

**STARTING  
LEFT  
SIDE OF  
FILE**

FOR OFFICE USE ONLY  
Amt. of Fee \$: 50.00  
Receipt No. CD-73490  
Receipt By: MC  
Date Received: 4/14/04

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 14 2004

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. 63-31526 Telephone No. 208 385 9335
2. Name of Permit Holder(s): PARADISE HOMEOWNERS ASSN. INC.
3. Mailing Address: 320 S.W. 5TH  
City MERIDIAN State ID Zip 83642-8600
4. Source of Water: SPRINGS If GROUNDWATER (well), Date Drilled: mo. \_\_\_\_\_ / yr. \_\_\_\_\_  
Well Driller: \_\_\_\_\_ Drilling Permit Number: \_\_\_\_\_
5. Use(s) (as authorized by the water right permit):  
Domestic (No. of households): \_\_\_\_\_ Stockwater (No. and type of stock): \_\_\_\_\_  
Irrigation (No. of acres): \_\_\_\_\_ Other: RECREATION (SOAKING POOL)
6. Total rate of diversion and/or volume for which proof is submitted: .1 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 \_\_\_\_\_  
Has the measuring device been installed? Yes \_\_\_\_\_ or No \_\_\_\_\_
8. Fee Enclosed: \$ 50.00 (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: Randy FOWERS Telephone Number: 208 385 9335  
Address: 320 S.W. 5TH MERIDIAN, ID 83642-8600
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: Randy Fowers PRESIDENT PHOA Date: 3-3-2004  
(include your title, if on behalf of company or organization)

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 63-31526

Priority: July 17, 2002

Maximum Diversion Rate: 0.10 CFS

This is to certify, that PARADISE HOMEOWNERS ASSN INC  
320 SW 5TH  
MERIDIAN ID 83642-8600

has applied for a permit to appropriate water from:

Source: SPRINGS

Tributary: GROUSE CREEK

and a permit is APPROVED for development of water as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| RECREATION            | 01/01 to 12/31       | 0.10 CFS                 |

**LOCATION OF POINTS OF DIVERSION:**

SPRINGS NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 33, Twp 03N, Rge 10E, B.M., ELMORE County

SPRINGS SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 33, Twp 03N, Rge 10E, B.M., ELMORE County

**PLACE OF USE:** RECREATION

|             |                   |                   |                   |                   |        |
|-------------|-------------------|-------------------|-------------------|-------------------|--------|
| Twp Rge Sec | NE                | NW                | SW                | SE                | Totals |
| 03N 10E 33  | NE   NW   SW   SE | NE   NW   SW   SE | NE   NW   SW   SE | NE   NW   SW   SE |        |
|             | X                 |                   |                   |                   |        |

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2004**.
2. Subject to all prior water rights.
3. Recreation use is for a soaking pool.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
5. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
6. The right holder must provide 1.0 af of water, from storage water or some other source of water, to be released into the Boise River for mitigation purposes and shall annually provide to the department an executed storage lease agreement or other documentation as proof of such release into the Boise River.

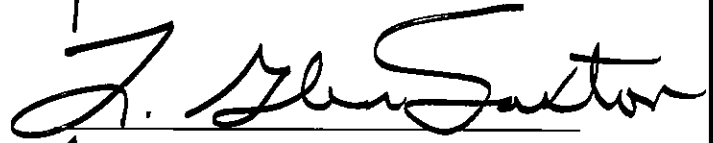
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JUN 05 2003

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 63-31526

7. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
8. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 25<sup>th</sup> day of April, 2003

  
for KARL J DREHER, Director

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APR 15 2003

FORM 202

12/99

agree to the following  
application changes.

7-15-02 Date.

Department of Water Resources  
STATE OF IDAHO

Ident. No. 63-31526

RECEIVED

DEPARTMENT OF WATER RESOURCES

JUL 17 2002

## APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

WATER RESOURCES  
WESTERN REGION1. Name of Applicant PARADISE HOMEOWNERS ASSOC. INC. Phone 385-9335Mailing address 320 S.W. 5TH MEREDIAN CO 83642-86002. Source of water supply SPRINGS which is a tributary of GROUND CREEK3. Location of point of diversion is Township 03N Range 10E Sec. 33, in the NE  $\frac{1}{4}$ ,  
SE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_, B.M., \_\_\_\_\_ County;additional points of diversion if any: SW SW NE 33 : spring #1 on mapSpring #2  
on map

4. Water will be used for the following purposes:

Amount .10 for RECREATION purposes from 1/1 to 12/31 (both dates inclusive)

(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (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 is (a) .10 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source EXISTING MULTIPLE  
SPRINGS, PUMP OR GRAVITY FLOW VIA INTERCONNECTED SYSTEM.b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet

c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet

d. Is ground water with a temperature of greater than 85°F being sought? \_\_\_\_\_

e. If well is already drilled, when? \_\_\_\_\_; Drilling firm \_\_\_\_\_;  
Well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_

b. Stockwatering; list number and kind of livestock. \_\_\_\_\_

c. Municipal; show name of municipality. \_\_\_\_\_

d. Domestic; show number of households. \_\_\_\_\_

e. Other; describe fully. SOAKING POOL

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3. 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 the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |         | SW |    |    |    | SE |    |    |    | TOTALS |
|-----|-----|-----|----|----|----|----|----|----|----|---------|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE      | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 3N  | 10E | 33  |    |    | X  |    |    |    |    | X       |    |    |    |    |    |    |    |    | -      |
|     |     |     |    |    |    |    |    |    |    | (LOT 4) |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |         |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |         |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |         |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |         |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |         |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |         |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated \_\_\_\_\_

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? SPRINGS #1 APPLICANT SPRINGS #2 TRINITY SPRINGS, LTD.

b. Who owns the land to be irrigated or place of use? APPLICANT

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: EASEMENT

12. Remarks: TRINITY SPRINGS, LTD. HAS AGREED TO SUPPORT APPLICATION BY EXECUTION OF M.O.U. SIGNED BY BOTH PARTIES AND ON FILE AT EDWR.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

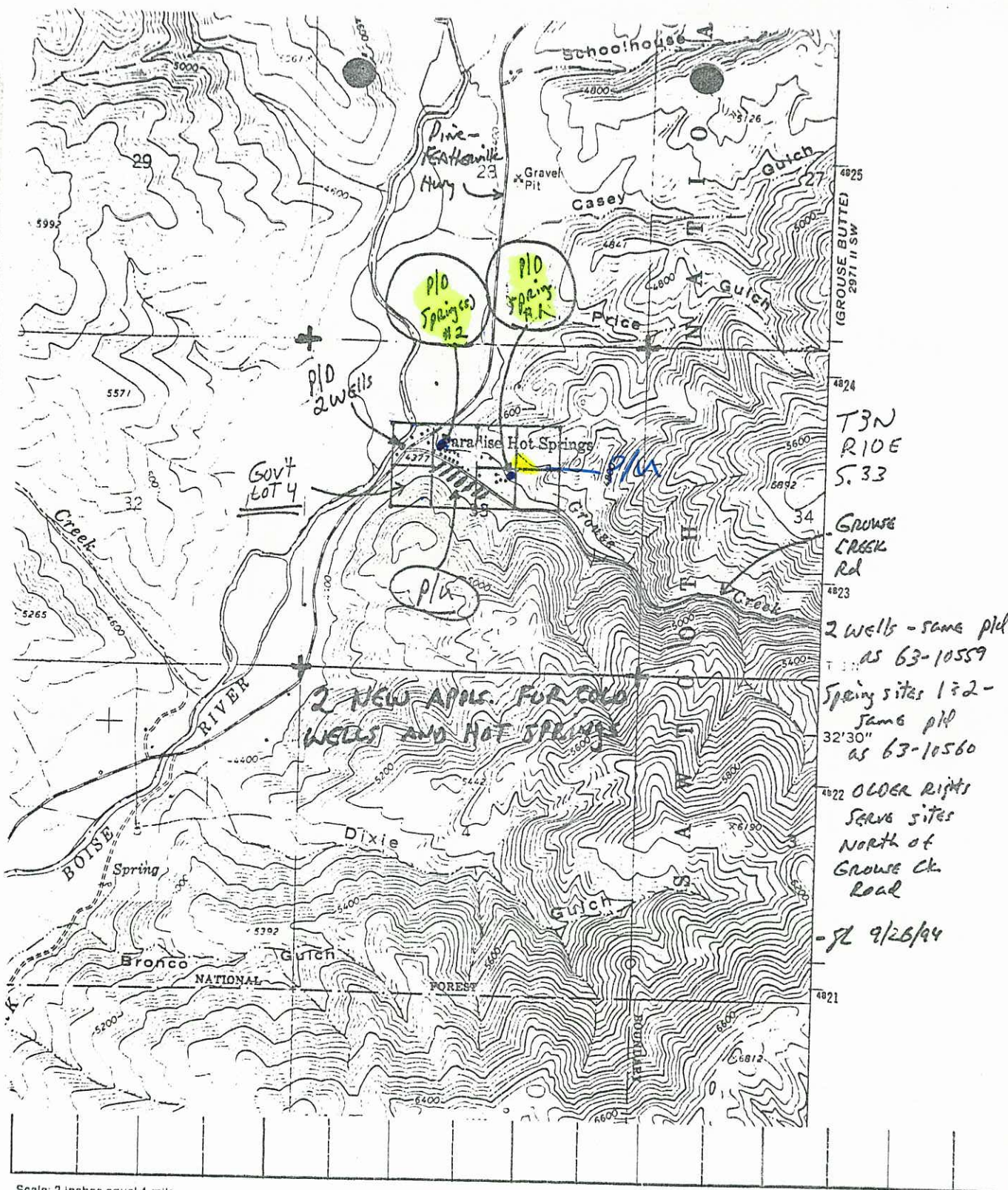
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

V.P. Randy Weaver  
 SEC. Leslie Hobbs

Randy Powers Prescott, Pitor  
 Signature of Applicant (and title, if applicable)  
Randy Powers

Received by J. Fontaine Date 7/17/02 Time 1:30 pm Preliminary check by Ly  
 Fee \$ 100.00 Receipted by J. Fontaine # W029471 Date 7/17/02  
 Publication prepared by at Date 3-5-12-03 Published in MOUNTAIN HOME NEWS  
 Publication approved at Date 4-2-03

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 JUN 05 2003



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.

Signature & title

Paradise Homeowners Assoc.  
by Earl B. Jackson  
(Applicant)  
President

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T3N  
R10E  
S.33

GROUSE  
CREEK  
Rd

2 Wells - same pld  
as 63-10559  
Spring sites 1 & 2 -  
same pld  
as 63-10560

OLDER RIGHTS  
SERVE SITES  
NORTH OF  
GROUSE CR.  
ROAD

-JL 9/26/94

# REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE  
THREE ALTERNATIVES BELOW

Name of Applicant

PARADISE HOMEOWNERS ASSOC

Mailing Address

320 SW 5<sup>th</sup>

MERIDIAN

83642-8600

Application No.  
(if known)

## IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

## PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

## WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Paul Brown

Date

JULY 17-2002

Please return this form to:

Idaho Dept. of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, ID 83705-5082

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JUN 05 2003

**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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

April 19, 2004

PARADISE HOMEOWNERS ASSN INC  
320 SW 5<sup>TH</sup>  
MERIDIAN ID 83642-8600

**PROOF ACKNOWLEDGMENT LETTER**

**RE: PERMIT NO. 63-31526**

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: [www.idwr.state.id.us](http://www.idwr.state.id.us).

If you have questions about the field examination, please contact the **Western Regional Office** of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson  
Administrative Assistant  
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

February 29, 2004

PARADISE HOMEOWNERS ASSN INC  
320 SW 5TH  
MERIDIAN, ID 83642-8600

PROOF DUE NOTICE

RE: PERMIT NO. 63-31526

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 May 01, 2004. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

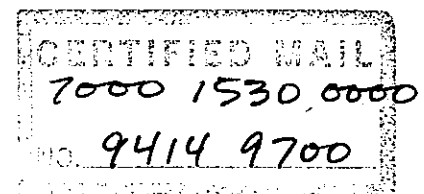
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Deborah J. Gibson, Administrative Assistant  
Water Allocation Bureau

Enclosures





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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

April 29, 2003

PARADISE HOMEOWNERS ASSN INC  
320 SW 5TH  
MERIDIAN ID 83642-8600

RE: Permit No. 63-31526

### Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

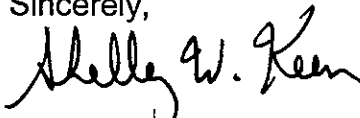
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

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Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

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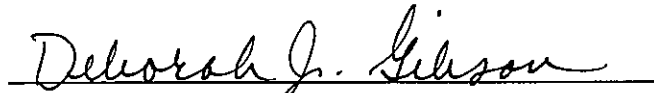
**CERTIFICATE OF SERVICE**

I hereby certify that on April 29, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

**RE: WATER RIGHT NO.**

**63-31526**

**PARADISE HOMEOWNERS ASSN INC  
320 SW 5TH  
MERIDIAN ID 83642-8600**

A handwritten signature in cursive script, reading "Deborah J. Gibson", is written over a horizontal line.

**Deborah J. Gibson  
Administrative Assistant**

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JUN 05 2003

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

**PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

**EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

**REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

**ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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JUN 05 2003

State of Idaho  
Department of Water Resources

**RECOMMENDATION OF WATERMASTER**

Application Number: 63-31526

Applicant's Name: Paradise Homeowners Assoc.

Watermaster's 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:

Standard watermaster conditions.

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

d) Additional Comments:

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JUN 03 2003

Dated this 9 day of April, 2003

Water District Number: 63 Watermaster's Signature Lee Lucia

47  
**NOTICE**

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-31526

PARADISE HOMEOWNERS

ASSN INC

320 SW 5TH

MERIDIAN ID 83642-8600

Point(s) of Diversion NESENE S33  
T03N R10E ELMORE County Source  
SPRINGS

Tributary To GROUSE CREEK

Point(s) of Diversion SWSWNE S33  
T03N R10E ELMORE County Source  
SPRINGS

Tributary to GROUSE CREEK

Use: RECREATION 01/01 To 12/31  
0.1 CFS

Total Diversion: 0.1 CFS

Date Filed: 07/17/2002

Place Of Use: RECREATION

T03N R10E S33 SWNE

Remark: Applicant agrees to mitigate consumptive use in the future as needed. Mitigation is proposed for consumptive use.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 03/24/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

First Publication: March 5, 2003.

Last Publication: March 12, 2003.

## AFFIDAVIT OF PUBLICATION

County of Elmore } ss.  
State of Idaho

I, COLEEN W. SWENSON, do solemnly swear that I am the Publisher, of the:

### MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for two consecutive weeks, the first publication having been made on the 5th day of March, 2003, and the last publication having been made on the 12 day of March, 2003; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.

Brenda M. Fisher, Buss. Mgr.  
for Publisher

Subscribed and sworn to me this 12 day of March, 2003.

Christine M. Skarb

Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires 09-25-2006.

RECEIVED

MAR 19 2003

WATER RESOURCES  
WESTERN REGION





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

March 5, 2003

TRINITY SPRINGS  
PO BOX 1630  
KETCHUM ID 83340

Re: Application for Water Right No. 63-31526 in the Name of Paradise Homeowners Association.

Dear Sir and/or Madam:

Enclosed is copy of the above-referenced application for permit which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application, your written protest along with the \$25.00 protest fee, must be received in this office by March 24, 2003.

If you have any questions regarding the application, please contact this office.

Sincerely,

Lori Graves

LG:lm

Encl: Copy of Application

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JUN 05 2003



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

March 5, 2003

LEE SISCO  
WATER DISTRICT 63  
6616 OVERLAND RD  
BOISE ID 83709

Re: Application for Water Right No. 63-31526 in the Name of Paradise Homeowners  
Association.  
Application for Transfer No. 70397 in the Name of Robert J. Huntington.

Dear Mr. Sisco:

Enclosed are copies of the above-referenced applications for permit. Also enclosed are forms for your recommendation concerning these applications.

Please review the applications. We must have your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

Lori Graves

LG:lm

Encl: Copy of Applications  
Recommendation of Watermaster Form

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JUN 05 2003

**Mattson, Lisa**

**To:** eleitzin@idfg.state.id.us

**Subject:** comment letters

March 4, 2003

Eric Leitzinger  
Idaho Department of Fish & Game

Dear Mr. Leitzinger:

Attached are copies of applications that the proposed use is from surface water. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by March 24, 2003

If you have any questions regarding these applications, please contact Lori Graves in this office:

Application for Water Right No. 63-31526 in the Name of Paradise Homeowners Association.

Application for Water Right No. 65-22766 in the Name of Anthony F. Yeamans.

Application for Transfer No. 70397 in the Name of Robert J Huntington.

If you have any questions regarding this application, please contact Dan Nelson in this office:

Application for Water Right No. 51-12983 in the Name of Bert Brackett.

If you have any questions regarding this application, please contact Steve Lester in this office:

Application for Water Right No. 57-11625 in the Name of David Unruh. This amended application is unsigned, but verbally approved for processing by the applicant. IDWR considers the amended application to be accurate based on the applicant's information.

Sincerely,

Lisa Mattson  
Water Resources Agent  
Idaho Department of Water Resources  
2735 Airport Way  
Boise ID 83705  
334-2190 phone  
334-2348 fax



51-12983.pdf



57-11625.pdf



63-31526.pdf



65-22766.pdf



70397.pdf

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JUN 05 2003



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

February 26, 2003

Legal Notice Department  
MOUNTAIN HOME NEWS  
PO BOX 1330  
MOUNTAIN HOME ID 83647

RE: Application for Permit No. 63-31526

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 03/24/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor  
Senior Secretary

\* Lee Sirko confirmed  
on 4/11/03 that  
applicants leased  
one af of storage  
water for mitigation  
this season.  
by 4/11/03

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JUN 05 2003

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-31526

PARADISE HOMEOWNERS ASSN INC  
320 SW 5TH  
MERIDIAN ID 83642-8600

Point(s) of Diversion NESENW S33 T03N R10E ELMORE County Source SPRINGS  
Tributary To GROUSE CREEK

Point(s) of Diversion SWSWNE S33 T03N R10E ELMORE County Source SPRINGS  
Tributary To GROUSE CREEK

Use: RECREATION 01/01 To 12/31 0.1 CFS  
Total Diversion: 0.1 CFS

Date Filed: 07/17/2002

Place Of Use: RECREATION

T03N R10E S33 SWNE

Remark: Applicant agrees to mitigate consumptive use in the future as needed.  
Mitigation is proposed for consumptive use.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 03/24/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Mountain Home News on March 5 and 12, 2003.

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JUN 05 2003



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

February 18, 2003

Paradise Homeowners Association Inc.  
C/O Randy Fowers  
320 SW 5<sup>th</sup>  
Meridian ID 83640

RE: Application for Permit No. 63-31526

Dear Randy:

On January 10, 2003 you telephoned to say that you had notified the Boise River Watermaster and it looked promising that Paradise Homeowners Association would be able to lease 1 afa storage water to augment the evaporative losses from the proposed soaking pool. You stated that the Watermaster could not lease you the water because it was too early in the season to predict storage water availability.

My supervisor, Steve Lester, stated that we could proceed with the time consuming aspects of processing the application but that the department would not approve the permit until a copy of the actual water lease is provided. Please understand that the permit will be conditioned such that the Association will need to lease 1 af of storage water annually for use of the soaking pool.

Please respond within 30 days from the date of this letter, by March 20, 2003, with a status report regarding the Association's acquisition of the storage water lease. Until then, the department will continue to process application no. 63-31526. Let me know if I can answer any questions Randy.

Sincerely,

Lori Graves  
Sr. Water Resource Agent

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JUN 05 2003



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 12, 2002

Paradise Homeowners Association Inc.  
C/O Randy Fowers  
320 SW 5<sup>th</sup>  
Meridian ID 83642-8600

RE: Application for Permit No. 63-31526

Dear Randy:

Your response letter was received by this office November 25, 2002. The Department reviewed the contents of your letter in a meeting held December 12, 2002 and determined that an acceptable augmentation or mitigation plan is still required for the soaking pool's consumptive use (evaporation). Because of the water temperature, evaporation is significant, especially during the winter months.

As specified in my previous letter, mitigation is typically accomplished by exchanging existing consumptive water uses for a proposed use. Augmentation involves the purchase of replacement water from storage pools such as Lucky Peak or Anderson Ranch Reservoirs. The origin of the mitigation or replacement water should be from the same general area as the proposed new project.

The contact person for possible augmentation is Lee Sisko, Boise River Watermaster, at 378-0246. The amount of water needed to offset the consumptive use of your proposal is  $\leq 1$  acre-foot. If Lee does not have reservoir water available, you may be able to negotiate the volume from the storage reserve that Trinity Springs has purchased from Anderson Ranch Reservoir.

Your application will be placed on hold for 30 days pending your response. If you are no longer interested in pursuing the project, you may complete and return the enclosed withdrawal form and a refund of your application fee will be issued. If we do not hear from you by January 12, 2002, the department will void your application.

If you have any questions, please contact me at the above address.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Lori Graves'.

Lori Graves  
Sr. Water Resource Agent

MICROFILMED

JUN 05 2003

November 13, 2002

Department of Water Resources  
Attn. Lori Graves  
2735 Airport Way  
Boise, Idaho 83705-5082

RECEIVED

NOV 25 2002

WATER RESOURCES  
WESTERN REGION

Dear Lori:

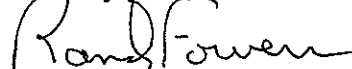
I received your letter dated November 8, 2002 regarding permit 63-31526 for Paradise Homeowners Association Incorporated. In the letter you expressed the department's concern with a consumptive use created by evaporation from our proposed soaking pool.

I believe that the consumptive use created by this proposal is very small but agree that some may occur. It is the position of Paradise that we are not asking for a new water use in this permit but simple reallocating water that is already used by active Licenses and permits. PHOA and Trinity Springs currently use all of the water available from the two springs for the uses approved and authorized by your department. The water that is used for our heating systems is returned to the Pool that is currently on the Trinity Springs property and the recreation right that is targeted by this existing pool is currently for the total amount of water coming from the two springs referenced by this application. The proposed new Soaking pool will simply redirect some of the water from this current system to the soaking pool which will remove it from use in the current pool. As is the case of the existing pool the water from the Soaking pool will return to Grouse creek after its use in the Soaking pool. The Soaking pool is anticipated to be 25 feet by 25 feet. We will locate it on property owned by PHOA and with the construction of the pool do not anticipate using any irrigation water on the property that PHOA has permitted to it. We are looking at a thermal blanket to cover the pool when not in use in order to conserve the temperature of the water in the colder months. This also would minimize the amount of evaporation from the pool.

I believe that this explanation helps to mitigate the need for additional consumptive use for this requested permit. PHOA does hope to obtain the permit and proceed with this project as soon as is reasonable.

Thanks you for your help in this matter.

Sincerely your,



Randy Fowers

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JUN 05 2003



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

November 8, 2002

Paradise Homeowners Association Inc.  
C/O Randy Fowers  
320 SW 5<sup>th</sup>  
Meridian ID 83642-8600

RE: Application for Permit No. 63-31526

Dear Randy:

Paradise Homeowners' application for permit to appropriate waters from springs for recreation use was received July 17, 2002.

Surface waters tributary to the Boise River system upstream from Star Bridge and in the Boise River drainage are considered requests for water tributary to the river and to be fully appropriated by existing water rights. Water is not available in the Boise River system to allow approval of your application, which proposes a new consumptive use of surface water. For your application, consumptive use would occur from the evaporation of the water used for the soaking pool.

The Department cannot approve consumptive uses unless an acceptable mitigation or augmentation plan is submitted outlining a method that would offset the loss of water from the river system. Mitigation is typically accomplished by exchanging existing consumptive water uses for a proposed use. Augmentation involves the purchase of replacement water from storage pools such as Lucky Peak or Anderson Ranch Reservoirs. The origin of the mitigation or replacement water should be from the same general area as the proposed new project.

The contact person for possible augmentation is Lee Sisko, Boise River Watermaster, at 378-0246. The amount of water needed to offset the consumptive use of your proposal is  $\leq 1$  acre-foot. If the homeowners wish to pursue a possible mitigation plan, I have included a list of consultants for assistance.

Your application will be placed on hold for 30 days pending your response. If you are no longer interested in pursuing the project, you may complete and return the enclosed withdrawal form and a refund of your application fee will be issued. If we do not hear from you by December 8, 2001, the department will void your application.

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JUN 05 2003

If you have any questions, please contact me at the above address.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lori Graves".

Lori Graves  
Sr. Water Resource Agent

Encl: Withdrawal Form, Consultant List

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JUN 05 2003