

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-32016

Priority: December 06, 2004

Maximum Diversion Rate: 1.76 CFS

This is to certify, that PARADISE HOMEOWNERS ASSN INC
320 SW 5TH AVE
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>
HEATING	01/01 to 12/31	1.76 CFS

LOCATION OF POINTS OF DIVERSION:

SPRING	NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 33, Twp 03N, Rge 10E, B.M., ELMORE County
SPRING	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 33, Twp 03N, Rge 10E, B.M., ELMORE County
SPRING	L4 (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$)	Sec. 33, Twp 03N, Rge 10E, B.M., ELMORE County

PLACE OF USE: HEATING

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 10E 33		X	X		X			X									
					L 1			L 4									

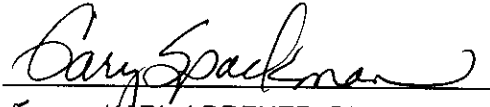
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2010**.
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 the permit holder had no control.
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. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
6. Heating use is for 75 homes and a lodge.
7. Use of water under this right shall be non-consumptive.

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8. This water right shall be subject to senior valid water rights. To the extent that this right authorizes the diversion of water from any of the same sources asserted under SRBA Claim No. 63-31976, the diversion and use of water under this right is specifically subject to the SRBA determination with respect to Water Right No. 63-31976.
9. Water diverted and used under this right shall be returned to the natural channel of Grouse Creek.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 3rd day of August, 2005.


FOR KARL J DREHER, Director

RECEIVED
MAY 14 2004
WATER RESOURCES
WESTERN REGION

RECEIVED

APR 19 2005

Department of Water Resources
STATE OF IDAHO

Ident. No. 63-32016

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant PARADESE HOMEOWNERS ASSOC. INC. Phone 385 9335

Mailing address 320 SW 5TH AVE. MERIDIAN ID 83642

2. Source of water supply SPRINGS which is a tributary of GROUSE CREEK

3. Location of point of diversion is Township 03N Range 10E Sec. 33 in the NE 1/4 (A000000)
SW 1/4, NE 1/4, Govt. Lot 3N 10E S33 NW 1/4 (A000000) B.M., ELMORE County;

additional points of diversion if any: 3N 10E S33 SW 1/4 (A000000)

4. Water will be used for the following purposes:

Amount 34 + 1.76 for HEATING 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)

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

5. Total quantity to be appropriated is (a) 34 + 1.76 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 GRAVITY FLOW FROM SPRINGS
TO PUMP THAT CONNECTS TO EXISTING HOT WATER DELIVERY 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 5 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. HEATING IS FOR HOUSES IN PHOA SERVICE AREA PLUS
LODGE PROPERTY AND SKANSKY FUEL.

HEATING IS A NON-CONSUMPTIVE USE. THE SYSTEM IS A CLOSED LOOP
SYSTEM THAT RETURNS USED WATER. THE SPRINGS CAPTURED BY THIS
APPLICATION ARE ALONG GROUSE CREEK BETWEEN THE H1 AND
H2 SPRINGS CURRENTLY USED BY PHOA. THEY ARE FREE FLOWING
SPRINGS.

P.S. THIS APPLICATION IS FOR ANY SERVICES SUPPLIED BY PHOA THAT ARE NOT
COVERED BY PREVIOUS PERMITS OR LICENSES. ESTIMATED AVERAGE SQUARE FOOTAGE OF
NEW CONSTRUCTION IS EXPECTED TO BE GREATER THAN 2000 SF. HEATED FLATWORK
(CONCRETE PADS) ARE BEING USED NOW AND THEIR USE IS GROWING. WE EXPECT
THAT ALL LOTS/SERVICES SHOULD ALLOW 500 SQUARE FEET OF FLATWORK EACH.

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		X			X									

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 63-10560 AND 63-31526 ¹²³¹⁶

11. a. Who owns the property at the point of diversion? PHOA
 b. Who owns the land to be irrigated or place of use? MEMBERS OF PHOA
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: PHOA HAS BEEN REQUESTED BY ITS MEMBERS TO SUPPLY MORE HOT WATER FOR HEATING. STRUCTURES HAVE BEEN BUILT THAT ARE LARGER AND HOT WATER HAS BEEN USED FOR SNOW MELT IN PARKING AREAS. THE NEW SPRINGS WOULD BE INTERCONNECTED WITH EXISTING DELIVERY SYSTEMS
*SEE ATTACHMENT LETTER DATED 11-21-04

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. JOURNAL WALKER
 MOUNT. SUP. JERRY VONUS

Randy Fowers PRESIDENT PHOA
 Signature of Applicant (and title, if applicable)
 Randy Fowers

Received by sk Date 5-14-04 Time 10:30 A Preliminary check by lg
 Fee \$ 250 Received by sk # W031697 Date 5-14-04
 Publication prepared by sk Date 1-5-12-05 Published in MOUNTAIN HOME NEWS
 Publication approved sk Date 1-25-05

#40 rec'd 12/6/04 W032448 lg
 (received 12/7/04)

November 29, 2004

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

RECEIVED

DEC 06 2004

WATER RESOURCES
WESTERN REGION

Dear Lori:

Please accept the following explanation for some of the expected uses of the geothermal water that is being applied for by Paradise Home Owners Association (PHOA) with the application dated May 14, 2004.

This application is expected to provide a more current and complete definition of all the uses that PHOA has for the geothermal resource. We believe that some of the services or locations that are supplied by PHOA may not be referenced by the licenses/permits held by PHOA for the geothermal resource.

Because of the size of recent developments, we also believe that the average square footage for each residence should be 2500 sq ft rather than 2000 sq ft that was used in the heating calculations for license 63-10560. For the lots/homes that have been licensed/permitted, we are requesting an additional 500 sq ft on all undeveloped properties and credit for the square footage in excess of 2000 sq ft per home on developed properties. A spreadsheet included with the application indicated the current square footage status for each lot. We request that all services not previously licensed/permitted for heating use be calculated at 2500 sq ft per lot.

The heating calculations used for license 63-10560 were based on pumps operating 12 hours per day, 240 days per year for heating use. We feel this was an oversight because the pumps used for heating run continuously 24 hours per day, 240 days per year. We wish to account for that volume oversight on this application. The license was issued at .64 cfs (287 gpm) X 240 days per year X 12 hours per day X 60 minutes per hour = 49593600 gallons per year = 152 acre feet per year. Based on 24 hours per day continuous use, volume calculates to 304 acre feet per year, which is double the amount licensed. To insure the additional volume not licensed can be licensed based on system capacity, we have included the .67 cfs already licensed/permitted as part of the flow rate listed on this application.

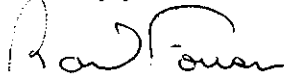
Currently 5 gpm per residence is delivered for the internal heating use. McClure Engineering evaluated our geothermal hot water system for license 63-10560. They concluded that 5 gpm, currently allocated to each lot, and 33 gpm for the lodge, was sufficient for heating. Currently, we have .64 cfs licensed for heating on right 63-10560 for 54 homes/lots, 1 lodge and 1 shop and can assume .03 cfs to be recommended for the licensing for 3 home/lots on permit 63-12316 (per Lori Graves, IDWR based on 5 gpm/home). .67 cfs equates to 301 gpm. We have a total of 76 services, including the

lodge. An additional 107 gpm is necessary for full internal heating flow rate coverage @ 5 gpm/ 75 lots and 33 gpm/ 1 lodge.

In addition, we also wish to provide our members geothermal water for snow melt. Basically, after internal heating use, the water will run through a closed loop pipe system before being discharged into the return line mentioned above. We anticipate that each service location will have approximately 500 sq ft of area (mostly concrete) that will be using hot water to melt snow. This will generally be a parking or walking area adjacent to a member's home. We believe that the snow melt use will require 5 gpm/76 lots, 24 hours per day, 240 days per year, in addition to the flow rate necessary for internal heating. The flow rate amount requested for snow melt is 5 gpm/76 lots = 380 gpm. We can only estimate the flow rate requirement for this new use and expect that as we develop experience with this use, the requirement may change. We are aware that we cannot exceed the limits of our application/permit and that we will be limited by the capacity of the springs. New flow rate requested on this application is 107 gpm (additional for internal heating) + 380 gpm (estimated for snow melt) = 487 gpm or 1.09 cfs. As stated above, to insure that full heating volume is licensed based on system capacity, we included .67 cfs already licensed/permitted for heating use. Total flow rate listed on the application is 1.76 cfs. The measured capacity of the upper and lower springs was determined at .96 cfs by McClure Engineering for license 63-10560. An additional spring has been proposed for development on this application. All three springs were listed to reflect a combined system.

Thanks you for your help in this matter.

Sincerely your,

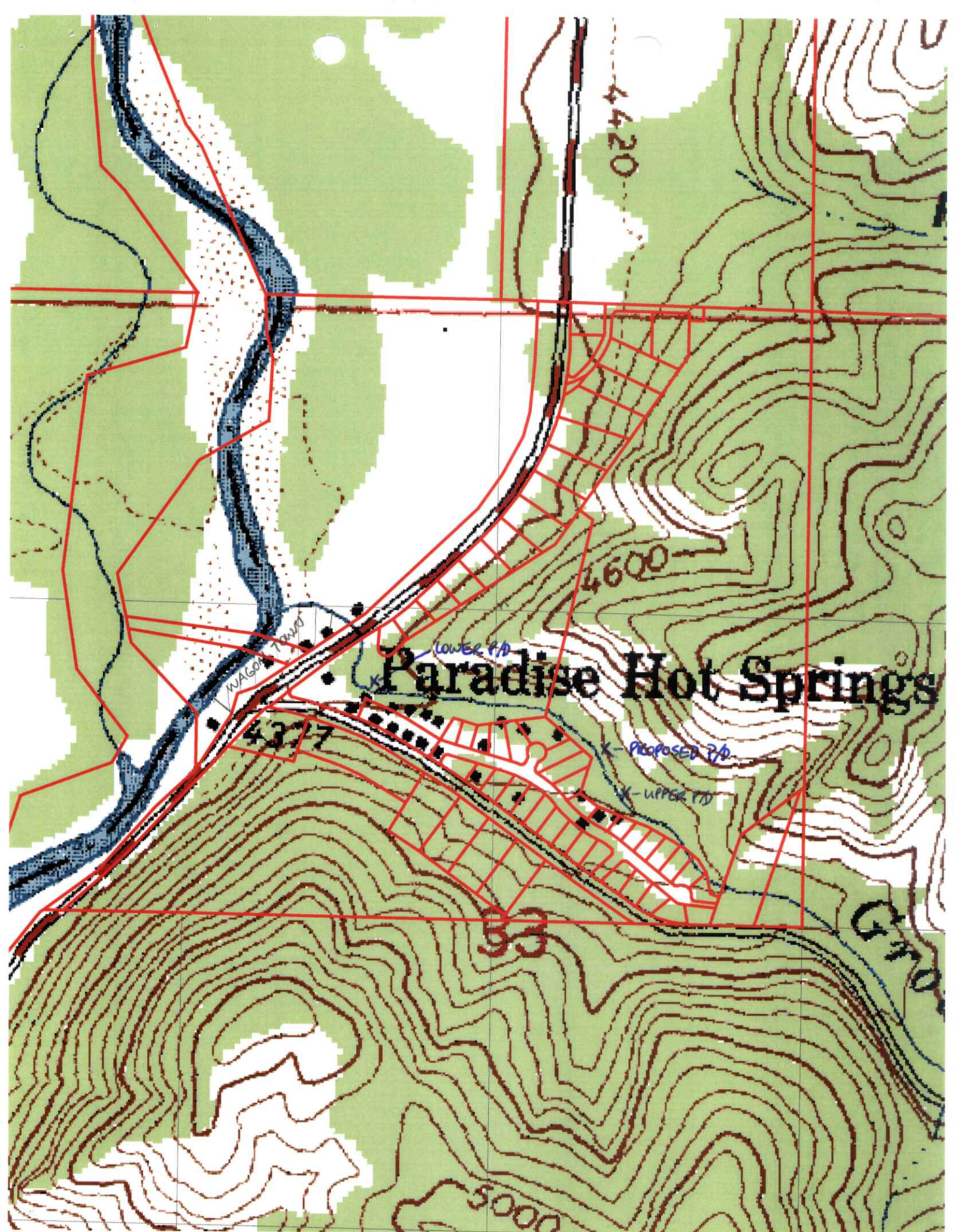


Randy Fowers
President PHOA

Service Num.	First Name	Last Name	Lot#	IMP	Main SF	Upper SF	Lower SF	AT/CHD Gauge	Detached Gauge	Heat Type
1	Randy & Norma	Weaver	01	Yes	1316	0	0	0	0	HE/Pipe in Flarework
2	Brad & Kelly	Christensen	02	Yes	600	0	0	0	0	HE
3	Jayme & Lami	Roehl	03	Yes	864	432	0	0	0	HE
4	David & Kelle	Smith	04	Yes	600	600	600	0	0	HE / Pipe lower
5	Michael & Mary Lou	Koelich	05	Yes	1025	650	0	0	0	HE
6	Michelle & Mary Lou	Koelich	06	No	0	0	0	0	0	HE
7	Julie	Holer	07	No	0	0	0	0	0	HE/Pipe in Flarework
8	Jerry & Carol	Davis	08	Yes	1200	600	0	0	484	HE/Pipe in Flarework
9	Jerry & Carol	Davis	09	No	0	0	0	0	0	HE/Pipe in Flarework
10	Jim	Miller	10	Yes	1050	1650	0	600	0	HE/Pipe in Flarework
11	Richard & Sherry	Reinke	11	Yes	1000	400	1000	0	0	HE/Pipe in Flarework
12	Bill & Michelle	Trengg	12	No	0	0	0	0	0	HE/Pipe in Flarework
13	Lois & Joyce	Trengg	13	Yes	900	450	600	0	0	HE/Pipe in Flarework
14	Lois & Joyce	Trengg	14	No	0	0	0	0	0	HE/Pipe in Flarework
15	Mark & Ann	Johnson	15	No	0	0	0	0	0	HE/Pipe in Flarework
16	Mark & Ann	Johnson	16	No	0	0	0	0	0	HE/Pipe in Flarework
17	Mark & Ann	Johnson	16b	No	0	0	0	0	0	HE/Pipe in Flarework
18	Brad & Leslie	Holts	17	Yes	1024	1140	0	0	512	HE/Pipe in Flarework
19	Jim & Julie	Holts	18	No	0	0	0	0	0	HE
20	Norman & Rose	Walker	19	Yes	1000	600	0	0	0	HE
21	Norman & Rose	Walker	20	Yes	1200	1200	0	0	0	HE
22	Crimley	Edert	21	Yes	720	720	0	0	0	HE
23	Wes & Joyce	Farms	22	No	0	0	0	0	0	HE
24	Wes & Joyce	Farms	23	Yes	1000	600	0	500	0	HE
25	Norman & Danna	Garlignan	24	Yes	330	600	0	0	0	HE
26	Wendy	St. Jean	25	No	0	0	0	0	0	HE
27	Wendy	St. Jean	26	No	0	0	0	0	0	HE
28	Jim & Tamara	Stark	27	No	0	0	0	0	0	HE/Pipe in Flarework
29	Richard & Kris	Boesiger	28	Yes	520	1040	0	520	0	HE/Pipe in Flarework
30	Richard & Kris	Boesiger	29	Yes	1200	1000	0	0	600	Pipe in Floor
31	Larry & Joanne	Johnson	30	No	860	0	860	0	0	HE
32	Larry & Joanne	Johnson	31	Yes	0	0	0	0	0	HE
33	David	Johnson	32	No	0	0	0	0	0	HE
34	Jim & Charlie	Vines	33	No	0	0	0	0	0	HE
35	Doug	Vines	34	Yes	1364	26	0	0	0	HE
36	Lois	Heidala	35	Yes	1000	0	0	0	240	Pipe in Floor
37	Cabin 1	Trinity Springs, LTD	36	Yes	3462	2570	0	0	750	Pipe in Floor
37	Cabin 2	Trinity Springs, LTD	38	Yes	600	0	0	0	0	Pipe in Floor
37	Cabin 3	Trinity Springs, LTD	38	Yes	1200	0	0	0	0	Pipe in Floor
37	Cabin 4	Trinity Springs, LTD	38	Yes	540	0	0	0	0	Pipe in Floor
37	Cabin 5	Trinity Springs, LTD	38	Yes	550	180	0	0	0	Pipe in Floor
37	Jim & Gertie	Paulsen	39	Yes	600	0	0	0	0	HE
38	Jim & Gertie	Paulsen	40	No	0	0	0	0	0	HE
39	Jim & Gertie	Paulsen	40	Yes	1080	1080	0	0	0	HE/Pipe in Flarework
40	Don & Pat	Dave	41	Yes	1200	775	0	0	0	HE/Pipe in Flarework
41	David	Staley	42	Yes	500	1200	0	600	0	HE/Pipe in Flarework
42	David	Staley	43	No	0	0	0	0	0	HE
43	David	Staley	44	No	0	0	0	0	0	HE
44	Harold & Vonda	Demirays	45	Yes	1200	600	0	0	0	HE
45	Harold & Vonda	Demirays	46	Yes	960	660	960	0	0	HE
46	Harold & Vonda	Demirays	47	No	0	0	0	0	0	HE
47	Randy & Becky	Johnson	48	Yes	1200	900	1200	0	0	HE/Pipe in Flarework
48	Dale & Karla	Pipitt	49	Yes	1155	155	0	0	480	HE/Pipe in Flarework
49	Edward & Ann	Cicca	50	No	0	0	0	0	0	HE
50	Mike	Struck	51	No	0	0	0	0	0	HE
51	Jim & Karen	Struck	52	Yes	900	600	0	0	0	HE
52	Jim & Karen	Struck	53	Yes	3400	3400	0	0	0	HE/Pipe in Flarework
53	Jim & Karen	Struck	54	No	0	0	0	0	0	HE/Pipe in Flarework
54	Randy & Sherita	Weaver	PP12	No	0	0	0	0	0	HE/Pipe in Flarework
55	William & Karen	Weaver	PP13	No	0	0	0	0	0	HE/Pipe in Flarework
56	Robert & Vicki	Struck	PP14	No	0	0	0	0	0	HE/Pipe in Flarework
57	Robert & Vicki	Struck	PP15	No	0	0	0	0	0	HE/Pipe in Flarework
58	Robert & Vicki	Struck	PP16	No	0	0	0	0	0	HE/Pipe in Flarework
59	Robert & Vicki	Struck	PP17	No	0	0	0	0	0	HE/Pipe in Flarework
60	Grouse Creek 1	DeVincenzi	WTP1	Yes	1350	400	0	0	0	Pipe in Flarework
61	Grouse Creek 2	DeVincenzi	GC1	Yes	1000	0	0	0	0	Pipe in Flarework
62	Grouse Creek 3	DeVincenzi	GC2	Yes	900	0	0	0	0	Pipe in Flarework
63	Grouse Creek 4	DeVincenzi	GC3	Yes	900	0	0	0	0	Pipe in Flarework
64	Grouse Creek 5	DeVincenzi	GC4	Yes	2000	0	0	0	0	Pipe in Flarework
65	Grouse Creek 6	DeVincenzi	GC5	Yes	900	0	0	0	0	Pipe in Flarework
66	Cold Water Wells	DeVincenzi	GC6	Yes	900	0	0	0	0	Pipe in Floor
67	Hid Springs 1	DeVincenzi	WTP2	Yes	200	0	0	0	0	Plumbing
68	Hid Springs 2	DeVincenzi	WTP3	Yes	240	0	0	0	0	Plumbing
69	PHOA Pool	DeVincenzi	PHOA1	Yes	200	0	0	0	0	Pipe in Flarework/ground
70	Wagon Town Property	DeVincenzi	PHOA2	Yes	200	0	0	0	0	Pipe in Flarework/ground
70	Wagon Town Property	DeVincenzi	PHOA3	Yes	200	0	0	0	0	Pipe in Flarework/ground
TOTALS					4618	2508	6300	02220	3666	

KEY LOT#

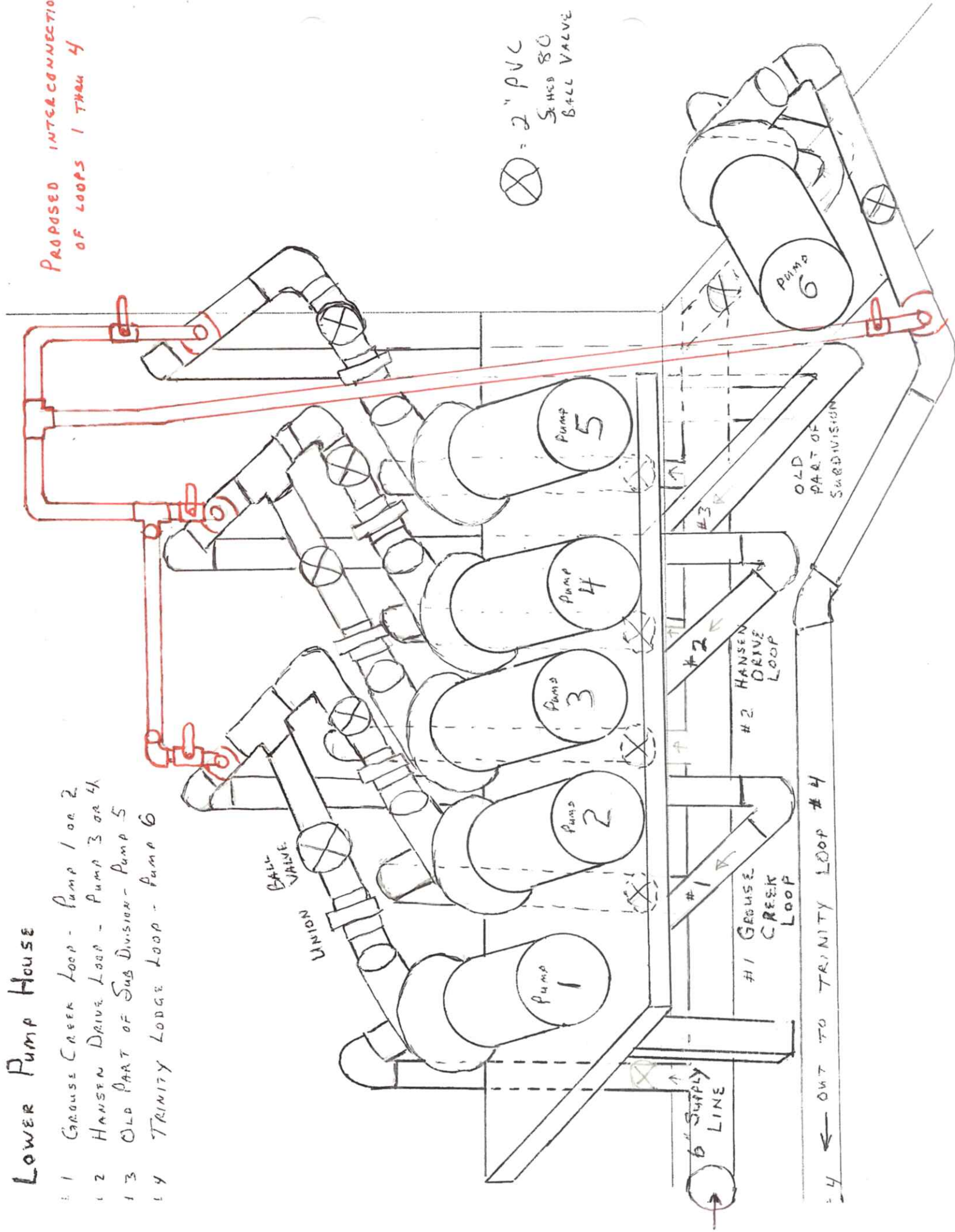
PPI= Paradise Pines Incorporated
 GC = Grouse Creek Cabins
 WTP=Wagon Town Property
 PHOA= Paradise Homeowners Association

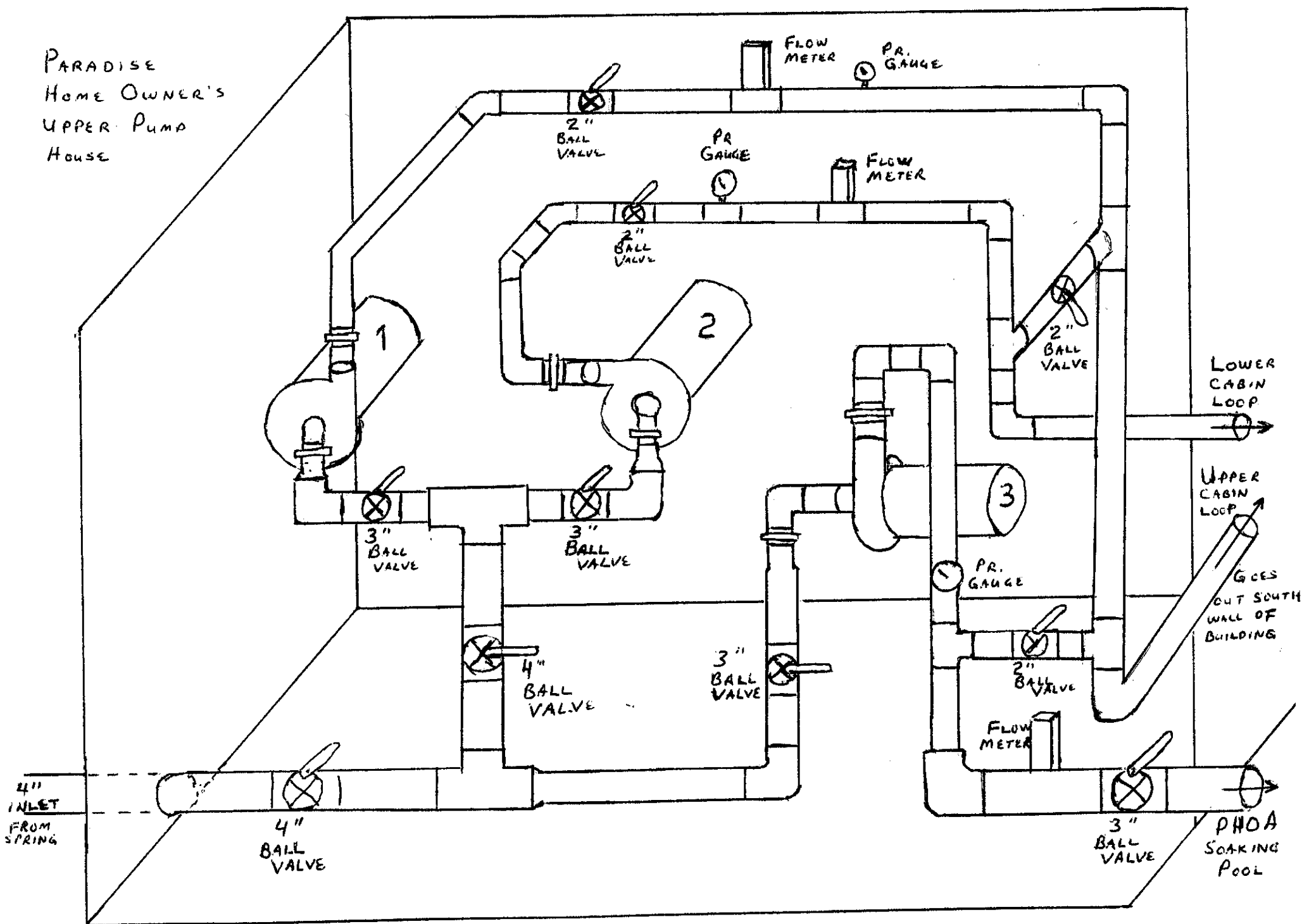


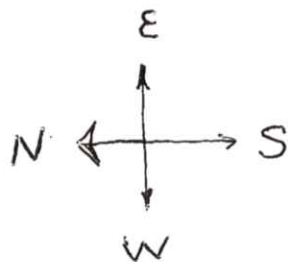
Lower Pump House

- 1 GEORGE CREEK LOOP - Pump 1 or 2
- 2 HANSEN DRIVE LOOP - Pump 3 or 4
- 3 OLD PART OF SUB DIVISION - Pump 5
- 4 TRINITY LODGE LOOP - Pump 6

PROPOSED INTERCONNECTION
OF LOOPS 1 THRU 4

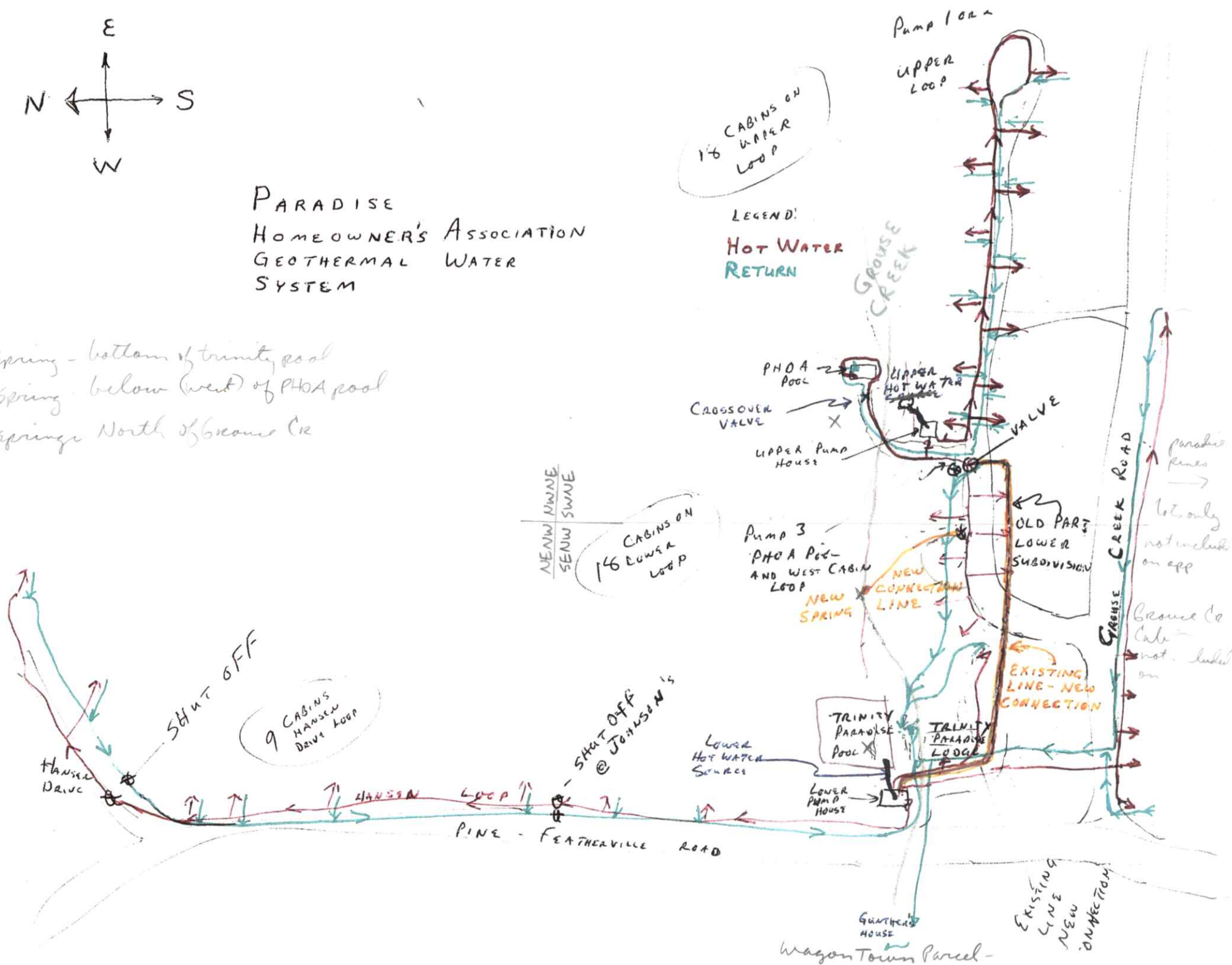


[illegible]



PARADISE HOMEOWNERS' ASSOCIATION GEOTHERMAL WATER SYSTEM

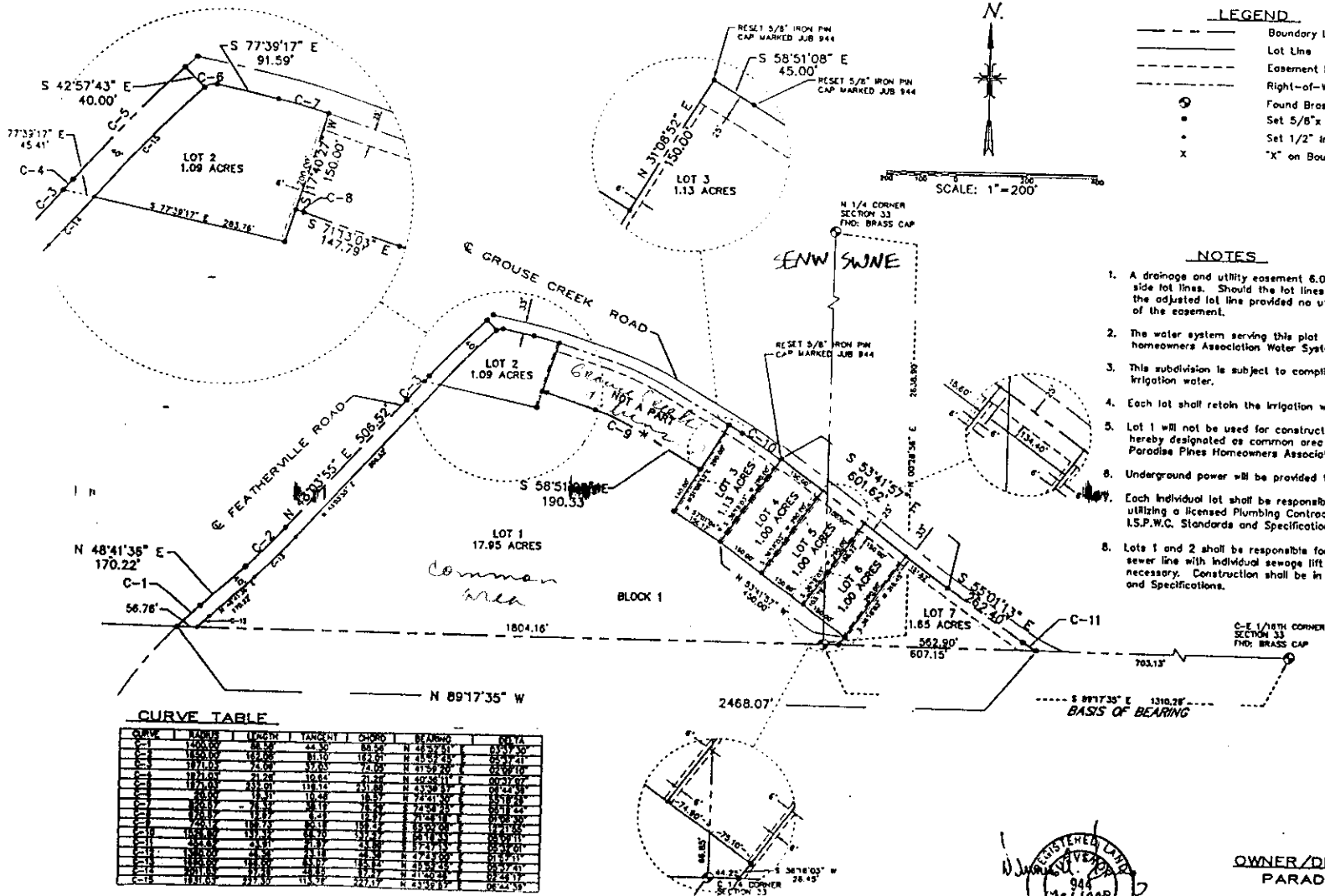
1st spring - bottom of trinity pool
2nd spring - below (west) of PHOA pool
all springs North of Grouse Cr



#305937

PLAN SHOWING PARADISE PINES SUBDIVISION

A PORTION OF THE S 1/2 OF THE N 1/2, SECTION 33
TOWNSHIP 3 NORTH, RANGE 10 EAST
BOISE MERIDIAN
ELMORE COUNTY, IDAHO
1998



LEGEND

- Boundary Line
- Lot Line
- Easement Line
- Right-of-Way Line
- Found Brass Cap
- Set 5/8" x 30" Iron Pin w/Cop PLS 94
- Set 1/2" Iron Pin w/Cop PLS 944
- X "X" on Boulder

NOTES

1. A drainage and utility easement 6.00 feet in width is hereby granted to the adjacent lot lines. Should the lot lines be adjusted, the easement line shall be adjusted to the adjacent lot line provided no utilities have been installed within the easement.
2. The water system serving this plot shall be an extension of the homeowners Association Water System.
3. This subdivision is subject to compliance with Idaho Code 31-2 regarding irrigation water.
4. Each lot shall retain the irrigation water and storm water runoff.
5. Lot 1 shall not be used for construction and/or development. Lot 1 is hereby designated as common area to be owned and maintained by the Paradise Pines Homeowners Association.
6. Underground power will be provided to each lot.
7. Each individual lot shall be responsible for its own sewer service utilizing a licensed Plumbing Contractor and constructed in accordance with I.S.P.W.C. Standards and Specifications.
8. Lots 1 and 2 shall be responsible for their own connection to sewer line with individual sewage lift stations and backflow prevention necessary. Construction shall be in accordance with I.S.P.W.C. Standards and Specifications.

CURVE TABLE

CURVE	NUMBER	LENGTH	TANGENT	CHORD	BEARING	AREA
1	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
2	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
3	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
4	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
5	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
6	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
7	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
8	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
9	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
10	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
11	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
12	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
13	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
14	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
15	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
16	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
17	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
18	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
19	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
20	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
21	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
22	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
23	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
24	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
25	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
26	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
27	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
28	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
29	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
30	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
31	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
32	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
33	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
34	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
35	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
36	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
37	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
38	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
39	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
40	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
41	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
42	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
43	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
44	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
45	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
46	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
47	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
48	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
49	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
50	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
51	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
52	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
53	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
54	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
55	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
56	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
57	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
58	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
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60	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
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64	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
65	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
66	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
67	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
68	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
69	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
70	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
71	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
72	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
73	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
74	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
75	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
76	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
77	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
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80	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
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82	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
83	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
84	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
85	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
86	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
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88	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
89	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
90	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
91	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
92	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
93	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
94	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
95	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
96	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
97	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
98	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
99	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00
100	1.00	1.00	1.00	1.00	N 48°17'35" W	0.00

OWNER/DEVELOPER:
PARADISE PINES, INC
P.O. BOX 9

FLAT SHOWING WILLIS CARRIE'S PARADISE SUBDIVISION

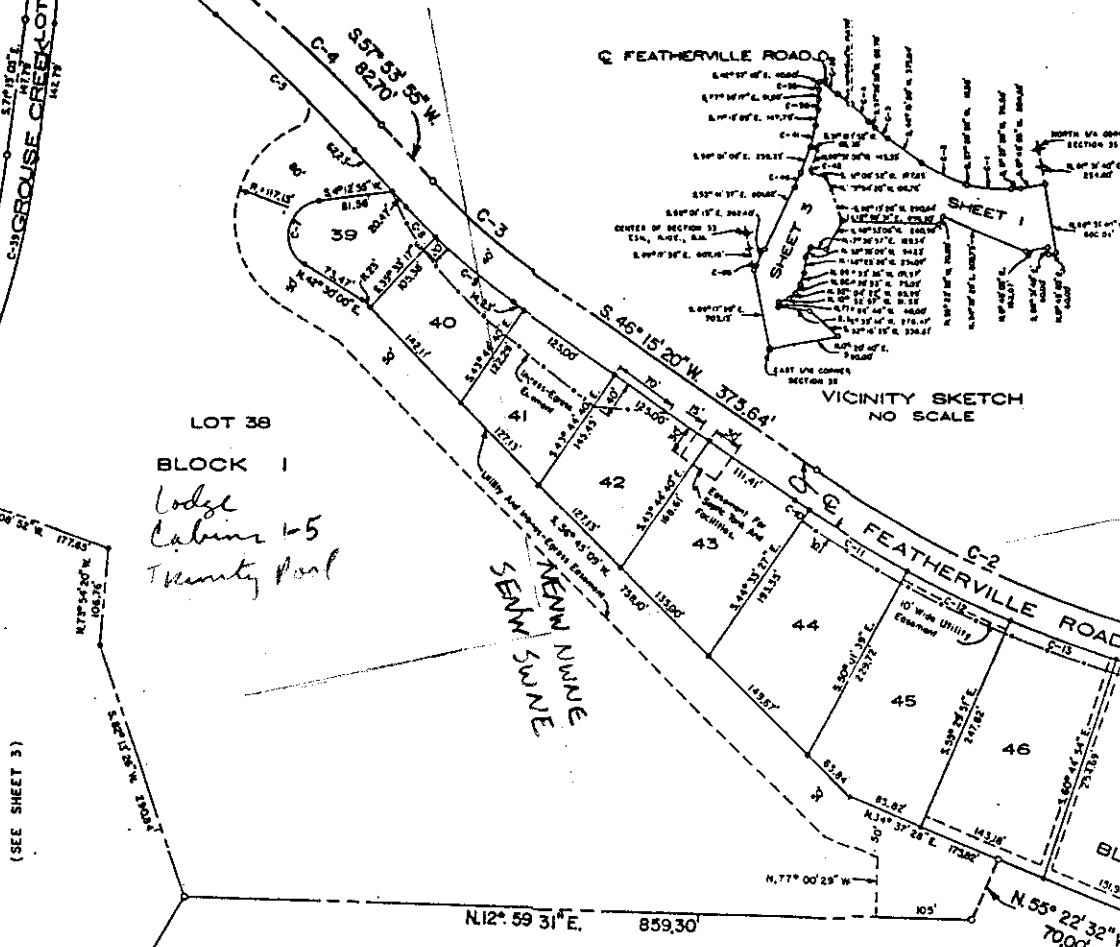
A PORTION OF SECTION 33, T3N, R0E, 8M.
ELMORE COUNTY, IDAHO
1979



CURVE DATA

Station	Chord	Angle	Radius	Chord	Angle	Radius
C-1	100.00	90° 00' 00"	100.00	C-2	100.00	90° 00' 00"
C-3	100.00	90° 00' 00"	100.00	C-4	100.00	90° 00' 00"
C-5	100.00	90° 00' 00"	100.00	C-6	100.00	90° 00' 00"
C-7	100.00	90° 00' 00"	100.00	C-8	100.00	90° 00' 00"
C-9	100.00	90° 00' 00"	100.00	C-10	100.00	90° 00' 00"
C-11	100.00	90° 00' 00"	100.00	C-12	100.00	90° 00' 00"
C-13	100.00	90° 00' 00"	100.00	C-14	100.00	90° 00' 00"
C-15	100.00	90° 00' 00"	100.00	C-16	100.00	90° 00' 00"
C-17	100.00	90° 00' 00"	100.00	C-18	100.00	90° 00' 00"
C-19	100.00	90° 00' 00"	100.00	C-20	100.00	90° 00' 00"
C-21	100.00	90° 00' 00"	100.00	C-22	100.00	90° 00' 00"
C-23	100.00	90° 00' 00"	100.00	C-24	100.00	90° 00' 00"
C-25	100.00	90° 00' 00"	100.00	C-26	100.00	90° 00' 00"
C-27	100.00	90° 00' 00"	100.00	C-28	100.00	90° 00' 00"
C-29	100.00	90° 00' 00"	100.00	C-30	100.00	90° 00' 00"
C-31	100.00	90° 00' 00"	100.00	C-32	100.00	90° 00' 00"
C-33	100.00	90° 00' 00"	100.00	C-34	100.00	90° 00' 00"
C-35	100.00	90° 00' 00"	100.00	C-36	100.00	90° 00' 00"
C-37	100.00	90° 00' 00"	100.00	C-38	100.00	90° 00' 00"
C-39	100.00	90° 00' 00"	100.00	C-40	100.00	90° 00' 00"
C-41	100.00	90° 00' 00"	100.00	C-42	100.00	90° 00' 00"
C-43	100.00	90° 00' 00"	100.00	C-44	100.00	90° 00' 00"
C-45	100.00	90° 00' 00"	100.00	C-46	100.00	90° 00' 00"
C-47	100.00	90° 00' 00"	100.00	C-48	100.00	90° 00' 00"
C-49	100.00	90° 00' 00"	100.00	C-50	100.00	90° 00' 00"
C-51	100.00	90° 00' 00"	100.00	C-52	100.00	90° 00' 00"
C-53	100.00	90° 00' 00"	100.00	C-54	100.00	90° 00' 00"
C-55	100.00	90° 00' 00"	100.00	C-56	100.00	90° 00' 00"
C-57	100.00	90° 00' 00"	100.00	C-58	100.00	90° 00' 00"
C-59	100.00	90° 00' 00"	100.00	C-60	100.00	90° 00' 00"
C-61	100.00	90° 00' 00"	100.00	C-62	100.00	90° 00' 00"
C-63	100.00	90° 00' 00"	100.00	C-64	100.00	90° 00' 00"
C-65	100.00	90° 00' 00"	100.00	C-66	100.00	90° 00' 00"
C-67	100.00	90° 00' 00"	100.00	C-68	100.00	90° 00' 00"
C-69	100.00	90° 00' 00"	100.00	C-70	100.00	90° 00' 00"
C-71	100.00	90° 00' 00"	100.00	C-72	100.00	90° 00' 00"
C-73	100.00	90° 00' 00"	100.00	C-74	100.00	90° 00' 00"
C-75	100.00	90° 00' 00"	100.00	C-76	100.00	90° 00' 00"
C-77	100.00	90° 00' 00"	100.00	C-78	100.00	90° 00' 00"
C-79	100.00	90° 00' 00"	100.00	C-80	100.00	90° 00' 00"
C-81	100.00	90° 00' 00"	100.00	C-82	100.00	90° 00' 00"
C-83	100.00	90° 00' 00"	100.00	C-84	100.00	90° 00' 00"
C-85	100.00	90° 00' 00"	100.00	C-86	100.00	90° 00' 00"
C-87	100.00	90° 00' 00"	100.00	C-88	100.00	90° 00' 00"
C-89	100.00	90° 00' 00"	100.00	C-90	100.00	90° 00' 00"
C-91	100.00	90° 00' 00"	100.00	C-92	100.00	90° 00' 00"
C-93	100.00	90° 00' 00"	100.00	C-94	100.00	90° 00' 00"
C-95	100.00	90° 00' 00"	100.00	C-96	100.00	90° 00' 00"
C-97	100.00	90° 00' 00"	100.00	C-98	100.00	90° 00' 00"
C-99	100.00	90° 00' 00"	100.00	C-100	100.00	90° 00' 00"

UNPLATTED



NOTES

1. An easement and right of way 66.00 feet in width centered within the limits of Lot 37, as shown hereon, has been granted to the United States of America and takes precedence over and supersedes the ingress-egress rights and public utility rights as provided for in the dedication on this plat.
2. Lots shown hereon shall not be reduced in size without prior approval from the health authority.
3. Reference is made to letter on file with the health authority regarding sanitary restrictions.
4. Solid waste from individual lots shall be removed to an approved location at least once every seven days.

LOT USE

BLOCK	LOT	USE
I	36	Access Travelway
I	37	Access Travelway (See Note 1)
I	38	Commercial
I	54	Access Travelway
I	55	Sewage Disposal
I	56	Sewage Disposal

LEGEND

- Subdivision Limits
- Brass Cap
- 5/8" x 30" Iron Pin
- 1/2" x 20" Iron Pin
- Utility Easement Unless Otherwise Noted

NOTE:

All Easements 6' From Lot Line Unless Otherwise Shown.

J-U-B ENGINEERS, INC.
Engineers, Planners
Nampa, Idaho

#195394

#195394

This Sketch is for location
purposes only.
Guaranty Title Inc.
assumes no liability for variation

PLAT SHOWING
WILLIS CARRIE'S PARADISE SUBDIVISION
A PORTION OF SECTION 33, T3N, R10E, 8M
ELMORE COUNTY, IDAHO

Guaranty Title, Inc.
150 South Third East
Mountain Home, Idaho 83647

While this map is a photographic reproduction of that on
file in either the recorder's or surveyor's office, the
company assumes no liability for variation, if any, with
another or re-survey.

SE NW SWNE

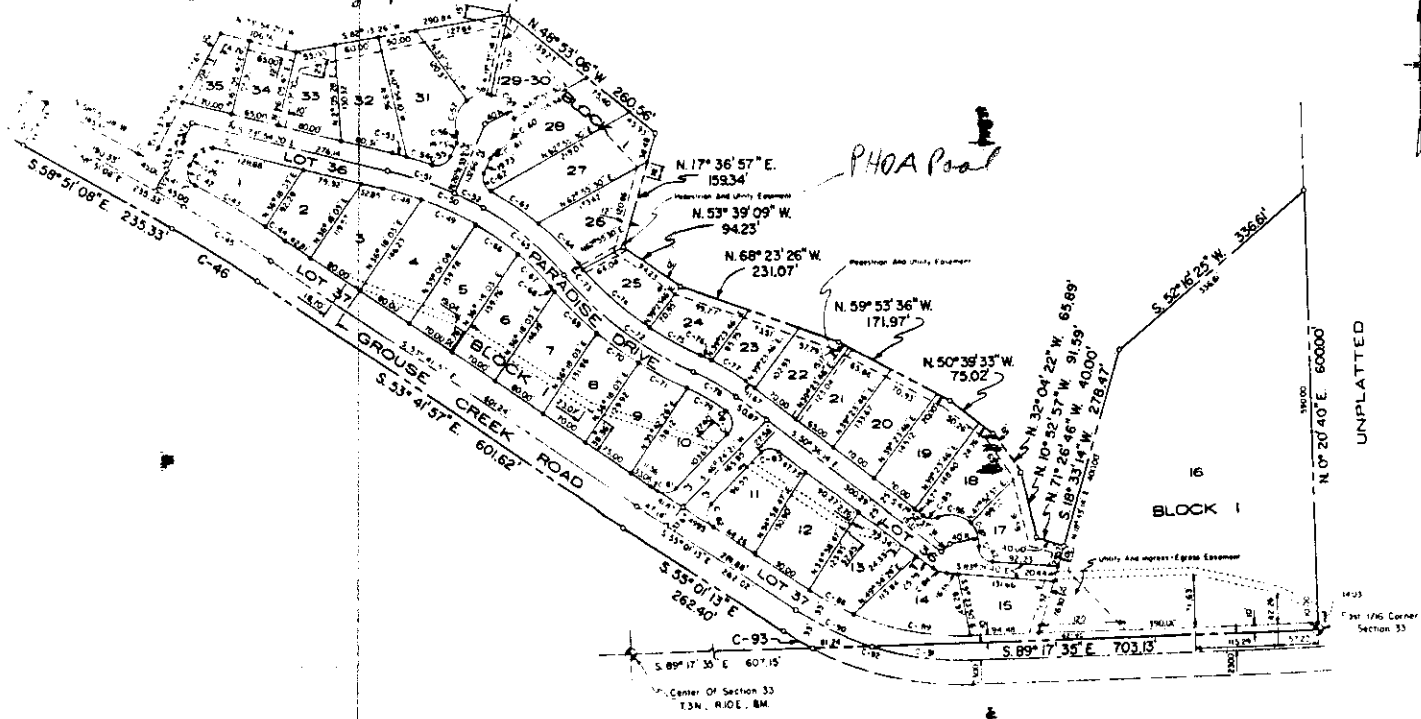
Remitt Pool

(SEE SHEET 1)

BLOCK 1

LOT 38 - *lodge property*

PHOA Pool



**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 4, 2005

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

RE: Permit No. 63-32016

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.

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.

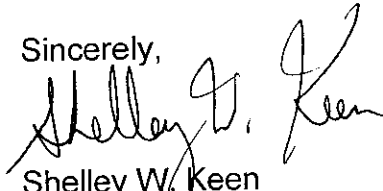
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 at least sixty days prior to the commencement of work in the stream.

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 208-287-4947.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

cc: Richard Boesiger c/o Dana Hofstetter

CERTIFICATE OF SERVICE

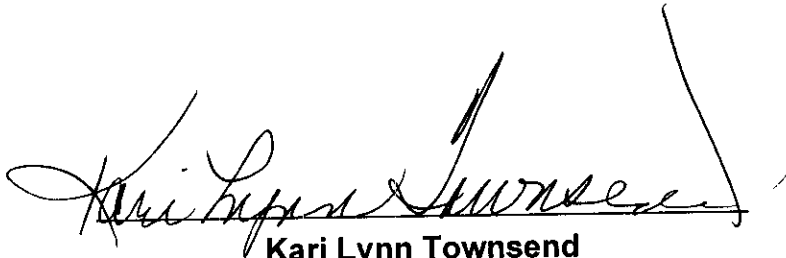
I hereby certify that on August 4, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

63-32016

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

**RICHARD BOESIGER
C/O DANA HOFSTETTER
608 W FRANKLIN ST
BOISE ID 83702**



**Kari Lynn Townsend
Secretary**

**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.

Comment Report

63-32016

1. kwalker 8/2/2005 POD

Comment: Updated shape

2. kwalker 8/2/2005 POD

Comment: Updated shape

3. kwalker 8/2/2005 POD

Comment: Updated shape

4. kwalker 8/2/2005 POU

Comment: Updated Shape

5. lgraves 12/15/2004 Comment/Analysis

Comment: Applicants filed the original application 5/14/04 for development of a new spring and .34 cfs additional flow rate for heating use. Currently, they have water right license 63-10560 for heating a lodge, shop, 11 cabins and 43 homes. They also have permit 63-12316 for heating 1 home and a recreation center. Applicants were asked to justify the additional flow rate requested and indicate where the new heating uses would apply. Based on a system and water right analysis, applicants amended their application 12/6/04 to 1.76 cfs and attached an explanation letter and spreadsheet dated 11/29/04. The explanation letter lists the intent of the application and the spreadsheet lists all the licensed, permitted and proposed heating connections. Please see my review memo dated 12/16/04, included in the application file, for a detailed analysis of this proposal.

6. scurtis 12/21/2004 Legal Notice Remarks

Comment: Heating use is for 76 connections within Willis Carrie Subdivision, Paradise Pines Subdivision and Wagon Town Property.

7. kwalker 8/2/2005 Permit Review

Comment: Application does not fall within any problem areas. Recommend approval as drafted.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 3, 2005

PARADISE HOMEOWNERS ASSN INC
ATTN RANDY FOWERS
320 SW 5TH AVE
MERIDIAN ID 83642-8600

RICHARD BOESIGER
C/O DANA L HOFSTETTER
608 WEST FRANKLIN ST
BOISE ID 83702

Re: Application for Permit No. 63-32016- Withdrawal of Protest

Dear Sirs & Madame:

The Department of Water Resources acknowledges receipt of an original signed Stipulation withdrawing Richard Boesiger's protest of the above-referenced permit. This withdrawal is based on a condition to be added to the above-referenced permit. The department will resume processing of this application and issue a permit.

Sincerely,

Gary Spackman
Hearing Officer

cc: Regional Office

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

July 13, 2005

RECEIVED

JUL 14 2005
DEPARTMENT OF
WATER RESOURCES

Assistant to Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Application for Water Right Permit No. 63-32016 – Paradise Homeowners

Dear Assistant to Director:

Enclosed are the original and a copy of the following document in the above-referenced case: *Stipulation*.

Please file the original, conform the copy and return the conformed copy in the enclosed addressed and stamped envelope. Thank you for your assistance. - Done dg

~~To envelope -
Mail for pink copy.~~

Sincerely,

HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

Dana L. Hofstetter, ISB #3867
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
Telephone: (208) 424-7800
Facsimile: (208) 424-8774
E-Mail: Dana@IdahoWaterLaw.com

Attorney for Richard Boesiger

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

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-32016)
IN THE NAME OF PARADISE)
HOMEOWNERS ASSOCIATION, INC.)
_____)

Case No. _____

STIPULATION

This Stipulation confirms the terms of the agreement between the Applicant, Paradise Homeowners Association, Inc., and the Protestant, Richard Boesiger, regarding the above-referenced Application (hereinafter the "Application"). The Hearing Officer, Gary Spackman, was notified of this agreement by telephone conference with Randy Fowers, President of the Paradise Homeowners Association, Inc., and Dana L. Hofstetter, attorney for Richard Boesiger, on June 21, 2005. As discussed during that telephone conference, the parties hereto agreed to the inclusion of the following language in any

approval issued by the Idaho Department of Water Resources for the above-referenced

Application:

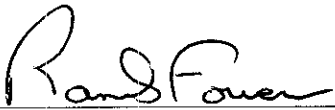
This water right shall be subject to senior valid water rights. To the extent that this Permit authorizes the diversion of water from any of the same sources asserted under SRBA Claim No. 63-31976, the diversion and use of water under this Permit is specifically subject to the SRBA determination with respect to Water Right No. 63-31976.

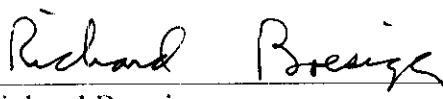
Based on the Paradise Homeowners Association, Inc.'s consent to the inclusion of the above language in any approval of the Application and also based on the Paradise Homeowners Association, Inc.'s agreement not to amend the Application to exclude the Boesiger family's Lot 29-30, Block 1, in the Willis Carrie's Paradise Subdivision, Elmore County, Idaho from the Application, Richard Boesiger agreed to withdraw his Protest. Further, the parties hereto agreed that there would be no hearing before the Idaho Department of Water Resources on the Application.

The parties hereto are executing this written Stipulation to confirm the terms of the oral agreement between the parties. The parties hereto hereby confirm their agreement to the terms described in this Stipulation and request that the Idaho Department of Water Resources implement the terms of this Stipulation consistent with its statutory authorities.

DATED this 5 day of July, 2005.

Paradise Homeowners Association, Inc.

By: 
Randy Fowers
Its President


Richard Boesiger

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of July, 2005, I caused the foregoing **STIPULATION** to be served by the method(s) indicated on the following:

Original to:

Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
☒U.S. Mail ☐Fed Ex ☐Hand ☐Fax

Copies to:

Gary Spackman
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
☒U.S. Mail ☐Fed Ex ☐Hand ☐Fax

Paradise Homeowners Association, Inc.
Attn: Randy Fowers
320 SW 5th Avenue
Meridian, Idaho 83642
☒U.S. Mail ☐Fed Ex ☐Hand ☐Fax

Richard Boesiger
131 East Williams Street
Boise, Idaho 83706
☒U.S. Mail ☐Fed Ex ☐Hand ☐Fax



Dana L. Hofstetter

D:\4035.1\6529

RECEIVED

HOFSTETTER LAW OFFICE

JUL 01 2005

608 West Franklin Street
Boise, Idaho 83702

DEPARTMENT OF
WATER RESOURCES

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

June 30, 2005

Randy Fowers
Paradise Homeowners Association, Inc.
320 SW 5th Avenue
Meridian, Idaho 83642

Re: Application for Water Right Permit No. 63-32016

Dear Mr. Fowers:

I enclose a copy of the Stipulation that we discussed today on the telephone. Please execute the Stipulation and return it to me in the enclosed stamped and addressed envelope for signature by Richard Boesiger and filing with the Idaho Department of Water Resources. Thank you for your assistance with this matter.

Sincerely,

HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

Enclosure

cc: Richard Boesiger w/out enclosure

Gary Spackman w/out enclosure

4035.1/6547

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

~~KARL~~ RECEIVED

~~GARY~~

JUN 20 2005

Department of Water Resources

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

June 17, 2005

Assistant to Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Application for Water Right Permit No. 63-32016 – Paradise Homeowners

Dear Assistant to Director:

Enclosed are the originals and copies of the following two documents in the above-referenced case:

1. *Written Comments on Application in Lieu of Hearing*; and
2. *Affidavit of Richard Boesiger in Support of Written Comments on Application in Lieu of Hearing*.

Please file the originals, conform the copies and return the conformed copies in the enclosed addressed and stamped envelope. Thank you for your assistance.

Sincerely,

HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

RECEIVED

JUN 20 2005

Department of Water Resources

Dana L. Hofstetter, ISB #3867
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
Telephone: (208) 424-7800
Facsimile: (208) 424-8774
E-Mail: Dana@IdahoWaterLaw.com

Attorney for Richard Boesiger

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

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-32016)
IN THE NAME OF PARADISE)
HOMEOWNERS ASSOCIATION, INC.)
_____)

Case No. _____

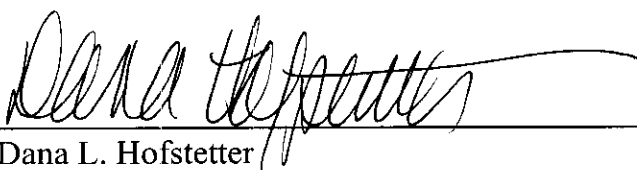
**WRITTEN COMMENTS ON
APPLICATION IN LIEU OF
HEARING**

Richard Boesiger filed a Protest in this proceeding to protect the Boesiger family's pre-existing geothermal water use from one of the spring sources proposed under Application for Permit No. 63-32016 (the "Application"). Mr. Boesiger does not believe it is necessary to have a hearing, as the legal and factual circumstances appear to be established and understood. Accordingly, Mr. Boesiger, by and through his counsel of record, Dana L. Hofstetter, respectfully submits these *Written Comments on Application in Lieu of Hearing* and the accompanying *Affidavit of Richard Boesiger in Support of*

Written Comments on Application in Lieu of Hearing. Based on the Application, the simultaneously filed *Affidavit*, the requirements of Idaho Code § 42-203(A)(5), and the “Water Appropriation Rules,” IDAPA 37.03.08, Richard Boesiger respectfully requests that the Idaho Department of Water Resources (“IDWR”) carefully evaluates the Application as required by law and that any approval of the Application be explicitly conditioned to recognize and protect existing rights.

DATED this 17th day of June, 2005.

HOFSTETTER LAW OFFICE, LLC

By 
Dana L. Hofstetter
Attorney for Richard Boesiger

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of June, 2005, I caused the foregoing **WRITTEN COMMENTS ON APPLICATION IN LIEU OF HEARING** to be served by the method(s) indicated on the following:

Original to:

Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
☒U.S. Mail ☐Fed Ex ☐Hand ☐Fax

Copies to:

Gary Spackman
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
☐U.S. Mail ☐Fed Ex ☐Hand ☒Fax

Paradise Homeowners Association, Inc.
Attn: Randy Fowers
320 SW 5th Avenue
Meridian, Idaho 83642
☒U.S. Mail ☐Fed Ex ☐Hand ☒Fax



Dana L. Hofstetter

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AFFIDAVIT OF RICHARD BOESIGER IN SUPPORT
OF WRITTEN COMMENTS ON APPLICATION IN LIEU
OF HEARING - 1

2. I am the Trustee of the Boesiger Family Cabin Trust and I also hold a beneficial interest in the Boesiger Family Cabin Trust.

3. The Boesiger Family Cabin Trust owns real property in Section 33, Township 3 North, Range 10 East, B.M., in Elmore County, that has been leased and/or owned by my family since at least the 1950's (the "Boesiger Family Property"). I have been personally familiar with the Boesiger Family Property and the family cabin located on it, since my childhood in the 1950's. While the Boesiger Family Property now comprises lands in the Willis Carrie's Paradise Subdivision, the Boesiger family's use of this land for a family cabin pre-dates creation of this Subdivision in about the year 1980.

4. On behalf of the Boesiger Family Cabin Trust, I filed Snake River Basin Adjudication ("SRBA") Claim No. 63-31976 with the Idaho Department of Water Resources to cover Boesiger family geothermal water uses on the Boesiger Family Property dating from the 1950's.

5. I have reviewed Application for Permit No. 63-32016 in the name of the Paradise Homeowners Association, Inc. (the "Application"), and based on my review of that Application, I believe that one of the spring sources claimed on the Application is the same spring source that is subject to the Boesiger Family Cabin Trust's pre-existing water use claimed under SRBA Claim No. 63-31976.

6. I filed a Protest in this proceeding because of my concern that the geothermal water use proposed in the Application might affect the Boesiger Family Cabin Trust's pre-existing geothermal water use.

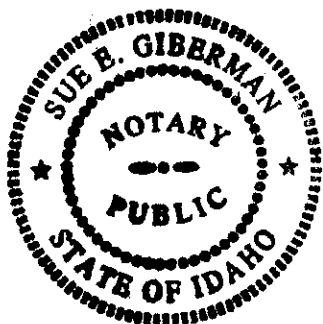
7. In my former position as a property developer, I developed several subdivisions in Idaho. While I was not the developer of the Willis Carrie's Paradise Subdivision, I have professional experience with the kind of provision in the Willis Carrie's Paradise Subdivision's Covenants, Conditions and Restrictions ("CC&R's) that reads as follows: "No individual water or sewage disposal systems shall be permitted on any building site." In my professional experience, this kind of provision is intended to apply to drinking water systems served by individual wells. This CC&R provision is not intended to apply to geothermal water uses supplied by spring sources. However, to the extent that the Applicant is concerned about a separate geothermal system in the Subdivision, the Boesiger Family Cabin Trust has offered to tie into the Applicant's proposed system as long as the Boesiger Family Cabin Trust's senior right to divert and use the geothermal resource is recognized.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 17 day of June 2005.

Richard Boesiger
Richard Boesiger

SUBSCRIBED AND SWORN to before me this 17th day of June 2005.



Sue E Giberman
Notary Public in and for the State of Idaho
Residing at: Boise Idaho
My Commission Expires: 2-25-09

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of June, 2005, I caused the foregoing
**AFFIDAVIT OF RICHARD BOESIGER IN SUPPPORT OF WRITTEN
COMMENTS ON APPLICATION IN LIEU OF HEARING** to be served by the
method(s) indicated on the following:

Original to:

Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
☒U.S. Mail ☐Fed Ex ☐Hand ☐Fax

Copies to:

Gary Spackman
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
☐U.S. Mail ☐Fed Ex ☐Hand ☒Fax

Paradise Homeowners Association, Inc.
Attn: Randy Fowers
320 SW 5th Avenue
Meridian, Idaho 83642
☒U.S. Mail ☐Fed Ex ☐Hand ☒Fax


Dana L. Hofstetter

D:\4035.1\6513

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

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 63-31999	)	NOTICE OF HEARING
IN THE NAME OF PARADISE	)	
HOMEOWNERS	)	
_____	)	

PLEASE TAKE NOTICE that a formal hearing will be held on **June 21, 2005 beginning at 9:00 a.m. in Boise, Idaho** will be held at the offices of the Idaho Department of Water Resources, State Office, located at 322 East Front Street, in Conference Rooms B.

If you plan to offer exhibits for the record at the hearing, note that Rule 606 of the department's Rules of Procedure requires that a copy be provided to each party and to the presiding officer.

The presiding officer at the hearing will be Gary Spackman.

The hearing will be held in accordance with the provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the adopted Rules of Procedure of the department. IDAPA 37.01.01. A copy of the rules may be obtained from the department upon request.

The hearing will be conducted in accordance with the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within twenty-four hours prior to the hearing. Inquires about scheduling, hearing facilities, etc., should be directed to Deborah Gibson, Administrative Assistant, Idaho Department of Water Resources, P.O. Box 83720, Boise,

Idaho 83720-0098, telephone: (208) 287-4942, fax: (208) 287-6700.

Dated this 26th day of April, 2005.



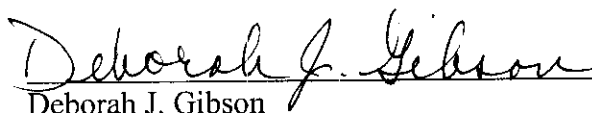
Gary Spackman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of April, 2005, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

PARADISE HOMEOWNERS
ASSOC., INC.
ATTN RANDY FOWERS
320 SW 5TH AVE
MERIDIAN ID 83642

RICHARD BOESIGER
DANA L. HOFSTETTER
608 W FRANKLIN ST
BOISE ID 83702



Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 63-32016

WATER RIGHT NUMBER: 63-32016

<u>Owner Type</u>	<u>Name and Address</u>
Applicant	PARADISE HOMEOWNERS ASSN INC 320 SW 5TH AVE MERIDIAN, ID 83642-8600

Priority Date: 12/06/2004

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	GROUSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
HEATING	01/01 to 12/31	1.760 CFS	
	<u>Total Diversion:</u>	1.760 CFS	

Location of Point(s) of Diversion

SPRINGS	NW1/4SW1/4NE1/4	Sec. 33, Twp 03N, Rge 10E, B.M.
ELMORE County		
SPRINGS	SW1/4SW1/4NE1/4	Sec. 33, Twp 03N, Rge 10E, B.M.
ELMORE County		
SPRINGS	L4 (NE1/4SE1/4NW1/4)	Sec. 33, Twp 03N, Rge 10E, B.M.
ELMORE County		

Place of Use

HEATING

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	10E	33		X	X		X			X									
							L 1			L 4									

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 63-32016

Comments:

1. Igraves 12/15/2004 Comment/Analysis

Comment: Applicants filed the original application 5/14/04 for development of a new spring and .34 cfs additional flow rate for heating use. Currently, they have water right license 63-10560 for heating a lodge, shop, 11 cabins and 43 homes. They also have permit 63-12316 for heating 1 home and a recreation center. Applicants were asked to justify the additional flow rate requested and indicate where the new heating uses would apply. Based on a system and water right analysis, applicants amended their application 12/6/04 to 1.76 cfs and attached an explanation letter and spreadsheet dated 11/29/04. The explanation letter lists the intent of the application and the spreadsheet lists all the licensed, permitted and proposed heating connections. Please see my review memo dated 12/16/04, included in the application file, for a detailed analysis of this proposal.

2. scurtis 12/21/2004 Legal Notice Remarks

Comment: Heating use is for 76 connections within Willis Carrie Subdivision, Paradise Pines Subdivision and Wagon Town Property.

Dates and Other Information:

Application Received Date: 12/6/2004
Application Denied Date:
Last Date of Beneficial Use:
Extension End Date:
Protest Deadline Date:
Number of Protests: 0
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Application Type: New Appropriation
Applicant Remarks: See attached letter dated 11/29/04.
Other Water Rights: 63-10560, 63-12316
Time to Complete Works: 5
Transfer Affected Description:
Transfer Affected Contracts:
Old Transfer Number:
Transfer Reason:
Transfer Return Flows:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

MEMORANDUM

DATE: 12/16/2004

FROM: Lori Graves

TO: Application File

RE: 63-32016

Paradise Homeowners Association Inc. encompasses:

1. Willis Carrie's Subdivision, which consists of Paradise Homeowners Association (PHOA) located east of Featherville Road and north of Grouse Creek Road.
2. Paradise Pines Subdivision, which consists of Paradise Pines Inc. (PPI) and Grouse Creek Cabins (GC) located east of Featherville Road and south of Grouse Creek Road.
3. Wagon Town Property (WTP) located west of Featherville Road.

There are a total of 76 heating connections within the boundary of the above properties as listed on the spreadsheet attached to the application. Currently, applicants have license 63-10560 and permit 63-12316 that cover heating uses within the association. The following is a brief description of each:

License 63-10560 covers 54 homes @ 2000 sq ft/hm, 1 lodge @ 6000 sq ft and 1 shop @ 1000 sq ft. The specific properties are lots 1-35, 39-46, 5 Trinity Springs cabins and Trinity Paradise Lodge (aka lot 38 for all on spreadsheet) and 6 Grouse Creek cabins. Heating use was limited to .64 cfs because of the heating system capacity during the time of the field exam in 1989. A system analysis was conducted by McClure Engineering for the licensing of permit 63-10560. They determined that 5 gpm/hm and 33 gpm/lodge was sufficient for heating and system capacity for the two developed geothermal springs was .96 cfs. Trinity Pool eventually receives all the water diverted from the springs, including the spent water used in the heating system, which is why recreation use was licensed at .96 cfs. Domestic use for Trinity Paradise Lodge was also included on the license.

As mentioned above, the department used an average of 2000 sq ft/hm in the flow rate calculations for heating use along with 6000 sq ft for the lodge and 1000 sq ft for the shop. Since flow rate was limited to .64 cfs, annual diversion volume was licensed based on $287 \text{ gpm} \times 240 \text{ dys/yr} \times 12 \text{ hrs/dy} \times 60 \text{ min/hr} = 49593600/325850 = 152 \text{ af/yr}$. Applicants feel that there was an oversight in the above volume calculation because the pumps have always operated continuously 24 hr/dy, rather than 12 hrs/dy. As a result, diverted annual volume is actually twice the amount licensed. Applicants wish to account for the 152 afa not licensed because of the oversight on this application.

Applicants also feel that the average sq ft/hm should be 2500 sq ft rather than 2000 sq ft that was used in the licensing calculations. They want the sq footage built in excess of 2000 sq ft for licensed developed lots accounted for. These include lots 8, 10, 11, 17, 20, 23, 28, 29, 40 and 42. They also want to add 500 more sq ft to licensed undeveloped lots. These include lots 6, 7, 9, 12, 14, 15, 16, 18, 22, 25, 26, 27, 30 32, 33, 39, 43, 44 and PPI 2. Please note that PPI 2 was licensed for a 1000 sq ft shop. According to the applicants, a home will be built on this lot rather than a shop resulting in an additional 1500 sq ft to be accounted for. Applicants also want 2500 sq ft/hm for lots not covered for heating use on the permit or license. These include lots 16B, 46-53, PPI 3 & 4, PHOA 1-3, and WTP 1-3. Please refer to the spreadsheet attached to the application, which lists the lots/service numbers and current "build status" of all 76 heating services.

Permit 63-12316 covers 1 home, aka PPI 6, and 1 recreation center, aka PPI 7. Lapsed permit 63-12230 covered PPI 3-5. The recreation center was planned to be built at ~4000 sq ft in size, but has been scrapped. Because permit 63-12230 lapsed, Steve Lester stated that 2 additional home lots could be recommended for licensing under permit 63-12316 instead of the recreation center because (per applicant) lots PPI 2-7 were stubbed into the heating system prior to the date proof was submitted for the permit. This would then leave only two PPI lots not covered to be included on application 63-32016. Three home lots @ 5 gpm/hm for heating use equates to .03 cfs that presumably will be recommended for licensing of permit 63-12316. The 3 home lots are undeveloped, but 2500 sq ft average/hm can be used in the licensing calculations based on the documented size of recent developments. Permit file 63-12316 will be noted with this memo and attachments for the licensing field exam.

The applicants also want to cover an additional 500 sq ft and 5 gpm for snow melt for each of the 76 services. This encompasses driveways, sidewalks etc.

$$5 \text{ gpm} \times 76 = 380 \text{ gpm} = .85 \text{ cfs}$$

To insure full heating volume is licensed based on system capacity, applicants included .67 cfs (301 gpm) already licensed and permitted for heating use. Total flow rate listed on the application is based on the following calculations:

$$\begin{aligned} 75 \text{ hms} \times 5 \text{ gpm} &= 375 \text{ gpm} + 33 \text{ gpm lodge} = 408 \text{ gpm necessary for internal heating} \\ 5 \text{ gpm/service} \times 76 \text{ services} &= 380 \text{ gpm estimated for external heating (snow melt)} \\ 408 \text{ gpm} + 380 \text{ gpm} &= 788 \text{ gpm} = 1.76 \text{ cfs (includes .64 licensed cfs and .03 permitted cfs} \\ &\text{likely to be licensed).} \end{aligned}$$

12/16/04

Page 3

As previously mentioned, the capacity of the two developed springs is .96 cfs. An additional spring has been proposed for development on this application. All three springs were listed to reflect a combined system. If the undeveloped spring can provide the additional flow rate requested, total system capacity volume would then be:

$$788 \text{ gpm} \times 240 \text{ dys/yr} \times 24 \text{ hrs/dy} \times 60 \text{ min/hr} = 272332800/325850 = 836 \text{ afa}$$

Based on the attached spreadsheet, total inside sq footage (built & requested) = *173580 sq ft. Plugging that figure into our heating requirement excel spreadsheet shows:

Required single floor flow rate and volume @ 2.32 cfs and 1106.0 afa

Required two floor flow rate and volume @ 1.86 cfs and 884.8 afa

The heating excel spreadsheet is not set up to account for snow melt heating. Regardless, it appears the volume amount for application 63-32016 will be based on system capacity.

Other rights used by the applicants include permit 63-31526 for recreation use in the PHOA pool from the two developed springs. They also have license 63-10559 and permit 63-12317 from ground water covering domestic, commercial and stockwater uses within the Association. They also have decree 63-4221 from Grouse Creek for cooling of Trinity Pool and irrigation uses within the association. Decree 63-27144 is for recreation use and storage in a pond from Grouse Creek and the S Fk Boise River. This right is in the name of Trinity Springs LTD and is located within the association's service area. SRBA late claim 63-31976, in the name of Boesiger Family Cabin Trust, was filed in August, 2004 for domestic and heating use from a spring located in the same ten acre tract as the new proposed spring. This party will be sent notice. No other rights are used.

*115000 licensed sq footage

5580 additional sq ft built in excess of 2000 licensed sq ft

10500 additional sq ft for 19 undeveloped licensed lots + 1000 more sq ft for PPI 2

42500 sq ft for 17 lots not licensed or permitted

173580 Total built and proposed inside sq ft to be heated

RESIDENTIAL SPACE HEATING/COOLING REQUIREMENTS FOR COLD OR GEOTHERMAL SOURCES

Worksheet created by Cindy Hodges, 11/93.

Data entered by: Lori Graves
Exam Date: 12/17/04
File No: Paradise
Computations for: Heating

REQUIRED DATA:

Area of livable floor space, ft2 (A) 173580
2 story? (N=1, Y=2) 1
House efficiency factor (e) * 0.67
Inside design temperature (Ti) 70
Average outside temperature (To) ** -8
Source temperature, degrees F (S) 128
Heating/cooling days per season (D) 240
Hours/day system operates (H) 24

* e values are as follows:

- 0.28 Best energy efficiency - extra insulation, caulked and weatherstripped, with storm windows and doors
- 0.44 Better energy efficiency - standard insulation, caulked and weatherstripped, with storm windows and/or doors
- 0.67 Average residence - standard insulation, no weatherproofing but with storm windows or double panes
- 1.11 Poor energy efficiency - minimal insulation, no weatherproofing or storm windows (older homes, shops or greenhouses)

** Suggested average outside temperatures:

WINTER
4 deg F Boise
6 deg F Grand View
-8 deg F Cascade
SUMMER
80 deg F Boise
90 deg F Grand View
70 deg F Cascade

CALCULATED DATA:

DESIGN HEAT LOAD (BTU/hr required)
Formula: $E = [e \times (Ti - To)] A$
Applies factor of 0.8 for two-story dwelling

E = 9,071,291 BTU/hour

TEMPERATURE DROP ACROSS SYSTEM
Formula: $T_s = 0.3 \times [S - Ti]$

Ts = 17.4 degrees F

FLOW RATE REQUIRED (at given source temperature)

Formula: $Q = E / (500 \times Ts) \times 448.8$

Q = 2.32 cfs

DIVERTED VOLUME OVER SEASON

Formula: $V_{div} = Q \times D \times H / 24 \times 1.9835$

Vdiv = 1106.0 AFA

AVERAGE TEMPERATURE CALCULATION:

4 DEG MIN + 80 DEG HIGH / 2 =

42 DEG AVERAGE YEAR ROUND TEMP.

Worksheet created by Cindy Hodges, 11/93.

Data entered by: Lori Graves
Exam Date: 12/17/04
File No: Paradise
Computations for: Heating

REQUIRED DATA:

Area of livable floor space, ft2 (A) 173580
2 story? (N=1, Y=2) 2
House efficiency factor (e) * 0.67
Inside design temperature (Ti) 70
Average outside temperature (To) **-8
Source temperature, degrees F (S) 128
Heating/cooling days per season (D) 240
Hours/day system operates (H) 24

* e values are as follows:

- 0.28 Best energy efficiency - extra insulation, caulked and weatherstripped, with storm windows and doors
- 0.44 Better energy efficiency - standard insulation, caulked and weatherstripped, with storm windows and/or doors
- 0.67 Average residence - standard insulation, no weatherproofing but with storm windows or double panes
- 1.11 Poor energy efficiency - minimal insulation, no weatherproofing or storm windows (older homes, shops or greenhouses)

** Suggested average outside temperatures:

WINTER
4 deg F Boise
6 deg F Grand View
-8 deg F Cascade

SUMMER
80 deg F Boise
90 deg F Grand View
70 deg F Cascade

CALCULATED DATA:

DESIGN HEAT LOAD (BTU/hr required)

Formula: $E = [e \times (T_i - T_o)] A$

Applies factor of 0.8 for two-story dwelling

E = 7,257,033 BTU/hour

TEMPERATURE DROP ACROSS SYSTEM

Formula: $T_s = 0.3 \times [S - T_i]$

Ts = 17.4 degrees F

FLOW RATE REQUIRED (at given source temperature)

Formula: $Q = E / (500 \times T_s) \times 448.8$

Q = 1.86 cfs

DIVERTED VOLUME OVER SEASON

Formula: $V_{div} = Q \times D \times H / 24 \times 1.9835$

Vdiv = 884.8 AFA

AVERAGE TEMPERATURE CALCULATION:

4 DEG MIN + 80 DEG HIGH / 2 =

42 DEG AVERAGE YEAR ROUND TEMP.

REPORT
ON
GEOTHERMAL WATER RESOURCES
FOR
PARADISE SUBDIVISION
LOCATED
IN
PINE IDAHO

SEP 18 1997

RECEIVED

SEP 18 1997

Department of Water Resources

Prepared by:
McClure Engineering

INTRODUCTION

The Paradise Subdivision located near Pine Idaho currently utilizes geothermal hot water from springs located within the subdivision area for heating of cabins and other facilities in the subdivision area. The Home Owners Associates wishes to further develop this existing resource. Pursuant to this, they contacted McClure Engineering to assist them in planning the development of the geothermal resource.

The purpose of this report is to present findings regarding quantities of water available at the site, as determined by on site measurement, to correlate those on site measurements with existing and/or pending permit applications, and finally to present items for consideration prior to going into the design phase of the project.

FINDINGS

On August 26, 1997, flow measurements were taken on the two geothermal sites available on this subdivision property. Measurements were taken by Mr. Jeff Martins, Steel Head Engineering, utilizing an ultrasonic flow meter field measurement devices of a type acceptable to the Idaho Department of Water Resources. Coordinating the flow measurement task were Mr. Erin Bartschi, McClure Engineering and Gordon Hendrix, McClure Engineering. Observing the flow measurement activities for the Home Owners Association were Mr. Mark Johnson and Mr. Jim Paulson.

The results of the flow measurements were as follows:

Source	Flow
Upper Spring	114 gpm
Lower Spring	316 gpm
Total	430 gpm

INVESTIGATION

The Paradise Homeowners Organization currently has four water right permits in various stages of approval. One license, dated November 18, 1987, authorizes the utilization of .64 cfs (287.25 gpm) by the Homeowners Association. This water right allows utilization of the water for heating, domestic and recreational uses. Two permits have been issued on which final licensing is pending. One permit,

dated June 26, 1995, authorizes the diversion of 0.14 cfs (63 gallons per minute) for irrigation and domestic use. A second permit, dated June 26, 1995, authorizes utilization of .08 cfs (35.9 gpm) for the purpose of a geothermal heating. Finally, an application dated February 6, 1996, has been made for an allocation of 0.10 cfs (44.883 gpm) for use as stock water and/or domestic water source. Thus the total quantity of water applied for and/or approved equals 430.87 gallons per minute. It follows that the quantity of water measured as being available on the site (430 gpm) and the quantity of water for which permitting has been applied for are virtually identical. As noted, approved uses for the domestic hot water source include heating, domestic use, recreation, irrigation, and stock watering.

Approximate layouts of the spring water collection systems are attached in enclosure 1. These piping arrangements are based upon limited observation of site conditions combined with a description of piping configuration provide by Guenter de Vincent.

DISCUSSION

My discussion with the members of the Home Owners Association established that design criteria for the new system shall include the supply of five gallons per minute of geothermal hot water to each of 66 lots. This portion of water allocation would require 330 gallons per minute. Heat load calculation were performed on the existing lodge to determine the volume of geothermal water necessary to provide adequate heating for this facility. Those calculation establish that 33 gallons per minute of geothermal water would be necessary. Assuming that the remaining quantities of water available from the geothermal resource are to be diverted to the pool, that leaves approximately 67 gallons per minute for all other uses including heating of the swimming pool area.

Preliminary investigation as to whether the 5 gallon per minute per cabin will be sufficient for heating indicates that this quantity of water should be sufficient to maintain the cabins above freezing. However it is also anticipated that supplemental heat will be required at times to achieve a comfortable environment within the cabins when outdoor air temperatures are extremely low. The extent to which supplemental heat is required with, of course, depend on the efficiency of the heating system installed in each cabin and the size and thermal efficiency of each cabin.

With regard to system design, several items appear worthy of note:

First, in order to provide heat for all lots anticipated for the subdivision, it will be necessary to utilize the flow from both the upper and lower geothermal springs to maintain adequate water flows. Also, because of the temperature of the water, special consideration should be given to the selection of pumps used for

the system to ensure that they are designed to operate at the elevated water temperatures provided by the geothermal water.

With regard to providing flow to the cabins, it appears advisable to have each of the cabins supplied with geothermal water through a flow limiting device which will maintain a constant 5 gpm flow regardless of differential pressure unless flow is shut off on the discharge side of the valve as would be the case with a two position valve within the cabin. This arrangement would assure that all cabins would receive the correct amount of water regardless of outside conditions.

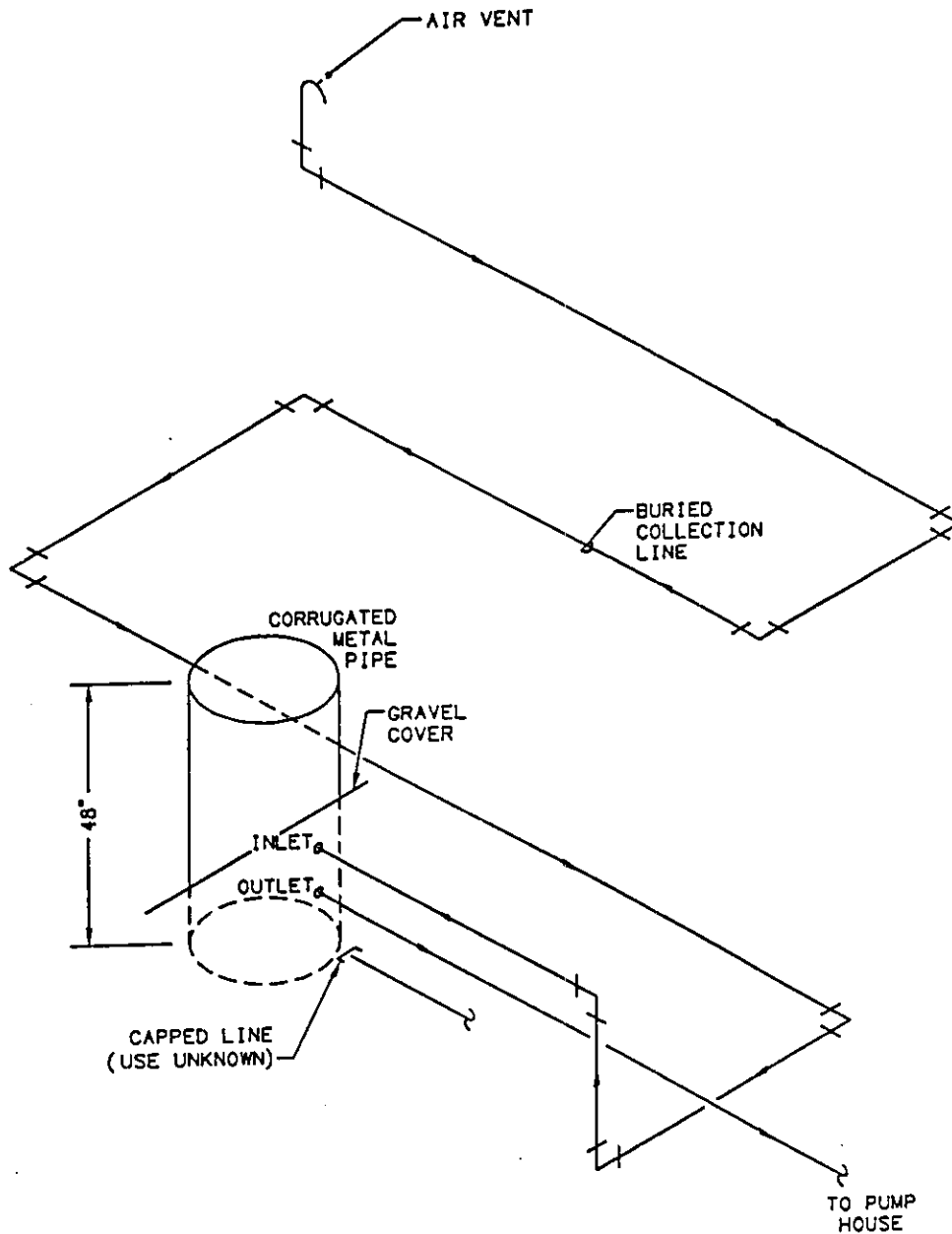
The second item to note is that the listing for this water is as a heating and domestic source and not as potable water source. It is my understanding that this water is suitable for drinking if it is properly treated. However, as delivered it is my understanding that it is not advisable to utilize this water as a potable or drinking water source. Therefore anticipated domestic water use would be restricted to utilization in shower and/or hot tub facilities. Waters diverted from the system for this purpose would have to be disposed of through the site sewer system and not through the heating water return system.

To prevent contamination of the water resource, it is required that any such connections accomplished inside the cabins be installed in compliance with Article 603.3.5 of the Uniform Plumbing Code. Further, it may be advisable to install a backflow preventor device at the take off for each cabin to insure that contaminated water is not pulled back into the central distribution system.

CONCLUSION

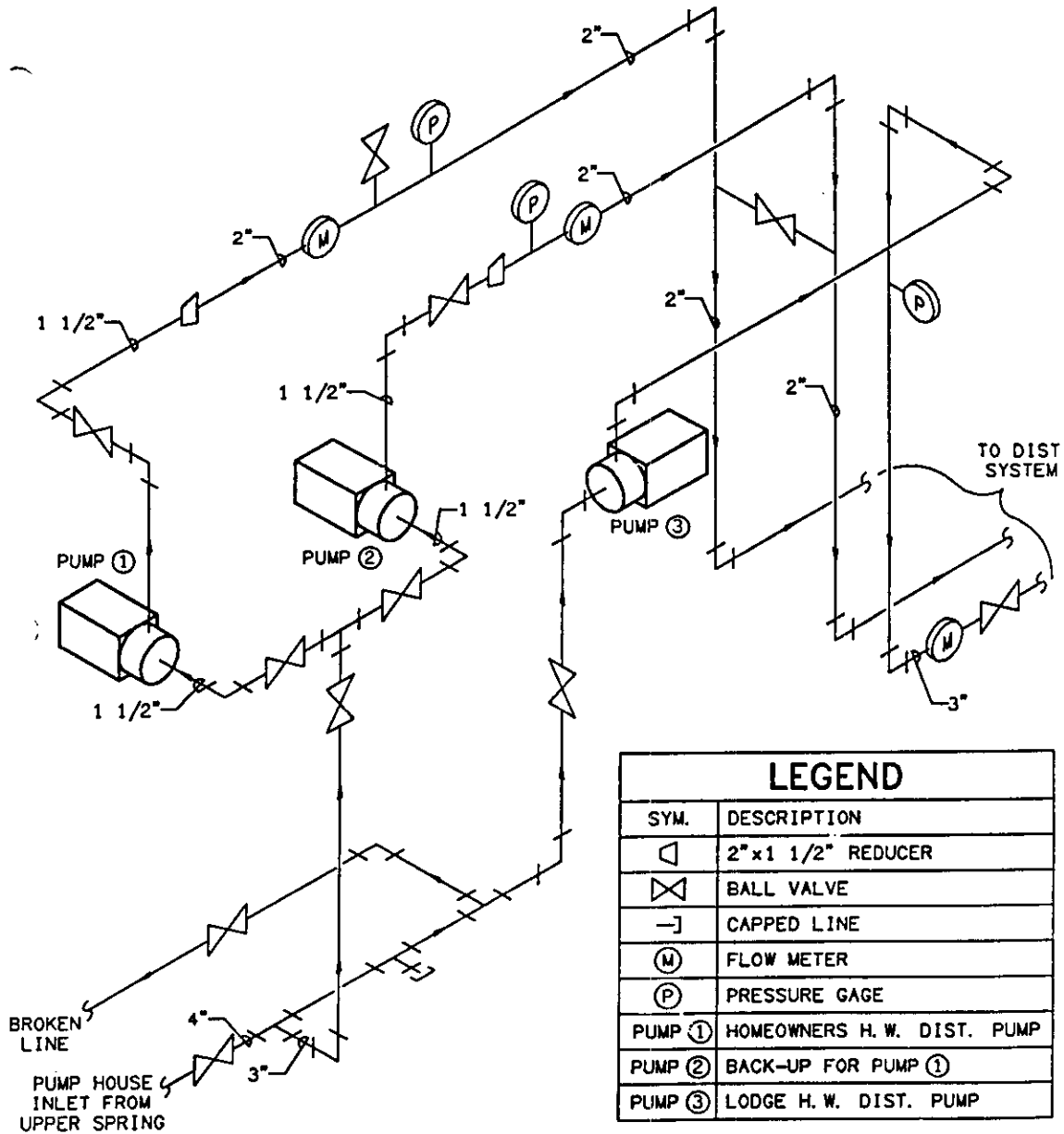
The Paradise Homeowners Association has permit application either approved or in process for the entire flow measured as being available from two geothermal springs available on the subdivision site. Existing distribution systems utilize a small portion of existing resources for geothermal heating of existing cabins. Modification or replacement of the existing system will be necessary to insure that the resource is utilized in a manner which is both efficient and equitable to all lot owners within the subdivision. Further, development of the resource should progress in a manner which allows proper utilization of the resource while preventing possible contamination which may occur if improper piping systems are allowed to be installed.

Enclosure One
Page 1



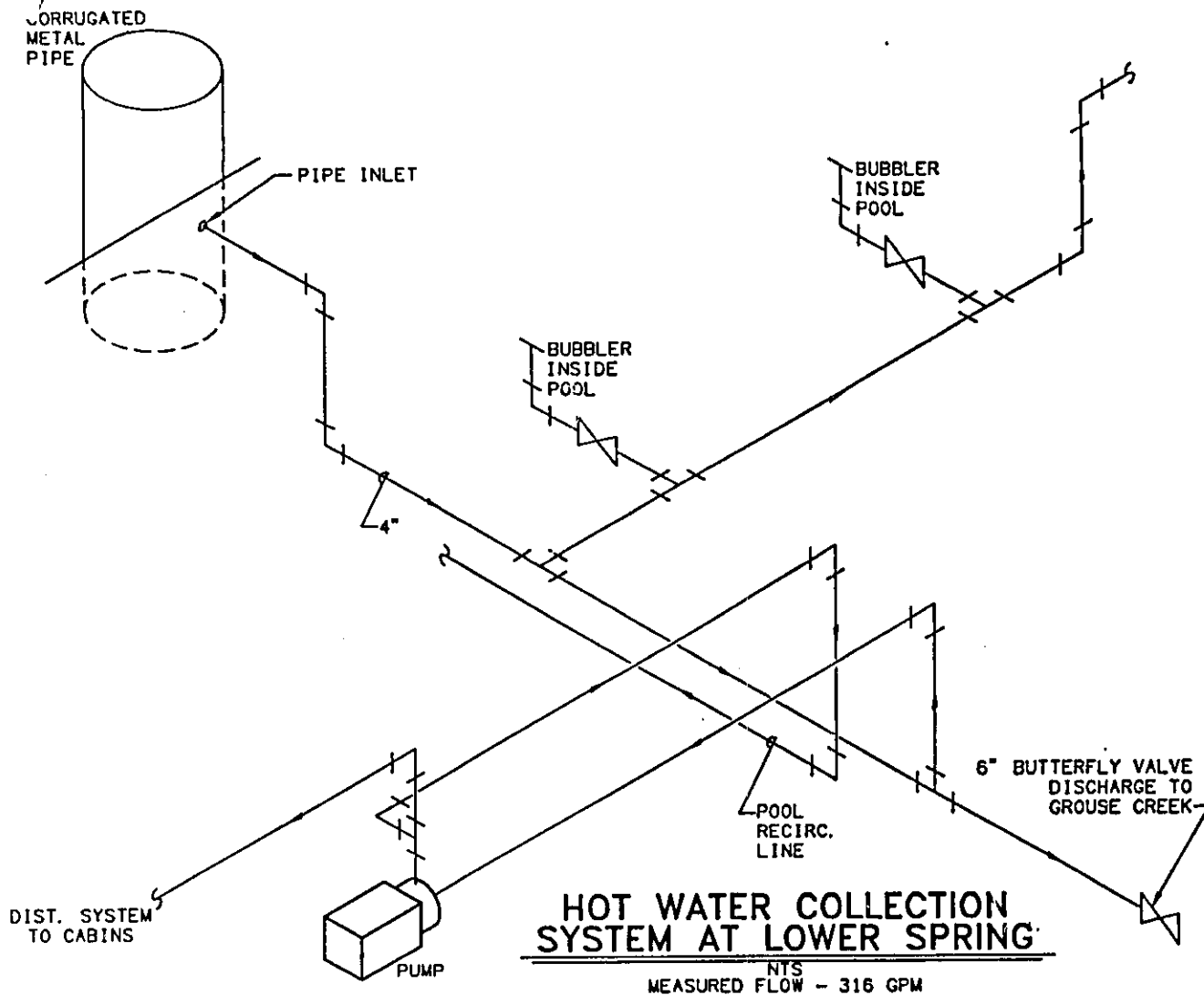
HOT WATER COLLECTION SYSTEM AT UPPER SPRING

NTS
MEASURED FLOW - 114 GPM



UPPER SPRING PUMP HOUSE SYSTEM

NTS



PREHEARING CONFERENCE NOTES

Application for Permit—63-32016

Paradise Homeowners

From: J. Westra

Date 3/28/05

Attendance: see attached roster

The conference opened with the applicant discussing the project and intentions. Mr. ~~Flowers~~ ^{Fowers} spoke for the Homeowners Assoc. The Assoc. applied for more water to cover increased heating flow to the residential cabins and some snow melt on driveways/walks. This will provide adequate rights and clear up shortages. They already have WRs under 63-10560 license & 63-12316 permit- proof submitted. Mr. Fowers discussed the homeowners have covenants that restrict residents from having their own water system—domestic or heating. The subdivision provides domestic and heating water. The Homeowners board will not allow private systems.

Mr. Boesigner has a cabin in the subdivision and is served by the community water systems. He also has claimed #63-31976 in the SRBA for heating & domestic use from the same spring the subdivision diverts water. The beneficial use claim has a 1958 priority date and was filed on 8/10/04 with the Department (late). Mr. Boesigner claims the water was hand carried from the spring to the original cabin for heating/bathing. A new cabin was built in 1981 with pump and floor heating from the spring. The Boesigner hot tub is also filled with the spring. Mr. Boesigner wants to have his own system under #63-31917 as backup in addition to the community system. He has protested the Homeowners application, and the homeowners have objected to his claim in the SRBA.

Mr. Fowers had concerns about the Boesigner system back flowing into the community pipes and affecting pressure and flow. Mr. Boesigner stated he had a backflow device on the pipeline to prevent interference. The Homeowners would want an engineer to check the setup before any agreements were facilitated.

The discussion continued without progress. Mr. Boesigner and Dana Hofstetter stated they would need time to discuss options. The week of June 20th was set as a tentative hearing date as a deadline.

Comments:

-The basis of the protest is really not a WR issue related to IDWR. It is over enforcement of covenants between the Board and private resident. Does not really fit the (6) evaluation criteria

-Much is contingent on the validity of Mr. Boesigner's claim in the SRBA, and if it is decreed. This would be recognized as a senior WR to the homeowners. Although not domestic, the stacking issue may come into play with both parties rights on the Boesigner cabin—same equal use-same source.

-There still maybe right-a-way issues with Mr. Boesigner as the spring is on the Homeowners common property-??

Followup—Set hearing date for week of 20th June.

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES

PREHEARING CONFERENCE

Application for Permit # 63-32016— Paradise Homeowners

Place: IDWR Western Regional Office, 2735 Airport Way, Boise ID

Date: 3/28/05

By: J. Westra

NAME	ADDRESS
Richard Boesiger	131 E. Williams Boise 83706
Harold L. Johnson	P.O. Box 701 Filer Idaho 83328
Randy Fowles	320 SW 5TH MARLBOROUGH CO 83642
Timothy Kinross	1810 N 12 E MT Home ID 83647
Randy Weaver	3969 N 1300 E Buhl Idaho 83316
Noeman Eckert	4791 N 700 E Buhl, Id 83316
Dana Hofstetter	608 West Franklin St. Boise 83702

IDWR
Received 8/10/04

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31976

WATER RIGHT NUMBER: 63-31976

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BOESIGER FAMILY CABIN TRUST 131 E WILLIAMS ST BOISE, ID 83706

Priority Date: 06/01/1958
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	GROUSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.020 CFS	
HEATING	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

SPRING	NW1/4SW1/4NE1/4	Sec. 33, Twp 03N, Rge 10E, B.M.
ELMORE County		

Place of Use

DOMESTIC

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

HEATING same as DOMESTIC

Conditions of Approval:

1. Water was carried manually from the spring to the cabin site beginning in 1958. The concrete basin and pump were installed in 1981.
Hot water is used to fill and reheat hot-tub at each visit. Also used as back-up in case the Paradise system fails. Also used as a back-up with a generator in case power goes out.

Remarks:

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report 63-12316

WATER RIGHT NUMBER: 63-12316

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Original Owner	PARADISE PINES INC
Current Owner	, ZZ PARADISE HOMEOWNERS ASSN INC 320 SW 5TH AVE MERIDIAN, ID 83642 (208)385-9335

Priority Date: 02/06/1996

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	GROUSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
HEATING	1/01 to 12/31	0.080 CFS	
<u>Total Diversion:</u>		0.080 CFS	

Location of Point(s) of Diversion

SPRINGS	L4 (NE1/4SE1/4NW1/4)	Sec. 33, Twp 03N, Rge 10E, B.M.
ELMORE County		
SPRINGS	SW1/4SW1/4NE1/4	Sec. 33, Twp 03N, Rge 10E, B.M.
ELMORE County		

Place of Use

HEATING

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	10E	33			X					X									
									L 4										

Conditions of Approval:

1. 01M After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 63-12316

2. 081 Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
3. 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.
4. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
5. R07 Return flow discharged to a subsurface system must be authorized by a separate injection well permit.

Remarks:

1. General Place of use is located within Lots 1 & 3-6, Paradise Pines Subdivision.
Heating use is for 1 home and a recreation center.

Comments:

1. CZIMMERM 12/19/1997 DIVERSION DESCRIPTION
Comment: 2 existing hot springs to be piped to new buildings. Also under 63-10560

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-10560

WATER RIGHT NUMBER: 63-10560

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PARADISE HOMEOWNERS ASSN INC HC 87 BOX 410 MOUNTAIN HOME, ID 83647 (208)653-2260

Priority Date: 11/18/1987

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	GROUSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION	1/01 to 12/31	0.960 CFS	694.00 AF
HEATING	1/01 to 12/31	0.640 CFS	152.00 AF
DOMESTIC	1/01 to 12/31	0.050 CFS	1.00 AF
	<u>Total Diversion:</u>	0.960 CFS	694.00 AF

Location of Point(s) of Diversion

SPRINGS	SW1/4SW1/4NE1/4	Sec. 33, Twp 03N, Rge 10E, B.M.
ELMORE County		
SPRINGS	L4 (NE1/4SE1/4NW1/4)	Sec. 33, Twp 03N, Rge 10E, B.M.
ELMORE County		

Place of Use

HEATING

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	10E	33		X	X		X			X									
							L 1			L 4									

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	10E	33								X									
										L 4									

RECREATION same as HEATINGConditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-10560

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

Remarks:

1. General The Director retains jurisdiction to require the installation of a totalizing measuring device of a type approved by the Department.
Heating use is for a lodge, a shop, 11 cabins and 43 homes known as Lots 1-35 and 39-46, Willis Carrie's Paradise Subdivision.
Domestic use is for a lodge.
Recreation use is for a swimming pool.

Comments:



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 3, 2005

Richard Boesiger
Boesiger Family Cabin Trust
131 E Williams ST
Boise ID 83706

Dana Hofstetter, Atty.
608 W Franklin St
Boise, ID 83702

RE: Application for Permit # 63-32016-Paradise Homeowners Assoc.
Pre-Hearing Conference- March 28, 2005

Dear Ms. Hofstetter and Mr. Boesiger:

During early February, Ms. Hofstetter contacted me concerning the possibility of Mr. Boesiger having jury duty on the scheduled pre-hearing conference date. Because of scheduling issues, moving the conference earlier or later were not good options. Leaving the scheduled date with a cancel option if Mr. Boesiger was called for jury duty seemed to be the best choice if acceptable to the applicant.

I have discussed the situation with the applicant and the cancel option choice is acceptable. There is an applicant board member coming from Buhl for the conference, and the applicant asks **they are contacted by 7:30 AM if the conference is cancelled.** Please contact the applicant at **859-3414** and the Department at **334-2190**, (If we are not contacted we will assume the conference will be held).

All parties willingness to cooperate is greatly appreciated

Should you have any questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

John Westra

cc: Paradise Homeowners—Randy Fowers

CONVERSATION MEMORANDUM

DATE 2/22/05

FILE _____

NAME OF PARTY Randy Fowers

EMPLOYEE J. Westra, Western Reg.

RE: Jury Duty of protestant on scheduled conference date

I contacted Mr. Fowers to discuss the possibility of Mr. Boesiger having jury duty on the conference date. I asked if we could go ahead keeping the 3/28 date with a cancel option by the protestant. He indicated, they were having a homeowner board meeting over the weekend. He would let me know.

2/25/05 Randy Fower called. that is acceptable. They would ask if the conference was cancelled they be notified by 7:30 AM as a board member was coming from Buhl. I stated, I would write a letter stating this to the protestant.

Letter sent 3/3/05.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-32016 IN THE)
NAME OF PARADISE HOMEOWNERS))
ASSOCIATION, INC.)
_____)

NOTICE OF PREHEARING
CONFERENCE

On May 14, 2004 Paradise Homeowners Association, Inc. filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Richard Boesiger.

IDWR has scheduled a prehearing conference for the protest to be held on **Monday, March 28, 2005 at 10:00 a.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise IDWR at least ten (10) days prior to the conference.

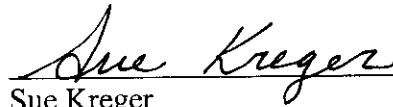
Dated this 11th day of February 2005.



JOHN WESTRA
Western Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of February 2005, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:

A handwritten signature in cursive script, reading "Sue Kreger", is written over a horizontal line.

Sue Kreger
Administrative Assistant

RICHARD BOESIGER
DANA HOFSTETTER
608 W FRANKLIN ST
BOISE ID 83702

PARADISE HOMEOWNERS
RANDY FOWERS
320 SW 5TH AVE
MERIDIAN ID 83642

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

February 9, 2005

RECEIVED

FEB 10 2005

WATER RESOURCES
WESTERN REGION

Via Facsimile and U.S. Mail

John Westra
Western Regional Manager
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for Permit No. 63-32016 in the Name of Paradise Homeowners Assoc. Inc.

Dear Mr. Westra:

Regarding your letter of January 28, 2005 in the above-referenced matter, enclosed please find calendars for February and March 2005 with the dates of my and Richard Boesiger's **unavailability** marked with X's.

Thank you for your assistance with this matter, and if you have further questions or comments, please do not hesitate to contact me.

Sincerely,

HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

Enclosures
cc: Richard Boesiger w/encls.
4035.1/6321

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a preliminary order for the Director's consideration. Parties can file exceptions to a preliminary order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

March

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

2005

February

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 28, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DANA HOFSTETTER
608 W FRANKLIN ST
BOISE ID 83702

Re: Application for Permit No. 63-32016 in the Name of Paradise Homeowners Assoc. Inc.

Dear Protestants:

This office acknowledges receipt of your protests to the issuance of a permit pursuant to the above referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (Section 42-203A, 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?

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. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

Enclosed are calendars for the months of February and March 2005. Please mark the dates you are **unavailable** during the two months and return them within ten days of receiving this letter. After the expiration of ten days, this office will schedule a conference if the matter is not resolved informally. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

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

Sincerely,

JOHN WESTRA
Western Regional Manager

JW:sk

CC: Copy or Application
Calendars

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

January 19, 2005

RECEIVED

JAN 20 2005

WATER RESOURCES
WESTERN REGION

Paradise Homeowners Association, Inc.
320 SW 5th Avenue
Meridian, Idaho 83642

Re: Application for Water Right Permit No. 63-32016

Dear Sir/Madam:

I represent the Boesiger family in connection with the geothermal water right for their cabin. I am enclosing a copy of the Notice of Protest that was filed with the Idaho Department of Water Resources on January 18, 2005 for Application for Permit No. 63-32016. This Notice of Protest was filed to ensure protection of the Boesiger family's geothermal water right. If you have any questions about this matter, please contact either Richard Boesiger or me.

Sincerely,

HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

Enclosure

cc: Richard Boesiger w/enclosure

IDWR-Western Region w/enclosure

4035.1/6296

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED
JAN 18 2005
WATER RESOURCES
WESTERN REGION

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for Permit No. 63-32016 in the Name of Paradise Homeowners Assoc.

Name of protestant Richard Boesiger

2. Protestant's Representative for service (If different than protestant)

Dana L. Hofstetter

3. Service mailing address Hofstetter Law Office, LLC, 608 West Franklin Street, Boise, Idaho 83702

4. Service telephone no. (208) 424-7800

5. Basis of protest (including statement of facts and law upon which the protest is based)

The proposed use will reduce the quantity of water under existing water rights; the water supply is insufficient for the purposes for which it is sought to be appropriated; the proposed use will conflict with the local public interest; and the proposed use is contrary to the conservation of water resources within the State of Idaho.

(additional pages may be attached to describe nature of the protest)

6. What would resolve your protest? Disapproval or approval with appropriate limitations and conditions to address the above-stated concerns.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 18th day of January, 2005.

Protestant

Dana Hofstetter

Protestant's Representative

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by sk Date 1-18-05 Time 3:15 pm
\$25.00 fee Received by sk # W032524 Date 1-18-05

NOTICE

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

63-32016

Point(s) of Diversion NWSWNE 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

Point(s) of Diversion L4 (NESENW) S33 T03N R10E ELMORE County Source SPRINGS Tributary To GROUSE CREEK

Use: HEATING 01/01 To 12/31 1.76 CFS

Total Diversion: 1.76 CFS

Date Filed: 12/06/2004

Place Of Use: HEATING

T03N R10E S33 NWNE SWNE NENW Lot 1 SENW Lot 4

Remark: Heating use is for 76 connections within Willis Carrie Subdivision, Paradise Pines Subdivision and Wagon Town Property.

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

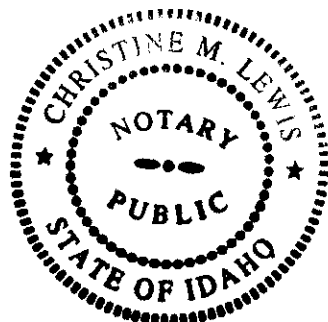
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 01/24/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

First Publication: January 5, 2005.

Last Publication: January 12, 2005.

RECEIVED
JAN 13 2005
WATER RESOURCES
WESTERN REGION



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 WHICH IS A PART OF PUBLICATION THEREOF, WAS PUBLISHED IN SAID NEWSPAPER FOR 700 CONSECUTIVE WEEKS, THE FIRST PUBLICATION HAVING BEEN MADE ON THE 5th DAY OF Jan, 2005, AND THE LAST PUBLICATION HAVING BEEN MADE ON THE 12th DAY OF Jan, 2005; 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.

Coleen W. Swenson
COLEEN W. SWENSON-PUBLISHER

SUBSCRIBED AND SWORN TO ME THIS 12th DAY OF Jan, 2005.

Christine M. Lewis
CHRISTINE M. LEWIS-NOTARY PUBLIC

RESIDING IN MOUNTAIN HOME, ELMORE COUNTY, IDAHO.

MY COMMISSION EXPIRES 09-25-2006

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application Number: 63-32016

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 and
waste water must return to spring
channel or creek

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

d) Additional Comments:

Dated this 11 day of January 2005

Water District Number: 63 Watermaster's Signature Lee Juan

Use back side of this page if you need more space

RECEIVED

JAN 06 2005

WATER RESOURCES
WESTERN REGION

January 4, 2005

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

Dear Lori:

It has come to my attention that an application for water right (number 63-31976) has been filed with the Idaho Department of Water Resources and that this application is of interest to the Paradise Homeowners Association (PHOA). Please accept this letter as the position of PHOA in regard to this application.

PHOA is the current owners of the parcel of land were the diversion occurs. PHOA does not recognize and easement for the access to this diversion and will not willingly grant such an easement.

The cabin site referred to by this application is part of a legally plated subdivision and as such is subject to the By Laws and covenants of that subdivision. They state that no single lot within the subdivision may develop or use a water system other than the common system developed and provided to the lot by PHOA.

As a result of demand and planning by PHOA an application for the complex of springs, of which the spring referred to by 63-31976 is part, has been filed with Idaho Department of Water Resources (number 63-31526). The application has an earlier filling date than 63-31976 and was the result of a study conducted by the Board of PHOA concerning geothermal resources available to PHOA and their uses. This study did recognize the concrete basin that had been installed as a diversion but found that it had not been in use for a number of years and finds no agreement that allows its existence on PHOA property.

The beneficial uses identified by 63-31976 are part of the uses that PHOA identifies for its various licenses and permits in supplying water to its members. The applicant and place of use are members of PHOA.

Thanks you for your help in this matter.

Sincerely your,



Randy Fowers
President PHOA

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Tuesday, January 04, 2005 1:56 PM
To: 'eleitzin@idfg.state.id.us'
Subject: comment letters

IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

January 4, 2005

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Eric:

Here are the applications for permit.

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 January 24, 2005.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,

Sue Kreger
(208) 334-2190
Id Dept Water Resources
Sue.Kreger@idwr.idaho.gov



57-11671.pdf



63-31985.pdf



65-22901.pdf



65-22925.pdf



77-14162.pdf



77-14163.pdf

Kreger (Taylor), Sue

To: eleitzin@idfg.state.id.us
Subject: comment letter

Hi Eric. I forgot one so here it is.

Thanks a lot for your help.

Sue

Sue Kreger
(208) 334-2190
Id Dept Water Resources
Sue.Kreger@idwr.idaho.gov



63-32061.pdf

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Tuesday, January 04, 2005 1:52 PM
To: 'eleitzin@idfg.state.id.us'
Subject: comment letters

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

January 4, 2005

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Eric:

There are a lot of applications this time so I will e-mail all the transfers and extensions separate from the applications. Please review the application(s) 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 January 24, 2005.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,

Sue Kreger
(208) 334-2190
Id Dept Water Resources
Sue.Kreger@idwr.idaho.gov



71508.pdf



71510.pdf



2-10260.pdf



65-3045A.pdf



65-11217.pdf



65-3045X.pdf



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

January 4, 2005

BOESIGER FAMILY CABIN TRUST
131 E WILLIAMS ST
BOISE ID 83706

Re: Water Right Application No. 63-32016 in the Name of Paradise Homeowners
Association, Inc.

Dear Sir:

Enclosed is a copy of an application(s) that may be of interest to you. Please review the application(s) 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(s), your written protest along with the \$25.00 protest fee must be received in this office by January 24, 2005.

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

Sincerely,

Sue Kreger
Administrative Assistant

Encl. Copy of Application(s)

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

December 22, 2004

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

RE: Application for Permit No. 63-31985

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 01/24/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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

63-32016

Point(s) of Diversion	NWSWNE	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					
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Tributary To GROUSE CREEK					

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KARL J DREHER, Director

Published in the Mountain Home News on January 5 and 12, 2005.