

**STARTING
LEFT
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FILE**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 30 2002

PROOF OF BENEFICIAL USE

Department of Water Resources

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. 63-12317 Telephone No. 208 385 9335
2. Name of Permit Holder(s): PARADISE HOMEOWNERS ASSN. INC.
3. Mailing Address: 320 SW 5TH AVE.
City MERCER State ID Zip 83642
4. Source of Water: GROUNDWATER 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): 2 Stockwater (No. and type of stock): 10 HORSES
Irrigation (No. of acres): 3 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .10 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: 385-9335
Address: 320 SW 5TH AVE MERCER ID 83642
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 PITA Date: 12-26-2002
(include your title, if on behalf of company of organization)

MICROFILMED

MAR 11 2003

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12317

Proposed Priority: February 6, 1996 Maximum Diversion Rate: 0.10 CFS

This is to certify, that PARADISE HOMEOWNERS ASSN INC
C/O JOYCE FARRIS
PO BOX 9
GLENN'S FERRY ID 83623-0009

has applied for a permit to appropriate water from: GROUNDWATER

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>
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.08 CFS
	Totals	0.10 CFS

LOCATION OF POINT(S) OF DIVERSION: SENW , Sec. 33, Township 03N, Range 10E
ELMORE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

03N 10E 33 Lot 4(SWNE) SENW

PLACE OF USE: DOMESTIC, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 2003.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
6. Two points of diversion are located within SENW, S33, T03N, R10E.
7. Place of use is located within Lots 1 & 3-6, Paradise Pines Subdivision.
8. Stockwater is for 10 horses.
9. Domestic use is for 1 home and 1 recreation center.
10. The daily diversion volume for use at the recreation center shall not exceed 2,500 gallons per day.

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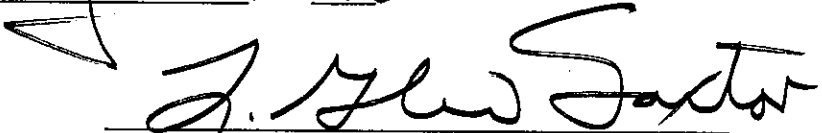
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12317

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

14th day of January, 1998


for Karl J. Dreher, Director



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FEB 2 8 1998

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATIONS FOR PERMIT

RECEIVED

NOV - 8 1996

WATER RESOURCES
WESTERN REGION

PARADISE PINES, INC., an Idaho corporation (the "Assignor"), hereby assigns to PARADISE HOMEOWNERS ASSOCIATION, INC., an Idaho non-profit corporation, whose address is c/o Joyce Farris, P. O. Box 9, Glens Ferry, ID 83623 (the "Assignee"), all of its right, title and interest in and to Applications for Permit Nos. 63-12316 and 63-12317 to appropriate the public waters of the State of Idaho.

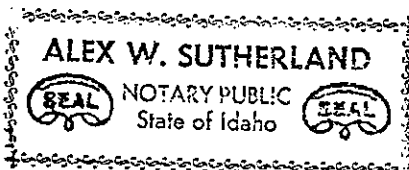
IN WITNESS WHEREOF, the Assignor has signed and executed this Assignment of Applications for Permit on the 31 day of October, 1996.

PARADISE PINES, INC.

By: James E. Paulson
James Paulson, president

STATE OF IDAHO)
County of TWIN FALLS)

SS.



On this 31 day of October, 1996, before me, the undersigned notary public in and for said state, personally appeared James Paulson, known or identified to me to be the president of Paradise Pines, Inc. and the person who executed the foregoing instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

C. W. Sutherland
Notary Public for Idaho.
Residing at: 1516 N. 10th St.
Comm. Expires: APRIL 1998

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FEB 26 1998

SEE 11/22/96 \$50 receipt for complete
payment for assignment of advertised
apps. - 82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 63-12317

RECEIVED

FEB 07 1996

WATER RESOURCES
WESTERN REGION

To appropriate the public waters of the State of Idaho

(1) Name of applicant Paradise Lines Inc. Phone 208-588-9505

Post office address 416 757 Box 18425, Santa Anita, NM 87068 873647

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

3. Location of point of diversion is _____ 1/4 of SE 1/4 of NW 1/4, Govt. Lot 04

Sec. 33 Township 3N Range 10E B.M. Elmore County; additional

points of diversion if any: 2 wells same location

4. Water will be used for the following purposes:

Amount .08 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .02 for Stockwater 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)

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. Description of ditches, flumes, pumps, headgates, etc. 2 Existing wells, pumps & pipeline, system expansion for uses not already covered.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

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? NO

e. If well is already drilled, when? _____; Drilling firm _____;

Well was drilled for (well owner) _____

(7) Time required for the completion of the works and application of the water to be proposed beneficial use is

Five years (minimum 1 year).
(maximum 5 yrs.)

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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. 10 horses
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. ONE (perhaps with yard use up to 1/2 acre)
- e. Other; describe fully. additional domestic use for a recreation center

9. 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	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	10E	33			P/S					P/S									—
										Lot 4									

Total number of acres to be irrigated —

10. Describe any other water rights used for the same purposes as described above. Same system but other lots/units = 63-10559 & 63-12229

11. a. Who owns the property at the point of diversion? Paradise Homeowners Association
- b. Who owns the land to be irrigated or place of use? Paradise Pines Inc.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. In a Settlement Agreement between PHA & Paradise Pines Inc., (previous owner of the 28 acre parcel) did 6/21/94 that the PHA would furnish utilities to the 28 acre parcel upon the sale of the 28 acres to a new owner.
12. Remarks: Property also known as Paradise Pines Subdivision.

Comments: SEE 12/19/95 System Summary for overview of situation.

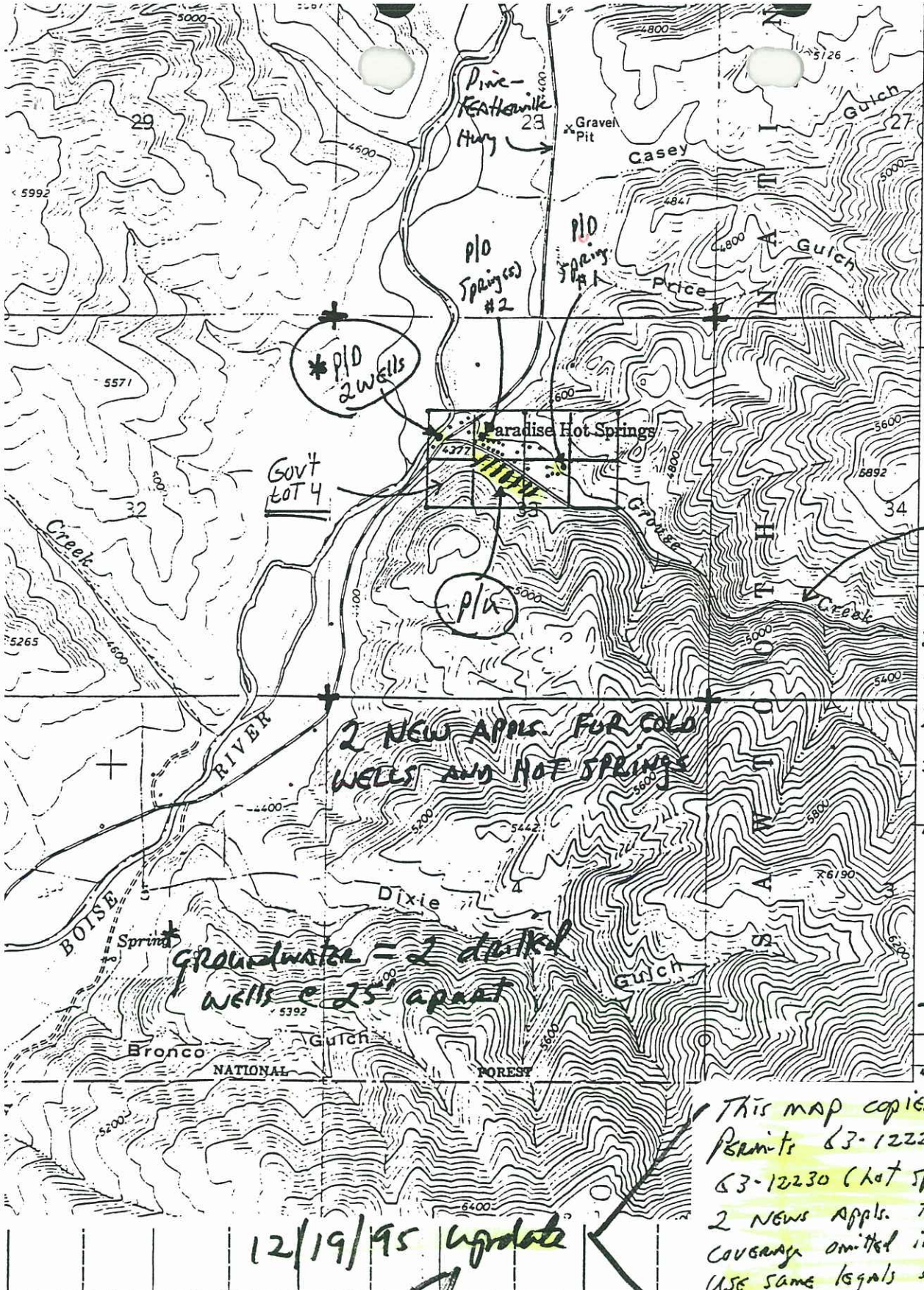
FEB 26 1998

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

See attached maps (2) &
12/19/95 System Summary
63-12317

Also see companion filing
63-12316

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FEB 6 1996



T3N
R10E
S.33
GROUSE
CREEK
Rd
*
2 wells - same pld
as 63-10559 + 63-12229
Spring sites 1 & 2 -
same pld
as 63-10560 + 63-12229
OLDER rights
serve sites
North of
Grouse Ck.
Road
plus
applies
10559 + 10560
for areas
South of Rd
& West of
Lot 3
Paradise
River
-JL 9/26/94

This map copied from
Permits 63-12229 (Wells) &
63-12230 (Hot Springs). Now filing
2 new apps. to complete the
coverage omitted in 12229 & 12230.
Use same legals etc
RECOMMEND FIELD EXAMS ALL 4 RIGHTS
WHEN READY.

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
MICROFILMED
FEB 26 1998
Paradise Homeowners Association
by Earl B Jackson
(Applicant)
President

← D.O.P. 15 2-5-96 - 1000
like receipted by next day

PL for

Received by JW Date 2-5-96 Time ? Preliminary check by Ly -80

* Fee \$ 50 Received by JW # C034743 Date 2-6-96

Publication prepared by ST Date 2-14-96 Published in Mtn Home News
2-21 & 28-1997

Publication approved ST Date 3-11-96

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. _____, and said application is hereby _____.

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 _____, 19 ____.
 - 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. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
 - e. Other:

* 2 Apps. filed @ \$50 ea., paid \$100 per receipt.

Paradise Piner Inc officers:
Pres - Edward Gibbens
VP - Norman Garlington
Sec/Treas - Earl Jackson

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FEB 26 1996

SYSTEM SUMMARY

-SL 12/19/95

WATER
SOURCES

2 cold wells west of hwy.

Hot Springs in Willis Carver Paradise Subd. Springs
located east of hwy. & north of Grouse Creek Rd.

WATER
RIGHTS

Wells a) 63-10559 license

b) 63-12229 permit earlier in 1995

c) now filing another new right.

Lot a) 63-10560 permit (in licensing process)

Springs b) 63-12230 permit earlier in 1995

c) now filing another new right.

COVERAGE
PER
WATER
RIGHT

63-10559 & 63-10560

- north of Grouse Cr. Rd.
- west of hwy, & east of hwy
- within & adjacent to Willis Carver Subd.
- plus Lot 2 & 6 homes between Lots 2 & 3 in Paradise Pines south of Grouse Cr. Rd.

note: Lot 2 was shop but now converted to
1 of 5 homes proposed for Paradise Pines.

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63-12229 & 63-12230

- east of hwy & south of Grouse Cr. Rd.
- 3 of 4 homes proposed in Lots 3-6 plus surrounding

- Pg 1 of 2 -

Summary, continued:

63-12229 & 63-12230 provide domestic, heating & irrigated (lawns/gardens) for 3 homes plus pool. These, with 63-10559 & 63-10560, cover most uses proposed in Paradise River site.

NEW ACTION to take for Paradise Pines

filed 2/5/96

✓ 1) File new Appl. for permit - 2 wells for 1 home, recreation center, stockwater. Could include 1/2 acre irrigation for the home (yard, garden etc.). \$50 fee. 63-12317

✓ 2) File new Appl. for permit - hot springs for 1 home & recreation center. \$50 fee. 63-12316

3) File Assignment of Permit for 63-12229. \$25 fee

4) " " " " " 63-12230 \$25 fee

TOTAL FEES \$150.

SRBA CLAIMS DO NOT APPLY TO ANY OF THESE RIGHTS.

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FEB 26 1998

* FL 2/8/96

- No 7 1 7 -

UPDATED NOTES 12/19/95 -

L.2: WAS shop, now O/I of O/S
proposed for Paradise Pines.
O/I considered part of 63-10559
& 63-10560

L. 3-6 ÷ AC 3 at D/4 and prod
part of 63-12229 ÷ 63-12230.
BALANCE: Filing 2 ADD'L. rights

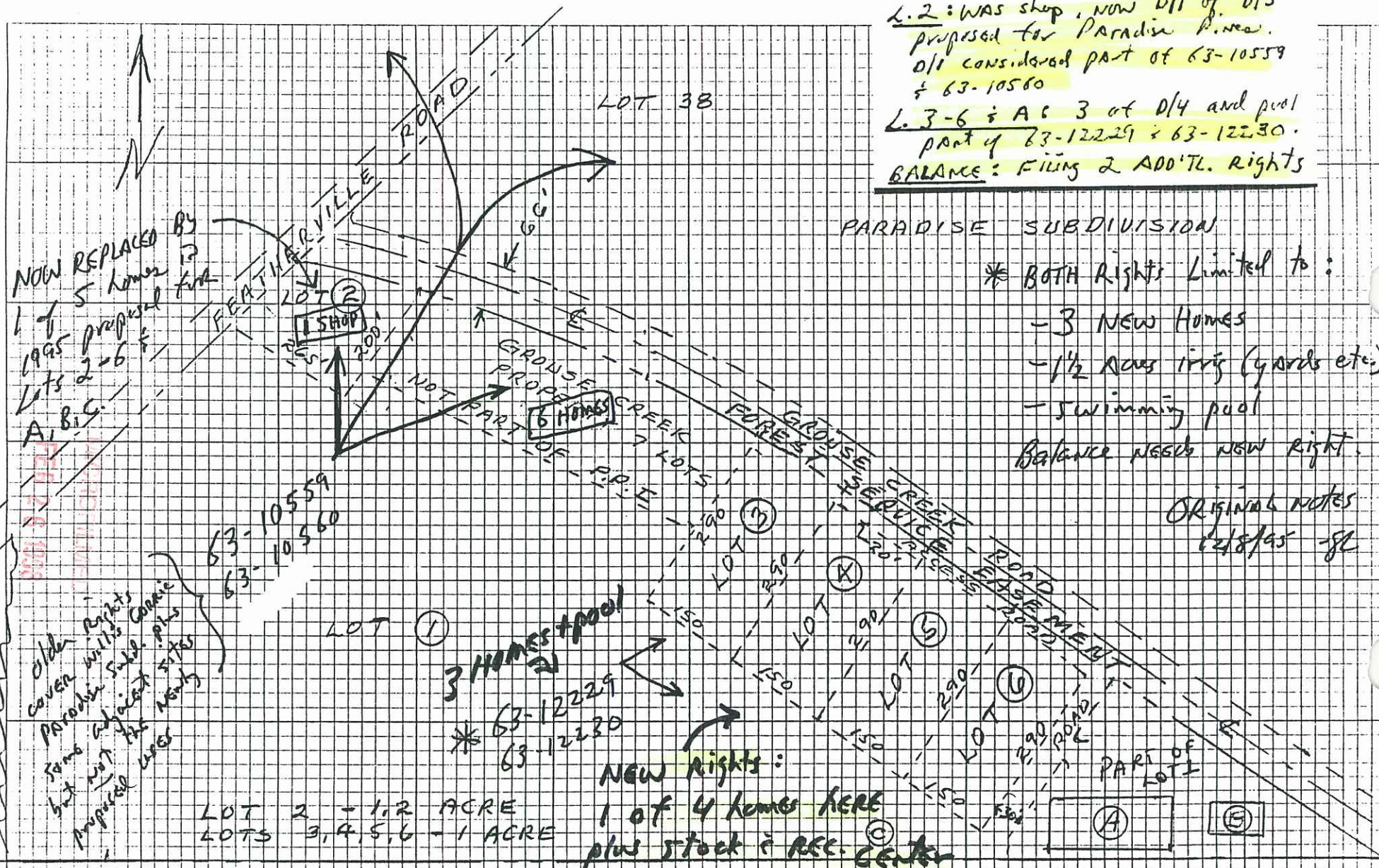
PARADISE SUBDIVISION

* BOTH Rights Limited to :

- 3 New Homes
- 1/2 New Irrig (yards etc.)
- swimming pool

Balance needs now right.

ORIGINAL NOTES
12/8/95 -SL



NOTES

PROPOSED LOCATION OF SWIMMING POOL AREA	100' X 200'
PROPOSED LOCATION OF REC. CENTER	" 50' X 80'
PROPOSED LOCATION OF HORSE CORRAL	" 50' X 50'

PARADISE PINES
PRELIMINARY PLAT
SCALE: 1" = 200' EBJ

**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

January 3, 2003

PARADISE HOMEOWNERS ASSN INC
320 SW 5TH AVE
MERIDIAN ID 83642

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-12316 and 63-12317

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use forms submitted for the above referenced permits. 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 uses.

During my review of your proof form for 63-12317, I found that you stated that you irrigate 3 acres. The permit allows $\frac{1}{2}$ acre or less per lot and you have 5 lots, which equals $2\frac{1}{2}$ acres of irrigation. You may want to check into this matter and notify the field examiner when he makes his review of the development. The acreage is so close to the permitted amount, you want to carefully clarify the amount and keep the total acreage developed within the conditions of the permit.

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.

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

MICROFILMED

c: IDWR - Regional Office

MAR 11 2003

October 31, 2002

PARADISE HOMEOWNERS ASSN INC
C/O JOYCE FARRIS
PO BOX 9
GLENN'S FERRY, ID 83623-0009

PROOF DUE NOTICE

RE: PERMIT NO. 63-12317

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 January 01, 2003. (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.

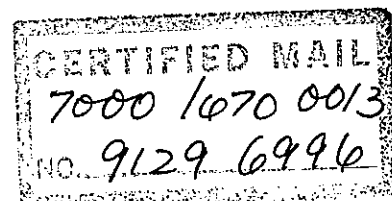
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED
MAR 11 2003





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

January 15, 1998

PHILIP E. BATT
GOVERNOR

PARADISE HOMEOWNERS ASSN INC
C/O JOYCE FARRIS
PO BOX 9
GLENN'S FERRY ID 83623-0009

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12317

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

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FEB 26 1998

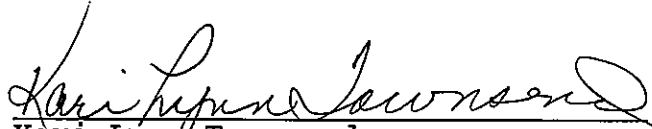
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CERTIFICATE OF MAILING

I hereby certify that on the 15th day of **January, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 63-12317

**PARADISE HOMEOWNERS ASSN INC
C/O JOYCE FARRIS
PO BOX 9
GLENN FERRY ID 83623-0009**


Kari Lynn Townsend
Secretary

FEB 26 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

Paradise Homeowners Association

Board of Directors 1997-1998

Larry Johnson-President
985 N. 18th E.
Mtn. Home, ID 83647
Phone:587-4126

Karl Hansen
5085 N. Leather Pl.
Boise, ID 83709
Phone:376-8313

Randy Fowers-Vice President
10071 W. Martingale Dr.
Boise, ID 83709
Phone:322-5408

Mark Johnson
P.O. Box 1630
Ketchum, ID 83340
Phone:726-7734

Joyce Farris-Secretary-Treasurer
P.O. Box 9
Glenns Ferry, ID 83623
Phone:366-2217

Charles Legg
1431 Kimberly Rd.
Twin Falls, ID 83301
Phone:733-7003

Harry Cozakos
611 Yingst
Jerome, ID 83350
Phone:324-5928

Jim Vines
1810 N. 12th E.
Mtn. Home, ID 83647
Phone:587-8544

Norman Eckert
Rt. 3 Box 291
Buhl, ID 83316
Phone:543-5996

*If you have any
questions please
call me at
366-2217.
Joyce*

UNRECORDED

FEB 26 1998

CONVERSATION MEMORANDUM

DATE Nov. 24/97

FILE 63-12316 #63-12317

NAME OF PARTY Craven Young

EMPLOYEE Cindy Zimmerman

RE: Mr Young is in Florida and will be in Idaho around
12/7/97. Mr. Young has requested additional time to respond
to my 11/17/97 letter requesting additional information.

I have agreed to extend time to submit the additional
information to December 17, 1997.

Cindy

MICROFILMED

FEB 26 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

November 17, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Paradise Homeowners Association, Inc.
c/o Joyce Farris
PO Box 9
Glenns Ferry ID 83623-0009

RE: Application for Permit No. 63-12317

Dear Ms. Farris:

The above referenced applications have been sent to the State Office for final review and processing; however, before the application process can continue, I will need some additional information.

Due to the requirement of Water Allocation Rule 035.03.b.i., I need a list of the names, titles, and addresses of all officers of Paradise Homeowners Association, Inc.

Also, Idaho water law requires appropriated water to be put to beneficial use and limits the issuance of water rights to amounts that can be shown as beneficially used for uses described on the water right. I need to know more details of your project proposed in application no. 63-12317 in order to justify the rate of diversion you have applied for.

Specifically, I am requesting the following information:

- The dimensions or square footage of the recreation center building and home proposed to be heated;
- The number of stories of each of the buildings;
- The exact temperature of water you expect to use;
- The insulation value (R value) of the buildings;
- The number of days per year you expect to heat the buildings;
- A description of the proposed method of disposing discharge or waste water;
- If discharging to an injection well, please identify injection well permit number;
- If using a ground source heat pump, please provide manufacturer's water use data.

I will hold further processing on your application for 14 days pending your response.

Please submit this information as quickly as possible within the 14-day period to prevent any further undue delay in processing your application.

If you have any questions, you may contact me directly at (208) 327-7944.

Sincerely,

Cindy Zimmerman
Water Resource Agent

c: Jim Speck

MICROFILMED

FEB 26 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

April 14, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES P SPECK
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: APPLICATIONS FOR PERMIT NOS. 63-12316 AND 63-12317

Dear Mr. Speck:

The above referenced applications now in the name of Paradise Homeowners Association, Inc. require some direction from you regarding the status of the filings.

Your last letter of November 15, 1996 indicated that the applicant has not decided on the best course of action. This letter requests clarification of the applicant's intent within 30 days.

Please let me know how your client wishes to proceed. This office must initiate the process to void the applications unless additional information can be provided. I look forward to hearing from you on this matter and will be glad to provide any assistance that I can in this matter.

Sincerely,

Steve Lester
Water Rights Supervisor

*Also See Correspondence in Appl 63-12316
- both Apps processed together.*

MICROFILMED

- JR 8/20/97

FEB 26 1998

Assigned ✓
Protest withdrawn
Hold per this
letter - for
c 30 days
- JR
11/25/96

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

November 15, 1996

Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RE: Applications for Permit Nos. 63-12316 and 63-12317
Paradise Homeowners Association, Inc.

Dear Steve:

Thank you for your November 12, 1996, letter. Enclosed is our check payable to IDWR for \$50 to cover the \$25 per assignment fee on the above-referenced application for permit. I will let you know as soon as my client has made a decision on how it wishes to proceed with these applications.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.

James P. Speck

JPS:rb
cc: client

RECEIVED

NOV 18 1996

WATER RESOURCES
WESTERN REGION

Check
not signed
return
to Hogue

RECEIVED

NOV 22 1996

WATER RESOURCES
WESTERN REGION

MICROFILMED

FEB 26 1998

pd \$50-
Rec'd 11-22-96
#W021751
By VR



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

November 12, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES P SPECK
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: APPLICATIONS FOR PERMIT NOS. 63-12316 AND 63-12317

Dear Mr. Speck:

I received your Nov. 7, 1996 letter and assignment of the above-referenced applications for permit. Your letter also serves as a withdrawal of protest by Trinity Springs Limited regarding the applications.

In order to complete the assignments, an assignment fee of \$25 per application is required. Department policy includes an assignment fee for any application for which the legal notice has been published, which is the case in these filings.

Please remit \$50 to this office at your earliest convenience. Additional processing will remain on hold per your request. This office will hold the applications without action for another thirty (30) days.

Please let me know if I can assist you in any aspect of the application process.

Sincerely,

Steve Lester
Deputy Regional Manager

MICROFILMED

FEB 26 1998

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

November 7, 1996

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

Mr. Steve Lester 
Deputy Regional Manager
Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

RECEIVED

NOV - 8 1996

WATER RESOURCES
WESTERN REGION

Re: *Applications for Permit Nos. 63-12316 and 63-12317*

Dear Mr. Lester:

I represent the Paradise Homeowners Association, Inc. and Trinity Springs Limited. Enclosed you will find Assignment of Applications for Permit whereby Paradise Pines, Inc. assigns its right, title and interest to the above-referenced Applications for Permit to Paradise Homeowners Association, Inc. As a result of this Assignment, Trinity Springs Limited has authorized me to withdraw the protest it filed to these Applications. However, Paradise Homeowners Association, Inc. may want to propose slight modifications or amendments to these Applications before further processing takes place. Therefore, please contact me before proceeding further.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS:jal

Enclosure

cc: Paradise Homeowners Association
Mr. Mark Johnson

MICROFILMED

FEB 26 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

July 30, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MR EARL JACKSON
PARADISE PINES INC
4675 S 18TH E
MTN HOME ID 83647

RE: APPLICATION FOR PERMIT NOS. 63-12316 AND 63-12317

Dear Mr. Jackson:

This purpose of this letter is to inquire as to the status of the above-referenced water right applications filed for Paradise Pines. The last information in the files is a request in April, 1996 to delay a pre-hearing protest conference pending negotiations with the protestant, Trinity Springs, Ltd.

Please contact this office within thirty (30) days to advise me of the current situation. If you are unable to arrive at a satisfactory resolution with the protestant soon, I can schedule the protest conference in an attempt to assist both parties in resolving this matter.

Sincerely,

Steve Lester
Deputy Regional Manager

c: James P. Speck, Esq.

REPROFILMED

FEB 26 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

March 12, 1996

PHILIP E. BATT
GOVERNOR

JAMES P SPECK ESQ
HOGUE SPECK & AANESTAD PA
PO BOX 987
KETCHUM ID 83340

KARL J. DREHER
DIRECTOR

Re: Applications for Permit Nos. 63-12316 and 63-12317 in the Name
of Paradise Pines, Inc.

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT/st

MICROFILMED

FEB 26 1998

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE

120 EAST AVENUE
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16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

March 8, 1996

RECEIVED

VIA FACSIMILE - 1-208-334-2348
ORIGINAL TO FOLLOW BY MAIL

MAR 11 1996

WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705

RE: Applications for Permit 63-12316 and 63-12317

Dear Sirs:

I represent Trinity Springs, Ltd., an Idaho corporation ("Trinity") and a member of Paradise Homeowners Association ("PHOA") by virtue of its ownership of two residential lots and the only commercial lot ("Lot 38") in Paradise Subdivision. Certain hot springs are located on Lot 38 which may be a proposed point of diversion for 63-12316. Trinity also owns the land where the points of diversion (wells) for 63-12317 are located. There is a pending dispute between Trinity and PHOA concerning membership rights in PHOA and the current and potential uses of the hot springs located on Lot 38 and other property owned by PHOA. Contrary to the statements in the above-referenced Applications, this dispute has NOT been settled.

Please consider this letter a formal protest to each Application. Enclosed is our check payable to IDWR for \$50.00 representing the protest fee of \$25.00 for each Application. This protest is filed on the grounds that each Application will reduce the quantity of water under existing rights, the water supplies are insufficient for the proposed purposes, the applications are not made in good faith, and they will conflict with the local public interest.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.



James P. Speck

JPS/jps
Enclosure
cc: Client

W020541 MIC/33/1/2/25 each
FEB 26 1996 #50 total

3-11-96

**NOTICE OF APPLICATIONS
FOR WATER RIGHTS**

The Following applications have been filed to appropriate the public waters of the State of Idaho:

63-12316

PARADISE PINES INC.

4675 S. 18TH E.

MOUNTAIN HOME, ID 83647

Source: SPRINGS; Tributary: GROUSE CR.

Diversion Pt: NESWNE Sec. 33 T 03N R 10E in ELMORE County.

Use: HEATING (0.080 CFS); Total Diversion: (0.080 CFS).

Date Filed: 2/6/1996.

In: ELMORE County, T03N R10E S33 SWNE Lot 4 (SENW).

63-12317

PARADISE PINES INC.

4675 S. 18TH E.

MOUNTAIN HOME, ID 83647

Source: GROUNDWATER.

Diversion Pt: SENW Sec. 33 T 03N R 10E in ELMORE County.

Use: STOCKWATER (0.020 CFS); DOMESTIC (0.080 CFS); Total Diversion: (0.100 CFS).

Date Filed: 2/6/1996.

In: ELMORE County T03N R10E S33 SWNE Lot 4 (SENW).

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before MARCH 11, 1996. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
Published 2/21/1996 & 2/28/1996.

RECEIVED

MAR 01 1996

WATER RESOURCES
WESTERN REGION

MICROFILMED

FEB 26 1996

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Coleen W. Swenson, do solemnly swear that I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 21st day of

February, 1996, and the last publication having been made on the 28th day of

February, 1996; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper 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 a period of 78 consecutive weeks prior to the first publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this 29th day of

February, 1996

Brenda M. Jacoby
Notary Public

Residing in Mountain Home, Elmore County, Idaho. My commission expires 11-16-98.

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

C034743

Date:

Time:

2/ 6/1996

11:47:17

Received

From:

PARADISE PINES, INC

Type of Payment

Program A cct

Amount

PERMIT

56103

229 21 1155

100.00

Total

\$

100.00

CHECK

134

Region: STATE

Signature: J. Wyatt

RECEIVED

FEB 07 1996

WATER RESOURCES
WESTERN REGION

MICROFILMED

FEB 26 1996

63-12317

PARADISE PINES INC
4675 S 18TH E
MOUNTAIN HOME, ID 83647

Source: GROUNDWATER

Diversion Pt: SENW Sec 33 T 03N R 10E in ELMORE County.

Use: STOCKWATER	(	0.020 CFS)
DOMESTIC	(	0.080 CFS)
Total Diversion:	(	0.100 CFS)

Date Filed: 2/ 6/1996

In: ELMORE County
T03N R10E S33

SWNE Lot 4 (SENW)

MICROFILMED

FEB 26 1998

WR5809NP

No. 63-12229

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/07/95

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PARADISE HOMEOWNERS ASSN INC C/O EARL JACKSON HC 87 BOX 410 MOUNTAIN HOME ID 83647 (208) 653-2260	06/26/1995	IRRIGATION DOMESTIC	04-15 10-15 01-01 12-31	0.060 CFS 0.080 CFS	
TOTAL DIVERSION:					0.140 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion:

T03N R10E S33 Lot 04(SENW)

ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
---	---	---	---	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	---
03N	10E	33	:				.5	:					:					:						:	1.5	
TOTAL ACRES																							1.5			

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion and Source:
63-10559Other Water Rights Listing Overlapping Place(s) of use:
63-05268

Conditions of Approval:

- 26A - Project construction shall commence within one year from the
 - date of permit issuance and shall proceed diligently to
 - completion unless it can be shown to the satisfaction of the
 - Director of the Department of Water Resources that delays were
 - due to circumstances over which permit holder had no control.
- 046 - Right holder shall comply with the drilling permit
 - requirements of Section 42-235, Idaho Code.
- 46B - Construction of the well must comply with Idaho well
 - construction standards.
- 057 - The rate of diversion of water for irrigation under this right
 - and all other water rights on the same land shall not exceed
 - 0.03 cubic feet per second for each acre of land.
- 004 - The issuance of this right in no way grants any right-of-way
 - or easement across the land of another.

Remarks: Two points of diversion are located within Lot 4 (SENW), S33,
 T03N, R10E.
 Domestic use is for 3 homes.
 Domestic use does not include lawn, garden, landscape, or

2 wells for 3 homes
 w/ yards (irrigation),
 include cooling of pool
 - covers area c subd. lots
 3-6 & site A on
 prelim. plat

WR5809NP
No. 63-12229

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/07/95
PAGE: 2

Remarks: other types of irrigation.

Dates: App. Received: 06/26/1995 Priority Date: 06/26/1995
Proof Due Date: 09/01/1997 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 07/06/1995 User-ID: CHODGES Subject: CORPORATE OFFICERS
The officers of Paradise Homeowners Association are:
Earl Jackson, President;
Phil Laurson, Vice-President; and,
Marian Bermensolo, Secretary-Treasurer.

Date: 07/06/1995 User-ID: CHODGES Subject: OVERLAPS, CLARIFICATION OF USE
Same wells as for 63-10559. This right to allow for 3 additional
domestic uses from same system. New uses will be developed south
of Grouse Creek Road (see map). Domestic use to include cooling
water for a swimming pool.
This right developed in conjunction with 63-12230.

Audit: 07/06/95 CHODGES 07/10/95 SCURTIS 08/28/95 CZIMMERM 09/06/95 CZIMMERM

RECEIVED

NOV - 8 1996

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATIONS FOR PERMIT

PARADISE PINES, INC., an Idaho corporation (the "Assignor"), hereby assigns to PARADISE HOMEOWNERS ASSOCIATION, INC., an Idaho non-profit corporation, whose address is c/o Joyce Farris, P. O. Box 9, Glens Ferry, ID 83623 (the "Assignee"), all of its right, title and interest in and to Applications for Permit Nos. 63-12316 and 63-12317 to appropriate the public waters of the State of Idaho.

IN WITNESS WHEREOF, the Assignor has signed and executed this Assignment of Applications for Permit on the 31 day of October, 1996.

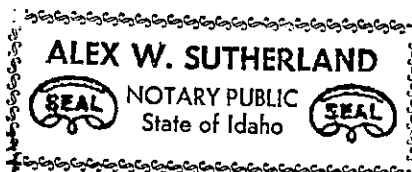
PARADISE PINES, INC.

By: James C Paulson
James Paulson, president

STATE OF IDAHO)

County of TWIN FALLS)

SS.



On this 31 day of October, 1996, before me, the undersigned notary public in and for said state, personally appeared James Paulson, known or identified to me to be the president of Paradise Pines, Inc. and the person who executed the foregoing instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

Cy W. Sutherland
Notary Public for Idaho.
Residing at: 1160R 100th
Comm. Expires: APRIL 1998

MICROFILMED

FEB 26 1998

\$50 assignment fee 2 notarial
App's, 11/22/96. Receipt W021751

-82



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 12, 1995

PARADISE PINES INC
4675 S 18TH E
MOUNTAIN HOME ID 83647

Re: Applications for Permit Nos. 63-12316 and 63-12317

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced applications. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

Enclosure: Copy of protest(s)

MICROFILMED

FEB 26 1995