOWALTER

ANITA F.

1 -
2 -
3 -

City- ROGERSON

State- ID Zip- 83302

Phone -

+ - - Priority Date - - +
07/01/1934+ - - Region - - - +
14 WESTERN+ - - Stage - - - +
S - STATUTORY CLAIM

+ - - Status - - - +

+ - - Source - - - - - +
MURPHY HOT SPRINGS+ - - Tributary - - - - - +
JARBIDGE RIVER, EAST FORK

Tw	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
16S	09E	24	NW NW		(73)	OWYHEE				

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
22 - HEATING		01/01	12/31	0.040	
43 - DOMESTIC		01/01	12/31	0.020	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.060

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
16S	09E	24	NW NW			22	HEATING	(73) OWYHEE

+ - - Diversion Means - PIPELINE

+ - - Non-Irrigation Use - D/I HOME

+ - - Other Rights for Same Use -

+ - - Remarks - - - - - +
No Remarks found.+ - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.A
1
3
X
EA51-04037
B-8

Water right number - 51-04037

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - -
No Comments Found

+ - - Audit Fields - 01/13/86 04/30/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 01/13/1986	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000	Presumption Flag -	

AS1-04037
B-9

AFFIDAVIT

STATE OF IDAHO)
 : ss.
County of Twin Falls)

LOLA BLOSSOM, being first duly sworn, deposes and says:

1. Attached hereto as Exhibit "A" is an Idaho Department of Water Resources Water Right Proof Reading Report for Harry and Anita Showalter. This relates to Water Right No. 51-04037.

2. I am personally familiar with the water source known as Murphy Hot Springs and the tributary known as the East Fork of the Jarbidge River.

3. I have been personally acquainted with this property since prior to July 1, 1934. I have resided in the Three Creek area since prior to July 1, 1934. The owners of the property used the water from Murphy Hot Springs for a hot water swimming pool, hot water baths and for hot water heat to the buildings and for domestic purposes also. The water from the springs have been used for that purpose, to my knowledge, since at least January, 1935.

DATED this 22 day of February, 1994.

Lola Blossom
LOLA BLOSSOM

SUBSCRIBED AND SWORN to before me this 22 day of February, 1994.

Barbara L. Smith
Notary Public for Idaho
Residing at Twin Falls, Idaho
Commission Expires: 2-20-97

Water Right Number - 51-04037

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SHOWALTER

HARRY B.

1 -
2 -
3 -

City- ROGERSON

State- ID Zip- 83302

Phone -

SHOWALTER

ANITA F.

1 -
2 -
3 -

City- ROGERSON

State- ID Zip- 83302

Phone -

+ - - Priority Date - - +
07/01/1934+ - - Region - - - +
14 WESTERN+ - - Stage - - - +
S - STATUTORY CLAIM

+ - - Status - - - +

+ - - - - Source - - - - - +
MURPHY HOT SPRINGS+ - - - - Tributary - - - - - +
JARBIDGE RIVER, EAST FORK+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

16S 09E 24 NW NW (73) OWYHEE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume22 - HEATING
43 - DOMESTIC01/01 12/31
01/01 12/310.040
0.020+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.060+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

16S 09E 24 NW NW

22 HEATING

(73) OWYHEE

+ - - Diversion Means - PIPELINE

+ - - Non-Irrigation Use - D/1 HOME

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.A51-04037
B-11

Water right number - 51-04037

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - -
No Comments Found

+ - - Audit Fields - 01/13/86 04/30/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 01/13/1986	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000	Presumption Flag -	

AS1-04037
B-12

AFFIDAVIT

STATE OF IDAHO)
 : SS.
County of Twin Falls)

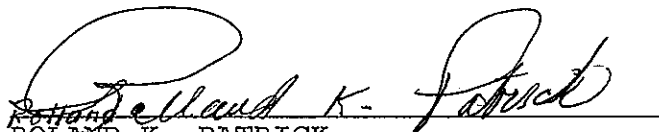
ROLAND K. PATRICK, being first duly sworn, deposes and says:

1. Attached hereto as Exhibit "A" is an Idaho Department of Water Resources Water Right Proof Reading Report for Harry and Anita Showalter. This relates to Water Right No. 51-04037.

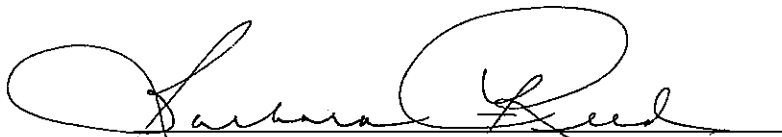
2. I am personally familiar with the water source known as Murphy Hot Springs and the tributary known as the East Fork of the Jarbidge River.

3. I have been personally acquainted with this property since July 1, 1934. I have resided in the Three Creek area since prior to July 1, 1934. The owners of the property used the water from Murphy Hot Springs for a hot water swimming pool, hot water baths and for hot water heat to the buildings and for domestic purposes also. The water from the springs have been used for that purpose, to my knowledge, since at least January, 1935.

DATED this 7 day of ^{March}~~February~~, 1994.


ROLAND K. PATRICK

SUBSCRIBED AND SWORN to before me this 7 day of ^{March}~~February~~, 1994.


Notary Public for Idaho
Residing at ~~Twin Falls~~ ^{Buhl}
Commission Expires: 2-20-97

Water Right Number - 51-04037

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SHOWALTER

HARRY B.

1 -
2 -
3 -City- ROGERSON
Phone -

State- ID Zip- 83302

SHOWALTER

ANITA F.

1 -
2 -
3 -City- ROGERSON
Phone -

State- ID Zip- 83302

+ - - Priority Date - - +
07/01/1934+ - - Region - - - +
14 WESTERN+ - - Stage - - - +
S - STATUTORY CLAIM

+ - - Status - - - +

+ - - Source - - - - +
MURPHY HOT SPRINGS+ - - Tributary - - - - +
JARBIDGE RIVER, EAST FORK

Tw	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
16S	09E	24	NW NW			(73)	OWYHEE			

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
22 - HEATING		01/01	12/31	0.040	
43 - DOMESTIC		01/01	12/31	0.020	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.060

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
16S	09E	24	NW NW			22	HEATING	(73) OWYHEE

+ - - Diversion Means - PIPELINE

+ - - Non-Irrigation Use - D/I HOME

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - -
No Remarks found.+ - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.A51-04037
B-14

Water right number - 51-04037

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 01/13/86 04/30/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 01/13/1986	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000	Presumption Flag -	

AS1-04037
B-15



PHOTOGRAPHER AND DATE OF PHOTOS T. Minicucci 02/03/1994

FILE NO. A51-04037 T165 209E SW NWNW 5.24



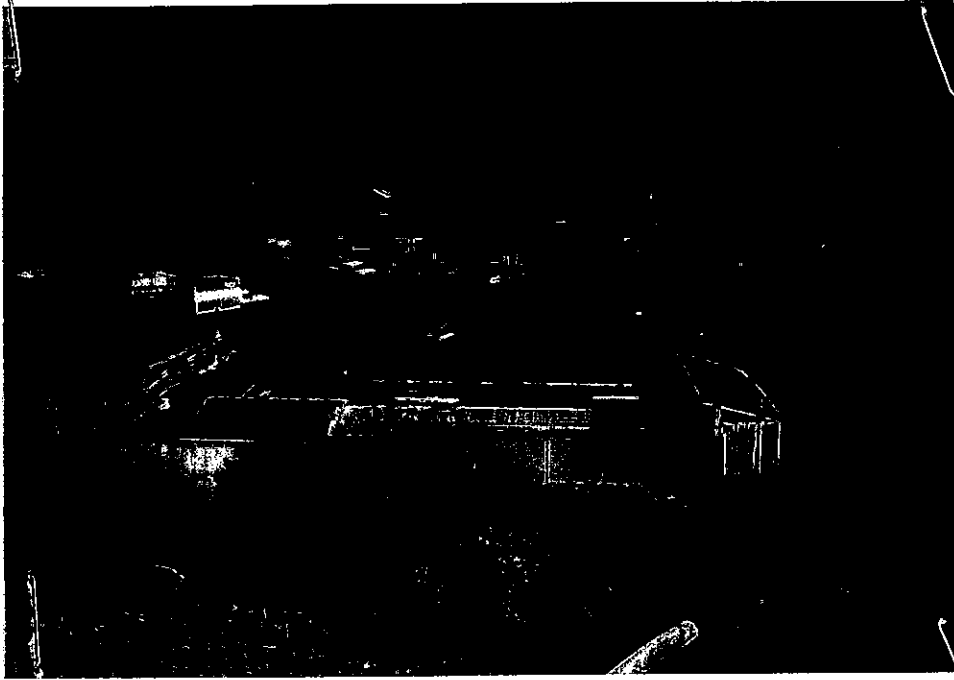
① South Spring.



② North Spring
Pipe to left is diversion
for A51-10220.
Two other pipes serve
A51-04037



PHOTOGRAPHER AND DATE OF PHOTOS MM Minicucci 03/03/1994
FILE NO. AS1-04037 T16S 209E S.24

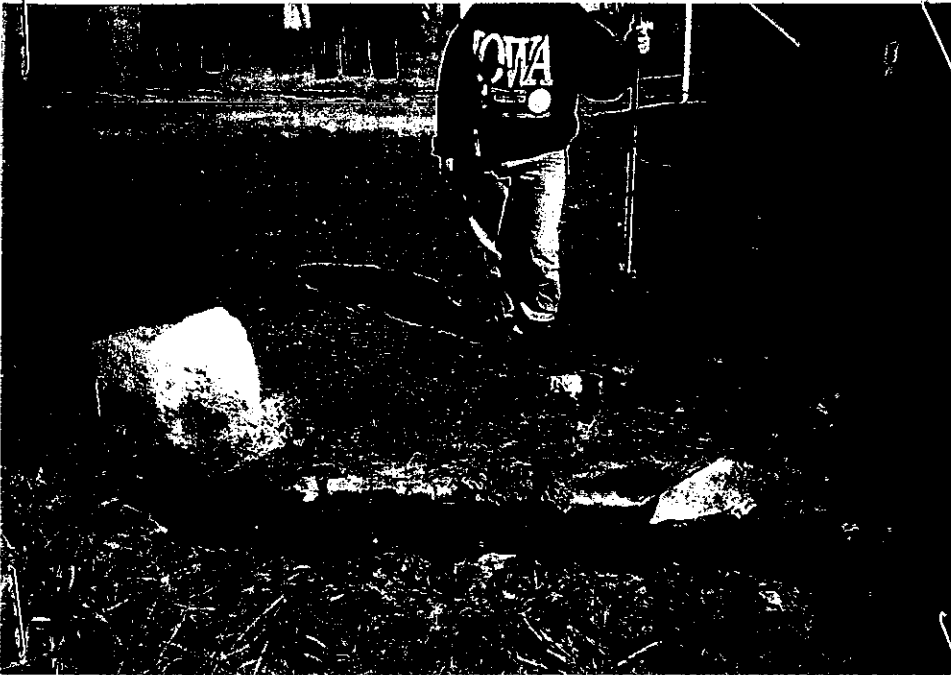


- ② Place of Use (Pool + Lodge). Picture is taken from the south spring looking north east toward the road. Trailer hook-ups are located to the right just out of the picture.



PHOTOGRAPHER AND DATE OF PHOTOS M. Minicucci 03/03/1994

FILE NO. A51-04037 T165 R09E S24 NWNW



Location of measurement. House is behind on
the right and the pool is to the right of the
house.

WATER RESOURCES
WESTERN REGION

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. UNKNOWN

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 Frank Hitchcock

June 25, 1996 1:15pm

NAME:
MATTHEW OLIVAS

RE:
MURPHY HOT SPRINGS-1409

WALK-IN AT 1:00 PM-CW-CONVERSAATION MEMO FORM USED TO RECORD QUITE A FEW QUESTIONS/COMMENTS RE/ COMPLAINTS MADE TO THIS OFFICE ACCORDING TO HIM AND HOW TO IDENTIFY FUTURE USAGE OF BOTTLING AT THE MURPHY HOT SPRINGS RESORT.

SINCE THE SYSTEM WAS DOWN I TOOK CAREFUL NOTES AND EXPLAINED THAT WITHOUT ANY DATA FROM HIM IN THE FORM OF PAPERWORK REGARDING THE RIGHTS ON THE PROPERTY I COULDN'T RESPOND OR GIVE HIM ANY DECISION ON WHAT HE WAS ALLEGING.

GAVE HIM A COPY OF THE NOTES, SIGNED THEM AND PUT THE TIME THAT HE GOT THEM FROM ME ON THE MEMO.

I PROMISED TO: GIVE A COPY TO TARA WHO WOULD NOTIFY ME WHEN THE PAPERS COME IN THAT HE SAID HE HAD MAILED YESTERDAY AFTER RECIEVING A LETTER (?). ALSO, THAT WE WOULD CONTACT HIM BY PHONE AND LET HIM KNOW WHAT THE RESPONSE(S) WOULD BE TO HIS QUESTION(S).
REVIEWED WITH TARA-CC TO HOLD FILE ON MY WORK TABLE.

COPY



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

[]

ANITA F SCHOWALTER
HARRY B SCHOWALTER
MURPHY HOT SPRINGS
ROGERSON ID 83302

July 8, 1996

[]

RE: Notice of Claim(s) to a Water Right No(s):

A51-04037, A51-12760

Dear Claimant:

Enclosed is a copy of the "Notice of Change of Water Right Ownership" form which has been submitted to this office. This form identifies you as the former owner of the above-referenced water right(s).

This letter is to notify you that the ownership of the water right(s) has been changed to the name(s) identified as the New Owner/Claimant. This reflects the change in ownership of the land and appurtenant water right(s) to the new owner.

If you have any questions regarding this matter, please contact this office.

Sincerely,

Adjudication Staff
Western Region Office

MM:m
Enc.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 8, 1996

SYLVIA OLIVAS
MATTHEW OLIVAS
DESERT HOT SPRINGS
ROGERSON ID 83302

RE: Notices of Claim to a Water Right Nos. A51-04037 & A51-12760

Dear Ms. and Mr. Olivas:

Enclosed are copies of the above-referenced claims which reflect the change in ownership to Ms. Olivas. Also enclosed is a copy of the Change of Ownership form which was submitted to this office. These documents are for your records and should not be returned to this office.

Copies of notes taken regarding some communication between our office in Twin Falls and Mr. Olivas were also submitted to this office. These documents are also for your records and are returned to you with this letter.

Mr. Olivas contacted this office this morning to request Application for Permit forms. These forms are used to apply for a permit to appropriate water for new development. Enclosed are several applications as well as instructions with a fee schedule. The appropriate fee must be returned with the application.

Mr. Steve Lester of this office has written to you about a complaint received by this office regarding your water uses. Please refer all questions and comments about this letter to Mr. Lester at the telephone number at the top of this letter.

Finally, enclosed is a photograph that was taken during the field exam on March 3, 1994. This young person assisted us by standing by the well casing to give scale to the picture. This picture is an extra copy and need not be returned.

If you have any questions, please do not hesitate to contact me at this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Maria Minicucci'.

Maria Minicucci

Sr. Water Agent, Adjudication Bureau

MM:m

Enc: A51-04037, A51-12760, App. for permit (3), C of O form copy, photo,
Conv. Memo (F. Hitchcock)



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 18, 1996

JANET OCROWLEY
MURPHY HOT SPRINGS BOX #2
ROGERSON ID 83302

*Ms. Ocrowley's letter in
complaint file.*

RE: Claim to Water Right A51-04037, Sylvia Olivas

Dear Ms. OCrowley:

Per your request, enclosed is a proof copy of Claim No. A51-04037, in the name of Sylvia Olivas.

As you also noted in your letter, Olivas has made two applications for permit for additional uses from Murphy Hot Springs. There is a third application for permit from a cold water spring. Because these filings may also be of interest to you, I have included copies of the applications. Please note that these applications have not yet been processed by this office and do not represent approved uses.

The first step in application processing is public advertising. At this time, I do not know when advertising will occur for the Olivas applications. Either before or during advertising, you will have the opportunity to formally protest the approval of the applications. Protest filing forms are included.

You may not use protest forms to contest Claim No. A51-04037, as it is a part of the Snake River Basin Adjudication (SRBA). Once Claim No. A51-04037 has been recommended to the Court, you may file an objection. If you have specific questions about A51-04037, the SRBA, or the objection process, please contact Maria Minicucci of this office.

If you have additional questions or if I may be of further assistance, please feel free to contact me again.

Sincerely,

Cindy Hodges

Cindy Hodges
Sr. Water Resource Agent

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

December 18, 1996

*File in A51-4037
other letters in Complaint file*

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JANET OCROWLEY
MURPHY HOT SPRINGS BOX #2
ROGERSON ID 83302

RE: Interference with Delivery of Water under Claim No.
A51-10220

Dear Ms. OCrowley:

I have received your letters dated 12/06/96 and 12/13/96, in which you describe actions taken by Mr. Olivas to interrupt your domestic hot water supply. I have also reviewed the report filed by Owyhee County Deputy Jim Bish, after his visit to Murphy Hot Springs. In this response, I intend to clarify the position and authority of the Idaho Department of Water Resources (IDWR) on this matter, and to advise you of the actions you may expect from this office.

Presently, there have been three separate issues identified at Murphy Hot Springs. They are:

- the interruption of domestic hot water at the OCrowley residence;
- allegations of appropriations by Mr. Olivas for a commercial bottled water facility without a water right permit; and,
- allegations of appropriations by Mr. Olivas for irrigation without a water right permit.

The department must consider each of these issues separately. On a separate page, I have provided a brief summary of the water rights or water right applications involved. Please refer to this summary during the following discussion.

IDWR will take the following actions with regard to the above issues:

The interference in delivery of your domestic hot water supply is a civil matter over which IDWR has no jurisdiction. IDWR's regulatory power is limited to those situations where an unauthorized diversion has been documented, or where there exists an enforceable delivery order. IDWR has no authority to regulate competing private diversions from a shared pipeline, even if one water user is in a controlling position. If a mutually agreeable delivery arrangement cannot be made between two parties, settlement must be sought through the local courts. In this case, the Olivas right A51-04037 is the senior right in the shared pipeline. In times of water shortage, the senior right must be satisfied before your right A51-10220 is diverted. Diversions under the new

commercial application 51-07362, if approved, would be junior to your right.

If Mr. Olivas is making a commercial diversion to a bottling plant in advance of the approval of his water right application no. 51-07362, IDWR could issue a cease and desist order against that illegal diversion. We could not stop the historical diversion under A51-04037. At this point, an illegal diversion is being defined by IDWR as any bottled water product being sold off the premises or not in specific connection with the on-site business. However, IDWR cannot and will not take action unless it is clearly evidenced that Mr. Olivas is actually making an illegal diversion. Presently, there is not sufficient evidence that Mr. Olivas is operating a commercial bottling plant. The Southwest District Health Department (SWDH) also has regulatory authority over this type of facility and has taken no action for the same reason. SWDH and IDWR would work together to issue simultaneous violations on this alleged facility if enough evidence were available.

During a field inspection in 1994, an IDWR staff member witnessed the irrigation of two small areas on the Olivas property. In one area, flows were diverted from a cold water spring source, and in the other, flows were diverted from the hot pool overflow. No irrigation is authorized under the existing Olivas right. Applications have been filed for both these uses. As explained above, IDWR could issue a cease and desist order to stop irrigation which is occurring without a valid water right permit. Because the 1996 irrigation season is now over, we will not investigate this particular matter at this time. However, if irrigation continues in the 1997 irrigation season, and the water right permits have not been awarded, Mr. Olivas would be subject to cease and desist action by IDWR.

Short of legal action, one method available to you to influence and protect the distribution of your water rights is to become active in the processing of the Olivas applications for permit. During advertising of all new applications, protests may be received from parties who feel they might be injured by the approval of the new right. Protestants have the opportunity, through department facilitated conferences, to contribute to the decision-making process. In some circumstances, new permits may be issued with specific conditions of use which are designed to protect existing rights, and which might then be administered according to Idaho law.

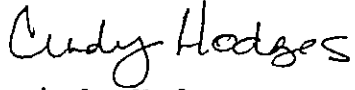
The Olivas rights have not yet been advertised. If you would like to protest, you may do so now or during the advertising period. However, once advertising occurs, there will be a deadline for the receipt of protests. I have enclosed protest forms. I have already forwarded copies of the applications.

December 18, 1996

Page 3

If you have additional questions, please feel free to contact me again.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Hodges".

Cindy Hodges
Sr. Water Resource Agent

Enclosures

cc: Randy Grove, SWDH
Jim Bish, Owyhee County Sheriff's office

Water rights of record from Murphy Hot Springs:

<u>Number</u>	<u>Owner</u>	<u>Priority</u>	<u>Use</u>	<u>Amount</u>
A51-04037	Olivas	1934	Domestic (1 home) Commercial (lodge) Heat (pools)	0.06 cfs (27 gpm)
A51-10220	OCrowley	1971	Domestic	0.01 cfs (5 gpm)
51-07362 (application*)	Olivas	1996	Commercial (bottling plant)	0.04 cfs (18 gpm)

Other water rights of record:

<u>Number</u>	<u>Owner</u>	<u>Priority</u>	<u>Use</u>	<u>Amount</u>
51-07138 (waste water)	OCrowley	1979	Irrigation (1 acre) Heat (pools)	0.1 cfs (45 gpm)
51-07363 (application* - waste water)	Olivas	1996	Irrigation ($\frac{1}{2}$ acre)	0.04 cfs (18 gpm)
51-07361 (application* - cold spring)	Olivas	1996	Irrigation (3 acre)	0.06 cfs (27 gpm)

* Mr. Olivas filed the above three applications for permit upon request from this office. Presently, processing has been temporarily delayed, and the applications have not been approved for use.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. UNKNOWN

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 Frank Hitchcock

July 8, 1996 10:02am

NAME:
MATTHEW OLIVAS

RE:
MURPHY HOT SPRINGS

TF MARIA AT WESTERN REGION-TCW RE: PREVIOUS CONTACTS WITH CLAIMANT AND CORRESPONDENCE FROM STEVE LESTER TO CLAIMANT BEFORE HIS 06-25-1996 WALK-IN HERE (SEE JCOM BY FH SAME DATE).

ALL CONTACTS INITIATED BY THE CLAIMANT ARE TO GO TO THE WESTERN REGION. STEVE LESTER OR MARIA MINICUCCI.

POSTSCRIPT: CLAIMANT JUST CALLED AT 10:08-TCW-DIRECTED HIM TO WESTERN AND EXPLAINED WHY. HE ASKED FOR AND I GAVE HIM THE PHONE NUMBER AND THE FAX NUMBERS. TOLD HIM THAT I HAD FORWARDED HIS 1409 AS I SAID I WOULD AND THAT I WAS ABOUT TO CALL HIM AS I ALSO SAID I WOULD.

TOLD HIM THAT ANY FURTHER CONTACT WITH THE DEPARTMENT MUST GO TO THE WESTERN OFFICE AND WE WENT THROUGH THE REASON WHY AGAIN.

Post-It* Fax Note	7671	Date	7-8-96	# of pages	1
To	MISS MARIA	From	MR. FH20		
Co./Dept.	TOP OF HEAR	Co			
Phone #		Phone #	736-3033		
Fax #		Fax #			

ADJUDICATION MEMORANDUM

CLAIM NO.: AS1-04037, AS1-12760

SUBJECT: Office Visit @ Southern

EMPLOYEE: TTTINICUCCI

DATE: 07/08/1996

Mr. Olivas included a copy of the communication documentation from Frank Hitchcock of Southern region. I called Mr. Hitchcock to bring him up to date (SRBA claims, S. Lester's letter), and to ask him refer all future inquiries to Mr. Lester or to me. Mr. Hitchcock indicated that he would make a note in his files to do so, and would notify the receptionists/secretaries to do the same.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

[]

MATTHEW OLIVAS
DESERT HOT SPRINGS
ROGERSON ID 83302

April 8, 1997

[]

RE: Notices of Claim to a Water Right Nos. A51-04037 and A51-12760

Dear Mr. Olivas:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the lands and appurtenant water rights to you.

The Department will contact you in the future concerning any requirements that may be needed in order to process the claims for final court decree.

If you have any questions in regard to your water rights, please do not hesitate to contact this office.

Sincerely,

TARIA TINICUCCI

ADJUDICATION STAFF
WESTERN REGION OFFICE

MM:m

Enc.

ATTACHMENT E

CLAIM A51-04037 INIT R77
 T. R. S. Q/Q
 P/D 165 09E 24 SW NW SW
 SCALE 1:24,000
 PHOTO ID. DD66 DATE 1974

2987 IV
 (WABIDGE)
 1:82,500

115°22'30"

°35

OWYHEE CO
 ELKO CO

°37

°38

Mapped, edited, and published by the Geological Survey

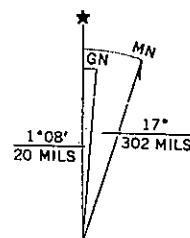
Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial
 photographs taken 1973. Field checked 1974
 Map edited 1979

Projection and 10,000-foot grid ticks: Idaho coordinate
 system, west zone (transverse Mercator)
 1000-meter Universal Transverse Mercator grid, zone 11
 1927 North American Datum

To place on the predicted North American Datum 1983
 move the projection lines 14 meters north and
 75 meters east as shown by dashed corner ticks

Fine red dashed lines indicate selected fence and field lines



UTM GRID AND 1979 MAGNETIC NORTH
 DECLINATION AT CENTER OF SHEET

DD66

A. GENERAL INFORMATION

- GENERAL INFORMATION
1. Name of stream or ditch: Runoff ditch from Hot Springs
 2. Location: Just north of bath house
 3. Person conducting measurement: Maria M. H. Werner - N
 4. Date and time of measurement: 3-3-94
 5. Accompanied by: _____
 6. Measuring device size and ID no.: Pygmy - Linder
1:2.2
 7. Spin test before measurement OK? 1:2.2 after measurement OK? _____
 8. Purpose of measurement: To determine flow from springs

B. MEASUREMENT DATA

Angle co-efficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Dis.
							At point	Mean in vertical			
	3	2.07	0		REW @	1249					
	.45	.15	.15		10	40	.25			0.02	
	.7	.27	.2		6	40	.15			0.05	
	1.0	0.30	.2		22	40	.55			0.06	
	1.3	.25	.2		8	40	0.20			0.05	
	1.4	.25	.15		6	40	0.15			0.04	
	1.8	.20	0		LEW @	1305					

A51-04037

Attachment F



State of Idaho
DEPARTMENT OF WATER RESOURCES

ATTACHMENT G

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

March 7, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

SYLVIA OLIVAS
MURPHY HOT SPRINGS
ROGERSON ID 83302

RE: Snake River Basin Adjudication Notice of Claim Nos. A51-04037 & A51-12760

Dear Ms. Olivas:

As we discussed during our visit with Mr. Olivas on March 3, this letter serves to explain the enclosed materials.

Four copies of the form "Application for Permit" are enclosed with this letter. These forms are used to apply for permits for 'new' uses of water, that is water uses which have not yet been developed. Also enclosed is a separate instruction sheet. Mr. Olivas talked about the cold water well, a possible river diversion, and possible development of the spring on the other side of the road.

It is extremely important that you file an application for the cold water well, since that source has already been developed. You should include all present uses of the water, as well as future development plans.

The form "New Property Owner Notice of Change of Water Right Ownership" will serve to notify the Department of Water Resources that the listed claims have new ownership. The instructions for this form are on the back. Please complete and return this form to my attention. Once this form and the supporting documentation have been received back in this office, I will be able to change the ownership on the claims.

We spoke with Mr. Olivas about amending the claim on the hot springs to accurately reflect the amount of water being used. Once the ownership has been changed on the claim, I will be able to send an amended claim to you for your review and signature.

Finally, I am sending your documents regarding the history of Murphy Hot Springs back to you. These documents are very helpful - please let me know if you have any information about their source.

Please feel free to contact me regarding this letter or the enclosed material.

Sincerely,

Maria Minicucci

Water Agent, Adjudication Bureau

MM/m

Encs: Instructions and Application for Permit forms (4)
Change of Ownership form
History of Murphy Hot Springs

MEMORANDUM

TO: File 51-07347

FROM: M. Minicucci *MM*

DATE: May 2, 1994

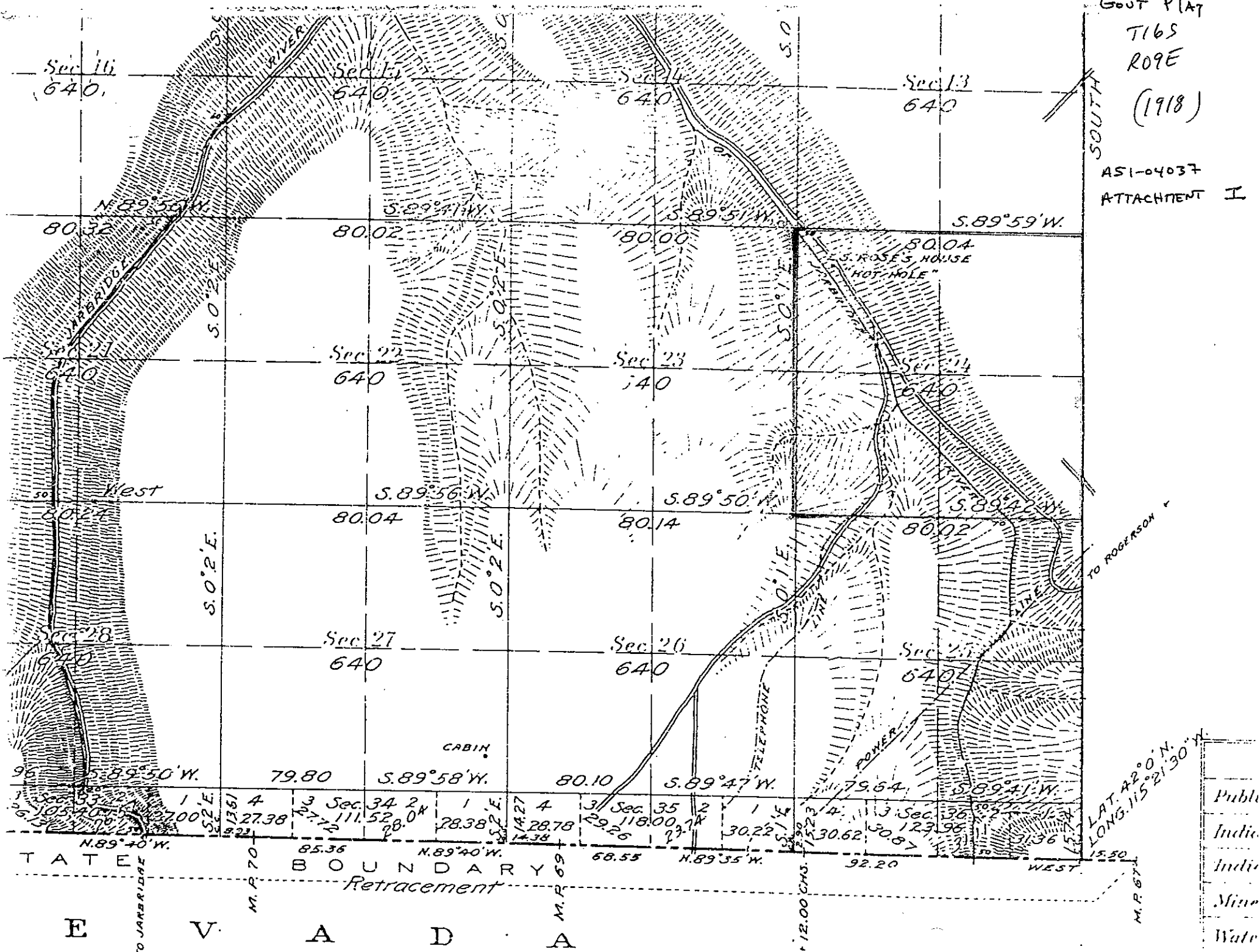
RE: SRBA Claim

The owner of permit 51-07347 has filed a claim in the SRBA on the same source as the permit. The the purposes listed in the claim (A51-04037) are Heating, Domestic, and Commercial.

The permit application mentions that some existing uses are to be abandoned in the development of this permit. Please advise regarding the licensure of this permit as it may affect the proposed recommendation of their SRBA claim.

06/19/1996: The permit (51-07347) was lapsed 08/10/1995. nrr

AS1-04037
ATTACHMENT I



Form No. 243
7/78

Claim No. 51-4037

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



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

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

Notice is hereby given that Harry B. &/or Anita P. Showalter
(Name of Claimant)

Rogerson, ID 83302

(Mailing Address)

(Zip Code)

Telephone No. 857-2626

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

- (1) Date of priority: (When was the water first applied to a beneficial use) 7/1/1934

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

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Murphy Hot Springs tributary to East Fork Jarbidge River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>.04 cfs</u>		Use <u>Heating</u>		Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity <u>.02 cfs</u>		Use <u>Domestic</u>		Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) .06 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

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

NW 1/4, Sec. 24 Twp. 16S Rge. 9E B.M., County of Owyhee

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Gravity fed to house, Lodge, hot baths and swimming pool.

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

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16S	9E	24					X												

No. of acres

If water is used for other than irrigation, fully describe use: water

Water is cooled for drinking - temp. of water is 129 degrees - Hot is used to heat one domestic, Lodge, hot baths, swimming pool.

NOTE: Include here the type and number of stock watered

12 If you are claiming water as a member of an organization, state the organization

[illegible]

Received by SKN Date 3/30/82 Exception filed by: _____
 Prelim. check by L Date 4/12/82 _____
 \$20.00 fee received by J.P. Date 3/30/82 # 22833
 Published in Quincy Herald _____
 Dates 4-2-82 4-27-82 _____

Forwarded to _____ Date _____
claimant by: _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

June 19, 1996

KARL J. DREHER
DIRECTOR

MICHAEL AND SYLVIA OLIVAS
MURPHY HOT SPRINGS
ROGERSON ID 83302

RE: Notices of Claim to a Water Right No. A51-04037 & A51-12760

Dear Mr. and Mrs. Olivas:

This department sent a letter to you on March 7, 1994, requesting that you complete the documentation to update the ownership records for the above-referenced claims. We have not received a response to our request.

This letter is a second request for documentation supporting your ownership of the property and the appurtenant water rights. Enclosed are reports which summarize the claims which have been filed in the Snake River Basin Adjudication (SRBA) for those water rights. New owners of claims are required by law to notify the department of the change in ownership. Notices and correspondence, legal and otherwise, are sent to the current owners listed in the department's records.

Please complete the enclosed "Change of Ownership" form by adding your signature(s), and return the form to this office with a copy of the deed which shows your ownership of the property.

If you have any questions, please do not hesitate to contact this office. You may call the number at the top of this letter, or call me directly at 334-2266, extension 112 (you must have a push button telephone to use my direct line).

Sincerely,

Maria Minicucci
Sr. Water Agent, Adjudication Bureau

MM:m

Enc: Profile reports, A51-04037, A51-12760; Change of Ownership form

CONVERSATION MEMORANDUM

DATE 6/20/96

FILE _____

NAME OF PARTY Owyhee Co. Assessor's Office 495-2817

EMPLOYEE Steve Leth

RE: Ownership of Commercial Site -

Records of County show L. 3-7 Murphy Hot Sp. Subd.
Owned by Shewalters

Also show 10.35 Acres with house, restaurant, &
Cabins & swim. pools) owned by
Sylvia Olivas (nothing in name of Matthew)
1941 Priest Pl.
Boise 83706

No phone # in phonebook
but 383-9395 per directory assistance

✓
Called

→
no longer in service,
letter is only option.

Follow up - letter - S. Olivas

cc - Shewalters

- Matthew Olivas to Shewalters

- M. Thompson

- Owyhee Co. Sheriff's office (?)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 20, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MATTHEW & SYLVIA OLIVAS
DESERT HOT SPRINGS
ROGERSON ID 83302

RE: COMPLAINTS ABOUT WATER USES

Dear Mr. and Mrs. Olivas:

This office has received complaints regarding water uses on your property in Murphy Hot Springs. Staff from this office have not made a site visit to verify the accuracy of these complaints, and this letter is not suggesting that the information provided to this office is either correct or incorrect.

The allegations, in conjunction with information already found in department records, suggest that two illegal diversions of public water are occurring for water uses on your property.

One, the water piped from the hot spring(s) to a commercial bottling venture is not sanctioned by any valid water right or adjudication claim on record with this agency. If this use is occurring, a new water right permit must be obtained. An alternative to a new permit can be arranged by changing an existing valid right in which an historical use would be decreased to allow the new use to function.

Two, it has been alleged that you are diverting water from the waste water ditch that is supplied via overflow from the hot spring(s) system, and that your waste water diversion is being used to irrigate a garden. This activity is not authorized under any valid water right or adjudication claim on record with this agency. As in the first example, two options can be considered to sanction such a diversion.

Use of either of these diversions, if occurring, must cease until valid water right protection is established pursuant to I.C. § 42-351 and 42-352. Continuing use of either diversion for a beneficial use not protected by a water right can result in a notice of violation, which can include penalties of up to \$100 per day per illegal diversion. This office will respond to further complaints with a site visit to establish a more complete factual record before taking any other steps in this matter.

The only recorded rights to use water on your property are adjudication claim nos. A51-04037 for Murphy Hot Springs and A51-12760 for a cold water well. Neither of these claims include the uses identified in this letter. Also, the claimants of record for both claims are Anita and Harry Showalter. Your property interests would be well served by recording a change in ownership for these claims as required by Idaho law in the Snake River Basin Adjudication process.

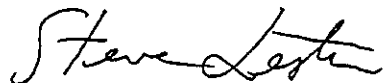
June 20, 1996

Page 2

Please refer to the enclosed form and printouts to record a change in ownership. If you have any questions or need any help in this or other water right or adjudication matters, please contact me at your earliest convenience. Your cooperation in resolving these issues is greatly appreciated.

I am sending copies of this letter to appropriate parties who have been involved in these issues in the Murphy Hot Springs area.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester
Deputy Regional Manager

c: A. & H. Showalter
 M. Thompson
 Owyhee County Sheriff
 IDWR SRBA Staff

ANITA &/OR HARRY SHOWALTER
MURPHY HOT SPRINGS
ROGERSON ID 83302

MARGARET THOMPSON
MURPHY HOT SPRINGS
ROGERSON ID 83302

RANDY GROVE
SOUTHWEST DIST HEALTH DEPT
920 MAIN
CALDWELL ID 83605

TIM NETTLETON
OWYHEE COUNTY SHERIFF'S OFFICE
MURPHY ID 83650

RECEIVED

FILE

COPY

JUN 28 1996

WATER RESOURCES
WESTERN REGION

AGENT:

DATE:

06-25-96

RE:

NAME OF PARTY:

MURPHY HOT SPRINGS

MATTHEW OLIVAS

857-2233

HOME

SHOWWATERS (previous owner)

ownership - W. D. D. Smith

NO - transfer

2 complaints

to this office

diverting illegally

① hot tub waste water in the garden
back into river -
 thru THOMPSON'S property
 into Ft. Fork Jarbridge

② botling facility
 for grade pipe - rebuild system
 had been measured by this dept
 and OK to use for business
usage
 was already in there
 w/ new pipes -

6 CFS - ① call him when paperwork comes in
 ② botling - right to ledge - PAT

CONVERSATION MEMORANDUM

DATE 6/21/96

FILE _____

NAME OF PARTY Matthew & Sylvia Olivas

← OLIVAS 857-2233

EMPLOYEE Steve Lath

RE: Current Mailing Address

An employee answered the phone. Said
current mailing address is

Mr. & S. Olivas

Desert Hot Springs

Rogers Rd ID 83302

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this 2nd day of August, 1996

Jan Thunte



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

May 31, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

WATERONE ENTERPRISES LLC
251 VERSAILLES CT
TRACY CA 95376

RE: Water Right No. 51-04037

Dear Property Owner(s):

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation, as we have had several ownership changes to process. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB:db

Enclosures

cc: Matthew Olivas
Ling & Robinson, Attorneys at Law

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources

Signed this 2nd day of August, 2001

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

In Re SRBA

Case No. 39576

Water Rights: 51-04037

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

☐ Address change

☒ Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion

☐ Place of use

☐ Period of use

☐ Nature of use

☐ Split of water right

☐ Change in ownership

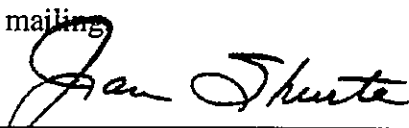
☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: May 31, 2001


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 31, 2001, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☒ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Matthew Olivas (Seller)
Desert Hot Springs
Rogerson ID 83302

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

WaterOne Enterprises LLC (Purchaser)
251 Versailles Ct
Tracy CA 95376

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Ling and Robinson (Attorney)
615 "H" St
PO Box 396
Rupert ID 83350-0396

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document

05/31/2001

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

RIGHT NUMBER: 51-4037

NAME AND ADDRESS: WATERONE ENTERPRISES LLC
251 VERSAILLES CT
TRACY, CA 95376

SOURCE: MURPHY HOT SPRINGS TRIBUTARY: EAST FORK JARBIDGE RIVER

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 06/20/1885

POINT OF DIVERSION: T16S R09E S24 SWNWNW Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	1-01 12-31	0.02 CFS
HEATING	1-01 12-31	0.04 CFS
DOMESTIC	1-01 12-31	0.02 CFS

USE IS FOR 1 HOME; COMMERCIAL USE, POOL, BATHS,
LODGE; AND HEATING

PLACE OF USE:

COMMERCIAL	Within OWYHEE County	
T16S R09E S24	NWNW	
HEATING	Within OWYHEE County	
T16S R09E S24	NWNW	
DOMESTIC	Within OWYHEE County	<u>NWNW</u>
T16S R09E S24		

05/31/2001

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

RIGHT NUMBER: 51-4037

NAME AND ADDRESS: WATERONE ENTERPRISES LLC
251 VERSAILLES CT
TRACY, CA 95376

SOURCE: MURPHY HOT SPRINGS TRIBUTARY: EAST FORK JARBIDGE RIVER

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 06/20/1885

POINT OF DIVERSION: T16S R09E S24 SWNWNW Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	1-01 12-31	0.02 CFS
HEATING	1-01 12-31	0.04 CFS
DOMESTIC	1-01 12-31	0.02 CFS

USE IS FOR 1 HOME; COMMERCIAL USE, POOL, BATHS,
LODGE; AND HEATING

PLACE OF USE:

COMMERCIAL Within OWYHEE County
T16S R09E S24 NWNW
HEATING Within OWYHEE County
T16S R09E S24 NWNW
DOMESTIC Within OWYHEE County NWNW
T16S R09E S24

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

WATER TEMPERATURE MEASURED AT 117 DEGREES F



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: 5-1-01

TO: Jan/Sue

FROM: Becky Harvey

DOCUMENT DESCRIPTION: FYI: Janet O'Crowley's
Amended Motion to Clarify Issues to be
Heard @ Trial.

COVER SHEET + 6 **PAGES**

CONTACT: Bec: 327-7881 **IF YOU DO NOT RECEIVE ALL THE PAGES.**

THANK YOU!

Jane O'Crowley
16 Stub Rd.
Carey, ID 83320
208- 823-4554

Appearing PRO SE

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

In Re SRBA

Case No. 39576

Subcase 51-04037
AMENDED MOTION TO CLARIFY
ISSUES TO BE HEARD AT TRIAL
23 AUGUST 2001

CLARIFICATION

Abbreviated title above used for clarity and to avoid long title such as "Motion in Opposition to Special Master's Order Granting Motion to Set Aside Order and Motion to Alter or Amend and to Vacate." This present Amended Motion supports Special Master Terrence A. Dolan's 14 November 2000 AMENDED SPECIAL MASTER REPORT concluding that Matthew Olivas is entitled to .06 cfs for his Water Right 51-04037. This present Amended Motion of Respondant O'Crowley, however draws Court's attention to need to add, or substitute name of new owner of subject hot springs commercial property in this action. This case is to decide whether the owner of said hot springs commercial property is entitled to no more than .06 cfs under Permit 51-04037 as the Director's Report recommended

Close scrutiny of documents filed with the Court 16 March 2001 will reveal that Mathew Olivas et al had no ownership of record in subject property or water permit # 51-04037, nor redemption right after 12 January 2001. It appears this proceeding should be directed to current owner of record of subject property and of redemption right. Per Rule 19 (a) (1) I. R. C. P. "...person shall be joined as a party if (2) the person claims an interest relating to the subject of the action...". Per Rule 21 I.R.C.P. "Parties may be dropped or added by order of the court on motion of any party."

Close reading of documents presented in this case show no intelligible reason for the Special Master to reconsider the Director's Report denying additional water to 51-04037; nor for altering Special Master's Recommendation in regard to quantity of water (.06 cfs) allowed 51-04037. Other than a scrupulous regard for a supposed rationale that Claimant might adduce, but so far has not, no reason appears for Special Master Dolan to continue these proceedings beyond the point of reaffirming the Director's Report in regard to quantity and recommending to the Court the award of .06 cfs be decreed for Water Permit # 51-04037.

AT TRIAL

Be it noted that this Respondant has never objected to the .06 cfs quantity of water historically held, and currently proposed by the Director of the Idaho Department of Water Resources (IDWR) for 51-04037 but at trial, as currently scheduled, this Respondant will be prepared to show that:

- A. Matthew Olivas et al are not the owners of record
- B. It is not known if successor owner in fact, has filed application to IDWR for any augmented use.
- C. Prior to time of the Olivas' filing objection to Director's Report, they had customarily and flagrantly been diverting amounts far in excess of their permit.
- D. That diverted amounts as high as .1618 had not been put to beneficial use.
- E. That such diversions and associated structures employed have greatly harmed Permit # 51-10220 to the extent of extinguishing any outflow to OCrowley's inlet pipe.
- F. That previous owners, the Olivas', and present owner, Waterone, have ignored this Court's Injunction against interfering with delivery of .01 cfs of Permit 51-10220 to OCrowley's pipeline, and have not restored OCrowley's diversion works and have not reimbursed OCrowley for the cost of their installation - all of which were included in the judgment given by the Honorable Judge Daniel C. Hurlbutt, Jr 10 October 1997. Both named owners' have flouted that ORDER HOLDING MATTHEW OLIVAS IN CONTEMPT
- G. That continuation during three and one half years of illegal diversion of OCrowley's proper hot water has caused her great loss in money, in loss of amenities , and has mounted a great obstacle to possible sale of her homestead.

- H. That Permit 51-10220 has a filing priority date earlier than that of 51-04037.
- I. That change of priority date to 1885 granted to permit 51-04037 was irregularly and secretively granted, on flimsy and unsound historical interpretation.
- J. That Judge Daniel C. Hurlbutt's Contempt Order is still in effect.
- K. That Judge Daniel C. Hurlbutt's Injunction is still in effect but has been scoffed at by Parties Claimant in this action.
- L. That OCrowley is entitled to benefit of all measures Ordered by this Court.
- M. That easement for waterline given in OCrowley's property deed must be legally defined by survey to correspond with court-ordered diversion at the spring.

SUMMARY

It is this Respondant's position that the OCrowley permit 51-10220 priority date is earlier than the first application by Claimant's predecessor for 51-04037. OCrowley will show that both permits originate from the same spring and can only share the date of first beneficial use, whatever method is used to determine the official priority date. OCrowley will show that, by repeated scofflaw actions, for which no penalty has been exacted, Claimants have eliminated any claim to any augmentation of their water withdrawal from the springs, EXCEPT by following IDWR's rules and filing an application, as is customary.

It is this Party Respondant's position that Special Master Dolan has no impediment in law for declaring this case concluded, by reiterating the Recommendation he made on 13 November 2000 sustaining the Director's Report and recommending .06 cfs for 51-04037.

s/ Janet OCrowley
Janet OCrowley, Pro Se

30 APRIL 2001

On this date, 30 APRIL 2001 I, Janet OCrowley did post in the U.S. Mail true and correct copies of the above Motion with Exhibit Timeline to the following parties:

Tim Schneider, Esq.
POB 396
Rupert, ID 83350

Matthew Olivas, et al
Murphy Hot Springs
Rogerson, ID 83302

Peter J. Ampe
Deputy Attorney General
State of Idaho
POB 44449
Boise, Idaho 833711-4449

Director of IDWR
POB 83720
Boise, ID 83720-0098

Mr. Garrick Baxter
IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

Waterone Enterprises, LLC
251 Versailles Ct.
Tracy, CA 95376

Before me appeared the undersigned known to me and signed this document.

s/ Janet OCrowley
Janet OCrowley 3 APRIL 2001

Notary Public
My commission expires _____

WATER RIGHT 51-10220 TIMELINE

- 3 OCT 1924 Site of present Murphy Hot Springs town homesteaded by Floyd A. Rose. Deed signed Calvin Coolidge. No mention of included water rights. Deed "subject to any vested and accrued water rights".
- 1 July 1934 Shown as priority date on 51-04037 Adjudication Claim Form filed by Showalters in 1994 without any supporting documentation.
- 30 OCT 1969 Murphy Hot Springs Land Corp. gives Warranty Deed to John and Margaret Thompson "Together with the right to a connection at the swimming pool supply line..." This is first known mention and claim on hot spring water at Murphy Hot Springs. Thompsons purchased a portion of the Murphy Hot Springs Land and received a portion of their hot spring water.
- 15 May 1971 Priority date of Water Permit # 51-10220 to Thompsons for hot springs water.
- 26 JAN 1989 Margaret Thompson filed \$25 Adjudication fee for 51-10220
- 21 JAN 1994 Harry and Anita Showalter (successors to Murphy Hot Springs Land Corp.) filed Adjudication Claim for 51-04037 (hot spring water) with notation "perfected pre-20 May 1971" for .06 cfs "domestic, hot pools."

WATER RIGHT 51-04037 TIMELINE

- 1# MAR 1978 Murphy Hot Springs Land Corp. sells to Showalters. No mention of water.
- 21 JAN 1994 Showalters file Adjudication Claim on 51-04037
- 3 FEB 1994 Showalters sell to Sylvia Olivas "together with .06 cfs water".
- 12 SEP 1996 Sylvia Olivas Quit Claims to Matthew Olivas
- 10 SEP 1998 Susan Bock, Sr. Water Resources Agent notifies Olivas' attorney "As per evidence you submitted on Sept. 20, 1998, I have changed the priority date to June 20 1885."
- 21 SEP 1998 amended Adjudication Claim 51-04037 with priority date 20 June 1885. Otherwise identical with 1994 Showalter Adjudication Claim. Carries the same notation $.04 + .02 + .02 = .06$.

Provenance of the unsubstantiated 1885 priority date provided by Olivas and Walker appears to rest solely upon a folk history publication *Owyhee Cattlemen, 1878 - 1978* by Mildretta Adams, relating that Kitty Wilkins had a horse ranch somewhere on the East Fork of Jarbidge River, possibly at Robinson Hole, possibly at Summercamp, but claiming, or even beneficial use of the instant hot springs is not mentioned. Therefore Thompsons' purchase of a share of hot springs in 1969, and their filing for a permit in May 1971 remains the earliest priority date known for Murphy Hot Springs.

RECEIVED

APR 30 2001

WATER RESOURCES
WESTERN REGION

26 APRIL 2001

TO: Idaho Department of Water REsources
Ms. Susan Bock and Ms. Jan Shurtz, Water Resource Agents,
Western Region 2735 Airport Way
Boise, ID 83705 -5082

FROM: Janet OCrowley
16 Stub Rd.
Carey, ID 83320
Permit # 51-10220

RE: To confirm telephone conversation regarding
change of priority date Permit # 51- 04037

Dear Ms. Bock and Ms. Shurtz

Please correct me if any of the following is erroneous information:

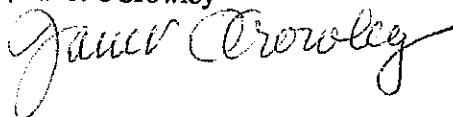
I spoke with both of you simultaneously On 15 APRIL 2001 asking if there were any other source material than the article "Kitty Wilkins - Horse Queen of Idaho" published in *Owyhee Cattlemen 1878 - 1978* by Mildretta Adams. Ms. Becky Harvey kindly faxed me a copy of said article, along with a Notice of Error, dated 02 SEP 1998 from attorney Lloyd Walker, and a letter on IDWR stationery confirming to Lloyd Walker that the priority date on Permit # 51-04037 had been changed.

I asked whether there were any other relevant documents, and was told there were not. I asked whether said article were the sole basis for the decision to change the priority date, and was told that it was.

I asked if IDWR would then change the priority date of my Permit # - 10220, since it flows from the same spring as # 51-04037. I was told that, since the decree had already been issued, I would have to request the Water Court to make the change.

I believe this is the only substantive matter of our conversation. Thank you for your kind cooperation.

s/ Janet OCrowley



HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
IDAHO DEPT OF WATER RESOURCES
2083275400
Apr-25-01 3:25PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
363	4/25 3:24PM	1'15"	208 857 2265	Send.....	2/ 2	96	Completed.....

Total 1'15" Pages Sent: 2 Pages Printed: 0



State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR
KARL L. DREHER
DIRECTOR

2 - Notice
of Error

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: 4-25-01

TO: Janet O'Crowley FROM: Becky Harvey
Paralegal

DOCUMENT DESCRIPTION: documents re: priority date,
pursuant to your request.

COVER SHEET + 1 PAGES
CONTACT: Becky: 327-7881 IF YOU DO NOT RECEIVE ALL THE PAGES.

THANK YOU!



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

2 - Notice
of Error

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: 4-25-01

TO: Janet O'Crowley

FROM: Becky Harvey
Paralegal

DOCUMENT DESCRIPTION: documents re: priority date,
pursuant to your request.

COVER SHEET + 15 PAGES

CONTACT: Becky: 327-7881 IF YOU DO NOT RECEIVE ALL THE PAGES.

THANK YOU!

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND ERROR REPORT for
IDAHO DEPT OF WATER RESOURCES
2083275400
Apr-25-01 3:19PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
361	4/25 3:08PM	5'15"	208 857 2265	Send.....	5/16	96	Communication Error.....1041
361	4/25 3:15PM	2'51"	208 857 2265	Send.....	2/16	96	Communication Error.....1041
361	4/25 3:19PM	0'00"	912088234554,,,,641859	Send.....	0/16		Remote Fax was Busy..... 961

Total 8'06" Pages Sent: 7 Pages Printed: 0



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Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: 4-25-01

TO: Janet O'Crowley FROM: Becky Harvey
Paralegal

DOCUMENT DESCRIPTION: documents re: priority date,
pursuant to your request.

COVER SHEET + 15 PAGES

CONTACT: Becky: 327-7881 IF YOU DO NOT RECEIVE ALL THE PAGES.

THANK YOU!

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
IDAHO DEPT OF WATER RESOURCES
2083275400
Mar-15-01 10:04AM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
970	3/15 9:52AM	12'02"	2086554300	Send.....	16/16	EC 96	Completed.....

Total 12'02" Pages Sent: 16 Pages Printed: 0



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KENYTHORNE
GOVERNOR
KARL J. BREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: 3-15-01

TO: Dick Bird FROM: Becky Harvey
AGO/IDWR

DOCUMENT DESCRIPTION: Documents you requested
pertaining to the priority date changes. If the
quality of the fax is not sufficient, please
call me & I will mail additional copies to you.

COVER SHEET + 15 PAGES

CONTACT: Becky: 327-7881 IF YOU DO NOT RECEIVE ALL THE PAGES.

THANK YOU!

*you are also welcome to come in &
review the claim file.*



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: 3-15-01

TO: Dick Bird

FROM: Becky Harvey
AGO/ IDWR

DOCUMENT DESCRIPTION: Documents you requested
pertaining to the priority date change. If the
quality of the fax is not sufficient, please
call me & I will mail additional copies to you.

COVER SHEET + 15 PAGES

CONTACT: Becky: 327-7881 IF YOU DO NOT RECEIVE ALL THE PAGES.

THANK YOU!

you are also welcome to come in &
review the claim file.

ROGER D. LING
BRENT T. ROBINSON

JASON D. WALKER
TIMOTHY J. SCHNEIDER
ASSOCIATES

LING & ROBINSON
ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350-0396

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

RECEIVED

APR 06 2001

March 30, 2001 Department of Water Resources

RECEIVED

RECEIVED

APR 22 2001

MAY 25 2001

Department of Water Resources
Southern Region

WATER RESOURCES
WESTERN REGION

Department of Water Resources
Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

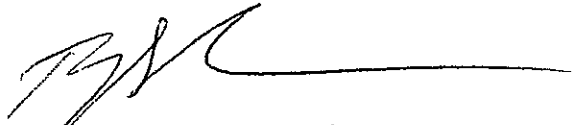
RE: Water Right No. 51-04037

Dear Gentlemen:

Enclosed herewith for processing by the Department is a signed and completed Notice of Change of Water Right Ownership along with a copy of a Trustee's Quitclaim Deed conveying the property to which said water right is appurtenant.

Your anticipated assistance in this matter is greatly appreciated. Please feel free to contact the undersigned if you have any questions or comments in regard to this matter.

Very truly yours,


Timothy J. Schneider

TJS:jb

encs

RECEIVED

APR 24 2001

Department of Water Resources

23 April 2001

TO: Susan Bock, Sr. Water Resource Agent
I.D.W.R.

RECEIVED

APR 26 2001

WATER RESOURCES
WESTERN REGION

FROM: Janet OCrowley
16 STub Rd.
Carey, ID 83320
208 - 823-4554

RE: Priority Date Change, Permit 51-04037
Urgent Response Required

Dear Ms. Bock

In order to perfect an amended pleading due April 30, 2001 before Special Master Terrance Dolan, SRBA, in Twin Falls, I must have copies of all correspondance from Matthew Olivas, or his attorney, Lloyd Walker pertaining to the priority date change on Permit 51-04037, which apparently took place during August and September 1998.

I would very much appreciate your cooperation in furnishing me this data. My fax number is 823-4554. A notice call is required to activate the fax.

I am faxing this request to you 23 April, with hard copy to follow in today's mail.

Your cooperation is much appreciated.

s/ Janet OCrowley



cc: Mr. Karl Dreher, Director, I.D.W.R.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: 3-21-01

TO: Sue Bock

FROM: Becky Harvey

DOCUMENT DESCRIPTION: Motion re: 51-04037. Is
a change of ownership pending ?? I will
send a complete copy of the document- it is
too lengthy to fax with the attachments.

COVER SHEET + 20 **PAGES**

CONTACT: Bec: 327-7881 **IF YOU DO NOT RECEIVE ALL THE PAGES.**

THANK YOU!

COPY

RECEIVED

MAR 19 2001

Department of Water Resources

Janet OCrowley
16 Stub Rd.
Carey, Idaho 83320
Telephone: (208) 823-4554

Acting Pro se

RECEIVED

MAR 22 2001

WATER RESOURCES
WESTERN REGION

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

In Re SRBA

Case No 39576

)
) Subcase 51-04037
) MOTION TO SET ASIDE ORDER
) GRANTING MOTION TO SET ASIDE
) ORDER AND MOTION TO ALTER OR
) AMEND and MOTION OBJECTING TO
) AMENDED PRIORITY DATE
)
)
)

Now comes Janet OCrowley, to present to the Court good reason for the stated motions. A hearing was conducted on February 15, 2001 before the Honorable Terrance Dolan, Special Master, in Twin Falls, Idaho, to hear a Motion by Matthew Olivas to SET ASIDE THE SPECIAL MASTER'S ORDER of November 9, 2000 DISMISSING MR. OLIVAS' OBJECTION AND SPECIAL MASTER'S REPORT. The Special Master then went on to cite the unreasonable delays and extent of the resulting prejudice, and discounted the excuses offered by Mr. Olivas. This respondent also points out that she did not receive a copy of Olivas' hand written document of November 9, 2000, deemed to be a Motion by the Court.

The Special Master failed to conclude, however, that the primary victim of this delay is Janet OCrowley, a party respondent in this case.

Then the Special Master considered the fact that the Court had not been informed of the Olivas Bankruptcy, a Chapter 11 filed by Olivas at Boise, Idaho in the U.S. Bankruptcy Court for the State of Idaho, on July 13, 2000, Case #00-01741-11, that Chapter Eleven was converted to a Chapter Seven on October 26, 2000, by the presiding Judge, the Honorable Terry L. Myers. The property at Murphy Hot Springs, along with the water rights, was subsequently sold at public Auction by the Bankruptcy Trustee, Lois K. Murphy, on January 12, 2001.

The buyer was Waterone Enterprises, LLC of Tracy, California. Special Master Dolan correctly assumed they were an unknown party, and unaware of the February 15 hearing.

A careful review of the record, however, will show that the new owners of Murphy Hot Springs and Matthew Olivas are closely associated and could be viewed as one and the same.
(see attachment A, a chronological order of their association).
Considering Olivas, High Desert Resource, LLC, and Waterone Enterprises, LLC as one would eliminate any credible reason to grant Olivas' Motion to SET ASIDE THE SPECIAL MASTERS ORDER of November 9, 2000. This notification was also the duty of Olivas and/or his Attorney. Olivas should not be rewarded for what appears to be intentional breach of procedure. It is OCrowley's position that the Order of November 9, 2000 should be reinstated.

THE MOTION OBJECTING TO A CHANGE OF PRIORITY DATE FOR WATER RIGHT
#51-04037

To understand this objection the Court needs to know that OCrowley's domestic water right was originally carved out of 51-04037, as evidenced by a warranty deed, dated October 30, 1969, from Charles and Mae Janacek, grantors, to John and Margaret Thompson, grantees, and recorded in the Owyhee County Courthouse as instrument #124644, attached with this Motion as attachment B #1.

This is the first deed in the chain of title on this parcel of land (Murphy Hot Springs) that indicates any transfer of water, or indicates any prior ownership of water.

Arguably, OCrowley's water right is the prior and primary right to water from Murphy Hot Springs.

The warranty deed from Murphy Hot Springs Land Company, the grantor, to Harry B. and Anita Showalter, husband and wife, the grantees, dated March 13, 1978, and recorded at the Owyhee County Courthouse as instrument #154461 shows no transfer of a water right. B #2

The Showalters sold the property to Olivas, et al; February 4, 1994. The water right they transferred to Olivas was apparently filed for after 1978, and possibly as late as 1994. The earliest date OCrowley could find on any written record for a water right prior to Olivas was January 11, 1994.

The 1/4 section of land that Murphy Hot Springs is situated within was taken as Homestead by one Floyd A. Rose on October 3, 1924, U.S. Land Patent #945531. B #3

Even then there is no mention of a water right, as such, vested to the property known now as Murphy Hot Springs.

The documents pertaining to a water right at Murphy Hot Springs are #1, a Notice of Claim to A Water Right, dated January 24, 1994, which carries a statement "where Daily use is less than 13,000 gallons per day", the claimants being Harry B. and Anita Showalter, showing a priority date of July 1 1934. A note on the back of this document states 'statutory claim was perfected prior to May 20, 1971, the receipt # is W017115. B #4

#2 document is type written, 2 pages, bearing the same date and receipt #W017115, as document #1, but is dated on the bottom September 11, 1998. This document is in the name of Matthew Olivas, and shows a priority date of June 20, 1885. B #5

The amended priority date Olivas has attempted to establish is from a very convoluted account from a book on the life of Kitty Wilkins, (Owyhee Cattlemen, 1878,1978 by Adams). The quotation from this book furnished to the IDWR by Olivas to support this amended date mentions the existence of a Hot Springs, but there is not a word about any use of the water, or any attempt to claim it, or even the land it was on.

This fanciful attempt by Olivas to create a very early priority date, overlooking the fact that water right #51-10220 is rightfully a prior permit, is difficult to understand until you consider the following: Mr. Olivas has unabashedly appropriated water far in excess of his permit for at least two years, even though he had no use for it. (see page 3, Special Masters report, of February 15 hearing.) Mr. Olivas stated: "This affiant's objection challenged the quantity of the water recommended under Claim #51-04037. The recommendation of the Director of IDWR was for only .06 cfs, while this affiant has established through measurements made by an employee of the Idaho Department of Water Resources that his diversions are at least 72.49 gallons per minute, or .1618 cfs."

His reasoning appears to be if he can convince IDWR that he somehow has a water right going back to 1885, he can also convince them that that unknown beneficial use consumed all of the water from the springs, therefore he (Olivas) is now entitled to all of the flow of springs.

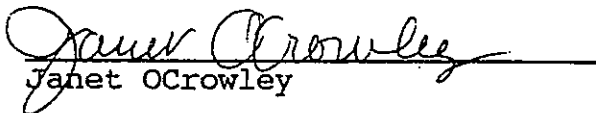
This scenario appears whimsical until you acknowledge the fact that someone in authority at IDWR, Western Division, has already swallowed the Olivas 1885 priority date hook line and sinker and recommend it to SRBA. It was in fact mentioned in the Special Master's Order, concerning the February 15, 2000 hearing. (see page 1 footnote 2)

SUMMARY AND PRAYER FOR RELIEF

OCrowley will take this opportunity to state she has never challenged the 51-04037 (.06cfs) water right formerly held by Olivas, in this Court or anywhere else. OCrowley filed a suit, April, 1997, in SRBA, Subcase #94-00013 for the sole purpose of securing the uninterrupted delivery of her water as per her water right #51-10220, and to prevent destruction of her diversion works.

Water is a property, theft of water is a crime, like any other theft of property, While OCrowley's suit #94-00013 languishes in IDWR, SRBA, purgatory for 4 years, the thief continues to steal. OCrowley requests the Special Masters ORDER DISMISSING OBJECTION and SPECIAL MASTERS REPORT, of November 9, 2000 be reinstated as the best remedy to get this case moving.

Respectfully Submitted this 16th day of March 2001


Janet OCrowley

ATTACHMENT 'A'

(As part of OCrowley's MOTION TO SET ASIDE THE SPECIAL MASTERS ORDER GRANTING MOTION TO SET ASIDE ORDER and MOTION TO ALTER OR AMEND) This chronology deals with a individual by the name of Gary Thomas, whose address is 2410 Gem Avenue, Emmett, Idaho, 83617, and shows the continuity of Matthew Olivas, High Desert Resource, LLC, and Waterone Enterprises, LLC.

On August 17, 2000, Mr. Thomas appeared at the Bankruptcy Court in Boise and testified for Mr. Olivas who was attempting to reduce the amount owed the Showalters for the property. (see Court copies attached) A-1

Mr. Thomas next appeared with a letter to Harold Q. Noack, attorney for Orvin Twitchell, an Olivas Creditor, stating he (Thomas) represents High Desert Resource, LLC and proposing to buy Twitchells interest. (see copy of letter attached) A-2

The next appearance by Mr. Thomas is at the sale conducted by the Bankruptcy Trustee for the Hot Springs Property. Mr. Thomas represented Waterone Enterprises, LLC in the bidding and wrote and signed a statement that he had authorization to bind Waterone Enterprises, LLC and to guarantee delivery of the funds to complete the sale (\$85,000) which he apparently did. (see page from Trustees sale, attached) A-3

It is inconceivable that Matthew Olivas appeared at the hearing before the Special Master without the knowledge of all the parties.

UNITED STATES BANKRUPTCY COURT
District of Idaho

U.S. COURTS

00 AUG 17 PM 3:35

REC'D _____ FILED _____
CAMERON S. BURKE,
CASE NO. 00-0170AHO
CLERK

DATE	8.17.00
CASE NAME	Olivas, Matthew
PRESIDING JUDGE	Terry L. Myers
NATURE OF PROCEEDINGS	1) 362 Final - Anita Showalter 2) Motion to Dismiss/Convert by US Trustee

APPEARANCES

Richard Himberger - counsel for Debtor
Iver Longeteig & Lawrence Sirhall - counsel for Anita Showalter
Harold Noack - counsel for Estate of Ersual Twitchell
Jeff Howe - counsel for US Trustee

REPORT OF PROCEEDINGS

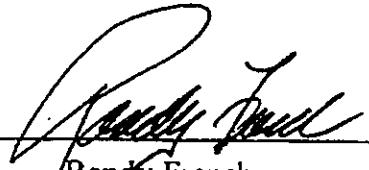
2) Motion to Dismiss/Convert - US Trustee.

Stipulation reached.

Debtor to file disclosure and plan and set for disclosure statement hearing within 30 days.
If complied with, motion to dismiss/convert will be continued to time of hearing on approval
of disclosure statement. Failure to file said papers would result in dismissal of case upon
request of the US Trustee without further hearing.

Court will entertain hearing upon request of an interested party and upon shortened notice as
to whether to dismiss case with prejudice or to convert to chapter 7 in lieu of dismissal
without prejudice.

1) 362 Final - Anita Showalter.



Randy French
Courtroom Deputy

A-1

Brett Delange and Anita Showalter sworn and examined for movant.
Exhibits 2-3 marked and admitted for movant.

Don Dozier and Gary Thomas sworn and examined for Debtor.
Exhibits 1-5 & 8 marked and admitted for Debtor.

After argument, matter taken UNDER ADVISEMENT to be taken up for oral ruling this same date at 1:30pm.

Prior to issuance of oral ruling, parties reached a stipulation resolving matter:

Debtor to pay the sum of \$355,000 which includes \$30,000 in attorney fees (to be paid directly to attorney) over Anita Showalter in total satisfaction of their claim. In turn Anita Showalter to release any interest in the supersedeas bond being held at the State Court and will release Debtor of any liability of any deficiency claim which may arise.

If above not complied with stay will be vacated without further hearing.

Debtor to notice matter for hearing for approval of Court on settlement and compromise and notice same for hearing on September 14, 2000 at 10:30am. Debtor to include in language that parties have until September 11, 2000 to object to settlement and compromise.

It is further noted that Debtor is to have the disclosure statement and plan filed on or before September 18, 2000 and have a hearing date selected for approval of disclosure statement.

Randy French
Courtroom Deputy

= 424-1460 =

208-424

1528

Gary C. Thomas
2410 Gem Avenue
Emmett, ID 83617
(208) 365-4763
FAX (208) 365-4763

A.2

Harold Q. Noack
Attorney at Law2
P.O. Box 875
Boise, ID 83701
FAX (208) 336-6701

Re: Olivas Chapter 7 Case.# 00-1741
Your client Orin R. Twitchell

Dear Mr. Noack:

I represent High Desert Resources (HDR). LLC, who is the largest creditor in the above referenced case. HDR is negotiating with all creditors in an attempt to eventually dismiss the case and expedite HDR's possible purchase of the property.

HDR has authorized me to offer your client \$3,000 in exchange for your client's claim in the bankruptcy and an assignment of the judgement your client has against Matt Olivas. As you are aware this is significantly more than your client will likely receive in this Chapter 7, especially with the IRS secured and priority claim of nearly \$60,000

Inasmuch as time is of the essence, this offer will remain open only until Friday, November 10, 2000.

I look forward to your response. Please call if you have any questions.

Sincerely,

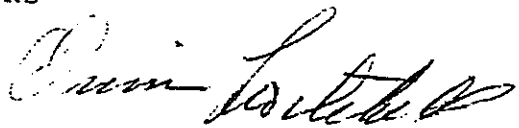


Gary C. Thomas

cc: High Desert Resources

DICK THIS LOOKS LIKE A N OFFER TO ME . MR. NOAVK WILL SEND A LE
ESTIMATE ON HOW MUCH IT IS . & I WILL SEND IT TO YOU .

THANKS



A-3

4. TIME AND PLACE OF SALE:

January 12, 2001 at 10:00 o'clock a.m.
Office of Lois K. Murphy
2404 Bank Dr., Suite 312
Boise, Idaho 83705

5. TREATMENT OF EXISTING LIENS: Sale is subject to all liens or claims with all valid liens remaining attached to the property. The following claims will remain with the property after the sale: Judgment of Foreclosure in *Showalter v. Olvis* Case No. CV 96-01314, 3rd Judicial District, Owyhee County, State of Idaho, filed 5/12/00 in favor of Showalter or assigns; Rights of redemptions, exemptions and all liens and encumbrances of record including easements and property taxes.

6. VALUE OF PROPERTY TO BE SOLD: The Trustee estimates that the fair market value of the property is: approximately \$85,000 to \$90,000 for the entire lot.

7. AUTHORITY FOR CONDUCTING SALE: 11 USC 363(b)(1)

8. MISCELLANEOUS INFORMATION:

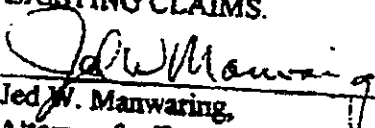
Pending offers: \$85,000 from Waterone Enterprises, LLC, 251 Versailles Ct., Tracy, CA 95376. The Trustee holds \$2,000 earnest funds from Waterone.

Estimated net proceeds to be retained by the estate - \$85,000.

9. ESCROW EXPENSES AND COMMISSIONS: None.

10. ADDITIONAL TERMS OF SALE:

THE PROPERTY SHALL BE SOLD "AS IS", "WHERE IS", AND WITHOUT WARRANTY OF ANY NATURE WHATSOEVER, EITHER EXPRESS OR IMPLIED AND SUBJECT TO ALL EXISTING CLAIMS.

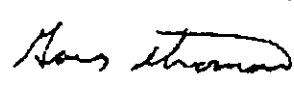

Jed W. Manwaring,
Attorney for Trustee: Lois K. Murphy
2404 Bank Dr. Suite 312
Boise, ID 83705
(208) 424-1406

Sale held: 1/12/01 10:45 a.m.

Sold by Trustee to Waterone Enterprises LLC for \$85,000

Buyer will wire transfer funds to Trustee by 5:00pm today
Trustee will return \$2,000 earnest check upon receipt of funds.

Trustee will will execute all reasonable documents to effectuate release of claim to property; Gary Thomas represents he has authority to bind Waterone Ent. LLC.



B-1

STATE OF CALIFORNIA, COUNTY OF CALAVERAS

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 19____.

Notary Public in and for the State of California, My Commission Expires _____.

Whereas _____, of the County of _____, State of _____, has caused to be prepared and recorded in the office of the County Clerk of said County, a certain instrument, to-wit: a certain deed, bearing date the _____ day of _____, 19____, and recorded in the office of the County Clerk of said County, in Book _____, Page _____, and whereas said instrument contains certain covenants, conditions and provisions, the substance of which are as follows: _____

That said instrument contains certain covenants, conditions and provisions, the substance of which are as follows: _____

That said instrument contains certain covenants, conditions and provisions, the substance of which are as follows: _____

That said instrument contains certain covenants, conditions and provisions, the substance of which are as follows: _____

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office this _____ day of _____, 19____.

Notary Public in and for the State of California

By _____

Witness my hand and seal of office this _____ day of _____, 19____.

STATE OF CALIFORNIA, COUNTY OF CALAVERAS

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 19____.

Notary Public in and for the State of California, My Commission Expires _____.

STATE OF CALIFORNIA, COUNTY OF CALAVERAS

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 19____.

Notary Public in and for the State of California, My Commission Expires _____.

WARRANTY DEED

B-2

For Value Received

MURPHY HOT SPRINGS LAND COMPANY, a partnership

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

HARRY B. SHOWALTER, and ANITA SHOWALTER, Husband and wife,

Hereinafter called the grantee, the following described premises in Owyhee County, Idaho, to-wit:

A parcel of land within the Northwest Quarter (NW $\frac{1}{4}$), Section Twenty-four (24), Township Sixteen (16) South, Range Nine (9) East, Boise Meridian, Owyhee County, Idaho, and more particularly described by metes and bounds as follows:

COMMENCING at a brass-cap marking the Northwest corner of said Section 24, Township 16 South, Range 9 East, Boise Meridian;

THENCE South 54°09' East, 859.6 feet to the true point of beginning;

THENCE South 34°13' East, 560.0 feet;

THENCE South 55°47' West 1230.7 Feet along the west boundary of said Section 24;

THENCE North 0°13' East, 678.9 feet along the West boundary of said Section 24;

THENCE North 55°47' East, 846.9 feet to the true point of beginning;

And said parcel containing 13.35 acres, more or less subject to roving utility easements for power, water, T.V., telephone and roads.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated:

Duard Lawley

Duard Lawley, President of Brillig Corporation, a partner

STATE OF IDAHO, COUNTY OF

On this 13 day of March, 1978, before me, a notary public in and for said State, personally appeared

Duard Lawley, President of Brillig Corporation, a partner

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

[Signature]
Notary Public
Residing at _____, Idaho
Comm. Expires _____

STATE OF IDAHO, COUNTY OF Owyhee

I hereby certify that this instrument was filed for record at the request of Owyhee Title Co.

at 30 minutes past 10:00 o'clock A. M.,
this 20th day of April,
1978, in my office, and duly recorded in Book
of Deeds at page Microfilmed

BARBARA JAYO

Ex-Officio Recorder

By *[Signature]*

Deputy.

Fees \$ 1.00

Mail to:

INSTRUMENT NO. 154461

The United States of America,

To all to whom these presents shall come, Greetings.

WHEREAS, a Certificate of the Register of the Land Office at **Boise, Idaho,**
has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,
"To Secure Homesteads to Actual Settlers on the Public Domain" and the acts supplemental thereto, the claim of
Floyd A. Rose
has been established and duly consummated, in conformity to law, for the **northwest quarter of Section**
twenty-four in Township sixteen south of Range nine east of the Boise Me-
ridian, Idaho, containing one hundred sixty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General;

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described;
TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of
the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and
rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws,
and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the
authority of the United States.

IN TESTIMONY WHEREOF, I, **Calvin Coolidge,**

President of the United States of America, have caused these letters to be made
Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the

THIRD

(SEAL)

day of OCTOBER

In the year of our Lord one thousand

nine hundred and TWENTY-FOUR

and of the Independence of the

United States the one hundred and FORTY-NINTH

By the President,

Calvin Coolidge

By

Viola B. English

Secretary.

M. P. Le Roy

Recorder of the General Land Office.

RECEIVED

JAN 19 1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No 51-04037Date Received 1-21-94Receipt Number 0017115

RECEIVED

JAN 21 1994

WATER RESOURCES
WESTERN REGIONNOTICE OF CLAIM
TO A
WATER RIGHT

B-4

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

- Name of Claimant (s) Harry B. Showalter & Anita F. Showalter Phone (208) 857-2233
Mailing Address Murphy Hot Springs, Rogerson, Idaho Zip 83302
- Date of Priority (Only one per claim) 07/01/34 Month/Day/Year
- Source of water supply (Check one) (X) Groundwater or Other () (a) Murphy Hot Springs
which is tributary to (b) Jarbridge River, East Fork Name or kind of source
- Location of point of diversion is: Township 16S Range 09E
Section 24 NW 1/4 of NW 1/4 of 1/4, Govt. Lot , BM.,
County of Owyhee
- Additional points of diversion if any: None
- Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. pipeline, gravity fed to house, lodge, hot baths and swimming pool
- Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For <u>heating</u> purposes from	Month/Day <u>01/01</u>	to	Month/Day <u>12/31</u>	amount	(cfs) <u>0.04</u>
(Both dates are inclusive)					
For <u>domestic</u> purposes from	<u>01/01</u>	to	<u>12/31</u>	amount	<u>0.02</u>
<u>for domestic purposes from 01/01 to 12/31</u>					
7 Total quantity claimed	<u>0.060</u>	(cfs)	<u>01/01</u>	to	<u>12/31</u>
<u>0.02</u>					
- Total consumptive use claimed is as minimum
- Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1 household/Murphy Springs Pools for bathing and swimming pool and lodge.

Section 24 NW 1/4 of NW 1/4, Govt. Lot B.M.,
County of Owyhee for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any None

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

12. Do you own the property listed above as place of use? Yes X No
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. None (X)

14. Remarks: Statutory claim was perfected prior to 5/20/71.

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court Decree Date Plaintiff vs Defendant

If applicable provide IDWR Water Right Number 51-04037

16. Signature (s)

Number of Attachments zero

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

Signature of Claimant (s) X Harry B. Shoumster Date 1-11-94

X Anita J. Shoumster Date 1-11-94

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

of that I have signed the foregoing

document in the space below as of

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

Signature of Authorized Agent Date

Title and Organization

State of Idaho/or) SS.

County of Twin Falls)

Subscribed and sworn (or affirmed) before me this 11th day of January 1994

SEAL

Notary Public Russell Kwanig

Residing at Twin Falls, Id

My Commission Expires 8-12-99

Last Name Ident No.

Copies: White-State, Yellow-Claimant



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

B-7

PHILIP F. RATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 10, 1998

Lloyd Walker, Attorney at Law
PO Box 1923
Twin Falls, ID 83303-1923

Re: Change of priority date for water right claim no. 51-04037.

As per the evidence you submitted on September 2, 1998, I have changed the priority date to June 20, 1885.

Please have your claimant sign the amended claim form and return to this office as soon as possible.

If you have any questions, give me a call.

Sincerely,

Susan Bock
Sr. Water Resources Agent

Enclosure: Profile report, Amended Claim Form

RECEIVED

SEP 21 1998

WATER RESOURCES
WESTERN REGION

B-5

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: R51-04037
Date Received: 1/21/1994
Receipt No: W017115
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: MATTHEW OLIVAS 208-857-2233
Address: DESERT HOT SPRINGS
ROGERSON ID 83302
2. Date of Priority: JUN 20, 1885
3. Source: MURPHY HOT SPRINGS Trib. to: JARBIDGE RIVER, EAST FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16S	09E	24	SW	NW	NW		OWYHEE

5. Description of diverting works:
SPRINGS (TWO) PIPED TO HOUSE, POOL, BATHS, AND LODGE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
HEATING	01/01	12/31	0.040		
DOMESTIC	01/01	12/31	0.020		
COMMERCIAL	01/01	12/31	0.020		

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:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16S	09E	24	NW	NW		DOMEST	
			NW	NW		COMMER	
			NW	NW		HEAT	

R51-04037

Page 1

Date: 09/11/98

B-5

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:
51-12760

14. Remarks:

USE IS FOR 1 HOME; COMMERCIAL USE, POOL, BATHS, LODGE; AND
HEATING.
WATER TEMPERATURE MEASURED AT 117 DEGREES F.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

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): [Signature] Date: 9-18-98

Date: _____

State of Idaho

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of September 19 98

[Signature]
Notary Public

Seal

Residing at Twin Falls, Id
My Commission Expires 2/4/2000

CERTIFICATE OF SERVICE

I, the undersigned, affirm that I have this day served true and correct copies of MOTION TO SET ASIDE ORDER GRANTING MOTION TO SET ASIDE MOTION and MOTION OBJECTING TO AMENDED PRIORITY DATE plus ATTACHMENTS by U.S. Mail postage prepaid, in envelopes addressed to said persons at the following addresses:

Roger Ling
P.O. Box 396
Rupert, ID 83350

Waterone Enterprises, LLC
251 Versailles Ct.
Tracy, CA 95376

Director of IDWR
Documentary Depository
P.O. Box 83720
Boise, ID 83720

Idaho Dept. of Water Resources
Western Division
Garrick Baxter Sr. Agent
2735 Airport Way
Boise, ID 83705

Office of Attorney General
State of Idaho
Peter J. Ampe
P.O. Box 83720
Boise, ID 83720


Janet OCrowley
pro se

ACTION REQUIRED

FROM: Jim, Southern

TO: Gary Spickman 2-23-01

Here is the document I phoned you about.

RECEIVED

FEB 26 2001

WATER RESOURCES
WESTERN REGION

RECEIVED

FEB 21 2001

Department of Water Resources
Western Region

EVANS, KEANE LLP

Attorneys at Law

Boise Office

Member, Commercial Law Affiliates
with Independent Firms in
Principal Cities Worldwide

1101 W. River Street, Suite 200
P.O. Box 959
Boise, Idaho 83701-0959

Telephone: (208) 384-1800
Facsimile: (208) 345-3514
E-mail: firm@ekidallaw.com
Website: <http://www.ekidallaw.com>

FACSIMILE COVER SHEET

January 16, 2001

RECEIVED

FEB 26 2001

WATER RESOURCES
WESTERN REGION

From: Jed W. Manwaring

To: Richard Bird
Lois K. Murphy

Facsimile No.: (208) 655-4300
424-1528

Re: Olivas Bankruptcy
Our File No. 1422-18

Documents Transmitted: Sale documents.

Comments: The sale of January 12, 2001 was accomplished and consummated as noticed and sold in the attached documents. I conducted the sale as the attorney for the Trustee.

This message consists of 6 page(s), including this cover page.

CONFIDENTIALITY NOTICE

This facsimile transmission (and/or the documents accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the individual or entity named below. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for return of the documents.

02/21/01 WED 10:10 FAX 208 345 3514
ORIGINAL

Jed W. Manwaring, ISB# 3040
EVANS, KEANE LLP
1101 W. River Street, Suite 200
P. O. Box 959
Boise, Idaho 83701-0959
Telephone: (208) 384-1800
Facsimile: (208) 345-3514

1422-18
U.S. DISTRICT &
BANKRUPTCY COURTS

00 DEC 15 PM 4:47

FILED DEPOSITORY IDAHO
Cameron S. Burke, Clerk

DEC 26 2000

Attorneys for Trustee, Lois K. Murphy

UNITED STATES BANKRUPTCY COURT

DISTRICT OF IDAHO

In Re:

Matthew Olivas
Trina R. Olivas

Debtor.

Case No. 00-01741

NOTICE OF SALE
BY TRUSTEE

PLEASE TAKE NOTICE THAT the Trustee will sell the property described below in which the estate claims an interest pursuant to 11 USC 363, Bankruptcy Rule 6004(e)(1) and LBR 307. This sale will take place unless a written objection and request for hearing is received by the U.S. Bankruptcy Court (550 W. Fort St., MSC 042, Boise, Idaho 83724-0042) and the Trustee on or before January 5, 2001.

1. DESCRIPTION OF PROPERTY TO BE SOLD:

The Bankruptcy Estate's interest in all real and personal property in the case including: (1) real property known as Desert Hot Springs consisting of 14.9 acres and improvements of 9 rental cabins and outbuildings located in Owyhee County (subject to a foreclosure Judgment of \$377,326 plus interest from 10/97); (2) the estate's interest in a \$125,000 cash bond on deposit with Owyhee County Magistrate's Court (subject to creditor's competing claim of entitlement; and (3) the estate's interest in any non-exempt personal property on the real property.

2. TYPE OF SALE: Public Auction with the opening and pending bid of \$85,000 from:
Waterone Enterprises, LLC
251 Versailles Ct.
Tracy, CA 95376

3. TERMS OF SALE: Cash or equivalent from the highest bidder on the date of auction. Trustee will allow a reasonable time after bidding to obtain remaining cash or cashier's check.

NOTICE OF SALE BY TRUSTEE - 1

4. TIME AND PLACE OF SALE:

January 12, 2001 at 10:00 o'clock a.m.
Office of Lois K. Murphy
2404 Bank Dr., Suite 312
Boise, Idaho 83705

5. TREATMENT OF EXISTING LIENS: Sale is subject to all liens or claims with all valid liens remaining attached to the property. The following claims will remain with the property after the sale: Judgment of Foreclosure in *Showalter v. Olivis* Case No. CV 96-01314, 3rd Judicial District, Owyee County, State of Idaho, filed 5/12/00 in favor of Showalter or assigns; Rights of redemptions, exemptions and all liens and encumbrances of record including easements and property taxes.

6. VALUE OF PROPERTY TO BE SOLD: The Trustee estimates that the fair market value of the property is: approximately \$85,000 to \$90,000 for the entire lot.

7. AUTHORITY FOR CONDUCTING SALE: 11 USC 363(b)(1)

8. MISCELLANEOUS INFORMATION:

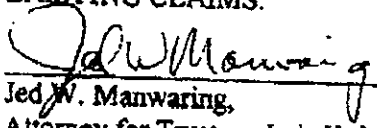
Pending offers: \$85,000 from Waterone Enterprises, LLC, 251 Versailles Ct., Tracy, CA 95376. The Trustee holds \$2,000 earnest funds from Waterone.

Estimated net proceeds to be retained by the estate - \$85,000.

9. ESCROW EXPENSES AND COMMISSIONS: None.

10. ADDITIONAL TERMS OF SALE:

THE PROPERTY SHALL BE SOLD "AS IS", "WHERE IS", AND WITHOUT WARRANTY OF ANY NATURE WHATSOEVER, EITHER EXPRESS OR IMPLIED AND SUBJECT TO ALL EXISTING CLAIMS.

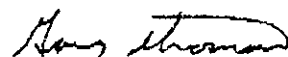

Jed W. Manwaring,
Attorney for Trustee: Lois K. Murphy
2404 Bank Dr. Suite 312
Boise, ID 83705
(208) 424-1406

Sale held: 1/12/01 10:45 a.m.

Sold by Trustee to Waterone Enterprises LLC for \$85,000

Buyer will wire transfer funds to Trustee by 5:00pm today
Trustee will return \$2,000 earnest check upon receipt of funds.

Trustee will execute all reasonable documents to effectuate release of claim to property. Gary Thomas represents he has authority to bind Waterone Ent. LLC.



TRUSTEE'S QUITCLAIM DEED

THIS INDENTURE, Made as of this 17th day of January, 2001, by and between Lois K. Murphy, trustee, ("Grantor"), and Waterone Enterprises, LLC ("Grantee"), at 251 Versailles Ct., Tracy, CA 95376.

WITNESSETH:

WHEREAS, Grantor was duly and regularly appointed as qualified trustee of the bankruptcy estate of Matthew Olivas and Trini R. Olivas ("Debtors"), being bankruptcy Case No. 00-01741, now pending in the United States Bankruptcy Court for the District of Idaho; and,

WHEREAS, The trustee Grantor has authority to sell property of the estate pursuant to 11 USC 363(b)(1) and said Notice of Sale by Trustee was filed with the bankruptcy court on December 15, 2000 with a duly noticed auction held on January 12, 2001;

WHEREAS, Grantor sold and Grantee purchased at said auction whatever rights the bankruptcy estate may have had in real property of the Debtors being subject to an Amended Order, Judgment and Decree of Foreclosure filed May 12, 2000 and various other liens and encumbrances including IRS liens; and,

NOW, THEREFORE, for valuable consideration received, Grantor does hereby release and quitclaim to Grantee, its successors and assigns forever, any right, title, interest, and estate the debtors and the bankruptcy estate may have had by operation of law or otherwise in and to the following real property situated in Owyhee, Idaho, described as follows:

See Exhibit A, attached.

Said conveyance is made subject to all liens and encumbrances of any kind remaining on the property and is further made without any warranties of title, condition, marketability, habitability, fitness or any other express or implied warranty. Grantor does not warrant that the bankruptcy estate had any such interest. The property is conveyed "AS IS and WHERE IS".

IN WITNESS THEREOF, Signed:


Lois K. Murphy, Trustee

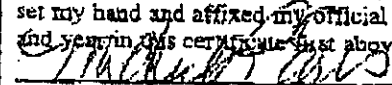
STATE OF IDAHO)) ss. County of Ada) On this <u>17th</u> day of January, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Lois K. Murphy, known or identified to me to be the person whose name is subscribed to the within instrument, as Trustee in Bankruptcy for Matthew Olivas and Trini R. Olivas, and acknowledged to me that he executed the same as in his own name as Trustee in said Bankruptcy. IN WITNESS THEREOF, I have hereunto set my hand and affixed my official seal as of the day and year in this certificate first above written.  Notary Public of Idaho Residing in Boise, Idaho Commission Expires: <u>9-27-01</u>	RECORDING INFORMATION:
--	-------------------------------

EXHIBIT "A"

A parcel of land within the West Half of the Northwest Quarter (NW1/4) of Section 24, Township 16 South, Range 9 East, Boise Meridian, Owyhee County, Idaho, and more particularly described as follows:

COMMENCING at a brass-cap marking the Northwest corner of Section 24, Township 16 South, Range 9 East, Boise Meridian;
 THENCE South 54°03' East, 859.6 feet to the true point of beginning;
 THENCE South 34°13' East, 560.0 feet;
 THENCE South 55°47' West, 1230.7 feet to the west boundary of said Section 24;
 THENCE North 0°13' East, 678.9 feet along the west boundary of said Section 24;
 THENCE North 55°47' East, 846.9 feet to the True Point of Beginning. Together with all water rights evidenced by water right numbers

EXCEPTING THE FOLLOWING DESCRIBED 2 PARCELS OF LAND: 51-04037, A51-04037

PARCEL NO. 1:

and A51-12780

A parcel of land in the NW1/4, Section 24, Township 16 South, Range 9 East, Boise Meridian, being more particularly described as follows:

BEGINNING at the NW corner of the NW1/4 of Section 24, Township 16 South, Range 9 East, Boise Meridian
 THENCE running South 0°12'33" West for a distance of 358.0 feet to a point;
 THENCE running South 35°16'34" East for a distance of 512.9 feet, said point is the TRUE POINT OF BEGINNING, said point is also the SW corner of Lot 1, Block 12 of Murphy Hot Springs Subdivision No. 1 as recorded in Owyhee County Courthouse;
 THENCE South 26°30' East for a distance of 126.28 feet;
 THENCE North 56°22' East for a distance of 189.61 feet;
 THENCE North 46°27' West for a distance of 128.32 feet to a point, which lies on the Southerly boundary of said Murphy Hot Springs Subdivision No. 1;
 THENCE South 55°47' West for a distance of 143.43 feet, along the Southerly boundary of Lot 1, Block 12, Murphy Hot Springs Subdivision No. 1 to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

A parcel of land in the NW1/4 of Section 24, Township 16 South, Range 9 East, Boise Meridian, Owyhee County, Idaho, described as follows:

BEGINNING at the Northeast corner of Lot 28, Block 7, Murphy Hot Springs Subdivision No. 2, Owyhee County, Idaho;
 THENCE North 34°13'00" West 37.5 feet to a point;
 THENCE South 55°47'00" West 85 feet, more or less, to the East Bank of Jarbidge River;
 THENCE in a Southeasterly direction 37.5 feet, more or less, to the Northwest corner of Lot 29, Block 7 of Murphy Hot Springs Subdivision No. 2;
 THENCE North 55°47'00" East 80.8 feet to the Point of Beginning.

TOGETHER with 0.060 (cfs) of water evidenced by IDWR Water Right Number 51-04037.

BILL OF SALE

Pursuant to Notice of Sale by Trustee, which auction sale was held on January 12, 2001, and for valuable consideration in the amount of \$85,000, the Trustee hereby transfers to Waterone Enterprises LLC all right title and interest of the bankruptcy estate of Matthew Olivas and Trini R. Olivas, Case No. 00-01741, in the US Bankruptcy Court for the Dist. Of Idaho in the following property: all non-exempt personal property of the Debtors located in Owyhee County, excluding any of the Debtors' horses or interest in horses; but including whatever interest the bankruptcy estate may have had in a certain cash bond of \$125,000 held by the clerk of the District Court of Owyhee County, Case No. CV 96-01314, *Shawalter v. Olivas*.

This transfer is made without any express or implied warranties of any kind including NO WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. Said transfer is subject to all existing known and unknown claims to such personal property.

DATED this 17th day of January, 2001.


Lois K. Murphy, Trustee in Bankruptcy for Olivas

ORIGINAL

Jed W. Manwaring, ISB# 3040
EVANS, KEANE LLP
1101 W. River Street, Suite 200
P. O. Box 959
Boise, Idaho 83701-0959
Telephone: (208) 384-1800
Facsimile: (208) 345-3514

U S DISTRICT &
BANKRUPTCY COURTS

05 DEC 15 PM 4:47

FILED DEPOSITORY IDAHO
Cameron S. Burke, Clerk

DEC 26 2000

Attorneys for Trustee, Lois K. Murphy

RECEIVED

MAR 13 2001

WATER RESOURCES
WESTERN REGION

UNITED STATES BANKRUPTCY COURT

DISTRICT OF IDAHO

In Re:

Matthew Olivas
Trina R. Olivas

Debtor.

Case No. 00-01741

NOTICE OF SALE
BY TRUSTEE

PLEASE TAKE NOTICE THAT the Trustee will sell the property described below in which the estate claims an interest pursuant to 11 USC 363, Bankruptcy Rule 6004(e)(1) and LBR 307. This sale will take place unless a written objection and request for hearing is received by the U.S. Bankruptcy Court (550 W. Fort St., MSC 042, Boise, Idaho 83724-0042) and the Trustee on or before January 5, 2001.

1. DESCRIPTION OF PROPERTY TO BE SOLD:

The Bankruptcy Estate's interest in all real and personal property in the case including: (1) real property known as Desert Hot Springs consisting of 14.9 acres and improvements of 9 rental cabins and outbuildings located in Owyhee County (subject to a foreclosure Judgment of \$377,326 plus interest from 10/97); (2) the estate's interest in a \$125,000 cash bond on deposit with Owyhee County Magistrate's Court (subject to creditor's competing claim of entitlement; and (3) the estate's interest in any non-exempt personal property on the real property.

2. TYPE OF SALE: Public Auction with the opening and pending bid of \$85,000 from:
Waterone Enterprises, LLC
251 Versailles Ct.
Tracy, CA 95376

3. TERMS OF SALE: Cash or equivalent from the highest bidder on the date of auction. Trustee will allow a reasonable time after bidding to obtain remaining cash or cashier's check.

NOTICE OF SALE BY TRUSTEE - 1

4. TIME AND PLACE OF SALE:

January 12, 2001 at 10:00 o'clock a.m.
Office of Lois K. Murphy
2404 Bank Dr., Suite 312
Boise, Idaho 83705

5. TREATMENT OF EXISTING LIENS: Sale is subject to all liens or claims with all valid liens remaining attached to the property. The following claims will remain with the property after the sale: Judgment of Foreclosure in *Showalter v. Olvis* Case No. CV 96-01314, 3rd Judicial District, Owyee County, State of Idaho, filed 5/12/00 in favor of Showalter or assigns; Rights of redemptions, exemptions and all liens and encumbrances of record including easements and property taxes.

6. VALUE OF PROPERTY TO BE SOLD: The Trustee estimates that the fair market value of the property is: approximately \$85,000 to \$90,000 for the entire lot.

7. AUTHORITY FOR CONDUCTING SALE: 11 USC 363(b)(1)

8. MISCELLANEOUS INFORMATION:

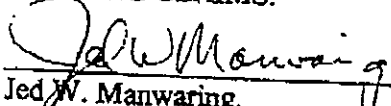
Pending offers: \$85,000 from Waterone Enterprises, LLC, 251 Versailles Ct., Tracy, CA 95376. The Trustee holds \$2,000 earnest funds from Waterone.

Estimated net proceeds to be retained by the estate - \$85,000.

9. ESCROW EXPENSES AND COMMISSIONS: None.

10. ADDITIONAL TERMS OF SALE:

THE PROPERTY SHALL BE SOLD "AS IS", "WHERE IS", AND WITHOUT WARRANTY OF ANY NATURE WHATSOEVER, EITHER EXPRESS OR IMPLIED AND SUBJECT TO ALL EXISTING CLAIMS.

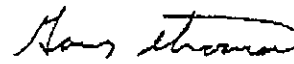

Jed W. Manwaring,
Attorney for Trustee: Lois K. Murphy
2404 Bank Dr. Suite 312
Boise, ID 83705
(208) 424-1406

Sale held: 1/12/01 10:45 a.m.

Sold by Trustee to Waterone Enterprises LLC for \$85,000

Buyer will wire transfer funds to Trustee by 5:00pm today
Trustee will return \$2,000 earnest check upon receipt of funds.

Trustee will execute all reasonable documents to effectuate release of claim to property. Gary Thomas represents he has authority to bind Waterone Ent. LLC.



TRUSTEE'S QUITCLAIM DEED

THIS INDENTURE, Made as of this 17th day of January, 2001, by and between Lois K. Murphy, trustee, ("Grantor"), and Waterone Enterprises, LLC ("Grantee"), at 251 Versailles Ct., Tracy, CA 95376.

WITNESSETH:

WHEREAS, Grantor was duly and regularly appointed as qualified trustee of the bankruptcy estate of Matthew Olivas and Trini R. Olivas ("Debtors"), being bankruptcy Case No. 00-01741, now pending in the United States Bankruptcy Court for the District of Idaho; and,

WHEREAS, The trustee Grantor has authority to sell property of the estate pursuant to 11 USC 363(b)(1) and said Notice of Sale by Trustee was filed with the bankruptcy court on December 15, 2000 with a duly noticed auction held on January 12, 2001;

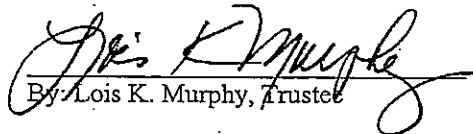
WHEREAS, Grantor sold and Grantee purchased at said auction whatever rights the bankruptcy estate may have had in real property of the Debtors being subject to an Amended Order, Judgment and Decree of Foreclosure filed May 12, 2000 and various other liens and encumbrances including IRS liens; and,

NOW, THEREFORE, for valuable consideration received, Grantor does hereby release and quitclaim to Grantee, its successors and assigns forever, any right, title, interest, and estate the debtors and the bankruptcy estate may have had by operation of law or otherwise in and to the following real property situated in Owyhee, Idaho, described as follows:

See Exhibit A attached.

Said conveyance is made subject to all liens and encumbrances of any kind remaining on the property and is further made without any warranties of title, condition, marketability, habitability, fitness or any other express or implied warranty. Grantor does not warrant that the bankruptcy estate had any such interest. The property is conveyed "AS IS and WHERE IS".

IN WITNESS THEREOF, Signed:


By: Lois K. Murphy, Trustee

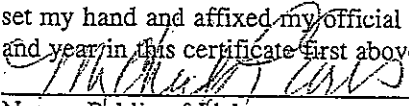
STATE OF IDAHO)) ss. County of Ada) On this <u>17th</u> day of January, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Lois K. Murphy, known or identified to me to be the person whose name is subscribed to the within instrument, as Trustee in Bankruptcy for Matthew Olivas and Trini R. Olivas, and acknowledged to me that he executed the same as in his own name as Trustee in said Bankruptcy. IN WITNESS THEREOF, I have hereunto set my hand and affixed my official seal as of the day and year in this certificate first above written.  _____ Notary Public of Idaho Residing in Boise, Idaho Commission Expires: <u>9-27-01</u>	RECORDING INFORMATION:
--	-------------------------------

EXHIBIT "A"

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THENCE South 34°13' East, 560.0 feet;

THENCE South 55°47' West, 1230.7 feet to the west boundary of said Section 24;

THENCE North 0°13' East, 678.9 feet along the west boundary of said Section 24;

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EXCEPTING THE FOLLOWING DESCRIBED 2 PARCELS OF LAND: 51-04037, A51-04037

PARCEL NO. 1:

and A51-12780

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PARCEL NO. 2:

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THENCE in a Southeasterly direction 37.5 feet, more or less, to the Northwest corner of Lot 29, Block 7 of Murphy Hot Springs Subdivision No. 2;

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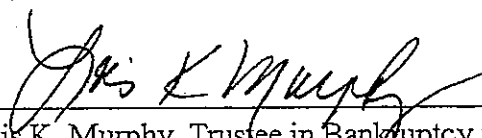
TOGETHER with 0.060 (cfs) of water evidenced by IDWR Water Right Number 51-04037.

BILL OF SALE

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This transfer is made without any express or implied warranties of any kind including NO WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. Said transfer is subject to all existing known and unknown claims to such personal property.

DATED this 17th day of January, 2001.


Lois K. Murphy, Trustee in Bankruptcy for Olivas

RECEIVED

AUG 29 2000

WATER RESOURCES
WESTERN REGION

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

In Re SRBA) A. Subcase 51-04037
)
) (Insert water right number
) from the Objection Form)

Case No. 39576)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: State of Idaho

Address: 700 W. Jefferson, Room 210
P.O. Box 44449
Boise, Idaho 83711-4449

Phone: Work: (208) 334-2400 Home: N/A

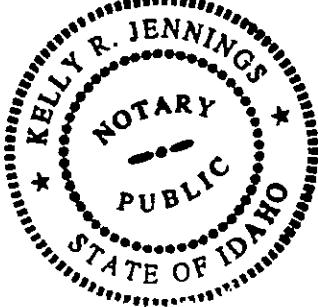
Name and Address of Attorney, if any:

Attorney Name: ALAN G. LANCE
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
PETER J. AMPE
Deputy Attorney General

Attorney Address: Office of the Attorney General
700 W. Jefferson, Room 210
P.O. Box 44449
Boise, ID 83711-4449

Attorney Phone No. (208) 334-2400
ISB# 5209

Subscribed and sworn to before me on: August 16, 2000



Kelly R. Jennings
Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: May 29, 2003

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on August 16, 2000 I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Matthew Olivas
Desert Hot Springs
Rogerson, ID 83302

3. One copy to the party who filed the objection at the following address:

Matthew Olivas
Desert Hot Springs
Rogerson, ID 83302

IDAHO DEPARTMENT OF WATER RESOURCES

ENERGY DIVISION - SIS PROJECT

Warren Weihing, P.E. - Gerald Fleischman, P.E.
1301 N. Orchard St. Boise, Idaho 83706 208-327-7960

Robin Wells, P.E.
1341 Fillmore St., Suite 200 Twin Falls, Idaho 83301 208-736-4753-234

Date: April 10, 2000
To: Mathew Olivas
Desert Hot Springs
Rogerson, Idaho 83302
Telephone and Fax 1-208-857-2233

To: Janet O'Crowley
Murphy Hot Springs
Rogerson, Idaho 83302
Telephone 1-208-857-2265
Fax 1-208-857-2264

From: Robin D. Wells P.E.
Idaho Department of Water Resources
1341 Fillmore Street
Twin Falls, Idaho 83301
Telephone 1-208-736-3033
Fax 1-208-736-2027

*Pre-trial
Aug 10th
10:00 by phone
Dwight 706 Report
expanded to
cover the
history*

Subject: Water Measurements on April 8, 2000 at Murphy Hot Springs, Fax Version, Revised

On April 8th, I measured water flows at Murphy's Hot Springs (Desert Hot Springs) at the request of Mathew Olivas; these flows were diversions from two hot springs referred to here as the North Spring and the South Spring. Olivas shares the North Spring with Janet O'Crowley.

While on the site, Janet O'Crowley, a resident and neighbor of Olivas asked me to measure the flow, which supplied her residence from the North Spring which O'Crowley shared with Olivas.

My purpose in being at Murphy's Hot Springs on April 8th was a courtesy water measurement; not for the purpose of conflict resolution, or water rights investigation.

The following are the results of my measurement efforts:

A PVC bucket and coffee can were used to measure all but one of the pipe flows. The bucket, brim full held 5.51 (5.507) gallons. The coffee can held 0.85 (0.849) gallons.

The North and South Springs are on the side of a hill above the Olivas and O'Crowley properties. The two springs are connected by a PVC pipe, although with the configuration at the time of measurement, there was no flow between the springs.

All of the captured pipe flow water from the South Spring was flowing to Mr. Olivas' swimming pool during the flow measurement. Because of the steep gradient, the 2.375 inch OD PVC pipe was not full and the flow measurement was made with a bucket and stopwatch at the pool. The discharge into the swimming pool was $(5.507 \text{ gal} \times 60.00\text{s}/29.68\text{s}) = 11.13 \text{ gpm}$. (Ref: South Spring, high discharge point).

There was a leak escaping from the South Spring at the diversion grouting; there could be more leakage that I did not observe. I subjectively estimated the leak to be about 5 gpm. At the bottom of the hill below the spring, there was water seeping from the rocks that collected into a ditch that flowed across the yard and into the East Fork of the Jarbidge. I measured the flow in this ditch with a coffee can at $(0.849 \times 60.0\text{s}/23.99\text{s}) = 5.05 \text{ gpm}$. (Ref: South Spring, low discharge point).

The captured North Spring pipe flow was measured at four points: The high Olivas discharge point (water bottling site, east side of the river), the O'Crowley diversion at the spring (west of the river), the middle diversion, and low Olivas discharge point (west of the river).

The North Spring, high discharge point was measured with a Tyme Flite Sonic Meter and was 41.86 gpm.

The North Spring, middle diversion point was measured with a coffee can; this water results from leakage from the North Spring grouting, and manifold overflow (of which there was none at of the hour of the measurement). This flow was collected in a perforated pipe and discharged to a ditch which crossed the yard and flowed into the river. The flow was $(0.849 \text{ gal} \times 60.0 \text{ s} / 48.8 \text{ s}) = 1.04 \text{ gpm}$.

The North Spring, low discharge point was measured with a bucket and stopwatch and averaged 11.26 gpm over 15 measurements.

The North Spring, O'Crowley measurement was measured twice at the spring, and twice at the house. This first measurement at the house using a bucket and was 2.20 gpm.

Because Mrs. O'Crowley's right was about 0.01 cfs (4.49 gpm) the flow into the 1.5 inch plastic line supplying the house was measured at the spring with the line detached; that flow was 2.61 gpm. A valve was adjusted (7.5 turns) to make more water available to O'Crowley's manifold diversion point, and the O'Crowley diversion re-measured at the spring with the water line detached, and that flow was 4.40 gpm.

The discharge was remeasured at the O'Crowley house and that flow was 2.33 gpm. This discharge through a hose on the side of the house, drained the hot water system in the house.

When the hose was shut off, the pressure in the water line grew from about 1 psi, to about 8 psi. The elevation of the spring above the O'Crowley house is about 20 feet.

Friction and fitting losses at the spring (fittings were necked down to hose bib diameter) and at the house will reduce the available pressure in the O'Crowley House to less than 20 feet of head. It is not likely that Mrs. O'Crowley will be able to divert more than 4.5 gpm, using gravity flow through 1.5 inch supply line necked to a 3/4 inch pipe size in the house, considering the additional fitting losses and elevation rise of faucets.

I suggested to both O'Crowley and Olivas that, to eliminate controversy, the O'Crowley diversion point should be moved to the east side of the North Spring Valve and attached to a 1.5 inch nipple with no fitting reductions. The diversion point should be on the lower portion of the manifold and on the bottom of the pipe so that the O'Crowley line will not drain when water is running in the house. The supply line did drain during the second house measurement, and eventually lower the pressure at the house to about 1 psi (less than the height of a kitchen faucet).

Note that the pressure reduction in the house was a combination of "glory hole geometry" in the manifold, and friction but mostly fitting losses near and in the house. Relocating the O'Crowley diversion in an "under pipe" takeout on the lower east side of the horizontal mainline at the manifold will at least put an 8 psi supply pressure to the end of the O'Crowley 1.5 inch supply line.

I believe that the above measurements are accurate and represent the situation as observed on April 8, 2000.

I have received no compensation from O'Crowley or Olivas for the above measurements.

Robin D. Wells P.E. #4019

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF DIVERSION AND	)	
USE OF WATER NOT IN CONFORMANCE	)	NOTICE OF VIOLATION
WITH WATER RIGHTS ON LANDS OWNED	)	
OR CONTROLLED BY MATTHEW OLIVAS	)	
	)	

The Director of the Department of Water Resources (IDWR) is charged with the duties of protecting vested water rights, enforcing specific statutes of the state of Idaho, and enforcing the rules promulgated by IDWR. The Director is also authorized to order the cessation of violations or attempted violations of the provisions of the law relating to all aspects of appropriation and distribution of water.

A hearing was conducted on July 14, 1999, regarding complaints from residents of the town of Murphy Hot Springs who alleged Matthew Olivas (Olivas) was illegally diverting and using water. The hearing was conducted to gather evidence about the use of water by Olivas. Olivas attended the hearing. In addition, the following residents or owners of property in Murphy Hot Springs attended: John & Anita Showalter, Janet OCrowley, Robert Fries, John Etter, and James D. Smith. Based on the testimony presented at the hearing and evidence in the files of IDWR, IDWR finds, concludes, and orders as follows:

FINDINGS OF FACT

1. Matthew Olivas operates a commercial business in the town of Murphy Hot Springs consisting of a lodge, two or three dwellings, some of which may be rented, a swimming pool, and some additional outbuildings.

2. Olivas claimed water rights associated with the property in the Snake River Basin Adjudication (SRBA). One of the water right claims, numbered A51-04037, asserts the right to divert 0.06 cubic feet per second (cfs) from Murphy Hot Springs (hereafter referred to as "the spring") located in the NW1/4NW1/4, Section 24, T16S, R09E, B.M. The water right claim describes domestic use in one home; commercial use in a pool, baths, and a lodge; and heating.

3. A commercial bottling plant is located on property occupied by Olivas. In 1996, Olivas' daughter filed application to appropriate water no. 51-07362 with IDWR, seeking to divert water from the low temperature geothermal spring to a bottling plant for commercial sales. The application was subsequently assigned to Matthew Olivas. Application no. 51-07362 was denied by final order of the Director in January 1998.

4. After denial of the Olivas application, residents of the town of Murphy Hot Springs complained about the continued diversion of water from the spring by Olivas to the bottling plant and shipping of water out of the town of Murphy Hot Springs. The complaining residents submitted evidence to IDWR that water from the spring was being sold in retail outlets in Twin Falls, Idaho and generally in the Magic Valley. This evidence included samples of bottled water, wrappers affixed to the bottles, and receipts for the purchased water.

5. At the hearing, Matthew Olivas testified that he was bottling approximately one hundred (100) gallons of water per month. He stated that the water was being sold through his lodge (Desert Hot Springs Lodge) and was only available through the lodge. Olivas stated that,

in addition to the 100 gallons bottled monthly, other customers were driving to Murphy Hot Springs and filling their own bottles or containers. Furthermore, a customer named Frank Peterson fills one-to-five gallon bottles with water and transports them away in a horse trailer. This water is not sold to Frank Peterson, however. Frank Peterson delivers hay to Olivas, and Olivas allows Peterson to bottle and remove the water free of charge, presumably as compensation for the hay.

6. The complaining residents established that Matthew Olivas is advertising water bottled at Murphy Hot Springs with a brochure containing an order form and a toll free telephone number. Matthew Olivas testified and the complaining parties verified that Matthew Olivas is shipping bottled water through United Parcel Service. Testimony by Olivas that the water is being sold through the Desert Hot Springs Lodge and is only available through the lodge is interpreted to mean that the lodge is the location from which business is being conducted.

7. Matthew Olivas testified that he hired a person to bottle under his bottling label and that he has control of the label.

8. The complaining residents established that Olivas and other individuals regularly load water into trailers or vehicles to be shipped out of Murphy Hot Springs.

CONCLUSIONS OF LAW

1. Idaho Code Section 42-351 states:

If the director of the department of water resources finds, on the basis of available information, that a person is diverting water or has diverted water from a natural water course or from a ground water source without having obtained a valid water right to do so, or is applying water or has applied water not in conformance with a valid water right, then the director of the department of water resources shall have the discretion to issue a notice of violation to the person in accordance with the provisions of section 42-1701B, Idaho Code, for the illegal diversion or use of water.

2. Idaho Code Section 42-1701B states:

(2) Notice. . . . the notice of violation shall identify the alleged violation and shall specify each provision of the designated chapter, rule, permit, condition of approval or order which has been violated. The notice of violation shall state the remedy, including all restoration and mitigation measures, and the amount of any civil penalty the director seeks for redress of the violation. Factors the director may consider in seeking the appropriate remedy include the impact of the violation and whether the violation was willful, a repeat violation for which the violator had been given a prior written warning, or the violator has otherwise refused to comply with the department's lawful directives. The notice of violation shall inform the person to whom it is directed of an opportunity to confer with the director, or the director's designee in a compliance conference concerning the alleged violation.

(6) Penalty.

(a) Any person determined in a judicial civil enforcement action to have substantially violated any provision of title 42, Idaho Code, or any rule promulgated pursuant to that title, shall be liable for a civil penalty . . . not to exceed:

(i) For nonirrigation uses, fifty dollars (\$50.00) per one-tenth (0.1) cubic feet per second of water or part thereof, per calendar day, up to a maximum penalty of fifty thousand dollars (\$50,000) per year for water illegally used or diverted.

3. Matthew Olivas is diverting water for a purpose not authorized by existing water rights in violation of Idaho Code § 42-351.

ORDER

IT IS HEREBY ORDERED that Matthew Olivas shall cease and desist diverting water from sources located in Section 24, T16S, R09E, B.M., or from other sources near the town of Murphy Hot Springs for human consumption other than domestic use as claimed by adjudication claim no. A51-04037. Specifically, Matthew Olivas shall not place or cause to be placed water in containers for sale or for distribution.

IT IS FURTHER ORDERED that Matthew Olivas shall pay a penalty of fifty dollars (\$50) per day for any diversion of water for human consumption other than domestic use, or for any documented placement of water in containers or documented shipping of water.

IDWR may pursue injunctive relief in the district court of the State of Idaho if Olivas does not cease the illegal use of water.

NOTICE IS GIVEN that Olivas may request, in writing, a compliance conference with IDWR within 14 days of the date of receipt of this notice of violation.

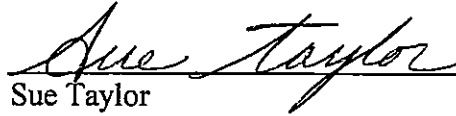
Dated this 3rd day of November, 1999.



GARY SPACKMAN
Hearing Officer

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of November, 1999, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

CERTIFIED MAIL

MATTHEW OLIVAS
DESERT HOT SPRINGS
ROGERSON ID 83302

NON-CERTIFIED MAIL

LLOYD J WALKER
ATTORNEY AT LAW
PO BOX 1923
TWIN FALLS ID 83303-1923

CHARLES R POTTER
2278 BOWLIN LN
TWIN FALLS ID 83302

JAMES DON SMITH
216 BORAH AVE W
TWIN FALLS ID 83302

NORMAN M SEMANKO
ROSHOLT ROBERTSON & TUCKER
MURPHY HOT SPRINGS PROP OWNERS
PO BOX 1906
TWIN FALLS ID 83301

JOHN ETTER
137 2ND AVE E
TWIN FALLS ID 83301

DAVID J LONG
PO BOX 209
HANSEN ID 83334

ROBERT W FRIES
1720 POPLAR AVE
TWIN FALLS ID 83301

JANET O'CROWLEY
MURPHY HOT SPRINGS
ROGERSON ID 83302

VIRGIL E DODD
MURPHY HOT SPRINGS
ROGERSON ID 83302

LOWELL PRUNTY
MURPHY HOT SPRINGS
ROGERSON ID 83302

ANITA SHOWALTER
MURPHY HOT SPRINGS
ROGERSON ID 83302

SANDY HEMMINWAY
SOUTHWEST DISTRICT HEALTH DEPT
920 MAIN
CALDWELL ID 83605

RECEIVED

JUL 16 1999

Department of Water Resources

COF

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

In Re SRBA

Case No. 39576

A Subcase 51-04037

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B NAME AND ADDRESS OF PERSON OBJECTING

Name: Matthew Olivas

Address: Rogerson, ID 83302

Daytime Phone: (208) 857-2233

Name & Address of Attorney, if any:

Lloyd J. Walker

250 Second Ave. South, Suite A

Twin Falls, ID 83303-1923

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

Name: Matthew Olivas

Address: Rogerson, ID 83302

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address Should be: N/A

2. ☐ Source Should be: N/A

3. ☒ Quantity Should be: Commercial use .06 CFS

4. ☐ Priority Date Should be: N/A

5. ☐ Point(s) of Diversion Should be: N/A

6. ☐ Instream Flow Description Should be: N/A

7. ☐ Purpose(s) of Use Should be: N/A

8. ☐ Period of Year Should be: N/A

9. ☐ Place of Use Should be: N/A

11. I object because:

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): The use of the water

right granted is for .06 CFS. Under N13, the use is limited

to 13,000 gallons a day, which is not nearly sufficient for

commercial use. It is inconsistent with the .06 CFS granted,

which is the correct amount. This application has been previously

submitted, but no final decree has been entered.

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on July, 15, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

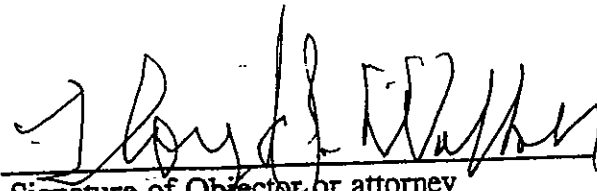
Name: Matthew Olivas
Address: Rogerson, ID 83302

3. Copies to:

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

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

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


Signature of Objector or attorney
mailing on Objector's behalf

VERIFICATION (Must be Completed)

State of Idaho)
County of Twin Falls) ss.

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

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

(Signature of person filing objection)

(Attorney signing in representative capacity)
7-15-99
Subscribed and sworn to before me on:

Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 2/4/2000

RECEIVED

AUG 18 1998

WATER RESOURCES
WESTERN REGION

LLOYD J. WALKER
ATTORNEY AT LAW
131 Second Street West
P.O. Box 1923
Twin Falls, ID. 83303-1923
Telephone: (208) 733-3083
LJW/rw/CLIENT/Olivas/water/hearing.mcm

ORIGINAL

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

MEMORANDUM FOR SUBMISSION AT WATER
HEARING ON AUGUST 18, 1998

The Hearing noticed for August 18, 1998 at Grandview, Idaho does not directly affect the two water rights set out by the Department of Water Resources for use by Matthew Olivas at Murphy Hot Springs. The two water rights being #51-04037 in the amount of .06 CFS and #51-12760 for the amount of .04 CFS. The applicant Matthew Olivas does not appear to have any objections or conflicts with the hearings on these two applications. The domestic use of the water on #51-12760 for a home, public restrooms and three camping spaces appear to be correct. And #51-04037 for in one home, commercial use in a swimming pool, bath, lodges and heating appears to be accurate.

The reason for this submission however, is to comment on the findings of the Department of Water Resources in relation to the application #51-07362 which included the use of the natural spring water for bottling water for sale. When the State Department of Water Resources found that the use by Matthew Olivas because of the

bottling of water for the sale, interferes with the Janet O'Crowley water right.

The Janet O'Crowley water right is designated in that document as .01 cubic feet of water, which originally was delivered through a 3/4 inch pipe from a 3 inch gravity feed line to Ms. O'Crowley. That water is now delivered from an installation at the spring site put in place by Janet O'Crowley. The notices indicate that each party is required to prove that the water is being used for beneficial purposes, and if that is applied to the water used by Janet O'Crowley which is .01 CFS, then there can be no further problems Ms. O'Crowley is receiving and will continue to receive through her installation at the spring site of a 1.5 inch receptacle which carries water through a black pipe line to the O'Crowley residence. There is submitted here with and have been submitted to the Court picture of that installation and the fact that most of the water is wasting through a hose which is dumped back on the Olivas property doing damage to it.

The Department of Water Resources never did find the degree to which there was some so called interference with the O'Crowley claim.

The question remains before Mr. Olivas is asked to proceed with his application to bottle water, what jurisdiction does the Department of Water Resources have to require proof of "sufficient information to show that he can comply with health regulations".

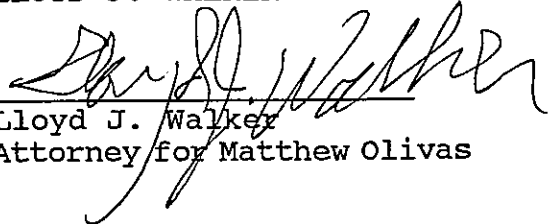
Under paragraph 7 that he did not have sufficient financial resources to accomplish the bottling and sale of water. Because

this is geothermal water, it is assumed that it must be proved under I.C. § 42-233 (1) that the bottling and sale of spring water is a use consistent with the public interest.

The finding that Mr. Olivas must prove financial ability is strange when the state also finds that when Mr. Olivas uses his bottling plant it interferes with the delivery of Ms. O'Crowley's water.

Dated this 18th day of August, 1998.

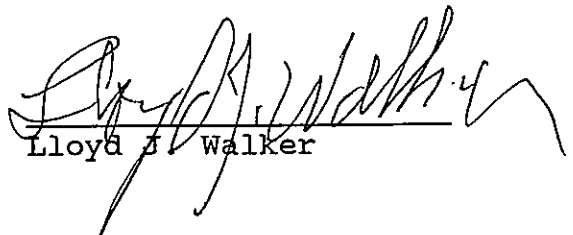
LLOYD J. WALKER

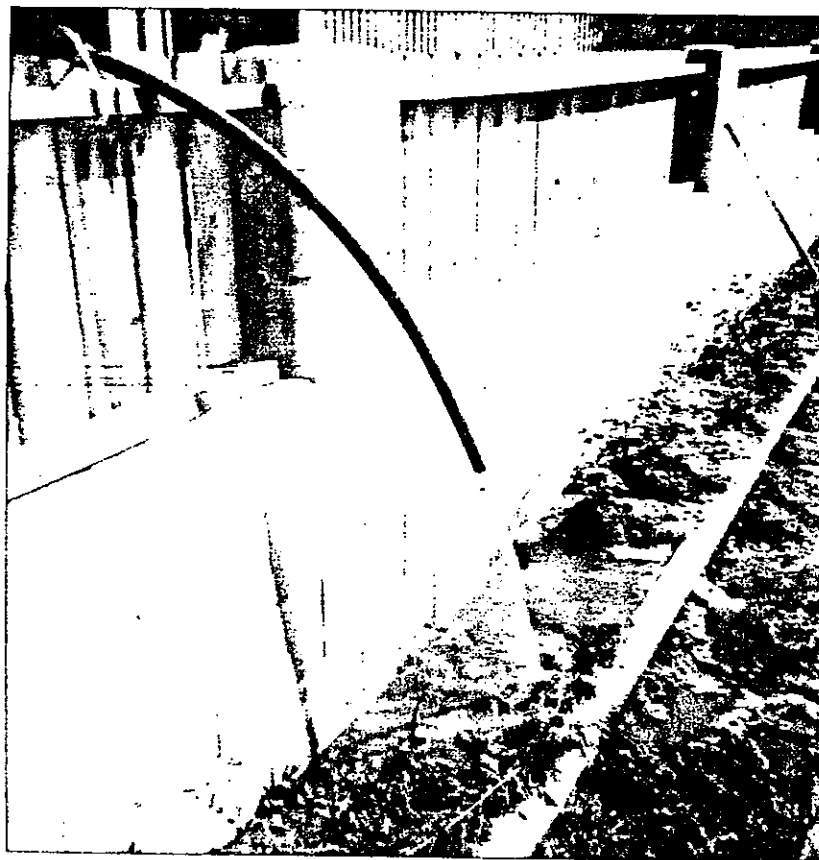

Lloyd J. Walker
Attorney for Matthew Olivas

CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 18th day of August, 1998, I served copies of the foregoing by placing true and correct copies thereof in the U.S. Mail, postage prepaid, in envelopes addressed to the following:

Patrick D. Brown
HEPWORTH, LEZAMIZ & HOHNHORST
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389


Lloyd J. Walker





















State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 10, 1998

Lloyd Walker, Attorney at Law
PO Box 1923
Twin Falls, ID 83303-1923

Re: Change of priority date for water right claim no. 51-04037.

As per the evidence you submitted on September 2, 1998, I have changed the priority date to June 20, 1885.

Please have your claimant sign the amended claim form and return to this office as soon as possible.

If you have any questions, give me a call.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Susan Bock', written over a horizontal line.

Susan Bock
Sr. Water Resources Agent

Enclosure: Profile report, Amended Claim Form

Adams,

Owyhee Cattlemen 1878-1978

IR

979.658 A

Kittie Wilkins . . . Horse Queen of Idaho

Long before Idaho became noted for the quality of its potatoes, skiing resorts and recreation, it became famous in an unusual, and unheard of way. It produced a lady horse-dealer in the person of Miss Kittie Wilkins, who achieved worldwide acclaim as the "Horse Queen of Idaho", and she hailed from Owyhee County.

A quote from Bancroft's History of Idaho, 1890: "The opening of railroad transportation marked a new era, encouraging every existing industry, and encouraging new ones. The exports of livestock in 1885 aggregated 36,000 head of cattle and horses, or 1,800 carloads."

"One of the horse-raisers of Idaho is Miss Kittie Wilkins, sometimes called the Horse Queen of Bruneau Valley where she resides with her parents on a large ranch. Her stock consists of Black Hawks, Morgans, Percherons, Hambeltonians, and French draught horses. The father of Miss Wilkins settled in Idaho in 1865, when she was an infant, and from one filly given the child, came by good management, a band of 7 or 8 hundred horses. Miss Wilkins was educated at St. Vincent's Academy, Walla Walla, Wash. and the convent of Notre Dame, San Jose, Calif."

J. R. Wilkins moved his family to California from Jacksonville, Oregon and was engaged in various enterprises during the time that they resided there. Evidently he was successful in his ventures. He came to Silver City in 1866 as an advance man, scouting out a location for a store. Things were looking lively "up the creek", about a mile above Silver City and he decided that a business would flourish there. He departed May 15, by stage for California.

Owyhee Avalanche, June 16, 1866:

"Messers Wilkins and Cove have arrived from Sierra Vista, Calif. with a large stock of heavy groceries, and located on the west side of Jordan Creek, nearly opposite the Jackson Mill. Have 15,000 pounds of flour, about same of barley, plenty liquors etc. Also 60 yoke of cattle, and a lot of heavy wagons for sale. Are erecting a business house. O. Streshley Esq., has purchased several lots at the same point, and is about erecting a building. The point is well

supplied with delicious water, and we expect to see it quite a business place."

The location became known as Asby.

Avalanche, June 30, 1866 — Asby Store —

"The citizens of Asby will be pleased to know that a large store of all kinds of groceries in common use, has been

established in their precinct. Messers Wilkins and Cove have just opened a fine stock above and opposite the Webfoot Mill. Have the best of everything — including liquors — and will sell at "live and let live" rates, for particulars see advertisement."

The Asby Store — Wilkins and Cove



KITTY WILKINS—1875.

A letter from "Billie"—San Francisco, Sept. 23, 1875—"Your photograph was received with joy and happiness, for now I will always have before me, her that I love and cherish above all others, and will I hope until time is no more."

Since the Wilkins outfit branded their stock with the Diamond brand Kittie was also known as "The Queen of Diamonds."

— advertised a long list of staple groceries plus candles, nails, grindstones, clothing, boots and tinware, "and all other articles needed in a mining camp."

Wilkins seems to have followed along "where the action was", Tuscarora, Nevada, Elko and to Hailey and Challis, where they were in the stock business. Mrs. Laura Wilkins purchased, of O. E. Penwell, Challis, Idaho. "In and for the consideration of the sum of \$300.00, a town lot and parcel of ground situated and being in the townsite of Challis facing Main Ave." May 7, 1881.

J. E. Wilkins, acting as agent for the Wilkins Co. bought a stallion from Hiram Rice at Hailey, Idaho. The bill of sale reads in part: "Know all men by these present, that I, Hiram Rice of Hailey, County of Alturas, Ida. Territory, for and in consideration of the sum of one thousand dollars, lawful currency to me in hand this 13th day of July

1884, paid by J. E. Wilkins of said town, county and territory — the receipt is hereby acknowledged and do hereby agree to bargain sell and transfer the following personal property: viz: The Stallion known as "Waterloo Junior" a dapple gray, at time of this writing at Baufields Stable in town of Hailey"—

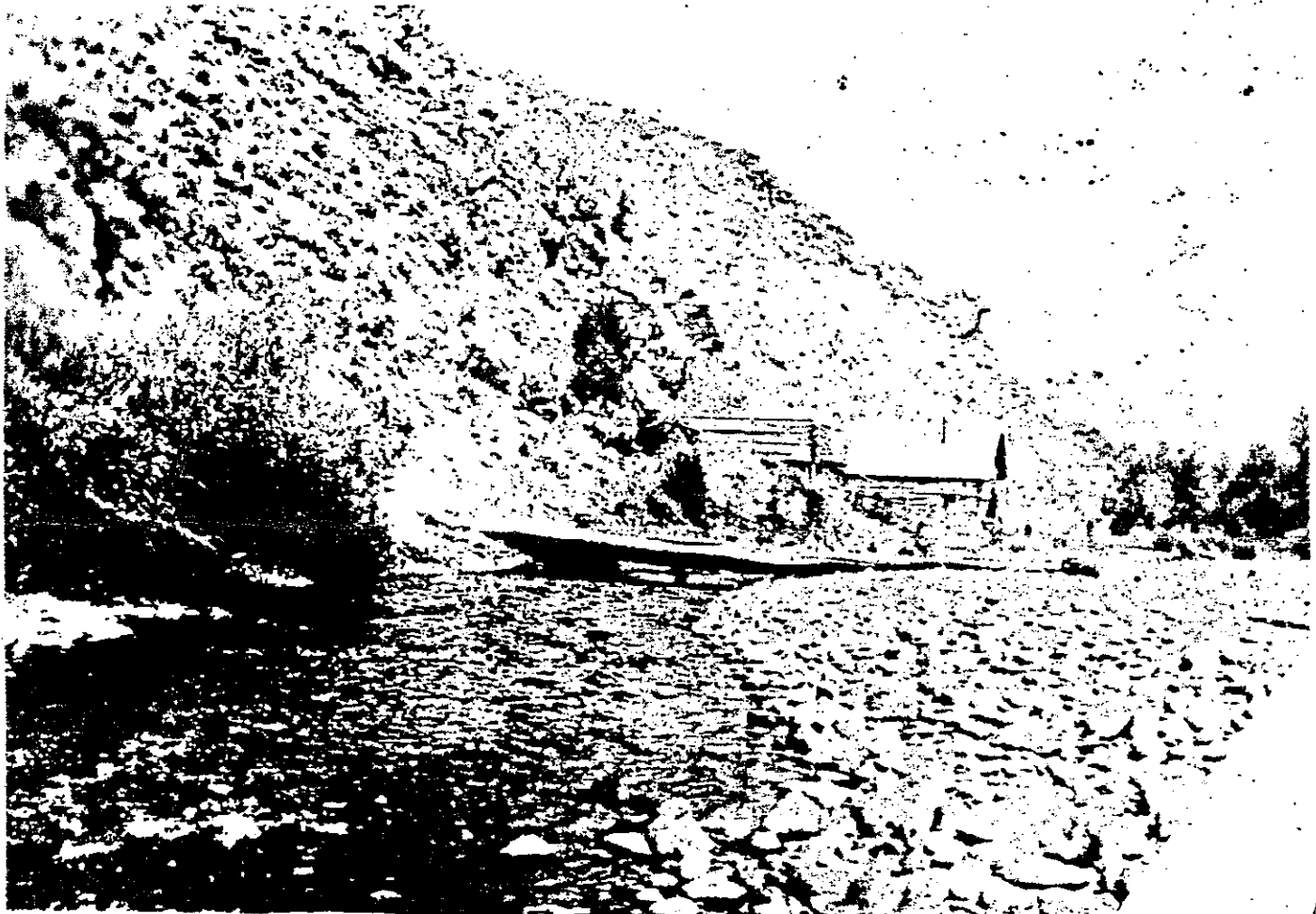
It was about this time that the Wilkins Co. was looking for new and broader horizons for their livestock operations. They selected the Bruneau Valley for a home base, and with the range free and open they spread out 75 miles to the headwaters of the Bruneau river, and on in to Nevada.

The Wilkins Co. consisted of Kittie, her father and three brothers and they had both cattle and horses. In the Bruneau directory of the Owyhee Co. "Blue Book", 1898, the names of the Wilkins family were listed: "Kittie Wilkins (Wilkins Horse Co.), John E. Wilkins, rancher and stock raiser,

Samuel B. Wilkins, rancher and stock raiser." John R. Wilkins and Laura K. the parents of the above listed were also partners in the company, owning all the farm and grazing land that supported the enterprises. They were all involved in the Wilkins Horse Co. Kittie's brother Bert, was not listed as a stock owner, although he worked for the company.

J. R. Wilkins acquired the property which was later known by the old time riders as "Kittie's Hot Hole", in 1885 by claiming a Squatters Right thereon. On the west side of the canyon, hot water poured down the steep slope of the canyon. According to the old timers, a man named Price was the first to file on the Hot Springs. He "came up missing" and was never heard of again."

A legal document, painstakingly written in longhand was filed and notarized by William Schenk, Justice of the Peace, Bruneau Precinct, Owyhee Co., I.T. in Feb, 1886.



Kitty's Hot Hole 1912. Now Murpy Hot Springs. Bridge in foreground led up the the Crippen Grade on the road to Jarbridge.

Land Claim

"Know by all men of these presents, that I, the undersigned, have this day (June 20, 1885) located and hereby claim one-hundred and twenty acres of land for agricultural and grazing purposes.

"Said claim is situated on Robinson's Fork of the Bruneau River, about 60 miles from Bruneau Valley, in Owyhee Co., Ida."

A description of the land was given. Marked by stakes numbered one to four, beginning at stake number one, one hundred yards from Summercamp house, the area formed a rectangular strip of 120 acres. Wilkins was duly sworn and stated that he "held no other Land Claim under the provisions of "an act prescribing the mode of maintaining and defending possessory actions of the public lands of the Territory."

The Wilkins Co. made the Hot Hole headquarters for their range operations in that area. The buckaroos built large corrals of willows and poles, and rock fences across the canyon to the rimrock, to hold the horses. The rock fence is still there, a monument to the Wilkins outfit. "They built the fences as high as the rocks would hold together", Irene Murphy said. "The wild mares could jump over them but the fence held the little colts, and the mares wouldn't leave them."

The Owyhee country at the head of the Bruneau River and to the Jarbridge Mountains in Nevada was the range of the Wilkins Co., with the so-called Wilkins Island, a large land area between two forks of the Bruneau being their principal range holdings. The family maintained Clover Flat, Winter Camp and their home ranch three miles below the town of Bruneau, also an island on the Snake River one mile above the Loveridge Ferry. They had fenced the 160 acre island, cut hay and wintered stock there. Back water of the Strike Reservoir now covers both the island in Snake River and the ranch on the Bruneau River.

All of the Wilkins horses headed for Mountain Home to be shipped by train to distant points, forded Snake River at the Island, swimming their way across the two channels. Mountain Home was the nearest shipping point for the Bruneau and Three Creek ranges, and hundreds of horses were shipped from there each year to the eastern markets.

The King Brothers bought 750 head of the Wilkins horses, dry mares and yearlings, and trailed them to their Texas ranch in 1890. They had a regular trail outfit and it was less expensive than shipping by rail.

An island of land, formed by two forks of the Jarbridge River, covers approximately six square miles that lies within Owyhee County. The other portion of the Island is in Nevada, and extends to the Jarbridge mountains. The island became the domain of the Wilkins outfit and was known as Wilkins Island. Thousands of horses run at large on the range.

The Hot Hole had once been occupied by the Summercamp outfit, who had moved their large cattle herds to Squaw Creek in the northern part of Owyhee County. Old timers referred to Summercamp as "Summer Camp", and spelled it accordingly.

In June 1886, Wilkins' possessory right to the Hot Hole was being challenged by G.W. Moore, a rancher of Three Creek. A hearing was scheduled in the court of Justice of the Peace William Schenck.

It would appear that holding court in a tent had its disadvantages at times, as "In the case of the people versus J. R. Wilkins and Mrs. J. R. Wilkins — June 28, 1886. Complainant G. W. Moore — object of action to eject Wilkins off a certain piece of land on East Bruneau, known as Summer Camp.

Mrs. Wilkins appeared at 10 o'clock A.M. July 5, 1886. Adjourned to meet at the school house at 1½ P.M., same day (on account of the heat of the tent in which I am living.)" William Schenck.

Below the Diamond A, once headquarters for Dan Murphy, on Buckcreek and north of the old Cowan ranch, on the East Fork of the Bruneau River is a natural arch about 30 feet high, so perfectly hewn in the rock that it seems to be hand-hewn by man. Down through the ages the water of the river has churned out a deep hole behind the arch with a deep incline, approximately 60 feet to the bottom. Wild mustangs were forced over the drop into the natural corral. A strong high barrier was placed in the arch, the only way out.

Slipping and sliding the horses reached the bottom of the hole. Sometimes horses were killed or crippled by others piling on top of them, before they could regain their feet in the sandy pothole below.

According to Jack Thompson, formerly of Grassmere, "there was only one horse that ever succeeded in climbing up out of that hole. A man couldn't climb it as there were no footholds. The Arch is one of the wonders of Idaho."

The horses were held in the "Arch corral" until they could be branded. There was always a sizable bunch of mavericks that Kittie Wilkins claimed. In those days big outfits were never questioned about branding a maverick or "slick". Whoever got a "long loop on a critter" was entitled to it in the early days of stock raising. A buckaroo wasn't considered "worth his salt" if he failed to find free animals once in a while to swell the herds of his boss.

Every man who worked for an outfit was treated as an equal and did an "honest day's work for an honest day's pay". The foreman accepted no privileges and worked just as hard as his men. "A green-broke" horse sold at \$75 or \$100.

Kittie employed good riders and horse-breakers and they were proud to be on her payroll. Hugo Strickland, who later became a world's champion bronc rider rode for Kittie. His picture hangs in the Cowboy Hall of Fame. Others who rode for the Wilkins outfit were the Pellessier boys — Dick, Frank and Joe, Jeff Davis and Jess Campbell. Such notables as Diamond-field Jack and Walter Scott, who later became famous as Death Valley Scotty, once rode the range for Kittie Wilkins.

Storm clouds of another sort were gathering on the horizon in 1888 for J. R. Wilkins. A "running feud" had been going on for sometime between John McCoy and Wilkins.

John McCoy sought legal action against J. R. Wilkins in 1888, for assault with a deadly weapon, a large pocket knife. An affidavit signed by John Strohl, a witness for Wilkins was subscribed and sworn to before William Schenck, Justice of the Peace on June 12, 1888, Bruneau Precinct, Owyhee County, Idaho Territory:

In the District Court, Second Judicial of Idaho Territory, in and for the County of Ada.

"Territory of Idaho vs. J.R. Wilkins.

"John Strohl being duly sworn says my name is John Strohl — I am acquainted with the parties to this action. I first met McCoy between Mountain Home and Snake River on my way to the

Wilkins ranch for employment. He told me that he had possession of all the Wilkins property, and advised me not to go there as I could find plenty of other places to work, and that he would try and find work for me somewhere else. This was sometime about the first of Dec. 1887. When I went to work for the Wilkins family, I told them what McCoy said to me and a short time afterward McCoy came over to the Island where I was working on Snake River. Mr. Wilkins told him that he did not want him around his camp or about his premises for he, McCoy, had been meddling with his private affairs, and accused him of stopping a stranger on the highway and trying to persuade him not to come here for employment, which Mr. McCoy denied. Then Mr. Wilkins said "here is the man you talked to and you can settle with him", pointing to me, and then walked away. This is all I remember being said between them.

"McCoy then admitted to me before Charles Rasmussen that he did have this talk with me and wanted an understanding that we would be friendly when we met on the road, then went away.

"Sometime in April I was up on the Summer Range at the Wilkins Corrals in Idaho, when Frank Ross rode inside of the Corrals with a rifle on his saddle in front of him, and a revolver strapped to him. Mr. Wilkins asked him if he had any business with him. Ross said no. Then he asked him if he had any business at the Corrals. Ross said he did not know as he had. Mr. Wilkins asked him if he was working for McCoy. Ross said he was. Mr. Wilkins said, "Then Ross, I will give you a pointer, whenever you come here on official business you leave your guns at home."

"I never heard Mr. Wilkins make any threats about McCoy, or any of his men. I saw McCoy on the range in May. He wanted me to sign my name to a paper he had concerning the ownership and number of horses on the range, and I told him I would not.

Signed — John Strohl"

When J. R. Wilkins first started shipping to eastern markets, Kittie accompanied her father on selling trips with trainloads of horses to be sold at auction. Kittie soon learned the business and in time her father entrusted her to conduct all the sales for the Wilkins Company. She was accompanied on these trips by one of her brothers and ranch

hands to handle the horses and work in the sales ring, and to unload them from the cars at feed and watering stops. Sometimes more men of the outfit accompanied them, riding in the caboose of the stock train.

The fame of Kittie Wilkins mentioned by Bancroft in 1890 was just beginning and her title of Horse Queen of Idaho was well earned. Kittie not only sold horses in eastern markets, but rode the range with her buckaroos, overseeing the roundups and cutting back the culls. She was an excellent horsewoman and could ride with ease on a sidesaddle at a gallop, her horse jumping rocks and sagebrush to head a bunch of horses into the holding corrals.

Consequently she was an admirable figure in the sale yards as she rode and demonstrated the Wilkins horses. Her father, J. R. Wilkins, learned early in the game that Kittie made a good representative of the company, and could conduct sales in a businesslike manner, under any conditions. Kittie always wore modishly styled riding apparel and hats that were attractive.

She carried two trunks throughout her travels. One contained her "city" wardrobe and the other, a large utility trunk covered with a leather-like material, held her sidesaddle and riding gear. It was labeled, K.C.W. HORSE DEALER — BRUNEAU, IDAHO

Diamonds, according to legend and song, are supposed to be a "girl's best friend". "Diamond-Tooth-Lil" wore her diamonds as fillings in her teeth and Diamond-Field Jack" bedecked himself with a diamond stickpin, a watch-fob imbedded with diamonds and a large one in his ring. However, the Diamond Brand on the shoulders of Kittie Wilkins' horses brought her fame and fortune as "The Queen of Diamonds, the Horse Queen of Idaho."

"MISS WILKINS LIKES HORSES"

From an Omaha newspaper, 1892:

Miss Kittie Wilkins, the "horse queen" of Idaho, has been in the city for a few days, stopping at the Mercer. Miss Wilkins is not of the type known as the "new woman", but is rather of the independent, self-made woman. She is at the head of one of the largest horse raising ranches in the world, and is not only the manager, but also saleslady of all the horses produced. Her ranch, which comprises several thousand acres, is located near Mountain Home, in the

famous Valley of Bruneau, Idaho, and upon it every detail which pertains to the rearing of the horse has been perfected.

"Miss Wilkins, together with a brother, has been in the business over eight years, and has accumulated a large fortune in the handling of "man's best friend" and servant. Once a year she takes to the eastern market a large consignment of horses, and frequently goes as far as Boston in disposing of them. Three carloads have been sold on the present trip, mainly to parties in New Orleans, and she expects to dispose of 200 more very shortly in the same city.

"Miss Wilkins is a charming talker and can give one more points on her favorite animal in less time than the ordinary horseman can, in a much more entertaining manner. In conversation with a Bee reporter she said:

"I do not think that the bicycle fad has injured our business as much as the newspapers would have us believe. I had no trouble in selling all the horses I brought with me this time and I could have retailed a carload of saddle horses right here in Omaha if I had had them along. A good horse is always in demand and he will be the favorite long after the bicycle craze is forgotten. The killing of horses for food, which has lately been introduced in this country and in some of the foreign countries, is an enterprise that I cannot too severely condemn. No lover of the most beautiful animal ever created will ever submit to having him killed and eaten. I would almost feel like a cannibal should I attempt it.

"Miss Wilkins purchased two pacing stallions a short time ago, and will take them home on her return trip. The horses were purchased of F.W. Burns of Lemars, Ia., and one of them has a record of 2:13. Miss Wilkins leaves for St. Louis tomorrow."

All of the Wilkins Company's selling trips to the eastern markets were not successful, however. On one occasion Kittie shipped horses to one point and her parents to another. Kittie had sold her horses at near bedrock prices, then bought some Jersey cattle to ship to Idaho. Her father wrote from New Orleans: "I came here last Friday night. I billed to New Orleans via Memphis. I think you had better sell your Jerseys for what you can get and let Ed (Rudd) go home. The expense of the car will be more than they are worth. I want your Ma to go to Chicago and meet you at the

Miss Kittie Wilkins,
MOUNTAIN HOME, IDAHO,
— HAS ON SALE AT OUR YARDS —
HOWARD, S. DAK.,
TWO CARLOADS
Choice Heavy Mares and Geldings,
— WHICH WILL BE SOLD AT —
BED ROCK BOTTOM PRICES.

We wish to impress on your minds that this is the BEST bunch of Good-Sized, Heavy, Young Work Horses and Drivers ever brought to South Dakota. Come and look them over at once, as Miss Wilkins will be here only a few days. You never will have another such chance to purchase this class of horses at the prices at which she is offering them. No old broken down or blemished bronchos.

KENDALL & MILLS.

THE PRESS PRINT, HOWARD, S. DAK.

Grand Pacific Hotel, but she says she would rather go with me to St. Louis. We will wire you at Battle Creek today or tomorrow. What we are going to do I cannot say, as we can't get only \$20.00 a head for the mares here so I think I had better get away as soon as possible. I can load on a horse car over the Wabash by 4 o'clock this afternoon."

Mrs. Wilkins added a note to the letter — "You must feel very uneasy if you have not heard from any of us. I expect you have had a hard time with your horses — they are worth very little — cattle are in good demand. I know you have done the best you could. Your Pa says that we will drive the next lot. I would like to have the Jerseys, but you see what it will cost to get them home. We will have to be careful or we won't make expenses. One thing they are our own horses if we do lose on them."

Business matters of the Wilkins Company were placed in the capable hands of Kittie, by her parents J.R. and Laura K. Wilkins in 1896. They appointed Kittie, "our true and lawful attorney for us and in our names, place and stead and for us to ask for and demand, sue for and collect and receive all such sums of money which are or shall be due payable and belonging to us — giving and granting our said attorney full power and authority about the premises."

Perhaps Kittie inherited her independent spirit and good business judgment from her mother Laura Wilkins. A "chip off the old maternal block" might be a fitting phrase to describe Kittie. Laura Wilkins demonstrated her desire to be a cow woman in her own right over a century ago.

On the 28th day of May, 1868, Laura K. Wilkins had the following document notarized and filed in Union County, Oregon:

Record of Married Women's Separate Property.

"To all whom it may concern: Know ye that I, Laura K. Wilkins of the County of Union State of Oregon, having purchased of G. W. Allen of Wash. Territory, on or about Oct. 1867, through my agent John R. Wilkins, the following described personal property, to wit: Eight head of Milch cows, described as follows; Three red ones, one black one, one white, one spotted red and white, one red with a brockle face and line back and one pale red or yellow, and

that the purchase money of said property was my own money, separate and apart from that of my husband John R. Wilkins and was bequethed to me by my father Samuel Smith in his last Will now on file in the Clerk's office in Tulare County Calif. And notice is hereby given to all persons whomever that I, Laura K. Wilkins do claim all the above described property as my separate property."

Kittie had never married although she had met many men in her life who had professed undying love for her.

From San Francisco, a letter dated Nov. 12, 1876, from a gentleman who had been very ill. "There are days when I wish I had never been born, but then again when thinking of you and my mother, it brings to mind that there is something to live for and if there are any two human beings whom I love it is you and my mother." —The letter was signed "Your constant lover, Billie."

Another missive from Tuscarora, Nevada, dated Oct. 3, 1880, chiding Kittie for not writing a letter to the sender, an official of the Independence Mining Co., said in part: "I had no idea where to find you until after hearing from your brother John and even now I scarcely know how to address a letter to you. John wrote from Bonanza City saying that you and your ma were there with him, balance except Sam were at Challis. I am at a loss to know why you object to writing to your friends in Tuscarora."

"I received the nomination for State Senator but had to withdraw my name. There is no certainty that I will remain in the state this winter. I could have got away with the baggage easy but am glad I got out of the scrape. There is neither money or honor in politics."

He had been in Elko several times since Kittie's departure, he told her, and that all her friends were well. Then added a bit of scandal. "One of the Redsull girls, I think the second eldest, married Bailey. Slept with her one night and then left for Idaho. Report has it with a lot of mules not belonging to him. Rather unfortunate for the girl. Now Kittie I am not going to tell you how much I love you or how lonesome I feel without you because I am mad at you. I have always been your friend and do not deserve such coolness at your hands."

Kittie had many admirers among the ranchers and the buckaroos who worked for her. But there were "city slickers"

too, from Denver, Omaha, San Francisco and in the east, who wrote of their undying love for her. There was one ardent swain who wrote, "You asked how I would like living on ranch. Well my dear, that is a hard question to answer. I have had no experience in ranching so hardly know what to say. If I were to ask you whether you like country life best you could very soon tell me as you have had an experience of both country and city living. I don't think I should care to spend all my days on a ranch, it might do for a few years. I like a good live city, but think I could be contented in most any place providing the surroundings were pleasant."

"Do you expect to remain in Denver? I hope you will have a good time, but I don't want you to get sick, or let some other fellow run off with you and leave me in the cold."

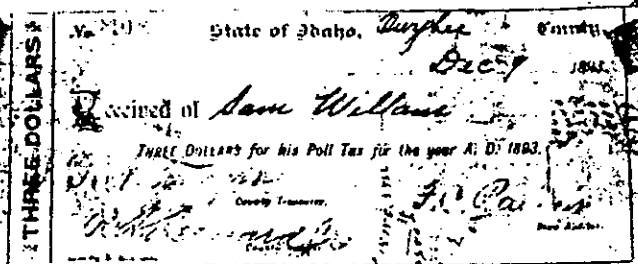
Kittie knew that there could be no guarantee that "the surroundings would be pleasant", in a horse camp on the desert, among a bunch of buckaroos, men who had been in the saddle since daybreak, begrimed with sweat and dust, had one fixed idea in mind, it would be "pleasant to surround" a plate of beans with sourdough biscuits, washed down with a hot cup of thick coffee, before they "hit the sack". No doubt Kittie checked him off the list of her potential suitors. There was no room for "dudes" in Kittie's life. Her first love was horses; the joys she experienced working with them meant more to Kittie than a husband.

Eventually Kittie discarded them all one by one. Perhaps her brothers, John and Sam's marital troubles were a factor in influencing her to remain single. In one instance she was called on to testify in John's behalf.

John's wife was suing him for divorce. Among the many charges that she made of ill-treatment by the Wilkins clan was that she, a bride of a few months, was held against her will at the horse camp on the Island, near the Hot Hole.

In the District Court, Second Judicial, of Idaho Territory in and for the County of Ada. Rosa Lee Wilkins versus John Wilkins.

Kittie Wilkins being duly sworn says: "My name is Kittie Wilkins, I am acquainted with the parties in this action, I am a sister of the defendant — I was living with my father and mother at our home in Bruneau Valley Owyhee Co. in



Sam Wilkins Poll Tax for 1893

Nov. 1886, when my brother the defendant came there with the plaintiff as his wife. I know when the Plaintiff went to the Island in July or August 1887. She went at her own persistent request and she never intimated any objection to stopping there to my knowledge. I know that she had saddle horses and equipment at her command during all the time that she was there, and could, and did leave the Island at her own option and pleasure."

In time the couple "patched up" their differences and lived happily ever after.

A tax receipt for Real and Personal Tax of the Wilkins Co. in 1893 amounted to \$730.25. The Company was assessed for one thousand head of horses, 400 cattle and 2 jacks, their Bruneau Valley ranch and Wilkins Island on the Snake River, farm implements, wagons and harness and a piano. O. F. Brunzell, Owyhee County tax collector signed the tax receipt.

1896 — Land, improvements on land, Winter Camp and the island on Snake River, 1,000 horses, 400 cattle and other property amounted to \$431.07. A. B. Crocheron was Owyhee County tax collector.

The Wilkins spread covered a lot of territory. Stock ranged both in Nevada and Owyhee County. In 1902 Kittie paid taxes to the State of Nevada, County of Elko, \$30.40 for 150 head of horses and 50 head of cattle.

Sometimes it took a lot of range shifting to outwit the County Assessor, and it was common practice among the stockgrowers to do so. Anyhow, the reports of the eastern newspapers and the actual count of horses turned in to county officials "didn't jibe."

J. R. Wilkins died in 1904 and the burden of holding the outfit together fell on Kittie and her mother, although the

elder Wilkins had deeded one ranch to Kirtie the balance of the property was in Laura Wilkins name. Evidently there were some who tried to take advantage of the widow.

Mrs. Laura Wilkins had been a silent partner in the Horse and Cattle Co., as far as notoriety was concerned. Nevertheless she was "the power behind the throne" in land matters and other legal business. The Wilkins land at the Hot Hole was threatened in 1910.

Bruneau, Ida., Jan. 17, 1910:

"This is to certify that William L. West is my agent to look after my possessory rights at what is known as the Wilkins Hot Springs at the head waters of the Bruneau River, in Owyhee Co., Ida., with full power to take possession of the same and oust all intruders therein and to prevent any intrusions thereon."

W. R. Craster bought a ranch near Glens Ferry in Owyhee Co. from his brother Edmund Craster, in 1900, "for and in consideration of \$1,000." It later became the property of Joe Pellessier, Kittie Wilkins' foreman. In 1909, after Joe's death, Kittie Wilkins bought it from Richard Pellissier, the administrator of Joe's estate, for \$500. The ranch "contained 159 acres, also the ferry on the Snake River known as "Craster's Ferry".

Joe Pellessier, a vaquero of French extraction, was the Buckaroo Boss for Kittie for many years, a trusted employee. He was a top hand with cattle and horses and was handy with a gun. Horsethieves and cattle rustlers steered clear of Joe.

One afternoon in 1909, Joe brought the saddle bunch in to Dove Springs, ahead of the other riders, who were bringing in the day's round-up of range horses. It was Joe's intention to get fresh water from the spring and start supper

for the boys. As he neared the camp he was furious to find a band of sheep around the spring and it was tramped full of mud. A heated argument with the camp tender, ended in death for Joe.

From the Owyhee Nugget, Silver City, dateline March 19, 1909:

"Glens Ferry, March 16, Ray Williams shot and killed Joseph Pellessier, foreman for Kittie Wilkins, the horsewoman, at Dove Springs about 15 miles from here, this afternoon at 4 o'clock.

"Ray Williams who is a young man and camp tender for Skillern, the sheepman, shot and killed Pellessier in a rage. Williams came here tonight and gave himself up and is being held here by the Deputy Sheriff awaiting word from the authorities of Owyhee County, in which county the crime was committed. The shooting was done with a 30-30 rifle, three bullets taking effect.

"Pellessier was well known in southern Idaho, having been a resident of this section for the last 15 years. He was 45 years old and particularly known for his management of Miss Wilkins ranch, which is one of the best in the Bruneau country.

"There was some fear early in the evening that a mob might attempt to lynch Williams, but all was quiet at 10 o'clock, all the small crowds having disbanded and gone to their homes. It is understood that Williams had several disputes with the ranch foreman over the water hole. The coroner at Silver City has been notified of the death and will give instructions in the morning relative to holding an inquest."

Lee Strickland, Ed Smith and Joe's brother Frank rode into camp shortly after the killing. "Williams was gone," Strickland said, "and it's a good thing or we would have strung him up. When they tried Williams, he claimed self-defense. Said Joe was getting off his horse to kill him. Libby was the Lawyer for the defense and Hawley the Prosecutor. Williams was acquitted. Skillern, the sheepman put up the money to get him off."

After Pellessier's death, Lee Strickland of Bruneau, who had worked for Kittie at various times "run the outfit" for about seven years.

"Wilkins brought in some Jacks to raise mules and they were put in with the mares at a place called "Jack Hole", but cougars were bad over there — killed a

E. L. Ballard



CLERK OF THE
DISTRICT COURT
AND
EX-OFFICIO
AUDITOR AND
RECORDER

OWYHEE County

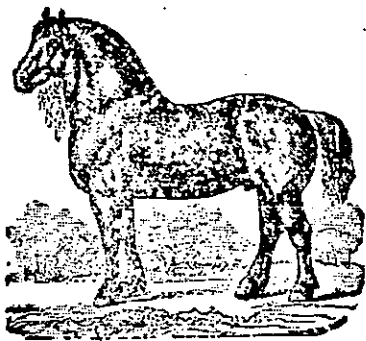
IDAHO

District Judge, J. M. D. SMITH.
District Attorney,
JAMES H. RICHARDS.
County Commissioners,
1st District, WILLIAM N. NICHOLS,
2nd District, JOHN SCALES,
3rd District, WALTER T. COOK.

Silver City, Feby 5th 1897

*Mrs. Laura K. Wilkins
Brunear Valley Ida.*

TAX RECEIPT						No. 69
REAL AND PERSONAL PROPERTY OWYHEE COUNTY, IDAHO, FOR THE YEAR OF 1893.						
Page	42		Line	27		Dec 9 1893.
Received of <i>Wilkins & Co</i> for State and County Taxes assessed in Owyhee County, Idaho, A. D. 1893, on the following property, to-wit:						
Real Estate and Improvements. <i>Brunear Valley</i>						1300.
" <i>on Island</i>						400.
PERSONAL PROPERTY.						
	NO.	VALUE.		NO.	VALUE.	
Merchandise			Machinery			
Furniture			Horses	1000	15000.	<i>Plane</i> 100.
Money on hand			Mules			
Money on deposit			Cattle	400	4800.	
Money secured by			Jacks	2	500.	
Solvent debts			Sheep			
Watches and Jewelry			Hogs			
Farming Implements		50.	Other Property			
Wagons		100.				
Harness		50.				20600.
Sewing Machines						
TOTAL VALUE						22300.
TOTAL TAX						724.73
SPECIAL SCHOOL TAX + Poll Tax						5.50
GRAND TOTAL TAX						730.23
<i>O. J. Brunzell</i>						
Tax Collector.						
Deputy Tax Collector.						



WILKINS HORSE CO.

S. B. Wilkins, Secretary

The Heaviest Dealers and Growers in Idaho.

Reduced Rates on Car Lots

Delivered at Mountain Home or at American Falls, Idaho.

Burnan Valley, Idaho, May 22 189

APR 12 1911

Glenn's Ferry, Idaho,

191

GLENN'S FERRY BANK, Limited

Pay to the
order of

Lee Strickland
Twenty and 00/100



\$20

DOLLARS

Arthur O Wilkins

Per JmC

22170 GLENN & PRITCHARD CO. PORTLAND, OR.

THE PACIFIC EXPRESS COMPANY.

AGENTS WILL GIVE THIS RECEIPT FOR ALL MONIES AND VALUABLE PARCELS.

THE PACIFIC EXPRESS COMPANY

350.00

DENVER, COLO.

1890

Received of

Wm

Sealed, and said to contain

Valued at

Three Hundred Fifty

DOLLARS.

Addressed

J. B. Wilkins

Mountain Home

Upon the special acceptance and agreement that this Company is to forward the same to its agents nearest or most convenient to destination only, and there to deliver the same to other parties to complete the transportation—such delivery to terminate all liability of this Company for such package; and, also, that this Company is not to be held liable in any manner, or to any extent, for any loss, damage or detention of such package or of its contents, or of any portion thereof, occasioned by the acts of God, or by any person or persons acting or claiming to act in any military or other capacity in hostility to the Government of the United States, or occasioned by civil or military authority, or by the acts of any armed or other mob or riotous assemblage, piracy or the dangers incident to a time of war, nor when occasioned by the dangers of railroad transportation, or ocean or river navigation, or by fire or steam, unless specially insured by this Company, and so specified in this receipt. In no event is this Company to be liable for a greater sum than that above mentioned, nor shall it be liable for any such loss, unless the claim therefore SHALL BE MADE IN WRITING, AT THIS OFFICE, WITHIN SIXTY DAYS from this date, in a statement to which this receipt shall be annexed, and the shipper and owner hereby severally agree that all stipulations and conditions in this receipt contained shall extend to and inure to the benefit of each and every Company, or person, to whom the PACIFIC EXPRESS COMPANY may entrust or deliver the above described property for transportation (which the said Pacific Express Company is hereby authorized to do), and shall define and limit the liability therefor of such other Company or person.

NOT NEGOTIABLE.

For the Company,

READ THIS RECEIPT.

Wm Strickland

lot of the colts. Robinson Hole and Wilkins Island all laid in the same country — quite a country! The range was free and easy," Lee Strickland recalled in 1970. "Bob Owens from Big Springs once run the Wilkins spread as foreman. He was a good rider but an ornery son-of-a-gun."

"John Wilkins was the main horse man of the outfit, real cowboy, that feller. John branded his horses with the Diamond on the stifle, Kittie had a shoulder Diamond. Bert Wilkins was a good camp cook and horse-breaker. He took horses to Denver and broke them out, then Kittie would pick 'em up to sell at auctions in the east."

"At the Hot Hole the corrals held 1500 head of horses. The corrals were built of poles and willows, there was small corrals to divide them up. When we "worked" horses all the good mares and studs were turned on the "inside" range and the others turned out to scatter. Took us several days to brand all the colts and cut out the culls."

Lee was looking down the dusty trails of 60 years ago and a tear glistened in his eye as he looked back on his younger days when he rode for Kittie Wilkins. He told of rescuing some of the Wilkins horses in the winter. "Fred Smith and I went after them. Found 'em in a little cluster of mahogany. Snow was deep and they were too weak to break out of there. They were long-haired and so starved they had eat all the bark off the mahogany. We beat a trail down with our saddle horses and finally got 'em out of there. Never amounted to nothin' afterward."

"If I had kept a diary of those days I'd a been alright. But we never thought about tryin' to remember things that happened. Just let one day go by after another."

There was a story of a holdup at Three Creek that Lee recalled. "A couple of gunmen robbed the Three Creek store. They took money and a lot of supplies. Old Doc Roberts was in the store eatin' a can of sardines. When they said "stick-em-up", Doc held his hands high in the air with the sardine can in one hand and a fork in the other.

Old Farraday was runnin' the store and he told the robbers that they might as well take a bottle of whiskey along and give 'em one. They lit out for Winnemucca, where they robbed a bank in broad daylight. They stole a lot of horses.



"Ed Rudd — A longtime employee of the Wilkins outfit took consignments of horses to eastern markets for Kittie. Bought the Wilkins home ranch in Bruneau Valley, 1917, from Mrs. Laura K. Wilkins."

Funny thing about them fellers, they knew all the best horses. Will Hodge had a good horse, "Tony", stole him and an outfit, and they took Wilkins' "Powder Face" a great horse. George Moore got some of his back — they come home."

Buddy Waterhouse, now a resident of the Veterans Home in Boise, once worked for Kittie Wilkins when he was just a boy, "knee-high to a grass-hopper." Most of the old-time cowboys who were proud to say "I worked for Kittie Wilkins," are now ghost riders in the sky.

Kittie Wilkins dictated a letter to the Curtis Publishing Company:

"On May 6, 1911 you published quite a shocking article about the Home Pioneers, by Miss Maude Radford Warren.

"Now Hettie Martin seems to be the

name of the Home Pioneer. This was none other than Kittie C. Wilkins, the Horse Queen of Idaho, living in Idaho for the past 35 years, and ranching in Idaho from 1885 to the present.

"We were at one of the other stock-growers ranches, staying there during one of our Fairs in Chicago.

"We had more horses than any other stock holder from this part of the country. Our horses were sold in many cities in the East. Quite a number of them were sold in New Orleans and to the Argentines."

Laura K. Wilkins was winding up her affairs in 1917, after a long and strenuous life. On July 14, 1917, she sold her Bruneau Valley ranch to Ed Rudd. "In consideration of \$7,000.00, of all of her ranch known as the Wilkins home ranch, situated on the Bruneau River, Owyhee Co. approximately three miles below the town of Bruneau, consisting of 160 acres, improvements thereon and water rights for irrigation purposes — all her cattle consisting of about 50 head of cows, calves, heifers and steers having the Diamond brand on the left hip or ribs, for the sum of \$55.00 per head."

In August she made her will:

"In the name of God, Amen, I, Laura K. Wilkins of Bruneau, Owyhee County, State of Idaho, eighty-three years of age and being of sound and disposing mind and memory and not acting under duress, menace, fraud or undue influence of any person whatever, do make and declare this my last Will and Testament in the manner and form as follows, that is to say.

"First, I give to my son, Samuel B. Wilkins and his two children, who were adopted by me, Laura Wilkins and Michal Wilkins, the sum of one hundred dollars each.

"Second, I give and bequeath to my daughter Kittie C. Wilkins one-half of all the balance of my estate of which I shall die seized of, of every kind, name and nature, real, personal and mixed both in possession and in expectancy, unto her and her heirs forever. The half of the remainder of my estate I bequeath to my son, John E. Wilkins, but direct that said half so willed to my said son, John E. Wilkins, be held in trust by my said daughter, Kittie C. Wilkins, for the use of my said son during his life, and any remainder over after his death to go to my said daughter Kittie C. Wilkins and



Wilkins home ranch in Bruneau Valley.

Ranch now under waters of Strike Lake.

unto her heirs and assigns forever. It being the purpose of this clause that my said son, John E. have a life estate in one-half of said remainder, but the same to be managed and controlled by my said daughter and he to receive the profits thereof, and so much of the principal as he may need.

"Third. I do not desire that any of my other grandchildren receive any part of my estate.

"Lastly I nominate and appoint my said daughter, Kittie C. Wilkins the executrix of this my last will, without bonds and hereby revoke all former wills by me made.

"In witness whereof I have hereunto set my hand and seal the eighth day of August in the year nineteen hundred and seventeen.

Laura B. Wilkins (SEAL)

"The foregoing instrument consisting of one page besides this one, was on the date hereof signed, sealed and declared to be her last Will and Testament by Laura K. Wilkins, in our presence, who at her request, and in her presence and in the presence of each other have subscribed our names as witnesses thereto."

W. C. Howie

Residence Mountain Home, Idaho
Ed Rudd

Residence Mountain Home, Idaho

Kittie had dismissed the "bicycle craze" as being just a "fad", on that long ago day in Omaha, Neb., when her career as a horse dealer had a rosy future. She could not foresee the advent of the

"Horseless Carriage" that would come to replace the horse as "man's best friend."

What happened to Kittie Wilkins' horses? Lee Strickland supplied the answer. "As Kittie grew older she lost all interest. Horses were not worth anything after automobiles came into use, and the range was stripped of horses — carloads of nice horses were shipped as chicken-feeders. And rustlers got a lot of 'em, too. They drove them to Nevada and shipped out of Elko. In the late 20's and early 30's times were tough. A guy had to make a "buck" the best way he could.

In 1942 a fellow by the name of

Harlan and some other riders were gathering horses off the "inside" desert and picked up the last of Kittie's horses. They were old gray-headed geldings that had strayed from their home range. They let them drink water and they were easy to corral. Don't know what they did with them. Kittie was dead by that time so it didn't matter much."

The Idaho Statesman — Oct. 9, 1936:

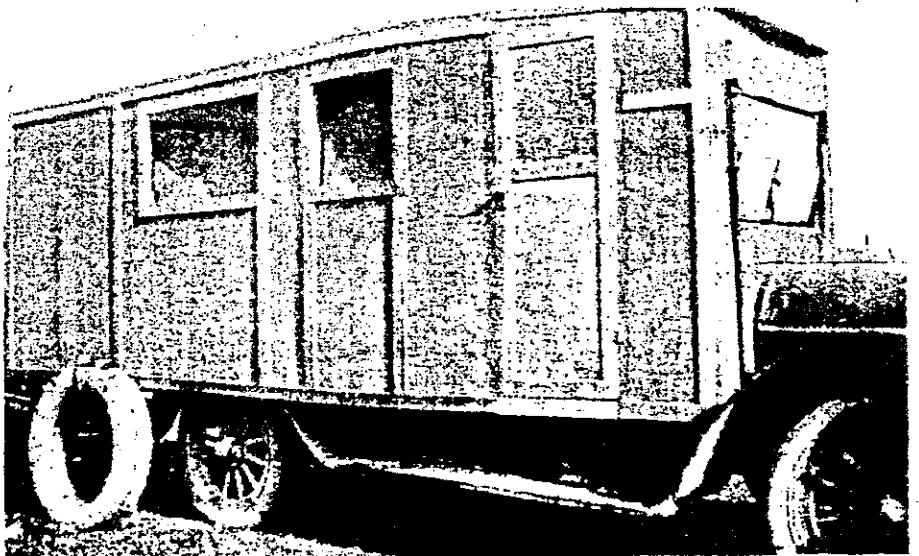
"Kittie Wilkins, 'Horse Queen' Dies Suddenly, famous Idaho Stock Grower who once had a Herd of 4,000 Broncs, Succumbs to heart disease at age of 79.

"Kittie Wilkins 79; pioneer stock raiser and for many years "Idaho Horse Queen", died Thursday morning at Glens Ferry. She had been ill two days. Physicians attribute death to a heart attack.

"Funeral services will be conducted Monday morning at 10 o'clock at Glens Ferry. Burial will be at Mountain Home where her brother, John Wilkins, her ranching partner, was buried Sept. 2. Her survivors are two nephews, John F. Wilkins of Mountain Home and Michael Wilkins of Salmon City.

"The career of Kittie Wilkins was closely linked with the development of the Idaho livestock industry. For more than 40 years she and her brother and father operated the Wilkins Island ranch in the Bruneau district. They specialized in horses which have been noted throughout the nation. Miss Wilkins was an expert horsewoman and rode regularly until recent years.

"Diamond Field" Jack Davis was



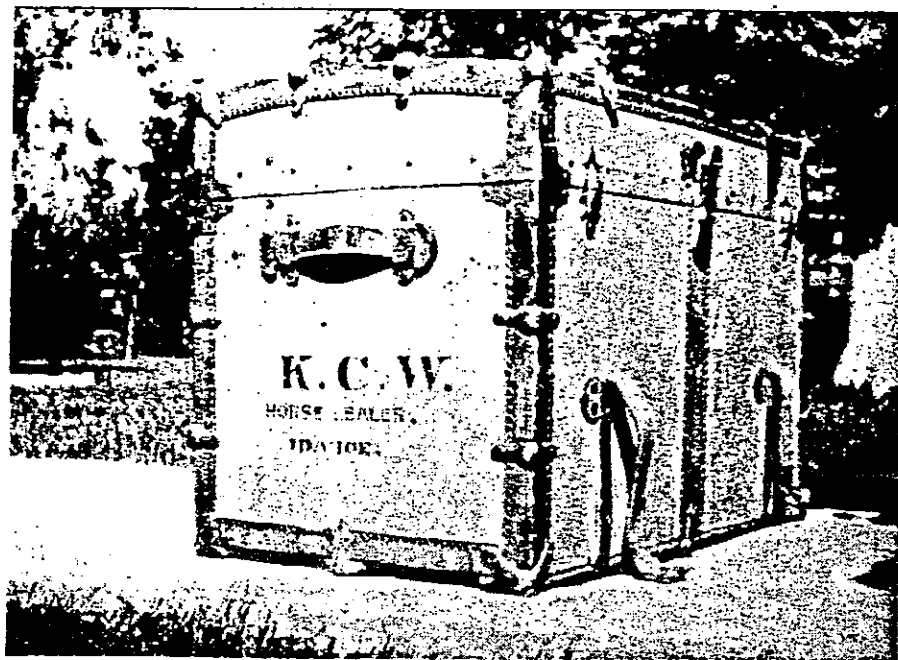
A "mobile home," 1920's.

once an employee of Miss Wilkins. Davis was in 1897, convicted of the murder of two sheepmen, John C. Wilson and Daniel C. Cummings. He was sentenced in Cassia County Court to be hanged. The sentence was commuted at the last minute by the Board of Pardons to a life term in the State prison.

"Miss Wilkins was born in Jacksonville, Ore. in 1857. As a girl she came to Boise with her family and lived in a home on the corner now occupied by Hotel Boise.

"It was Kittie's herd of 4,000 horses that earned her the title of "Horse Queen of Idaho", by which she was known, not only in the west but in eastern stock markets. She sold hundreds at a time. On one deal she is reputed to have sold 500 head. The United States Cavalry was a steady customer.

"On a trip to Omaha, Neb., while the business was in its prime, Kittie found there was no market for horses by the head so she sold her string by the pound."



This trunk and one other of similar size, held all of Kittie Wilkin's gear that she took with her on her horse selling trips to the east. It was inscribed K.C.W. Horse Dealer Idaho.

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources
Signed this 300 day of August 2001

Jan J. Hunt

RECEIVED

SEP 21 1998

WATER RESOURCES
WESTERN REGION

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: R51-04037
Date Received: 1/21/1994
Receipt No: W017115
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

208-857-2233

1. Name: MATTHEW OLIVAS
Address: DESERT HOT SPRINGS
ROGERSON ID

83302

2. Date of Priority: JUN 20, 1885

3. Source: MURPHY HOT SPRINGS

Trib. to: JARBIDGE RIVER, EAST FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16S	09E	24	SW	NW	NW		OWYHEE

5. Description of diverting works:
SPRINGS (TWO) PIPED TO HOUSE, POOL, BATHS, AND LODGE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
HEATING	01/01	12/31	0.040		
DOMESTIC	01/01	12/31	0.020		
COMMERCIAL	01/01	12/31	0.020		

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:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot
16S	09E	24	NW	NW	
			NW	NW	
			NW	NW	

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this 2nd day of August 2001

Use
DOMEST
COMMER
HEAT

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:
51-12760

14. Remarks:
USE IS FOR 1 HOME; COMMERCIAL USE, POOL, BATHS, LODGE; AND
HEATING.
WATER TEMPERATURE MEASURED AT 117 DEGREES F.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

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): [Signature] Date: 9-18-98

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of September 19 98
[Signature]
Notary Public

Seal

Residing at Twin Falls, Id
My Commission Expires 2/4/2000

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: A51-04037
Date Received: 1/21/1994
Receipt No: W017115
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

208-857-2233

1. Name: MATTHEW OLIVAS
Address: DESERT HOT SPRINGS
ROGERSON ID

83302

2. Date of Priority: JUL 1, 1934

3. Source: MURPHY HOT SPRINGS

Trib. to: JARBIDGE RIVER, EAST FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16S	09E	24	NW	NW			OWYHEE

5. Description of diverting works:
PIPELINE, GRAVITY FED TO HOUSE, LODGE, HOT BATHS & SWIMMING POOL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
HEATING	01/01	12/31	0.040		
DOMESTIC	01/01	12/31	0.020		
COMMERCIAL	01/01	12/31	0.020		

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:

1 HOUSEHOLD/HOT SPRINGS POOL FOR BATHING & SWIMMING POOL & LODGE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16S	09E	24	NW	NW		HEAT	
			NW	NW		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:
A51-12760

14. Remarks:

THIS CLAIM WAS ORIGINALLY FILED ON THE SHORT FORM, AND THE CLAIMANT PAID \$25 UNDER RECEIPT NUMBER W017115. SINCE THE USE IS COMMERCIAL, ADDITIONAL FEES, INCLUDING A LATE FEE, ARE REQUIRED.

STATUTORY CLAIM WAS PERFECTED PRIOR TO 05/20/1971.

OWNERSHIP CHANGED 07/08/1996. WARRANTY DEED DOES NOT SUPPORT OWNERSHIP BY MATTHEW OLIVAS. MM.

OWNERSHIP CHANGED 04/08/1997. QUIT CLAIM DEED IN FILE. MM.

15. Basis of Claim: STATUTORY CLAIM

RECEIVED

RECEIVED

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

MAR 27 1997

MAR 31 1997

WATER RESOURCES
WESTERN REGIONNOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
Department of Water Resources
Southern RegionPlease print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s):

ALL Adjudication Claim No(s): \ AS1-04037 (RS1-04037) and AS1-12760 (RS1-12760)

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant

SYLVIA OLIVAS
DESERT HOT SPRINGS, ROGERSON, ID 83302

4. New Owner/Claimant(s)

Matthew OlivasName Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

Desert Hot Springs

City, State and ZIP Code

Rogerson, Id 83302

New Telephone Number

(208) 857-2233

5. Date you acquired the property

Sept 9, 1996

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

Matthew Olivas

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

* Signature of Former Owner

Sylvia Olivas

P. 01/03

QUITCLAIM DEED

For Value Received, SYLVIA OLIVAS,

does (do) hereby convey, release, remise and forever quit claim
unto MATTHEW OLIVAS,

whose address is: Desert Hot Springs, Rogerson, Idaho 83302,
the following described premises, to-wit:

See Exhibit "A" attached hereto and by this reference made a part hereof.

together with their appurtenances.

TWIN FALLS COUNTY, IDAHO
RECORDED FOR: *ELL*

1996 SEP 12 P 3:19

19960158401

DATED:

ROBERT S. FORT
EX-OFFICIO RECORDER
FEE: 600 DEPUTY: LF

STATE OF IDAHO, COUNTY OF Ada
On this 9th day of SEPTEMBER, 1996.
for
before me, a notary public in and for said State,
personally appeared

SYLVIA OLIVAS

known to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the

STATE OF IDAHO, COUNTY OF

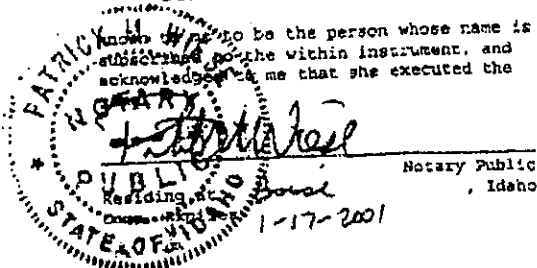
I hereby certify that this instrument was filed

at the request of _____ o'clock m.
at _____ minutes past _____
this _____ day of _____
19____, in my office, and duly recorded in Book of
Deeds at page _____

EX-Officio Recorder

By _____ Deputy.

Page 5
M41 CO.



A parcel of land within the West Half of the Northwest Quarter (WNW $\frac{1}{4}$) of Section 24, Township 16 South, Range 9 East, Boise Meridian, Owyhee County, Idaho, and more particularly described as follows:

COMMENCING at a brass-cap marking the Northwest corner of Section 24, Township 16 South, Range 9 East, Boise Meridian;
THENCE South 54°09' East, 859.6 feet to the true point of beginning;
THENCE South 34°13' East, 560.0 feet;
THENCE South 55°47' West, 1230.7 feet to the west boundary of said Section 24;
THENCE North 0°13' East, 678.9 feet along the west boundary of said Section 24;
THENCE North 55°47' East, 846.9 feet to the True Point of Beginning.

EXCEPTING THE FOLLOWING DESCRIBED 2 PARCELS OF LAND:

PARCEL NO. 1:

A parcel of land in the NW $\frac{1}{4}$, Section 24, Township 16 South, Range 9 East, Boise Meridian, being more particularly described as follows:

BEGINNING at the NW corner of the NW $\frac{1}{4}$ of Section 24, Township 16 South, Range 9 East, Boise Meridian

THENCE running South 0°12'33" West for a distance of 358.0 feet to a point;

THENCE running South 35°36'34" East for a distance of 512.9 feet, said point is the TRUE POINT OF BEGINNING, said point is also the SW corner of Lot 1, Block 12 of Murphy Hot Springs Subdivision No. 1 as recorded in Owyhee County Courthouse:

THENCE South 26°30' East for a distance of 124.29 feet;

THENCE North 56°28' East for a distance of 189.61 feet;

THENCE North 46°27' West for a distance of 128.32 feet to a point, which lies on the Southerly boundary of said Murphy Hot Springs Subdivision No. 1;

THENCE South 55°47' West for a distance of 145.43 feet, along the Southerly boundary of Lot 1, Block 12, Murphy Hot Springs Subdivision No. 1 to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

A parcel of land in the NW $\frac{1}{4}$ of Section 24, Township 16 South, Range 9 East, Boise Meridian, Owyhee County, Idaho, described as follows:

BEGINNING at the Northeast corner of Lot 28, Block 7, Murphy Hot Springs Subdivision No. 2, Owyhee County, Idaho;

THENCE North 34°13'00" West 37.5 feet to a point;

THENCE South 55°47'00" West 85 feet, more or less, to the East Bank of Jarbidge River;

THENCE in a Southeasterly direction 37.5 feet, more or less, to the Northwest corner of Lot 29, Block 7 of Murphy Hot Springs Subdivision No. 2;

THENCE North 55°47'00" East 80.8 feet to the Point of Beginning.

TOGETHER with 0.060 (cfs) of water evidenced by IDWR Water Right Number 51-04037.

EXHIBIT "A"

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A51-04037
Date Received: 1/21/1994
Receipt No: W017115
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

208-857-2233

1. Name: SYLVIA OLIVAS
Address: DESERT HOT SPRINGS
ROGERSON ID

83302

2. Date of Priority: JUL 1, 1934

3. Source: MURPHY HOT SPRINGS

Trib. to: JARBIDGE RIVER, EAST FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16S	09E	24	NW	NW			OWYHEE

5. Description of diverting works:
PIPELINE, GRAVITY FED TO HOUSE, LODGE, HOT BATHS & SWIMMING POOL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
HEATING	01/01	12/31	0.040		
DOMESTIC	01/01	12/31	0.020		
COMMERCIAL	01/01	12/31	0.020		

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:

1 HOUSEHOLD/HOT SPRINGS POOL FOR BATHING & SWIMMING POOL & LODGE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16S	09E	24	NW	NW		HEAT	
			NW	NW		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:
A51-12760

14. Remarks:

THIS CLAIM WAS ORIGINALLY FILED ON THE SHORT FORM, AND THE CLAIMANT PAID \$25 UNDER RECEIPT NUMBER W017115. SINCE THE USE IS COMMERCIAL, ADDITIONAL FEES, INCLUDING A LATE FEE, ARE REQUIRED.

STATUTORY CLAIM WAS PERFECTED PRIOR TO 05/20/1971. OWNERSHIP CHANGED 07/08/1996. WARRANTY DEED DOES NOT SUPPORT OWNERSHIP BY MATTHEW OLIVAS. MM.

15. Basis of Claim: STATUTORY CLAIM



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

DATE OF CLOSING: _____

JUN 27 1996

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____ Department of Water Resources
Section _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ Southern Region
Lot _____ Block _____ Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

RECEIVED

JUN 28 1996

WATER RESOURCES
WESTERN REGION

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A51-04037, A51-12760

☐ Name and Address of Former Owner/Claimant(s)(Seller):
ANITA F AND HARRY B SHOWALTER
MURPHY HOT SPRINGS

☐ New Owner/Claimant (Purchaser):
ROGERSON ID 83302
Matthew
MICHAEL AND/OR SYLVIA OLIVAS

☐ New Mailing Address:
Desert Hot Springs
ROGERSON ID 83302
908 857-2237

☐ New Telephone Number: (908) 857-2237

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s)

Matthew Oliv... Date 6-24-96

Date

☐ Signature of Former Owner/Claimant(s):

Date

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 07/08/1996 By: FTT

Further Action Needed:

Further Action Taken

Date: 07/08/1996 By: FTT

Final Review and Data-Entry

Date: 07/08/1996 By: FTT

Claim Numbers of Split, if any:

N/A

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

RECEIVED

JUN 27 1996

Department of Water Resources
Southern Region

FILED-RECORDED

94 FEB 7 PM 12 53

BARBARA JAYC

OWYHEE COUNTY RECORDER

BY *C. Shepherd*
DEPUTY

RECEIVED OF

FEB 9 1996

INDEXED

MICROFILMED

211977

RECEIVED

JUN 28 1996

WATER RESOURCES
WESTERN REGION

WARRANTY DEED

FOR VALUE RECEIVED, HARRY B. SHOWALTER and ANITA
SHOWALTER, husband and wife, the Grantors, do hereby grant,
bargain, sell and convey unto SYLVIA OLIVAS, a single person, the
Grantee, whose address is c/o Matthew Olivas, 806 E Street, Rupert,
83350, the following described premises, to-wit:

A parcel of land within the West Half of the
Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 24,
Township 16 South, Range 9 East, Boise
Meridian, Owyhee County, Idaho, and more
particularly described as follows:

COMMENCING at a brass-cap marking the
Northwest corner of Section 24, Township 16
South, Range 9 East, Boise Meridian;

THENCE South 54°09' East, 859.6 feet to
the true point of beginning;

THENCE South 34°13' East, 560.0 feet;

THENCE South 55°47' West, 1230.7 feet to
the west boundary of said Section 24;

THENCE North 0°13' East, 678.9 feet along
the west boundary of said Section 24;

THENCE North 55°47' East, 846.9 feet to
the True Point of Beginning.

EXCEPTING THE FOLLOWING DESCRIBED 2 PARCELS OF
LAND:

PARCEL NO. 1:

A parcel of land in the NW $\frac{1}{4}$, Section 24,
Township 16 South, Range 9 East, Boise
Meridian, being more particularly described as
follows:

BEGINNING at the NW corner of the NW¼ of Section 24, Township 16 South, Range 9 East, Boise Meridian

THENCE running South 0°12'33" West for a distance of 358.0 feet to a point;

THENCE running South 35°36'34" East for a distance of 512.9 feet, said point is the TRUE POINT OF BEGINNING, said point is also the SW corner of Lot 1, Block 12 of Murphy Hot Springs Subdivision No. 1 as recorded in Owyhee County Courthouse;

THENCE South 26°30' East for a distance of 124.28 feet;

THENCE North 56°28' East for a distance of 189.61 feet;

THENCE North 46°27' West for a distance of 128.32 feet to a point, which lies on the Southerly boundary of said Murphy Hot Springs Subdivision No. 1;

THENCE South 55°47' West for a distance of 145.43 feet, along the Southerly boundary of Lot 1, Block 12, Murphy Hot Springs Subdivision No. 1 to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

A parcel of land in the NW¼ of Section 24, Township 16 South, Range 9 East, Boise Meridian, Owyhee County, Idaho, described as follows:

BEGINNING at the Northeast corner of Lot 28, Block 7, Murphy Hot Springs Subdivision No. 2, Owyhee County, Idaho;

THENCE North 34°13'00" West 37.5 feet to a point;

THENCE South 55°47'00" West 85 feet, more or less, to the East Bank of Jarbidge River;

THENCE in a Southeasterly direction 37.5 feet, more or less, to the Northwest corner of Lot 29, Block 7 of Murphy Hot Springs Subdivision No. 2;

THENCE North 55°47'00" East 80.8 feet to the Point of Beginning.

TOGETHER with 0.060 (cfs) of water evidenced by IDWR Water Right Number 51-04037.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns

forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except those of record or apparent and, except for those encumbrances, they will warrant and defend the same from all lawful claims whatsoever.

DATED this 4th day of February, 1994.

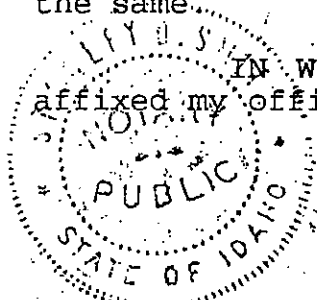
Harry B. Showalter
HARRY B. SHOWALTER

Anita Showalter
ANITA SHOWALTER

STATE OF IDAHO)
) : ss.
County of Twin Falls)

On this 4th day of February, 1994, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared HARRY B. SHOWALTER and ANITA SHOWALTER, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

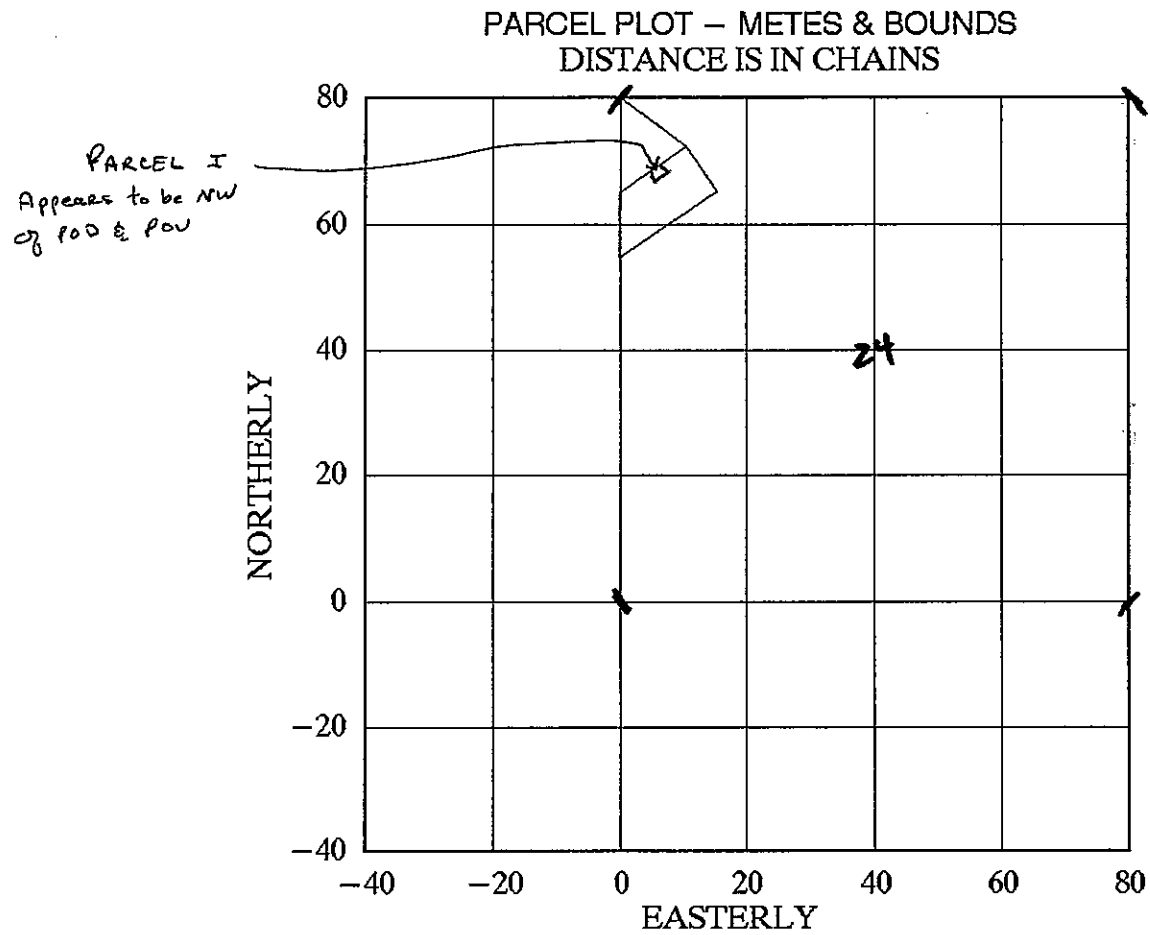


Stanley D. Hunt
Notary Public for Idaho
Residing at B...
Commission Expires: 7-12-99

(RGK\4036WD.003)

A51-04037

A51-12760



Shawalter to Olivas

T16S R09E S.24

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: A51-04037

Date Received: 2/4/1994

Receipt No: W17115 + W17151

Received By: PRWEMM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HARRY B SHOWALTER 208-857-2233
Address: MURPHY HOT SPRINGS
ROGERSON ID 83302
OR
Name: ANITA F SHOWALTER 208-857-2233
Address: MURPHY HOT SPRINGS
ROGERSON ID 83302
2. Date of Priority: JUL 1, 1934
3. Source: MURPHY HOT SPRINGS Trib. to: JARBIDGE RIVER, EAST FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16S	09E	24	NW	NW			OWYHEE
5. Description of diverting works:
PIPELINE, GRAVITY FED TO HOUSE, LODGE, HOT BATHS & SWIMMING POOL
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
HEATING	01/01	12/31	0.040		
DOMESTIC	01/01	12/31	0.020		
COMMERCIAL	01/01	12/31	0.020		
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:
1 HOUSEHOLD/HOT SPRINGS POOL FOR BATHING & SWIMMING POOL & LODGE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16S	09E	24	NW	NW		HEAT	
			NW	NW		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:
A51-12760

14. Remarks:

THIS CLAIM WAS ORIGINALLY FILED ON THE SHORT FORM, AND THE CLAIMANT PAID \$25 UNDER RECEIPT NUMBER W017115. SINCE THE USE IS COMMERCIAL, ADDITIONAL FEES, INCLUDING A LATE FEE, ARE REQUIRED.

STATUTORY CLAIM WAS PERFECTED PRIOR TO 05/20/1971.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For 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)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

RECEIVED

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

JAN 19 1994

Department of Water Resources
IN THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. 51-04037Date Received 1-21-94Receipt Number 0017115RECEIVED NOTICE OF CLAIM
JAN 21 1994 TO A
WATER RESOURCES WESTERN REGION WATER RIGHTACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Harry B. Showalter & Anita F. Showalter Phone (208) 857-2233Mailing Address Murphy Hot Springs, Rogerson, Idaho Zip 833022. Date of Priority (Only one per claim) 07/01/34 Month/Day/Year3. Source of water supply (Check one) (X) Groundwater or Other () (a) Murphy Hot Springs
Name or kind of sourcewhich is tributary to (b) Jarbridge River, East Fork4. Location of point of diversion is: Township 16S Range 09ESection 24, NW 1/4 of NW 1/4 of 1/4, Govt. Lot , BM.,County of OwyheeAdditional points of diversion if any: None5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. pipeline, gravity fed to house, lodge, hot baths and swimming pool

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For heating purposes from 01/01 to 12/31 amount 0.04 (cfs)For domestic purposes from 01/01 to 12/31 amount 0.02 (Both dates are inclusive)& commercial 165 APN 1000 7/1/94 01/01 to 12/31 .02
7. Total quantity claimed 0.060 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1 household/Hot Springs Pools for bathing and swimming pool and lodge.

10. Place of use is: Township: 16S Range 09E

Section 24, NW 1/4 of NW 1/4, Govt. Lot _____, B.M.,

County of Owyhee for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any None

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

12. Do you own the property listed above as place of use? Yes X No _____

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. None (XX)

14. Remarks: Statutory claim was perfected prior to 5/20/71

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number 51-04037

16. Signature (s)

Number of Attachments zero

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

Signature of Claimant (s) X Harry B. Showalter Date 1-11-94
X Anita J. Showalter Date 1-11-94

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

of _____, Title _____ that I have signed the foregoing

document in the space below as _____ of _____

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____ }
County of Twin Falls } SS.

Subscribed and sworn (or affirmed) before me this 11th day of January 1994

SEAL

Notary Public Russell Kvanvig

Residing at Twin Falls, Id

My Commission Expires 8-12-99

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

RECEIVED

JAN 19 1994

Department of Water Resources
ROBERT W. STEPHAN 1946-1992
Southern Region Office

RUSSELL G. KVANVIG
RICHARD D. GREENWOOD
LAIRD B. STONE
KEVIN F. TRAINOR
ROBERT C. NICHOLSON

RECEIVED
JAN 21 1994
WATER RESOURCES
WESTERN REGION

STEPHAN, KVANVIG, GREENWOOD,
STONE & TRAINOR
ATTORNEYS AT LAW

FIRST SECURITY BANK BUILDING
102 MAIN AVENUE SOUTH
POST OFFICE BOX 83
TWIN FALLS, IDAHO 83303-0083

January 19, 1994

FRANK L. STEPHAN 1886-1952
DANIEL A. SLAVIN 1938-1987

OFFICE ADMINISTRATOR
ESTHER BOPP

TELEPHONE 208/733-2722
FAX 208/733-3619

State of Idaho
Department of Water Resources
220 Shoshone Street East
Twin Falls, ID 83301

Re: Harry B. and Anita F. Showalter

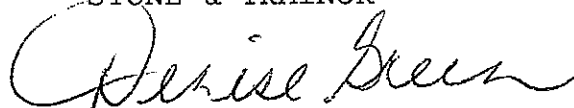
Gentlemen:

Please file the attached Notice of Claim to a Water Right for Harry B. and Anita F. Showalter. Our check for your filing fee in the amount of \$25 accompanies the Notice.

If you have any questions or need anything additional please feel free to contact our office or the Showalters.

Sincerely,

STEPHAN, KVANVIG, GREENWOOD,
STONE & TRAINOR



Denise Green, Legal Assistant

Enclosures

(RGK\4036LDWR.003)

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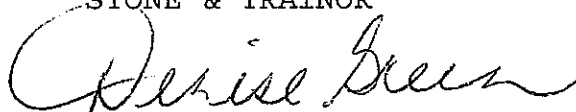
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STEPHAN, KVANVIG, GREENWOOD,
STONE & TRAINOR



Denise Green, Legal Assistant

Enclosures

(RGK\4036LDWR.003)

SPECIAL POWER OF ATTORNEY

BE IT KNOWN BY THESE PRESENTS, that We, **HARRY B. SHOWALTER** and **ANITA F. SHOWALTER**, of Rogerson, Idaho, have made, constituted and appointed and by these presents do make, constitute and appoint **OWYHEE COUNTY TITLE COMPANY**, of Murphy, Idaho, our true and lawful attorney for us and in our names, place and stead and for use and benefit to deal with all matters pertaining to any and all water rights standing in our names on the real estate located in Owyhee County, Idaho, a description of which is as follows:

A parcel of land within the West Half of the Northwest Quarter ($W\frac{1}{2}NW\frac{1}{4}$) of Section 24, Township 16 South, Range 9 East, Boise Meridian, Owyhee County, Idaho, and more particularly described as follows:

COMMENCING at a brass-cap marking the Northwest corner of Section 24, Township 16 South, Range 9 East, Boise Meridian;

THENCE South $54^{\circ}09'$ East, 859.6 feet to the true point of beginning;

THENCE South $34^{\circ}13'$ East, 560.0 feet;

THENCE South $55^{\circ}47'$ West, 1230.7 feet to the west boundary of said Section 24;

THENCE North $0^{\circ}13'$ East, 678.9 feet along the west boundary of said Section 24;

THENCE North $55^{\circ}47'$ East, 846.9 feet to the True Point of Beginning.

EXCEPTING THE FOLLOWING DESCRIBED 2 PARCELS OF LAND:

PARCEL NO. 1:

A parcel of land in the $NW\frac{1}{4}$, Section 24, Township 16 South, Range 9 East, Boise Meridian, being more particularly described as follows:

BEGINNING at the NW corner of the $NW\frac{1}{4}$ of Section 24, Township 16 South, Range 9 East, Boise Meridian

THENCE running South $0^{\circ}12'33''$ West for a distance of 358.0 feet to a point;

THENCE running South $35^{\circ}36'34''$ East for a distance of 512.9 feet, said point is the TRUE POINT OF BEGINNING, said point is also the SW corner of Lot 1, Block 12 of Murphy Hot Springs Subdivision No. 1 as recorded in Owyhee County Courthouse;

THENCE South 26°30' East for a distance of 124.28 feet;

THENCE North 56°28' East for a distance of 189.61 feet;

THENCE North 46°27' West for a distance of 128.32 feet to a point, which lies on the Southerly boundary of said Murphy Hot Springs Subdivision No. 1;

THENCE South 55°47' West for a distance of 145.43 feet, along the Southerly boundary of Lot 1, Block 12, Murphy Hot Springs Subdivision No. 1 to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

A parcel of land in the NW¼ of Section 24, Township 16 South, Range 9 East, Boise Meridian, Owyhee County, Idaho, described as follows:

BEGINNING at the Northeast corner of Lot 28, Block 7, Murphy Hot Springs Subdivision No. 2, Owyhee County, Idaho;

THENCE North 34°13'00" West 37.5 feet to a point;

THENCE South 55°47'00" West 85 feet, more or less, to the East Bank of Jarbidge River;

THENCE in a Southeasterly direction 37.5 feet, more or less, to the Northwest corner of Lot 29, Block 7 of Murphy Hot Springs Subdivision No. 2;

THENCE North 55°47'00" East 80.8 feet to the Point of Beginning.

giving and granting unto our said attorney full power and authority to do and perform every act and thing whatsoever requisite and necessary to be done, as fully to all intents and purposes as we might or could do if personally present, hereby ratifying and confirming anything that our said attorney shall lawfully do or cause to be done by virtue of these presents.

This power of attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other persons shall rely upon this power, this power may be revoked only by a notice in writing executed by us or our agent and delivered to such person or institution.

This Special Power of Attorney shall not be affected by disability of the principal.

Third parties may rely upon the representations of our

agent as to all matters relating to any power granted to our agent,
and no person who may act in reliance upon the representations of
our agent or the authority granted to our agent shall incur any
liability to us or our estate as a result of permitting our agent
to exercise any power.

IN WITNESS WHEREOF, We have executed this Special Power
of Attorney this 4th day of February, 1994.

Harry B. Showalter
HARRY B. SHOWALTER

Anita F. Showalter
ANITA F. SHOWALTER

STATE OF IDAHO)

County of Twin Falls) : ss.

On this 4th day of February, 1994, before me, the
undersigned, a Notary Public for Idaho, personally appeared HARRY
B. SHOWALTER and ANITA F. SHOWALTER, husband and wife, known or
identified to me to be the persons whose names are subscribed to
the foregoing instrument, and acknowledged to me that they executed
the same.

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

Barry Shurt
Notary Public for Idaho
Residing at Bur
Commission Expires: 7-12-99

(RGK\4036POA.003)

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this 2nd day of August, 2001

Jan Shurt