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 67-4259
Date Received: 12/11/1989
Receipt No:
Received By:

AMENDED CLAIM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BRIAN SNIDER Phone: (208)253-4440

2849 FRUITVALE GLENDALE RD
FRUITVALE ID USA 83612-6009

EVELYN SNIDER Phone: (208)253-4440

2849 FRUITVALE GLENDALE RD
FRUITVALE ID USA 83612-6009

2. Date of Priority: 06/01/1906

3. Source: SPRINGS Trib. to: WARM SPRING CREEK
WARM SPRING CREEK Trib. To: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County	Type
18N	01W	34	SW	SW	NE		ADAMS	
18N	01W	34	SW	SW	NE		ADAMS	
18N	01W	34	NE	SE	NW		ADAMS	

5. Description of diverting works:

COLLECTIONS BOXES AND PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	1/01	12/31	1.33	
DOMESTIC	1/01	12/31	0.04	
IRRIGATION	3/15	11/15	0.2	

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

8. Total consumptive use:

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): Evelyn C. Smith Date: 12-04-06

_____ Date: _____

State of Idaho)
) SS.
County of Ada)

Subscribed and sworn (or affirmed) before me this 4th day of December 2006

Carter Fritschle
Notary Public

Residing at Kuna ID

My commission Expires 4-3-2012

CARTER FRITSCHLE NOTARY PUBLIC STATE OF 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 67-4259
Date Received: 12/11/1989
Receipt No: W007061
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BRIAN SNIDER Phone: (208)253-4440

2849 FRUITVALE GLENDALE RD
FRUITVALE ID USA 83612-6009

EVELYN SNIDER Phone: (208)253-4440

2849 FRUITVALE GLENDALE RD
FRUITVALE ID USA 83612-6009

2. Date of Priority: 06/01/1906

3. Source: SPRINGS Trib. to: WARM SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4	1/4	1/4	Lot	County	Type
18N	01W	34	SW	SW	NE		ADAMS	

5. Description of diverting works:

COLLECTIONS BOXES AND PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	1/01	12/31	1.33	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
1.33 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
18N	01W	34	NE	SW		COMMERCIAL	
			NE	SW		DOMESTIC	

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

CHANGE OF OWNERSHIP 12/13/04-LG

THE COMMERCIAL USE IS FOR HEATING OF THE SWIMMING POOL, CABINS AND BUILDINGS ASSOCIATED WITH A RESORT WHICH CATERS TO PRIVATE GROUPS BY RESERVATION. DOMESTIC USE IS FOR HEATING OF RESIDENCE, PRIVATE SHOP AND FOR DOMESTIC LAWN AND GARDEN IRRIGATION.

15. Basis of Claim: Beneficial Use

Form 42-248/42-1409(6) July, 2000

RECEIVED
SEP 15 2004
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please 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
67 4259					

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

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

   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): C.W. and Helen Lortz
   2849 Fruitvale Glendale Road Fruitvale, ID 83612

4. New Owner/Claimant(s): Evelyn C. Snider Brian C. Snider
   Name Connector (Check one): [ ] and, [ ] or, [X] and/or
   New Mailing Address: 2849 Fruitvale Glendale Road
   City, State and ZIP Code: Fruitvale, Idaho 83612-6009
   New Telephone Number: (208) 353-4440

5. Date you acquired the property: 1-04-2001

SCANNED
NOV 01 2004

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) _____
(include title if applicable) _____

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 DB Date 9-15-04 Fee 0
Receipted by _____ Date _____ Receipt No. _____
Processed by _____AJ Date _____ WR _____ Date _____

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

September 15, 2004

EVELYN SNIDER
STARKEY HOT SPRINGS
2849 FRUITVALE GLENDALE RD
FRUITVALE ID 83620-5009

RE: Notice of Change in Water Right Ownership: 67-4259

Dear Ms. Snider:

This office has received your Notice of Change in Water Right Ownership (copy enclosed), recently submitted. We also received check number 811 in the amount of $25; however, we are returning it to you, as the ownership change fee is not required for this particular water right claim. This claim has not yet been decreed by the SRBA Court.

In addition, we cannot continue to process the ownership change without sufficient **proof of ownership**. This proof can be a copy of a Warranty Deed(s), Contract of Sale, Title Policy or other legal documentation indicating your ownership of the property; which includes the **legal description of the property by ¼ ¼, Section, Township and Range**.

Thank you for your patience and cooperation. If you have any further questions, feel free to contact this office at (208) 334-2190.

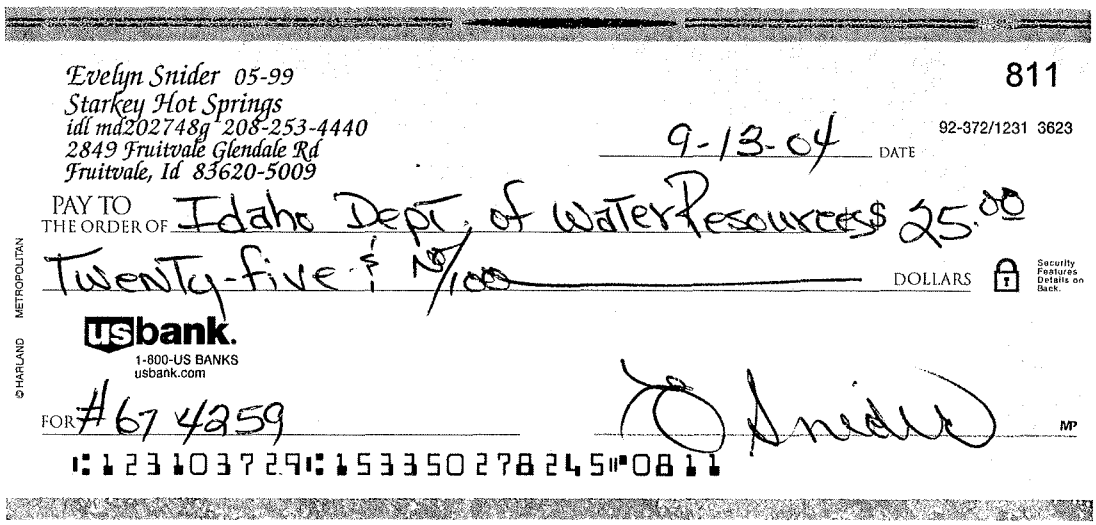
Sincerely,

Denise Buffington

Denise Buffington
Office Specialist 2
Adjudication Section
Western Region

DB: db

Enclosures


Evelyn Snider 05-99
Starkey Hot Springs
idl md202748g 208-253-4440
2849 Fruitvale Glendale Rd
Fruitvale, Id 83620-5009

811

92-372/1231 3623

9-13-04 DATE

PAY TO THE ORDER OF Idaho Dept. of Water Resources $ 25.00

Twenty-five & No/100 DOLLARS

Security Features Details on Back.

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usbank.
1-800-US BANKS
usbank.com

FOR #67 4259

MP

⑆123103729⑆153350278245⑈0811

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy

RECEIVED
OCT 0 4 2004
WATER RESOURCES
WESTERN REGION

POLICY OF TITLE INSURANCE

ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

Countersigned Julie E. Wilson

First American Title Insurance Company

BY Gary L. Kerndt PRESIDENT

ATTEST Mark A. Arnoux SECRETARY

J 1255446

Form No. 1402.92 (10/17/92)
ALTA Own 's Policy

SCHEDULE A

File No. 100-00-386 Policy No. J-1255446

Amount of Insurance $385,000.00 Premium $1,396.25

Date of Policy: January 5, 2001 at 10:45 p.m.

1. Name of Insured:

EVELYN C. SNIDER

2. The estate or interest in the land which is covered by the policy is fee simple.

3. Title to the estate or interest in the land is vested in
PARCEL 1 AND 2
EVELYN C. SNIDER, as her sole and separate property

PARCEL 3
ROBERT M. LINDSAY AND WINIFRED B. LINDSAY, husband and wife

4. The land referred to in this policy is described as follows:

See attached Continued Schedule A

PARCEL 1

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 3: SW1/4NE1/4, NW1/4SE1/4, Lots 2 and 3, excepting roads as now established

Township 18 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 34: SE1/4SW1/4, excepting all rights-of-way as now established for State Highway and County Roads

That portion of the NW1/4SW1/4 on the East side thereof, lying North of the right-of-way of the Union Pacific Railroad, now Friends of the Weiser River Trail, and East of the Weiser River; and also that portion situated, lying and being South of the right-of-way of the Union Pacific Railroad, now Friends of the Weiser River Trail, as now located over, upon and across said subdivision, BUT SUBJECT TO RESERVATION to use the established stock driveway over said premises.

NW1/4NE1/4 (Blocks 19 to 33 inclusive of the Townsite of Starkey, on file in the Adams County Recorder's Office in Book 1 Plats page 17, now vacated, Book 1 Misc. page 103, and the unplatted portion of NW1/4NE1/4);

SW1/4NE1/4 (blocks 11 to 16 inclusive, of the Townsite of Starkey, on file in the Adams County Recorder's Office in Book 1 Plats page 17, now vacated, Book 1 Misc. page 301 and the unplatted portion of SW1/4NE1/4 and Hot Springs Park);

NW1/4SE1/4 (Blocks 1 to 7 inclusive, of the Townsite of Starkey, on file in the Adams County Recorder's Office in Book 1 Plats page 17, now vacated, Book 1 Misc. page 301, and the unplatted portion of NW1/4SE1/4);

SE1/4NW1/4 (Blocks 40, 47, 48, 49, 50, 51, 51A, 59,60, 61, 62, 65, of the Townsite of Starkey, on file in the Adams County Recorder's Office in Book 1 Plats page 17, and the unplatted portion of SE1/4NW1/4 said blocks 40, 49, 51A, 59, 60, 61, 62, and 65 now vacated, Book 1 Misc. page 301) EXCEPTING THEREFROM THE FOLLOWING LOTS OR PARCELS:
In Block 47: Lot 23
Block 48: Lots 10 and 19
Block 50: Lots 16 and 18

CONTINUED

CONTINUED SCHEDULE A
ORDER NO. 100-00-386
POLICY NO. J-1255446

Parcel 2

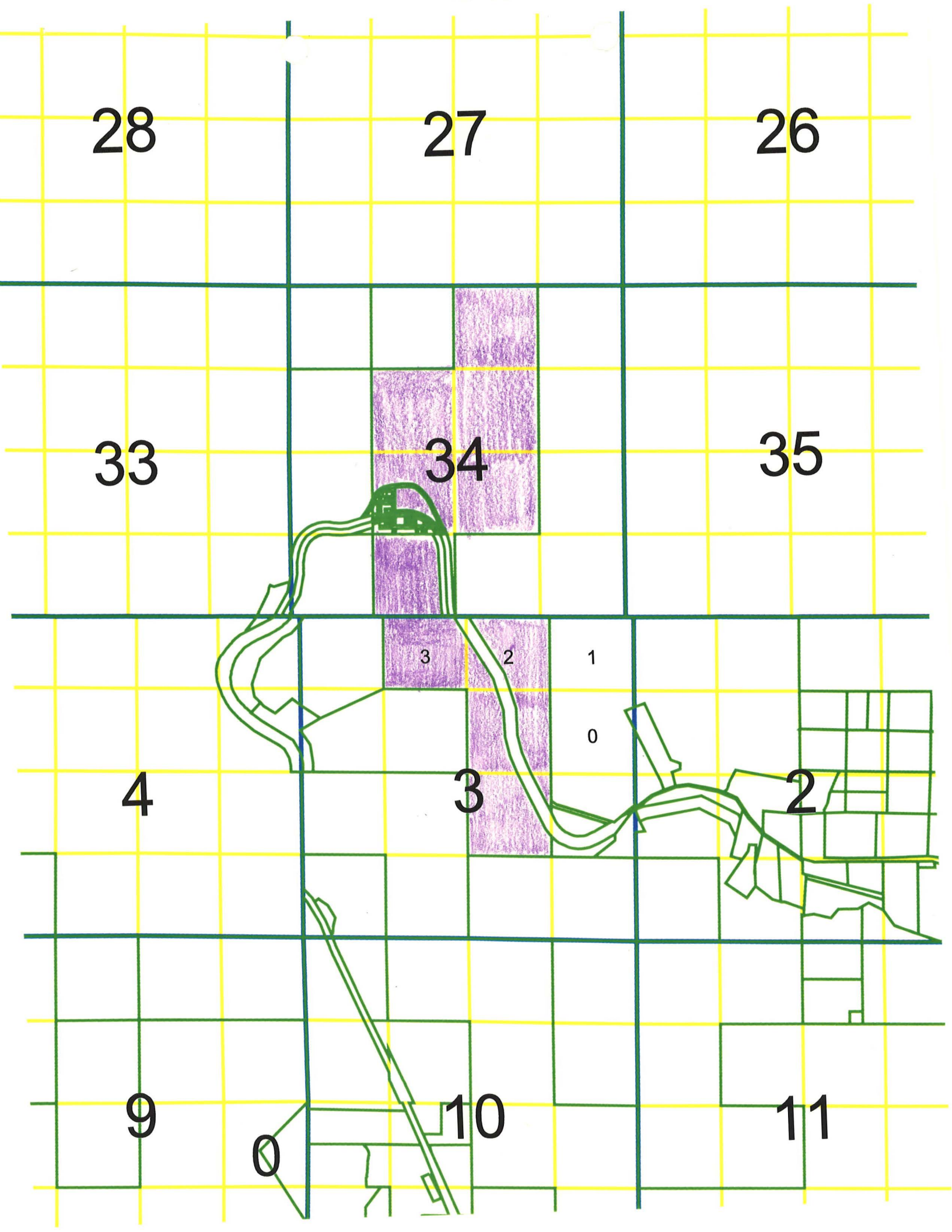
NE1/4SW1/4 (Blocks 34, 35, 36, 37, 39, 41, 42, 52, 53, 54, 55, 58, Little Coney Island, Site of Proposed Sanitorium and Natatorium, Hot Springs Park, of the Townsite of Starkey, on file in the Adams County Recorder's Office in Book 1 Plats page 17, and the unplatted portion of NE1/4SW1/4; said Blocks 36, 37, 39, 52 and 58 now vacated, Book 1 Misc. page 301) EXCEPTING THEREFROM THE FOLLOWING LOTS OR PARCELS:

In Block 41: Lots 16, 19, 26 and 27;
Block 42: Lots 6, 7, 9, 10 and 11
Block 53: Lots 12 and 14 bought/Mortz
Block 54: Lots 5, 6, 7, 8, 9, 12, 15, 16, 21, 22, 24 AND an irregular tract of land beginning at the SW corner of Lot 24; Thence running North 75 feet to the NW corner of Lot 24; Thence West 23 feet; Thence Southwest 23 feet; Thence Southwest to the NW corner of Lot 5 of Block 54; Thence East along the North end of Lots 5 and 6 of Block 54, 60 feet to the POINT OF BEGINNING.
Block 55: Lots 9, 10, 11, 12, 13, 14, 19 and 20.

ALSO EXCEPTING FROM ALL OF THE ABOVE DESCRIBED LAND ROADS AND THE RIGHT OF WAY OF THE UNION PACIFIC RAILROAD, now FRIENDS OF THE WEISER RIVER TRAIL

PARCEL 3

Lot 9, Block 55, Townsite of Starkey, Adams County, Idaho, as set forth on the official plat thereof recorded in Book 1 Plats page 17 in the Adams County Recorder's Office.
EXCEPTING THEREFROM THE FOLLOWING:
All that portion of Lot 9, Block 55, Townsite of Starkey described as beginning at the Southeast corner of said lot;
Thence North 75 feet;
Thence Southwesterly 33 feet 7 inches to the West boundary of said lot;
Thence South along the said West boundary 60 feet to the Southwest corner of said lot;
Thence East 30 feet to the REAL POINT OF BEGINNING.


28
27
26
33
34
35
3
2
1
0
4
3
2
9
10
11
0

SCHEDULE B
EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

Part 1
SECTION 1

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.

3. Easements, claims of easement or encumbrances which are not shown by the public records.

4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or by any other facts which a correct survey would disclose, and which are not shown by the public records.

5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in acts authorizing the issuance thereof; (c) water rights, claims, or title to water whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

SECTION 2

7. GENERAL TAXES AND ASSESSMENTS
2000: first half due December 20, 2000
second half due June 20, 2001
2001: an accruing lien not yet due

CONTINUED

8. TELEPHONE LINE EASEMENT granted to MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, recorded September 25, 1940 in Book 4 Misc. page 120.

9. POWER LINE EASEMENT granted to IDAHO POWER COMPANY, recorded October 4, 1947 in Book 4 Misc. page 518.

10. PERPETUAL EASEMENT AND RIGHT-OF-WAY granted to WEISER FLOOD CONTROL DISTRICT NO. 3 OF STATE OF IDAHO over the SE1/4SW1/45, Section 34, recorded August 27, 1956 in Book 23 Deeds page 511.

11. POWER LINE EASEMENT granted to IDAHO POWER COMPANY recorded July 13, 1973 in Book 7M Misc. page 497 as Instr. No. 51725.

12. RESERVATION for stock road as set forth in deed recorded April 20, 1942 in Book 17 Deeds page 582.

13. RESERVATIONS contained in road right-of-way recorded June 17, 1918 in Book 6 Deeds page 440.

14. PIPELINE EASEMENTS as set forth in Deed recorded April 2, 1930 in Book 12 Deeds pages 461-464.

15. RESERVATIONS, TERMS AND CONDITIONS of deed recorded September 22, 1966 in Book 27 Deeds page 224.

16. BATHING PERMITS as set forth in Deed recorded February 6, 1974 in Book 30M Deeds page 86.

17. ANY RIGHTS, INTERESTS OR EASEMENTS in favor of the public which exist or are claimed to exist over any part of said land covered by the Weiser River.

18. ANY CLAIM arising from the difference in the mean high water line of the Weiser River and the meander line as shown by the original government survey.

19. EASEMENTS as shown on the official plat of the Townsite of Starkey, on file and of record in Book 1 Plats page 17.

CONTINUED

20. ANY PRESENT OR DEFERRED TAX LIEN on the herein described property arising under or by virtue of the Forest Products Yield Tax as provided by Idaho Code 63-1701 or 63-1706 as amended.

21. ANY CLAIMS arising from the fact that the Plat of Starkey, recorded in Book 1 Plats page 17, shows the railroad right-of-way to be 100 feet in width and the Pacific and Idaho Northern Railway Main Line plans show the railroad right-of-way to be 200 feet in width.

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: **A67-04259**
Date Received: 12/11/1989
Receipt No: W007061
Received By: KRD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: C W LORTZ 208-253-4440
   Address: PO BOX 69
   FRUITVALE ID 83620
   OR
   Name: HELEN J LORTZ 208-253-4440
   Address: PO BOX 69
   FRUITVALE ID 83620

2. Date of Priority: JUN 1, 1906

3. Source: SPRINGS Trib. to: WARM SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
18N	01W	34	SW SW NE		ADAMS

5. Description of diverting works:
   COLLECTIONS BOXES AND PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
COMMERCIAL	01/01	12/31	1.330		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   DOMESTIC, 1 HOME AND SHOP; COMMERCIAL, POOL, HEATING AT RESORT

SCANNED
APR 0 8 2004

MICROFILMED
OCT 2 3 1996

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
18N	01W	34	NE	SW		DOMEST	
			NE	SW		COMMER	

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:
THE COMMERCIAL USE IS FOR HEATING OF THE SWIMMING POOL, CABINS AND BUILDINGS ASSOCIATED WITH A RESORT WHICH CATERS TO PRIVATE GROUPS BY RESERVATION. DOMESTIC USE IS FOR HEATING OF RESIDENCE, PRIVATE SHOP AND FOR DOMESTIC LAWN AND GARDEN IRRIGATION.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

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: _____

MICROFILMED
OCT 23 1996

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 _____

MICROFILMED
OCT 23 1996

Form No. 4[illegible] 409 (2) a 1/88

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 67-04259
Date Received 12-11-89
Receipt Number W0007061

RECEIVED
DEC 11 1989
Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) LORTZ, C.W & HELEN J. Phone (208) 253-4440
   Mailing Address P.O. Box 69, FRUITVALE, ID Zip 83620
2. Date of Priority (Only one (1) per claim) 06/01/1906
3. Source of water supply (a) SPRINGS
   which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 18N Range 1W Section 34,
   SW 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of ADAMS
   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. SERIES OF SPRINGS (HOT) WITH COLLECTION BOXES WITH TWO PIPELINES TO RESORT, CABINS, & SWIMMING POOL.

MICROFILMED
OCT 23 1996

6. Water is claimed for the following purposes:

		(both dates are inclusive)		(cfs)		(acre feet)
For COMMERCIAL	purposes from 01/01	to 12/31	amount 1.33	or		
For DOMESTIC	purposes from 01/01	to 12/31	amount 0.04	or		
For	purposes from	to	amount	or		
For	purposes from	to	amount	or		

7. Total quantity claimed (a) 1.33 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is — acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) COMMERCIAL FOR HEATING OF SWIMMING POOL, CABINS & BUILDINGS ASSOCIATED WITH RESORT WHICH HAS PARTIES BY RESERVATION & FOR DOMESTIC LAWN & GARDEN IRRIGATION

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
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
18N	01W	34									COM & DOM								

Total number of acres irrigated _____

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

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.
    _____ or None (X)

14. Remarks: THE COMMERCIAL USE IS FOR HEATING OF THE SWIMMING POOL, CABINS, & BUILDINGS ASSOCIATED WITH A RESORT WHICH CATERS TO PRIVATE GROUPS BY RESERVATION. DOMESTIC USE IS FOR HEATING OF RESIDENCE, PRIVATE SHOP, & FOR DOMESTIC LAWN & GARDEN IRRIGATION.

MICROFILMED
OCT 23 1996

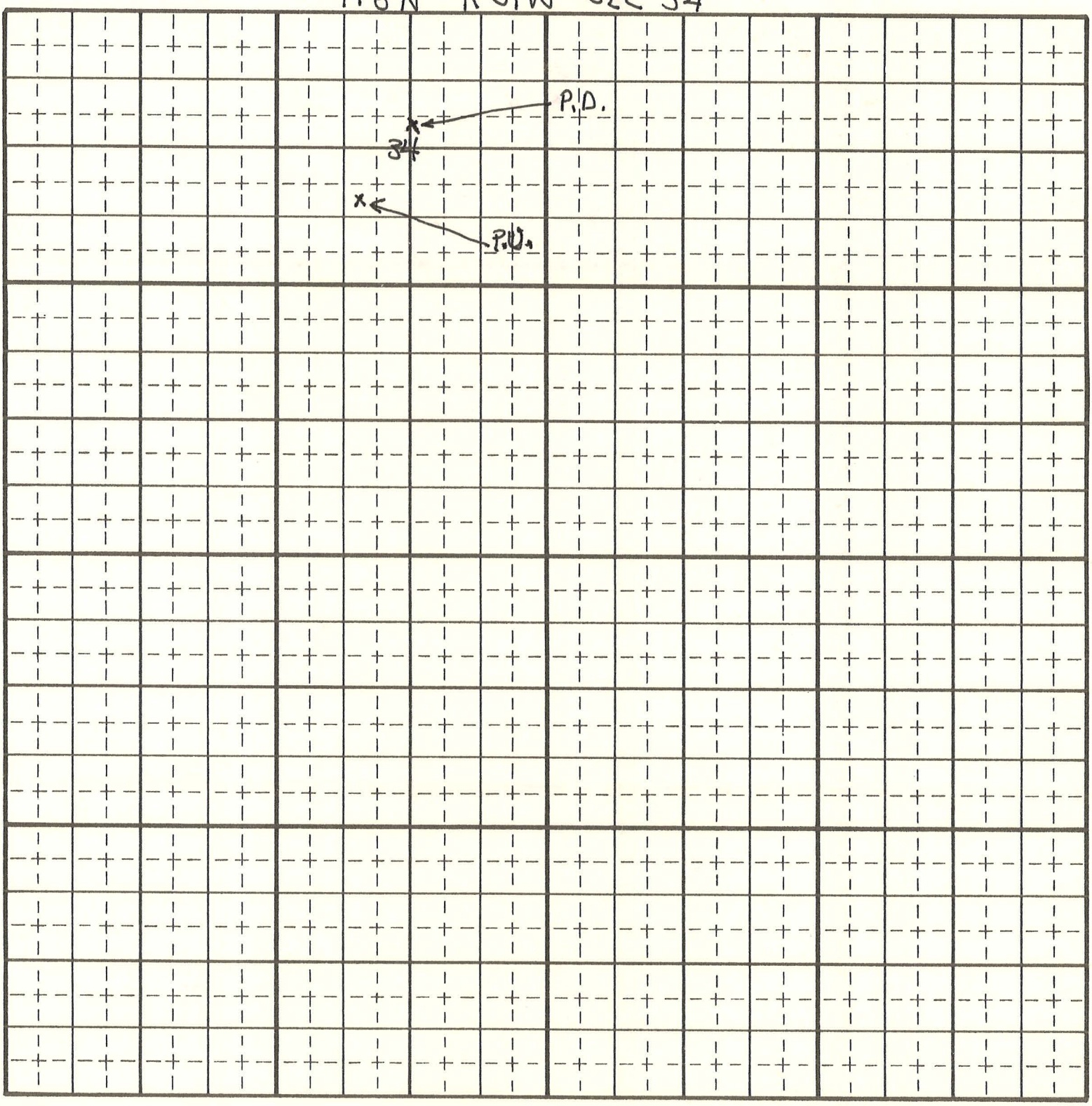
Last Name LORTZ. Ident No. A67-04259

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T18N R01W Sec 34



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OCT 23 1996

Last Name Lortz Ident No. A67-04259

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 67-4259
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 X 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) X C. N. Lortz Date 12/7/1989

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____
Title
of _____ , that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or —)
) SS.
County of Adams)

Subscribed and sworn (or affirmed) before me this 7th day of Dec. 1989

SEAL

Notary Public Janet E. Pulley

Residing at Boise, ID

My Commission Expires 11/08/1994

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ 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 _____

Date _____

MICROFILMED
OCT 2 3 1996

Last Name LORTZ Ident. Number A67-04259

Copies White-State, Yellow-Claimant

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: W007061

Date: 12/11/89
Time: 14:32:20

Received From: LORTZ, HELEN J.

Type of Payment	Program Acct Class	Amount
ADJUDICATION CLAIM FEE	0410162 9337 6490	$183.00

Total $183.00

CHECK 1190

WR/NO: A67-04259

Idaho Department of Water Resources

Region: WESTERN

Signature: Lori Harris

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OCT 23 1996

ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME Hortz, C W or Helen — C M IDENT. NO. A67-04259

DATE RECEIVED 12-11-89 RECEIPT # W007061 FEE PAID $183.00 FEE REQ'D $183.00

		YES	NO	Require Info?
1.	Is the name and address complete with zip code?	X		*
2.	Is a priority date entered?	X		*
	Is the priority date acceptable in view of mandatory filing dates? **See Adjudication Memos #1 and #4 to determine if a Permit is required.**	X		*
3.	(a) Is a source entered?	X		*
	(b) Is a tributary to entered? (if required) N/A ___		X	
4.	Is the legal description of the p.d. sufficient?	X		*
5.	Is there a description of the diverting works?	X		
6.	Are the water uses appropriate for the form? The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.	X		*
	Is the period of use included?	X		
	Is a quantity claimed for each use?	X		*
7.	Is a total quantity claimed entered?	X		
8.	If required is a consumptive use entered? N/A X			
	Is the consumptive use correct? N/A X			
9.	Are the non-irrigation uses listed showing # of homes, hd. of stock?	X		*
	If multiple domestic, is single ownership indicated?			
10.	Is (are) the place(s) of use and purpose(s) indicated?	X		*
11.	Is (are) the county(ies) entered?	X		
12.	Is the ownership of p.u. checked?	X		
13.	Are other water rights listed or "none" indicated?	X		
14.	If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A X			
15.	Is the basis of the claim indicated?	X		
16.	If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? N/A X If yes, compare claim w/existing right and attach proof report noting any differences in comments. If no, was water right no. found?			*
17.	If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? N/A ___ (If yes, attach a proof report & complete number change) **NOTE:** If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.	X		
18.	If the claimant requested a monthly docket sheet, was the fee paid? N/A X			
19.	Is the claim signed by the claimant, and is the signature appropriate?	X		*
20.	Has the claim been signed, sealed, and dated by a notary?	X		*
21.	Was this claim filed on time? (Check ML3 for date mailed-not all were mailed on the planned date) If no, was an extension of time filed & approved?	X		*
22.	Is the fee enclosed correct? Exempt ___	X		*

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OCT 23 1996

	YES	NO
23. Is this claim being rejected and returned to claimant?	___	X
24. Can this claim be data entered?	X	___
25. Was claim modified?	___	X
If yes, do modifications require notification to claimant? . . . Note: Modifications made must be explained in comments stating where the information for any changes was found.	___	___

Claim reviewed by: KH **Date** 9-15-94

Claim data entered by: _____ **Date** _____

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: Tributary not listed, diversion rate less than originally claimed, claiming Commercial & Domestic. Recreation & Power on original claim, See Proof report attached.

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Water Right Number - 67-04259 Prefix Translation: WATER RIGHT Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
LORTZ	CHARLES W.	1 - P.O. BOX 69 2 - 3 - City- FRUITVALE State- ID Zip- 83620 Phone - 208-000-0000

Priority Date	Region	Stage	Status
08/01/1906	14 WESTERN	S - STATUTORY CLAIM	

Source	Tributary
SPRING	WARM SPRING CREEK

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
18N	01W	34	SW NE			(3) ADAMS			

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
43	DOMESTIC	01/01	12/31	160.000	
46	RECREATION	01/01	12/31		
28	POWER	01/01	12/31		

Total Div. Rate	Total Div. Volume	Total Div. Capacity
160.000		

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
18N	01W	34	NE SW			28	POWER	(3) ADAMS

Diversion Means - GRAVITY PIPELINE.

Non-Irrigation Use - R/SWIMMING POOL.

Other Rights for Same Use -

Remarks

No Remarks found.

Old Water Right Numbers

No Old Water Right Numbers found.

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
		00/00/0000

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OCT 2 3 1996

Water right number - 67-04259 Prefix Translation: WATER RIGHT

-Comments-

No Comments Found

Audit Fields - 02/11/85 05/01/88 CONVERT 08/23/88 CURTIS

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	- 02/11/1985	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	Name Connector	-	POU Ownership Flag	-
Presumption Flag	-				

MICROFILMED
OCT 23 1996

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

December 13, 2004

Brian Snider
Evelyn Snider
2849 Fruitvale Glendale Rd.
Fruitvale, ID 83612-6009

Re: Notice of Claim to a Water Right No. 67-4259

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

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

Sincerely,

Liberty Gagnon

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure

Form No. 243
7/78

Claim No. 67-4259

RECEIVED
NOV 30 1978
Department of Water Resources
Western Regional Office

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 Charles W. Lortz
(Name of Claimant)

Box 66 Fruitland, ID 83620 Telephone No. 253-4440
(Mailing Address) (Zip Code)

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) August 1906

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)
spring tributary to _____

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

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	Period of Use From (Mo., Day)	To (Mo., Day) (Both dates inclusive)
Quantity	160.00 cfs	Use dom & recreation	1-1	12-31
Quantity		Use and power generation		
Quantity		Use		
Quantity		Use		
Quantity		Use		

(4) 160.00 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ NE ¼, Sec. 34 Twp. 18N Rge. 1W B.M., County of Adams
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. 6 inch pipeline, gravity flow

(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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
18N	1W	34									X								

No. of acres _____

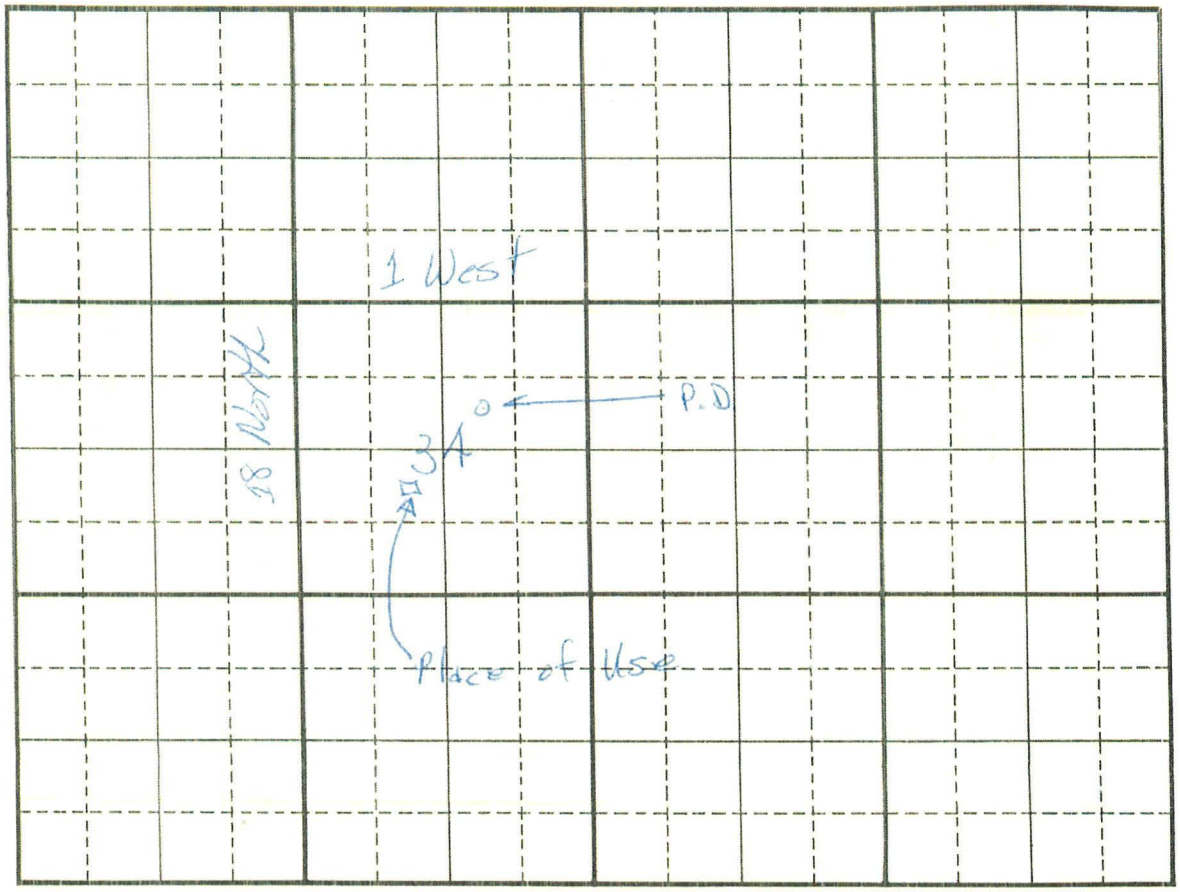
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: domestic & swimming pool

NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

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(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Adams)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Charles H. Fouty
(Claimant)

Sworn to before me this 28th day of November, 1978.

Notary Public
Residing at Indian Valley, Idaho

My commission expires 6-2-79

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Exception filed by: Fowarded to claimant by: Date

Prelim. check by CCB Date 2 Nov 78

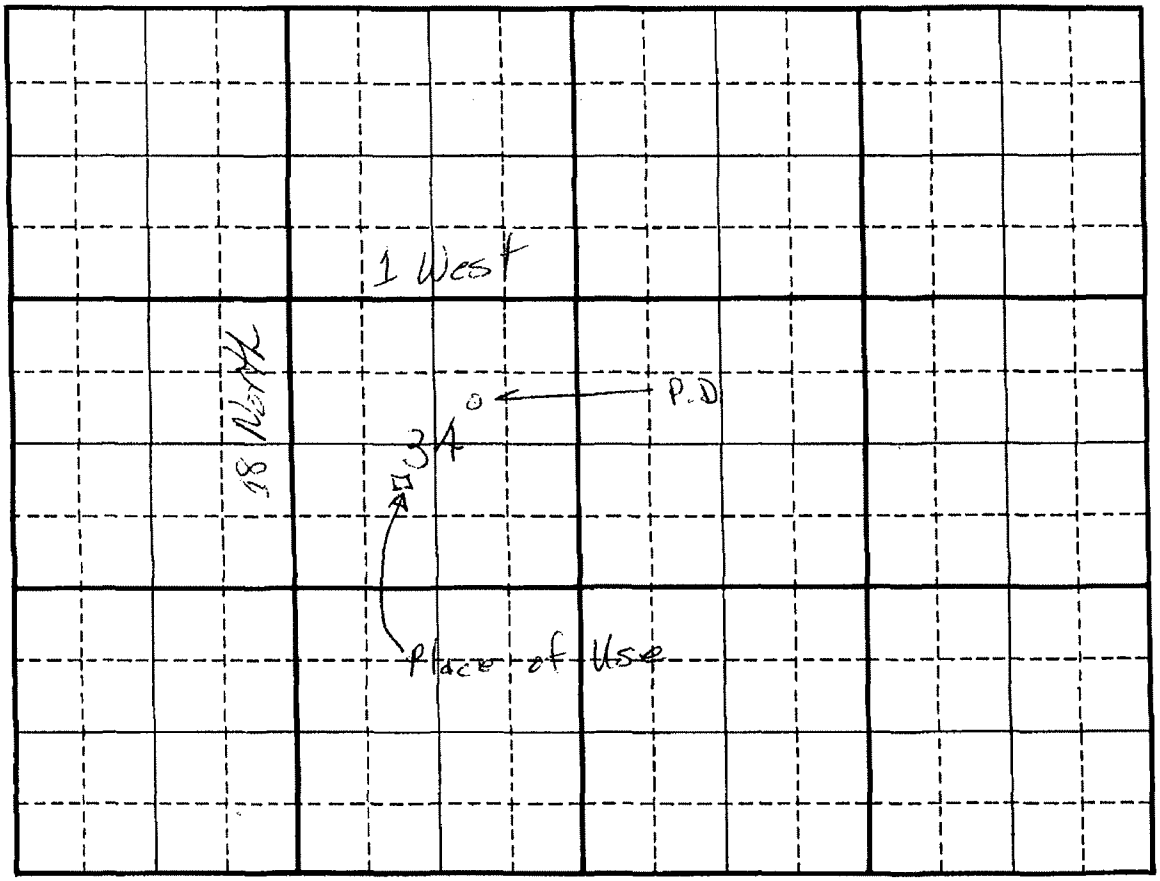
$20.00 fee received by _____ Date 12-7-78 # 12505

Published in Adams Co. Leader

Dates Dec 14+21, 1978

DECEIVED
NOV 30 1978

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Adams)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Charles H. Fouts
(Claimant)

Sworn to before me this 28th day of November, 1978.

Notary Public
Residing at Indian Valley, Idaho

My commission expires 6-2-79

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Exception filed by: Fowarded to claimant by: Date

Prelim. check by CSB Date 12-7-78

$20.00 fee received by _____ Date 12-7-78 # 12505

Published in Adams Co. Leader

Dates Dec 14+21, 1978

9/78

IDENT. 67-4259

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

Initials	Date	Item
DBS	1/3/79	Original form entered
DBS	1/3/79	Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item	Initial	Date	
			Application No. 67- ~~4259~~ 4259
			✓ Source
			✓ Point of Diversion
			✓ County
			✓ Quantity of Water and Period of Use
			✓ Description of Diverting Works
			✓ Time required for B/U of water
			✓ Place of Use or Acres Irrigated
			✓ Map
			✓ Signature
			✓ Fee
(1)	CJB	12/28/78	In form to receipt
(2)			Send Copies to:
			____ Idaho State Health Department
			____ Idaho Fish and Game Department
			____ Bureau of Land Management
			____
(3)			____ Request Special Use Permit from U.S.F.S.
			____ Request Easement from B.L.M.
			____ Request Information from Applicant
			____ Request Dam Safety Information
(4)	CJB	12/28/78	In form for advertising
(5)			Platted on Map No.____
(6)			Located within Water District No.____
(7)			Critical groundwater area: yes____ no____
(8)			Groundwater levels:
			____ Declining, ____ Stable, ____ Increasing
			(comment)____
(9)			Other rights on the same place of use
(10)			Comments:____
(11)	tw	ok	Affidavit of Publication received (date) 12-27-78
(12)			Final date for protests____
			Protests received: yes____ no____
(13)			All requested information received from agencies or applicant: yes____ no____
(14)			Action recommended:
			____ Approve ____ Deny
			____ Proposed Priority
			____ Reason for Reduction____
			____ Measuring device required
			____ See attached sheet for other conditions of approval
			____ No special conditions for approval
(15)	District W		By ____ Date 1/4/79

RECEIVED
JAN 04 1979
Department of Water Resources

55.

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NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705.

C. STEPHEN ALLRED

Director

Published 12/14 & 12/21/78.

62-4259

LORTZ, CHARLES W.

P. O. BOX 66, FRUITLAND, ID 83619

Source: SPRING

Priority Date: 08/01/1906

Amount: 160.00 CFS

Diversion Point: SWNE Sec 34 T 18N R 01W, ADAMS Co.

Use:		
	DOMESTIC	from 01/01 to 12/31
	RECREATION	from 01/01 to 12/31
	POWER	from 01/01 to 12/31

Place of Use: NESW Sec 34 T 18N R 01W

Diversion Means: GRAVITY PIPELINE.

Bill Submitted
12-27-78 kw

[illegible]MED

12/04/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-4259

NAME AND ADDRESS: BRIAN SNIDER
2849 FRUITVALE GLENDALE RD
FRUITVALE ID 83612-6009

EVELYN SNIDER
2849 FRUITVALE GLENDALE RD
FRUITVALE ID 83612-6009

SOURCE: SPRINGS
WARM SPRING CREEK

TRIBUTARY: WARM SPRING CREEK
TRIBUTARY: WEISER RIVER

QUANTITY: 1.562 CFS

PRIORITY DATE: 06/01/1906

POINT OF DIVERSION:

T18N R01W S34 SWSWNE Within ADAMS County

T18N R01W S34 SWSWNE Within ADAMS County

T18N R01W S34 NESENW Within ADAMS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.192 CFS
COMMERCIAL	01/01 12/31	1.330 CFS
DOMESTIC	01/01 12/31	0.040 CFS

Domestic use is for 1 home and lawn and garden irrigation.

PLACE OF USE: IRRIGATION in ADAMS County

T18N R01W S34 NESW 9.60

COMMERCIAL in ADAMS County

T18N R01W S34 NESW

DOMESTIC in ADAMS County

T18N R01W S34 NESW

9.6 ACRES TOTAL

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

.98 - 6" springs
+ .98 - 6" warm creek
1.96 capacity of system
- 1.562 recommended
.398 cfs + P.O. left over

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4259 V1

WATER RIGHT NUMBER: 67-4259 V1

Owner Type	Name and Address
Original Owner	HELEN J LORTZ PO BOX 69 FRUITVALE, ID 83620 (208)253-4440
Current Owner	BRIAN SNIDER 2849 FRUITVALE GLENDALE RD FRUITVALE , ID 83612-6009 (208)253-4440
Original Owner	C W LORTZ PO BOX 69 FRUITVALE, ID 83620 (208)253-4440
Current Owner	EVELYN SNIDER 2849 FRUITVALE GLENDALE RD FRUITVALE , ID 83612-6009 (208)253-4440
Original Owner	CHARLES W LORTZ PO BOX 69 FRUITVALE, ID 83620

Priority Date: 06/01/1906

Basis: Beneficial Use

Status: Active

Source	Tributary
SPRINGS	WARM SPRING CREEK
WARM SPRING CREEK	WEISER RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	03/15	11/15	0.192 CFS	
COMMERCIAL	01/01	12/31	1.330 CFS	
DOMESTIC	01/01	12/31	0.040 CFS	
		Total Diversion:	1.562 CFS	

Location of Point(s) of Diversion

SPRINGS	SW1/4SW1/4NE1/4	Sec. 34,	Twp 18N,	Rge 01W, B.M.
ADAMS County				
WARM SPRING CREEK	NE1/4SE1/4NW1/4	Sec. 34,	Twp 18N,	Rge 01W, B.M.
ADAMS County				
SPRINGS	SW1/4SW1/4NE1/4	Sec. 34,	Twp 18N,	Rge 01W, B.M.
ADAMS County				

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4259 V1

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
18N 01W 34									9.6								9.6

Total Acres: 9.6

COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
18N 01W 34									X								

DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
18N 01W 34									X								

Conditions of Approval:

1. X01 Domestic use is for 1 home and lawn and garden irrigation.
2. C18 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.

Remarks:

Comments:

1. mvanbussum 12/4/2006 Field Exam
Comment: Field exam conducted by Sandy Hemenway found additional PODs, additional source (Warm Springs Creek) and additional use (irrigation of 9.3 acres). These were not claimed and are not recommended.

2. mvanbussum 12/4/2006 Quantity
Comment: Field exam conducted 11-29-2006 found capacity from springs to be 0.98 cfs. Recommended 0.98 cfs.

3. mvanbussum 12/4/2006 Copied from remarks
Comment: CHANGE OF OWNERSHIP 12/13/04-LG

4. mvanbussum 12/4/2006 Copied from remarks
Comment: THE COMMERCIAL USE IS FOR HEATING OF THE SWIMMING POOL, CABINS AND BUILDINGS ASSOCIATED WITH A RESORT WHICH CATERS TO PRIVATE GROUPS BY RESERVATION. DOMESTIC USE IS FOR HEATING OF RESIDENCE, PRIVATE SHOP AND FOR DOMESTIC LAWN AND GARDEN IRRIGATION.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4259 V1

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:
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

Combined Use Limits:

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	12/4/2006 9:18:57 AM	mvanbussum			Active
Priority Date	12/4/2006 9:19:52 AM	mvanbussum			Active
POD	12/4/2006 9:20:04 AM	mvanbussum			Active
Source	12/4/2006 9:36:34 AM	mvanbussum			Active
POU	12/4/2006 9:36:55 AM	mvanbussum			Active
Use	12/4/2006 9:38:00 AM	mvanbussum			Active
Season	12/4/2006 9:38:34 AM	mvanbussum			Active
Quantity	12/4/2006 9:40:52 AM	mvanbussum			Active
Summary			12/04/2006	mvanbussum	Active
POD	12/4/2006 12:30:16 PM	mvanbussum			Active
Source	12/4/2006 12:34:07 PM	mvanbussum			Active
POU	12/4/2006 12:34:22 PM	mvanbussum			Active
Use	12/4/2006 12:47:54 PM	mvanbussum			Active
Season	12/4/2006 12:48:17 PM	mvanbussum			Active
Quantity	12/4/2006 12:49:40 PM	mvanbussum			Active
Summary			12/04/2006	mvanbussum	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
Summary	11/13/2006 2:13:32 PM	cfritsch	Bulk Copy
Contacts	12/4/2006 9:18:51 AM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4259 V1

POD	12/4/2006 9:19:57 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
General	12/4/2006 9:19:45 AM	mvanbussum	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Copy of Landmarks - A General History of the Council, Idaho Area by Dale Fisk includes a history of Starkey Hot Springs.
POD	12/4/2006 9:35:47 AM	mvanbussum	Updated shape
Source	12/4/2006 9:36:26 AM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field exam conducted 11-29-2006.
POU	12/4/2006 9:36:46 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Imagery and field exam conducted 11-29-2006.
POU	12/4/2006 9:37:19 AM	mvanbussum	Updated shape for Active POU
POU	12/4/2006 9:37:31 AM	mvanbussum	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4259 V1

Use	12/4/2006 9:37:52 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field exam conducted 11-29-2006.
Season	12/4/2006 9:38:26 AM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - IDWR standard
Quantity	12/4/2006 9:40:44 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Field exam conducted 11-29-2006 found capacity of 0.98 cfs.
Summary	12/4/2006 9:54:43 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	12/4/2006 12:33:23 PM	mvanbussum	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4259 V1

Source	12/4/2006 12:34:02 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required?
POU	12/4/2006 12:34:17 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required?
POU	12/4/2006 12:46:52 PM	mvanbussum	Updated shape for Active POU
POU	12/4/2006 12:47:23 PM	mvanbussum	Updated shape for Active POU
POU	12/4/2006 12:47:31 PM	mvanbussum	Updated PLS for Active POU
POD	12/4/2006 12:30:11 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	12/4/2006 12:31:46 PM	mvanbussum	Updated shape
POU	12/4/2006 12:47:02 PM	mvanbussum	Updated PLS for Active POU
Use	12/4/2006 12:47:48 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4259 V1

Season	12/4/2006 12:48:11 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	12/4/2006 12:49:34 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Measurement completed 11-29-2006.
Summary	12/4/2006 12:49:59 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

December 3, 2006

Idaho Department of Water Resources
322 East Front St.
P. O. Box 83720
Boise, Idaho 83720-0098

To: Craig Saxton
Sandy Egbert

Regarding my water right number 67-4259, I have some issues with your adjudication process.

On Wednesday, November 29, 2006, Sandy Hemenway did a field review of my water right claims. She noted by GPS each of my three developed geothermal springs. These are each separate springs, used in various ways, such as domestic, commercial, irrigation, and at one time for electricity. The largest spring (GPS reading: 2,306,988/1,519,881) located in T18NR1W, SWNE, Section 34, is used for the house, all the cabins, shops, drinking water, swimming pool, heating all buildings, plus irrigating approximately 7 acres of lawn, and other various uses. The smaller developed spring (GPS reading:2,306,996/1,519,854) basically used in the same manner, and is located in the same section, but about 80' to 100' away from the larger spring. The third developed spring, (GPS reading: 2,306,871/1,520,133) is located in T18NR1W, in the SENW, in Section 34. It's main use is for heating the greenhouse, barn, and swimming pool, plus some irrigation. I would like to note, most all my water usage is uncontaminated and returned to the Weiser River.

Now, what I need is to have each spring noted separately. On my old claim, it looks as though these springs are all grouped together. They're not shown as individual springs and I believe they should be separate. Also, I feel it is very important to keep my "Priority Date" the same.

My reason for separating the springs pertains to my intentions of selling the property. I'm forced to sell because of the rising costs of property taxes, and my stationary fixed income. In other words, I'm not making ends meet!

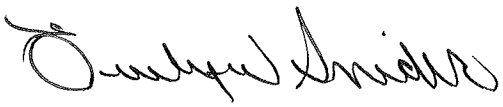
Anyway, I'd like to be able to keep some acreage with one spring, and build a home and barn for myself using the hot water. So, I need to

change the point of use on the smaller spring in the SWNE of Section 34 to be used for my new home.

Also, is it necessary to change ownership if I've set up a trust? If so, please send the forms to make the change.

Please, this is very important to me to get this changed. I would appreciate a response to my request as soon as possible.

Thank you very much,



Evelyn Snider
2849 Fruitvale Glendale Road
Fruitvale, Idaho 83612-6009

Field Exam Date 11/29/2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 67-4259

Owner: Evelyn or Brian Snider (son) Phone No. (208) 253-4440

Current Address: 2349 Fruitvale Glendale Rd, Fruitvale, Id 83612-6009

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☒ No change Address
- ☐ NEW ADDRESS _____
- ☒ How long owned property? Evelyn's Parents purchase property in 1970, & Evelyn inherited the place when her folks passed away

Accompanied by: Evelyn Snider

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 6-01-1906

(If priority date, based on your exam, seems questionable, explain below.)

Full documentation attached (in file)

(2) Springs +

Source: Warm Springs Creek **Tributary to** Warm Springs Creek

- ☐ No Change –SAME SOURCE
- ☒ Source found is different than claimed: Warm Springs Creek was also found, but has always been used in addition to the 2 springs

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
A0016653		SW	SW	NE	34	18N	1W	Adams	2,306,996 / 1,519,854 ← small spring
A0016654		SW	SW	NE	34	18N	1W	Adams	2,306,988 / 1,519,931 ← large spring
A0016655		NE	SE	NW	34	18N	1W	Adams	2,306,871 / 1,520,133 ← warm spring creek

Description of diverting works

* See attachment

OVERLAP REVIEW

Other water rights with the same point of diversion: None

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

—

WATER USES

- ☐ No change
- ☒ Different Uses irrigation 9.3 acres (grounds surrounding pool & buildings)

Use Domestic DI From 1/1 To 12/31 Amount 0.04 CFS _____ AFA

Use Commercial From 1/1 To 12/31 Amount _____ CFS _____ AFA

Use Irrigation From 4/1 To 11/1 Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only N/A

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA
- ☐ Changes found, the new total is, Amount _____ CFS _____ AFA
- ☐ More than 1" per Acre? Yes _____(claimant must complete excess flow sheet)

NON-IRRIGATION USES:

1 full time use home
3 cabins rented out once in awhile during summer mainly

- ☐ No change
- ☐ Changes Exam found: Domestic # of homes _____ Stock # 2 horses (put under domestic use)

Types _____ Additional comments: _____

SWNE (2) springs supply: equipment shed, house, cabins, pool, drinking water, irrigation RV hook-ups

PLACE OF USE:

- ☒ No Change
- ☐ Changes shown below:

SENW supplies: pool, barn, domestic, pens/animals, greenhouse (tied into control valve & acts as a back-up system for the 2 springs listed above

except "irrigation" added

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	1W	34									X								Commercial
18N	1W	34									X								Domestic
18N	1W	34									9.3								

Overlap with other water rights: None

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: * See attachment

* completely gravity flow system

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Supplemental water: None

There is a 30' wide dam across Warm Springs Creek that was built 3/1912 by Dr. Starkey for electric power generation plant. Currently it is not used for generation of power.

Evelyn is currently having a new road put in that goes up on the bluff by the 2 springs. Her intent is to sell Starkey's Hot Springs & build a house in the SWNE. She wants to keep the small spring for her new house & to start generating power from the dam again, possibly to supply her new home.

Directions: I-84, take Weiser off ramp, through Weiser, Cambridge & Council. North of Council take the turn off to the left going to Fruitvale. Go 5 miles to 2849 Fruitvale Glendale Rd., turn left & go down the driveway ("Lortz" is the sign at the top of the driveway).

AFTER EXAM THE FILE SHOULD CONTAIN:

- ❑ Completed claim checklist
- ❑ Photographs of POD's and POU
- ❑ GPS readings
- ❑ Completed map and or GIS layout showing POD's and POU

POU: the house, greenhouse, pool, 3 cabins, barn, pens for animals, equipment shed, shop, camper - hook-ups, Lodge, the yard & grounds around the buildings. POD: north of pool, is a bridge crossing the river. Follow the road up the hill to the small & large springs. Follow the road to the left that follows the creek, to the collection tank & dam. (you can follow it easily since the 6" pipe is visable & above ground from POD to POU)

DATE EXAM CONDUCTED: 11/30/2006

FIELD EXAMINER: Sandy Hemenway

67-4259 Snider
Date of Inspection: 11/29/2006
Inspector: Sandy Hemenway

Pipe Capacity:

I. Merged 6" pipe from Small + Large Spring (full pipe)

6" = 0.98 cfs

6" Pipe from Warm Spring Creek collection box (full pipe)

6" = 0.98 cfs
2" pipe for irrigation (cold water added) = 0.11 cfs

II. Irrigation = confirmed 9.3 acres
Season: 4/1 - ~~10/31~~ 11/1 = 215 days
Vir = 9.3 acres irrigated X irr. req. =
Vdr = diversion rate X 215 days X 1.9835
V =

III. Domestic DI = 0.04 cfs internal/external 01/01-12/31

IV. Table 2 - Non Irrigation Requirements

Commercial/heating for: pool, heating resort, cabins, shop, drinking water, greenhouse
Note: Also heat for domestic home; radiator-type heaters. (water is 130°)
Fixtures: showers 4-6 gpm (5 total); toilets 4-5 gpm (13 total)
Cottages w/seasonal occupancy (per resident) 50 gpd
3 cabins,

Horses 12 gpd/head

Swimming pool (per swimmer) 10 gpd
1912 40'x80'x12' new version pool deep

Camper Trailer/RV/no sewer connection (per trailer) 25 gpd

Picnic, w/ ~~toilet~~ toilet facilities only (per picnicker) 10 gpd

67-4259 Snider
Date of Inspection: 11/29/06
Inspector: Sandy Hemenway

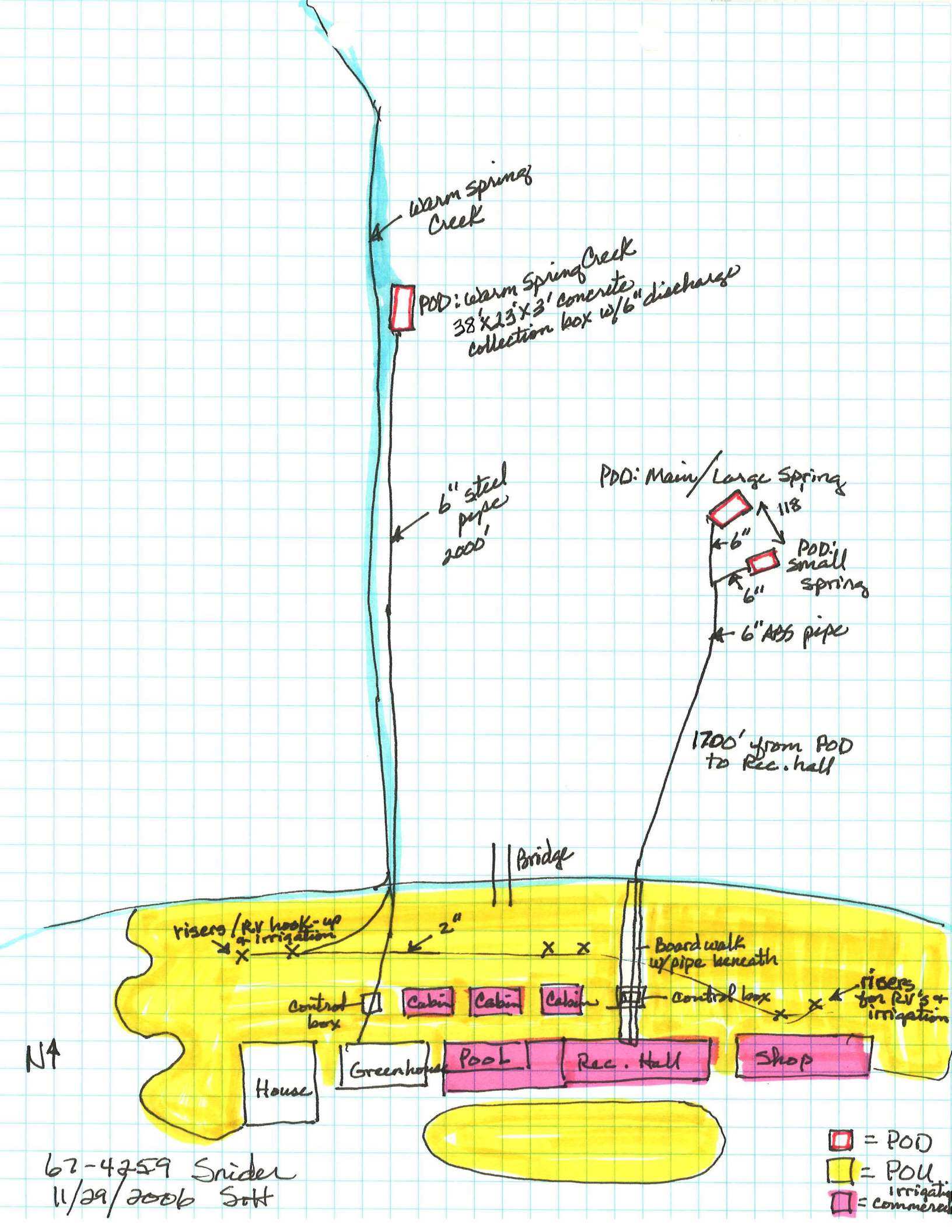
I. Description of Diverting Works:
POD/Small Spring: 4'7 X 3'3" X 30" collection box, 6" discharge to 6" ABS pipe that merges with 6" pipe from Large Spring discharge.
NOTE: Evelyn Snider is in the process of selling Starkey Hot Springs, but is planning on keeping the property in the SWNE, where the small and large spring are located. Her intent is to build a home to the south of the springs, keep the small spring for her domestic use, and generate power for the new house from the 30' dam that exists on Warm Springs Creek.

POD/Large Spring/Main Spring: 6'9" X 10'9" X 3'6" collection box, 6" discharge to 6" ABS pipe that merges with the 6" pipe from the Small Spring discharge.
NOTE: The Large Spring is located 118' northwest of the Small Spring.

Delivery System Narrative: Both the Small and Large Spring merge directly south of the Large Spring, and west of the Small Spring (1700' of 6" pipe—completely gravity flow system, flowing north to south down the mountain), crossing the river east of the bridge, then below ground-level but not buried traveling under the "boardwalk" to the Recreation Hall. There is a control box where lines branch out to the pool, cabins, greenhouse, shop, animal pens, and house. There is also a 2" line that runs back through the river to cool off the water, to be utilized for cold water to be added to the pool, to the risers located throughout the grounds (for RVs, and hoses attached with various nozzles attached for irrigation of the grounds), and for drinking water. The water coming from the Small and Large Springs are 130 degrees. The water is utilized for heating all the buildings on the grounds, by means of a radiator-type system. Commercial use involves customers paying to swim in the pool year-round, and groups renting the facilities, grounds, and cabins mainly during the spring through fall season.

II. Description of Diverting Works:
Warm Springs Creek: 38' X 23' X 3' Concrete collection tank, 6" discharge

Delivery System Narrative:
6" discharge to 6" steel pipe (2000' of 6" steel pipe), gravity flow north to south down the mountain, crossing the river west of the bridge, then below ground-level to the west side of the cabins, where there is another control box located. Control valves allow this water to act as a back-up system for the Large/Small Spring System. It could be used by itself, of combined with the Large/Small Spring System. This source is 130 degrees.
NOTE: There is a 30' dam that previously had been used to generate power, but currently is not being utilized. Evelyn Snider intends to redevelop this source, to be utilized for power possibly for her new house she is building.



N4

67-4259 Snider
11/29/2006 SoH



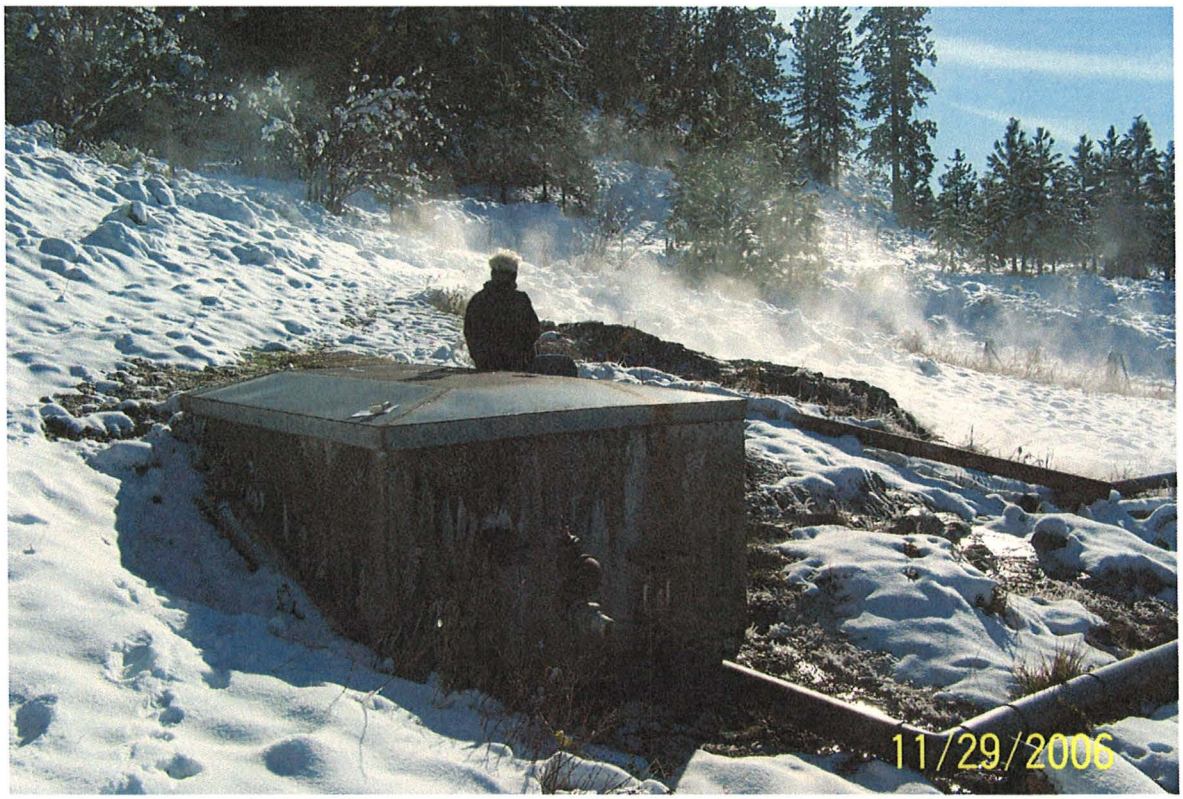
POD:
small spring
4'7" x 3'5"
x 3'

6" discharge



small spring

67-4259 Snider
11/29/2006 SH

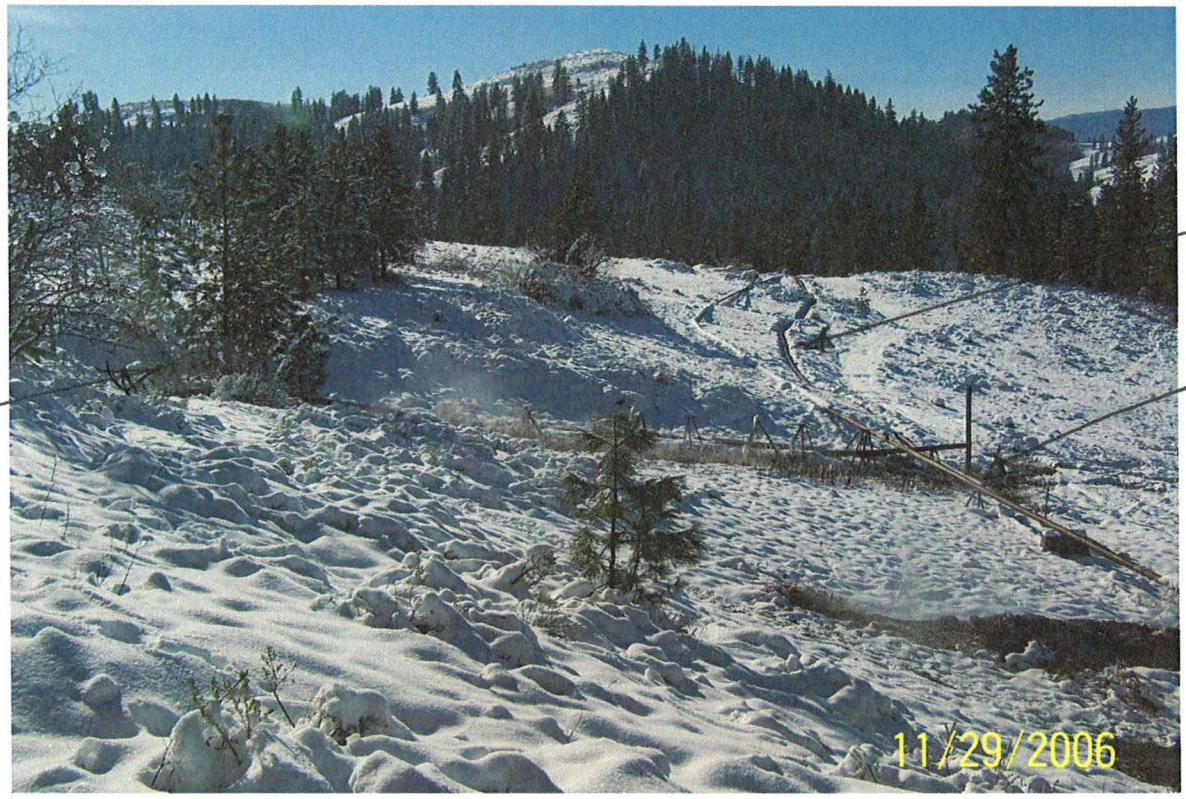


POD:
Large/main spring
6'9" x 10'9" x 3'6" deep
6" discharge



Large Spring

67-4259 Snider
11/29/2006 SH



1700' of 6" ABS to Rec. Hall.

2 springs merge

Small spring

Large Spring



POD:

Warm Spring Creek

38'X23' X 3' deep concrete collection box w/ 6" discharge to 2000' Steel 6" pipe to POU

62-4259 Snider
11/29/2006 SH



6" steel pipe from Warm Spring Creek POD to POU



30' dam previously used for power — Snider intends to use again with her new house she's having built

67-4259 Snider
11/29/2006 SH



6" steel pipe from Lebam Springs Creek POD crossing creek to POU (west of bridge)



from large + small springs, 6" ABS pipe, supported by abandoned original pipe to cross creek to POU (east of bridge)

67-4259 Snider
11/29/2006 SH



POU
Irrigated grounds



POU
3 cabins (commercial) & irrigated grounds

67-4259 Snider
11/29/2006 SH



board walk w/ pipe from small + large spring below



POU grounds around Rec. Hall (irrigated) + water + heat for Rec. Hall

67-4259 Snider
11/29/2006 SA



Control box to assist diverting water to different buildings, pool, & to risers for irrigation



risers for RV's & irrigation

67-4259 Snider
11/29/2006 SH



risers for RV's & irrigation

risers for RV's & irrigation



domestic home

green-house

rec. hall

67-4259 Snider
11/29/2006 SH



green house

pool

40'x80'x 12'

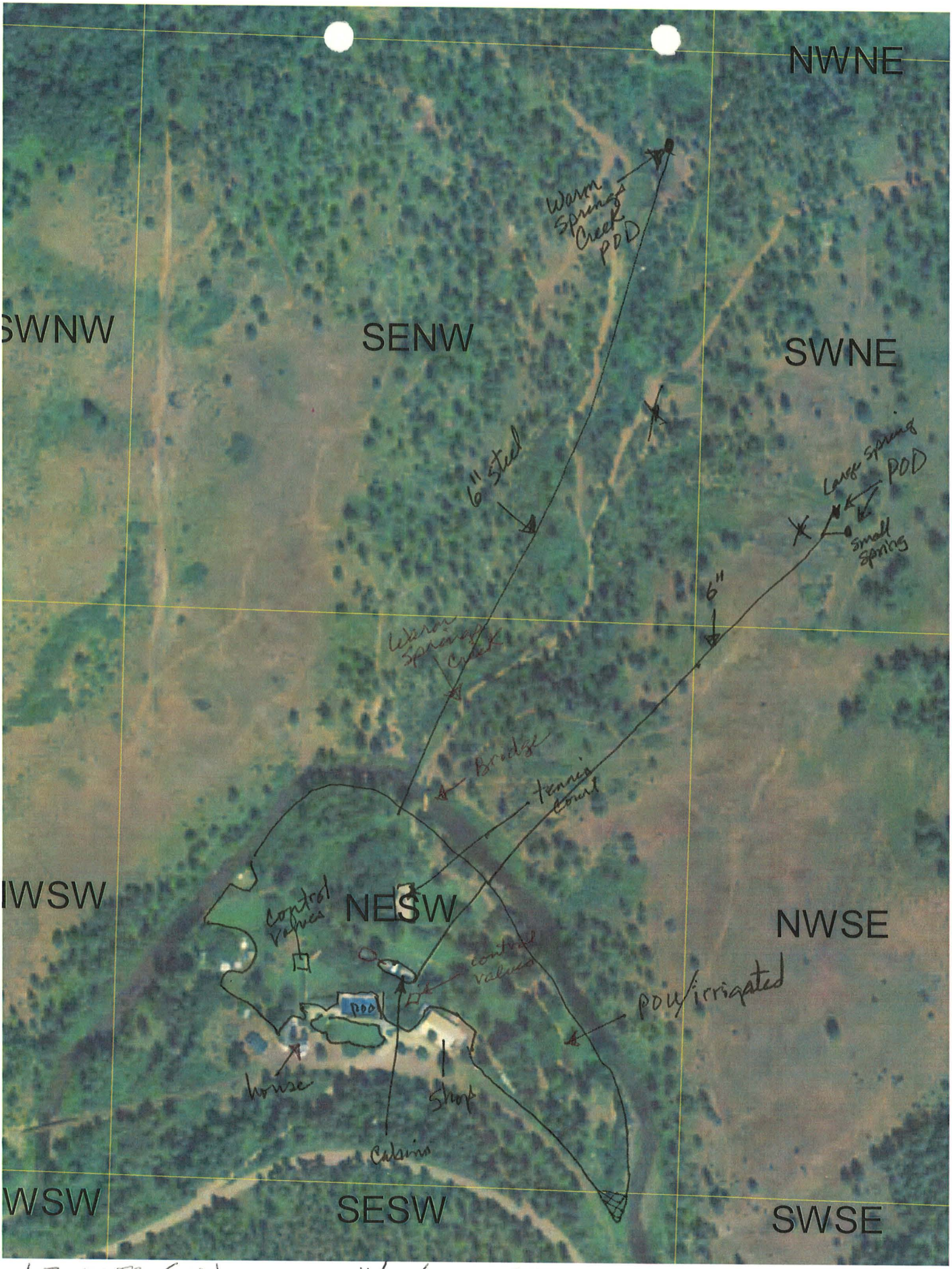


inside of green-house

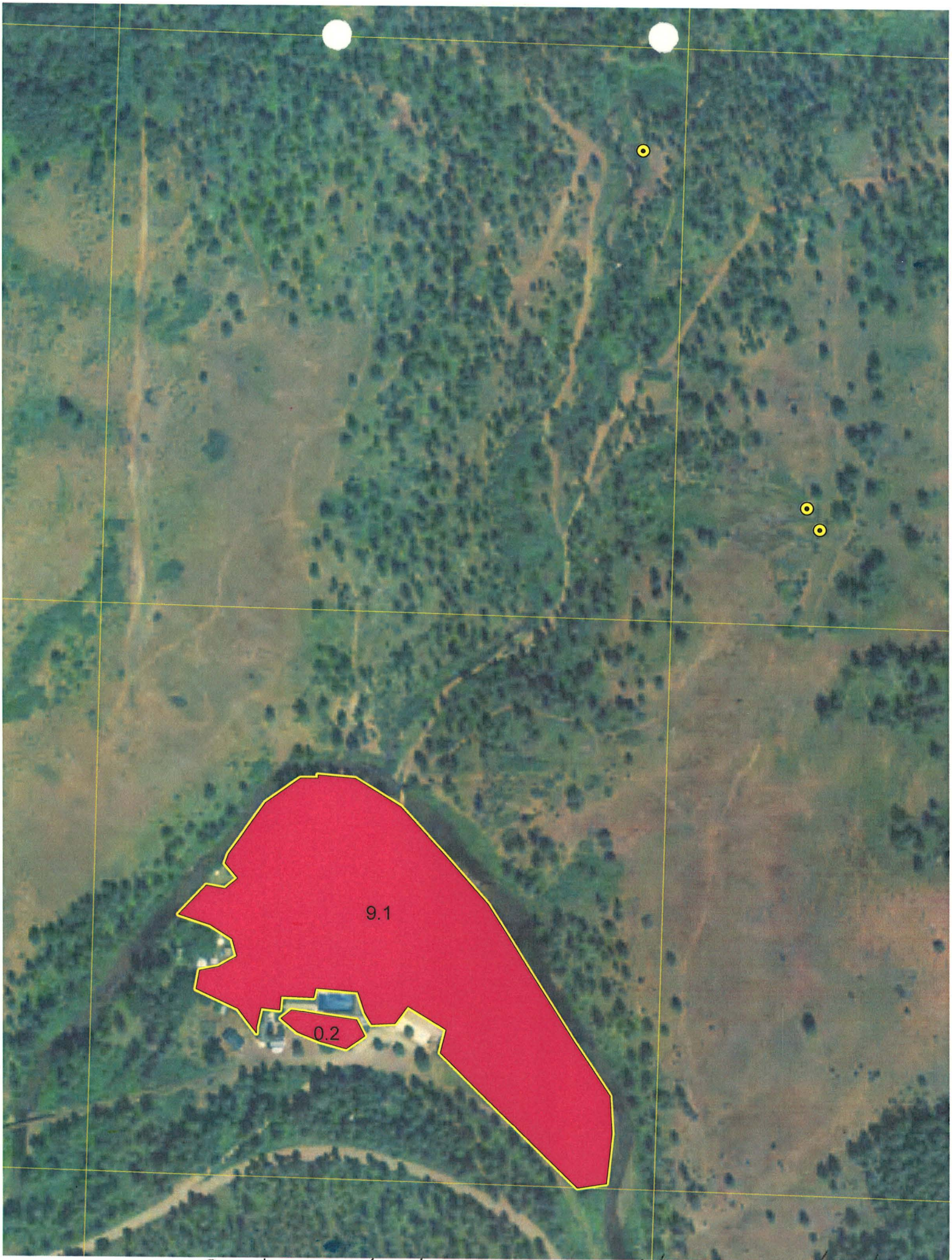
67-4259 Snider
11/29/2006 SH



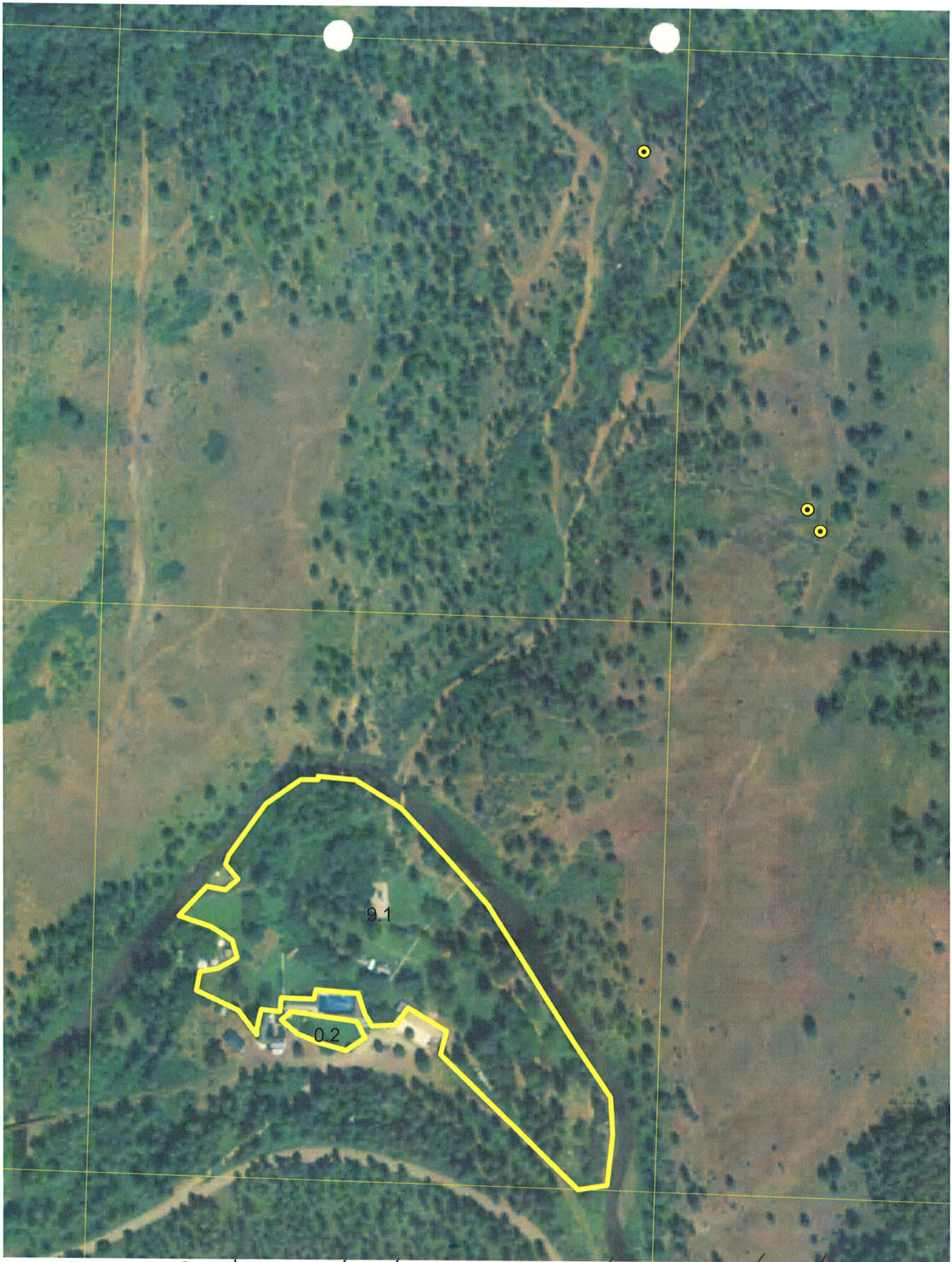
67-4259 Snider
11/29/2006 SH



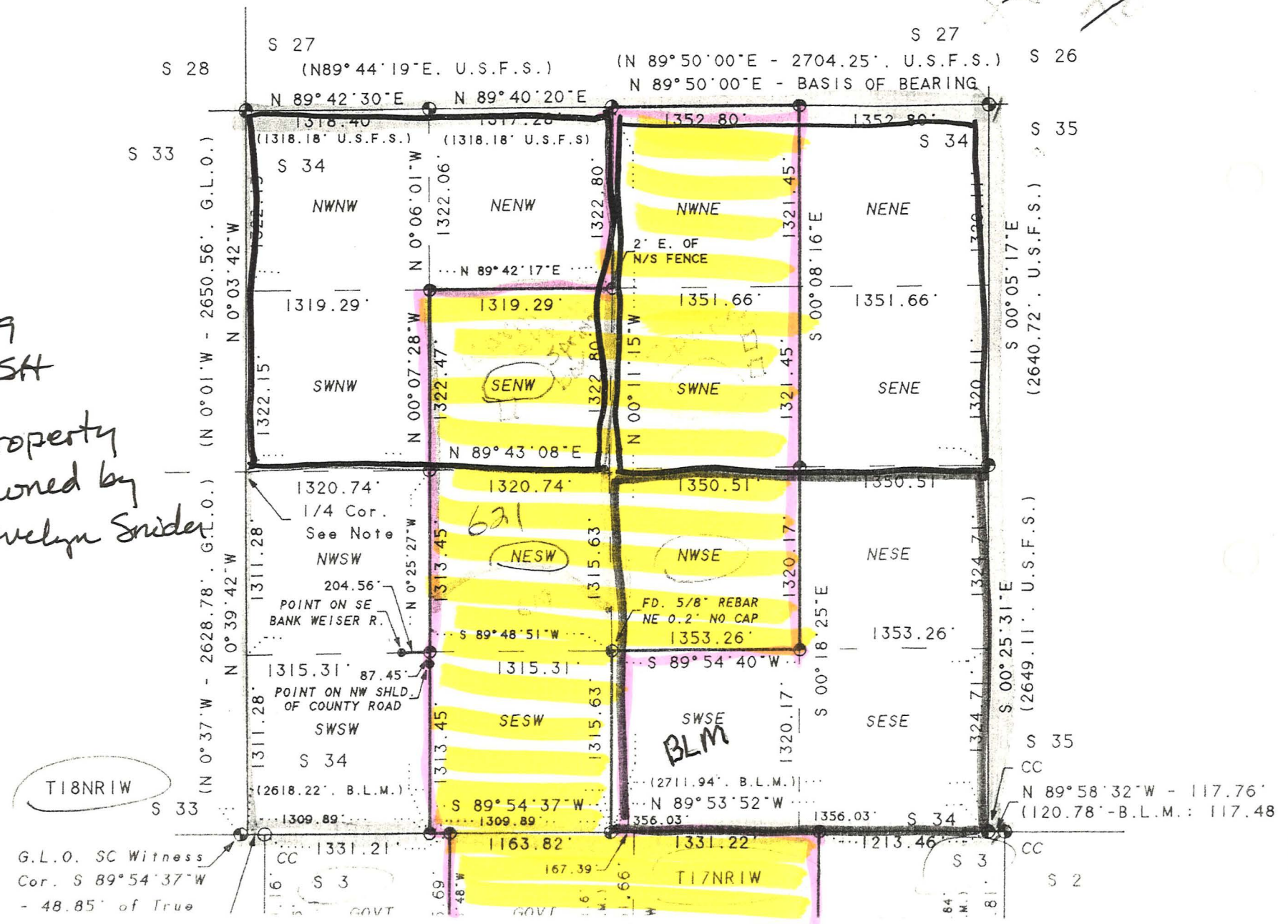
07-4259 Snider 11/29/2004 S.H.



67-14259 Snyder 11/29/2006 SH d/OC Common/667/67-4259



67-04259 Snider 11/29/2006 SH d/pe common/b67/67-4259



67-4259
11/29/06 SH

= property owned by Evelyn Snider

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4259

WATER RIGHT NUMBER: 67-4259

Owner Type	Name and Address
Original Owner	HELEN J LORTZ PO BOX 69 FRUITVALE, ID 83620 (208)253-4440
Current Owner	BRIAN SNIDER 2849 FRUITVALE GLENDALE RD FRUITVALE , ID 83612-6009 (208)253-4440
Original Owner	C W LORTZ PO BOX 69 FRUITVALE, ID 83620 (208)253-4440
Current Owner	EVELYN SNIDER 2849 FRUITVALE GLENDALE RD FRUITVALE , ID 83612-6009 (208)253-4440
Original Owner	CHARLES W LORTZ PO BOX 69 FRUITVALE, ID 83620

Priority Date: 06/01/1906

Basis: Beneficial Use

Status: Active

Source	Tributary
SPRINGS	WARM SPRING CREEK

Beneficial Use	From To	Diversion Rate	Annual Volume
COMMERCIAL	1/01 to 12/31	1.330 CFS	
DOMESTIC	1/01 to 12/31	0.040 CFS	
	Total Diversion:	1.330 CFS	

Location of Point(s) of Diversion

(2) SPRINGS SW1/4SW1/4NE1/4 Sec. 34, Twp 18N, Rge 01W, B.M.

ADAMS County

Warm Spring Creek NE SE NW Sec 34 T18N R1W

Place of Use

COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N 01W 34									X								

Irrigation T18N R1W Sec 34 NESW 9.3 acres

DOMESTIC

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4259

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N 01W 34									X								

Conditions of Approval:

1. THE COMMERCIAL USE IS FOR HEATING OF THE SWIMMING POOL, CABINS AND BUILDINGS ASSOCIATED WITH A RESORT WHICH CATERS TO PRIVATE GROUPS BY RESERVATION. DOMESTIC USE IS FOR HEATING OF RESIDENCE, PRIVATE SHOP AND FOR DOMESTIC LAWN AND GARDEN IRRIGATION.
2. CHANGE OF OWNERSHIP 12/13/04-LG

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 12/11/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
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

Combined Use Limits:

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status

Verification Log:

Element	Date Time Stamp	Reviewer	Log text

Water Supply Bank:

9-30-2004

Dear Ms. Buffington:

Enclosed are the documents necessary for "change of water rights ownership", as requested in your letter dated Sept. 15, 2004. Hope this is sufficient proof of ownership, if not, please let me know. Sorry for the oversight.

Thank you,

Evelyn Snider

61-4259

RECEIVED
SEP 16 2005
Department of Water Resources

9-9-05
I really don't understand why I had To do all This. It's on record. Why didn't you look it up?!
E. Snider

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S)))
67-4259)
)
State of Idaho)
County of _____)

Dale Fisk duly sworn,

deposes and says:

I wrote the book Landmarks [illegible] History of the Council, Idaho Area". Pages 185-194 are about Starkey Hot Springs.

All the information on these pages are footnoted, with source references cited. There are 74 footnotes in this section, citing area newspapers, legal documents, personal interviews, etc.

All of the information in my book is as accurate as I could make it, and is true to the best of my knowledge.

Dale L. Fisk
(Signature)

JAN CHEVERTON NOTARY PUBLIC STATE OF IDAHO SEAL

Subscribed and sworn to before me this day 8 of Sept, ~~19~~ 2005

Jan Cheverton
(Notary Public)

Residing at Council.

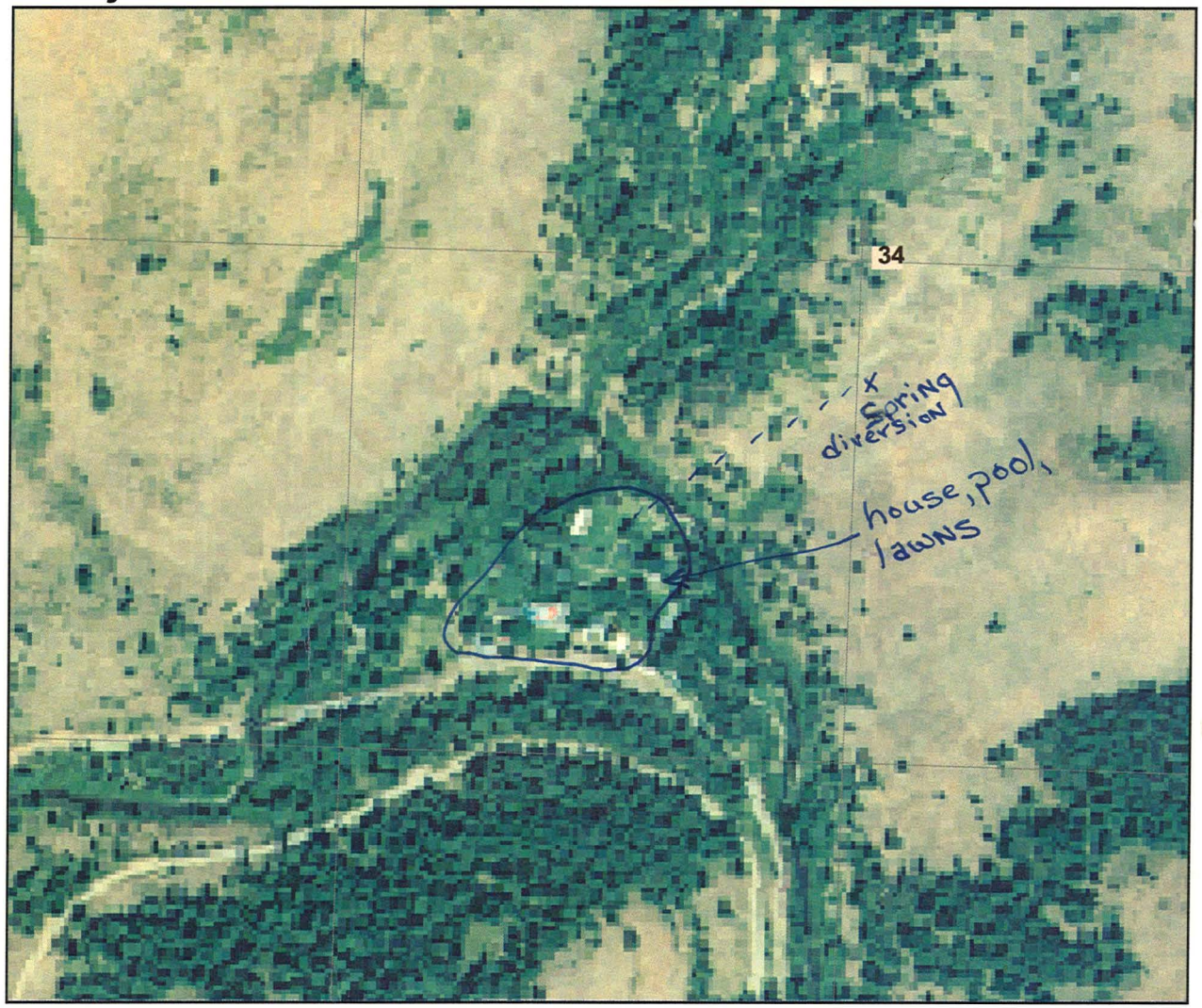
My Commission Expires 11-4-05.

SCANNED
SEP 19 2005

Idaho Department of Water Resources

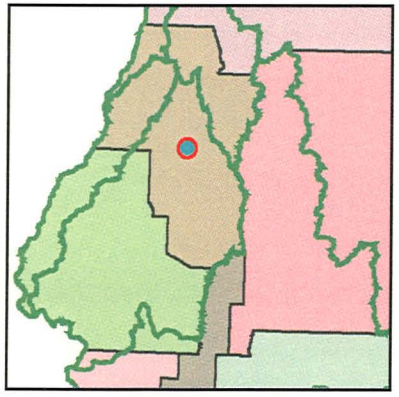
Adjudication Claim Number: **67-4259**

T18N R01W



Legend

Section Lines
Quarter Quarters



Adams County
IDWR Basin 67

N

0 0.2 0.4 Miles

Prepared by D. Narsavage
On Thursday, September 1, 2005
1987 Aerial Photography

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SEP 19 2005

Starkey

Hot water gushes out of the ground on a rocky bench, across the river and about a quarter of a mile north of the present pool here. Before the arrival of settlers, the crusted minerals on the rocks around what later would become known as Starkey Hot Springs provided a well-used deer lick.[1294] Hot water disolves minerals faster than cold water, and leaves deposits on surfaces which it contacts. These deposits often attract wildlife who have a taste for them. Because of this, Indians found good hunting near hot springs. They also used hot springs for food preparation and bathing. Some hot springs were regarded as important ritual sites.[1295]

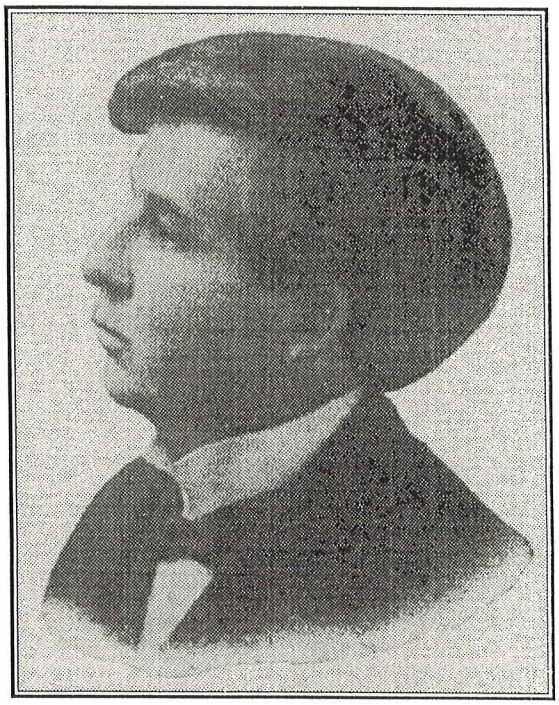
Dr. T.J. Sherwood, an elderly man, was the first known owner of the hot springs property, in the 1890s. Sherwood, and his son Tom, built a large wooden "bathtub" and set up a tent around it for use by the few patrons who risked driving over the rough wagon trail to get there. The trail forded the Weiser River at least nine times between the hot springs and the West Fork.[1296]

The first newspaper mention of Sherwood's hot springs was in 1894: "The Hot Springs are getting to be quite a health and pleasure resort."[1297]

Dr. Sherwood gave medical treatments of some kind that probably involved the natural hot water.[1298] In those days people believed in the curative powers of the mineral waters from hot springs. Many Council Valley people journeyed as far as the Hot Lake Sanitarium near La Grande, Oregon for "treatment." The hot water especially brought temporary relief then, as it does now, to sufferers of rheumatism and arthritis.[1299]

Dr. Sherwood died in 1898, and sometime later Tolbert Biggerstaff managed the hot springs.[1300] The first recorded mention of "The Biggerstaff Hotsprings" is in 1902, when the Council Journal reported that eight-year-old Ernest McMahan was taken there to be treated for rheumatism.[1301] Biggerstaff didn't actually own the property until he purchased it from the U.S. Government in January of 1904.[1302] It would appear that Dr. Sherwood had made an effort to homestead the site but died before he could get a patent on it. It must have then reverted back to the government, and then was sold to Biggerstaff.

Biggerstaff sold the hot springs to George Steward of Indian Valley in 1904.[1303] In the contract, Biggerstaff retained ownership of the 100 X 100 foot piece of land from which the hot water flowed.[1304] Whatever the reason for this,



Doctor Richard S. Starkey, M.D.

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his plans went awry after Biggerstaff died and his heirs neglected to pay the taxes. The small piece of ground then reverted to being a part of the original property.[1305]

Immediately after buying the hot springs from Biggerstaff, Steward sold out to Dr. Richard S. Starkey, M.D., and his wife Anna, of Spokane, Washington.[1306] Dr. Starkey was a graduate of both medical and dental college. His specialties were "the treatment of private diseases, all pulmonary affections, and alcoholic and drug diseases."[1307] He had practiced in Philadelphia and Spokane before coming to Idaho.[1308]

Dr. Starkey immediately set about to turn the hot springs into a true "health and pleasure resort." On a terrace on the hillside about fifty feet south west of the main spring, and about 200 vertical feet below it, he built a 40' X 60' "sanitarium." While it was being built, the Council Advance newspaper reported:

> *When finished, each room will be equipped with electric lights, and hot and cold water, giving to every guest the conveniences of a metropolitan hotel while enjoying the rustic delights of life in the heart of the forest—far from the mad swirl of the busy world. Below the sanitarium, five terraces are being built which will be filled with flowers and shrubbery irrigated from the springs above. Below the terraces is the main plunge through which a living stream of water continually flows. Below the plunge the river runs—a helter skelter, mad-cap stream that's filled with gamey trout.*[1309]

In the first few months of work, Dr. Starkey spent $10,000 on his resort. The sanitarium had twenty rooms and three stories, with an "open ward" on the top floor. Electricity was not yet one of the hotel's amenities, but it did have the very rare luxury of hot and cold running water.[1310] The "plunge bath" measured about 20' X 40' with sides consisting of a horizontal logs, lined on the inside with vertical tongue and grove boards. At the north end of the pool was a small log building with several dressing rooms.[1311]

Most of the improvements to the resort were to be financed by selling lots in a townsite that Dr. Starkey platted on the hillsides around the sanitarium on either side of Warm Springs Creek and Cold Springs Creek. Other sources of income were outlined in the December, 1905 issue of Idaho Magazine:

> *In connection with the Sanitarium, the doctor will organize an association whose object will be to furnish recreation and pleasure during the summer months. The membership fee of this organization will be $1.00, and for the rental of ground for camping purposes, for fuel and the use of the plunge bath, $1.00 more per week only will be the assessment. Meals will be served to such campers for 25 cents each. If the members sleep and dine at the Sanitarium, the rates will be but $1.00 per day, bathing privileges included.*

Starkey petitioned the Postal Department and was granted a post office at the sanitarium. It was called "Evergreen" when it opened in

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February 1906. Dr. Starkey was the first postmaster.[1312] The name for the new office didn't last long. That May it was renamed "Starkey."[1313] When the P&IN Railroad extended the rails north from Council that year it named this spot along the tracks "Hot Springs."[1314] Railroad surveyors used the meadows along the river as a campground when they laid out the path for the railroad grade.[1315]

More amenities of civilization appeared at Starkey that year (1906). Frank Harp opened a barber shop at the Sanitarium, and a dance pavilion was built.[1316] Dr. Starkey was busy enough with other work that he turned the post office over to Hannah Ketcham.[1317] Hannah had only recently taken charge of the Council post office, but resigned to take over the one at Starkey.[1318]

By that fall Dr. Starkey was already thinking about building a hotel on the south side of the river, closer to the tracks and more easily reached than the lodgings at the hillside sanitarium.[1319]

The public records of the events concerning Starkey between 1906 and 1912 are sorely lacking. The next indication of the stirrings there is in March of 1912, when an electric generation plant was being installed.[1320] A thirty foot wide dam was built across Warm Springs Creek to power the generator. The Council paper reported: *"The buildings, bath rooms and plunge are wired for light; will have electric heat . . . ."*[1321] It is interesting to note that electric lines didn't reach Council until three years later(1915), and didn't reach Starkey until at least the 1940s.

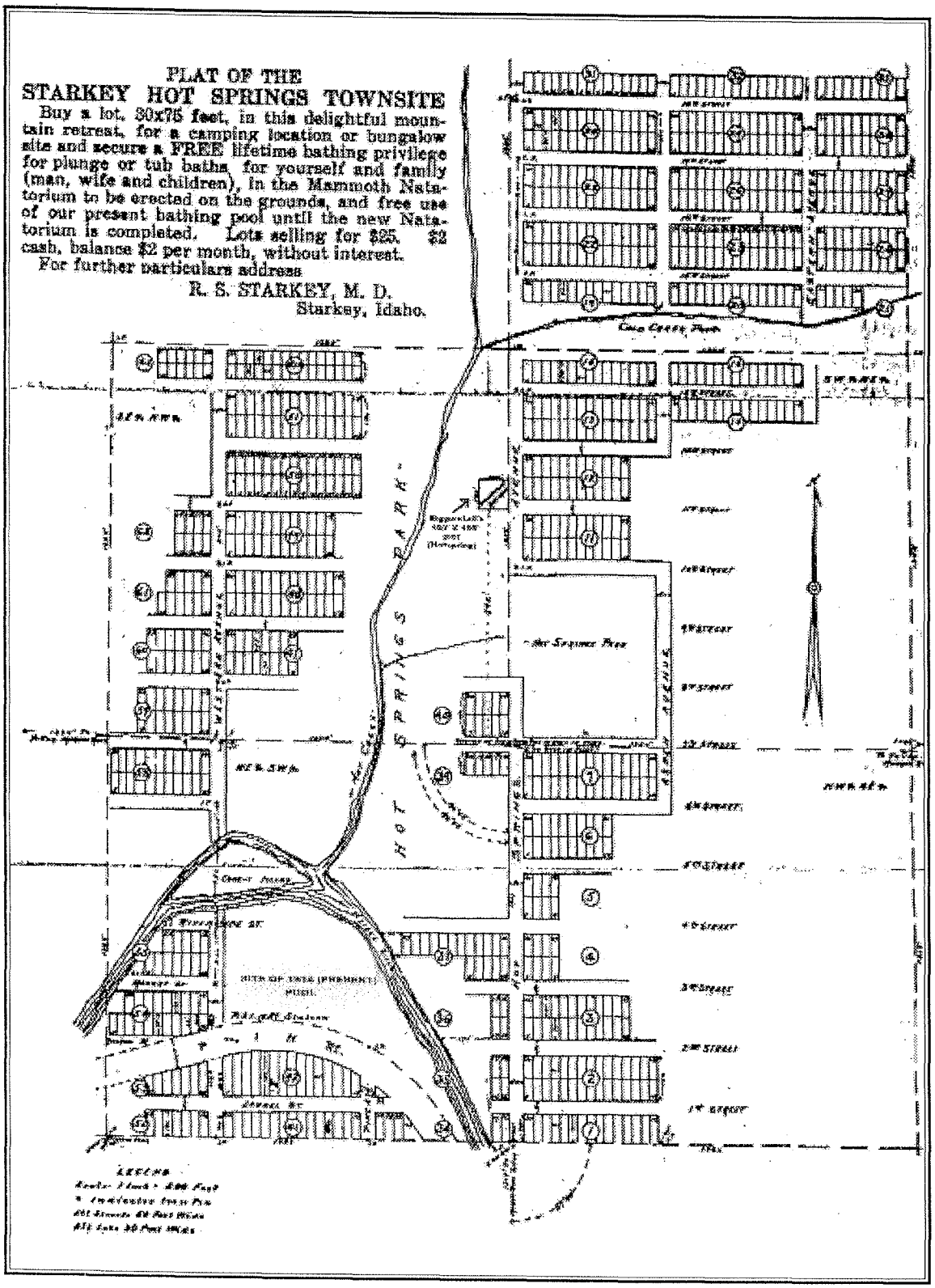
That same year (1912) Dr. Starkey started digging the first version of the present pool on the south side of the river. It was to measure 40' X 80' and be 14 feet deep at the deeper end.[1322] In 1913 a big, new, two-story dance pavilion was constructed a short distance southwest of the pool, and dances were held every Saturday night during the summer.[1323]

Regardless of the improvements made at the hot springs, people would not flock to it if they could not easily travel to the resort. The railroad was the favored means of getting there, partly because the only wagon road was still the old trail that criss-crossed the river by means of fords that were very rough and not usually passable until almost mid summer. By 1912 there was a demand for a means of egress for wagons and the few automobiles then in the region. It was then that Dr. Starkey began a campaign to get a decent road built to his establishment. He fought the county commissioners for several years to get the job done. He even hired contractors and paid to have part of the road built himself.[1324]

On September 1, 1913 there was a big Labor Day celebration at Starkey, with music by the Council Concert Band, shooting matches, a big barbecue, a bucking contest, and a dance in the new pavilion.[1325] It was that winter that Dr. Starkey started using the natural hot water to heat the hotel by installing steam radiators.[1326]

In 1914, two years after it was started, the new pool was completed. It was twelve feet deep instead of the planned 14 feet, and was made with cement.[1327] It opened in September of 1914.[1328] That fall the County finally started construction of a new road to Starkey, beginning at the end of the

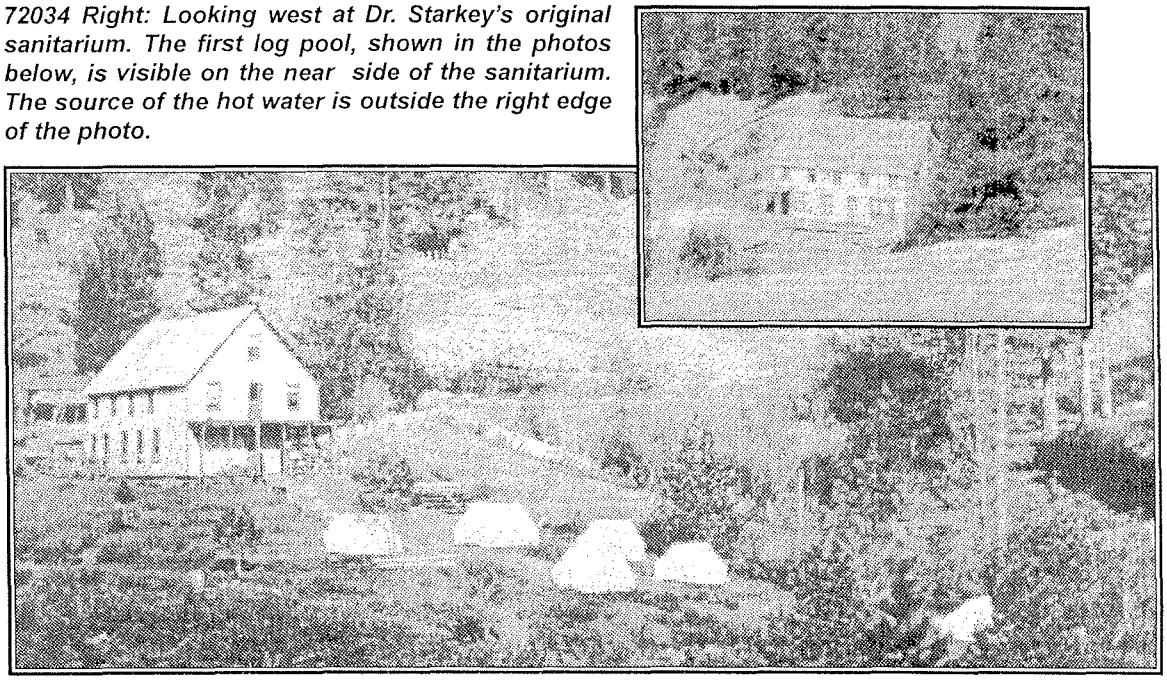
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SEP 19 2005

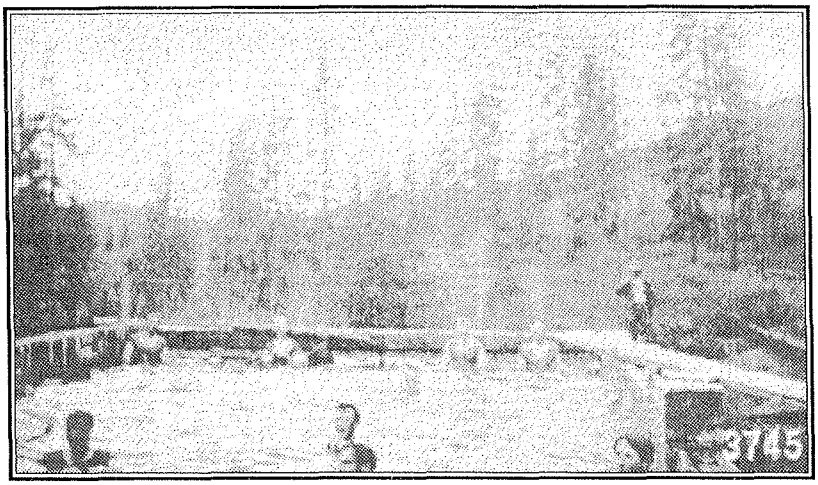


Dr. Starkey's grand plans for his resort included home sites along the steep hillsides around his sanitarium.

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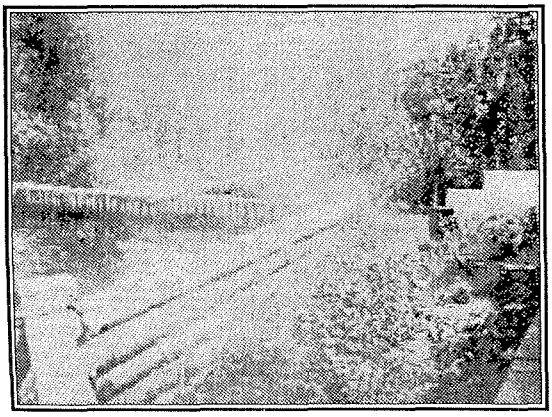
72034 Right: Looking west at Dr. Starkey's original sanitarium. The first log pool, shown in the photos below, is visible on the near side of the sanitarium. The source of the hot water is outside the right edge of the photo.



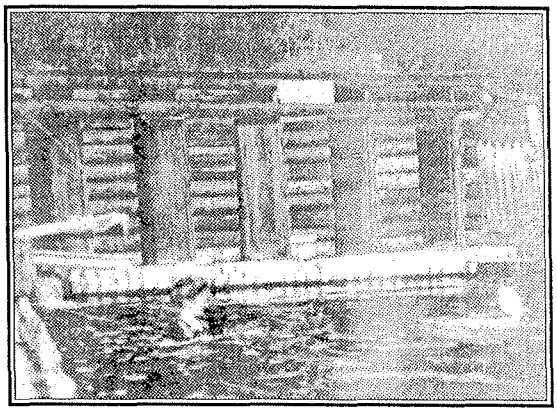


Above: Looking north at Dr. Starkey's original resort, 1911. The hot water came out of the hillside beyond the sanitarium. A concrete dam spanned Warm Springs Creek (out of sight, down to left) to supply electricity. (Photo courtesy of US Forest Service)

Left: Looking at the south end of the first log pool — Forest Ranger meeting, 1911. (Photo courtesy of US Forest Service)

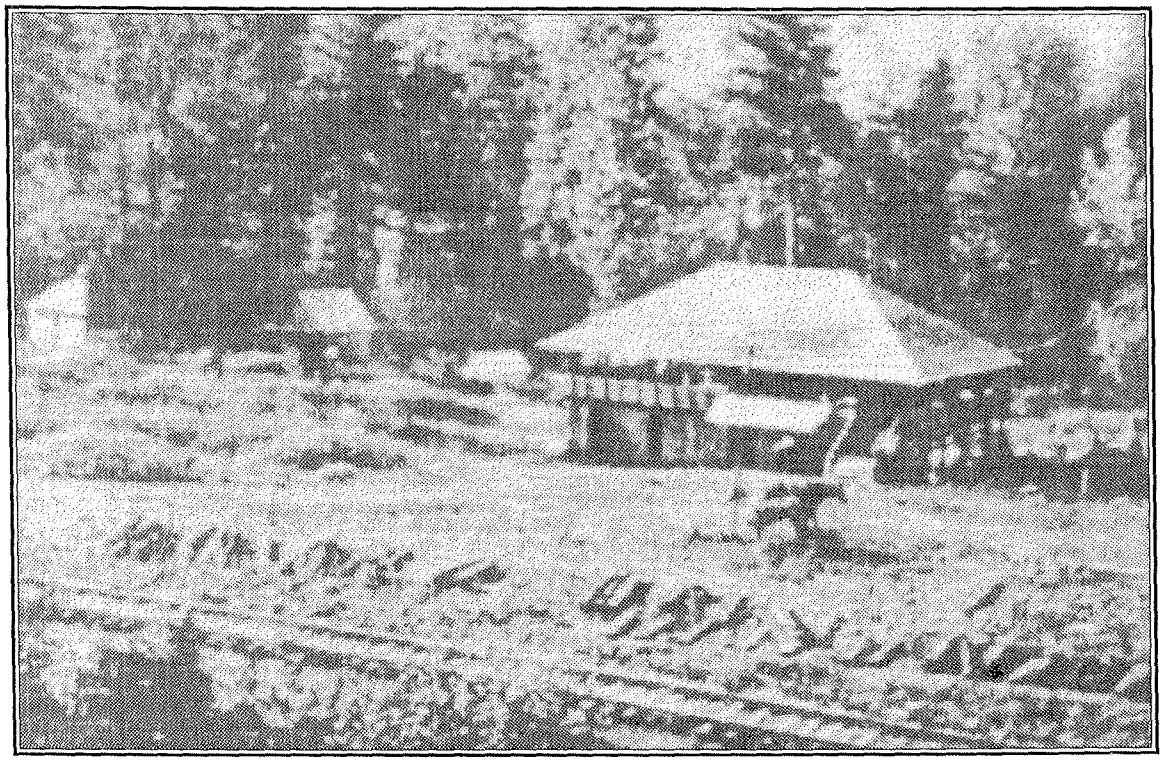


00110 – Similar view as center photo, but with the camera moved to the west.

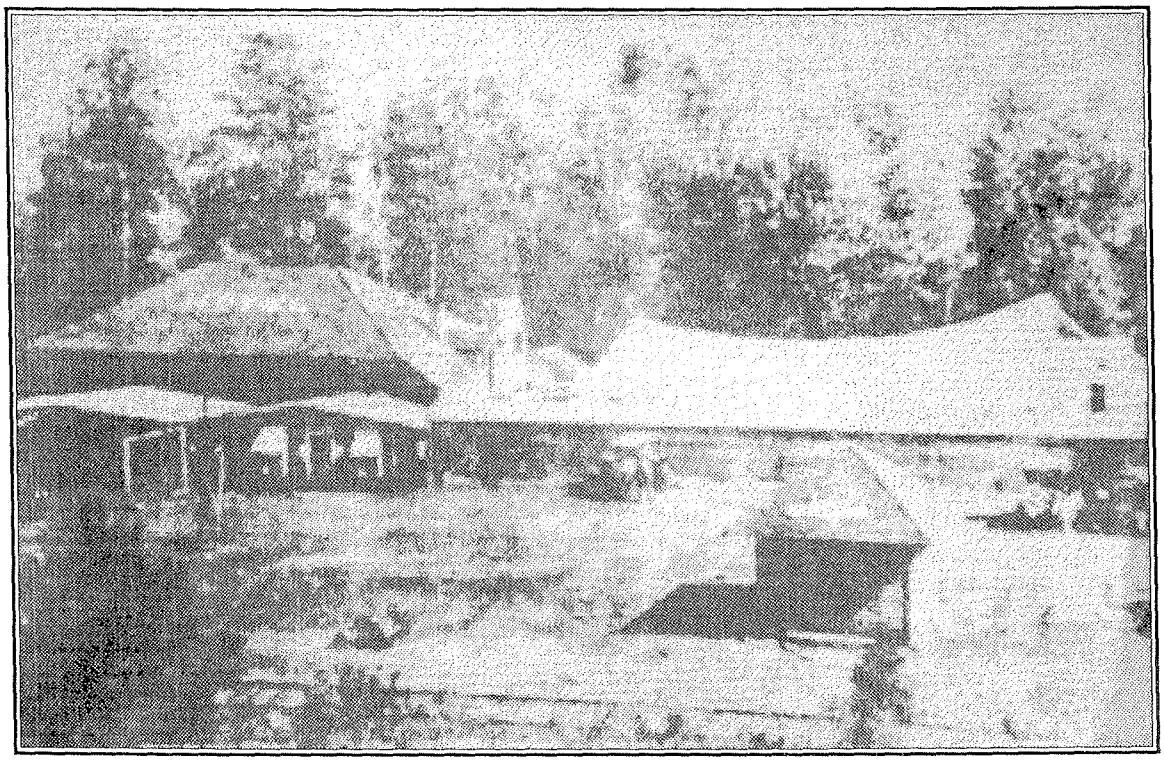


95466 – The first pool at Starkey, showing the dressing rooms at the north end.

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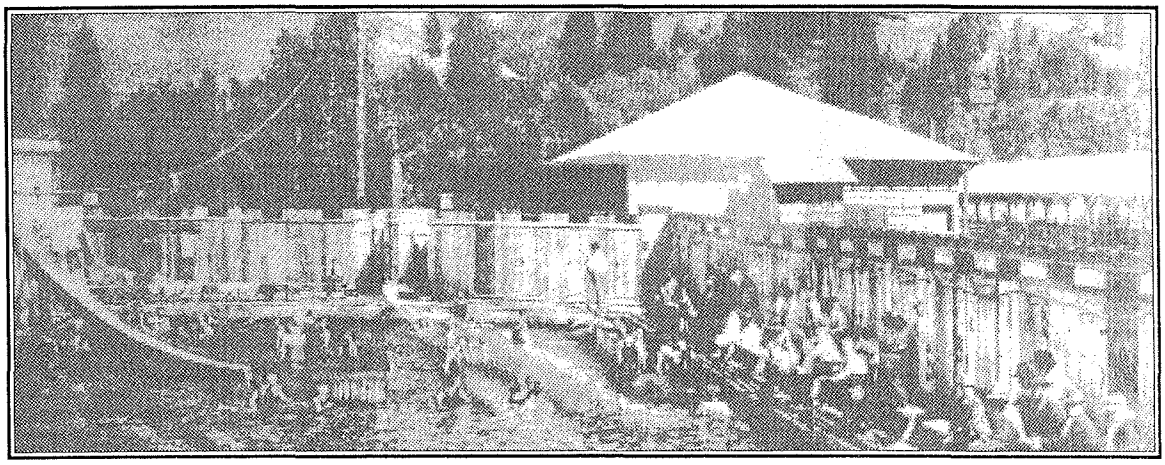


00100 – Looking west at the dance pavilion, south of the hotel and pool.



00101 – Looking west at Starkey, probably in the late 1910s or early '20s. The Hotel is on the left. The pool seems to be covered with a tent-like affair. The depot is in the right foreground.

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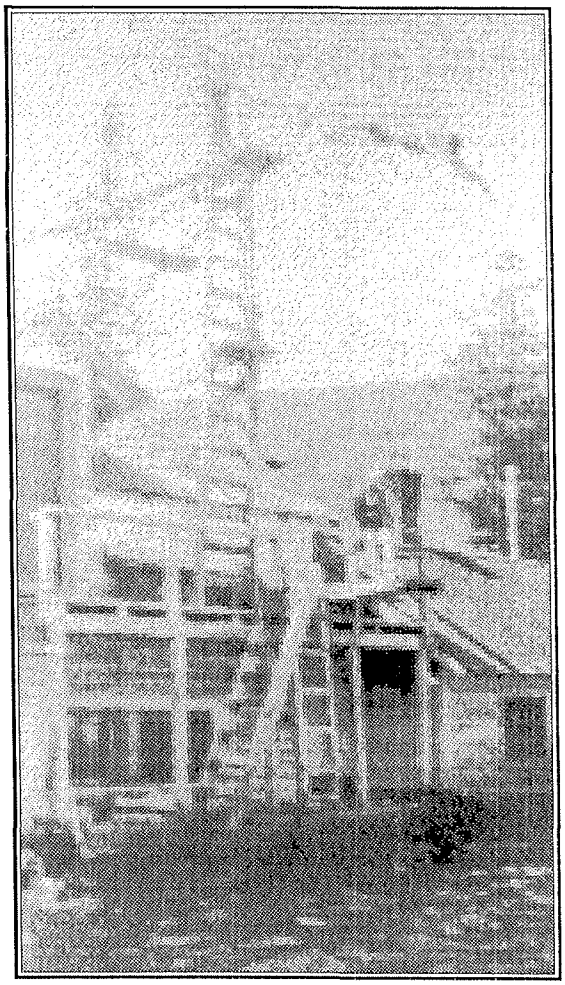


00179 – A composite photo showing the north end of the pool in the late 1910s or early '20s.

county road at Emsley Glenn's ranch about a mile north of Fruitvale. It was finished in the summer of 1915.[1329] Another addition to Starkey that year was a 12' X 12' railroad depot.[1330]

One serious hitch in the arrangement of the Starkey property was that the hotel was still on the hillside north of the river, apart from all of the new attractions.[1331] Fate would soon intervene to resolve this problem.

For some reason, after ten years of working to improve the resort, the Starkeys decided to sell out in 1915. The buyer was Reinhold Kleinschmidt (Albert's brother).[1332] In late July, just days after the sale was made, Kleinschmidt and Dr. Starkey went to a big, public meeting in New Meadows. The meeting was to discuss building a railroad from New Meadows to Grangeville, and the Governor himself was scheduled to speak. In an effort to increase attendance at the meeting, the P&IN only charged half the usual fare to New Meadows.[1333] When the pair arrived back at the hot springs late that night, they met with a grim sight. The hotel had burned to the ground, along with all of Kleinschmidt's luggage.[1334]



99482 This set of diving platforms, including one that looks about 25 feet or more from the water, stood braced against the old hotel (now the Lindsay's home) at the south end of the pool in the 1930s.

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Leaving Kleinschmidt to carry on the dream in which they had invested so much, the Starkeys moved to Seattle where the doctor returned to a more traditional medical practice.[1335]

Kleinschmidt built a new kitchen, and set up a makeshift dining room on the dance floor at the pavilion to feed his guests.[1336] Before long he built a new hotel building at the southwest end of the pool. He also announced plans to rename the resort "Medicinal Hotsprings," but the title didn't stick.[1337] The name "Starkey" had become synonymous with the hot spring, and no other name has ever been accepted by the public.

In 1920, two Council business men bought Starkey from Kleinschmidt. One of the men was Leonard Griffith who owned the Council Pharmacy.[1338]

The other partner in the purchase of Starkey was Dr. William Brown who by that time was already a local Landmark. Brown arrived in Salubria as a young man in 1892, with his bride, Emma, and their baby girl, Winifred.[1339] He was the 42nd doctor licensed in Idaho.[1340] In partnership with Eugene Lorton, he bought the Pioneer drug store from John Cuddy.[1341] The couple had another daughter, Mildred, in 1897. Brown soon sold is interest in the drug store to Lorton, and in 1899 the family moved to the new town of Cuprum in the Seven Devils Mining District.[1342] Dr. Brown had been hired by the railroad to tend to the men who were to build the expected rail line between the mines and Council.[1343] After the railroad's plans failed to materialize, the Brown family moved briefly to Decorah, and then settled at Landore.[1344]

At each town, Dr. Brown and Emma operated a combination drug store / general store. The doctor was a jack of all trades. He was a medical doctor, licensed pharmacist (often concocting his own unique remedies), optometrist, postmaster (actually Emma officially held this title), and merchant.[1345] In 1912 Dr. Brown was elected to the state legislature for one term. In 1916 the Browns moved to Council and built the home that is still in use at 201 North Clarendon Street.[1346]

For a few years, Dr. Brown attended to his practice while Griffith ran the hot springs.[1347] Soon after Griffith and Brown bought Starkey they held a "Water Carnival." It featured "tub races, sack races, lighted candle races and water polo" and a "Jitney Dance" afterward.[1348]

Griffith apparently sold his interest to Brown about 1925.[1349] About this time, the Brown family started living at Starkey and managing the resort.[1350] The Doctor maintained his practice at his office in Council on Tuesdays and Fridays, and by appointment at the hot springs.[1351]

At least during the 1920s, Starkey was said to be the only resort of its kind in the state of Idaho.[1352]

By 1928 Dr. Brown was nearing the age of 70. After a long and illustrious career, he and Emma decided to retire. They started spending their winters in Phoenix, Arizona. Their older daughter, Winifred, and her husband took over ownership of the hot springs property.[1353] Winifred was about 18 years old when the Browns bought Starkey, but she had never spent much, if any, time living there until now. She had embarked on a teaching career

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until she met and married a man from San Francisco named Robert Lindsay, in 1922. They had made their home in California.[1354]

The Lindsays immediately set out to completely reshape the facilities. The first thing they overhauled was the public entrance to the pool at the northeast end. They built a two-story structure, with dressing rooms and a lobby on the first floor, and second story balcony for spectators. Before this, spectators used to sit on benches right beside the pool. The result, in those days in which the smoker was the epitome of social elegance, was cigarette butts, matches, used pipe tobacco and other trash, in and around the pool. More dressing rooms were built along the south side of the pool. They made the walls out of local rock instead of lumber. The old wooden walls had been damaged by early cars which, after flying down the steep entrance, didn't always have adequate brakes.[1355]



96149 – Dr. William Brown

The remodeling progressed well until one day the Lindsays found out their bank account had been frozen. This was in the fall of 1929 when the stock market crashed and officially began the Great Depression.[1356]

In spite of the setback, the Lindsays continued to work, doing most of the labor themselves. They hauled rock for the walls from a short distance up the road, and bricks from the old smelter near Winifred's girlhood home at Landore. The problem of cooling the 135 degree water to a more comfortable ninety degrees was accomplished by a new method the Lindsays discovered: they sprayed the water out over the pool, and it was cooled by the air before it entered the pool.[1357]

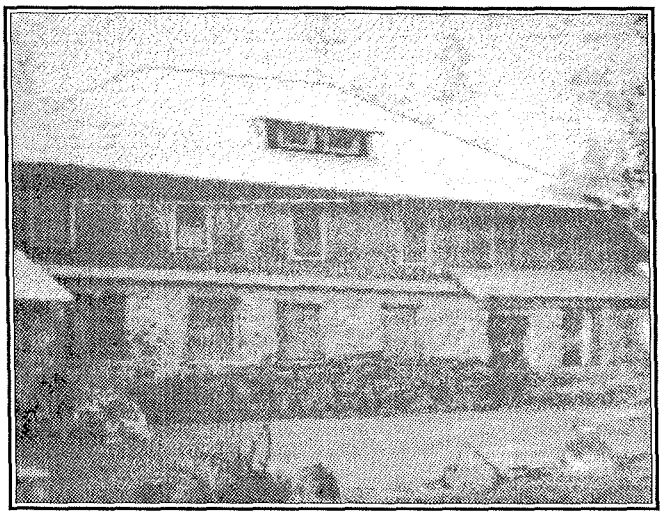
Some of the work was done by students from Northwest Nazarene College in Nampa for $20 per month plus room and board and free swimming. A wood-shed, several cabins and a tennis court were constructed during this time, and a great deal of landscaping was done. The Lindsays also remodeled the old hotel into a home for themselves.[1358]

The Lindsays hired a cook, and served meals at the hot springs. Starkey soon earned star billing in the national publication "Best Places to Eat" by Duncan Hines as the only restaurant Hines recommended in Idaho.[1359] Breakfast cost 50 cents, lunch was 60 cents, and dinner was 75 cents. These were not low prices during the Depression.[1360] In 1931 the legendary Senator William E. Borah stayed in the hotel and socialized over dinner with Adams County Senator, E.G. Van

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Hoesen.[1361]

During the Depression, the Lindsays were probably the only people in the country who had a heated chicken house. It was, of course, heated with hot spring water that was piped through it.[1362]



00109 – Former hotel, in the 1960s, when it was the Lindsays' home.

During the 1930s William and Emma Brown spent most of their time at their Phoenix home. The doctor didn't quite live to see the U.S. enter World War Two. Dr. William M. Brown, a true pioneer and Landmark, died in Phoenix in October of 1941 at the age of 81.[1363]

Because Bob Lindsay had been an officer in World War One, when the U.S. entered the Second World War he was put in charge of drilling the "Home Guard" volunteer reserves, a local paramilitary unit. They practiced every Friday evening at the ball park in Council, and those who wanted extra practice met each Wednesday to drill at Starkey.[1364] In 1943 Bob was sent to Portland for Army duty, so Starkey was closed and his family went with him. The post office at the hot springs was also closed at this time, and never reopened.[1365]

The Lindsays returned right after the war ended, and resumed operations of the hot springs.[1366] Winifred went back to her old profession, teaching at the high school in Council. When Bob died in the 1960s, Winifred was getting along in age, and didn't want to run the resort by herself. She put Starkey up for sale.[1367]

In an effort to keep the hot springs open to the public, a group calling themselves "The Starkey Recreational Association" was formed. They spent more than a year trying to come up with a way to purchase Starkey, but by 1968 it became evident that not enough money was available. During this time the Joseph Greer family managed the hot springs property. Finally in 1971 Chuck and Helen Lortz bought it.

Sometime in the 1970s the home that the Lindsays had converted from the old hotel burned down. The Lortzes built a green house on the old foundation.

The Lortzes opened Starkey to the public for a time, but encountered more problems than they wanted to deal with. Basically it was the old story of a few rude people who trashed the place with garbage and graffiti, depriving everyone else of the chance to enjoy what had become a local institution.[1368] At this writing Starkey is closed to the public except for summer swimming lessons and other very limited uses.

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1270 Adams County Leader, July 16, 1915
1271 Hazel Marks Harrington in The Record
1272 Adams County records in courthouse vault
1273 Phone conversation with Mel Ryals (Everett's son) May 21, 1995
1274 Council Leader, Jan 29, 1909
1275 Council Valley Museum photo #72075
1276 Council Leader, May 5, 1910
1277 Council Leader, Oct 30, 1912
1278 Council Leader, Nov 27, 1912
1279 Adams County Leader, Oct 21, 1921
1280 Council Leader, Oct 19, 1911 & Adams County Leader, June 16, 1922 & Fruitvale Echo, Apr24, 1912
1281 Council Leader, Sept 10, 1915 & S.D. Standard, Sat. June 7, 1902
1282 Dick Fisk & "I Remember" article by Ralph Finn in The Record, May _, 1978 & Listen ! The Pine Trees Are Singing by Cary Davis George, p 127
1283 Dick Fisk
1284 Ibid
1285 Dick Fisk & "I Remember" article by Ralph Finn in The Record, May _, 1978
1286 Adams County Leader, Jan 11, 1929 & May 24, 1940 (Obituary of J.A. Finn)
1287 Adams County Leader, July 31, 1931
1288 Ibid
1289 Ibid
1290 Conversation with Harold Ryan, Jan 18, 1994
1291 Ibid
1292 Ibid
1293 Dick Fisk interview, 1994
1294 Rose Freehafer essay & Charles Winkler oral interview transcript, courtesy of Idaho Oral History Center, Boise. Charley said in the early days, anyone could find deer at the hot springs if he just waited around that area.
1295 Interpretive sign at a hot springs along Highway 21 near Lowman, Idaho.
1296 Matilda Moser memoir, Diffendaffer p. 222
1297 Idaho Citizen, Aug 3, 1894
1298 Salubria Citizen, Feb 8, 1895 & Idaho Magazine, Dec. 1905 p. 37
1299 Weiser Signal, Jan 28, 1905 & May 20, 1908 and other issues.
1300 My Roseberry by Cythia Pottenger p 39
1301 Council Journal, May 15, 1902
1302 Adams County Courthouse records, Deeds Patent Cash Entry, Book 1, p. 59
1303 Weiser Signal, Dec 19. 1903 & Adams County Courthouse records, Deed book C, p. 373
1304 Adams County Courthouse records, Deed book C, p. 458 - This was a quit claim deed forwhich Biggerstaff paid $1.00 .
1305 The Record, Sept. 19, 1979
1306 Adams County Courthouse records, Deed book 1, p. 248 & Weiser Signal, Mar 22, 1905
1307 Idaho Magazine, Dec. 1905 p. 38
1308 Ibid
1309 The Weiser Semi-Weekly Signal, July 29, 1905 - Taken from the Council Advance paper
1310 Idaho Magazine, Dec. 1905 p. 37
1311 Based on old photos
1312 The Weiser Semi-Weekly Signal, Dec 16,1905 & Feb 7, 1906
1313 The Weiser Semi-Weekly Signal, May 23, 1906
1314 Schell, p. 73 &101 & The Weiser Semi-Weekly Signal, Feb 7, 1906
1315 The Weiser Semi-Weekly Signal, Oct 7, 1905
1316 Weiser Signal, May 26, 1906 & Jun 23, 1906
1317 Weiser Signal, July 25, 1906 & Council Leader, May 1, 1914
1318 The Weiser Semi-Weekly Signal, Apr 14, 1906 & July 25, 1906
1319 Weiser Signal, Sept 29, 1906
1320 Council Leader, Mar 14, 1912
1321 Council Leader, May 2, 1912
1322 Council Leader, Weds. Oct 23, 1912
1323 Council Leader, June 20, 1913 & July 11, 1913
1324 Fruitvale Echo, April 17, 1912
1325 Council Leader, Friday, Aug 29, 1913
1326 Council Leader, Nov 21, 1913
1327 Council Leader, Aug 21, 1914
1328 Council Leader, Sept. 11, 1914
1329 Adams County Leader, April 18, 1912 - Oct 31, 1913 - Oct 16, 1914 and various issues 1912 through 1915 and Fruitvale Echo, various issues, especially April 17, 1912
1330 Interstate Commerce Commission, Bureau of Valuation report on the P.& I.N. Railroad, undated - from the National Archives. Technically, it was a "shelter shed", not a depot.

SCANNED
SEP 19 2005

Homestead Certificate No. 2205.
Application 4176. INSTRUMENT NUMBER 2943.

THE UNITED STATES OF AMERICA,

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, There has been deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at Boise, Idaho whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Tolbert B. Biggerstaff, has been established and duly consummated, in conformity to law for the

South half of the South West quarter of Section one and the South half of the South East quarter of Section two in Township seventeen North of Range one West of Boise Meridian in Idaho, containing one hundred and 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 Tolbert B. Biggerstaff the tract of Land above described: TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said

T O L B E R T B. B I G G E R S T A F F

and to his heirs and assigns 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 also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. 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.

(SEAL)
UNITED STATES GENERAL LAND OFFICE.

IN TESTIMONY WHEREOF, I Theodore Roosevelt, 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.

G I V E N under my hand, at the City of Washington, the nineteenth day of October, in the year of our Lord one thousand nine hundred and five, and of the Independence of the United States the one hundred and thirtieth.

By the President: T. Roosevelt,

By F. M. McKean, Secretary,

C. H. Brush, Recorder of the General Land Office.

Recorded Idaho, Vol. 61, Page 129.

Recorded at the request of Mrs. T. B. Biggerstaff, at 50 minutes past 3 o'clock, P. M., this 28th day of November, A. D., 1913.

C. W. Holmes, Recorder.

Fees, $1.00.

By India C. Hess, Deputy.

SCANNED
SEP 19 2005

Certificate No. 3551.

INSTRUMENT NUMBER 2944.

THE UNITED STATES OF AMERICA,

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

W H E R E A S Harriet E. Biggerstaff, of Washington County, Idaho, has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Boise, Idaho, whereby it appears that FULL PAYMENT has been made by the said H A R R I E T T E. B I G G E R S T A F F, according to the provisions of the Act of Congress of the 24th of April, 1820, entitled, "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the

North East quarter of the North West quarter of Section twelve in Township seventeen North of Range one West of Boise Meridian in Idaho, containing forty acres,

according to the Official Plat of the Survey of the said Lands, returned to the GENERAL LAND OFFICE by the Surveyor General, which said Tract has been purchased by the said Harriett E. Biggerstaff.

NOW KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said Harriett E. Biggerstaff and to her heirs, the said tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Harriett E. Biggerstaff, and to her heirs and assigns 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 also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law; 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.

(S E A L)
UNITED STATES GENERAL LAND OFFICE.

IN TESTIMONY WHEREOF I, Theodore Roosevelt, 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.

G I V E N under my hand, at the City of Washington, the fifth day of October, in the year of our Lord one thousand nine hundred and six and of the Independence of the United States the one hundred and thirty-first.

By the President: T. Roosevelt,

By F. M. McKean, Secretary,

C. H. Brush, Recorder of the General Land Office.

Recorded, Idaho, Vol. 64, Page 143.

Recorded at the request of Mrs. T. B. Biggerstaff, at 54 minutes past 3 o'clock, P. M., this 28th day of November, A. D., 1913.

C. W. Holmes, Recorder.

Fees, $1.00.

By India C. Hess, Deputy.

SCANNED
SEP 19 2005

98

TOWNSHIP 18 North RANGE 1 West

ASSESSMENT ROLL FOR THE YEAR 1915

REAL PROPERTY

PRINTED IN ADAMS COUNTY BY THE COUNCIL LEADER

Line No.	Check	OWNER OR REPUTED OWNER'S NAME AND RESIDENCE	Subdivision	Section	Tax No.	CLASSIFICATION OF LANDS: Agricultural Lands Acres	Agricultural Lands Value	Timber Lands Acres	Timber Lands Value	Cut Over and Burnt Over Timber Lands Acres	Cut Over and Burnt Over Timber Lands Value	Mineral Lands Acres	Mineral Lands Value	Grazing Lands Acres	Grazing Lands Value	Waste Lands Acres	Waste Lands Value	Improvements on Lands Acres	Improvements on Lands Value	Standing Timber Owned Separate from Land Acres	Standing Timber Owned Separate from Land Value	Other Real Property Acres	Other Real Property Value	Total Value of Real Property	Equities in State Lands	Improvements on Gov. and State Lands and Railroad Right of Way	Cattle Thoroughbred and Graded No.	Cattle Thoroughbred and Graded Value	Common Beef and Oxen No.	Common Beef and Oxen Value	Milk Cows No.	Milk Cows Value	Thoroughbred and Graded Horses No.	Thoroughbred and Graded Horses Value	Stock Horses No.	Stock Horses Value	Hogs No.	Hogs Value	Sheep No.	Sheep Value	Lumber, Sawlogs and Wood Class	FL or Cds.	Lumber, Sawlogs and Wood Value	Merchandise Kind	Merchandise Value	Vehicles, Saddles, Robes Kind	Vehicles, Saddles, Robes Value	Library, Instruments, Tools, Implements, Farm Machinery, Wagons and Harness Kind	Library, Instruments, Tools, Implements, Farm Machinery, Wagons and Harness Value	Household Goods, Wearing Apparel, Jewelry Kind	Household Goods, Wearing Apparel, Jewelry Value	Furniture and Fixtures Kind	Furniture and Fixtures Value	Hay, Grain and Other Products Kind
1	4/43	Koontz, E. D. = Council	nw¼ ne¼	32	1	20	3.00							20	100									400																											
2	4/43		sw¼ ne¼	32	2	20	3.00							20	100									400																											
3	4/43		nw¼ se¼	32	3	20	3.00							20	100									400																											
4																																																						
5	3/2	Bridgewood, Mary A. Fruitvale	sw¼ se¼	32	2	20	5.10							10	50	18	10							570																											
6																																																					
7	4/57	Starkey, A.	nw¼ ne¼	34										48	200									200																											
8	4/43	Biggerstaff, J. B. = Council	ne¼ nw¼	34	1			15	300					25	125									425		t																							
9																																																					
10	4/57	Starkey, R.	sw¼ ne¼	34	1									25	125			1000 2000						1000 2125																						9	35			500	
11	4/57		se¼ nw¼	34	2									5	25									25																											
12	4/57		ne¼ sw¼	34	3									15	75									75																											
13	4/57		nw¼ se¼	34	4									15	75	8	8							83																											
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CONVERSATIONAL MEMORANDUM

Date: September 8, 2005

To: File 67-4259

From: Craig L. Saxton

Subject: Evidence of priority

Ms. Snider came into the office as when researching her evidence of priority, she found that there was an old decreed right applicable to her piece of property. I asked her if she used the water and she said no. But I showed her how to look on the internet to find if anyone claimed it.

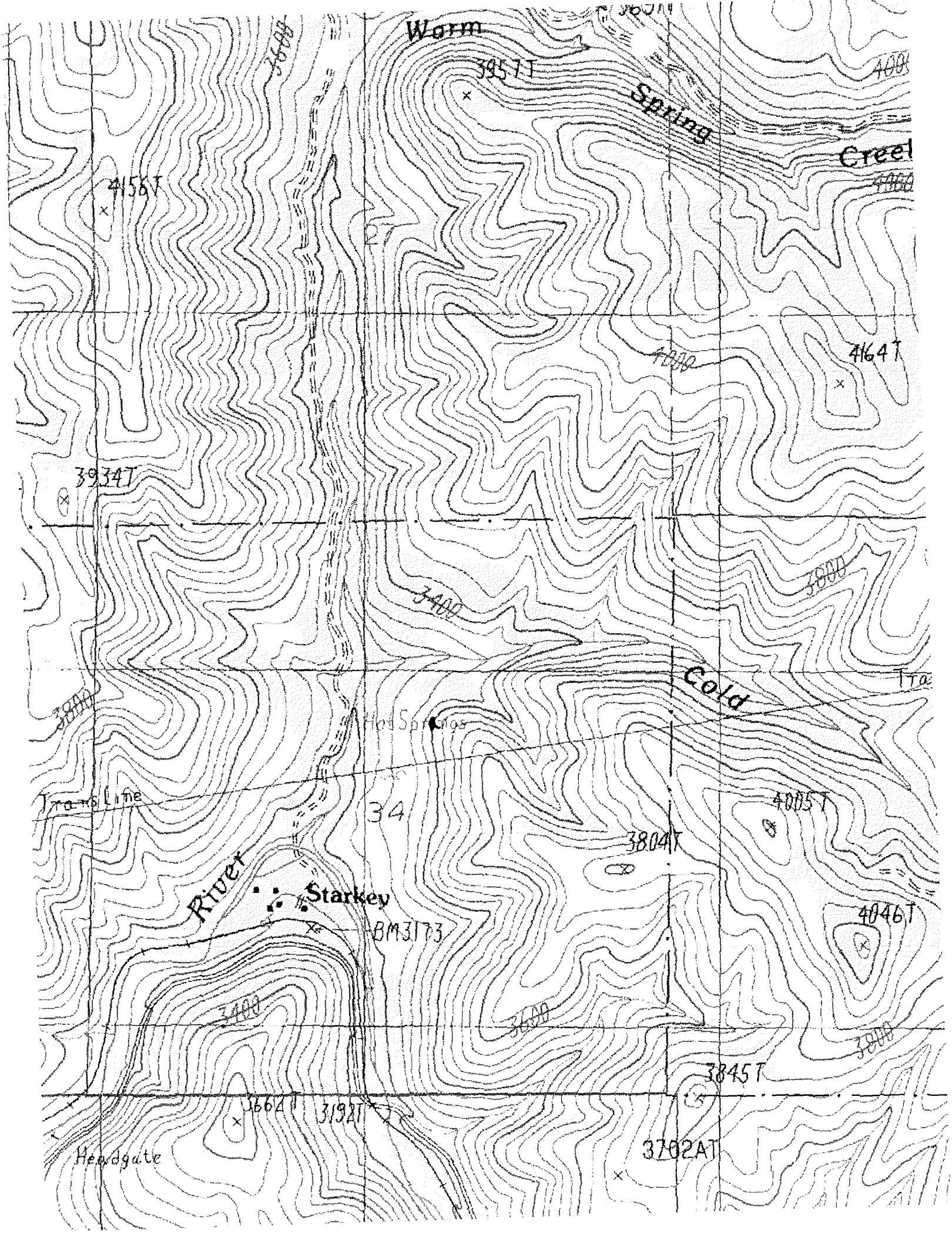
She said she would look, but I told her at this time from what she told us, it sounds like the water right would be forfeited and would be disallowed if she claimed it unless she could show resumption.

Water Rights in Dist 41, State of Idaho, January 1, 1919 (3)

67-4259

Priority No.	Name of User	Description of Land				Source of Supply	Priority Date.			Priority Inches
52.	G. T. Hamil					Fort Hall Creek	5	1	89	4.00
53.	Wm. S. Potter					Keithley Creek	5	15	89	2.25
54.	J. W. Galloway	SW¼	1	10	5W	Main Weiser	6	1	89	70.00
54.	J. Newton & Bessie Wingfield	20 Acres in SE¼ SE¼	2	10	5W	Main Weiser	6	1	89	15.00
54.	Albert McDowell	SE¼ NE¼	4	14	1W	Little Weiser	6	1	89	19.00
54.	G. W. Phipps	N½ NW¼	34	16	1W	Cottonwood Creek	6	1	89	37.50
54.	James H. McGinley	N½ SW¼, N½ SE¼, SE¼ SE¼	26	16	1W	Cottonwood Creek	6	1	89	3.00
		NE¼ NE¼	35	16	1W					
55.	A. Kampeter	S½ SE¼	5	17	2W	Hornet Creek	12	31	89	35.50
		SW¼ SW¼	4	17	2W					
		NW¼ NW¼	9	17	2W					
56.	Village of Cambridge					Rush Creek	4	30	90	20.00
56.	Moses H. Hopper					Rush Creek	4	30	90	1.00
56.	Nels C. Nelson	N½ NE¼	3	14	3W	Rush Creek	4	30	90	12.50
		10 Acres in NW¼ SW¼	2	14	3W					
57.	George W. Hall					Rush Creek	5	1	90	12.50
57.	George A. Jefferson					Rush Creek	5	1	90	12.375
57.	Eva Barber	S½ NE¼	2	14	3W	Rush Creek	5	1	90	16.00
57.	Jerome B. Cox	SE¼ NE¼, N½ SE¼, SW¼ SE¼	2	15	3W	Rush Creek	5	1	90	19.00
57.	Weiser Irrigation District					Main Weiser	5	1	90	200.00
57.	James W. Tindell	NE¼ NE¼, SW¼ NE¼, E½ NW¼	31	15	3W	Pine Creek	5	1	90	32.50
58.	Jacob Ader	NW¼ SE¼	30	14	3W	Weithley Creek	5	15	90	20.00
58.	E. M. Stewart	SW¼ SE¼	30	14	3W	Keithley Creek	5	15	90	4.00
58.	James Keithley	SE¼ SW¼, SW¼ SE¼	36	14	4W	Keithley Creek	5	15	90	26.25
59.	D. W. Hutchinson	E½ NE¼	5	14	1W	Little Weiser	6	1	90	19.00
		SW¼ NW¼, NW¼ SE¼	4	14	1W					
59.	T. B. Biggerstaff	S½ SE¼	2	17	1W	Main Weiser	6	1	90	45.00
		S½ SW¼	1	17	1W					
60.	Michael Ward	NE¼	32	15	3W	Pine Creek	6	3	90	47.50
61.	Jas. H. McGinley					Cottonwood Creek	7	1	90	72.00
62.	Mary E. Houston	E½ NE¼, SW¼ NE¼, SE¼ NW¼	26	16	1W	Cottonwood Creek	7	2	90	25.00
63.	Weiser Irrigation District					Main Weiser	5	1	91	200.00
63.	E. E. Edwards	W½ NE¼, SE¼ NE¼, N½ NW¼	33	15	3W	Pine Creek	5	1	91	165.00
		SE¼ NW¼, SE¼ SW¼, N½ SE¼	33	15	3W					
		S½ SW¼, SW¼ SE¼	28	15	3W					
63.	Fannie E. Baker	E½ NE¼	9	15	4W	Pine Creek	5	1	91	6.00
		SW¼ NW¼	10	15	4W					
		SE¼ SE¼	4	15	4W					
63.	R. E. Wilson and Edwin J. Hill	E½ SE¼	26	15	3W	Ruch Creek	5	1	91	16.00
		S½ SW¼	25	15	3W					
		NW¼ NE¼, N½ NW¼	36	15	3W					
63.	Henry Mosman	SE¼	8	14	2W	Little Weiser	5	1	91	85.00
63.	Stella Beigh	17 Acres in SW¼ SW¼	9	14	2W	Little Weiser	5	1	91	12.00
63.	H. L. Snyder	20 Acres in SW¼ SW¼, N½ SW¼, SE¼ SW¼	9	14	2W	Little Weiser	5	1	91	66.00
63.	M. C. Wilkerson	SE¼	9	14	2W	Little Weiser	5	1	91	82.00
		NW¼ NE¼	16	14	2W					
63.	W. M. Baccus	S½ SE¼	4	15	1W	Middle Fork	5	1	91	14.00
63.	Catherine Austin	SW¼	4	15	1W	Middle Fork	5	1	91	24.00
		NE¼ SE¼	5	15	1W					
63.	P. H. Schaff and F. S. Galey					Mill Creek	5	1	91	29.00
64.	Mattie E. Gray	NE¼ SE¼	32	15	1W	Little Weiser	6	1	91	23.00
		SW¼ SW¼	33	15	1W					
64	Denbrae Sheep Co	SE¼ NW¼, E½ SE¼	32	16	4W	Pine Creek	6	1	91	15.00
		NW¼ SW¼, SW¼ NW¼	33	16	4W					
		N½ NW¼	4	15	4W					
64.	Mark Winkler	S½ NE¼, NE¼ SW¼, NW¼ SE¼	27	17	1W	Main Weiser	6	1	91	60.00
64.	Carrie Winkler	NE¼ SE¼	27	17	1W	Main Weiser	6	1	91	10.00
64.	E. Hinkle	S½ NW¼ W½ SW¼	34	17	1W	Main Weiser	6	1	91	50.00
		SE¼ NE¼, E½ SE¼	33	17	1W					
		NE¼ NE¼	4	16	1W					
64.	S. A. Moudy and E. Hinkle	S½ NE¼	34	17	1W	Main Weiser	6	1	91	19.00
64.	George Gould	SE¼ SW¼, SW¼ SE¼, Part SE¼ SE¼	27	17	1W	Main Weiser	6	1	91	82.00
		NW¼ NE¼, NE¼ NW¼, Part NE¼ NE¼	34	17	1W					
65.	William Hanson	NE¼ NE¼	5	17	2W	Hornet Creek	12	31	91	12.00
		NW¼ NW¼	4	17	2W					
65.	Mattie M. Keyes	N½ SW¼, SW¼ SW¼, NW¼ SE¼	15	17	2W	Hornet Creek	12	31	91	16.(
66.	Weiser Irrigation District					Main Weiser	5	1	92	150.
66.	John Schwenkfelder	NW¼	15	14	2W	Little Weiser	5	1	92	145.00
		E½ NE¼	16	14	2W					
66.	Jacob Moritz	S½ NE¼	15	14	2W	Little Weiser	5	1	92	49.00
		NW¼ SE¼	16	14	2W					
66.	Leslie Johnson	N½ NE¼	15	14	2W	Little Weiser	5	1	92	95.00
		S½ SE¼	10	14	2W					
66.	S. N. York					Little Weiser	5	1	92	25.00
66.	William Niemeyer	W½ SE¼, SE¼ SE¼	24	15	4W	Pine Creek	5	1	92	7.00
		E½ NE¼, NE¼ SE¼	25	15	4W					
		N½ NW¼	30	15	3W					
66.	Mary Marquis	NW¼ SW¼	32	15	3W	Pine Creek	5	1	92	21.00
		SW¼ SE¼, NW¼ NW¼, SE¼ SW¼, E½ SE¼	31	15	3W					
		SE¼ SE¼	36	15	4W					
		NE¼ NW¼	6	14	3W					
66.	Edward Byers					Rush Creek	5	1	92	7.50
66.	Hub B. Poyner	NW¼ NE¼, N½ NW¼, SW¼ NW¼	27	15	3W	Rush Creek	5	1	92	16.00
66.	J. P. Ogilvie	S½ NW¼	11	15	2W	Goodrich Creek	5	1	92	10.00
		SE¼ NE¼, NE¼ SE¼	10	15	2W					
67.	William Phipps					Cottonwood Creek	6	1	92	3.00
68.	C. E. McDonald	SW¼ NE¼, N½ SE¼, SE¼ SE¼	23	11	4W	Main Weiser	7	2	92	56.00
		SW¼ SW¼	25	11	4W					
69.	Weiser Irrigation District					Main Weiser	5	1	93	200.00
69.	Mary Marquis					Pine Creek	5	1	93	25.00
69.	F. M. Watris					Mill Creek	5	1	93	33.33
69.	George T. Ellis	SW¼ NW¼	3	16	1W	Mill Creek	5	1	93	27.50
		10 Acres in NE¼ NE¼, SE¼ SE¼	4	16	1W					
69.	W. J. Wilson	N½ NW¼, SW¼ NW¼	23	17	2W	Hornet Creek	5	1	93	47.00
		SE¼ NE¼	22	17	2W					
70.	A. L. Freehafer & Margaret Pike	E½ SW¼, W½ SE¼, Part SW¼ SW¼	23	17	1W	Fort Hall Creek	7	1	93	47.00
71.	Weiser Irrigation District					Main Weiser	5	1	94	150.00
71.	M. C. Wilkerson					Little Weiser	5	1	94	25.00
71.	Albert Moritz	S½ SE¼	16	14	2W	Little Weiser	5	1	94	35.00
		N½ NE¼	21	14	2W					
71.	Ben Worden	NE¼ N½ NW¼	13	15	1W	Middle Fork	5	1	94	30.00
		N½ NE¼	14	15	1W					
71.	Council Valley Orchards					Mill Creek	5	1	94	29.00
71.	P. H. Schaff & Thos. L. Watt	N½ NW¼	35	17	1W	Mill Creek	5	1	94	37.50
		SE¼ SE¼	27	17	1W					
		NE¼ NE¼	34	17	1W					
71.	F. M. Watris					Mill Creek	5	1	94	20.75
71.	H. B. Poyner					Rush Creek	5	1	94	6.00
71.	W. H. Gibson	W½ NE¼	10	15	3W	Rush Creek	5	1	94	2.50
71.	Minta Duggar	NE¼ SE¼	10	15	3W	Rush Creek	5	1	94	1.50
72.	Walter Benson	SE¼ NE¼, E½ SE¼, SW¼ SE¼	9	14	1W	Little Weiser	6	1	94	6.00
73.	P. H. Miller	SE¼ SW¼	4	17	2W	Hornet Creek	4	2	95	38.50
		E½ NW¼, SW¼ NW¼	9	17	2W					
74.	P. H. Miller					Hornet Creek	4	30	95	25.00
75.	Weiser Irrigation District					Main Weiser	5	1	95	150.00
75.	Village of Cambridge					Rush Creek	5	1	95	2.125
75.	J. Edward Wicks	W½ SE¼, SE¼ SE¼	3	15	3W	Rush Creek	5	1	95	19.00
		NE¼ NE¼	10	15	3W					
75.	Chas. F. Hulet					Rush Creek	5	1	95	31.25
75.	A. H. Nunnalee	30 Acres in NE¼ NE¼	3	14	3W	Rush Creek	5	1	95	14.00
75.	A. L. Kingsbury	30 Acres in NW¼ NE¼	3	14	3W	Rush Creek	5	1	95	7.50
76.	Jesse Buzzard	S½ SE¼	23	15	1W	Fall Creek	6	1	95	26.00
		N½ NE¼	26	15	1W					
76.	Annie Carson	NE¼	27	14	1W	Little Weiser	6	1	95	35.00
76.	J. W. Frasier	N½ NE¼	34	14	1W	Little Weiser	6	1	95	31.00
76.	Willette L. Frasier	N½ NW¼	35	14	1W	Little Weiser	6	1	95	42.00
76.	Chris Behnen	NW¼ NE¼	35	14	1W	Little Weiser	6	1	95	8.00
76.	S. T. Logan	NW¼ NE¼, E½ NW¼	26	14	1W	Little Weiser	6	1	95	17.00
77.	Frank Peck	SE¼ NW¼	5	17	2W	Hornet Creek	6	30	95	10.00

RECEIVED
SEP 12 2005
Department of Water Resources


Warm
Spring
Creek
Cold
River
Starkey
BM3173
Hot Springs
Trans Line
Headgate
34
4156T
3957T
4164T
3934T
4005T
3804T
4046T
3845T
3664T
3192T
3702AT
4000
3800
3600
3400