

10/22/2002

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

RIGHT NUMBER: 29-4212

NAME AND ADDRESS: HOME HOTEL & MOTEL INC  
PO BOX 67  
LAVA HOT SPRINGS ID 83246

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.080 CFS  
58.000 AFY

PRIORITY DATE: 01/16/1918

POINT OF DIVERSION:

T09S R38E S21 SESE Lot 1 Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| HEATING               | 01/01 12/31          | 0.040 CFS<br>29.00 AFY |
| COMMERCIAL            | 01/01 12/31          | 0.040 CFS<br>29.00 AFY |

PLACE OF USE: COMMERCIAL Within BANNOCK County

T09S R38E S21 Lot 1 SESE

HEATING same as COMMERCIAL

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: Beneficial Use



State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 15, 2004

CAMPELL INC  
PO BOX 67  
LAVA HOT SPRINGS ID 83246

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP FOR 29-4212, 29-7639

Dear Claimant:

I am returning the above referenced request for additional information.

29-4212 is currently in the name of Home Hotel & Motel Inc. In order to change the ownership to Campbell Inc., I need a quit claim deed or warranty deed from Home Hotel to Campbell. I discussed this matter with Alliance Title and Escrow and they indicated the Deed of Reconveyance is not legal proof Campbell Inc. owns the property.

29-7639 is currently in the name of La Voy Albretsen. Please provide a deed from Albretsen to Campbell Inc. in addition to a filing fee of \$25.00.

Once I receive the completed forms and these additional documents, I will process your request as soon as possible.

Thank you for your help in this matter.

Respectfully,

Jennifer Crabtree  
Technical Records Specialist

Enclosure

SCANNED

MAR 07 2004

PROFILED

02/18/2003

*allen*

NOTICE OF ERROR  
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-4212

HOME HOTEL & MOTEL INC

PO BOX 67

LAVA HOT SPRINGS ID 83246

Telephone Number: (208) 776-5507

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

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

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

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

DATE:

3-12-03

SIGNATURE:

*Mark Campbell*

Please print your name:

Mark Campbell

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

SCANNED

MAR 07 2005

PROFILED

29-04212 S. H. H. H.

6/9/01 Met W. J. Campbell, owner. Visited well and springs

House. Might be difficult to measure due to extent  
pipe sections. Layoy Abstractor still shows a security  
interest in this lot (45). Recommended Priority Date  
Be Amended to 1918 per documents from 1925 claims.

12/27/01 Letter Mr. Wayne Campbell to discuss an Amendment  
to this claim to change Priority Date from 1925 to 1918  
per evidence submitted. He approves the Amendment.  
See evidence attached. Memo to January 16, 1918.

9/02/02 MRSAHMS OF system not returned due to  
of 2.020: claims 0.08-15  $\Rightarrow$  So Recommendations  
 $Q_{AT} = (1.9835)(365)(0.08) = 57^2 \text{ AT} \Rightarrow 58^2 \text{ AT}$   
This Pool/Poll is on South side of forkout  
River w/ City of L.A. ——— Pool/Poll in  
SSEA Lot 1 Sec. 21, T9S, R38E.

SCANNED

MAR 07 2005

PROFIT



MAR 07 2005

SCANNED

PROTECTED

SCANNED

POOR ORIGINAL

MAY 18 2001

R. L. Dixon

## MECHANIC'S LIEN

vs

William Ray, Mary Ann  
Ray, owners and D. W.  
Arave, contractors.

Dated: January 16, 1918  
Filed: January 18, 1918  
at 9 A. M.  
Recorded: Book 3 Mechanic's  
Lien Record Page 42  
Amount Claimed: \$497.42

Claims lien of said sum for labor and material furnished in construction of building on premises, described as follows:

Beginning at S. W. corner of tract which bears from S. E. corner of Block one of Hall's First Addition to Hall City, recorded in office of County Recorder in Bannock County, Idaho East 50 feet, thence running East 289 feet to left bank of Portneuf River, thence with courses along South bank North 11 degrees West 132 feet, North  $78\frac{1}{2}$  degrees, West 75 feet, North  $21\frac{1}{2}$  degrees, West  $78\frac{1}{2}$  feet to East point of island, thence along North bank of said island in Southwesterly direction 300 feet, more or less, to point on said bank due North of Place of beginning, thence South 201.5 feet to place of beginning, containing 1.3 acres of acre.

*Lavay Albroson - Security Broker - Malad*  
*Wayne Campbell - Owner (Purchaser)*

BANNOCK TITLE-ABSTRACT COMPANY  
PAGE NUMBER

MICROFILMED

NOV 13 1999

A29-04212

D. Carlson

In District Court of Fifth Judicial District of Idaho, in and for Bannock County.

R. L. Dixon, Plaintiff,

NOTICE OF LIS PENDENS

vs

Dated: February 5, 1918

Filed: February 5, 1918

at 10:10 A. M.

Recorded: Book 2 Lis Pendens

Record Page 27

D. W. Arave, Mary Ann Ray  
and William Ray, Defendants.

Notice is hereby given:

That action has been commenced and is pending in above named court, upon complaint of above named plaintiff, against above named defendant.

That object of said action is to enforce material man's lien for materials furnished original contractor, D. W. Arave, upon premises hereinafter described, and hotel building situate thereon, said lien is claimed for materials furnished for installation of plumbing and water system in said hotel, such lien having attached to said property pursuant to laws of Idaho, and amounting to sum of \$497.42, together with costs of this action and reasonable attorneys fee for Plaintiff's Attorneys.

That said action affects title to real estate described as follows:

Beginning at S. W. corner of tract which bears from S. E. corner of Block one of Hall's First Addition to Hall City, recorded in office of County Recorder in Bannock County, Idaho, East 50 feet, thence running East 289 feet to left bank of Port-neuf River, thence with courses along South bank North 11 degrees, West 132 feet, North 78 $\frac{1}{2}$  degrees, West 75 feet, North 21 $\frac{1}{2}$  degrees, West 78 $\frac{1}{2}$  feet to East point of island, thence along North bank of said island in Southwesterly direction 300 feet, more or less, to point on said bank due North of place of beginning, thence South 201.5 feet to place of beginning, containing 1.3 acres of acre.

Edens & Anderson,  
Attorneys for Plaintiff,  
Residence Pocatello, Idaho

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 29-4212  
Date Received: 5/21/1990  
Receipt No: E014619  
Received By:  
**AMENDED**

**AMENDED**

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

**RECEIVED**

**JAN 03 2002**

Department of Water Resources  
Eastern Region

1. Name of Claimant(s)

HOME HOTEL & MOTEL INC Phone: (208)776-5507

PO BOX 67  
LAVA HOT SPRINGS ID USA 83246

2. Date of Priority: 01/16/1918

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 09S      | 38E   | 21      | SE SE                 | BANNOCK |      |

5. Description of diverting works:

WELL & PUMP TO HOTEL AND HOT TUBS

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| COMMERCIAL | 1/01 | 12/31 | 0.04   |            |
| HEATING    | 1/01 | 12/31 | 0.04   |            |

7. Total Quantity Appropriated is:  
0.08 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use        | Acres |
|----------|-------|---------|----------------|------------|-------|
| 09S      | 38E   | 21      | SE SE          | COMMERCIAL |       |

**PROFILED**

12/27/2001

**SCANNED**  
**MAR 07 2005**

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

CLAIM AMENDED TO CORRECT PRIORITY DATE PER DOCUMENTS.

WATER IS FROM 6-FT DUG WELL TAPPED INTO UNDERGROUND HOT SPRINGS

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.

PROFILED

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MAR 07 2005

Number of attachments: \_\_\_\_\_

**For Organizations:**

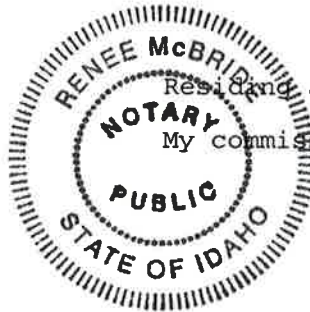
I do solemnly swear or affirm that I am owner, manager of  
Title  
Home Hotel, that I have signed the foregoing  
Organization  
document in the space below as owner, manager of  
Title  
Home Hotel and that the statements contained in the  
Organization  
foregoing document are true and correct. Mark G. Phillips  
Signature of Authorized Agent  
owner/manager  
Title and Organization  
1-02-02  
Date

State of Idaho )  
County of Bannock ) SS.

Subscribed and sworn (or affirmed) before me this 2<sup>nd</sup> Day  
of January 2002

Renee McBride

Notary Public



Residing at Lower Hot Springs Id  
My commission Expires May 31, 2006

SCANNED  
MAR 07 2005

PROFIT  
PROFIT

MAY 18 2001

#108

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: A29-04212

Date Received: 5/21/1990

Receipt No: ED14619

Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: HOME HOTEL & MOTEL INC. 208-776-5507  
Address: BOX 67  
LAVA HOT SPRINGS, ID 83246

2. Date of Priority: JUN 01, 1925

3. Source: GROUNDWATER *Sigs.* Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 09S      | 38E   | 21      | SE     | SE     |     |     | BANNOCK |

5. Description of diverting works:  
WELL & PUMP TO HOTEL AND HOT TUBS

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
C/HOTEL-MOTEL G/HEATING SYSTEM AND HOT TUBS

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 09S      | 38E   | 21      | SE     | SE  |     | COMMER |       |

11. Place of use in counties: BANNOCK

A29-04212

Page 1

Date: 05/21/90

MICROFILMED

NOV 13 1992

A2904212



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

13. Other Water Rights Used:  
29-07639

14. Remarks:

WATER IS FROM 6-FT DUG WELL TAPPED INTO UNDERGROUND HOT SPRINGS

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

Number of attachments:                     

**For Organizations:**

I do solemnly swear or affirm that I am Owner of  
Title

Home Hotel & Motel, Inc. that I have signed the foregoing  
Organization

document in the space below as Owner of  
Title

Home Hotel & Motel, Inc. and that the statements contained in the  
Organization

foregoing document are true and correct.

Leroy Abretsen  
Signature of Authorized Agent

Home Hotel & Motel, Inc.  
Title and Organization

5-21-90  
Date

State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 21 day

of May 19 90

Wane Carls  
Notary Public

Seal

Residing at Heise, Id

My Commission Expires 2/26/96