

03/01/2006

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

RIGHT NUMBER: 77-14220
NAME AND ADDRESS: MIDDLE FORK HOLDING CO INC
60 EAST 42ND STREET, ROOM 2440
NEW YORK NY 10165
SOURCE: HOT SPRINGS TRIBUTARY: MIDDLE FORK SALMON RIVER
QUANTITY: 0.300 CFS
PRIORITY DATE: 07/01/1939
POINT OF DIVERSION:

T16N R12E S17 SENESE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
HEATING	01/01 12/31	0.300 CFS

→ Use of water under this right shall be non-consumptive.

→ The point of diversion and place of use for this right are located within Homestead Entry Survey No. 77.

PLACE OF USE: HEATING Within CUSTER County

T16N R12E S16	NWSW	T16N R12E S16	SWSW
T16N R12E S17	NESE	T16N R12E S17	SESE

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Knoblock, Ken

From: Keen, Shelley
Sent: Wednesday, March 01, 2006 2:51 PM
To: Knoblock, Ken
Subject: Claim 77-7082

Ken,

The file inventory system says you are reviewing claim 77-7082. I just wanted to let you know that the license is done, including a recent modification to one of the conditions. It should be ready to copy into a recommendation.

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-287-4947
shelley.keen@idwr.idaho.gov

11/04/2005

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

RIGHT NUMBER: 77-14220

NAME AND ADDRESS: MIDDLE FORK HOLDING CO INC
60 EAST 42ND STREET, ROOM 2440
NEW YORK NY 10165

SOURCE: HOT SPRINGS

TRIBUTARY: MIDDLE FORK SALMON RIVER

QUANTITY: 0.300 CFS

PRIORITY DATE: 07/01/1939

POINT OF DIVERSION:

T16N R12E S17 SENESE Within CUSTER County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

HEATING

01/01 12/31

0.300 CFS

PLACE OF USE: HEATING Within CUSTER County

T16N R12E S16

NWSW

T16N R12E S16

SWSW

T16N R12E S17

NESE

T16N R12E S17

SESE

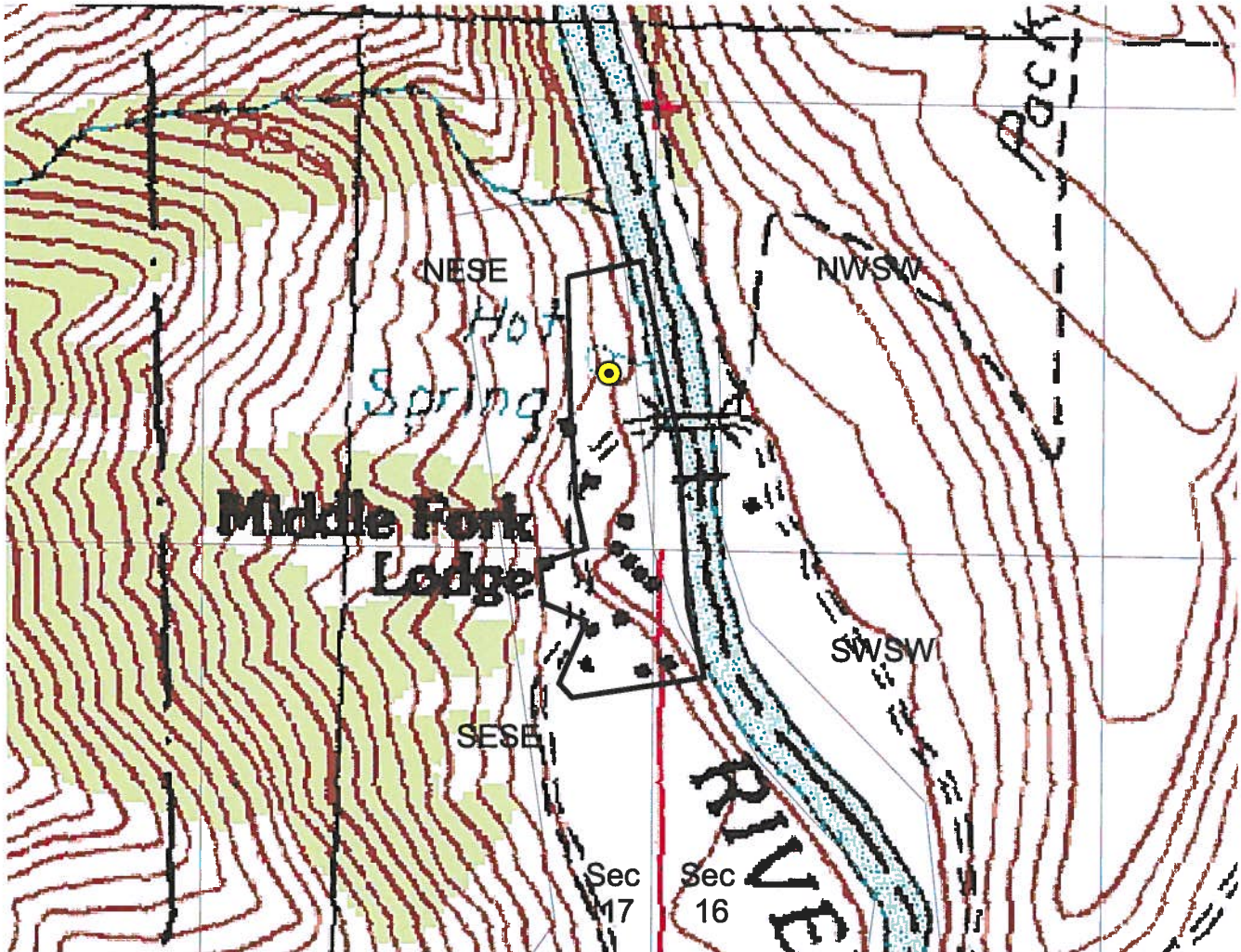
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Property is also known as Homestead Entry Survey No. 77.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

77-14220



0 300 600 Feet

Sections 16 & 17
T16N R12E



● Point of Diversion

□ Place of Use

Map prepared on October 7, 2005
By Kenneth Knoblock
Idaho Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

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Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 24, 2005

Dan Steenson
Ringert Clark
Box 2773
Boise, ID 83701

RE: 77-14218, 77-14219 & 77-14220

Dear Mr. ^{Dan}Steenson:

Enclosed are copies of our preliminary recommendations for the Middle Fork Holding.
The recommendations will be sent to the Court about December 2004.

Sincerely,

Kenneth Knoblock
Water Resources Agent

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

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

77-14220
9/16/05
001789NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWRECEIVED
SEP 15 2005
IDWR/North

Please type or print clearly

1. Name of Claimant (s) Middle Fork Holding Company, Inc. Phone (206) 328-8685Mailing Address P.O. Box 97060, Kirkland, WA NYC Zip 980832. Date of Priority (Only one (1) per claim) July 1, 19393. Source of water supply (a) Hot springs (12-16 total surface points)
which is tributary to (b) Middle Fork Salmon River4. a. Location of existing point of diversion is: Township 16N Range 12E Section 17
SE 1/4 of NE 1/4 of SE 1/4, Govt. Lot, B.M., County of Custer

Additional points of diversion if any: _____

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

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

Govt. Lot _____ B.M., County of _____

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

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Approximately 12-16 surface points where water exits ground. Each has a small
plastic pipe routed to a collection box. Three collection boxes feed into a 3" transfer line (water from lowest collection box is pumped
to one of the other two boxes) leading to buildings. Lower buildings are gravity fed, then water is pumped to upper buildings.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Heating purposes from 1-1 to 12/31 amount 0.30 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.30 (cfs) and/or (b) _____ (acre feet)8. Total consumptive use claimed is non-consumptive acre feet per annum.9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic; heating and hot culinary water for all buildings; swimming pool and hot tubs; fire protection.

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	12E	16										G	G						
16N	12E	17												G				G	

Total number of acres irrigated N/A11. In which county (ies) are lands listed above as place of use located? Custer12. 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.
77-7082 (permit) or None ()

14. Remarks:

The hot water system includes a 500 gallon flow-through tank for fire protection. Water right permit no. 77-7082 was filed in 1979 to cover the water right previously established by beneficial use and claimed herein. This claim is supported by the report entitled "Middle Fork Lodge Irrigation, Hydropower and Hot Water Rights," and exhibits attached thereto, which is contemporaneously filed in support of the claimant's Notices of Claim of for an 1898 priority irrigation right and a 1938 priority hydropower right.

Last Name _____

Ident No. _____

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

16. Signature (s)

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

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

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

of Middle Fork Holding Company _____ Title _____, that I have signed the foregoing
 document in the space below as President _____ of Middle Fork Holding Company _____
 Title _____ Organization _____
 and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization President, Middle Fork Date 9/13/05
Holding Company

State of Idaho/or New York)

County of New York) SS.

Subscribed and sworn (or affirmed) before me this 13th day of SEPTEMBER 2005

Notary Public _____

Residing at _____

My Commission Expires _____

115 HARWOOD AVE
SLEEPY HOLLOW, NY 10911
 Notary Public, State of New York
 No. 24-4679545
 Qualified in Westchester County
 Certificate Filed in New York County
 Commission Expires July 31, 2006

17. Notice of Appearance:

Please Print Name

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

Signature _____

Address 455 South Third Street, Boise, Idaho, 83702

Date 9/14/05

Last Name _____

Ident. Number _____