

RECEIVED

MAY 28 2020

WATER RESOURCES
WESTERN REGION

WITHDRAWAL
OF
APPLICATION FOR PERMIT

I/We, Todd Stephens and _____,
(Applicant's Printed Name) (Applicant's Printed Name)

(Applicant's Printed Name) and _____,
(Applicant's Printed Name)

hereby withdraw our Application for Permit to Appropriate the Public Waters of the

State of Idaho, No. 65-23708.

Signed this 28 day of May, 20 20

Todd Stephens, fire chief
(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 2, 2020

SILVER CREEK PLUNGE RESORT
C/O TODD STEPHENS
2345 SILVER CREEK RD
GARDEN VALLEY ID 83622

Re: Withdrawal of Application for Permit No: 65-23708

Dear Applicants:

The Department has received your recent withdrawal of the above referenced application. For your convenience a copy of the withdrawal and application are enclosed.

Please feel free to contact our office at 208-334-2190 if you have additional questions in this matter. Also, more information about water rights and other matters administered by this agency is available on the Internet at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kensie Thorneycroft', is written over a light blue horizontal line.

Kensie Thorneycroft
Administrative Assistant
Western Regional Office

Enclosures

Publisher's Affidavit of Publication

STATE OF IDAHO

County of Valley } ss

I, Tricia Warren, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began July 20, 2017 and ended July 27, 2017.

Tricia Warren

Subscribed and sworn before me this the 27th day of July, 2017.
STATE OF IDAHO

COUNTY OF VALLEY }

On this 27th day of July in the year of 2017, before me, a Notary Public, personally appeared Tricia Warren, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Tom Grote

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 2/8/18

IDAHO DEPARTMENT OF WATER RESOURCES

The following application has been filed to appropriate the public waters of the State of Idaho:

65-23708

SILVER CREEK PLUNGE RESORT

2345 SILVER CREEK RD

GARDEN VALLEY, ID 83622

Point of Diversion NW/NESE S36 T12N

R05E VALLEY County Source SILVER

SPRINGS Tributary SILVER CREEK

Use: HEATING 01/01 to 12/31 1.2 CFS

Use: INDUSTRIAL 01/01 to 12/31 0.3 CFS

Use: IRRIGATION 04/01 to 10/31 0.03 CFS

Use: POWER 01/01 to 12/31 1.2 CFS

Total Diversion: 1.2 CFS

Date Filed: 7/10/2017 Places of Use: HEAT-

ING, POWER

T12N R05E S36 NWSE

Place of Use: IRRIGATION

T12N R05E S36 SWNE NESE NWSE

Place of Use: INDUSTRIAL

T12N R05E S36 SWNE SENE NESE

NWSE

Total Acres: 1

Proposed point of diversion and place of use within Mineral Survey No. 3259.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 8/7/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
26c7127

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JUL 28 2017

WATER RESOURCES
WESTERN REGION

✓ OK RJD
8/8/17

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JUL 20 2017

WATER RESOURCES
WESTERN REGION

State of Idaho

Department Of Water Resources

WATERMASTER RECOMMENDATION FORM

Water District # Water District No. 65

Application # 65-23708

Applicant Name Silver Creek Plunge Resort

Watermaster Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:

- c) ☐ I oppose approval of this application for the following reasons:

- d) ☐ Additional comments:

Dated this 20th day of July, 2017


Watermaster Signature

Ron Shurtleff

Printed Name

Grimm, Angie

From: Spencer, Steven M -FS <sspencer@fs.fed.us>
Sent: Wednesday, July 19, 2017 4:25 PM
To: Grimm, Angie
Subject: Application 65-23708
Attachments: Mineral Survey 3259 Plat.pdf; BLM MTP T12N R5E.pdf; 65-23708 Legal Description Information.pdf

Angie,

It looks like I missed you today. I'm looking at 65-23708. We've seen and worked through similar situations previously. I'm hoping this one can be handled similarly. It appears to me that this water right is intended to be on the private land at Silver Creek Plunge. I'd like to suggest that the permit and subsequent license include additional information that I will provide in and attached to this message. It looks like the water right is meant to be on private land that is surrounded by National Forest System (NFS) land. The actual legal survey of the private land is Mineral Survey 3259. It is a rectangle that is not square with the Public Land Survey sections and quarter-quarters. For this reason any quarter-quarter that includes private land also includes NFS land. In order to prevent any confusion that the POD or POUs might also include NFS land I'm requesting that the water right specifically identify in the legal descriptions that the POD and POUs are on Mineral Survey 3259. In addition we've used a standard condition that Carter Fritschle has been refining that the water right does not include any federal land. He'd be able to help you with the most current language because we used it many times last week in Kellogg in water right descriptions during initial hearings for Basin 94. Absent adding these additional descriptors that add clarity to the water right description, because NFS land could be involved and I'm certain that the applicant is not authorized to use NFS land for the purposes contemplated in the application, I'd have to rely on Rule 45 to delay processing of the application until the quandary could be worked out.

It also looks like the quarter-quarters in the application might need to be tweaked to coincide with the imagery and information available today.

Thank you. If you have any questions about this matter please contact me.

Steve



Steven M. Spencer
Water Use Specialist
Forest Service
Intermountain Region
p: 208-365-7055
sspencer@fs.fed.us

1805 Hwy 16 Rm 5
Emmett, ID 83617

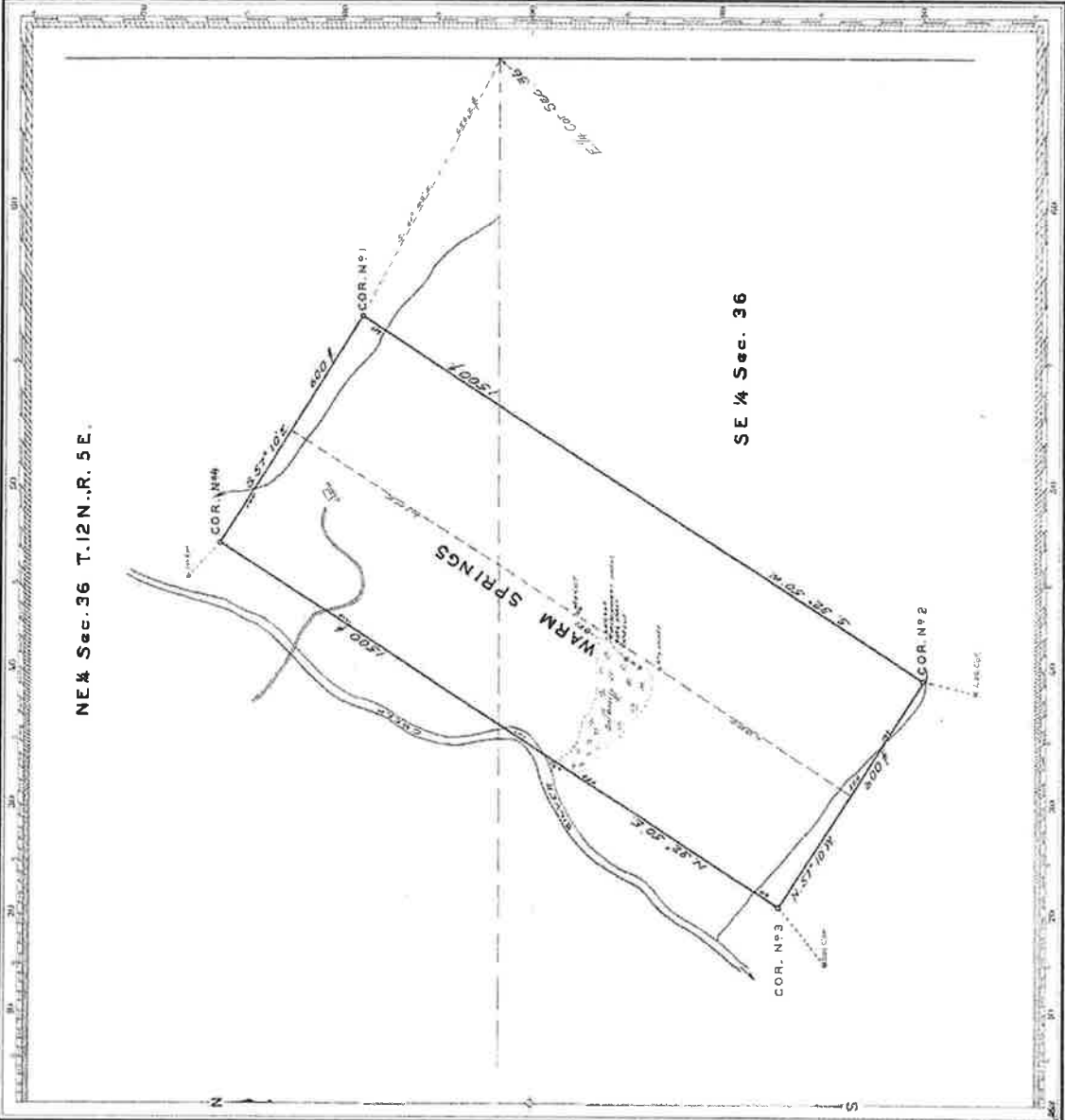
www.fs.usda.gov



Caring for the land and serving people

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NE 1/4 Sec. 36 T.12N., R. 5E.



Lead District.

PLAT

OF THE CLAIM OF

Leona Heller
KNOWN AS THE

WARM SPRINGS LODGE

IN PEACE VALLEY MINING DISTRICT,
VALLEY COUNTY - IDAHO

Continuing on above 10'. 20.661 20.661 20.661
Scale of 200 Feet to the inch
20.661 20.661 20.661

Variation 20°E.
SURVEYED September 3-5 1932 BY

Gordon C. Smith
U.S. Naval Surgeon

The Original Bird Nests of the Survey of the Mining Claims

from which this plot has been made under my direction, have been examined and approved and are on file in this Office.

and Lundy certify that they furnish such an accurate description of each of the islands as will, if incorporated into a publication of such Marine Lighthouse, be of great value to the mariner.

seriously to identify the problems, and that such progress is needed therein, to realize, things are possible, and that

will perpetuate and fix the evils thereof.

been rewarded, or improvements made upon, or for the benefit

LEONA HALLER

that said improvements consist of free cuts and

Three shafts Value of 16345

SE 1/4 Sec. 36

that the location of said improvements is correctly shown

labor⁸ or improvements has been included in the estimate upon was paid, and that no person in circumstances *such*

at expenditures upon any other claim.

translating theory to action and given knowledge forms change means to continuously work and original field notes of the

Public Survey Office

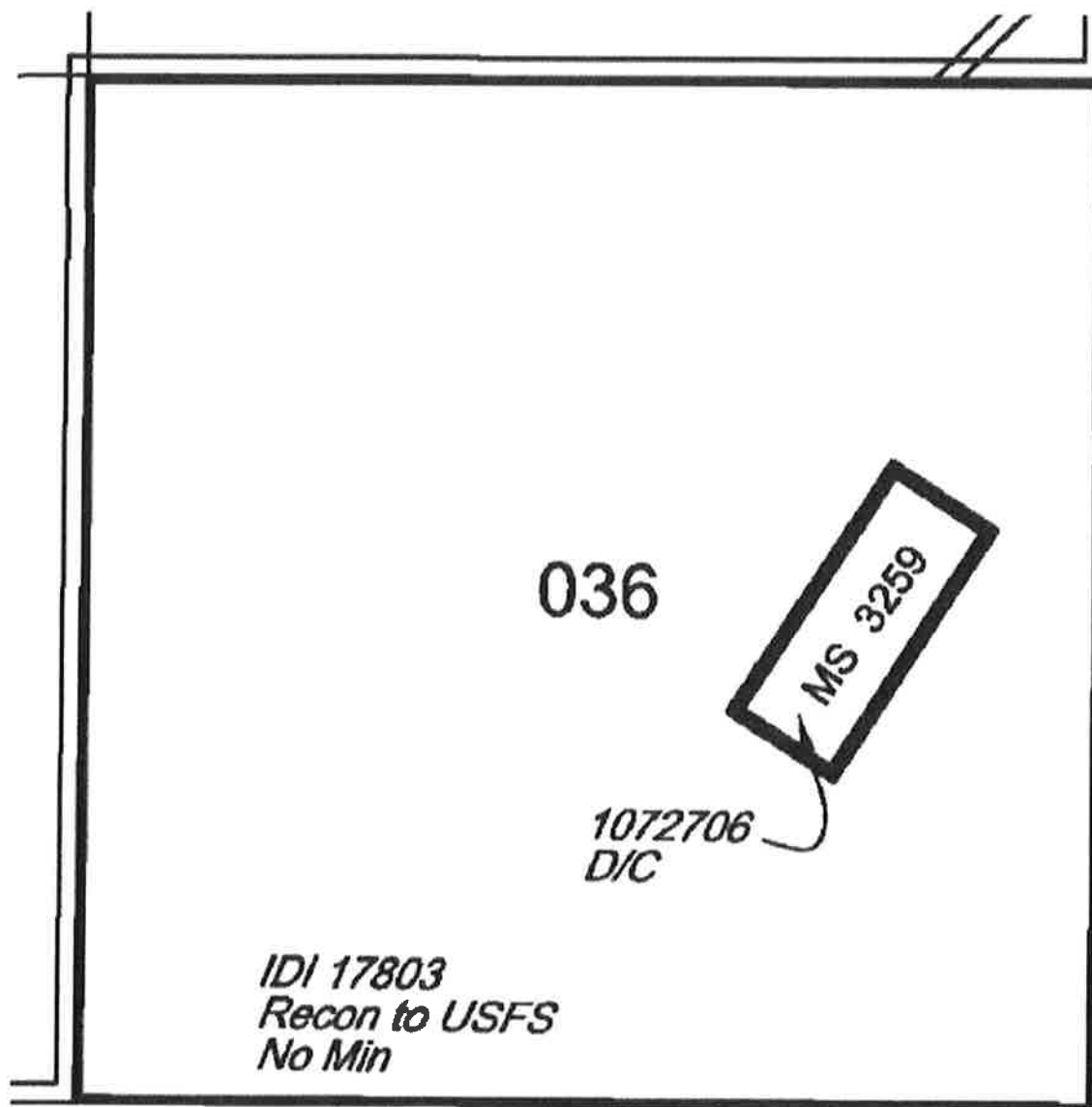
Boise, Idaho

[illegible]

65-23708

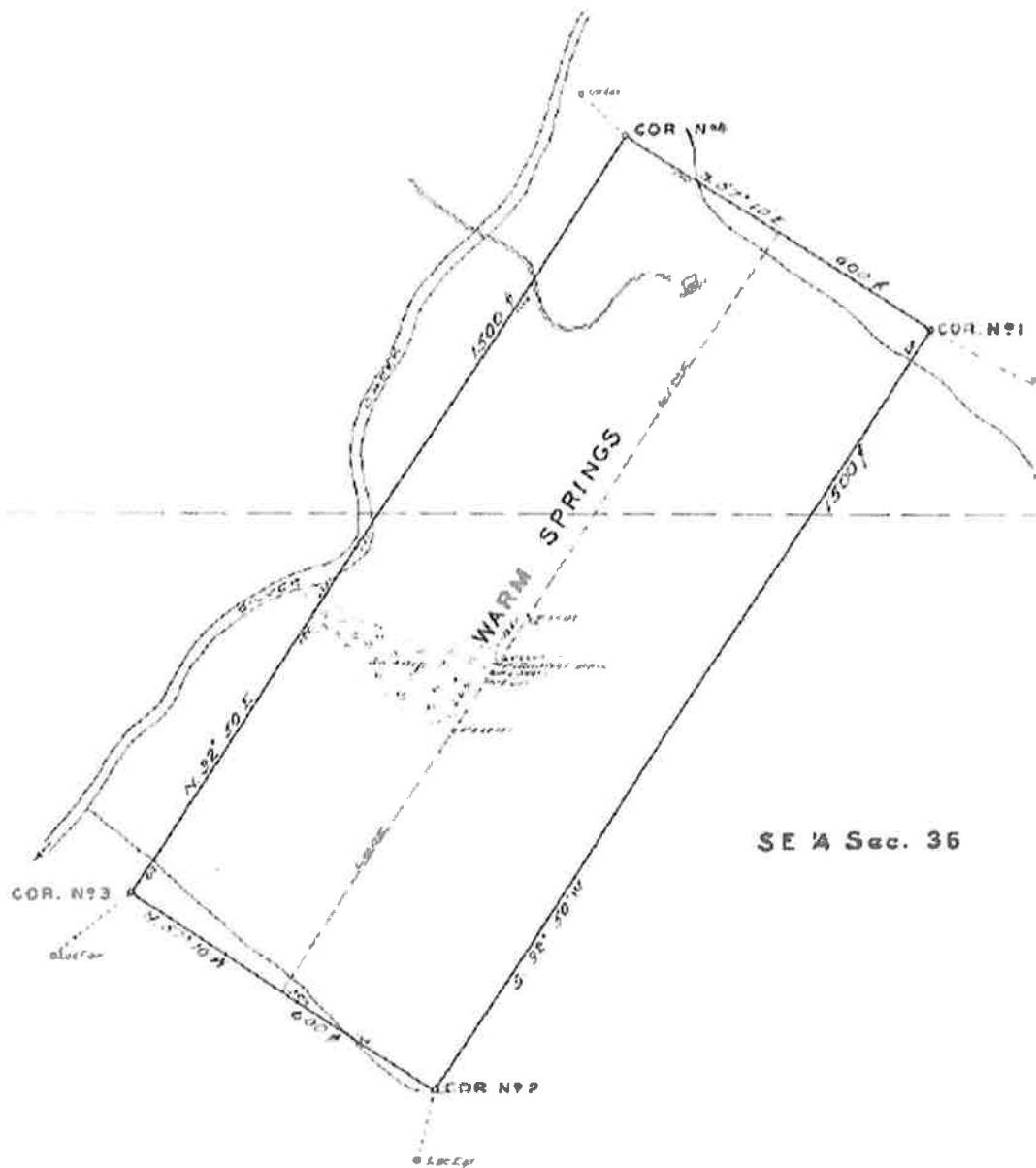
BLM Master Title Plat

TOWNSHIP 12 NORTH RANGE 5 EAST OF THE BOISE MERIDIAN, IDAHO

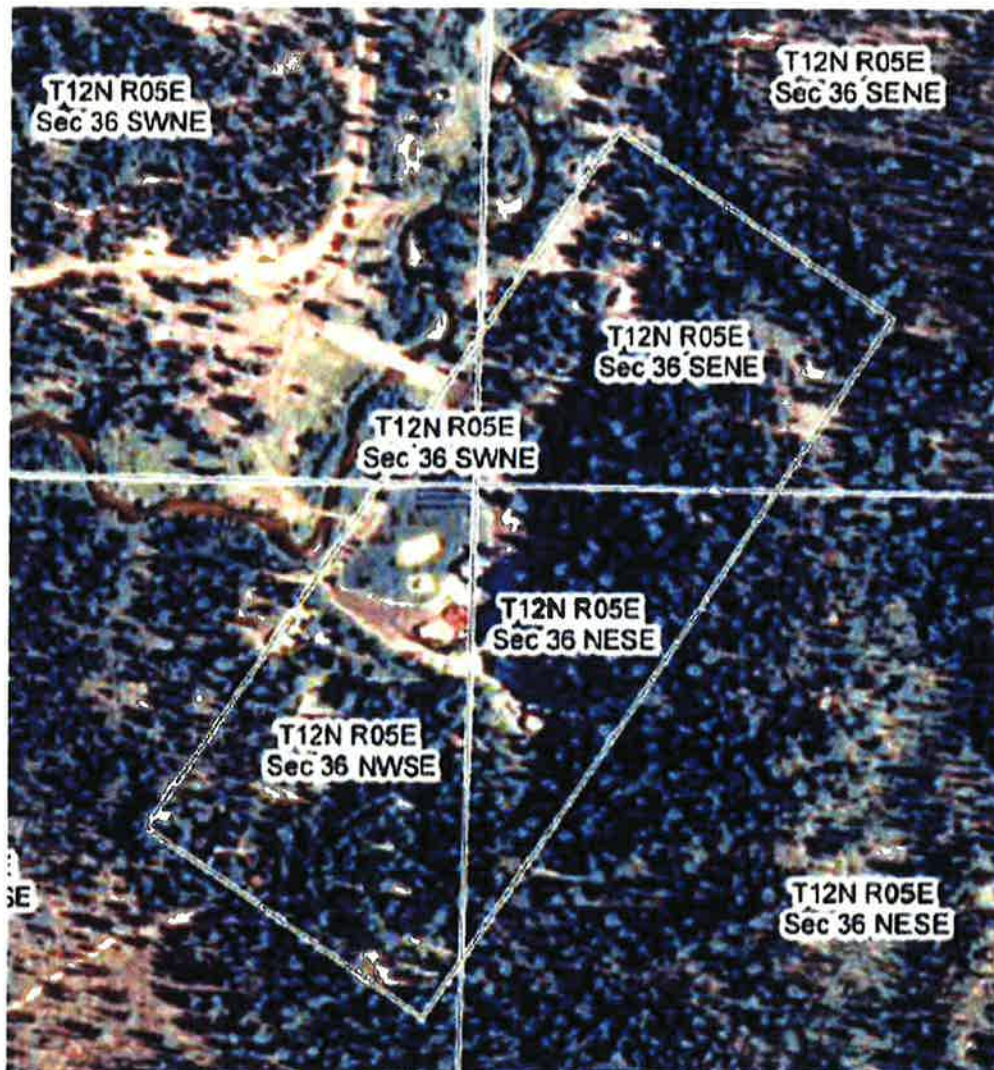


Mineral Survey No. 3259

NE 4 Sec. 36 T.12 N., R. 5 E.



From IDWR Imagery



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JUL 14 2017

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 65-23708

AFFIDAVIT FOR WATER RIGHTS TO BE USED FOR POWER PURPOSES

A. Establishment of Residency or Qualification to do Business in Idaho (complete either 1 or 2)

1. Individual Applicant:

I, Silver Creek Plunge Resort of Garden Valley
(name) (city)
County of Valley, State of Idaho, being duly sworn, do hereby certify that I am a
bona fide resident of the State of Idaho.

2. Corporation or Partnership (complete part 2a or 2b):

a) ☒ Attached is a *Certificate of Existence* or a *Certificate of Authorization* or other documentation issued by the
Idaho Secretary of State confirming Silver Creek Plunge Resort's authority to transact
(name of corporation or partnership)
business in Idaho.

or

b) I, _____ of _____, County
(name) (city)
of _____, State of _____, being duly sworn, depose
and say, that I am the _____ for _____;
(title) (name of corporation or partnership)
that as such I have legal authority to sign this affidavit on behalf of _____
(name of corporation or partnership)
and that _____ is a corporation or partnership qualified to do business in
(name of corporation or partnership)
the State of Idaho under the laws of the State of Idaho.

B. Ownership of Facilities

The hydropower facility to be developed pursuant to the attached Application for Permit (check one):

- ☒ Will **not** utilize existing man-made irrigation facilities such as a dam or a canal.
☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner is the signee of this affidavit.

Signature Julia Stephens Print title if applicable - OWNER - Date 7-12-17

STATE OF IDAHO)
County of Canyon) ss

Subscribed and sworn (or affirmed) before me this 12th day of July, 2017.

SEAL



Notary Public [Signature]
Residing at 3 W Main Middleton, ID
My Commission Expires 10/02/20 83644



CERTIFICATE OF ASSUMED BUSINESS NAME

(Please type or print legibly. See instructions on reverse.)

To the SECRETARY OF STATE, STATE OF IDAHO

Pursuant to Section 53-504, Idaho Code, the undersigned gives notice of adoption of an Assumed Business Name.

00 APR 19 AM 8:28
SECRETARY OF STATE
STATE OF IDAHO

FILE EFFECTIVE

1. The assumed business name which the undersigned use(s) in the transaction of business is:

Silver Creek Plunge Resort

2. The true name(s) and business address(es) of the entity or individual(s) doing business under the assumed business name is/are:

Name	Complete Address
<u>Wayne Stephens</u>	<u>24604 Emmett Rd</u>
<u>Julia Stephens</u>	<u>Caldwell, Idaho</u>
	<u>83607</u>

3. The general type of business transacted under the assumed business name is:
(mark only those that apply)

<input type="checkbox"/> Retail Trade	<input type="checkbox"/> Manufacturing	<input type="checkbox"/> Transportation and Public Utilities
<input type="checkbox"/> Wholesale Trade	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Finance, Insurance, and Real Estate
<input checked="" type="checkbox"/> Services	<input type="checkbox"/> Construction	<input type="checkbox"/> Mining

4. The name and address to which future correspondence should be addressed:

Phone number (optional): 208-585-3134

Wayne Stephens
24604 Emmett Rd
Caldwell Idaho 83607

5. Name and address for this acknowledgment copy is (if other than # 4 above):

Key Bank N.A. 4th Fl
309 S. 9th Ave.
P.O. Box 1215

Caldwell, ID 83606-1215

Signature: Wayne Stephens

Printed Name: Wayne Stephens

Capacity: owner

(see instruction # 8 on back of form)

Submit Certificate of
Assumed Business
Name and \$20.00 fee to:

Secretary of State
700 West Jefferson
Basement West
PO Box 83720
Boise ID 83720-0080
208 334-2301

Secretary of State use only

IDAHO SECRETARY OF STATE

04/19/2000 09:00
CK: 1035 CT: 129969 BH: 318401

1 @ 20.00 = 20.00 ASSUM NAME # 2

D35129