

**STARTING
LEFT
SIDE OF
FILE**

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF LAPSED) PERMIT NO. 29-7570 IN THE) NAME OF HOT SPRINGS RANCH) _____)	REINSTATEMENT ORDER
--	----------------------------

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On January 15, 1981, the Department issued Permit No. 29-7570 to Hot Springs Ranch ("permit holder") authorizing the diversion of 5.11 cubic feet per second ("cfs") of water from Groundwater to be diverted for domestic, recreation, and irrigation uses in Section 11, Township 12 S, Range 37 E, B.M., Bannock County. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before December 1, 1985.

2. On September 30, 1985, the Department notified the permit holder that proof use was due and instructed the permit holder of the steps to be taken to submit the proof or a Request for Extension of Time ("extension request").

3. On October 23, 1985, the permit holder submitted an extension request seeking a five-year extension for filing proof on this right. On December 17, 1985 the Department approved the extension request for filing proof of beneficial use on or before December 1, 1990. With this extension, the department ordered that this permit is subject to the review provisions of Section 42-203D, Idaho Code, and is subject to applicable conditions to protect the public interest.

4. On September 30, 1990, the Department notified the permit holder that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof or extension request.

5. On December 5, 1990, the Department sent the permit holder a lapse notice, since the Department had not received an acceptable proof or extension request.

6. On October 10, 2002, the permit holder submitted Proof of Beneficial Use with the required license examination fee to the Department. The permit holder submitted

evidence to show that water has been applied to the authorized beneficial use during the development period and has shown sufficient cause why the proof was not timely submitted.

CONCLUSIONS OF LAW

1. Section 42-218a.2, Idaho Code, provides as follows:

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit by submitting a letter of explanation for the reason for delay of filing proof, and two affidavits providing evidence of development during the authorized development period.

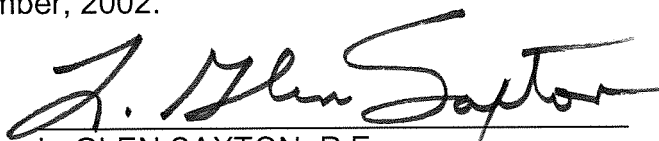
3. The Department should reinstate the permit with the priority advanced to the date that proof and the license examination fee were received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 29-7570 in the name of Hot Springs Ranch is **REINSTATED** with the priority advanced to **October 10, 2002**.

IT IS FURTHER ORDERED, that additional development under this reinstated permit is not authorized.

Dated this 10 day of December, 2002.


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

RECEIVED

OCT 10 2002

FOR OFFICE USE ONLY

Amt. of Fee \$: 100.00
Receipt No. 0065088
Receipt By: [Signature]
Date Received: 10-10-02

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 29-7570 Telephone No. 208-897-5736
2. Name of Permit Holder(s): Downata Ranch and Recreation Company f/k/a Hot Springs Ranch Associates
3. Mailing Address: P. O. Box 20185
City Downey State ID Zip 83234
4. Source of Water: Groundwater (well) If GROUNDWATER (well), Date Drilled: mo. 12 / yr. 1980
Well Driller: Forrest Cagle Drilling Permit Number: (unknown)
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 2 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 1 Other: Culinary for resort restaurant (kitchen and bathrooms) and swimming pool areas (showers and bathrooms)
6. Total rate of diversion and/or volume for which proof is submitted: 0.3342 cfs OR _____ acre-feet
7. Measuring Device Requirement: **(refer to the approval conditions on your permit and respond accordingly)**
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No _____
8. Fee Enclosed: \$ 100 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Darlene Downs Telephone Number: 208-897-5736
Address: Downata Resort, 25900 South Downata Road, Downey, ID 83234
10. **The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.**

Signature of permit holder: [Signature: Darlene Downs] Date: 2 October 2002
(include your title, if on behalf of company or organization)
Darlene Downs, Resort Manager

MICROFILMED

MAR 11 2003

NOTICE

This file has been REPRODUCED
from MICROFICHE ~~because :~~

For Reinstatement

L. Dale J. Block
Person Recreating File

Jan 09 / 2003
Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received <u>11</u>
Date <u>10-25-85</u>
Receipt # <u>37264</u>

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
of beneficial use on a water right permit

Hot Springs Ranch of Douney ID. 83234
(Name) (Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Approprate the Public Water of the

State of Idaho No. 39-7570

OCT 23 1985

That under the terms and conditions of said permit, work thereunder was required to be completed on or before

12-1, 19 85

That he has heretofore performed the following work described under said permit: RECREATION

(This must be filled out! If no work has been completed put none.)

park, slide pool

Costing \$ _____

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

no funds available to finish planned
work

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations

under said permit to 10-10, 1990
(1 yr. minimum,
5 yrs. maximum)

[Signature]
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied

FEE: \$15.00

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within
which to submit proof of beneficial use is extended to December 1, 1990.

IT IS FURTHER ORDERED that the permit is subject to the review provisions of Sec.
42-203D, Idaho Code and is subject to applicable conditions to protect the public
interest.

Signed this 17th day of December, 19 85.

[Signature]
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Hot Springs Ranch Phone 897-5736

Post office address Downata Hot Springs, Downey, Idaho 83234

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11 Township 12S

Range 37E B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 08 cfs for Domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .23 cfs for Recreation purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 4.8 cfs for Irrigation purposes from Apr. 1 to Oct. 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 5.11 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Details not known. Irrigation will be
below ground sprinkler lines

b. Height of storage dam n/a feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 16 inches; proposed depth of well is 250 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12 Township 12S

Range 37E B.M.

(2) Amount of power to be generated: n/a horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water two.

(5) If water is to be used for other purposes describe: 0.11 cfs for swimming pool; 0.027 cfs
for resort snack bar (included under domestic); 0.12 cfs. for
recreational vehicle park.

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

c. Describe any other water rights used for the same purposes as described above. different source 29-4074

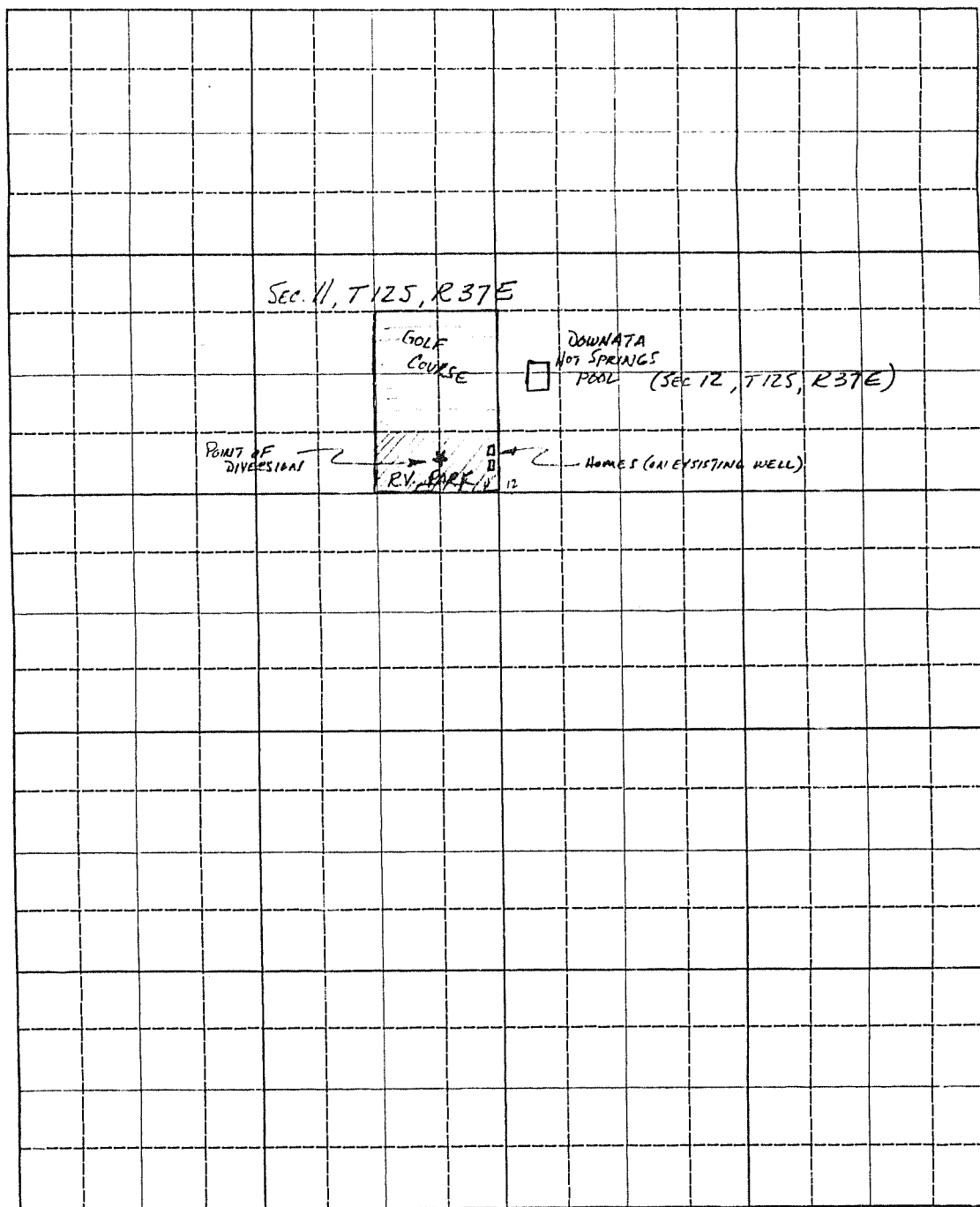
9. a. Who owns the property at the point of diversion Hot Springs Ranch

b. Who owns the land to be irrigated or place of use	Same
--	------

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Partnership. Applicant is managing partner

10. Remarks Domestic includes two homes and the resort snack bar. Recreation includes 0.11 CFS for the swimming pool and 0.12 CFS for a 200 unit recreational vehicle park. Irrigation is for a golf course

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



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Wayne McQuinn
(Applicant)
Wayne McQuinn
Manager

Proposed Priority 11/17/80
Received by EC Date 11/17/80 Time 10:30
Preliminary check by EMC Fee \$ 145.00
Received by EC Date 11/18/80 # 10085
Publication prepared by kw Date 11/20/80
Published in Idaho State Journal
Publication dates 11/27 & 12/04/1980
Publication approved EC Date 12/9/80
Protests filed by: None
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by EMC RA

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7570, and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 19 85.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

The well shall be constructed a minimum lateral distance of $\frac{1}{2}$ mile from existing irrigation wells not owned by the applicant, unless it can be shown to the satisfaction of the Department that interference will not occur.

Witness my hand this 15th day of January 1981.

A. Glen Saxton
Chief, Operations Bureau

**STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 11, 2002

HOT SPRINGS RANCH
AKA DOWNATA RANCH AND
RECREATION CO
PO BOX 185
DOWNEY ID 83234

D GARY PETERSON
BEARD ST CLAIR
2105 CORONADO ST
IDAHO FALLS ID 83404-7495

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 29-7570

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use documents submitted for the above referenced permit. I have reviewed the two affidavits you have submitted and find they meet the department's request for additional proof of completion during the development period of this permit.

Enclosed is an order reinstating the permit since proof and the license examination fee were submitted more than 60 days after the lapse notice was issued. Please note that the priority date has been advanced to **October 10, 2002**, as provided in Section 42-218a(2), Idaho Code.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, please contact the **Eastern** Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

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MAR 11 2003



MEMORANDUM

Date: December 10, 2002
To: Water Right File 29-7570
From: dgibson
Re: Proof of Beneficial Use

Received Proof of Beneficial Use on this right on 10/10/2002. The applicants representative D. Gary Peterson, with Beard & St. Clair filed the appropriate evidence of development done in 1990 as permitted. New priority date and new rate of diversion established. Development of this right was not completed for the irrigation of the golf course as the original application included.

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ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 29-7570

Reviewed By: dgibson

Date: December 10, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?		X	Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		C065088	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?	X	
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		10/10/2002
Date proof due	-	12/01/1990
Lapse notice sent	-	12/05/1990
No. of days late	=	4327
Holiday allowance	+	
Priority date	+	11/18/1980
New priority date	=	10/10/2002

Deficiencies of Actions Items

Acknowledge proof. Ask for a copy of the well log and ask if the conditions on the permit have been met. (access port or other device for measuring equipment and 1/2 mile from existing irrigation wells. Reinstate permit and set priority at 10/10/2002.



**Beard
St. Clair**

RECEIVED

DEC - 9 2002

Department of Water Resources

D. Gary Peterson

Attorney at Law

2105 Coronado Street

Idaho Falls, ID 83404-7495

Beard St. Clair Gaffney McNamara Calder PA

(208) 523-5171 Fax (208) 529-9732

Email gpeterson@collaborativegenetics.com

Internet www.IdahoFallsLaw.com

December 5, 2002

Deborah J. Gibson

Idaho Department of Water Resources

PO Box 83720

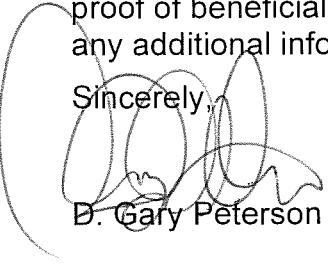
Boise, ID 83720-0098

Re: Lapsed permit no. 29-7570, Hot Springs Ranch

Dear Deborah:

Enclosed is the supporting affidavit from Randy Harris at the Preston, Idaho office of Utah Power. This should complete the additional verification you needed regarding proof of beneficial use of lapsed permit no. 29-7570. Please let me know if you need any additional information.

Sincerely,


D. Gary Peterson

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MAR 11 2003

Affidavit of Randy Harris

Randy Harris, being duly sworn, states:

1. He is the Journeyman Estimator at Utah Power's field office located at 509 South 200 East, PO Box 432, Preston, ID 83263.
2. Attached is a Customer Service Inquiry PO 9165 relating to Utah Power's power connection to a pump installed in the summer of 1990 at Downata Hot Springs, Downey, Idaho.
3. The customer service inquiry confirms that power service was connected on May 18, 1990 to a pump on water well installed in 1990 by Downata on the side hill overlooking the resort. The well and pump are located in the SW1/4SW1/4, Section 12, T 12 S, R 37 E, BM. This is the only well and pump connected to electrical service by Downata in 1990.
4. The Utah Power account number For Downata Hot Springs is 62345676 001 003.

Dated December 4, 2002.

Randy Harris
Randy Harris

STATE OF IDAHO

ss

County of Franklin

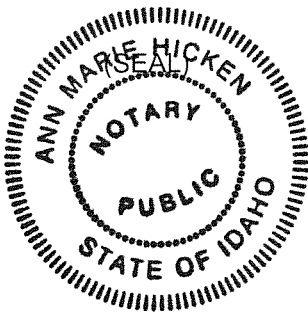
On December 4, 2002, before me, Ann Marie Hicken an Idaho notary public, personally appeared Randy Harris, known or identified to me to be the Journey Estimator for Utah Power at its Preston, Idaho field office., and the person who executed the instrument on behalf of the corporation, and acknowledged to me that the corporation executed the instrument.

In witness, I have signed my name and affixed my official seal on the date written in this certificate.

Ann Marie Hicken
Notary Public for Idaho

Residing at: Provide me, Utah

Commission expires: 12-30-05



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MAR 11 2003

JCSQ V View Con_cust_svc Dis_cust_svc acct_Bill_pmt_Hist mntn_Evt
 Mtr_Usg_hist Acct_sel_inQ term_site_LLord cust_ReSp_inq +
 ----- CSS ----- 08-23-2002
 P09165 CUSTOMER SERVICE INQUIRY 09:21:31

Street Addr 28950 S DOWNATA RD
 City DOWNEY State ID
 Mtr Ser # Account # CAIS/CIS Site #
 Site ID 792472302 Subdiv Phas Blk Lot

----- Services -----
 Rate Sched Service Description Svc Status Cmmts Req?
 s 07GNSV0023.001 SVC IS ON N N
 Mtr/Aggr 41474288 Acct # 62345676 001 003 DOWNATA HOT SPRINGS Coll Ord
 Agrmt Stat Active Connect 05-18-1990 Llrdr Agrmt? N

Mtr/Aggr Acct # Coll Ord
 Agrmt Stat Llrdr Agrmt?

Mtr/Aggr Acct # Coll Ord
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Mtr/Aggr Acct # Coll Ord
 Agrmt Stat Llrdr Agrmt?
 IAA005 View successful.

Date:	# of Pages	QUICK FAX™ OfficeMax	
To: <i>Yang Peterson</i>	From: <i>Janlene Jones</i>		
Co./Dept.	Co./Dept.		
Fax: <i>529 9732</i>	Fax:		
Phone:	Phone: <i>897 5736</i>		
Note:	E-Mail: <i>317 5592</i>		

Utah Power & Light Co

Louise W. Jones

8-2702

2011
208-852-~~2011~~

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MAR 11 2003

TOTAL 5.00



Beard
St. Clair

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NOV 25 2002

Department of Water Resources

D. Gary Peterson

Attorney at Law

2105 Coronado Street

Idaho Falls, ID 83404-7495

Beard St. Clair Gaffney McNamara Calder PA

(208) 523-5171 Fax (208) 529-9732

Email gpeterson@collaborativegenetics.com

Internet www.IdahoFallsLaw.com

November 20, 2002

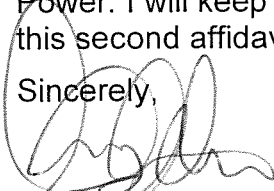
Deborah J. Gibson
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

Re: Lapsed permit no. 29-7570, Hot Springs Ranch

Dear Deborah:

Enclosed is the supporting affidavit from Joyce Pitcher of Irrigation Aid, Inc. I am still having difficulty getting Randy Harris to return my calls from the Preston, Idaho office of Utah Power. I'm trying to get a response from two other alternative sources within Utah Power. I will keep you posted. I appreciate you giving me some additional time to get this second affidavit.

Sincerely,


D. Gary Peterson

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NOV 25 2002

Department of Water Resources

Affidavit of Joyce Pitcher

Joyce Pitcher, being duly sworn, states:

1. She resides at 153 South 3rd West, Preston, ID 83263.
2. She is the president of Irrigation Aid, Inc., an Idaho corporation, with its principal place of business at 472 North State, Preston ID 83263.
3. The attached statement dated July 1, 1990 is Irrigation Aid's statement to Downata Hot Springs for materials provided and installed relating to Downata's water well developed by Downata near the top of the hill overlooking the resort.
4. My recollection is that that well and delivery system was to provide water to the resort's restaurant kitchen and bathrooms, showers and bathrooms in the pool dressing areas, and to the resort's RV park.
5. The purpose of the graduated sizes of pipe from 15 inches at the top of the hill down to 4 inches toward the bottom was to provide a water delivery system additionally pressurized by gravity.
6. All of the materials identified in the attached statement would have been delivered and installed at the Downata well prior to July 1, 1990.

Dated November 6, 2002.

Joyce Pitcher

STATE OF IDAHO

ss

County of Franklin

On November 6, 2002, before me, Kimberlee Coats an Idaho notary public, personally appeared Joyce Pitcher, known or identified to me to be the president of Irrigation-Aid, Inc., and the person who executed the instrument on behalf of the corporation, and acknowledged to me that the corporation executed the instrument.

In witness, I have signed my name and affixed my official seal on the date written in this certificate.

Kimberlee Coats

Notary Public for Idaho

Residing at: Preston Idaho

Commission expires: 04-21-04

(SEAL)

MICROFILMED

MAR 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 18, 2002

D GARY PETERSON
BEARD ST CLAIR GAFFNEY MC NAMARA CALDER PA
2105 CORONADO ST
IDAHO FALLS ID 83404-7495

RE: LAPSED PERMIT NO. 29-7570
In the name of Hot Springs Ranch

Dear Mr. Peterson:

The department is in receipt of your Proof of Beneficial Use (proof) for the above referenced permit on behalf of Downata Ranch and Recreation Co. The above-referenced permit was lapsed on December 5, 1990, therefore, according to Section 42-218a(2), Idaho Code, the permit holder must submit evidence to show proof of development and application of beneficial use during the time authorized by the permit. The department requests two forms of evidence to meet this requirement. I have reviewed the documents you supplied the department and find that the documents do not meet the criteria of sufficient evidence to clearly establish the extent of beneficial use of development.

However, two documents stand out that may be useful. The statement by Joyce Pitcher, dated July 1, 1990, and the "Customer Service Inquiry." These may be acceptable if they can be supported by affidavits from the person that prepared them or have first hand knowledge of their accuracy. The affidavit by the power company must refer to the location of the well and substantiate the date service began. Other types of evidence that may be submitted are power records showing the location of the service as the legal description of the well site, a well log from the driller, or invoices of equipment purchased related to this well.

Please be aware that this permit has **lapsed** and is of no force nor effect unless it is reinstated. Upon receipt of sufficient evidence that meets the department's criteria, an order will be issued reinstating your permit and establishing a new priority date. Therefore, the department will hold the proof of beneficial use for **30 days** to provide you the opportunity to submit the required evidence.

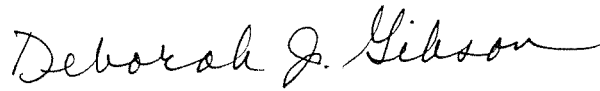
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MAR 11 2003

D. Gary Peterson
October 18, 2002
Page 2

If you have questions regarding this matter, please feel free to contact me at
(208) 327-7953.

Sincerely,



Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR – Region
Downata Ranch and Recreation Co.

MICROFILMED

MAR 11 2003



RECEIVED

OCT 10 2002

Department of Water Resources

D. Gary Peterson

Attorney at Law

2105 Coronado Street

Idaho Falls, ID 83404-7495

Beard St. Clair Gaffney McNamara Calder PA

(208) 523-5171 Fax (208) 529-9732

Email Gary@IdahoFallsLaw.com

Internet www.IdahoFallsLaw.com

October 2, 2002

Debbie Gibson

Idaho Department of Water Resources

1301 North Orchard Street

Boise, ID 83706

Re: Reinstatement of Permit No. 29-7570

Dear Debbie:

I am enclosing a Proof of Beneficial Use with today's date as a follow up to requesting the Department reinstate Permit No. 29-7570. Also enclosed is a \$100 check from Downata Ranch and Recreation for the examination fee. The Proof of Beneficial Use relates to the culinary uses at the restaurant and swimming pool restrooms and showers, irrigation in the RV park (but not the golf course), and culinary hookups to the two households. The following information may be helpful in your granting this request for reinstatement and acceptance of the Proof of Beneficial Use.

During the summer of 1990, I assisted Downata Ranch and Recreation in the filing of their water rights in the Snake River Basin Adjudication. As a part of that, I physically inspected their water diversions, including the well associated with Permit No. 29-7570, accompanied by Larry Lathen. My recollection is that at that time not all of the components of the well system had been installed. I made note of that in a May 8, 1990 letter to one of the owners, John Gunnell (copy enclosed). I informed them that we could not file a claim under SRBA until the system had actually been put into use and water delivered. Mr. Lathen indicated that the project would be completed within the next month or so.

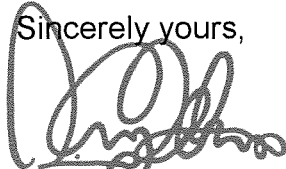
On December 14, 1990, our firm received the lapse notice from IDWR dated December 5, 1990. At that time I obtained updated information from Larry Lathen and Blair Greaves indicating the well had been put into use earlier in the fall and was delivering water to the locations designated in the permit except for the culinary hookups to the two households and the irrigation for the golf course (irrigation for the golf course is no longer a part of the project and is being relinquished as a part of Proof of Beneficial Use. They indicated the two household hookups were being completed then. Accordingly I prepared a Proof of Beneficial Use and sent it to Mr. Lathen for his signature and requesting him to forward it to IDWR. I've enclosed a copy of my cover letter to Mr. Lathen as well as the Proof of Beneficial Use I prepared at that time, which corroborate the status of the project under the permit. Apparently, Mr. Lathen, inexplicably failed to follow up with forwarding the Proof of Beneficial Use to IDWR.

I'm enclosing a statement from Joyce Pitcher from Irrigation-Aid corroborating that all pipelines, tank, and pump were installed as of July 1, 1990. I've also attached a Utah Power & Light bill inquiry showing power was connected on May 18, 1990. Brett Downs,

one of the current managers at the resort indicates the connections to the two households were completed as a part of bringing the water down to the RV park prior to the end of 1990 (the households connect off the RV park installation). Based on all the information I've been able to gather, the system as set forth in the enclosed Proof of Claim was put into full use before the end of 1990.

I would appreciate you letting me know of the your disposition of this request for reinstatement. Assuming a favorable outcome, I will need to know how you would like us to proceed in filing the SRBA claim relating to this water use.

Sincerely yours,



D. Gary Peterson

LAW OFFICES OF

HANSEN, BEARD, MARTIN & ST. CLAIR

CHARTERED

JUDICIAL CENTER BUILDING

683 NORTH CAPITAL AVENUE

POST OFFICE BOX 51718

IDAHO FALLS, IDAHO 83405-1718

JOHN D. HANSEN
WINSTON V. BEARD
SIMON S. MARTIN
JOHN G. ST. CLAIR
D. GARY PETERSON*
KEVIN T. SULLIVAN
ALAN E. BARBER*
JEAN D. HOLDER-THOMAS

AREA CODE 208
TELEPHONE 523-5171
FACSIMILE 529-9732

*ALSO ADMITTED IN UTAH

May 8, 1990

John C. Gunnell, M.D.
Glendale Hematology and Oncology
Medical Group
435 Arden Avenue, Suite 520
Glendale, California 91203

RE: New Resort Well at Downata Hot Springs

Dear Dr. Gunnell:

You probably noticed that I did not file a Snake River adjudication claim on the new resort culinary well being developed near the top of the hill overlooking the resort. Blair Greaves indicated this well will be equipped with a 7.5 horsepower electric pump having a 100 gallon per minute capacity, and will be pressurized by gravity using the 15-inch main service line.

Because this system has not been put to a beneficial use, it is not subject to the Snake River adjudication. I am, however, enclosing a copy of the information on file at the Department of Water Resources showing a December 1990 deadline. The project as completed will need to be submitted to the department for final approval and issuance of license.

If you have any questions, please let me know.

Sincerely yours,

HANSEN, BEARD, MARTIN & ST. CLAIR

D. Gary Peterson, Esq.

Enclosures:

Information on file at Dept. of Water Resources

Downata:7837.002

DGP:tc:90-124

G0124L2

MICROFILMED
MAR 11 2003

HANSEN, BEARD, ST. CLAIR, PETERSON AND SULLIVAN
CHARTERED

D. Gary Peterson
Attorney & Counselor

683 North Capital Avenue
Post Office Box 51718
Idaho Falls, Idaho 83405-1718

Tele (208) 523-5171
Fax (208) 529-9732

Admitted in Idaho
and Utah

December 20, 1990

Larry Lathen, Manager
Downata Hot Springs
P. O. Box 209
Downey, Idaho 83234

Re: Proof of Beneficial Use, Permit No. 29-07570

Dear Mr. Lathen:

Based on information provided by you and Blair Greaves, I'm enclosing a prepared proof of beneficial use. You need to sign the form in front of your name at the bottom of the page.

You will note the proof shows a hookup for the two households. Mr. Greaves indicated that these connections will be completed and will be a part of the use of the well. You'll be contacted at some point in time by a certified water right examiner who will complete a field examination report. You are the designated person under item 9 to accompany the examiner during the field examination.

I'm also enclosing a copy of the lapse notice letter. Please send this along with the signed application to the Department of Water Resources at the address at the top of the letter. The proof of beneficial use must be accompanied with a check for \$100 made payable to the Idaho Department of Water Resources. I appreciate you letting me know when you have submitted these items to the Department of Water Resources. If you have any questions please contact me.

Sincerely yours,

D. Gary Peterson

Enclosures: Proof of Beneficial Use
Lapse Notice Ltr.

GT354L2.DOC

MICROFILMED
MAR 11 2003

RECEIVED

OCT 10 2002

For Office Use Only

Amt. of Fee \$

Date

Receipt No.

Received by

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 29-7570 Telephone No. 897-5736
2. Name(s) of Permit Holder(s): Downata Ranch and Recreation Company f/k/a Hot Springs Ranch Associates
3. Post Office Address: P.O. Box 209, Downey, Idaho 83234
4. Source of Water: Groundwater
- a. If ground water, well driller's name: Forrest Cagle Date drilled: Nov-Dec 1980
- b. Pump horsepower: 7.5 Pressure (psi): (See Note 1) Dynamic pumping level (ft.): 120'
(150 gpm) 500' deep
5. Extent of Use:
- Domestic 2 (No. of households) Irrigation 1.0 (No. of acres)
- Stockwater _____ (No. and type of stock) Other Culinary uses for resort restaurant
(Kitchen and bathrooms) and swimming pool areas (showers and bathrooms).
Not hooked up to irrigate golf course as indicated in application. (See N.2
6. Total rate and/or volume for which proof is submitted 0.3342 cfs _____ acre/feet
7. Refer to the approval conditions on your permit and respond accordingly:
- Measuring device: Required? Yes ☒ No ☒ Installed? Yes ☐ No ☐
- OR
- Flow Measurement Port: Required? ☒ Yes ☐ No ☐ Installed? Yes ☒ No ☐ (Can be easily installed)
8. Fee Enclosed: \$ 100 (See License Examination Fee Schedule)
9. Person to contact to accompany the Department representative during the field examination:
- Larry Lathen 897-5736
Name Telephone No.
- Downata Resort, 25900 South Downata Road, Downey, ID 83234
Address
10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

12-20-90

Date

Larry Lathen, Manager
Signature (and title if on behalf of a company or organization)

Note 1: Water pumped into 15" service line pressurized by gravity (psi at 2" take off line not known).

Note 2: Domestic 0.08, Irrigation 0.02, Recreation 0.2342.

MAR 11 2003



July 1, 1990

To Whom it May Concern,
Irrigation Aid installed the following
for Doumata.

1,000' 1.5" pipe

300' 8" pipe

500' 6" pipe

200' 4" pipe

Tank

pump

Joyce Pitcher

Irrigation - Aid

472 North State

Preston, Idaho 83263

852-3300

MICROFILMED

MAR 11 2003

JCSQ V View Con cust_svc Dis cust_svc acct_Bill_pmt_Hist mntn_EVT
 Mtr_Usg_hist Acct_sel_inQ term_site_LLord cust_ReSp_inq +
 ----- CSS ----- 08-23-2002
 P09165 CUSTOMER SERVICE INQUIRY 09:21:31

Street Addr 28950 S DOWNATA RD
 City DOWNEY State ID
 Mtr Ser # Account # CAIS/CIS Site #
 Site ID 792472302 Subdiv Phas Blk Lot

----- Services -----
 Rate Sched Service Description Svc Status Cmnts Req?
 s 07GNSV0023.001 SVC IS ON N N
 Mtr/Aggr 41474288 Acct # 62345676 001 003 DOWNATA HOT SPRINGS Coll Ord
 Agrmt Stat Active Connect 05-18-1990 Llrdr Agrmt? N

Mtr/Aggr Acct # Coll Ord
 Agrmt Stat Llrdr Agrmt?

Mtr/Aggr Acct # Coll Ord
 Agrmt Stat Llrdr Agrmt?

Mtr/Aggr Acct # Coll Ord
 Agrmt Stat Llrdr Agrmt?
 IAA005 View successful.

Date:	# Of Pages	QUICK FAXTM OfficeMax	
To: Mary Peterson	From: Darlene Lyons		
Co./Dept:	Co./Dept:		
Fax: 529 7732	Fax:		
Phone:	Phone: 897 5736		
Notes:	E-Mail: 317 5592		

Utah Power & Light Co

Londy W. Homer

8-27-02

2011
 208-852-~~2011~~

MICROFILMED

MAR 11 2003

Idaho Department of Water Resources Receipt

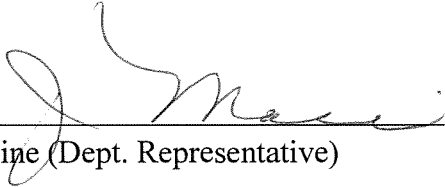
Receipt ID C065088

Payment Amount \$100.00 Date Received 10/10/2002 1:49:42 PM Region State Status
Payment Type Check Check Number 5582

Payer DOWNATA RANCH & RECREATION
Comment WATER RIGHT 29-7570

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	BENEFICIAL USE	0229	21	56104	1155


Signature Line (Dept. Representative)

MICROFILMED
MAR 11 2003

NOTICE

This file has been REPRODUCED
from MICROFICHE ~~because :~~

For Reinstatement

Paul W Block
Person Recreating File

Jan. 09/2003
Date

I certify that file No. 29-7570

has been reviewed and is ready to be MICROFILMED
and DESTROYED.

Don Haggard
Signature

6-20-91
Date

The attached proof report is the water right as it appeared in the database prior to the final status and deletion from the database.

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

06/15/91 03:48:06
Page 1

Water Right Number - 29-07570

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
HOT SPRINGS RANCH

1 - DOWNATA HOT SPRINGS
2 -
3 -
City- DOWNEY State- ID Zip- 83234
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
11/17/1980 15 EASTERN P - PERMIT

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

12S 37E 11 SE SE (5) BANNOCK

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/15	4.800	
43 - DOMESTIC		01/01	12/31	0.080	
46 - RECREATION		01/01	12/31	0.230	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
5.110

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
12S	37E	11	SW NE		40.0	01 IRRIGATION		(5) BANNOCK
12S	37E	11	SE NE		40.0	01 IRRIGATION		(5) BANNOCK
12S	37E	11	NE SE		40.0	01 IRRIGATION		(5) BANNOCK
12S	37E	11	NW SE		40.0	01 IRRIGATION		(5) BANNOCK
12S	37E	11	SW SE		40.0	01 IRRIGATION		(5) BANNOCK
12S	37E	11	SE SE		40.0	01 IRRIGATION		(5) BANNOCK
12S	37E	12	SW SW			43 DOMESTIC		(5) BANNOCK

Total Acres: 240.0

+ - - Diversion Means - WELL, PUMP & SPRINKLER SYSTEM.

+ - - Non-Irrigation Use - D/2 HOMES & RESORT SNACK BAR. R/SWIM POOL, VEHICLE PARK.

+ - - Other Rights for Same Use - 29-4074.

+ - - - - - Remarks - - - - - +
THE WELL SHALL BE CONSTRUCTED A MINIMUM LATERAL DISTANCE OF 1/2
MILE FROM EXISTING IRRIGATION WELLS NOT OWNED BY THE APPLICANT,
UNLESS IT CAN BE SHOWN TO THE SATISFACTION OF THE DEPT. THAT

06/15/91 03:48:06
Page 2

Prefix Translation: WATER RIGHT

Proof Due Date	- 12/01/1990	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 01/15/1981	Protested Date	- 00/00/0000	Swan Falls	- 1
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	-
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	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	- 00/03/0000	Microfilm Roll	No	Presumption Flag	-

January 28, 1991

HOT SPRINGS RANCH
DOWNATA HOT SPRINGS
P O BOX 209
DOWNEY ID 83234

Gentlemen:

Re: Permit No. 29-7570

Returned is the proof of beneficial use form submitted to this office on December 31, 1990. For the rate of diversion of 0.33 cfs, there is a license exam fee of \$100. (Note the enclosed instruction sheet). The proof is not acceptable without that fee.

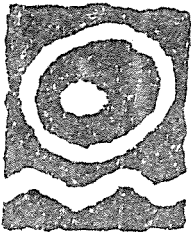
Note that the permit has lapsed. It is important that you returned the proof and fee shortly so the permit can be reinstated.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures



DOWNATA
Ranch & Recreation
25900 S. Downata Rd.
Downey, Idaho 83234



Department of water Resources
c/o Glen Saxton
1301 North orchard st.
State House Mail
Boise, IDAHO 83720-9000

HOT SPRINGS RANCH
DOWNATA HOT SPRINGS
DOWNEY, ID 83234

December 5, 1990

RE: PERMIT NO. 29-07570 LAPSE NOTICE

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated September 30, 1990. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:rf

Enclosures

CERTIFICATION OF MAILING
I hereby certify that on 12-6-90
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

138398

September 30, 1990

HOT SPRINGS RANCH
DOWNATA HOT SPRINGS
DOWNEY, 1D 83234

PROOF DUE NOTICE

RE: PERMIT NO. 29-07570

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

December 19, 1985

Hot Springs Ranch
Downey, ID 83234

Gentlemen:

Re: Permit No. 29-7570

Enclosed is a copy of the approved request for extension ~~66~~ time.
The time within which to submit proof of beneficial use is extended
to December 1, 1990.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

STAFF VIEW OF REQUESTS FOR EXTENSION TIME

Permit No. 29-7570

BASIC INFORMATION ABOUT EXTENSION REQUEST

Check for the following:

- ☒ Date received stamp
☒ Extension received within six months of due date (if greater than, return extension)
☒ Fee received and receipted
☒ Name and signature same as on permit
☒ Address change? If so, complete coding sheet
☒ Source of water the same?
☒ Extension previously approved?
☐ Do conditions of approval restrict the extension?
 Indicate basis: _____

REASON FOR GRANTING EXTENSION

- Yes Due diligence
☒ Work completed - Adequate to show due diligence?
☒ Cost incurred - Adequate to show due diligence?
 _____ Litigation Yes Swan Falls No Dismissed from Swan Falls
 _____ Have supporting documents been submitted?
 Date litigation completed _____
 Date litigation began _____
 Total period of delay = _____
 Proof due date _____
 NEW PRIORITY DATE =====

_____ Delayed by a governermental agency

_____ Permit holder provided supporting documents?

REASON FOR DENIAL _____

RECOMMENDATION FOR ACTION

Recommend approval based on due diligence

Additional conditions:

- X Reinstatement: Date extension received _____ = _____
 Proof due date _____ = _____
 No. of days late _____
 Priority date _____ = _____
 ADJUSTED PRIORITY DATE =====
☒ Is there commencement of works?
 _____ Prepared coding sheet?
 _____ Change rolodex card

Reviewed by [Signature] Date 12-16-1985



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

EXTENSION OF TIME

October 25, 1985

Downata Hot Springs
Downey, ID 83234

PERMIT NO. 29-7570, Hot Springs Ranch

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 37264.

Roberta Garrett
Records Supervisor

Enclosure

DOWNATA HOT SPRINGS

DATE	INVOICE NO.	DESCRIPTION	AMOUNT	DISCOUNT OR DEDUCTION	NET AMOUNT
		WATER RIGHTS	15.00		



DOWNATA HOT SPRINGS
Downey, Idaho 83234

Dept. of Water Resources
Statehouse
Boise, Id.

83720



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138359

HOT SPRINGS RANCH
DOWNATA HOT SPRINGS
DOWNEY, ID 83234

PROOF DUE NOTICE

SEPTEMBER 30, 1985

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 29-7570 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 01, 1985. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A FORM WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME MAY BE GRANTED. AN EXTENSION OF TIME REQUEST IS NOT A BASIS FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE FORM OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

November 2, 1981

Hot Springs Ranch
Downata Hot Springs
Downey, ID 83234

SENT IN ERROR

DRT

RE: Application for Permit No. 29-7570

Dear Applicant:

On July 24, 1981 this office sent to you a letter that identified an additional requirement for the above referenced hydropower project. Section 42-205, Idaho Code, now requires that if a proposed hydropower project will use existing irrigation facilities, consent by the owner of the facilities must be obtained before an application for permit to develop a water right can be approved.

Enclosed we are sending another affidavit which we must receive before we can complete the review of your application. Please return either the affidavit or an explanation of why the affidavit cannot be obtained no later than November 15, 1981. If we have not heard from you by that date we must begin action to void the application due to incomplete information.

If you have questions about this requirement please feel free to call me at (208) 334-4104.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Supervisor, Water Allocation Section

DRT:rc

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

copy

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

July 24, 1981

RE: Application for Permit No. *29-7570* *SENT IN ERROR*

Dear Applicant:

The 1981 Idaho Legislature made a change in Section 42-205, Idaho Code, that may affect the above referenced application. The change requires that if a proposed hydropower project will use existing irrigation facilities, the approval of the owner of the facilities must be obtained before an application for permit to develop a water right can be approved.

Please find enclosed an affidavit which we must receive before we can complete the review of your application. Please complete the affidavit, sign it before a notary, and return it to this office at your earliest convenience, no later than August 15, 1981.

Sincerely,

DAVID R. TUTHILL JR., P. E.
Supervisor, Water Allocation Section

DRT:jg

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

HOT SPRINGS RANCH
DOWNATA HOT SPRINGS
DOWNEY, ID 83234

JANUARY 22, 1981

RE: PERMIT NO. 29-7570

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE, OR AN ACCESS PORT TO PROVIDE FOR THE INSTALLATION OF MEASURING EQUIPMENT BY THE DEPARTMENT. ENCLOSED PLEASE FIND A LIST OF MEASURING DEVICE OPTIONS, AND SPECIFICATIONS FOR THE INSTALLATION OF THE ACCESS PORT.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

STATE OF IDAHO
Department of Water Resources

No 16085

Boise, Idaho, Nov. 18, 1980

RECEIVED FROM Hot Springs Ranch of Roney \$145.00
One hundred forty five and 00/100 DOLLARS

FOR		
app.	\$	145 00
	\$	
	\$	
CP#92-171/2175	\$	
TOTAL . . .	\$	145 00

Kay Walker

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Ernest

APPLICATION NUMBER: 29 7570

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.

Field check by: _____

Date: _____

Comments: _____

- ☒ Fee.
☐ Yes ☒ No
☐ Yes ☒ No
☐ Yes ☒ No
☐ Yes ☒ No

Field check required.

Critical groundwater area.

Request dam safety information. Sent by: _____

Date: _____

In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☒ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: kw

Date: 11/24/80

PROCESSING:

- ☐ Yes ☐ No
☒ Yes ☐ No
☐ Yes ☐ No
☐ Yes ☒ No

Platted by: _____

Map No. _____

Other rights on same place of use. No Overlap

In form for advertising.

Final date for protests: Dec. 15

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 12-6-1980 ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.

- ☐ Yes ☒ No
☐ Yes ☐ No
☐ Yes ☒ No

Measuring device required.

Access port required.

Will water be delivered by watermaster? If yes, what district? _____

Date of priority recommended. 11-17-1980

Special conditions of approval or cover letter. _____

By: Ernest Carlson

Date: 12-16-1980

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: Keborn

Date: 12/29/80



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF ENVIRONMENT

636 Pershing
Pocatello, Idaho
83201

3 December 1980

Hot Springs Ranch
Downata Hot Springs
Downey, Idaho 83234

Re: Application #29-7570 (Bannock
County)

Gentlemen:

We have been apprised of your application for a permit to appropriate the public waters of the State of Idaho to provide domestic water for a swimming pool, recreational vehicle park, and snack bar.

By regulation the proposed water system is defined as "public non-community" and, therefore, subject to the Idaho Regulations for Drinking Water Systems. The regulations set forth minimum requirements for construction, water quality, monitoring, and maintenance and operation. The regulations (Section 1-8400.01) also requires approval by the Department of the plans and specifications for the system prior to construction. A copy of the regulations is enclosed for your information.

Further, the operation of the snack bar subjects you to the local requirements imposed upon food handlers; therefore, by copy of this letter, we are advising the Southeast District Health Department of your intent, and request they contact you directly with specific requirements.

If we may be of further assistance, please do not hesitate to contact our office.

Yours very truly,

Henry L. Moran, P.E.
Environmental Supervisor

HLM/md
Enc.

CC: Ernest Carlsen, DWR, Idaho Falls
S.E. District Health Dept., Pocatello

RECEIVED

DEC 4 1980

Department of Water Resources
Eastern District Office

EQUAL OPPORTUNITY EMPLOYER

150 Shoup XXXXXXXXXXXXXXXX

November 24, 1980

RE: Application for Permit No. 29-7570 HOT SPRINGS RANCH

Mr. Henry L. Moran
Environmental Supervisor
Department of Health & Welfare
636 Pershing
Pocatello, Idaho 83201

Dear Mr. Moran:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is December 15, 1980, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:cw:kw

Enclosure

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83401 on or before DECEMBER 15, 1980.

C. STEPHEN ALLRED

Director

Published 11/27 & 12/04/80.

29-2520.

HOT SPRINGS RANCH

DOWNATA HOT SPRINGS, DOWNEY, ID 83234

Source: GROUNDWATER

Date Filed: 11/17/1980

Amount: 5.11 CFS

Diversion Point: SESE Sec 11 T 12S R 37E, BANNOCK Co.

Use: IRRIGATION	(4.80 CFS)	from 04/01 to 10/15
DOMESTIC	(0.08 CFS)	from 01/01 to 12/31
RECREATION	(0.23 CFS)	from 01/01 to 12/31

Place of Use: SWNE SENE NESE NWSE SWSE SESE Sec 11 T 12S R 37E SWSW
Sec 12 T 12S R 37E FOR 240 ACRES

Diversion Means: WELL, PUMP & SPRINKLER SYSTEM.

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

NOTICE OF APPLICATION FOR
WATER RIGHT
Notice is hereby given that the
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been submitted for permit to ap-
propriate the public waters of the
State of Idaho:

29-7570
HOT SPRINGS RANCH
DOWNATA HOT SPRINGS,
DOWNNEY, ID 83224
Source: GROUNDWATER
Date Filed: 11/17/1980
Amount: 5.11 CFS
Diversion Point: SESE Sec 11 T
12S R 37E, BANNOCK Co.
Use:
IRRIGAT ON (4.80 CFS) from
04/01 to 10/15
DOMESTIC (0.08 CFS) from 01/
01 to 12/31
RECREATION (0.23 CFS) from
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NESE NWSE SWSE SESE Sec 11,
T 12S R 37E SWSW Sec 12 T 12S R
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Director of the Idaho Department
of Water Resources, 150 Shoup
Ave., Idaho Falls, Idaho 83401 on
or before DECEMBER 15, 1980.
S/C. STEPHEN ALLRED
Director
Nov. 27, Dec. 4, 1980
No. 237

KW
12/9/80

RECEIVED
DEC 9 1980

Department of Water Resources
Eastern District Office

Rosalie Olmsted

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of Ameri-
ca, more than 21 years of age, and the Principal Clerk of THE IDAHO
STATE JOURNAL, a daily newspaper, printed and published at Pocatello,
Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

<u>Nov. 27</u>	, 19 <u>80</u>		, 19 <u> </u>
<u>Dec. 1</u>	, 19 <u>80</u>		, 19 <u> </u>
	, 19 <u> </u>		, 19 <u> </u>
	, 19 <u> </u>		, 19 <u> </u>
	, 19 <u> </u>		, 19 <u> </u>

That said paper has been continuously and uninterruptedly published
in said County for a period of seventy-eight weeks prior to the publication
of said notice or advertisement and is a newspaper within the meaning
of the laws of Idaho.

Subscribed and sworn to before me this 5th

day of December, 1980

[Signature]
Notary Public, State of Idaho
Residence: Pocatello, Idaho