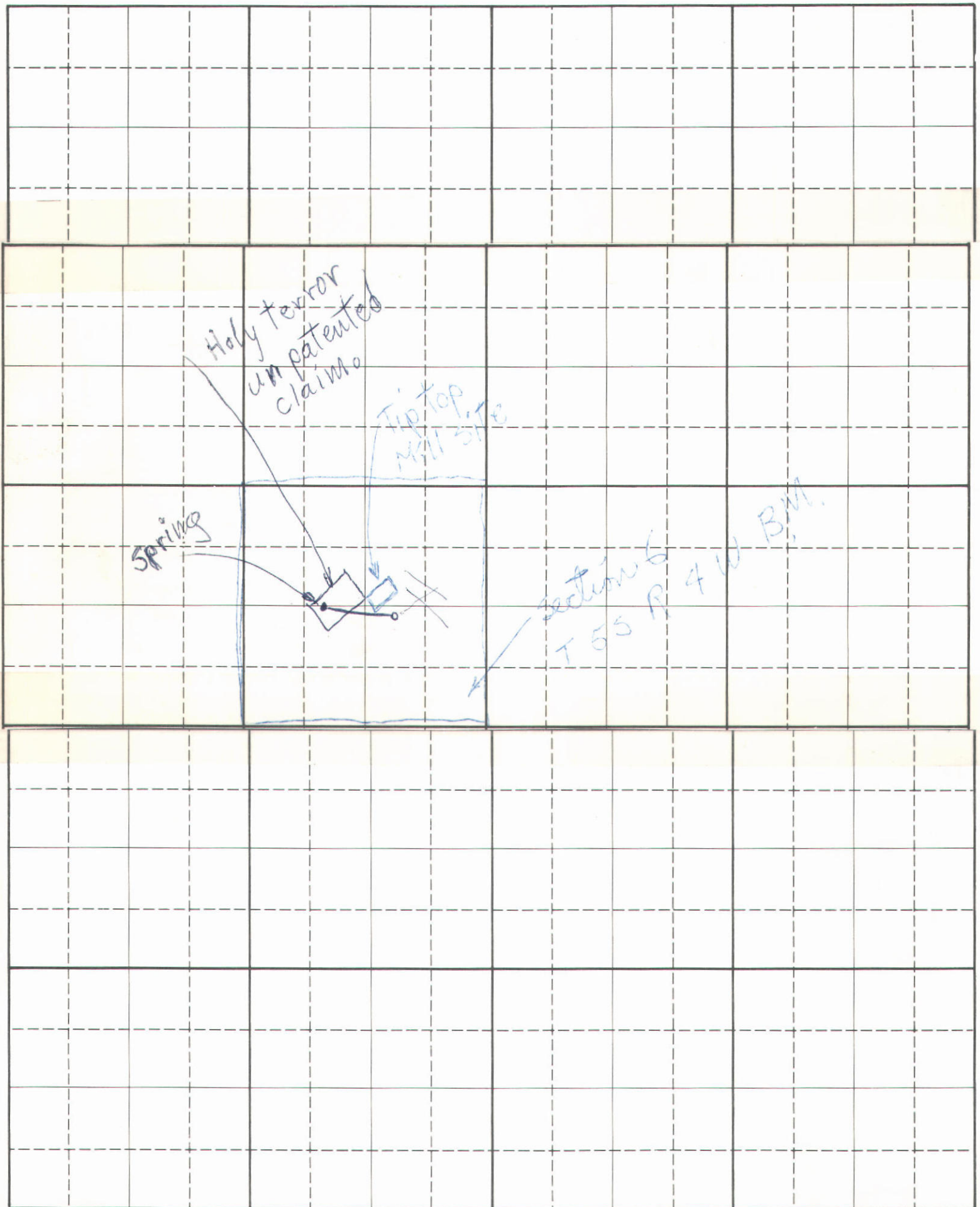


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

Keith I Chadwick
(Applicant)
President Silver City
Taxpayers.

55 7011

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Silver City Taxpayer's Assn., Inc., c/o Keith Chadwick, Route No. 7, Caldwell, Idaho has on August 16, 1971 submitted Application No. 55-7011 for a permit to appropriate 0.80 cubic feet per second of water from springs by means of pipeline within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T. 5S, R. 4W, B.M., Owyhee County to be used from Jan. 1 to Dec. 31 for domestic purposes for 40 families (Silver City, Idaho) within the E $\frac{1}{2}$, Sec. 6, T. 5S, R. 4W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before September 27, 1971.

R. KEITH HIGGINSON
Director

Published in the Owyhee Chronicle, Homedale, Idaho on Sept. 9 and Sept. 16, 1971.

AFFIDAVIT OF PUBLICATION

RECEIVED
SEP 27 1971

STATE OF IDAHO)
) ss.
COUNTY OF OWYHEE)

I, Everett A. Colley, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now am over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the printer or publisher of THE OWYHEE CHRONICLE, a newspaper of general circulation printed and published weekly, on Thursday of each and every week, in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said THE OWYHEE CHRONICLE has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice
NOTICE OF APPLICATION FOR WATER PERMIT

of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not in a supplement thereto, in said newspaper, in two (consecutive) calendar weekly issue(s) of said newspaper, on the following date(s):

Sept. 9, 1971

Sept. 16, 1971

(Signed)

Everett A. Colley

Subscribed and sworn to before me this 23rd day of Sept.

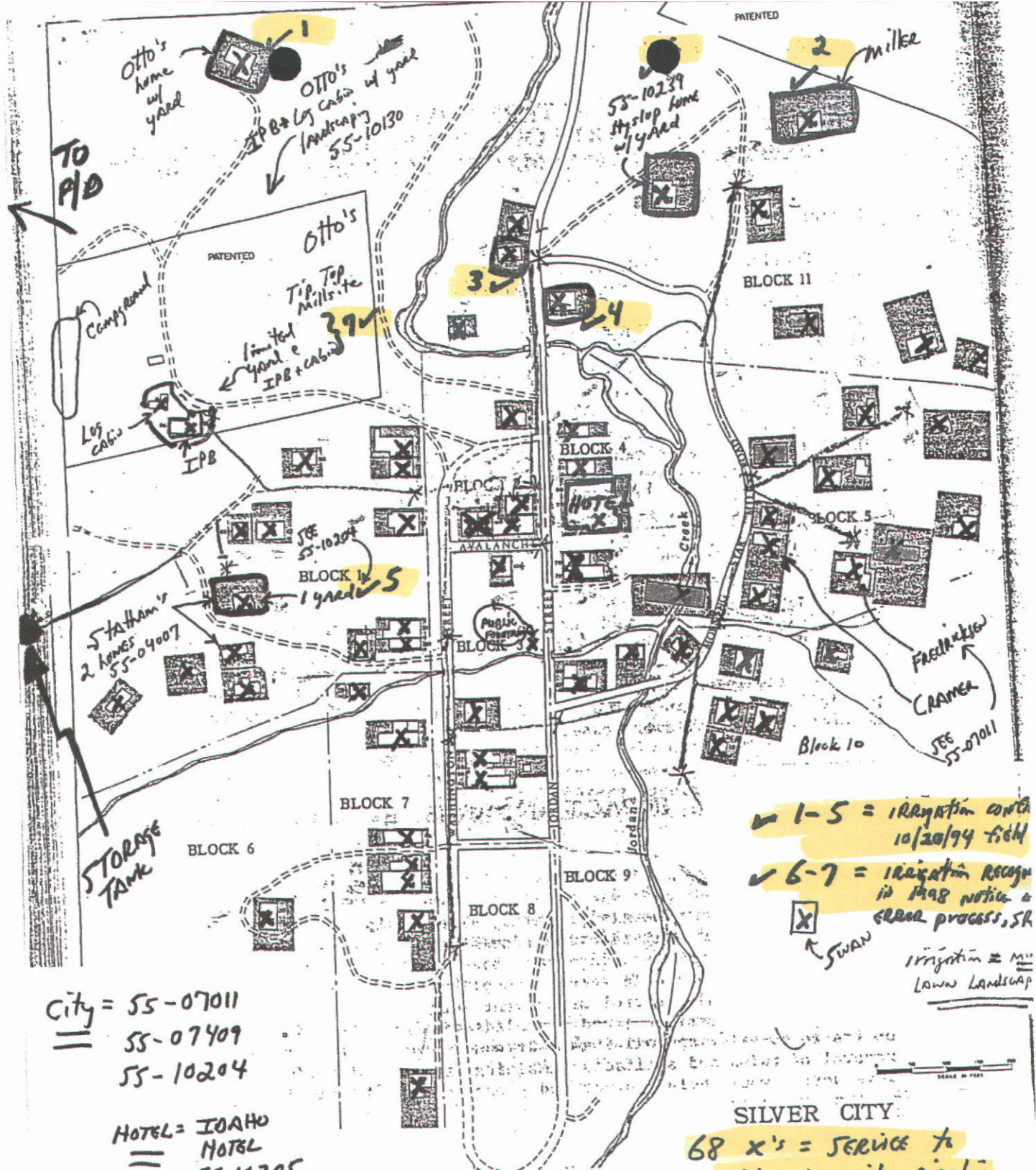
A. D., 19 71

Evelyn S. Colley

Notary Public in and for the State of Idaho,
residing at Homedale, Idaho.

My commission expires 2-6, 19 72

55 7011



CITY = 55-07011
 = 55-07409
 = 55-10204

HOTEL = IOAHO
 = HOTEL
 = 55-10205

UNITS SERVED BY
 "City Spring" via
 city distribution system
 -82 5/11/98

SILVER CITY
 68 x's = service to
 units via city pipeline
 system. 67 units plus
 1 public fountain.

MASTER MAP for 55-07011

MICROFILMED
 OCT 12 2001

1/4-1/4
LINES per
govt lot
plat

T5S
R3W
S.6

p/p
CITY
SPRING

govt lots

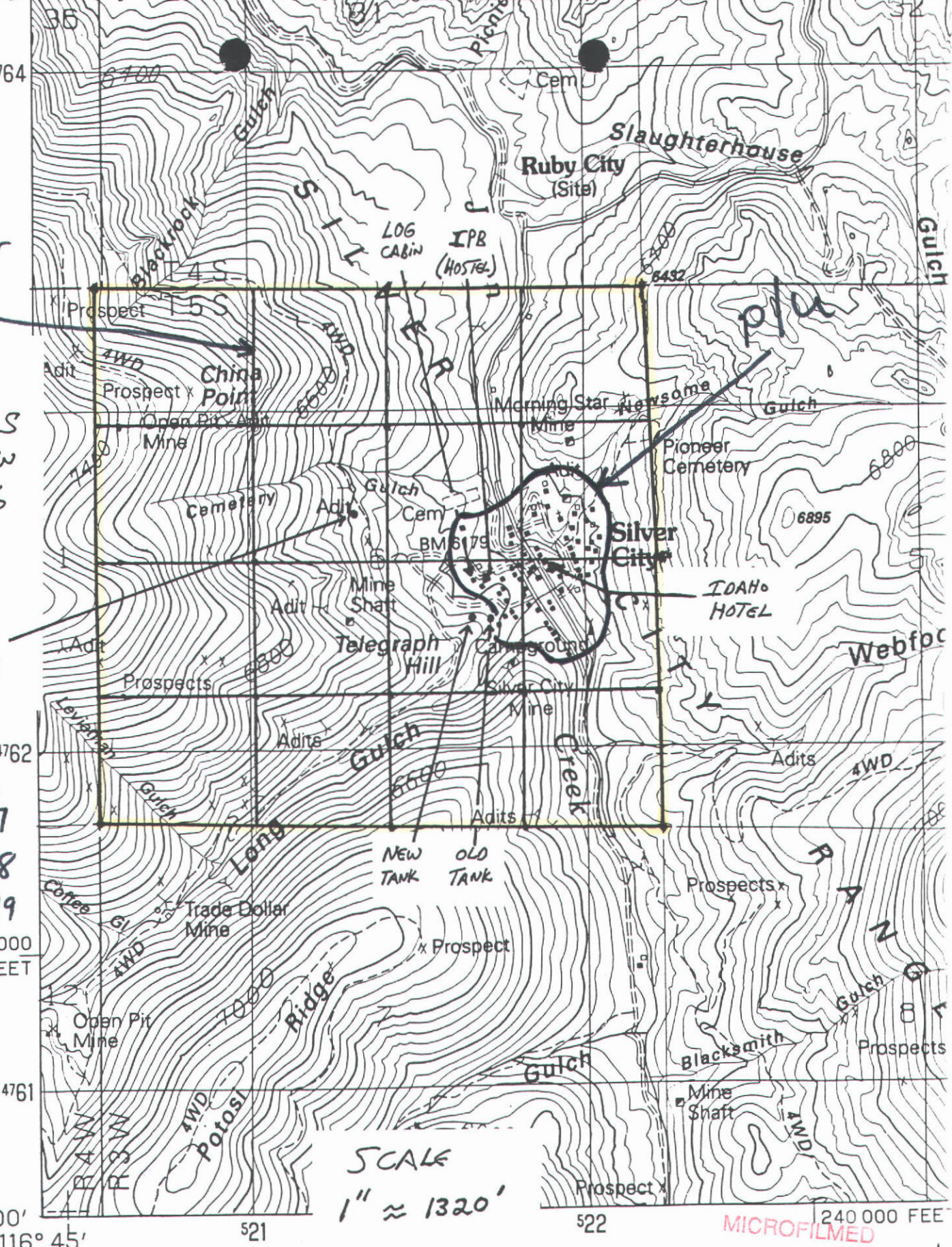
SWNE = L.17
SENE = L.18
NWSE = L.19

490 000
FEET

city
filings

43° 00'
116° 45'

55-07011
55-07409
55-10204



SCALE
1" ≈ 1320'

PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
CONTROL BY USGS, NOS/NOAA
COMPILED FROM AERIAL PHOTOGRAPHS TAKEN 1963
FIELD CHECKED 1965
LIMITED REVISION FROM AERIAL PHOTOGRAPHS TAKEN 1984
FIELD CHECKED 1987
MAP EDITED 1990
PROJECTION TRANSVERSE MERCATOR
ZONE 11

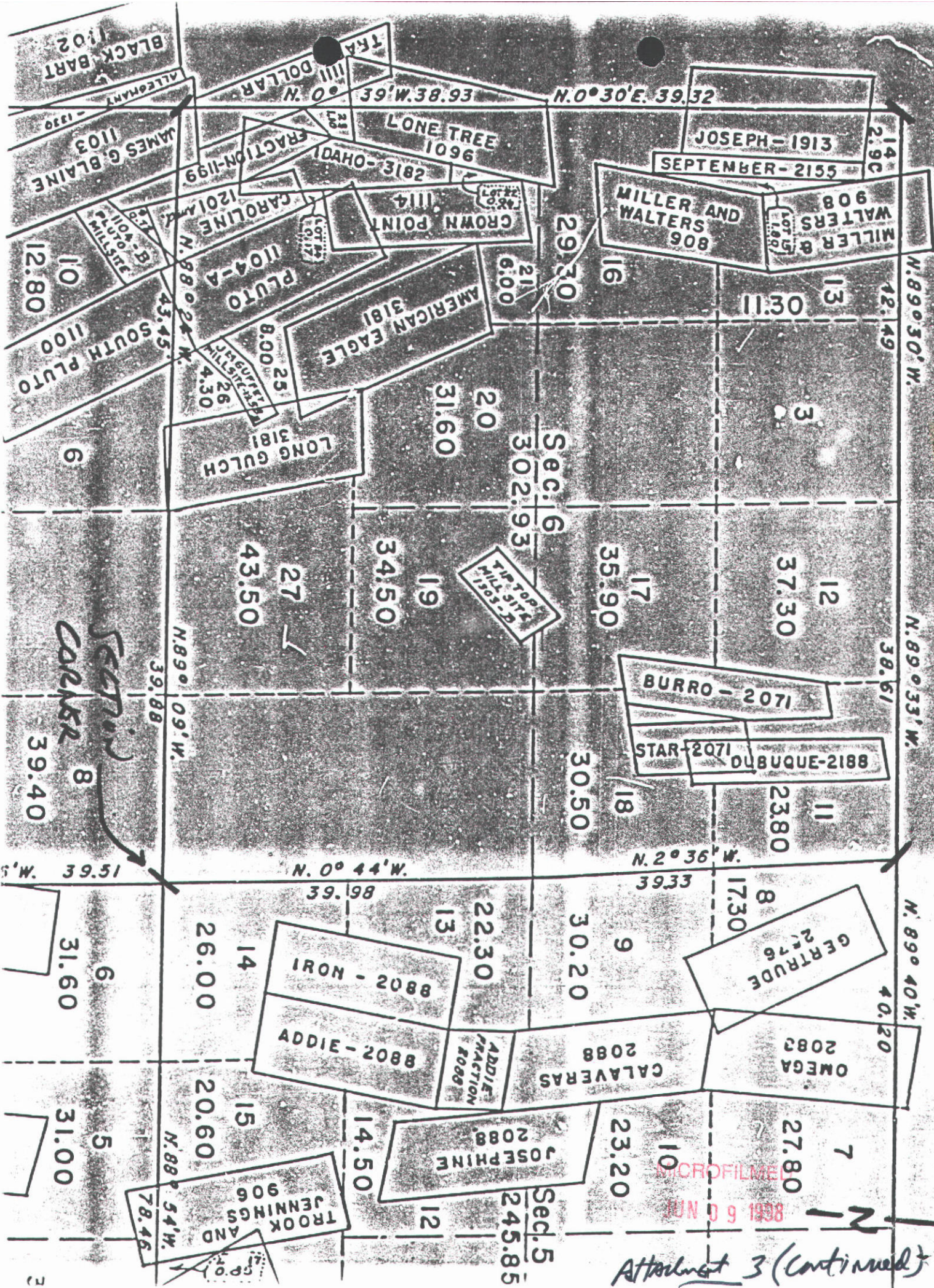
MICROFILMED

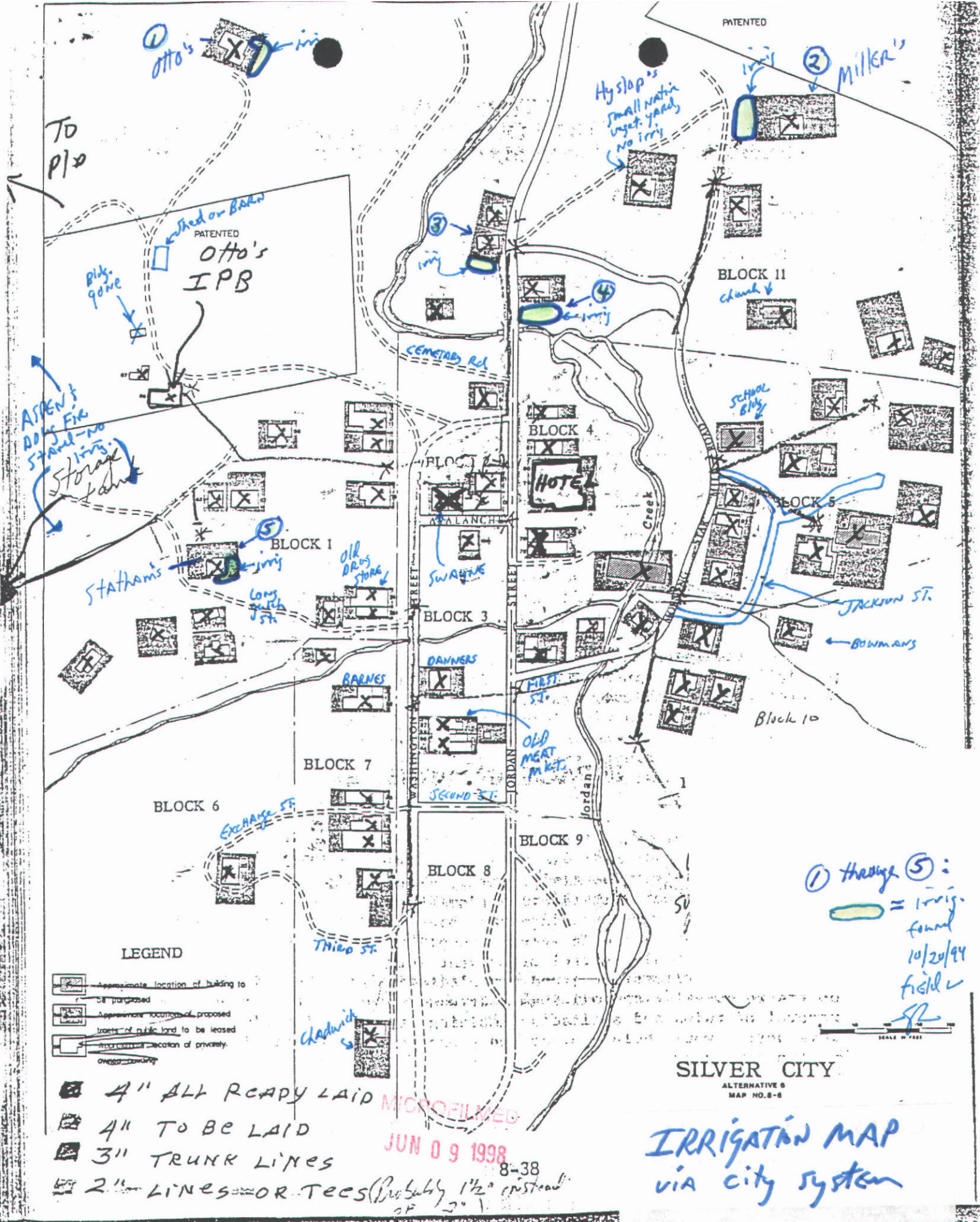
JUN 10 1993

*
Attachment 3

NORTH

Attachment 3 (continued)





MICROFILMED
 JUN 09 1998

8-38

THIS SHOWS UPGRADING IN PROCESS TO IMPROVE WATER DELIVERY TO HOI

DATE OF PHOTOS 10/20/94 OWNER Silver City, GENERAL AREAS
 CLAIM NUMBER(S) All claims listing irrigation as beneficial use



① Looking East at town from Statham's home (photo 2).
 Note absence of irrigation in this view. Idaho Hotel
 is bldg. to left of white van in center of view.



② 1 of 5 irrigated lots found in Silver City. This is
 Statham's home. Also claimed in 4007, 4108, & 4110 (latter one
 includes yard use).

MICROFILMED
 JUN 09 1998

DATE OF PHOTOS 10/20/94

OWNER

} See pg 142

CLAIM NUMBER(S)

③



↗ North view at Otto's campground. See ASS-04151
for discussion of whether or not this site
has irrigation.

④



Otto's home is ctr. background has
small irrigated lawn area.

MICROFILMED
JUN 09 1998

To
P/D

PATENTED
OTTO'S
IPB:

$x = 0/1$
 $x = \text{COMMERCIAL}$

Storage tank

Note

BLOCK 1

BLOCK 4

DO
70 HOTEL

BLOCK 11

BLOCK 5

Block 10
10704
Lot 49

1990
MAR

↑
N
I

BLUE = 1968 ASS-10204
0/36, Comm & ID HOTEL
some lawn irrigation

RED = 1971 ASS-07011
0/11

GREEN = 1990 55-07409
0/19, Comm & Otto IPB,
some lawn irrigation

SILVER CITY
ALTERNATIVE 6
MAP NO. 8-6

ASSOCIATION'S FILINGS By PRIORITY DATE

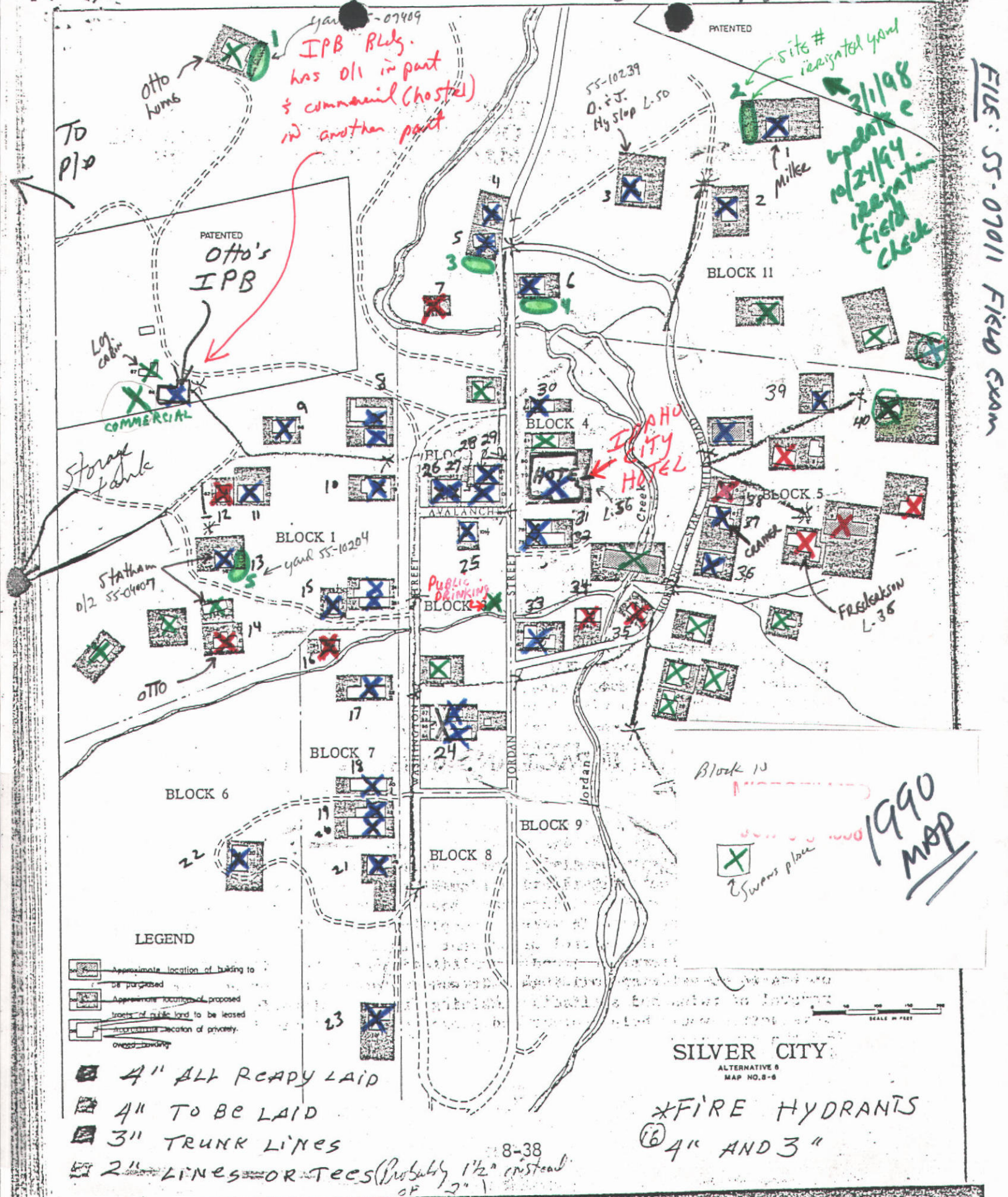
MICROFILMED

JUN 09 1998

(this is copy of 3/15/40 original in 55-07011-82)

SUMMARY MAP

FILE: SS-07011 FIELD Exam



THIS CHAIR IS EXPANDING IN PROCESS TO IMPROVE WATER DELIVERY TO HOME

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

SEE 5/11/98
REVISED REPORT
-SL

A. GENERAL INFORMATION

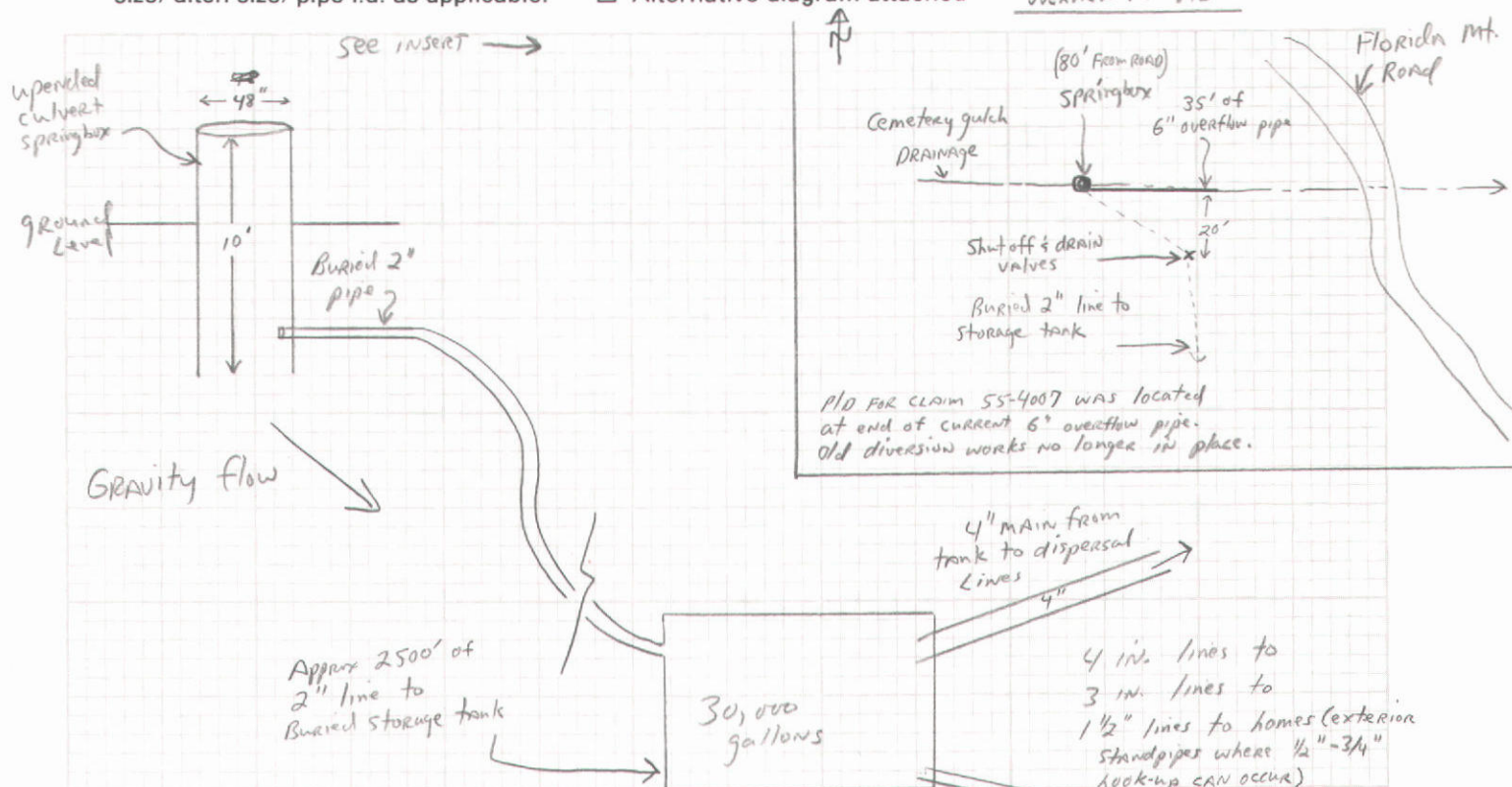
1. Owner: Silver City Taxpayer's Assn., Inc. Permit No. 55-7011
Current Address: % Harold Curt Route 2 Fruitland, Id. 83619 (MR. CURT = President) Phone No. 452-4512 OR 642-9327
2. Accompanied by: Delbert Eytchison EXAM. DATE: 11/5/87
Address: Box 26 Murphy, Id. Phone No. 495-2402
Relationship to Permit Holder: member
3. Source: Spring tributary to Sinks
(known locally as City Spring)

B. OVERLAP REVIEW

1. Other water rights with same place of use: 55: 7223, 4040, 2212, 4006, 4108, 4110 ; 57-4058
☒ Copies Attached AS NEEDED
2. Other water rights with same point of diversion: NONE ON MICROFICHE - SEE REMARKS
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = NOT TO SCALE

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).
- ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
- MICROFILMED**
JUN 9 1988
- the old Idaho water works tank of claims 55-4007, 4110, and 57-4058.



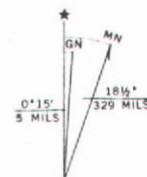
Maped, edited, and published by the Geological Survey

Control by USGS and USC&GS

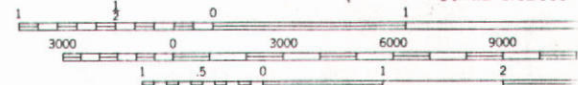
Topography by photogrammetric methods from aerial photographs taken 1963. Field checked 1965

Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
west zone

1000-meter Universal Transverse Mercator grid ticks,
zone 11, shown in blue



UTM GRID AND 1965 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



CONTOUR INTERVAL 80
DOTTED LINES REPRESENT 40-FOOT
DATUM IS MEAN SEA LEVEL

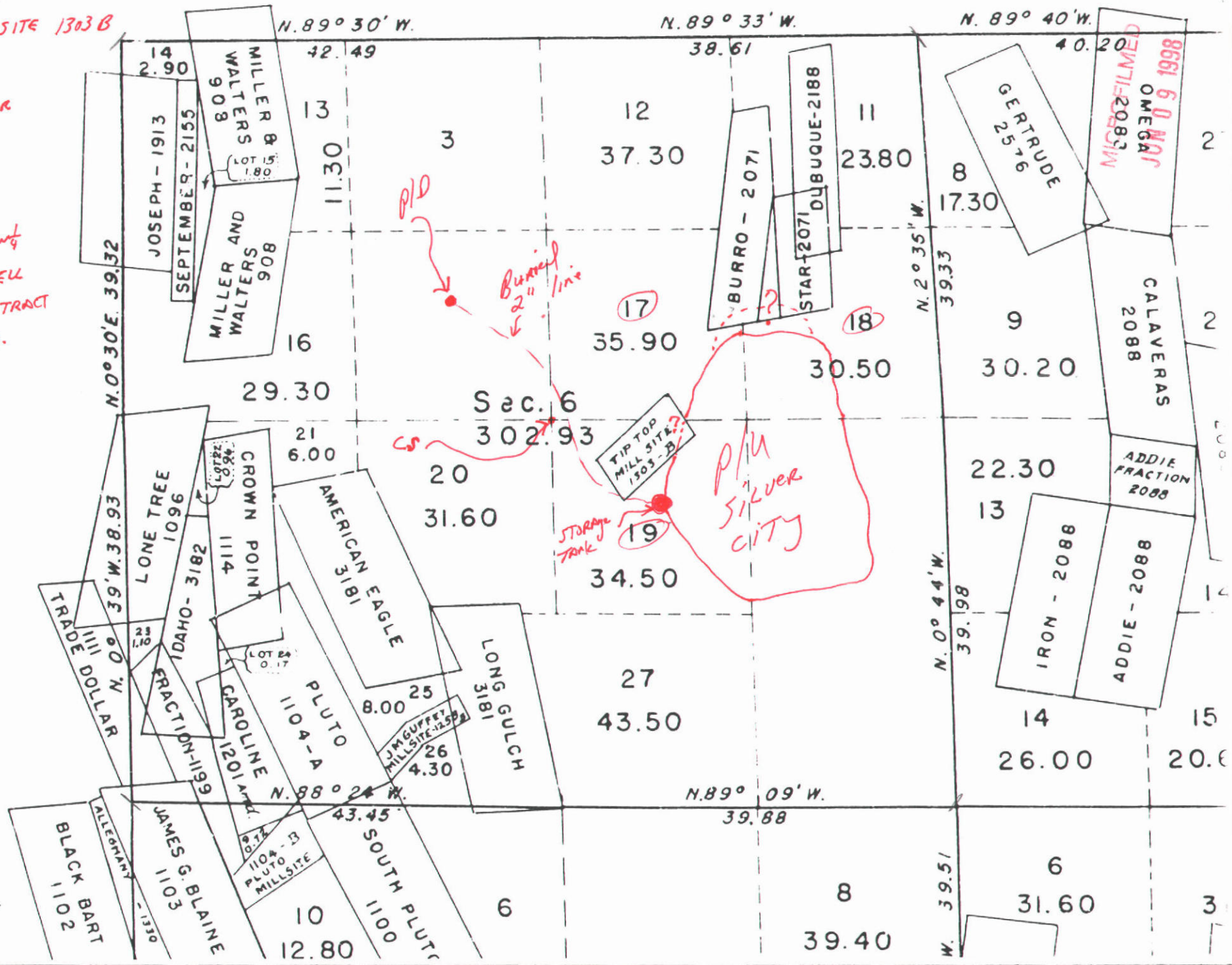
THIS MAP COMPLIES WITH NATIONAL MAP
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS

MICROFILMED
JUN 9 1968



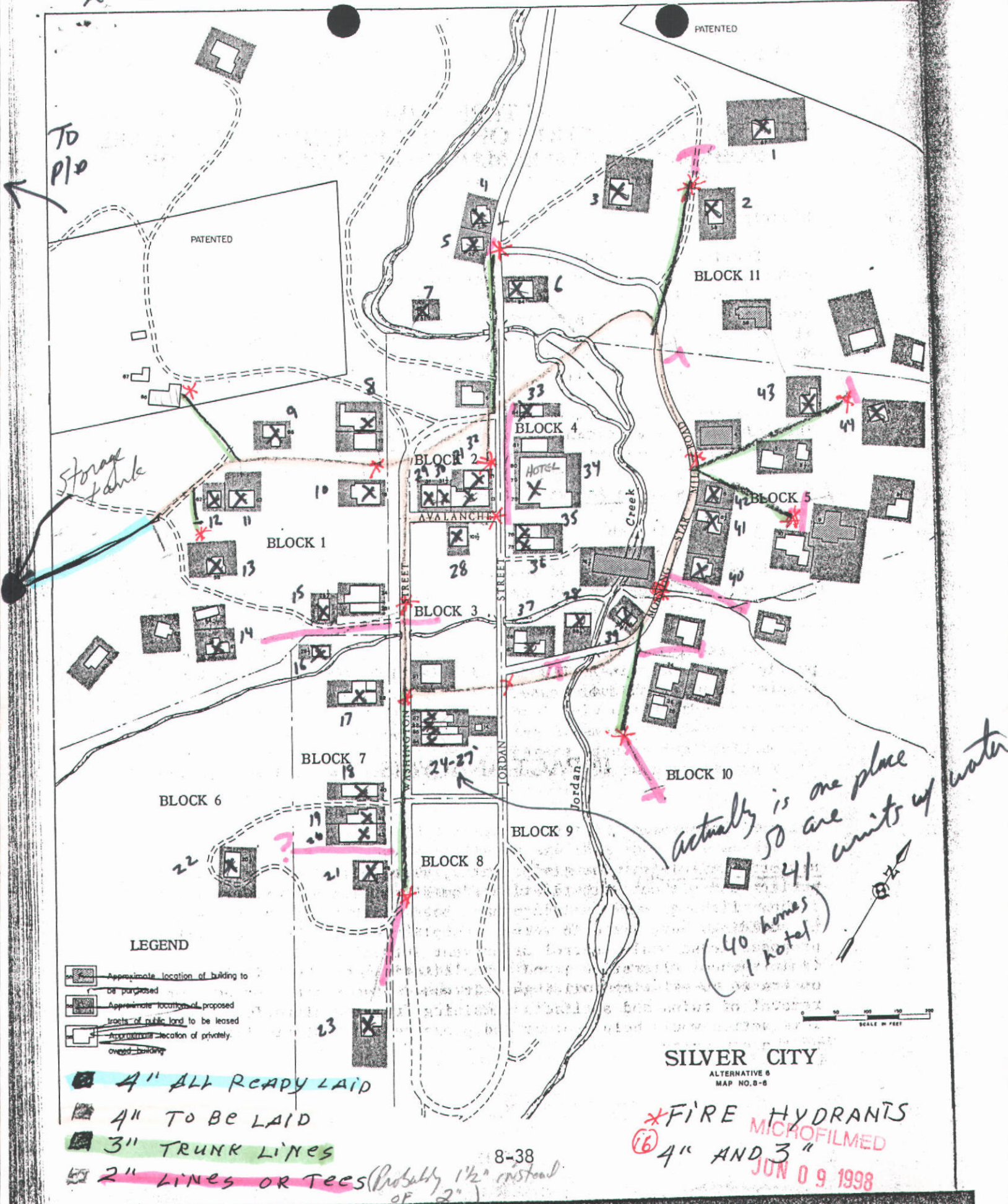
IN THE SETTING
BUT CANNOT TELL
WHICH IS ACRE TRACT
FOR 15' QUAD.

55-7011
55 3w S.6



X = UNIT WITH WATER

55-7011



55- 70 11



P/D

Spring located
approx. 1/2 mile
NW of Silver City's
spring is in Cemetery
Gulch.



P/U

Looking SE to
Silver City from
P/D. War Eagle Mt.
is in background.

MICROFILMED
JUN 09 1998

X = UNIT WITH WATER

11 UNITS

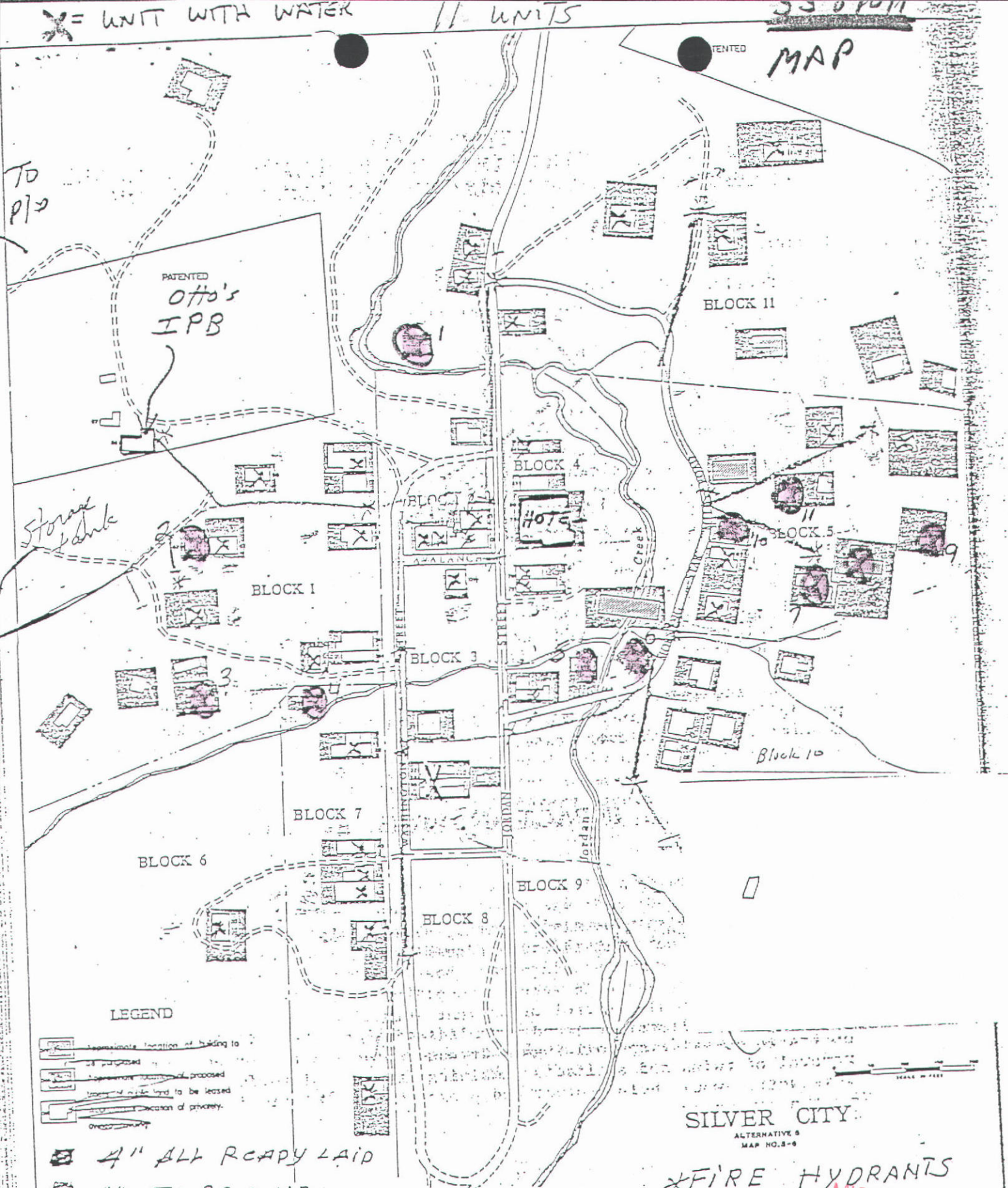
33 0 10 11

MAP

TO
P/2

PATENTED
OTTO'S
IPB

Storage
Tank



LEGEND

- Approximate location of building to be purposed
- Approximate location of proposed improvement
- Approximate location of proposed improvement to be leased
- Approximate location of property

- 4" ALL READY LAID
- 4" TO BE LAID
- 3" TRUNK LINES
- 2" LINES OR TEES (Probably 1 1/2" instead of 2")

SILVER CITY

ALTERNATIVE B
MAP NO. 8-6

*FIRE HYDRANTS
⑥ 4" AND 3"
MICROFILMED
JUN 09 1978

THIS SHOWS UP GRADING IN PROCESS TO IMPROVE WATER DELIVERY TO HOME

X = UNIT WITH WATER

Revised map 11/18/88

55-7071

PATENTED

To P/D

PATENTED
Otto's
IPB

BLOCK 11

Storage tanks

BLOCK 1

BLOCK 4

HOTEL

BLOCK 5

BLOCK 3

BLOCK 7

BLOCK 6

BLOCK

BLOCK 8

4th floor unit

LEGEND

- Approximate location of building to be purchased
- Approximate location of proposed tracts of public land to be leased
- Approximate location of privately owned property

- 4" ALL READY LAID
- 4" TO BE LAID
- 3" TRUNK LINES
- 2" LINES OR TEES (Probably 1 1/2" instead of 2")

8-38

SILVER CITY

ALTERNATIVE 9
MAP NO. 9-8

* FIRE HYDRANTS
⑥ 4" AND 3" 1998

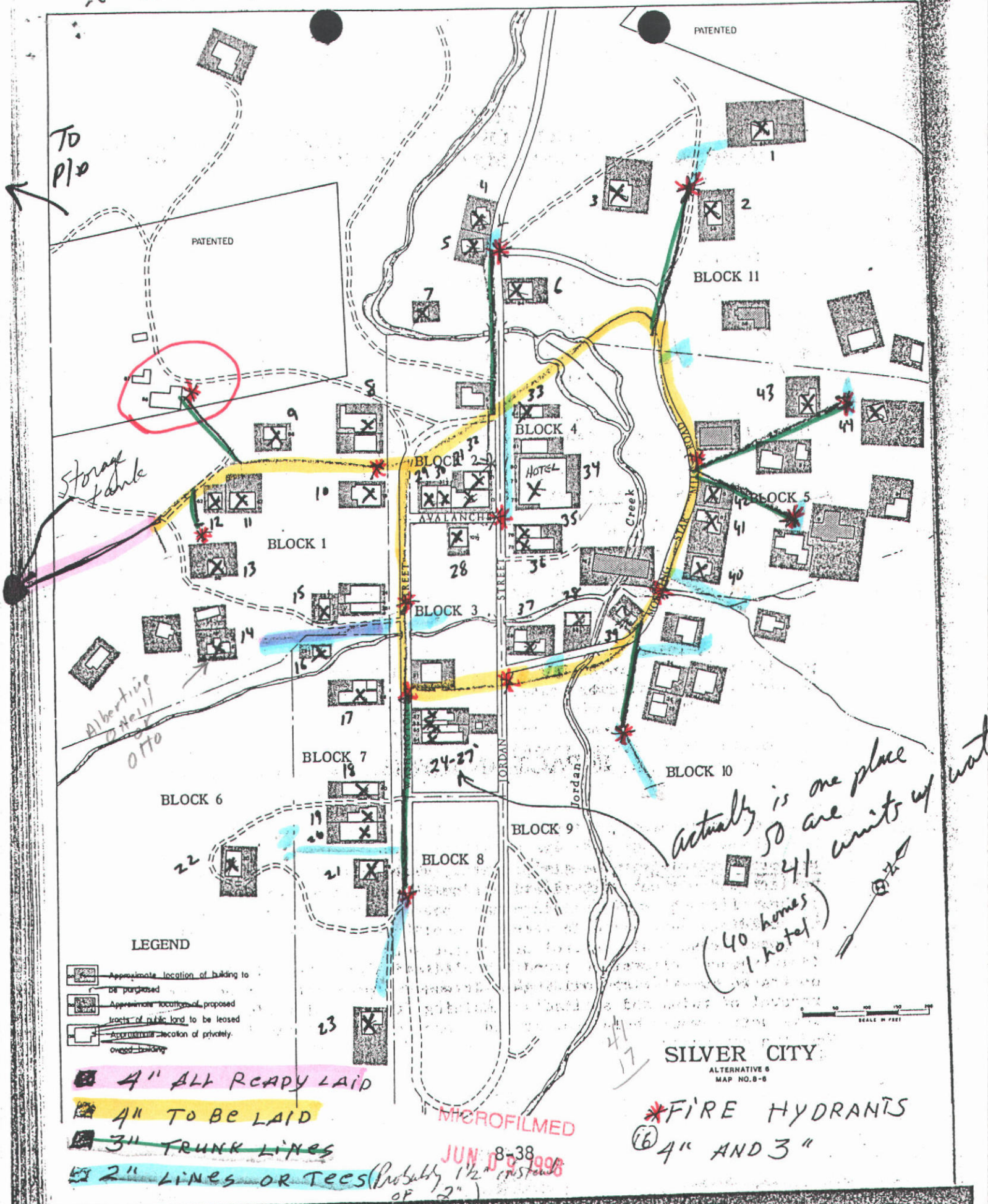
- Water Lines
- (40) Domestic use
- areas in question

SCALE IN FEET

THIS SHOWS UPGRADING IN PROCESS TO IMPROVE WATER DELIVERY TO HOME

X = UNIT WITH WATER

55-7011



State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 55-07011

Priority: August 16, 1971

Maximum Diversion Rate:

0.20 CFS

Maximum Diversion Volume:

14.4 AF

This is to certify, that SILVER CITY TAXPAYERS ASSN INC
C/O MARTIN L PETERSON
743 HEARTHSTONE DR
BOISE ID 83702

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated August 16, 1971; and
has submitted Proof of Beneficial Use on September 16, 1976. An examination indicates
that the works have a diversion capacity of 0.020 cfs of water from:

SPRING

tributary to **JORDAN CREEK**

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.20 CFS	14.4 AF

LOCATION OF POINT(S) OF DIVERSION: SESENW , Sec. 6, Township 05S, Range 03W
OWYHEE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

05S 03W 6	Lot 17(SWNE)	Lot 18(SENE)	NESE
	Lot 19(NWSE)		

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

MICROFILMED

JUN 09 1998

State of Idaho
Department of Water Resources

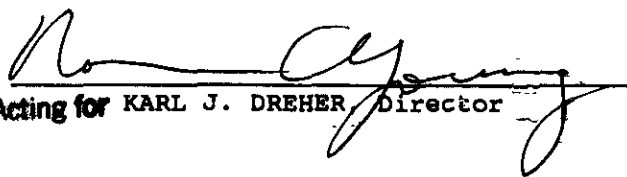
Water Right License

WATER RIGHT NO. 55-07011

CONDITIONS OF APPROVAL AND REMARKS

5. Rights 55-04007, 55-07011, 55-07409, 55-10130, 55-10204, 55-10205 and 55-10239 when combined shall not exceed a total diversion rate of 0.20 cfs.
6. Rights 55-04007, 55-07409, 55-10130, 55-10204, 55-10205 and 55-10239 are also diverted through the point(s) of diversion described above.
7. Source known locally as City Spring.
8. Domestic use is for 20 homes with in-house use only, and 2 homes with in-house and lawn irrigation use.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 8th day of JUNE, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED

JUN 09 1998

State of Idaho
Department of Water Resources

RECEIVED

JUN 02 1998

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 55-07011

Date of Priority: August 16, 1971

Maximum Diversion Rate:

0.20 CFS

Maximum Diversion Volume:

14.4 AF

Comes now

SILVER CITY TAXPAYERS ASSN INC

C/O MARTIN L PETERSON

743 HEARTHSTONE DR

BOISE ID 83702

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 55-07011, and requests that the permit be changed as follows:

Source: **SPRING**

tributary to **JORDAN CREEK**

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

ANNUAL VOLUME

DOMESTIC

01/01 to 12/31

0.20 CFS

14.4 AF

LOCATION OF POINT(S) OF DIVERSION:

SESENW , Sec. 6, Township 05S, Range 03W
OWYHEE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

05S 03W 6

Lot 17(SWNE)

Lot 18(ENE)

NESE

Lot 19(NWSE)

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Silver City, this 23rd day of May, 1998.

MICROFILMED

JUN 09 1998

(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 55-07011

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 5000 Received by LL # 1212471 Date 6/2/98

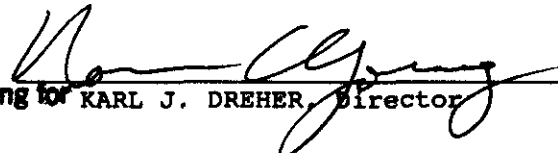
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 55-07011 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Rights 55-04007, 55-07011, 55-07409, 55-10130, 55-10204, 55-10205 and 55-10239 when combined shall not exceed a total diversion rate of 0.20 cfs.
6. Rights 55-04007, 55-07409, 55-10130, 55-10204, 55-10205 and 55-10239 are also diverted through the point(s) of diversion described above.
7. Source known locally as City Spring.
8. Domestic use is for 20 homes with in-house use only, and 2 homes with in-house and lawn irrigation use.

Witness my hand this 8TH day of JUNE, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED
JUN 09 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 55-7011
IN THE NAME OF THE SILVER CITY TAXPAYER'S ASSN., INC. } ORDER

WHEREAS, on August 16, 1971, the Silver City Taxpayer's Assn., Inc., filed with the Department of Water Resources (formerly the Department of Water Administration) an application for permit to appropriate 0.80 cubic feet per second of water from springs, to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, Twp. 5S, Rge. 4W, B.M., Owyhee County, to be used for domestic purposes; and,

WHEREAS, on October 5, 1971, the Department approved said application and issued Permit No. 55-7011 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before October 1, 1976, and that a measuring device of a type approved by this Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on September 16, 1976, the Department received the required proof of application of water to beneficial use along with a request that the measuring device requirement be removed from said permit; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 55-7011.

Dated this 20 day of September, 1976.


A. KENNETH DUNN
Administrator, Operations Division

Receipt # 12458

APPLICATION FOR AMENDMENT

RECEIVED
SEP 28

SEP 20 1973

Department of

Illustration

Permit No. 55-7011

Comes now Silver City Taxpayer's Assn., Inc. of (address) _____

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 55-7011, and requests that the permit and permit map be changed as follows:

(2 points)

1. Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6 Twp. 5 S
Rge. 9 W, B. M., County of Owyhee. Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 0.80 for domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre feet per annum)

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated

75 1911

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.

[illegible]

Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Boise, this 19 day of Sept, 19 73.

Karl J. Laible, Jr.
(signature) President

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Department of Water Administration,
hereby approve the above application for amendment for Permit No. 55-7011.

Witness my hand this 12 day of April, 19 74

Director

Identification No. 55-7011
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Silver City Taxpayer's Assn., Inc.
post office address % Keith Chadwick, Route 7, Caldwell, Idaho 83605

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

3. a. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 6 Township 5 S
Range 4 W B.M. Owyhee County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Amount 0.80 for domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated.

a 0.80 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a Description of ditches, flumes, pumps, headgates, etc. 4" pipeline to water tank
pipd from tank to houses

b Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

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

7. a Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years

b. Estimated construction cost is \$ _____.

8 Description of proposed uses:

a If water is **not** for irrigation.

(1) Give the place of use of water. E $\frac{1}{2}$ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section 6 Township 5 S
Range 4 W B.M.

(2) Amount of power to be generated: _____ hp under _____ feet of head.

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

(4) Name of municipality to be served Silver City, Idaho, or number of families to be
supplied with domestic water 40.

(5) If water is to be used for other purposes describe: _____

55 7011

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

[illegible]

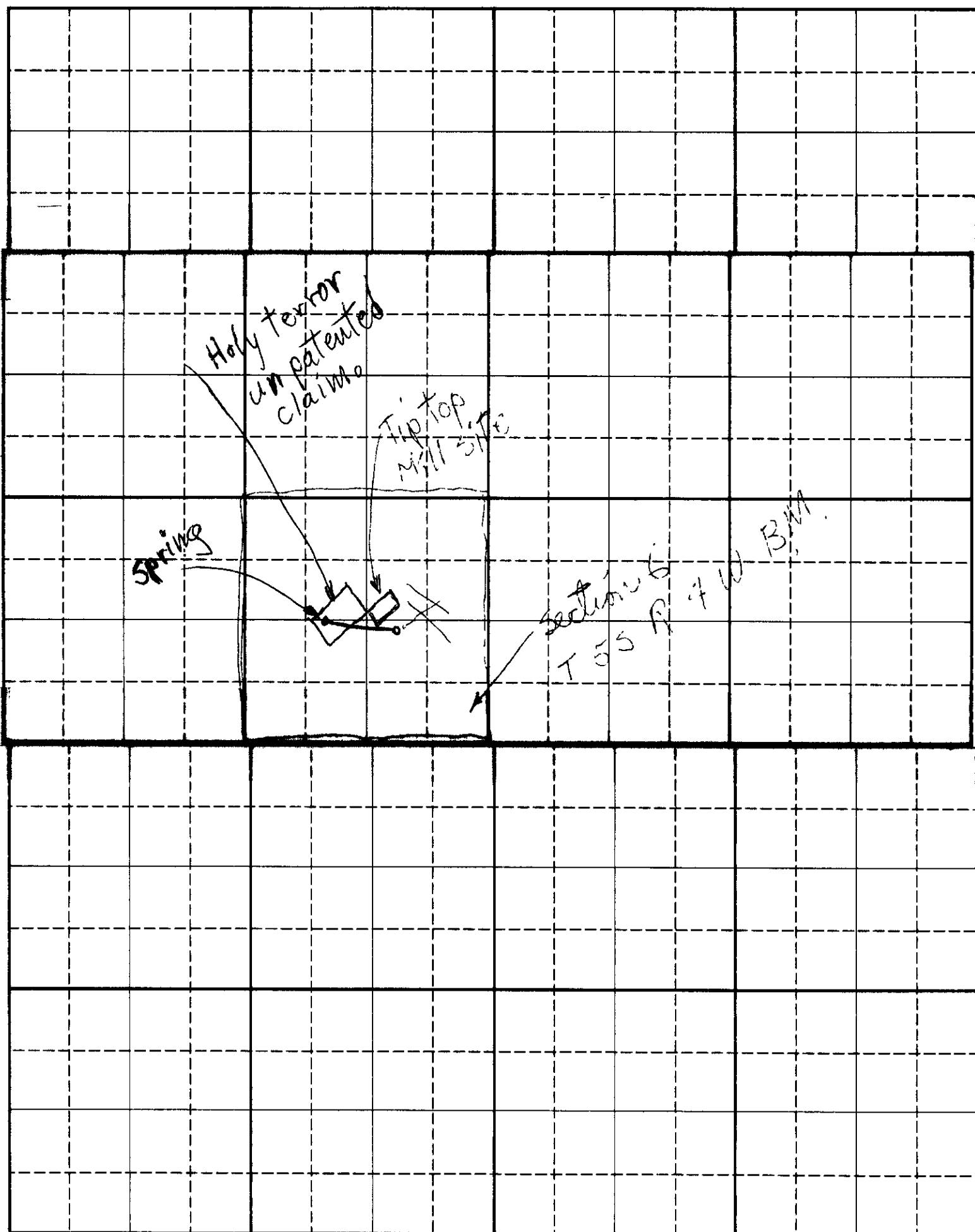
Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes as described above. _____

- 9 a. Who owns the property at the point of diversion BLM subject to Mining Rights
- b. Who owns the land to be irrigated or place of use BLM subject to Mining Rights
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing BLM land subject to mining rights and squatter's rights we own our houses only and have only squatter's rights. We have used the water for many years.

10. Remarks _____

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



Scale: 2 inches equal 1 mile

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

Keith I. Chadwick
(Applicant)
President Silver City
Taxpayers.

55 7011

Received by ej Date 8-16-71 Time 3:20 pm

Preliminary check by SD Fee \$ 25.00 Permit # 7499

Receipted by ej Date 8-16-71

Publication prepared by cr Date 8-30-71

Published in Owyhee Chronicle

Publication dates 9-9 & 9-16-71

Publication approved CR Date 9-29-71

Priority reduced to 8-16-71 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by Re D SDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 55-7011, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 19 76.
- c. Other: The permit holder shall permanently install and maintain as part of the diverting works a measuring device at the point of diversion of a type approved by this Department.

2. Denial of said application is for the following reasons: _____

Witness my hand this 5th day of October, 1971.

R. Keith Higin
Director

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

COUNTY OF OWYHEE

ss.

I, **Everett A. Colley**

, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now am over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the **printer** or publisher of **THE OWYHEE CHRONICLE**, a newspaper of general circulation printed and published weekly, on Thursday of each and every week, in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said **THE OWYHEE CHRONICLE** has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice

NOTICE OF APPLICATION FOR WATER PERMIT

of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not in a supplement thereto, in said

newspaper, in **two** (consecutive) calendar weekly issue(s) of said newspaper, on the following date(s):

Sept. 9, 1971

Sept. 16, 1971

(Signed)

Everett A. Colley

Subscribed and sworn to before me this **23rd** day of **Sept.**

A. D., 19 **71**

Evelyn S. Colley

Notary Public in and for the State of Idaho,

residing at **Homedale**, Idaho.

My commission expires **2-6**, 19 **72**.

55 7011

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that **Ever City Tappage & Mill, Inc.**, c/o **Keith Chadwick**, Route No. 7, Caldwell, Idaho has on August 16, 1971 submitted Application No. **55-7011** for a permit to appropriate **0.00** cubic feet per second of water from springs by means of pipeline within the **OWYHEE**, Sec. 4, T. 5S, R. 2E, E. 3E, Owyhee County to be used from Jan. 1 to Dec. 31 for domestic purposes for **40** families **Ever City, Idaho** within the E. 3E, Sec. 4, T. 5S, R. 2E, E. 3E.

It is noted this permit will be subject to all water rights existing against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before September 27, 1971

R. KEITH HIGGINSON
Director

Published in the Owyhee Chron-



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

RECEIVED

SEP 27 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 27, 2001

JIM HYSLOP
11618 EMERALD RD
NAMPA ID 83686

Re: Irrigation from the City Spring in Silver City

Dear Mr. Hyslop:

Your September 21, 2001 letter alleges use of water from the city spring to irrigate the yard at Gloria Otto's residence. You noted possible injury to other water rights using the same spring. You also wondered if Gloria Otto could establish some sort of water right to irrigate her yard by this alleged practice.

In order to reply to the points raised in your letter, allow me to summarize the current status of water rights from the city spring and discuss the background information leading to those rights. The Snake River Basin Adjudication (SRBA) resulted in six decreed water rights from the spring. A seventh water right was licensed for the most junior use of the spring. The licensed right was developed after 1987 SRBA commencement and therefore was beyond the scope of the SRBA.

The verified water rights regarding the city spring are assumed to include very limited yard irrigation at seven locations within Silver City. Most of these water rights do not identify or imply specific irrigated parcels. For example, the property owners association right no. 55-10204 covers domestic use at 16 units where two of the units were found to have yard use. This decreed right does not list which two units, or if any units, include yard irrigation. On the other hand, Hyslop right no. 55-10239 is thought to include yard use at the Hyslop unit ... location of the irrigation site is obvious in this case ... although yard use is not addressed in this decreed right.

The Idaho Department of Water Resources (IDWR) investigated water uses in the licensing and SRBA processes. Users of the city spring were involved in the SRBA process via the notice of error procedure and throughout extensive conversations, letters and meetings with IDWR for the past fifteen years or longer. IDWR recommendations to the SRBA Court and IDWR licensing work were based on particular details developed over time. For example, IDWR determined the two units with yard irrigation in right no. 55-10204 appeared to be the Miller and Statham units (see enclosed map). But the SRBA Court did not include that level of detail in decreeing this right. The Court simply decreed domestic use without specifying the number of units or if any units included yard irrigation. Likewise, the Court did not address yard irrigation in decreeing your right, no. 55-10239.

All the decreed and licensed water rights served by the city spring are summarized in the attached Table 1. The summary includes IDWR background information that shaped the final results

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55-7011

covered by the SRBA Court decrees and an IDWR license. The background information suggests irrigation of the Otto yard is covered by the most junior water right, license no. 55-7409, although the license does not specifically include that level of detail. Table 2, also attached, extracts yard irrigation from Table 1. Both tables list the water rights in priority order.

What is the remedy if the city spring does not supply enough water to fill all the water rights served by the spring? *IDWR cannot regulate the use of water in the town system* based on the scenario described by your letter. Neither of the following two possible solutions provides a satisfactory remedy. One solution is to form a *water district* for all rights served by the city spring. A risk in this option is that the entire Jordan Creek drainage might be pulled in because the city spring is tributary to Jordan Creek. The city spring might be subject to a priority cut (shut off) in that event if water shortages occur in the Jordan Creek system. In any event, a watermaster cannot regulate yard use in this context. A watermaster could only deliver available water at the point of diversion (the spring box) to satisfy the water right priority system. Distribution and regulation of water beyond the point of diversion is not subject to watermaster control.

To regulate water distribution throughout the community pipeline, a second solution might invoke the "*lateral ditch association*" provisions of Chapter 13, Title 42, *Idaho Code* (not clear if a pipeline system is the same as a ditch system in this context). If so, the users would have a "ditch manager" to regulate deliveries throughout the common pipeline system. Again, this seems unlikely and probably unworkable.

The situation is not amenable to either option ... watermaster or "ditch manager." *Management of a community pipeline is best handled by the water users.* I have often heard that Silver City has town rules for the water system and have often wondered if the rules carry any sanctions. I hope the water users can work out this problem in the context of their local agreements and rules. Additional IDWR involvement is highly unlikely in this situation.

It is possible that water right injury might occur in the city scenario. Traditional "water right remedy tools" to address the possibility are not suitable in this shared system. Gloria Otto already receives water right coverage under a community water right including implied yard irrigation at her home. She neither can nor needs to establish an additional or better water right simply by watering her yard.

Please contact me if you have any questions about this material. Good luck in your efforts and my best regards to you and the other property owners involved with the city spring.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure – Tables 1 and 2

CC: Gloria Otto
Fred Chadwick, Silver City Homeowners Assn. President
Clarence Orton, Silver City Water Committee Chairman
Gary Spackman, IDWR Western Region Manager

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Table 1. Summary of all Water Rights using the City Spring.

OWNER	RIGHT #	PRIORITY	WATER USE & NOTES	YARD (units)
Association	55-10205	1868	Commercial, ID Hotel	No
Hyslop	55-10239	1874	Domestic, 1 unit	Yes (1)
Statham	55-4007	1909	Domestic, 2 units	No
Otto	55-10130	1922	Domestic/Commercial at IPB & Log Cabin	Yes (1)
Association	55-10204	1968	Domestic, 16 units	Yes (2)
Association	55-7011	1971	Domestic, 22 units	Yes (2)
Association	55-7409	1990	Domestic, 23 units & 1 public fountain	Yes (1)

NOTES:

1. See enclosed map summarizing IDWR investigation about units served by City system.
2. Yard irrigation includes minor landscaping.
3. Association is Silver City Property Owners Assn., Inc.
4. Right no. 55-10204 is a combination of many individual uses with a range of priorities, some back to 1800s. Uses were combined into a single claim with latest priority date of homes served for convenience and cost saving in SRBA claims taking.
5. Seven units have yard irrigation in City system. Irrigation at one of Statham units is covered via an Association water right. See Table 2 for yard irrigation summary.

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307

Table 2. Summary of Water Rights using the City Spring for Yard Irrigation (Water Rights are from Table 1).

OWNER	RIGHT #	PRIORITY	NOTES ABOUT YARD USE
Hyslop	55-10239	1874	1 unit, map site #6
Otto	55-10130	1922	1 unit, IPB/Log Cabin, map site #7
Association	55-10204	1968	2 units, Miller & Statham, map site #2 & 5
Association	55-7011	1971	2 units, unknown owners, map site # 3 & 4
Association	55-7409	1990	1 unit, Otto home, map site #1

NOTES:

Individual yard use under Association rights cannot be definitively linked to a specific Association right number. Above summary is best available IDWR information but could be equally accurate under a different configuration. For example, yard use at Otto home might be 55-10204, not 55-7409.

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CONVERSATION MEMORANDUM

SEP 23 1998 DATE 9/18/98

Department of Water Resources FILE Silver City -

NAME OF PARTY See below

EMPLOYEE RL

City Spring
(Region file)

RE: SJRA objections - Meeting @ S.O.

Roxanne @ RL - Down

Clarence Arden - City

Fred Price - BLM

Met to discuss recent BLM objections to several claims from city spring. BLM wants to clarify rights to show that PLN is only for private land in PLN (except drinking fountain is on BLM land in 55-07409). Newest survey plat by BLM shows govt lots no longer exist in PLN (S $\frac{1}{2}$ NE $\frac{1}{4}$ & N $\frac{1}{2}$ SE $\frac{1}{4}$). PLN is mix of private & public land.
 traits are

City should also seek to amend license 55-07011 & 55-07409 to clarify newest legal description & private/public land ownership points. This would not be a change requiring transfer - just clarifies the overall situation.

cc: 55-07011 } S.O. & Region file
55-07409 }

MICROFILMED

OCT 27 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

June 8, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SILVER CITY TAXPAYERS ASSN INC
C/O MARTIN L PETERSON
743 HEARTHSTONE DR
BOISE ID 83702

RE: WATER RIGHT NO. 55-07011

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license 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 unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of 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 twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from 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. Otherwise, this preliminary order will become a final order of the Department.

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

UNRECORDED

JUN 9 1998

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen". The signature is written in dark ink and is positioned above the printed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:klt

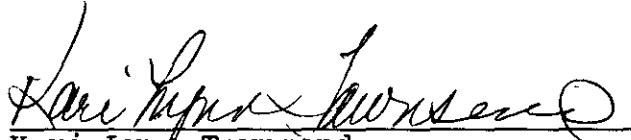
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the **8th** day of **June, 1998**, I mailed
a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 55-07011

SILVER CITY TAXPAYERS ASSN INC
C/O MARTIN L PETERSON
743 HEARTHSTONE DR
BOISE ID 83702


Kari Lynn Townsend
Secretary

RECEIVED

JUN 10 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

May 20, 1998

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

SILVER CITY TAXPAYERS ASSN INC
C/O MARTIN L PETERSON
743 HEARTHSTONE DR
BOISE ID 83702

RE: WATER RIGHTS 55-07011/55-07409

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permits referenced above prior to issuing water right licenses. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the point(s) of diversion developed are in locations other than what was described on your permits. Therefore, before licenses can be issued, your permits must be amended to depict your water use as it was actually developed.

The enclosed Application for Amendment forms depict the point(s) of diversion and other information as it will appear on the licenses when they are issued. Please review the amendment forms carefully. If you concur with the information presented, please sign the forms and return them with the \$100.00 filing fee (\$50.00 each) within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley Walter Keen".

Shelley Walter Keen
Water Rights Supervisor

SWK:klt
Enclosures

100-327-7946

LICENSE REVIEW CHECKLIST

PERMIT NO. 55-07011 DATE 5/18/98 REVIEWER: SHARLA

NAME Change/OK
Address OK

SOURCE OK Does change clarify orig. intended source? If no, Void permit

POINT OF DIV Chg Change (Para P39 - gov P40/P47) Add (P45/P42)
W32 (multiple in 1/4)
W36 (overlap)
W59 (subd. desc)

Overlaps: Right(s): _____
File reviewed _____ Profile reports printed _____

PLACE OF USE OK Change (P41 - gov P43/P47) Add (P41/P42)
W60 (subd. desc)
W27 (ppu acre limit)

Overlaps: Right(s): _____
File reviewed _____ Profile reports printed _____

RATE OF DIV
Permitted Rate .80 cfs
Fee limit 1.00 cfs \$100⁰⁰
Measured ✓ cfs
Theoretical .20 cfs

Recommended Total Div Rate .20 cfs

WATER USES	<u>OK</u>				
<u>Dom.</u>	<u>.20</u> cfs	<u>14.4</u> af	Irrig -	overlap (R58-R61, R62-R65, R66-R69)	
				supp gw (WB7/065/079)	
				overlap spec. combined rts (W35)	
				<1acre (W31) <u>spec 22,2 w/ on</u>	
				(W01/WB5/070/071/075)	
TOTALS	<u>.20</u> cfs	<u>14.4</u> af	Domestic	(W42 or W43/025/027/R22 or R23)	
			Power	Fire (077) Wtr Quality (081/R07)	
			Fish (042)		

Flow rate .20 cfs X 365 days X 1.98 = 1445 af

REMARKS _____

ADD'L CONDITIONS _____ Watermaster Control WD# _____
_____ GW Measurement/Measuring Device
_____ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority _____ yes _____ no _____ SRBA Claim ✓ Adjust Memo _____
Amend letters P39 P30
P47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 55-07011

1. Owner: Silver City Property Owners Assn. Phone No. 364-4033
 Current Address: % MARTIN L. PETERSON, PRES. / 743 HEARTHSTONE DR. / BOISE ID 83702
 2. Accompanied by: _____ EXAM DATE: SEE ORIGINAL
 Address: _____ } SEE original exam info Phone No. _____
 Relationship to Permit Holder: _____
 3. Source: Spring tributary to Jordan Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____ } SEE Attachment 2
 2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	-	SE	SE	NW	6	SS	3W	Owyhee	7 1/2' topo ← <u>SEE Attachment 3</u>

2. Place(s) of Use:

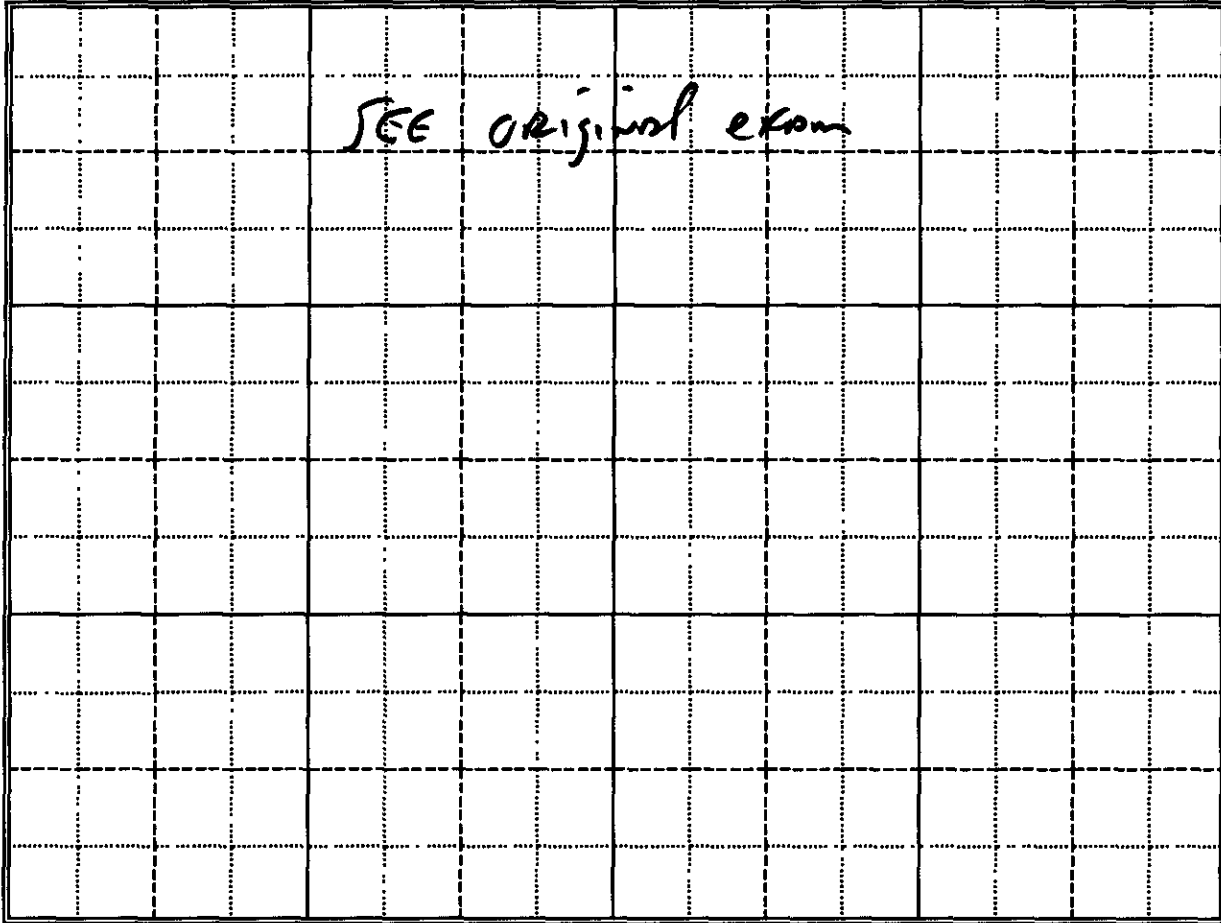
Indicate Method of Determination SAME

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
SS	3W	6			D	D									D	D			
					L.17	L.18										L.19			

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JUN 9 1998

REVISED REPORT PER SRBA Final Recommendations
for Director's Report - 5/11/98

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required)

N/A Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

SEE original

4.

SEE Attachment 3

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	N/A				

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

SEE original

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: .20 cfs theoretical capacity per 95' 5/5/89
memo in original file.

E. NARRATIVE/REMARKS/COMMENTS

1) SEE Attachment 2 for context to which this right operates

Result of SRBA final recommendations
2) This right, when combined with right nos. 55-04007, 55-07409, 55-10130, 55-10204, 55-10205 & 55-10239 is limited to div. capacity of .20 cfs. *

3) Source aka City Spring.

4) Domestic use is 20 22 homes in which 2 of the homes also include yard irrigation.

5) Licensing of this right will provide basis for SRBA action to be completed.

6) No add'l info provided by association in SRBA notice of cure process to contradict license recommendations (which match SRBA recommendations).

7) Overlap - all rights from city spring serve separate connections to city system so no conflicting plm coverage or duplication.

Have conditions of permit approval been met? ☐ yes ☒ no

MEAS. device not installed but recommend licensing w/out it per file history
JAN 9 1998

* or: This right, when combined with an other rights from this diversion system, is limited to the div. cap. of .20 cfs.

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

theoretical per mfs noted in item 02

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: *N/A*

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses:

~~Dom 0.2 int. = 22 x .6~~
Domestic 20 internal + 2 int. + ext:
 $20(.6) + 2(1.2) = 12 + 2.4 = 14.4 \text{ Afa} \leftarrow \text{Allow}$
 vs. $.20 \times 365 \times 1.9835 = 144.8 \text{ Afa}$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Domestic</i>	<i>1/1</i>	<i>12/31</i>	<i>.20</i>	<i>14.4</i>
Totals:			<i>.20</i>	<i>14.4</i>

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other
will need amendment fee to change QCU

I. AUTHENTICATION

Field Examiner's Name *Steve Latta* Date *Report completed 5/11/98*

Reviewer _____ Date _____

SEAL

*
 permit .80 cfs
 1976 proof .25 cfs
 1987 exam fee .80 (.25?) cfs \$100
 SRBA claim .80 cfs

MEASUREMENT .20 cfs
 MICROMETER
 Benef. use > .20 cfs per dom. chart
 JUN 19 1998
 Limit Allowed = .20 cfs

January 22, 1998

Mr. Steve Lester *SL*
Water Rights Supervisor
Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

JAN 26 1998

WATER RESOURCES
WESTERN REGION

RECEIVED

JAN 28 1998

Department of Water Resources

RE: ADJUDICATION CLAIMS A55-07011 AND A55-10204

Dear Mr. Lester:

Thank you for your letter of January 9 concerning the need for additional information concerning the Silver City water system filings. The following requested information is provided:

- Change-of-Address. The attached change-of-address form provides our correct current mailing address as:

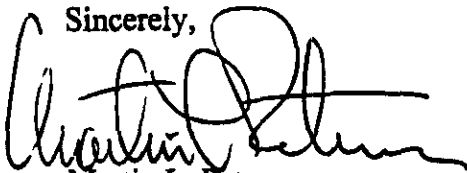
Silver City Property Owners Assn.
c/o Martin L. Peterson, President
743 Hearthstone Dr.
Boise, ID 83702

208-364-4033

- Evidence of date of priority for claim no. A55-10204. I am enclosing notarized statements by six individuals attesting that the Silver City water system was in use prior to the September 1, 1968 priority dated listed under claim A55-10204.

If I can provide any additional information, please let me know.

Sincerely,



Martin L. Peterson
President

Silver City Property Owners Association, Inc.

cc: Silver City Water Committee

*Appears to be a
from 1994 evidence
in A55-10204*

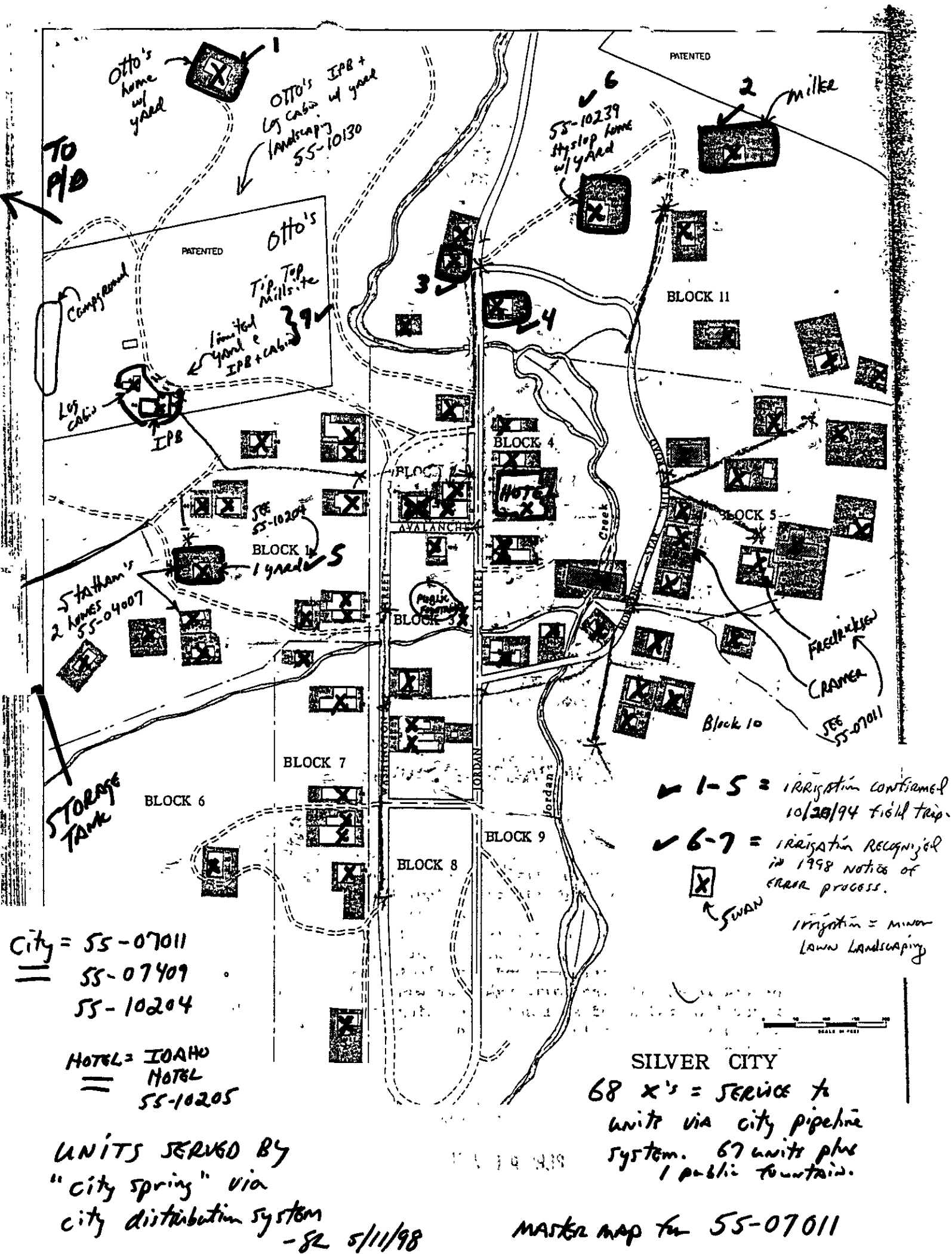
-SL

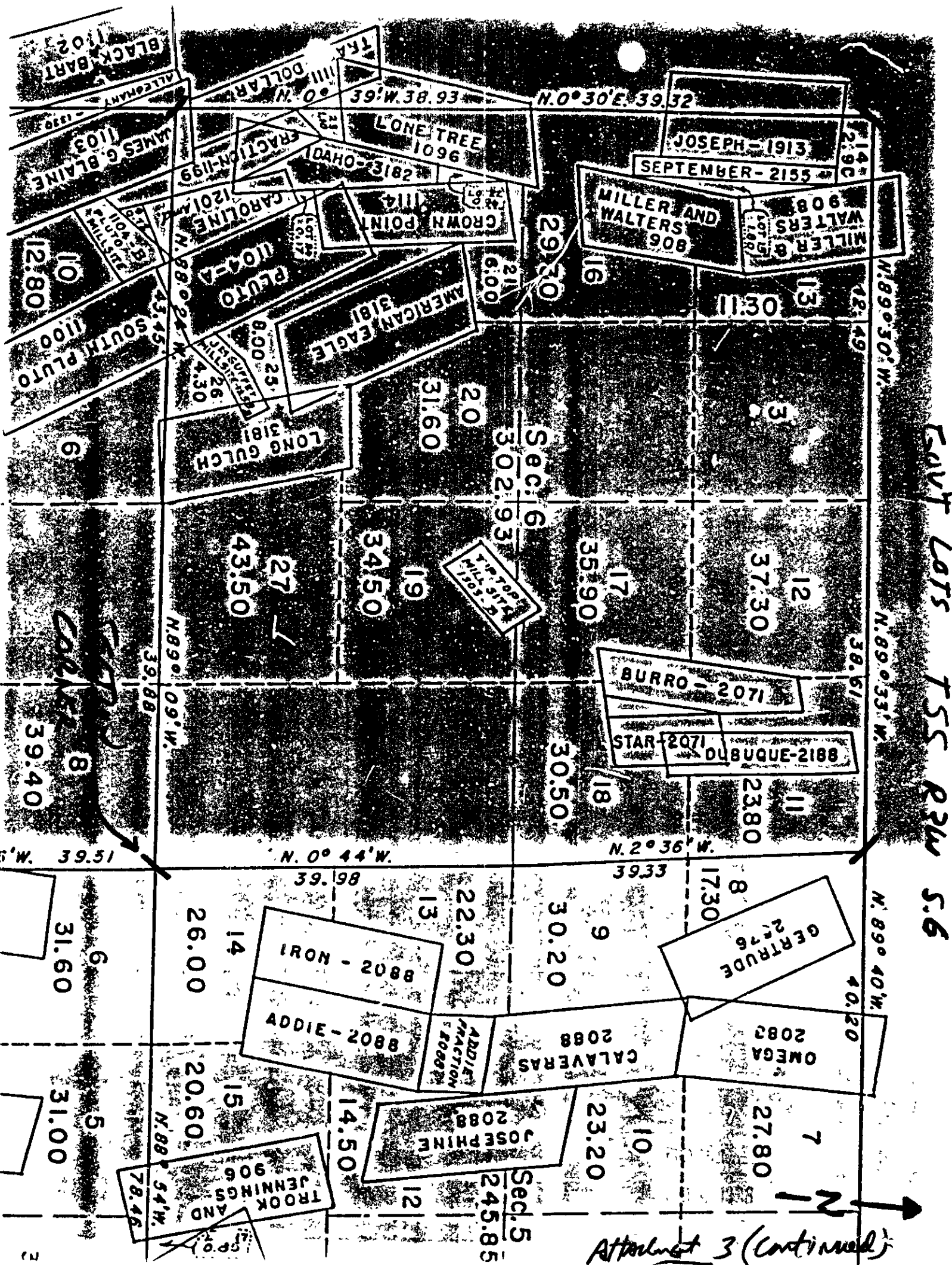
*ASSN. has gone
through # of name
changes but is the
same group essentially as
original permit name.*

*NOTED
JAN 29 1998*

*Applies to:
55-07011 55-07409
55-10204*

*Attachment 1
current name &
address*





CAVY LOTS TSS R3W S.6

Attachment 3 (Continued)

YARD USES IN SILVER CITY

PER 1994 FIELD VISIT - OBSERVED 5 UNITS WITH
EXTERNAL USE FOR TOTAL OF $\approx .2$ ACRE.

PER 1998 FIELD TRABA RECOMMENDATION - ADDED 2
MORE SITES FOR EXTERNAL USE (HYSTOP IN
SS-10239 AND OTTH IN SS-10130).

TOTAL ACREAGE OF YARD USES NOT DEFINITELY KNOWN
BUT CAN BE CONFIDENT THAT IS ≤ 1 ACRE -
PROBABLY MORE IN RANGE OF $\frac{1}{2}$ ACRE.

1998 CONCLUSION OF TOTAL OF 7 UNITS SET ASIDE
FOR YARD USE (SEE LAST PG. OF ATTACHMENT 2
FOR MASTER MAP OF THOSE ~~7~~ 7) IS THE
FINAL CONCLUSION OF IOWA'S WR + AS PROCESSES.

SS-07011

Attachment 4
(11 PGS.)

**SUPPLEMENT TO RECOMMENDED RIGHTS FROM
CITY SPRING AT SILVER CITY**

PREPARED BY STEVE LESTER *SL*
IDWR WESTERN REGION
~~MARCH 4~~ MAY 8, 1998

NOTE - THIS REPLACES THE 3/4/98 MEMO FOR RIGHTS FROM CITY SPRING & A FEW MISC. RELATED FILINGS. UPDATE BASED ON FINAL CONCLUSIONS FROM NOTICE OF ERROR PROCEDURE. OUT OF DATE INFO IS SHOWN IN ~~STRIKEOUT~~ FORMAT WHILE NEW INFO IS SHOWN IN UNDERLINE FORMAT.

~~This explanation is provided to all claimants whose Snake River Basin Adjudication Claims identify the "city spring" in Silver City as a source. The explanation is provided for the claimants because it may be confusing to receive a recommended right without a complete explanation of all uses from the city spring.~~

The following terms are used:

CAMPGROUND = Ottos' private campground uphill from IPB site

CITY = Silver City Property Owners Association

CITY SYSTEM = City's diversion works and delivery pipelines

IDWR = Idaho Department of Water Resources

IPB = Ottos' hostel at Idaho Power building

LOG CABIN = Ottos' secondary structure near the IPB site

SRBA = Snake River Basin Adjudication.

STORAGE TANK = the new City tank that replaced the old wooden tank.

~~The claims have been recommended by IDWR as shown in this mailing. The recommended rights are subject to corrections per the claimant response period provided under Idaho law. IDWR recommendations are based on a review by IDWR legal and other staff. The recommendations result from a thorough review of all the evidence provided by the claimants plus IDWR field exams conducted from 1987 through 1994.~~

If a use for an individual owner is recommended under that owner's older claim, that use has been deleted from the City's younger claims to avoid duplication. Supplemental information shown below is arranged alphabetically by ownership.

CITY RIGHT NOS. 55-10204, 55-07011 AND 55-07409

55-10204 - recommended with 1968 priority date for domestic use for 16 homes where 2 of the homes include lawn irrigation. This right results from

MAY 1998

*from file 55-07011 → Attachment 2
(6 pgs)*

combining a number of single family domestic uses, previously unrecorded until the SRBA, under a single priority date. The latest priority date for the combined uses must be used in such situations. The right lists the lot numbers served by this right.

55-07011 - recommended with 1971 priority date for 22 homes where 2 of the homes include lawn irrigation. ~~Also covers commercial use at the Idaho Hotel.~~ The lot numbers are not completely known for this right so have been omitted. The recommendation is based on a pending license. The right now exists as a permit which was field examined in 1987 before SRBA claims were filed. Licensing has been complicated by competing SRBA claims. It is assumed that the license can be issued ~~before the IDWR Director's Report is submitted to the SRBA Court (later this year after the claimant response period is completed).~~ in a timely manner while the SRBA Director's Report is being considered by the court.

55-07409 - this permit includes a 1990 priority date to cover those uses initiated after the November 1987 field exam of 55-07011. This right is outside of the SRBA scope and therefore will not be included in the Director's Report nor will it be decreed by the SRBA Court. The permit can be licensed for domestic use for 23 homes (includes 1 home with lawn irrigation) and a public drinking fountain assuming that the other two City rights are decreed as above.

City Summary - the 3 City rights will cover domestic use for 61 homes including lawn irrigation at 5 of those homes ~~(that is all of the irrigation found by 1994 field verification)~~ plus drinking water at the public fountain. ~~and commercial water for the Idaho Hotel.~~ All other uses via the City System are covered under individuals' rights.

FREDRICKSON RIGHT NO. 55-13655

Recommended to be disallowed based on insufficient evidence of priority date. IDWR legal staff determined that a contentious situation such as the City Spring requires better documentation to support SRBA claims. This use is recommended for 1 home (in-house use only) in City right 55-07011.

HYSLOP RIGHT NO. 55-10239

This right is recommended with a 1874 priority date for 1 home ~~(in-house use only)~~ for Lot 50. Use includes in-house and limited yard landscaping.

IDAHO HOTEL RIGHT NO. 55-10205

This right is recommended ~~for disallowal based on evidence of forfeiture from 1942-1968. This commercial use is recommended in City right 55-07011, with a 1868 priority for inside commercial use at the Idaho Hotel.~~

OTTO RIGHT NOS. 55-04151 and, 55-10130 & 55-13689

55-04151 - recommended with a ~~1937~~ 1922 priority date for 2 sources: overflow from the storage tank plus any additional water provided from the old shaft/tunnel located below the tank and the road (shaft/tunnel is near the flume by the Campground). The points of diversion include the overflow collection at

the storage tank plus the shaft/tunnel. This is not water from the City Spring except insofar as captured overflow from the Storage Tank is involved. Uses include commercial use at the campground and the IPB site plus and domestic use at the private Campground, Log Cabin and IPB sites (note dual uses depend on arrangement with guests at the site: domestic for non-paying but commercial for paying guests). This is not water piped into the IPB, rather it is water delivered via a ditch to the IPB site. Uses do not include any lawn etc. irrigation. Internal and limited yard landscaping uses are included. Landscaping of up to 1/2 acre includes non-native plants plus native plants, the latter case in which water is applied to refresh plants after campers depart so a beneficial use is derived from this practice.

55-10130 - recommended with a 1922 priority date for domestic and commercial water for the IPB and Log Cabin delivered by the City system. This is water piped into the two units and does not include lawn etc. irrigation. This right includes the dual use arrangement noted in 55-04151. The same internal and external uses occur (except not at the Campground) in this right as in 55-04151.

Additional right? - another filing is needed to cover a spring that contributes water to the delivery system in 55-04151. An old mining shaft is located above the road not far from the storage tank overflow diversion. This additional source cannot be included in any of the current Otto rights. If the use started before 5-20-1971, a late SRBA claim can be filed along with evidence to support the beneficial use claim. If the use started on or after 5-20-1971, an application for permit should be filed to establish a 1998 priority date. The appropriate filing should be made without delay. Result shown in next paragraph.

55-13689 - A 1937 beneficial use right has been recommended as claimed as a result of the claimant's notice of error action. This right is recommended for the same uses as in 55-04151. This is not water from the City Spring but is commingled with water from 55-04151.

STATHAMS' RIGHT NOS. 55-04007 AND 55-04110

55-04007 - recommended with a 1909 priority for in-house domestic use at 2 homes, Lots 91 and 92. Does not include lawn irrigation (see next right).

55-04110 - recommended to be disallowed per 1994 withdrawal of claim. This claim was for lawn irrigation at 1 of the Statham homes but has been recommended in City right 55-10204.

All of the uses regarding the City Spring are covered by the above recommendations to the extent that the uses have been verified by claimants' evidence and/or IDWR field examinations.

ADDITIONAL RIGHT NOT FROM CITY SPRING

Included in this explanation is another right not from the City Spring but serving homes also served under the City rights.

55-04000 - recommended with a 1948 priority for an unnamed stream (flow from old mining tunnel) located uphill from the homes. IDWR has been informed that this right serves Lots 36 and 44 for Cramer and Fredrickson homes. The claim lists Cramer and Statham, but IDWR has learned that Statham property is not

- Page 4 -

involved. The home owners served by this right ~~should file a change in ownership with IDWR to replace Statham with Fredricksen assuming that IDWR has the correct information for this situation.~~ filed the proper change in ownership to record the right in the names of Cramer and Fredricksen.

Original filed in permit 55-07011 with copies in all other water right and adjudication files at region and state office.

1970 3 9 1970

Summary of Investigation Observed 1994 Field Visit:

PER recommended rights

Some rights w/ known lot #'s
" " w/o " " "

SO cannot id. all lot #'s for all rights.

This is known per looking through all files:

5 lawns/yards covered in 3 city rights

55-10204 for 2 lawns

- map sites 2 (Miller Lot 49) and 5 (Statham, 1 home in Lot 91 or 92).
- Internal use covers Miller's Lot 49.
- Statham's 1/2 internal use via 55-04007.

part of
JLBA

55-07011 for 2 lawns

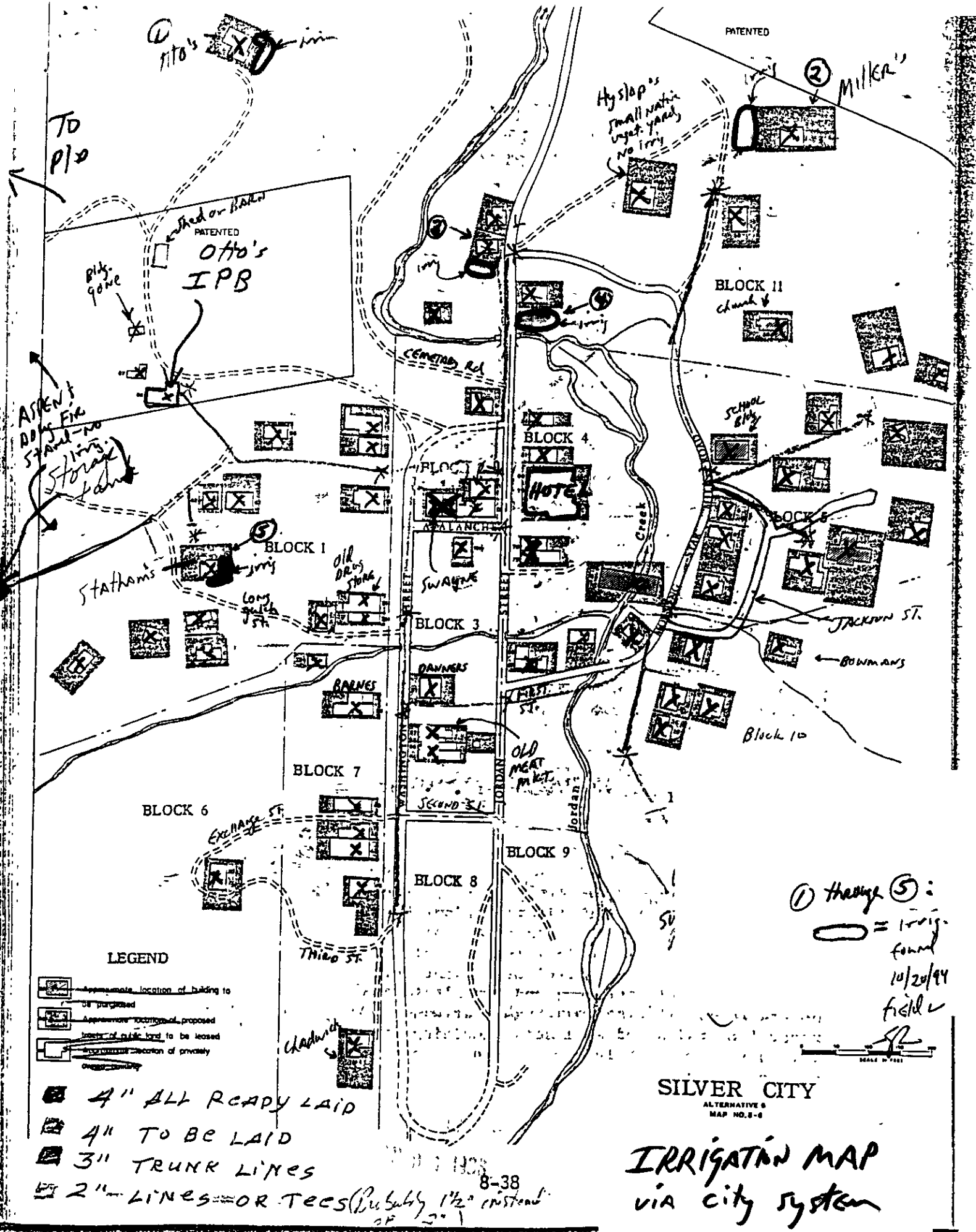
- map sites 3 & 4. (lot #'s & owners not known).
- not sure which 1 of 3 city rights covers internal use but assume it's via 55-07011.

post-
JLBA
Right

→ 55-07409 for 1 lawn

- map site 1.
- Otto's home Lot 87 (?).
- Internal use for this lot also thought to be via 55-07409.

-JZ 3/31/98



THIS SHOWS UPGRADING IN PROCESS TO IMPROVE WATER DELIVERY TO FOLI

Silver City Master Plot Map

5/11/98

Attached plot replaces 1990 version. The 1990 map was best estimate then. Now, following JABA Director's Report recommendation, this new map is the final word.

Not possible to indicate which units are covered by which city¹

right - no master list has been found to correlate to this map.

Key point is that uses are covered by city right, or by separate rights under separate ownership.

No duplication occurs in coverage.

<u>OWNER & Right</u>	<u>Priority</u>	<u>USES</u>	<u>X's on map</u>
City SS-10204	1968	0/16 w/ 2 laws ²	16
SS-07011	1971	0/22 " 2 "	22
SS-07409	1990	0/23 " 1 "	} 24
		1 public fountain	
Hyslop SS-10239	1874	0/1 w/ 1 lawn	1
IO HOTEL SS-10205	1868	comm/1 -	1
OTTO SS-10130	1922	0/2 ³ w/ 1 lawn	2
Stothorn SS-04007	1909	0/2 -	2

all X's accounted for $\rightarrow$ 68

¹ city = the association.

² 1 lawn = Stothorn's main home w/ internal use re SS-04007.

³ also includes commercial use & same 2 units (IPB & by Casino). Combined yard use for 2 units (plus campground which is served by other rights not from city spring) is $\leq \frac{1}{2}$ acre.

SD-4110
INQUIRY

Idaho Department of Water Resources
Adjudication Remarks Screen

Date: 03/31/98
Time: 09:29:13

Water Right Number: R55-04007

FIRST PAGE

QNT

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF .20 CFS. COMBINED RIGHT NOS.:
55-07011, 55-10130, 55-10204 AND 55-10239.

USE

DOMESTIC USE IS FOR 2 HOMES, INSIDE USE ONLY.

EXP

SOURCE LOCALLY KNOWN AS CITY SPRING.

PROPERTY ALSO KNOWN AS LOTS 91 & 92.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 55-07011, 55-10130, 55-10204 AND
55-10239.

(GOLD4=Prev Screen) (GOLD6=End of Data)
(GOLD5=Next Screen)

(Enter=Exit)
(GOLD8=Cancel)

Statham - Right through city system
internal use only

SD-4110
INQUIRY

Idaho Department of Water Resources
Adjudication Remarks Screen

Date: 03/31/98
Time: 09:28:05

Water Right Number: R55-07011

FIRST PAGE

QNT

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF .20 CFS. COMBINED RIGHT NOS.:
55-04007, 55-10130, 55-10204 AND 55-10239.

USE

DOMESTIC USE IS FOR 20 HOMES, INSIDE USE ONLY; 2 HOMES WITH
INSIDE USE AND LAWN IRRIGATION.

EXP

COMMERCIAL USE IS FOR IDAHO HOTEL.

SOURCE ALSO KNOWN AS CITY SPRING.

THIS RECOMMENDATION IS BASED ON PENDING LICENSE FOR THIS RIGHT
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 55-04007, 55-10130, 55-10204 AND
55-10239.

(GOLD4=Prev Screen) (GOLD6=End of Data)
(GOLD5=Next Screen)

(Enter=Exit)
(GOLD8=Cancel)

City - Right includes 2 lots with lawns
but lot nos. not i.d. in this right

SD-4110
INQUIRY

Idaho Department of Water Resources
Adjudication Remarks Screen

Date: 03/31/98
Time: 09:26:37

Water Right Number: R55-10204

FIRST PAGE

QNT

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF .20 CFS. COMBINED RIGHT NOS.:
55-04007, 55-07011, 55-10130, AND 55-10239.

USE

DOMESTIC USE IS FOR 14 HOMES, INSIDE USE ONLY; 2 HOMES WITH
INSIDE USE AND LAWN IRRIGATION.

EXP

SOURCE ALSO KNOWN AS CITY SPRING.

PLACE OF USE ALSO KNOWN AS LOTS 44, 49, 54, 55, 65-67, 71, 72,
74-76, 79, 88, 94 AND 96.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 55-04007, 55-07011, 55-10130, AND
55-10239.

(GOLD4=Prev Screen) (GOLD6=End of Data)
(GOLD5=Next Screen)

(Enter=Exit)
(GOLD8=Cancel)

NOTE - List of lot nos. cover in-house use. One of
these lots has 1 lawn (Lot 49).
The second lawn is not in list of Lot #'s,
that is for 578th home: 1 of 2 homes
covered by 55-04007 (city spring for in-house use).

City - Right includes 2 lots with lawns.
Lot # = for in-house use.
2 lawns = Lot 49 (Miller) & 1 of
Lots 91 or 92 (Statham)

SD-4110
INQUIRY

Idaho Department of Water Resources
Adjudication Remarks Screen

Date: 03/31/98
Time: 09:30:43

Water Right Number: R55-10239

FIRST PAGE

QNT

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF .20 CFS. COMBINED RIGHT NOS.:
55-04007, 55-07011, 55-10130 AND 55-10204.

USE

DOMESTIC USE IS FOR 1 HOME, INSIDE USE ONLY.

EXP

PARCEL NO. RP F00600000500

SOURCE ALSO KNOWN AS CITY SPRING.

PROPERTY ALSO KNOWN AS LOT 50.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 55-04007, 55-07011, 55-10130 AND
55-10204.

(GOLD4=Prev Screen) (GOLD6=End of Data)
(GOLD5=Next Screen)

(Enter=Exit)
(GOLD8=Cancel)

*Hyslop - right through city system
internal use only*

PS 1 of 2

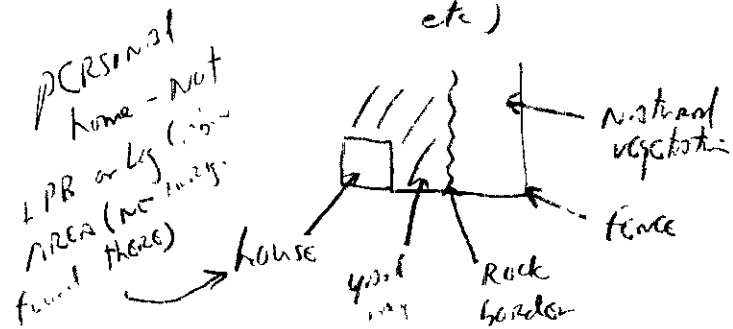
10/24/94 IRRIGATION FIELD CHECK Silver City

-JC

3/1/98
REformatting

SPE = see previous exams for claims & irrig users. Checked all sites in city for irrig signs today.

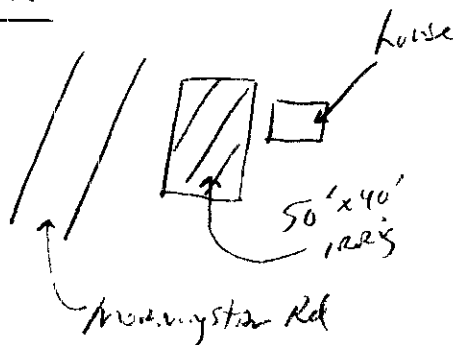
Site #1 (see attached map) CTO's home irrig small front/side yard, rest is natural vegetation.
lot 15' x 60' + 20' for side area & misc (flower boxes etc)



$$ir = \frac{(15' \times 60') (1.2)}{43560 \text{ ft}^2/\text{acre}} = .025 \text{ acre}$$

SPE #1 & 2

Site #2

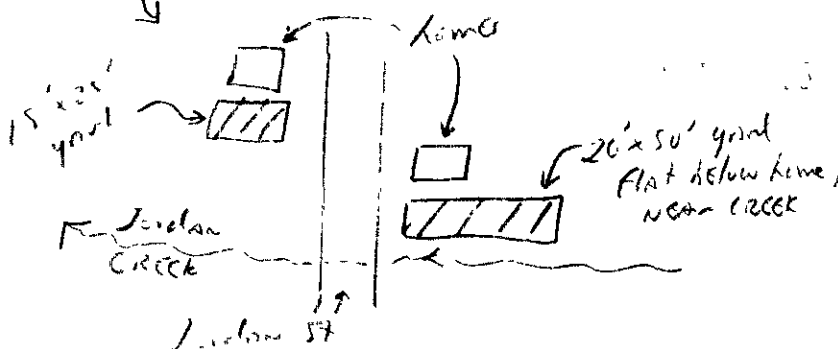


$$ir = \frac{50' \times 40'}{43560 \text{ ft}^2/\text{acre}} = .046 \text{ acre}$$

Site #3

just as come into town

Site #4



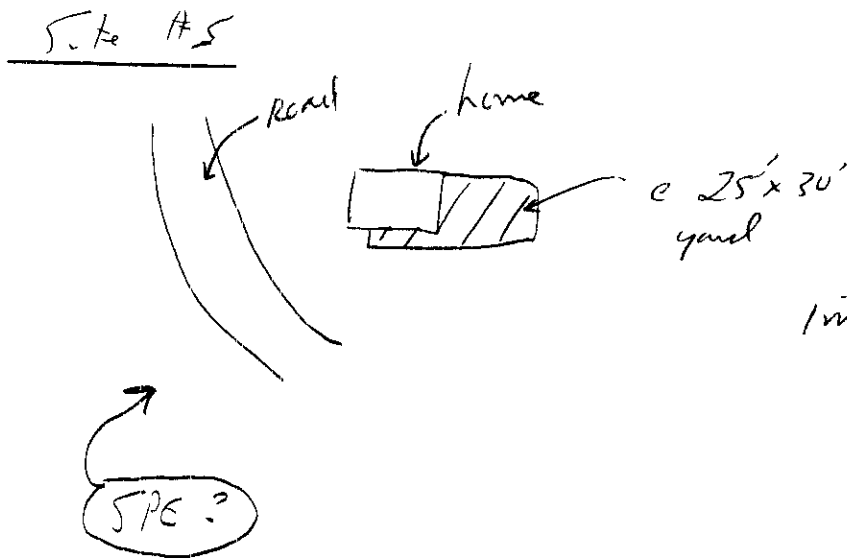
Site 3:

$$\frac{15' \times 25'}{43560 \text{ ft}^2/\text{acre}} = .009 \text{ acre}$$

Site 4:

$$\frac{26' \times 50'}{43560 \text{ ft}^2/\text{acre}} = .023 \text{ acre}$$

→ 10/24/94 Irrig. Field Check continued — PS 2 of 2



$$1 \text{ in} = \frac{25' \times 30'}{43560 \text{ ft}^2/\text{acre}} = .017 \text{ Acre}$$

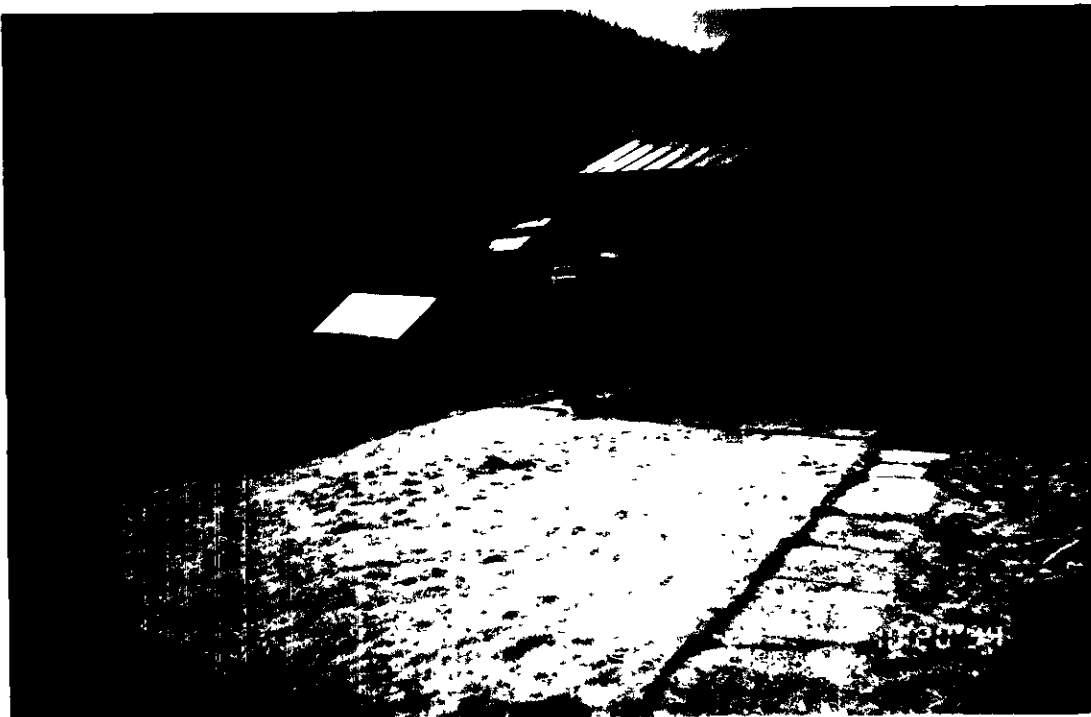
TOTAL Irrig. Fields	Site	Acres
	1	.025
	2	.046
	3	.009
	4	.023
	5	.017
		<u>.12</u> total acres

Since data entry in plan field only allows to request $\frac{1}{4}$, allow .2 Acre. This provides for margin of error that is very generous.

TOTAL IRRIG. Silver City	} .2 ac	.03 cfs max	4/15-10/15 5th season
		3.5 A/c div. lot.	
		2.5 A/c cons. use lot.	

DATE OF PHOTOS _____ OWNER John C. + General Rivers
CLAIM NUMBER(S) 1. 1st 1st, 1st 2nd, 1st 3rd, 1st 4th, 1st 5th, 1st 6th, 1st 7th, 1st 8th, 1st 9th, 1st 10th, 1st 11th, 1st 12th, 1st 13th, 1st 14th, 1st 15th, 1st 16th, 1st 17th, 1st 18th, 1st 19th, 1st 20th, 1st 21st, 1st 22nd, 1st 23rd, 1st 24th, 1st 25th, 1st 26th, 1st 27th, 1st 28th, 1st 29th, 1st 30th, 1st 31st, 1st 32nd, 1st 33rd, 1st 34th, 1st 35th, 1st 36th, 1st 37th, 1st 38th, 1st 39th, 1st 40th, 1st 41st, 1st 42nd, 1st 43rd, 1st 44th, 1st 45th, 1st 46th, 1st 47th, 1st 48th, 1st 49th, 1st 50th, 1st 51st, 1st 52nd, 1st 53rd, 1st 54th, 1st 55th, 1st 56th, 1st 57th, 1st 58th, 1st 59th, 1st 60th, 1st 61st, 1st 62nd, 1st 63rd, 1st 64th, 1st 65th, 1st 66th, 1st 67th, 1st 68th, 1st 69th, 1st 70th, 1st 71st, 1st 72nd, 1st 73rd, 1st 74th, 1st 75th, 1st 76th, 1st 77th, 1st 78th, 1st 79th, 1st 80th, 1st 81st, 1st 82nd, 1st 83rd, 1st 84th, 1st 85th, 1st 86th, 1st 87th, 1st 88th, 1st 89th, 1st 90th, 1st 91st, 1st 92nd, 1st 93rd, 1st 94th, 1st 95th, 1st 96th, 1st 97th, 1st 98th, 1st 99th, 1st 100th, 1st 101st, 1st 102nd, 1st 103rd, 1st 104th, 1st 105th, 1st 106th, 1st 107th, 1st 108th, 1st 109th, 1st 110th, 1st 111th, 1st 112th, 1st 113th, 1st 114th, 1st 115th, 1st 116th, 1st 117th, 1st 118th, 1st 119th, 1st 120th, 1st 121st, 1st 122nd, 1st 123rd, 1st 124th, 1st 125th, 1st 126th, 1st 127th, 1st 128th, 1st 129th, 1st 130th, 1st 131st, 1st 132nd, 1st 133rd, 1st 134th, 1st 135th, 1st 136th, 1st 137th, 1st 138th, 1st 139th, 1st 140th, 1st 141st, 1st 142nd, 1st 143rd, 1st 144th, 1st 145th, 1st 146th, 1st 147th, 1st 148th, 1st 149th, 1st 150th, 1st 151st, 1st 152nd, 1st 153rd, 1st 154th, 1st 155th, 1st 156th, 1st 157th, 1st 158th, 1st 159th, 1st 160th, 1st 161st, 1st 162nd, 1st 163rd, 1st 164th, 1st 165th, 1st 166th, 1st 167th, 1st 168th, 1st 169th, 1st 170th, 1st 171st, 1st 172nd, 1st 173rd, 1st 174th, 1st 175th, 1st 176th, 1st 177th, 1st 178th, 1st 179th, 1st 180th, 1st 181st, 1st 182nd, 1st 183rd, 1st 184th, 1st 185th, 1st 186th, 1st 187th, 1st 188th, 1st 189th, 1st 190th, 1st 191st, 1st 192nd, 1st 193rd, 1st 194th, 1st 195th, 1st 196th, 1st 197th, 1st 198th, 1st 199th, 1st 200th, 1st 201st, 1st 202nd, 1st 203rd, 1st 204th, 1st 205th, 1st 206th, 1st 207th, 1st 208th, 1st 209th, 1st 210th, 1st 211th, 1st 212th, 1st 213th, 1st 214th, 1st 215th, 1st 216th, 1st 217th, 1st 218th, 1st 219th, 1st 220th, 1st 221st, 1st 222nd, 1st 223rd, 1st 224th, 1st 225th, 1st 226th, 1st 227th, 1st 228th, 1st 229th, 1st 230th, 1st 231st, 1st 232nd, 1st 233rd, 1st 234th, 1st 235th, 1st 236th, 1st 237th, 1st 238th, 1st 239th, 1st 240th, 1st 241st, 1st 242nd, 1st 243rd, 1st 244th, 1st 245th, 1st 246th, 1st 247th, 1st 248th, 1st 249th, 1st 250th, 1st 251st, 1st 252nd, 1st 253rd, 1st 254th, 1st 255th, 1st 256th, 1st 257th, 1st 258th, 1st 259th, 1st 260th, 1st 261st, 1st 262nd, 1st 263rd, 1st 264th, 1st 265th, 1st 266th, 1st 267th, 1st 268th, 1st 269th, 1st 270th, 1st 271st, 1st 272nd, 1st 273rd, 1st 274th, 1st 275th, 1st 276th, 1st 277th, 1st 278th, 1st 279th, 1st 280th, 1st 281st, 1st 282nd, 1st 283rd, 1st 284th, 1st 285th, 1st 286th, 1st 287th, 1st 288th, 1st 289th, 1st 290th, 1st 291st, 1st 292nd, 1st 293rd, 1st 294th, 1st 295th, 1st 296th, 1st 297th, 1st 298th, 1st 299th, 1st 300th, 1st 301st, 1st 302nd, 1st 303rd, 1st 304th, 1st 305th, 1st 306th, 1st 307th, 1st 308th, 1st 309th, 1st 310th, 1st 311th, 1st 312th, 1st 313th, 1st 314th, 1st 315th, 1st 316th, 1st 317th, 1st 318th, 1st 319th, 1st 320th, 1st 321st, 1st 322nd, 1st 323rd, 1st 324th, 1st 325th, 1st 326th, 1st 327th, 1st 328th, 1st 329th, 1st 330th, 1st 331st, 1st 332nd, 1st 333rd, 1st 334th, 1st 335th, 1st 336th, 1st 337th, 1st 338th, 1st 339th, 1st 340th, 1st 341st, 1st 342nd, 1st 343rd, 1st 344th, 1st 345th, 1st 346th, 1st 347th, 1st 348th, 1st 349th, 1st 350th, 1st 351st, 1st 352nd, 1st 353rd, 1st 354th, 1st 355th, 1st 356th, 1st 357th, 1st 358th, 1st 359th, 1st 360th, 1st 361st, 1st 362nd, 1st 363rd, 1st 364th, 1st 365th, 1st 366th, 1st 367th, 1st 368th, 1st 369th, 1st 370th, 1st 371st, 1st 372nd, 1st 373rd, 1st 374th, 1st 375th, 1st 376th, 1st 377th, 1st 378th, 1st 379th, 1st 380th, 1st 381st, 1st 382nd, 1st 383rd, 1st 384th, 1st 385th, 1st 386th, 1st 387th, 1st 388th, 1st 389th, 1st 390th, 1st 391st, 1st 392nd, 1st 393rd, 1st 394th, 1st 395th, 1st 396th, 1st 397th, 1st 398th, 1st 399th, 1st 400th, 1st 401st, 1st 402nd, 1st 403rd, 1st 404th, 1st 405th, 1st 406th, 1st 407th, 1st 408th, 1st 409th, 1st 410th, 1st 411th, 1st 412th, 1st 413th, 1st 414th, 1st 415th, 1st 416th, 1st 417th, 1st 418th, 1st 419th, 1st 420th, 1st 421st, 1st 422nd, 1st 423rd, 1st 424th, 1st 425th, 1st 426th, 1st 427th, 1st 428th, 1st 429th, 1st 430th, 1st 431st, 1st 432nd, 1st 433rd, 1st 434th, 1st 435th, 1st 436th, 1st 437th, 1st 438th, 1st 439th, 1st 440th, 1st 441st, 1st 442nd, 1st 443rd, 1st 444th, 1st 445th, 1st 446th, 1st 447th, 1st 448th, 1st 449th, 1st 450th, 1st 451st, 1st 452nd, 1st 453rd, 1st 454th, 1st 455th, 1st 456th, 1st 457th, 1st 458th, 1st 459th, 1st 460th, 1st 461st, 1st 462nd, 1st 463rd, 1st 46

CLAIM NUMBER(S) 1. Invention is not registered as beneficial use



2nd / 4th / 5th integrated into found in Silver City. This is
St. Athanasius' home. Also included in 4007, 4108, & 4110 (latter one
includes yard usage).

PHOTO PAGE OF

DATE OF PHOTOS OWNER

CLAIM NUMBER(S) } See pg 142

3



photo is at 3rd camp ground. SEE ASS-84.5.
no irrigation - note on not this site
no irrigation.

4



photo is home in str. background has
small irrigated lawn area.

***** Attorney-Client Privileged Information *****

TO: Steve Lester *SL*
FROM: John Marshall
DATE: February 26, 1998

RE: Silver City Recommendations

Steve:

*9x
JRM
Morte
IP 7011
L
K*

Following are the suggestions I have for the recommendations of the domestic and commercial claims in Silver City based on my review of the files you provided. I did not have a chance to research outside of the information contained in the files. However, I believe that the information contained in the files provides a sufficient factual background on which to make the recommendations.

see 7011

A55-10205 Idaho Hotel (Lot 34)

This right should be disallowed for forfeiture for non-use. There is solid evidence that this right was not used from 1942-1968. This use should fall under the permit right A55-07011.

*OK
(1x)*

A55-10239 Hyslop (Lot 50)

Priority of 1874. They have submitted convincing evidence from the *Owhyee Avalanche* that this right was developed and we do not have any evidence that it was forfeited for non-use.

see 7011

A55-13655 Fredrickson (Lot 35)

This right should be disallowed. Given the contentiousness of the area, I felt that a self-signed affidavit was not good enough evidence to support an early priority date. This right should be included in the permit right 07011.

*OK
2x no
powers*

A55-04007 Statham

This is the Statham's right to the city spring water through the city system. She provided convincing evidence from her mother that they were hooked in by 1909. This is the priority I would suggest for this right.

A55-04110 Statham

Disallow based on their withdrawal.

A55-04151 Otto IPB Overflow right in combination with unnamed spring

*via
differ + Anne
all
comm + Kustel?
C-S.*

Gloria claims a priority for this right of Jan 1, 1903. I could not find any documentation from her that supports this priority. She has affidavits from several folks supporting a priority of 1922 and 1937, but nothing that I can find that supports 1903 (which does not

VIC TO MARSH

JUN 9 1998

*D+C = IPB =
depends on 5-6-8-12*

copy for 55-07011

mean that its tucked away in her filings somewhere). This right is problematic since it claims as its source three different (as far as I can tell) sources--1) the overflow from the city system, 2) water that comes out of the tunnel even when there is no overflow, and 3) spring water coming out of an old mine shaft (good for drinking I'm sure). I parsing through the affidavits, I noticed several that gave 1922 the date of first use, but only for sources that did not include the city spring overflow. The only affidavit I could find on overflow supported a date of 1937. The reason this matters is because I'm not sure that this overflow right is a waste water right. It may be an independent right to the use of spring water. I have not looked carefully into the law of waste, but my recollection is that waste water is water that is captured after it has been put to a beneficial use. In this case the overflow water has not yet been put to a beneficial use and the argument can be made that this is an independent right on the spring regardless of the fact that her diversion system depends on the city system. If this is the case, then she can make a call on the city spring water. In thinking through this as I write, the difference between 1922 and 1937 does not make too much difference since there are no intervening appropriators in that gap. Anyway, it seems to me like she has two different water rights--one for the spring and one for the overflow. It is my understanding that the Department can and has "spun off" new rights to correct filing errors of this sort. That may be the best bet here--a 1937 right to the overflow and a 1922 right to the unnamed spring.

I question whether or not this water is being put to beneficial use. This is your call. I have not been out there, but the documentary evidence is pretty thin. I imagine that I my suspicions are raised given her might efforts (likely at the prodding of counsel) to show that there are beneficial uses occurring. Trying so hard to prove use makes me think that a legitimate use does not exist. At the very least, as you and I discussed before, there is not an irrigation use associated with this water.

A55-10130 Otto

I do not believe that Gloria provided sufficient evidence to support her contention that predecessors in interest to her property used the city spring prior to the installation of the hotel system in 1902. She has not provided any reliable evidence connecting "willow spring" to the city spring. I do believe, however, that she has provided good enough evidence to prove her property was tapped into the city system by 1922 through the affidavit of Patrick Kidder.

A55-10204 Tax Payers

The association did not provide sufficient information to support all of the claimed uses in 1968. Roxane Brown identified the following lots as having been identified with a priority of 1968: Lot 44, 49, 54, 55, 65, 66, 67, 71, 72, 74, 75, 76, 79, 88, 91, 94, 96.

Roxane identified through looking at the license file another 21 homes that can be included in the 07011 filing.

D/21 + D/1 Bradburn + Comm ID Hotel ; includes 2 other homes in D/22

I hope that this helps. Please feel free to give me a call this weekend. I will be in the office most of the day on Sunday (327-5404) or you can catch me at home on Sat (395-1745).

JUN 09 1998

Exam + 7409 =
24 x 5088

98 m

1 ÷ 2 ok
→ 4151,
#3 is shop
show rel per
2/11/98 diagram
Needs separate
Right

includes
2 x e IPB
1 x e Ly cabin
3 x total

Via -
C. H. Pipeline
D/2, Comm/2
IPB/Ly cabin
D/C depends on guests

16x

23x

= D/16 w
2 / 1000
4007 (D/2)
intermittent
use

From: DWR80::SLESTER 25-JAN-1998 14:20:42.26
To: DWR06::"martyp@uiuc.edu"
CC: SLESTER
Subj: SILVER CITY FILINGS

Dear Martin:

Please disregard that portion my Jan. 9 letter in which I requested evidence of priority for claim # A55-10204 (the 1968 priority for some of the users of city system). Today I located a 1994 document submitted by Julie Hyslop for the association in which that evidence is summarized.

I hope my earlier letter has not caused you a lot of unnecessary work & grief. I am very sorry about the mixup but at least have located that important document.

It will still be helpful to have a completed "change in address" form to show the current name for the association. Also, I found a copy of an aerial photograph view of the city on which the lot numbers are listed (is that something provided to the association by BLM?). I think it will be most helpful for the association to provide a list or table that identifies lot # and tax parcel # per user per association filing:

lot owner name - covered via assn. filing # - for lot # & tax parcel #.

The 3 filings for the assn. are A55-10204 (uses by 1968), A55-07011 (uses from 1971 through 1987) and 55-07409 (new permit beyond the scope of the adjudication, for uses started after 1987).

You might be contacted by IDWR legal staff in the next few weeks as that staff reviews the evidence of priority for A55-10204. I have provided your e-mail & postal address plus telephone numbers to our legal staff in case they need to reach you.

Please let me know if I can help you with anything in this process, and once again I'd like to express my regret for overlooking the evidence submitted in 1994.

-- Steve Lester, IDWR Western Region Office (334-2190).

*NO RESPONSE WAS RECEIVED
-SL*



*REQUEST FOR ASSN TO I.D. city lots & tax parcel
#s per user per assn. AJ or WR file*

MICROFILMED

JAN 9 1998

*copy for
55-07011*

From: DWR06::"martyp@uidaho.edu" 30-OCT-1997 16:27 7.68
To: "<dwr06::slester
CC:
Subj: Silver City water filings *82*

Steve,

I understand that the Department of Water Resources would like some clarification concerning the ownership and governance of the Silver City water system.

The Silver City water system is owned and operated by the Silver City Property Owners Association, Inc. This is the successor organization to the Silver City Taxpayers Association, Inc. The name was changed several years ago at the time that title to individual building lots in Silver City was transferred from the Bureau of Land Management to the individual building owners.

Our association is open to all individuals and organizations that own property in Silver City. We are governed by a board of directors elected by the membership. In addition, the board appoints a Water Committee that oversees the operation of the water system. At one time we had a Silver City Water Board which, while it was a part of the association, operated as a semi-autonomous entity. However, the bylaws of the association were amended in 1996 to eliminate the Water Board and establish the Water Committee as a standing committee under the direction of the association's board of directors.

The president of the association, Marty Peterson, should be the primary contact on issues concerning our water rights. The chairman of the Water Committee, Clarence Orton, is our secondary contact.

Martin L. Peterson
743 Hearthstone Dr.
Boise, ID 83702

208-345-7903 (H)
208-364-4033 (W)
208-364-4035 (fax)
martyp@uidaho.edu

Clarence M. Orton, Jr.
853-2710

If you have any questions, please don't hesitate to contact me.

Marty

Handwritten:
M. L. Peterson
10/30/97

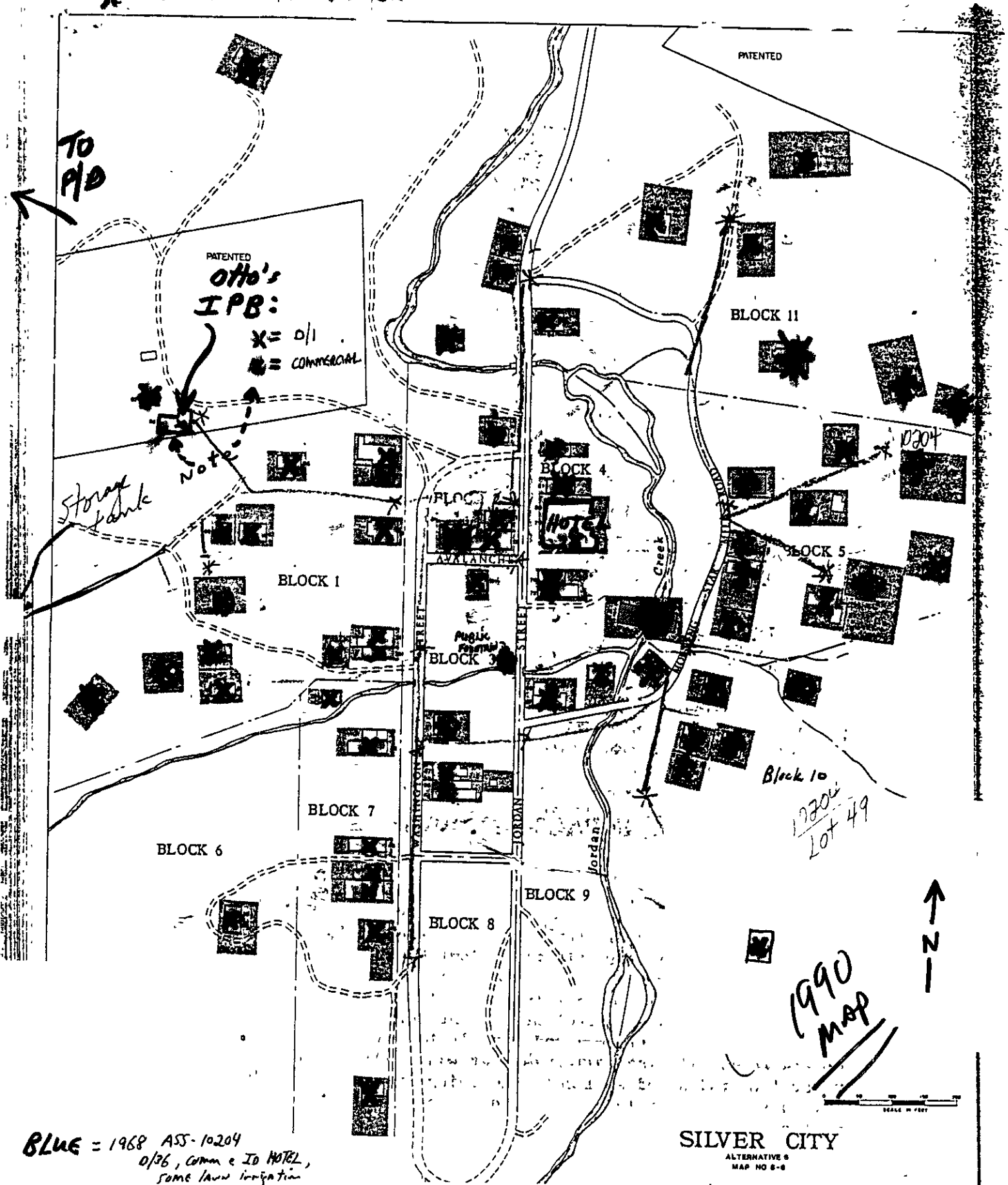
Handwritten:
55-07011

Handwritten:
TO CONTACT PROPERTY OWNERS ASSN.

This 3/15/90 plat
is now replaced
by 5/11/98 plat
in Attachment 2
of 5/11/98 Revised
Exam report for
55-07011.

-82

X = UNIT WITH WATER



BLUE = 1968 ASS-10204
0/36, comm e ID HOTEL,
some lawn irrigation

RED = 1971 ASS-07011
0/11

GREEN = 1990 55-07409
0/19, comm e O/H IPB,
some lawn irrigation

ASSOCIATION'S FILINGS
By PRIORITY DATE

(this is copy of 3/15/40 original in 55-07011 -82)

1. R on 01/15/90 BY PRINCE NEILSON,
 PRES. Silver City Taxpayers Assoc.
 - STEVE GESTER
 IOWA

Master Map for

55-07011 "city spring"

55-07409 "city spring"

~~55-07410 "Metallic Blue spring"~~ 69 X's per city filings -

55-07411 springs in Long Gulch BLUE ASS-10204

55-07412 Jordan Creek

DOM = 36 comm = 1
 (IO HOTEL)

= 37

ASS-10204 "city spring"

(4 AC. irrig where X n/a)

Blue = Adjudication claim per PED ASS-07011 (pending License)
 beneficial use ASS-10204 DOM = 11

Red = recommend to license in GREEN 55-07409 (post 11/1987)
 55-07011 DOM = 20 comm = 1
 19 homes & plastic fountain (IAB)

Green = Appl. 55-07409 plus

(4 AC. irrig where X n/a)

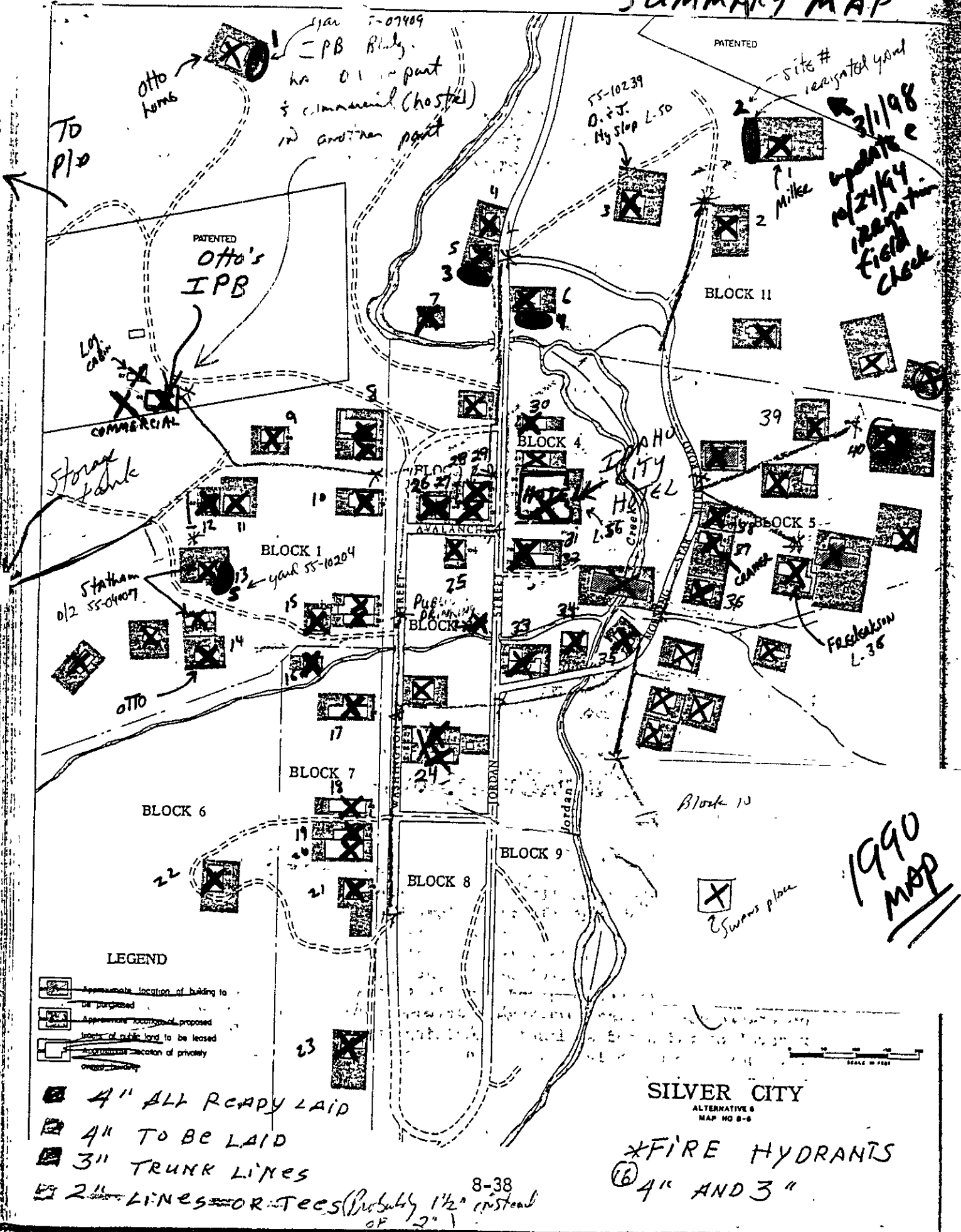
X with # per color = plus for
 special right

e post JTB A
 E-165, = 11
 R this is
 68 = 21
 .gr → 69

X = UNITS WITH WATER

SUMMARY MAP

FILE: SS-07011 FIELD EXAM



THIS CHART IS BEING IN PROCESS TO IMPROVE WATER DELIVERY TO HOME

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

SEE 5/11/98
REVISED REPORT
-SL

A. GENERAL INFORMATION

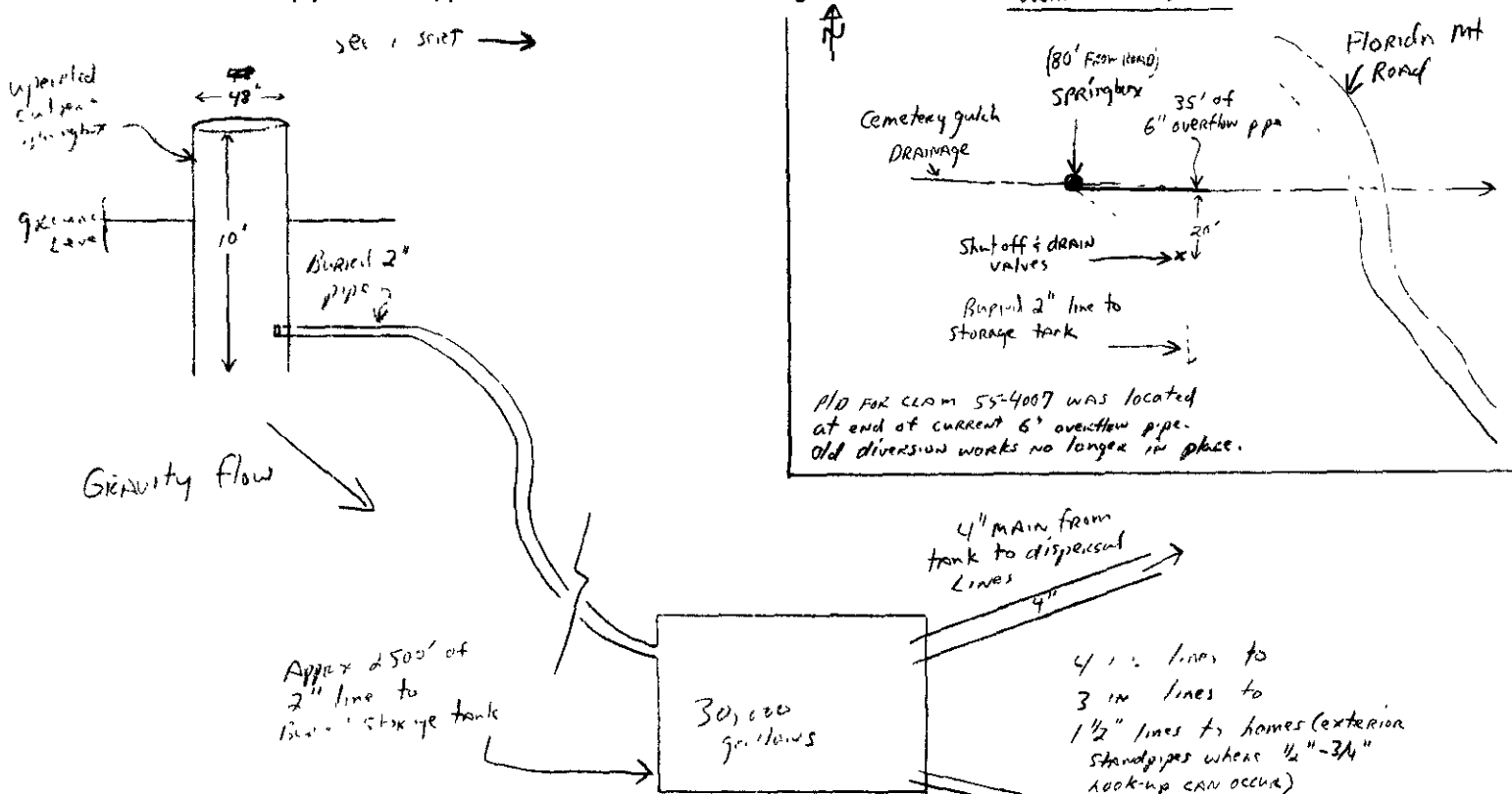
Permit No 25-7011
1 Owner Silver City Trenching's Assn, INC. Phone No 452-4512 OR 642-9327
Current Address % Harold Curt Route 2 Fruitland, Id. 83619 (MR. CURT = President)
2 Accompanied by Delbert Eytchison EXAM DATE 11/5/87
Address Box 26 Murphy, Id. Phone No 495-2432
Relationship to Permit Holder member
3 Source spring tributary to Sinks
(known locally as City Spring)

B. OVERLAP REVIEW

1 Other water rights with same place of use SS: 7223, 4040, 2212, 4006, 4108, 4110, 57-4058
☒ Copies Attached ^{AS NEEDED}
2 Other water rights with same point of diversion. NONE ON MICROFICHE - SEE REMARKS
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1 **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = NOT TO SCALE

2 ☒ Copy of U S G S Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required)
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater)
☐ Aerial Photo Attached (required for irrigation of 10 acres or more)
50' of 2" surface pipe
25,000 gallon above ground overflow tank
4" main from tank to dispersal lines
4" lines to 3 in lines to 1 1/2" lines to homes (exterior standpipes where 1/2"-3/4" hook-up can occur)
Hr old Idaho Livestock works to k + ltr ms 55-4007, 4110, and 57-4058.

System Description (continued)

3 Narrative: Description (As operating at time of measurement Indicate pressure, number of sprinklers, etc)

A spring in Cemetery Gulch approx 1/2 mile NW of Silver City has a 4' diameter, 10' long upland outlet spring and a 2" delivery pipe. Also present is a 35' long 6" overflow pipe. The 2" pipe runs (gravity flow) approx. 2500' to buried 20,000 gallon storage tank. From tank, a 4" main reduces to 3" submains and then to 1 1/2" lines running to exterior standpipes at different homes. Standpipes can employ 1/2"-3/4" hook-ups to provide internal and/or external use at 40 homes and 1 hotel. The hotel has limited customer use and it's open for much of the year. 50' of 2" pipe provides water from storage tank to 25,000 gallon wooden tank, which serves as an overflow & fire protection device. This old tank is the Idaho Water Works tank. The spring is locally known as City Spring; the water supply is identified as the "city water system".

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
		N/A			

*Code to correspond with No. on map and aerial photo

5 Point(s) of Diversion: 119° Azimuth from PLO to top of War Eagle Mtn

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NW		6	5S	3W	Owyhee	11565 15' x 12'; CANNOT pinpoint 10 ac tract for PLO on the ground. PLO = 1 spring (not 2 points as shown on Amendment attached to permit)

6. Place(s) of Use: Indicate Method of Determination USGS 15' Quad

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
55	3W	6			D	D									D	D			—
					LOT 17	LOT 18									LOT 19				

Do not use this space

Do not use this space

D FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

2 Measurements:

NONE POSSIBLE

CONTINUED FROM G2 BELOW: 40 people, 209 days/yr:

Hotel with toilet = $40 \times 40 \times 209 = 334,400$ gallons/yr.

RESTAURANT with bar = $5 \times 40 \times 209 = 41,800$ gallons/yr.

TOTAL = $376,200$ gallons/yr = $\frac{376,200}{325,850} = 1.15$ AFA =

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1 Measured Method: FROM DOMESTIC CHART: MAX. RATE FOR 40 DOMESTICS = .30 cfs

Allow: $.02 \times 40 = .80$ cfs

2 Alternate Method for Checking Purposes: NONE

1.2 AFA

(Actual consumption will be considerably less than this)

Based on this, allow rate of .04 cfs for hotel (similar to D/I)

F. PUMP EFFICIENCY DATA (Optional) N/A

Discharge Pressure _____ psi x 2.31 = _____ ft (1), Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate _____ cfs (4)

Water HP (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW $3.6 \times$ _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP (6) x 1.34 = _____ (7) Efficiency (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1 Volume Calculations for Irrigation N/A

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

2 Volume Calculations for Other Uses

See Remarks

a) Domestic units, 11 units exterior 112

$40 \times 1.2 = 48.0 \text{ AFA}$

$(.80)(3.6)(1.9835) = 5.792 \text{ AFA}$

b) Commercial, 1 hotel

max # people = 40

1 kitchen, 1 shower, 1 bar/dining room

12 hrs/day, 7 days/wk, Memorial day - Christmas (209 days/yr)

CONTINUED IN D2 ABOVE

55. 07011

Revised into for field exam per telecon of
8/21/89

Item E2: 0.20 cfs based on data & estimates
by Gary Sporkow (see his memo of 5/5/89).

Item G: domestic volume
 $(40)(1.2) = 48.0 \text{ cfs}$

v.

$$(.20)(365)(1.9835) = 144.8 \text{ cfs}$$

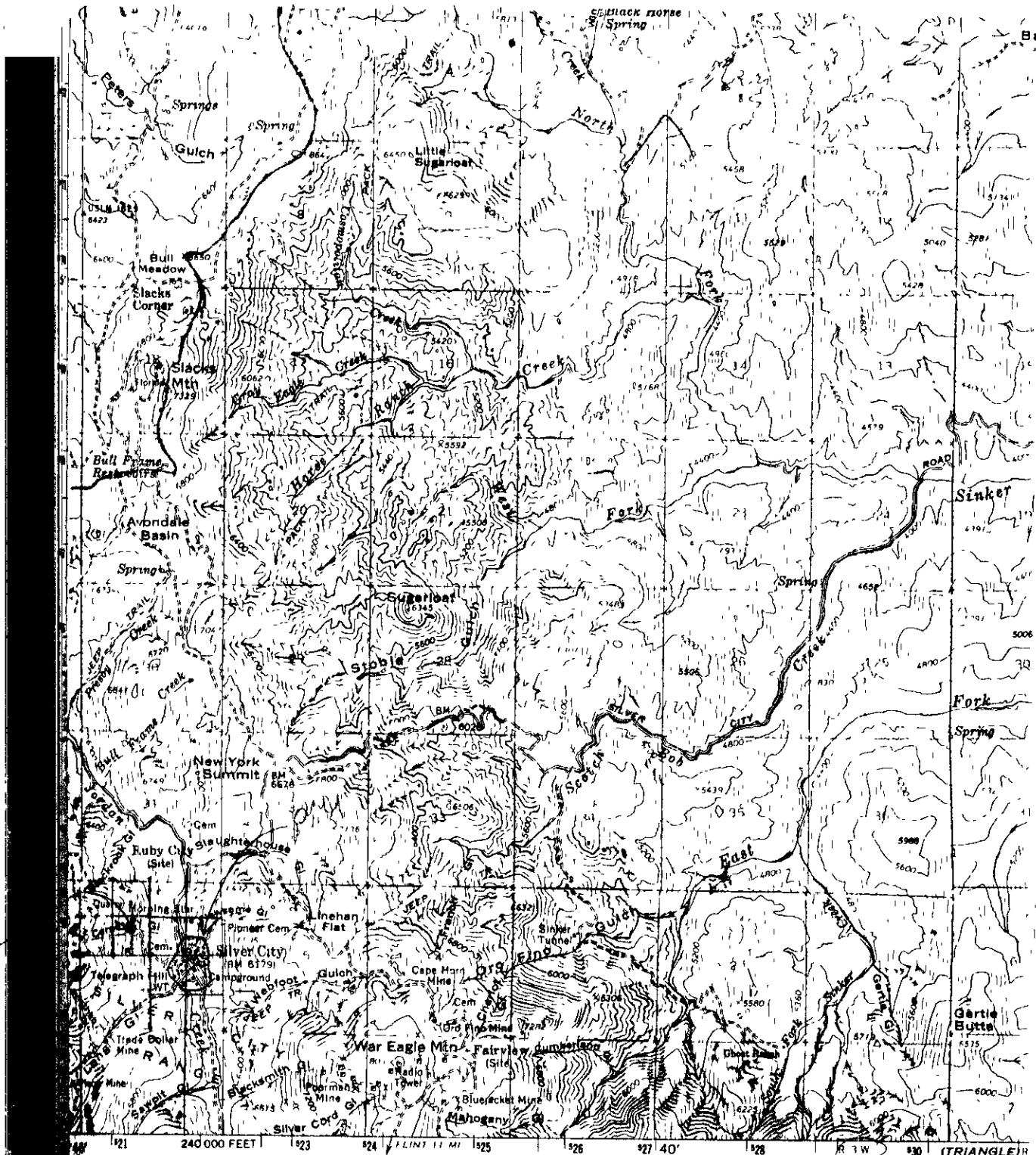
commercial volume unchanged

Item I: Lin. Res'd

Domestic	1/1-12/31	.20 cfs	48.0 cfs
Commercial	1/1-12/31	.04 cfs	1.2 cfs
TOTAL		.20 cfs	48.0 cfs

note that amount to add comm. use is based on
telephone recommendation by J. Johnson. This represents an
additional use that is limited by the parameters of the
multi-domestic use.

John L. Lott
8/21/89
108 09 24.3



P10

55-701

55
- 2
55

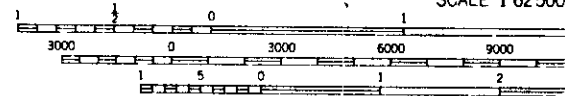
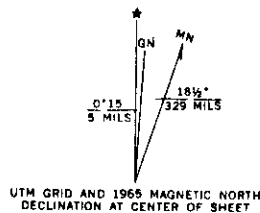
Map, edited, and published by the Geological Survey

Control by USGS and USC&GS

Photography by photogrammetric methods from aerial photographs taken 1963 Field checked 1965

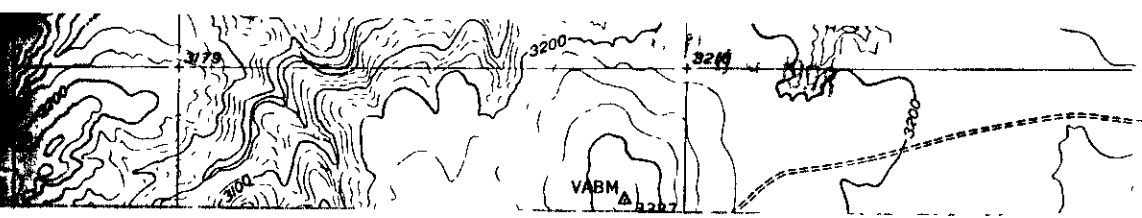
Conic projection 1927 North American datum 630,000-foot grid based on Idaho coordinate system, zone 12

630-meter Universal Transverse Mercator grid ticks, zone 11, shown in blue



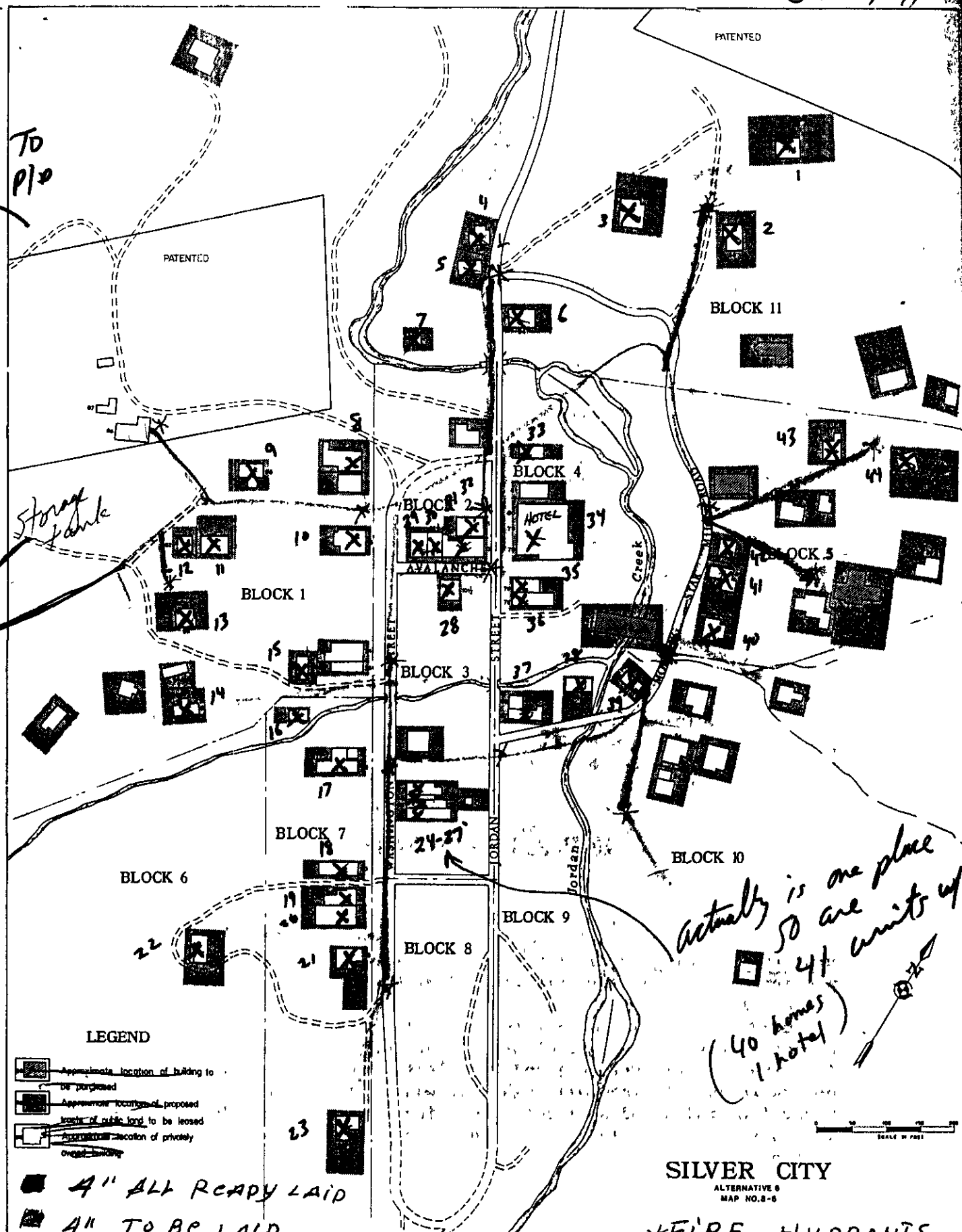
CONTOUR INTERVAL 80
DOTTED LINES REPRESENT 40 FOOT
DATUM IS MEAN SEA LEVEL

THIS MAP COMPLIES WITH NATIONAL MAP
FOR SALE BY U S GEOLOGICAL SURVEY, DENVER, COLORADO
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS



X = UNIT WITH WATER

55-7011



Actually is one place
50 are units w/ water
(40 homes
1 hotel)

8-38

24" ~~OR EGGS~~ (Probably 1 1/2" instead of 2")

THIS SHOWS UP GRADING IN PROCESS TO IMPROVE WATER DELIVERY TO HOMES.

55-7011 Overlap Analysis

pg 1

P/O

The microfiche shows no P/O overlap. However, MR Eytchison stated that the old diversion works for claim 55-4007 (showing P/O as NESW S.6) was at the same spring as permit 55-7011. The old diversion works were 35' E of permit's springbox. I have no way to confirm or deny this historical use of claim. Also see 55-4110 & 57-4058 below.

P/U

55-7223 - is permit using Jordan Creek for mining in SWNE S.6.

55-4040 - is claim using spring in SENE S.6 for Cleo Swayne's cabin (.04 cts) in SENE S.6 (.04 cts). This cabin is on water supply of 55-7011. Different P/O.

see proof report → 55-2212 - is license using spring in SWNE S.6 for 1 cabin in NWSE S.6. (.02 cts) This is the old Williams place now belonging to Otto. This ? - cabin is on water supply of 55-7011. Different P/O.

55-4006 - is claim using spring in NWSE S.6 for 2 cabins in NWSE S.6. Cabins do not receive 55-7011 water.

55-4108 - is claim using ~~spring~~ ^{well} in NWSE S.6 for 2 cabins in NWSE S.6. (.07 cts) Cabins are on water supply of 55-7011. Different P/O.

see file 55-4110 for detailed report of these no claims and relation to vent flow tank. 55-4110 - is claim using Jordan Creek water and overflow from 25,000 gallon Idaho Water Works tank (of claim 55-4007 and permit 55-7011) for mining and 1 cabin in NWSE S.6. This cabin is on water supply of 55-7011. Also, because the source for the old 25,000 gallon tank is overflow from new 30,000 gallon tank of 55-7011, which in turn comes from spring in SENE S.6 (P/O of 55-7011), one could argue that 4110 & 7011 share a common P/O.

57-4058 - is claim ^{using} spring in NWSE S.6 and overflow from old Idaho (cont.) (.07 cts)

55-7011 Overlap Analysis, continued

pg 2.

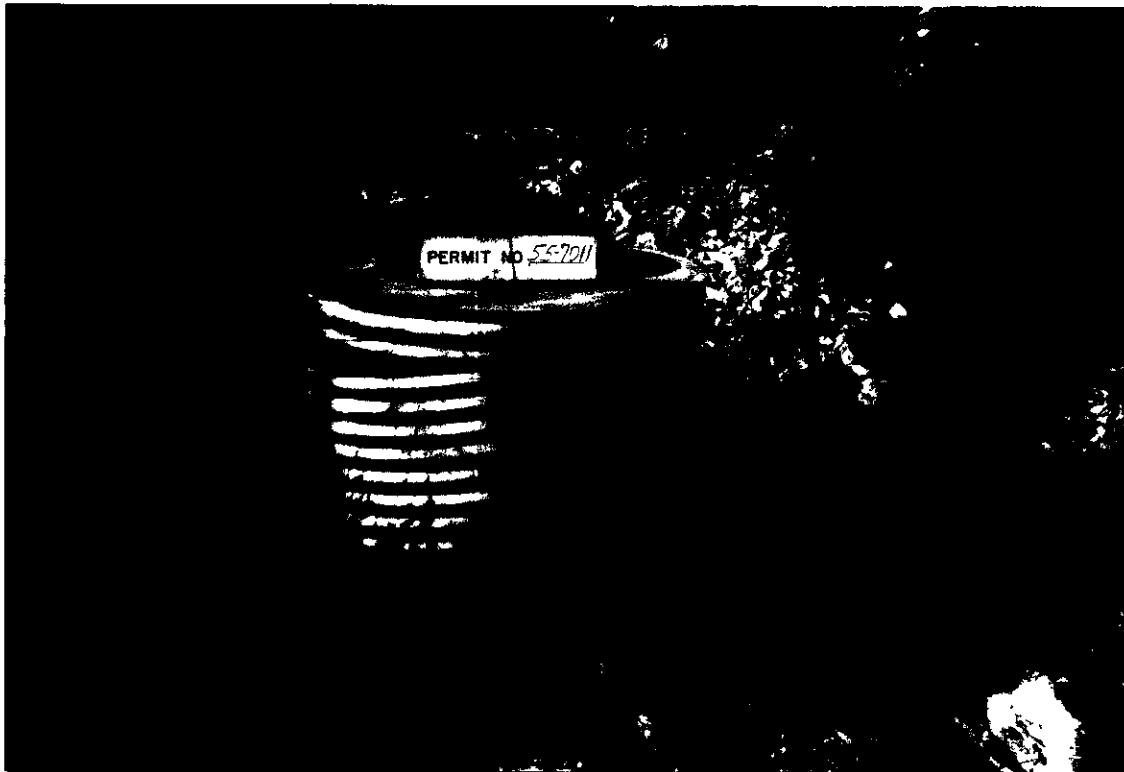
57-4058 continued:

Water works tank described in 55-4110 (see above), 55-4007, and permit 55-7011 (system description, pg. 1 of field exam report). Use is for industrial (mining?), irrigation (questionable, see report in 55-4110), and domestic*, / home, in NWSE S. 6. This home is on water supply of 55-7011. As in 55-4110 above, it may be argued that 4058 & 7011 share a common P/D.

NOTE memo attached to copy of 57-4058 about number.

* .02 cfs for domestic - of the total .07 cfs for claim.

55-7011



P/D

Spring located
approx. 1/2 mile
NW of Silver City's
spring is in Cemetery
gulch.



P/U

Looking SE to
Silver City from
P/D. War Eagle Mt.
is in background.

JUN 09 1973



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

US

December 14, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Silver City Water Board
C/O Bob Nettleton, Chairman
HC 79 Box 33
Melba, ID 83641

55-07011

RE: Questions Regarding Silver City Water Rights

RECEIVED

DEC 16 1993

Department of Water Resources

Dear Mr. Nettleton:

This letter is in response to the office visit by you, Jim Hyslop, and Pat Ihli on October 29, 1993, in which you identified three questions for me. Now that the field season is ending, I have some time to respond.

The key point to keep in mind regarding all water rights, in whatever form the rights take, filed upon the city spring is that final details of the rights will be determined within the scope of the Snake River Basin Adjudication (SRBA). The only exception to this statement is permit no. 55-07409, a new right for the property owners association; the right is outside of the scope of SRBA. It is anticipated that department recommendations to the court for SRBA claims will be completed sometime this winter or by early spring, 1994.

Copies of the city water rights and SRBA claims are enclosed. Different rights have shown different names but are all lumped under city rights for purposes of this letter.

Question No. 1, Irrigation Use from the City Spring for City Water Rights

Irrigation from the city spring is part of at least two and perhaps three city water rights. Such use is implied but not yet verified by the city's SRBA claim no. A55-10204, which is a "grandfather" right based on uses in place by 9/1/1968. The claim includes four acres of irrigation for yards associated with 36 domestic units. The claim actually represents a number of individual rights with a number of priority dates up through 1968 but was filed as one right for a group of lots, all of which allegedly had beneficial use of city water by 1968. The validity of this claim will be determined in the SRBA.

Permit no. 55-07011 also implies irrigation for yards. A field exam was conducted on 11/5/1987 for this right in order to issue a license. Soon after that and based on additional questions and information, SRBA claims began to be filed. It became apparent that 55-07011 could not be licensed without completing SRBA recommendations for all uses of the city spring. The final definition of this right will be made within the context of overall SRBA recommendations this winter. Currently we can conclude that 55-07011 provides

MICRO FILMED

DEC 16 1993

Silver City Water Board
December 14, 1993
Page 2

an unspecified amount of irrigation for an unspecified number of lots. Furthermore, we can conclude that the right is intended to cover those uses in place after 9/1/1968 but by 11/5/1987 (after grandfather claim and up to field exam for permit).

A third right allows irrigation use for the city system, and this is permit no. 55-07409 filed in 1990 to cover existing or planned uses on-line after the 1987 field exam. The right includes four acres of yard irrigation.

Although not explicitly defined in the two permits, all irrigation listed or implied in city rights probably totals about four acres. This statement is based on a remark in claim A55-10204 ("Same acres as other irrig. from same P/D").

Based on the above information, it is within the city water rights to allow limited irrigation from the system, although the limits are not yet known.

Question No. Two - Specific Overflow from City Tank to Ottos

The Ottos filed SRBA claim A55-10130 (copy enclosed) that mentions overflow from the city tank as at least part of the delivery method. Overflow by itself is not a source - this is actually water from the city spring where it is a detail of the operation that overflow associated with a tank is involved. I cannot see any basis on which to conclude that overflow must be supplied - that would be analogous, at least to me, to requiring that someone irrigate his or her crops to provide waste water to another person having a waste water right below the cropland.

In my opinion, it is not reasonable to conclude that the city is obligated to provide overflow to anyone. This, and anything else in this letter, is not offered as a legal opinion nor should it be taken as one - legal counsel is recommended if you want an expert legal opinion.

Question No. Three - Irrigation Use versus Ottos' Use of Overflow

This question is really a key one in the disagreements over use of water from the city spring. I cannot answer it except to say the following. There is a difference between a valid water right and valid use of a conveyance system as part of that water right. Generally speaking, water rights do not convey easements or allow rights-of-way through other owners' property.

If the Ottos' claim is recognized by the court in the SRBA process, will the city be obligated to allow use of its conveyance system for delivery of the Ottos' use under A55-10130? I do not know but I think the answer is no. Again, legal counsel is the best source for legal advice on this question.

MCN 240

JAN 9 1994

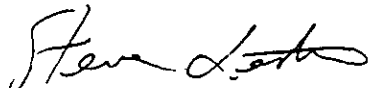
Silver City Water Board
December 14, 1993
Page 3

Well, you asked me to be brief in my reply which I tried to do as much as possible. As you can see, these questions can become complicated rather quickly and often do not have definitive answers. The final disposition of the rights mostly rests with the court, but even then all questions might not be answered. It is most likely that question three is a civil item outside of the jurisdiction of this department. Civil questions usually must be resolved between private parties, including use of the legal system if necessary, and although the department can often play a role it is not the ultimate decision maker in some of these matters.

I would like to ask you for some information at this point. Can you provide me with the name of the current president or chairman or chairwoman, along with a current address, for the Silver City Taxpayers Association and for the Silver City Property Owners Association? It will be helpful in updating the file.

I hope your questions have been addressed in a useful way. Please let me know if you need more information.

Sincerely,



Steve Lester
Water Rights Supervisor

CC: S. Campbell for Ottos

A C 0 1111
11/18/93

MEMO TO: Steve Lester

FROM: Gary Spackman *Gary*

DATE: February 5, 1992

RE: Permit No. 55-07011 in the name of Silver City Tax Payers Association, Inc.

I asked that Permit No. 55-07011 be called up a year ago because Basin 55 was slated for investigation and production of a Director's Report for the adjudication. I do not presently know what the time schedule is for preparation of reports, but call your attention to the fact that this beneficial use probably needs some further investigation to determine the amount of water which is being diverted. We will need the additional information prior to issuance of a license. I will call this file up in the fall of 1992 to again review its status.

C: Jan Shurte

C: Roxanne McCarthy

MICROFILMED
JUN 09 1998

MEMORANDUM

TO: Permit to Appropriate Water No. 55-7011 in the Name of
Silver City Taxpayer's Association
FROM: Gary Spackman *Gary*
DATE: March 27, 1991
RE: Issuance of a License

I have spent substantial time reviewing the field examination for permit no. 55-7011. I find that the flow rate recommended for licensing far exceeds the possible capacity of the system. I have asked for further information from Steve Lester, and, in frustration, he asked that this matter be deferred until addressed by investigation pursuant to the Snake River Basin Adjudication. As I look at the deadline for filing of various Director's reports, I see that Basin 55 is scheduled for the summer of 1992. This file should be called up on approximately January 1, 1992, and notice sent to Western Region that further investigation must be completed.

MICROFILMED

MAR 31 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 5, 1990

Mr. Bruce M. Smith
Rosholt, Robertson, Tolman & Tucker
Attorneys at Law
P.O. Box 2139
Boise, ID. 83701-2139

RE: Permit 55-07011

Dear Bruce:

The enclosed information is provided from your request in your 12/3/90 letter. In addition to Permit 55-07011, the following claims and an application for permit relate to the "City Spring" and Silver City.

Claims: A55-04007 and A55-04110 Statham, A55-10130 Otto, A55-10204 Silver City Taxpayers Assoc. Inc. (now S. C. Property Owners Assoc.), and A55-10205 The Idaho Hotel c/o Jagel.

Application for Permit: 55-07409 S.C. Taxpayers Assoc. Inc.

The color-coded map ^{*} summarizes the various water rights. Please contact me if I can provide additional help.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester
Sr. Water Resource Agent

MICRO FILMED

JUN 04 1998

* available at Western file - *[initials]*
12/15/90

ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

1020 MAIN STREET

SUITE 400

P O BOX 2139

BOISE, IDAHO 83701-2139

TELEPHONE (208) 336-0700

FAX (208) 344-6034

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GARY D. SLETTE
JERRY JENSEN
F. BRUCE COVINGTON
CAROLYN M. MINDER
BRUCE M. SMITH
G. RICHARD BEVAN
GARY L. QUIGLEY
TIM J. WILLIAMS
JUSTIN R. SEAMONS
JOHN O. FITZGERALD

Twin Falls Office
142 3rd AVENUE NORTH
P O BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

December 3, 1990

DEC 02 1990

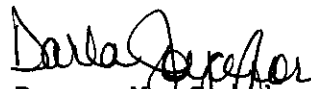
Steve Lester
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Re: Permit No. 55-07011

Dear Steve:

Thanks for your letter of November 27, 1990, regarding the above permit. Please send me a copy of your field exam report as soon as it is finalized. Also, you mentioned additional parties had also filed on the City Spring. Would you please send me the names and filings of the other parties. Thanks for your help.

Sincerely,


Bruce M. Smith

BMS/dj
55351
cc: Carl & Gloria Otto



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

November 27, 1990

CECIL D. ANDRUS

Mr. Bruce M. Smith
Rosholt, Robertson, Tolman & Tucker
Attorneys at Law
P.O. Box 2139
Boise, ID. 83701-2139

GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

RE: Permit 55-07011

Dear Bruce:

In response to your 11/20/90 letter requesting a copy of the field exam and license recommendation for the above permit, please refer to my 11/19/90 letter and the following summary. Licensing of the permit will be delayed but addressed in the adjudication review period during 1991 and possibly early 1992.

The field exam report is not complete enough to provide a meaningful copy; a summary is provided instead. At this point, the preliminary license recommendation includes the following points.

1. Point of diversion - spring (locally known as City Spring) in T5S, R3W, S. 6 SENW.
2. Place of use - 11 domestic units in T5S, R3W, S. 6 SWNE (Gov't. Lot 17), SENE (Lot 18), NESE, NWSE (Lot 19).
3. Use - domestic (internal and external), 1/1-12/31, 0.20 cfs, 13.2 afa (yearly volume). Refer to the attached map for the 11 units.

All other units on the map are covered by the association's a) beneficial use adjudication claim A55-10204, which includes domestic use for one unit at Ottos' IPB, with a 9/1/1968 priority date, or b) permit 55-07409, which covers commercial use at Otto's IPB, with a 4/23/1990 priority. An adjudication claim is not required for new permits such as 55-07409. Additional claims for the City Spring were filed by several parties to portray uses at individual units, e.g. Ottos' A55-10130 claim for commercial and domestic uses at IPB. The conflicting and/or overlapping claims, along with permit 55-07011, should be resolved via the adjudication field work, review, and recommendations.

The Ottos will be contacted prior to any field work related to their claims. You are certainly welcome to be present during such field exams. Please let me know if additional information is needed.

Sincerely,

Steve Lester
Sr. Water Resource Agent

Enclosure

RECORDED
NOV 29 1990

X= UNIT WITH WATER

11 UNITS

33 0 10 11

TENTED

MAP

TO
P12

PATENTED
OTTO'S
IPB

Storage
Tank

BLOCK 1

BLOCK 4

HOTEL

BLOCK 11

BLOCK 5

BLOCK 3

Block 10

BLOCK 7

BLOCK 6

BLOCK 9

BLOCK 8

LEGEND

- represents location of existing to be proposed
- represents proposed location of water to be laid
- represents location of property

- 4" ALL READY LAID
- 4" TO BE LAID
- 3" TRUNK LINES
- 2" LINES FOR TEE'S (Probably 1 1/2" instead of 2")

8-38

SILVER CITY

ALTERNATIVE B
MAP NO. 8-6

*FIRE HYDRANTS
⑥ 4" AND 3" LINES

0 9 1000

THIS SHOWS UPGRADING IN PROCESS TO IMPROVE WATER DELIVERY TO HOME

ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

1020 MAIN STREET

SUITE 400

P.O. BOX 2139

BOISE, IDAHO 83701-2139

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142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

November 20, 1990

Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

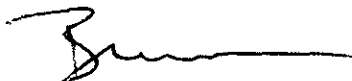
Re: Carl and Gloria Otto Water Rights/Claim Nos:
A55-10204, A55-10130, Permit No. 55-7011

Dear Steve:

Thanks for meeting with me to discuss the Silver City water rights situation. Mr. and Mrs. Otto are very interested in the situation and simply want to make sure their water rights are protected.

As part of this process, would you please send me a copy of the field exam and recommendation for licensing of permit No. 55-7011. Also, please accept this letter as notice that the Otto's would like to participate when you get ready to do the field exam on their adjudication claim in the summer of 1991. Thanks again for your help in addressing this matter.

Sincerely,



Bruce M. Smith

BMS/dj
54831

cc: State Office - adjudication section
Dave Tuthill

MICROFILMED
JUN 09 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Sharon Dr. I

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 19, 1990

Mr. Doug Hyslop, President
Silver City Property Owners Association
P.O. Box 74
Murphy, ID. 83650

RE: Permit ~~55-07011~~

Dear Doug:

The above permit was scheduled for licensing between now and next summer. Because the field work and related recommendations for the Snake River Basin Adjudication water right claims are scheduled for next year with the Director's Adjudication Report to be presented to the court by 5/5/92, the licensing of permit 55-07011 will be delayed. After field work is completed and additional information, if any, is collected from claimants for all claims in the Silver City area, this office will analyze the data and make recommendations for each claim. This includes claim A55-07011 which was filed to retain permit 55-07011. Claim A55-07011 will be resolved by looking at all pertinent information for the area and making a license recommendation for permit 55-07011. Once the permit is licensed, the license will be included in the adjudication report delivered to the court.

I realize that this is the opposite of last summer's decision to proceed with licensing. After discussing the situation with State Office staff in light of current workloads and upcoming adjudication commitments, I believe it is more efficient to delay licensing. Licensing delays do not not jeopardize valid permits such as 55-07011 in any manner. Please let me know if you have any questions.

Sincerely,

Steve Lester

Steve Lester
Sr. Water Resource Agent

CC: Bob Nettleton, Silver City Water Board
Bruce Smith, Attorney for Ottos
B. Bruegman, BLM Boise District

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JUN 09 1998

CALCULATION OF
POSSIBLE FLOW RATE
SEWER CITY TAXPAYERS ASSOCIATION, INC.

by Gary Spackman
March 21, 1989

Field examination shows 2" pipe from spring
to storage tank

Assume: 2" steel pipe

slope = 1 to 1 (45°) which is
uncommonly steep

100 ft length of pipe as
sample

Elevation of spring box = 70.71'



Elevation of outlet = 0.0'

Roughness $e = .0002$ "

Turbulent Flow

Calculations: $e/D = .0002/2 = .0001$

From Moody diagram $f = 0.012$

$$\text{Elevation (spring box)} = \frac{P}{\gamma} + z + \frac{V^2}{2g} + h_f + h_L$$

At open discharge $P = 0$

$z_{\text{(elev.)}} = 0$

Assume minor losses = $h_L = 0$

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JUN 09 1998

$$Z_{100} = 0$$

$$100 = \frac{V^2}{2(32.2)} + \frac{.01375(100)V^2}{\left(\frac{3}{12}\right)(2)(32.2)}$$

$$100 = .0155 V^2 + 1.281 V^2$$

$$100 = 1.2965 V^2$$

$$V^2 = 77.13$$

$$V = 8.78 \text{ ft/sec.}$$

$$Q = VA = 8.78 \text{ ft/sec} \times \left(\frac{3}{12}\right)^2 (\pi) / 4$$

$$\underline{0.20 \text{ cfs.}}$$

Will not flow 0.80 cfs

RECORDED
JUN 09 1938

55.07011 is possible other
rights using same -paving

Loren Fredricksen
1513 Pomeroy Place
Santa Rosa, Ca. 95403

March 6, 1990

RECEIVED
MAR 09 1990

Steve Lester
SR Water Resource Agent
Western Region
Boise, Idaho 83705

Department of Water Resources
Western Regional Office

REF: To your letter regarding water rights in Silver City, Idaho

Sir in reading your letter addressed to Paul Nettleton, President
Silver City Taxpayers Association, and Gloria and Carl Otto.

In reference to our house which is in; Block 10 Lot 35 (BLM IDI-26923)
we have had water into the house since before 1968. With permission
from Lillian Rock former owner of the Idaho Hotel. Which also had
water at or before 1949. Which went across the creek up the hill to
Phil Crammers house, on up the hill to the Fredricksen house. Also
my husband worked on the water line more than ~~and~~ can tell you more
about how the lines went than any one else that is in Silver City
today. From 1968 to 1989 he worked on the lines where leaks had
sprung during the winter and no one else would fix it. We bought the
house from Orvil Peete in 1968. However I know some of the houses
marked on the map did not have water at that time. There for I hope
you are not leaving us out of or going to take our water away. We
have dug and repaired that water line all the way from under the hotel
across the creek and up the hill in the last twenty years. Also I
own the house in block 10 lot 36 (BLM IDI-26924) which has had water
to it at one time. However the lines are detereated. But since we
purchased the house in ~~last~~ last year 1989, we plan to fix the pipes
so we will once again have water. When Mr Ford was alive and we
were in the house to visit he did have running water.

Seems to us since there are only 52 houses in Silver City and we have
had water why should we be deprived of the right at this late date.
I don't believe Mrs Otto should have any more right to the water
than the rest of us home owners, since we have been paying (that is
the majority of us) for water rights all along. Also since the Home
owners (most of us) have paid to put in the new water tank. Sweeted
and dug to get it in. Why now does Mrs Otto feel they should have
any more right to the water than the rest of us. It is an all new water
system tank and all new pipe through out the town that we have covered
the expense on.

If you could please make your map clearer and not so small. I would
very much appreciate getting a copy and being put on the mailing list
for any information on this subject. Because only a few people in
Silver City home owners knew anything about it. Therefore I don't
feel you are being fair to therest of the home owners in Silver City
that had water all these years.

MICROFILMED

CC:home file

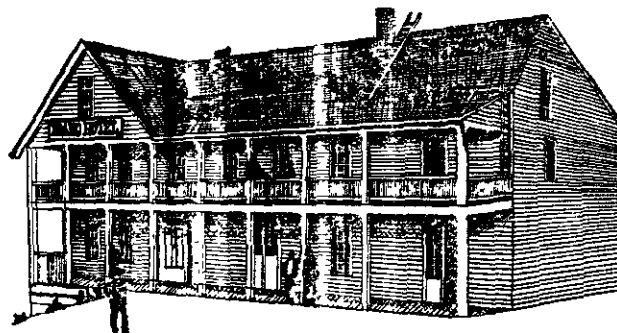
Thank you
JUN 9 1990

Mr + Mrs Loren Fredricksen

The
IDAHO HOTEL
Silver City, Idaho

WRITE: P.O. BOX 75
MURPHY, IDAHO 83650-0075
1 March 1990

TELEPHONE
(208) 495-2520



RECEIVED
MAR 05 1990

Department of Water Resources
Western Regional Office

Steve Lester
Sr. Water Resource Agent
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise City, Idaho 83705

Dear Mr. Lester:

Regarding Permit 55-07011. Letter dated 8 November 1989 to Gloria and Carl Otto and Paul Nettleton:

I do wish that I had met with you when you conducted your field exam on 5 November 1987. I could have given you some information which may have been of some help in clarifying some details.

You mention in your letter that the Hotel is connected to the SCTA water system. If one wishes to split hairs one should say that Silver City is connected to the Idaho Hotel water system! I will explain this statement: In 1868 the Idaho Hotel secured the water rights to the spring on Florida Mountain. This is mentioned in the OWYHEE AVALANCHE. Silver City had a separate water system. "In the spring of 1902, the proprietors of the Idaho, intending to enlarge their water system offered the people of Silver City water, and fire protection for only \$12.50 a month. The citizens did not accept the offer." (FOUNDATIONS OF SILVER CITY, by Julie Hyslop, 1985, page 24.) After the Idaho Hotel closed around 1942, the Silver City water system had deteriorated badly. Permission was given by the owner of the Idaho Hotel for townspeople to hook up to the hotel water system which was still in operation.

When I purchased the Idaho Hotel in 1972 the Bill of Sale included the water system. However, as I understand it, the Silver City Taxpayer's Association filed on the Idaho Hotel's water system in 1971.

On 19 February 1990, I received a telephone call from Loren Fredricksen of Santa Rosa, California. (Mr. Fredricksen owns several buildings across Jordan Creek behind the Idaho Hotel.) He said that when he purchased property in Silver City in 1968 there was running water into the Idaho Hotel at that time. Mr. Crville Peete, from whom Loren Fredricksen purchased the property, had, in earlier years, connected his house with the Idaho Hotel water system running directly under the length of the hotel. Lillian Rock, from whom I purchased the hotel, had used the running water in the hotel for cleaning purposes prior to the sale of the hotel. Tom Rock purchased the Idaho Hotel in 1957. When I moved into the Idaho Hotel in 1972, there was running water in the hotel system. I have been using the water in the system continuously since 1972.

HISTORIC LANDMARK FEATURING: DINING ROOM, BAR, ~~DISPLAY ROOMS~~ ^{WINE CELLAR}, TOURS, GIFTS & ANTIQUES FOR SALE, ETC.

JUN 09 1998

Gloria Otto mentioned to me last year a bit about the history of the water system. She said something to the effect that the spring which is in use presently by the Silver City Taxpayer's Association and others (nonmembers) was developed by the Lincoln Mill sometime in the mid-1860s. (Some of Mrs. Otto's property is the old Lincoln Mill site.) I believe that she stated that the Lincoln Mill went bankrupt around 1868. That is the year in which the Idaho Hotel secured the water rights (presumably from defunct Lincoln Mill). The Idaho Hotel has been using that same spring since 1868. It maintained and up-graded the system till around 1942, about the time the hotel closed, though water still flowed through the interior hotel system during the time of the hotel's closure.

Several years ago I met with representatives of your downtown office on several occasions regarding the water system and the Idaho Hotel's use-status in Silver City. I was assured that there was nothing to worry about and that everything was taken care of or would be taken care of. Since then, numerous problems have arisen regarding the water system.

Also, what is the position with the Post Office Drugstore which I am purchasing? There is an apartment upstairs which I have for lease. The apartment has running water in it (a pair of hot and cold water taps in the kitchen and a pair in the watercloset-bathroom shower). There is also a pair of taps downstairs in the drugstore. Is the apartment domestic-use or, since I lease it out, considered commercial? The downstairs use would be commercial and a separate filing should have been made, years, ago for that. It is too late now, certainly.

I do not want anyone to loose their rights to their use of water, provided it is used wisely and frugally.

I hope that this letter has been of some help in answering some unanswered questions, both for you and for me.

Let me hear from you at your convenience.

Thank you for your time and consideration.

Very sincerely,



Ed Jagels, Proprietor

MICROFILMED

JUN 09 1998

WATER

55-0741 and possible other rights from same spring
USE OF JORDAN CREEK AND FLORIDA MOUNTAIN WATER IN SILVER CITY

Prepared by: Julie J. Hyslop

01/03/1990

JAN 29 1990

Department of Water Resources
Western Regional Office

LINCOLN MILL WATER

1866 The Lincoln Mill is supplied with clear water from Long Gulch. Or a well will be sunk if needed.

[reference: Owyhee Avalanche Newspaper 03/17/1866 p3-c1]

HISTORY OF IDAHO HOTEL WATER USE

1868 The Idaho Hotel is supplied with water from springs on the side of Florida Mountain. It is conducted nearly a mile to a reservoir in the hotel. A portion of the distance in a ditch and the remainder in pipes.

[reference: Owyhee Avalanche 02/15/1868]

1868 The Idaho hotel refitted with comfortable bathrooms

[reference: Owyhee Avalanche 07/11/1868 p3-c2]

1872 The Idaho Hotel used its water hose to sprinkle the dusty streets.

[reference Owyhee Avalanche 07/27/1872 p3-c2]

1874 R. Z. Johnson has his residence supplied with water from the Idaho Hotel water works.

[reference: Owyhee Avalanche 08/29/1874 p3-c1]

1874 The Idaho Hotel just fitted up an new set of bath rooms, and are now prepared to furnish hot or cold baths at all hours every day.

[reference: Owyhee Avalanche 08/08/1874 p2-c2]

1874 The Idaho Hotel replaced the old pipe of their water works with new, which played hob with people's water in the north end of town.

[reference: Owyhee Avalanche 08/15/1874 p3-c2]

1875 Selling Idaho Hotel gives description of one half interest in the spring and water works connected with the hotel and known as the Idaho Hotel water works.

[reference: Owyhee Deed Book R page 186, 04/08/1875]

1875 Story on selling the Hotel, paper says the water works of the hotel alone yield a handsome revenue.

[reference: Owyhee Avalanche 03/13/1875 p3-c3]

1875 B. M Eastman to H. B. Eastman for \$100.00 one half of that certain water right and property situate... and known and called the Idaho Hotel Water Works leading from Florida Mountain to the Idaho Hotel.

[reference: Owyhee Deed Book R. Page 229, 05/04/1875]

MICROFILMED

JUN 09 1998

WATER

1877 H. B. Eastman selling to Malcom McGregor 1/2 interest in Idaho Hotel--- Also one half interest in springs and water works.

[reference: Owyhee Deed Book S page 137, 09/21/1877]

1878 Selling hotel description same as above.

[reference: owyhee Deed Book X page 363, 12/02/1878]

1883 Regan and brother have repaired their water boxes from the springs to the reservoir and have plenty of pure cool water.

[reference: Idaho Avalanche 08/11/1883 p3-c2]

1884 Mr. Timothy Regan is now prepared to extinguish almost any fire that may originate in the vicinity of the Idaho Hotel. Having recently fitted up a force pump, which with six men on its brakes, will throw a stream 50 feet. It is erected over a well in the rear of his hotel.

[reference Idaho Avalanche 05/31/1884 p3]

1885 Mr. Regan is having new 2 1/2 inch iron water pipe laid from the reservoir to the Idaho Hotel. It will be laid so deep that there will be no danger of the water freezing during the winter months. It will be quite an improvement to this end of town.

[reference: Idaho Avalanche 09/12/1885 p3-c1]

1885 The Idaho hotel is supplied with pure mountain water

[reference: Idaho Avalanche 10/17/1885 p3]

1888 Mr. T. Regan is having survey made from his springs to the Idaho Hotel. And will at once lay a six inch water pipe from the springs to a new reservoir which will be erected higher on the hill than it now is. When completed, he will have all the water needed and a pressure that will throw water over his hotel.

[reference: Idaho Avalanche 05/26/1888 p3]

1888 ...are now erecting a substantial water tank on Tibbitts View and Medical Avenue for Mr. T. Regan. When completed, it will last for years and will hold enough water for the whole town.

[reference: Idaho Avalanche 06/30/1888 p3-c1]

1888 Mr T. Regan is now laying his n new water pipe, which will be completed in the course of a week.

[reference: Idaho Avalanche 08/18/1888 p3-c1]

1889 Regan selling to S. T.N. Smith ...springs and water right...

[reference: Owyhee Deed Book U page 497, 11/30/1889]

1892 The Idaho hotel received a three bowl porcelain wash stand this week, which has been placed in the washroom

[reference: Idaho Avalanche 05/21/1892 p4]

MICROFILMED

JUN 09 1998

WATER

1893 The freezing of water pipes has caused considerable annoyance to citizens using water from Smith's, reservoir, and expense to the owner. The hotel was minus aqua pura for a day or two but everybody is happy now...

[reference: Idaho Avalanche 01/28/1893 p4-c2]

1899 The Idaho Hotel...has mountain spring water flowing from faucets in the house.

[reference: Owyhee Avalanche 07/07/1899 p1]

1900 Messrs Clark and Burch will commence in a few days to remodel the sanitary equipment of the Idaho Hotel for Shea and Connors and new lavatories and porcelain baths are to be put in and the water and ventilation when completed will equal in a sanitary measure anything on the coast.

[reference: Owyhee Avalanche 04/20/1900 p3-c4]

1900 selling hotel ...springs and water rights and water works.

[reference Owyhee Deed Book 1 page 117 12/31/1900]

1902 The Chinese water carriers are working extra hours this week to supply the demand for Aqua Pura. Both the Idaho and War Eagle Hotel water systems have been out of action on account of the severe cold and practically the whole town has been out of water.

[reference: Owyhee Avalanche 01/31/1902 p3-c2]

1902 The Idaho Hotel is about to increase the capacity of the water system. They made a fine offer to the people of Silver City for water and fire protection. They ordered a big 16,000 gallon tank, and a four inch main. They proposed to the town. They would order an extra 16,000 gallon tank and allow the town to connect with the main and put on a reasonable number of fire plugs, for the fee of \$12.50 per month. This to only be used in case of fire.

[reference: Owyhee Avalanche 04/25/1902 p1-c3]

1902 Messrs Connors and Evans of the Idaho Hotel are remodeling and enlarging their system independently of the town line, and when completed will prove a very valuable addition in case of fire. They are putting in a new 4 inch main and a 16,000 gallon tank and will also install one or more fire plugs at their own expense.

[reference: Owyhee Avalanche 04/16/1902 p1-c2]

1902 Work on the new system of water works for the Idaho Hotel was inaugurated this morning, and will be completed within a week or ten days. A three inch main will be laid from the tanks to the hotel. The new tank is on the ground and will be erected at once. It is twenty feet in diameter on the bottom and twelve feet in height and has a capacity of about 25,000 gallons. A fire plug will be put in at the hotel and a supply of hose provided sufficient to convey the water to any portion of the hotel or adjoining property. Messrs Connors & Evans, the proprietors are also willing that a fire plug

MICROFILMED

3 JUN 09 1998

WATER

should be put in on Washington Street by the citizens to be used in case of fire, at no expense to the city except for the plum and connections...

Reference: Owyhee Avalanche 06/20/1902 p11

1902 The water main of the Connors and Evans system is now in and the water has been put in a number of dwellings and business houses...

Reference: Owyhee Avalanche 07/11/1902 p3-c31

1902 water rent \$15.00

Reference: Owyhee Avalanche 07/24/1903 p1-c31

1905 selling hotel lists springs, water right ect.

Reference Owyhee Deed Book 3, page 27 10/24/19051

1905 Transfer of hotel also one half interest in and to the exclusive right to appropriate all the waters of certain springs. Lying in a westerly direction from the town of Silver City and about one mile from the mouth of Long Gulch and being the waters which for a long time past have been used to supply the hotel...

Reference Owyhee Deed Book 3, page 120 02/09/19051

1909 Will Lewis residence added to water line.

Reference: telephone interview with Rusty Statham 12/16/89 JJH1

1914 selling hotel, lists springs, water right ect.

Reference owyhee Deed Book 10 06/01/1914 page 3811

1916 There was water in Dave Wiloers house when Doug's folks lived there 1916-1917.

Reference: Interview, Doug Hyslop 12/16/1989 JJH1

1921 Brumbaugh, O. D., water works valued at \$800.00

Reference: Owyhee County Personal Property Book 19211

1937 lists being with the hotel, reel 100', 2" C.R.L. hose, in front. 2" hyd't at curb.

Reference: Idaho Survey and Rating Bureau Survey No 1, 11/18/19371

1943 Due to the deteriorated conditions of the water line, the line was replaced by Lish Lewis and Del Eytchison. Homes returned to the new line and dates of hook up are listed below.

Reference: paper prepared by Del Eytchison 10/15/19891

1943 Hyslop's; Lewis-Smith; Thomas'; Idaho Hotel; Nettleton, Paul; Burton's; Statham's; Swayne; Orton-Lague.

1944 Jayo.

1946 Carr; Bennett; Barnes; Chadwick; Nettleton Hu; Wood's Clark's; Fredrickson; Snell; Silver Slipper; Drug Store; Walt

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JUN 09 1998

WATER

Adams: Grete Estate: Don Reitch: Odd Fellows bldg:

1948 Idaho Power.

Reference: list provided by Del Evtchison Oct. 15, 1989]

1957 Transfer of hotel lists 5 springs water right ect.

Reference: Owyhee Deed Book 49 page 522 10/03/1957]

1960 Dr. and Cleo Swayne purchased the Lippincott building; they paid \$15.00 a year to Tom Rock, owner of the Idaho Hotel for water delivered to their building. He told them that he owned the water system, along with the hotel.

Reference: telephone interview with Cleo Swayne 01/22/1990 J.JH]

FIRE PREVENTION IN SILVER CITY

1868 The Silver City Water Company filed certificate of incorporation here on Wednesday last.

Reference: Owyhee Avalanche 09/26/1868 p2-c2]

1868 Water Works... A joint stock company (for city fire protectionjgh) has been organized with a capital stock of \$50,000, and officers elected, the trustees for the first three months being Messrs. J. F. Dye, W. F. Sommercamp, F. Rogers, P. Donnelly and W. B. Crane, an array of name which of itself is sufficient to convince the public that no child's play is meant, and fully as convincing a proof is the fact that \$10,000 has already been subscribed on the company's books. The Company has purchased the old Knickerbocker ditch of Meek & Gove, which cover the first right to 150 inches of water in Jordan Creek and Sawpit Gulch. It is the intention of the Company to commence operations immediately and finish as much of the work this Fall as possible. they will build their main reservoir on Third Street, above Clinton, a position to cover the whole town, the main pipes to run through Jordan and Washington streets, with hydrants at each principal corner. They expect to finish the mains through Washington and probably two or three blocks on Jordan before Winter. The reservoir will be supplied at first with water from Long Gulch, and eventually from the Knickerbocker ditch as soon as it can be brought in on a higher grade. ...

Ref: 10/03/1868 p3-c3]

1868 The Water Works that was projected and carried on to the completion of the ditch and reservoir, appears to have come to a stand still for want of pipe through which to conduct the water from the reservoir into town. two thousand two hundred and seventy-five dollars, have already been expended, the ditch from Long Gulch completed, and the tank or reservoir built to the satisfaction of the Trustees who have

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JUN 8 9 1998

WATER

received and paid for it. it only remains now to procure pipe, and the people can be well supplied with food water for all household and drinking purposes as well as the more important one of protecting the town against fire. ... We understand that sufficient means are already subscribed to procure the necessary pipe and fixtures, hose, etc, so that in case of fire in any part of town, water could be thrown into any part of the tallest building. Pay up your assessments let the pipe be bought and shipped to Winnemucca, so that it can come thro' of the first teams and be laid down early in the Spring to be ready for dry weather.

[ref: Tidal Wave newspaper 12/18/1868 p1-c2]

1869 Protection against fire is the most important enterprise our citizens can engage in and W. F. Sommercamp, realizing the fact, has erected a large force pump in front of the Star Brewery, with 150 feet of hose, The well is a never failing and bountifully supplied reservoir; the water stands about twelve feet deep and with in four feet of the surface; so strong is the stream that feed it that a brisk current passes continually through it.

[ref: 04/30/1869 p4-c2]

1869 John B. Richards, J. F. Dye, and W. F. Sommercamp ...May 20, 1869, {purchased}...commencing at or near the mouth of Sawpit Gulch, running thence down on the west side of Jordan Creek about one mile to Long Gulch, together with all the water rights thereunto belonging or in anywise appertaining. Said ditch and water right was located by T. R. Dana on the 25th day of June A.D. 1864 as will more fully appear on the books of the recorder of said county...

[ref: Owyhee Deed Book P, page 51]

IDAHO WATER RESOURCES

55-04006 spring nothing to do with Silver City

55-04151 grandfather--Jan 1, 1903 113' or 183 overflow from tank

55-07011 Silver City Taxpayers Association for 40 units = 0.005 limit. allowed 0.20

A55-10130 Gloria. 0.02 one domestic; 0.04 hotel, filed as being 1866 original use.

Idaho Power didn't come to Silver City until 1903-04 Aug. 1, 1902 Awarded Owyhee Electric Co. land from the Tin Foo Mill site. by County Commissioners.
Lincoln Mill dismantled in the 1920's. [reference ???]

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55-0701,
and possible
other rights from
same spring

Silver City Homeowners
in

1971

who used

City Water
from:

Old Idaho Hotel Spring & Tank

1971 material compiled by:

Wilma L. Statham

Aug. 16, 1971, & presented to Idaho Water
Resource Board at that time.

Updated material compiled by:

Wilma L. Statham

Feb. 1, 1990

(updated) Lot #s, ownership & water use

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1982 Lot #s	Owned in 1971 by	Used City Water 1971	Owned in 1989 by	Used City Water 1989
29	Nick Ihli	No	Nick Ihli	yes
30	Roy Hoagland	No	J. Hoagland	No
31	Cleo Swayne	No	Cleo Swayne	No
32	John Rogge	No	John Rogge	No
33	Lewis-Brogan	No	J. Brogan	No
34	J. Burke	No	J. Burke	yes
35	L. Fredrickson	* yes	L. Fredrickson	yes
36	Vic Ford	No	L. Fredrickson	No
37	John Yoden	No	D. Bowman	yes
38	Mrs. A.J. Swan	No	M. Coppman	No
39	R. Birmingham	No	B. Brown	No
40	Van Atta	No	Van Atta-Beckwith	?
41	Joe Nettleton	No	Joe Nettleton	yes
42	Ken Downing	No	Aman-Ross	?
43	Clyde Snell	No	Clyde Snell	yes
44	Phil Cramer	No	Phil Cramer	?

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 JUN 09 1998

1982 Lot #s	Owned in 1971 by	Used City Water 1971	Owned in 1989 by	Used City Water 1989
45	Pilar Tucker	No	Wash. State owners	?
46	Melba School Dist.	No	Melba School Dist.	yes
47	Roman Catholic Diocese	No	Roman Catholic Diocese	No
48	Ada Thomas	? No	Thomas Children	yes
49	Eleanor Smith	*yes	Eleanor Smith	yes
50	Doug Hyslop	*yes	Doug Hyslop	yes
51	Masonic Hall	No	Masonic Hall	No
52	Barn - Not Home - Swayne	No	Robert Richie	yes
53	E. Nettleton - I. W. ~~Wells~~	No	E. Nettleton	yes
54	Walt Adams	*yes	Walt Adams	yes
55	Larson - J. J. Spence	? No	Chadwick	yes
56	Idaho Hotel - L. Rock Closed 1942	No	Jagels	yes
57	R. Smith - attorney -	No	D. Jamison	?
58	John Carpenter	No?	Martin Petersen	yes
59	Peer	No	Wifex - Burrill MICROFILMED	yes
60	Grete girls	No?	G. Spurgeon JUN 09 1998	yes

1982 LOT #s	Owned in 1971 by	Used City Water 1971	Owned in 1989 by	Used City Water 1989
61	John Horn	No	Harold Curt	yes
62	Lester Nelson	No	-. Hinton	yes
63	(Garage) Cramer	No	(Garage) Cramer	No
64	L. Rock (Hotel Annex)	No	Burton - Cram	yes
65	L. Rock (Bar)	* yes	P. Nettleton	yes
66	C. Swayne	* yes	C. Swayne	yes
67	K. Laible	* yes.	K. Laible	yes
69	Fred Foster	No	Donnee (?)	yes
-Not Sold 71	Butcher Shop (Orton)	* yes	G. Carr	yes
72	Leonard Stone (estate)	* yes	Jantz	yes
73	K. Chadwick	maybe	K. Chadwick	yes
74	H. Nettleton	* yes	D. Clark	yes
75	Moose Wood	? yes	Spoljanic	yes
76	Don Reich	? yes	Machack	yes
77	D. Hasselbring	?	R. Hasselbring	yes
-Not Sold 79	Sid Orton	* yes	MicroFILMED JUN 09/1988 rnes	yes

982 Lot #s	Owned in 1971 by	Used City Water 1971	Owned in 1989 by	Cit. Water 1989
80	Silver Slipper - Phil Creene	* Yes	R. Leonard	yes
81	Drug Store - W. Adams	No	Ed Jagels	yes
82	Garage Ruins - M. Leonard	No	T. Hasselbring	yes
83	O'Malley	No	O'Malley	yes
84	DOOF Lodge	* Yes	DOOF Lodge	yes
85	D. Butler	No	Grete Estate	?
86	E. Blodgett	* Yes	Don Reich	yes
87	Ned Williams	No	Otto	No
88	B. Brunzell	* yes	Jayo	yes
89	S. Tegnell	yes	C. Oaton	yes
90	Storage Shed - S. Tegnell	No	D. Brunger	yes
91	Emily Lewis	* Yes	Wilma Statham	yes
92	H. & W. Statham	No.	Bill Statham	No
93	Martha Leonard Storage Shed	No	L. Otto	yes
94	F. Tegnell	* yes	— Nettleton	yes
95	P. Sliger	No	P. Sliger	No

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JUN 09 1988

1982 LOT #s	Owned in 1971 by	used City Water 1971	Owned in 1989 by	used City Water 1989
96	Mary Hansen	No	P. Nettleton	No
7. ^{NEW} <u>105</u>	Ken Baird blacksmith shop ruins	No	L. Otto - ruins of old blacksmith shop	No
	Power House - L. Otto on Tip Top Millsite	* yes	L. Otto	yes
	Otto Built as log Horse Barn by Idaho Power employee 1940	No	Otto	?
	* had been on City Water over 5 years in 1971			

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JUN 09 1998

MEMORANDUM

TO: Western Region
FROM: Gary Spackman *Gary Spackman*
DATE: May 5, 1989
RE: Permit to appropriate water no. 55-7011 in the name of
Silver City Taxpayers Association, Inc.

I understand by looking at the field examination that a two inch pipe leads from the springs to a storage tank, and that a four inch pipe then provides water to Silver City from the storage tank. The field exam also recommends a flow rate of 0.80 cfs.

I roughly calculated the amount of water that a two inch steel pipe could carry with a very steep slope, and no losses other than friction. I also assumed pressure of zero at the outlet, and a 100 foot length of pipe. My calculations show that only approximately .20 cfs will flow through a two inch pipe, even with an extremely steep slope.

May I suggest that the field examiner review the system more closely and perhaps measure the amount of water that can be diverted through the system.

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JUN 09 1998

MEMORANDUM

TO: FILE

FROM: JIM JOHNSON

RE: TELECON WITH SHERL CHAPMAN

DATE: 5-JAN-1989

Per telecon with Sherl Chapman today Marty Peterson will come in to sign the amendment of permit application.

The Silver City Taxpayer's Assoc. have reached an agreement with Mrs. Otto who had objected previously to the issuance of the license with it including her establishment.

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JUN 09 1998

Department of Water Resources
Western Division

RECEIVED

OCT 24 1988

Dear Sirs,

Department of Water Resources

As we enter the adjudication process, I would like to mention a few details which should be clarified. Most of these items appeared in the field examination which was done on November 18, 1987. Some appear in the letter which Martin Peterson sent to Keith Higginson in October 1988 and are not very important because the issue has been resolved. However, it might be a good idea to set the record straight.

55-02212- Field Exam states that Williams house is on the 5507011 Silver City water system, which is not correct. The building has its private spring. *Exam OK*

57-4058 - has been changed to 55-04151. The ~~spring~~ ^{CORRECT} is not in the 57 category. *Page 1 Overlap*

55-4006 - The Nov. 18, 1987 field exam stated that the cabins do not receive water from the city water system (55-7011). The Idaho Power Building is connected to the city system. *Page 1 Overlap*

55-4108 The field exam of Nov. 18, 1987 stated that the Kriegg and Lewis cabins are on the water supply of 55-7011 (city). They are not. *Page 1 Overlap*

Claim is for well but they claim to be flowing that they have been on city water. Harold Otto from 15 or city water.
Letter from Peterson to Higginson via Andrus office. The letter states that the Otto business being conducted at the Idaho Power building is a "Bed and Breakfast" business. The correct term is "group Hostel." Questions 11 & 12.

Spelling of name - My husband's name is Carl W. Otto.

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JUN 09 1998

10-20-88

Glenn Otto
I spoke with Mrs. Otto concerning this letter & found that: #1 55-02212 The field exam for 55-7011 does not show the old William house (Glenn Otto's home now) to be under city water. Also under 55-4108. The field exam for 55-7011 does not show the two homes in question under city water. Claim 55-4108 speaks of it on the claim form, but the exam does not show them as receiving city water. I spoke with Mrs. Otto & she agreed, so no letter is needed. Jan Thurtell

October 5, 1988

Governor Cecil D. Andrus
Statehouse Mail
Boise, Idaho 83720

RE: PERMIT 55-7011 IN THE NAME OF SILVER CITY TAXPAYER'S ASSN. INC.

Dear Governor:

I have reviewed the September 14, 1988 letter sent to you by Martin L. Peterson in connection with the above referenced permit and the use of water in Silver City.

The water right file shows that on August 16, 1971, Application for Permit No. 55-07011 was filed with the department in the name of the Silver City Taxpayer's Assn., Inc. The application proposed the diversion and use of 0.80 cubic feet per second of water from a spring within the NE1/4SW1/4 Sec. 6, Twp. 5S, Rge. 4W, BM, Owyhee County for domestic use of up to 40 residences. The proposed place of use was within the E1/2 Sec. 6, Twp. 5S, Rge. 4W, BM. On October 5, 1971, the department approved the application and issued the permit with the condition that proof of beneficial use be submitted on or before October 1, 1976.

On April 12, 1974, the department approved an amendment to the permit which authorized two points of diversion in the NE1/4SW1/4 Sec. 6, Twp. 5S, Rge. 3W, BM. Proof of beneficial use was submitted to the department on September 16, 1976.

An examination was made by the department on November 5, 1987 to determine the extent of beneficial use to be shown on the license of water right ultimately issued by the department. The examination showed that in addition to the domestic uses, the water was being used for commercial use in connection with a hotel and a bed and breakfast establishment. The department requested that the permit holder amend the permit to change the legal description of the point of diversion and to include the commercial use. To date the permit holder has not submitted the amendment.

With regard to the questions posed by Mr. Peterson, I will respond in the order the questions were asked.

1. The permit is presently valid. The next step in the water right development process is for the department to issue a license of water right. A license will not be issued until the location of the

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JUN 09 1998

point of diversion is amended. The question of whether the permit holder wants to amend the permit to include the commercial use also needs to be resolved. A license can be issued which does not include commercial use.

2. The department's water right research in connection with the future licensing of Permit No. 55-7011 shows that several Claims to a Water Right have been filed for use of springs in the vicinity of the spring used under Permit No. 55-7011. There is no procedure, however, by which the department can confirm the use claimed on a Claim to a Water Right or identify whether a spring on one of the claims is one and the same as the spring used under Permit No. 55-7011. The claims which have been filed include 55-4007, 55-4110 and 55-4151 (previously identified as 57-4058). The validity of the claims will be determined in the Snake River Basin adjudication.

3. Permit or license holders must comply with the provisions of their permit and/or license and Idaho water law.

4. Most water delivery associations have by-laws by which the association operates. The by-laws should provide the guidance associated with water delivery, water use, assessments and so on.

5. Water right license 55-7011, when issued, will represent one (1) water right with a priority of August 16, 1971 even though the right may supply a number of individual users.

6. A water right is the right to divert and beneficially use the public waters of the state. A water right permit is the state authorization to divert and beneficially use the public water of the state. A permit is a stage of development of a water right which is ultimately represented by a water right license issued by the department.

7. The department has jurisdiction to issue the water right license in connection with Permit No. 55-7011. The department is also taking adjudication claims for the court in connection with the Snake River adjudication. The adjudication will determine the validity of the claims to a water right which have been submitted in the past. The department can direct the installation of measuring devices and can issue cease and desist orders for the wrongful diversion of water.

8. A domestic use does not automatically have priority over a commercial use or prior rights used for other purposes. Water rights for any use are only as good as their priority. Domestic use can, however, condemn a prior non-domestic use if just compensation is paid for the condemnation.

9. The claims to a water right which have been filed could be determined by the court to use the same spring as the association and/or to be prior in time than the use represented by Permit No. 55-7011.

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JUN 09 1998

STATE OF IDAHO
OFFICE OF THE GOVERNOR
CECIL D. ANDRUS

DATE RECEIVED: 9/20/88 SPECIAL ASSISTANT: ab FILE CODE: SW
FROM: Mr. Martin Peterson DATE LOGGED: 9/20/88
SUBJECT: Asks questions re: water system for Silver City

ROUTING MEMO

TO: Higginson - Water Resources DATE: 9-21-88
FROM: Bumelle PLEASE RESPOND BY: 10-2-88

☒ Please look into the attached matter and send a report directly to the governor on your department's letterhead, bearing in mind that the governor may send it on to the constituent with his own letter.

☐ Please look into the attached matter and send a confidential report to the governor.

☐ Please draft a reply the Governor might make and return.

☐ Please reply directly to the author of the letter and send a copy of your response to this office.

☐ Please note attached information. No action necessary.

☒ Please return this form to us with all documentation.

Action Notes: _____

(For Governor's Office Use Only)

☐ Draft approved, OK for final typing. Date: _____

☐ Prepared in Final. Date: _____

☐ Approved for Signature. Date: _____

☐ Letter Mailed. Date: _____

☐ No Response Necessary; File

88092001

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JUN 09 1998

no n y

Governor Cecil D. Andrus

- 3 -

10. The permit cannot be amended to make the permitted use larger. A water right for domestic use in excess of the 40 households authorized by Permit No. 55-7011 has to be covered by a different water right. The different water right could be a new filing with a later date of priority even though the source of water is the same spring used by the original 40 domestic units.

11. The effect probably would be minimal, since the license of water right would be conditioned that no more than a given fixed volume of water is authorized for diversion under the water right.

12. The commercial uses might not have a valid water right depending on what other rights there may be for the commercial use.

13. This question really can't be answered unless the nature and extent of the other existing rights are known.

I hope this letter provides the information needed by Mr. Peterson. If there are additional questions, however, Mr. Peterson or his representative should feel free to visit with the Water Allocation Section staff in our state office (phone: 334-7900).

Sincerely,

R. KEITH HIGGINSON
Director

c: Water Allocation Sec.

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JUN 09 1998

September 14, 1988

Martin L. Peterson
Silver City Water Committee
c/o 1310 Ranch Road
Boise, Idaho 83702

Honorable Cecil D. Andrus
Statehouse
Boise, Idaho 83720

RECEIVED

SEP 19 1988

SW

Dear Governor Andrus:

OFFICE OF GOVERNOR

As a member of the Silver City Water Committee, I have been asked to seek your assistance in obtaining, at an early date, the answers to a number of questions pertaining to the community water system in Silver City.

Last weekend the members of the Silver City Water Committee met with Mr. and Mrs. Karl Otto, who own both residential and commercial property in Silver City. We have jointly agreed that the answers to the following questions would be extremely useful in our efforts to provide the residents of Silver City with a well maintained and administered water system.

The questions pertain to Water Right No. 55-07011.

(1) What is the deadline we must meet for filing needed forms or documentation in order to maintain a valid water permit? X

(2) Does anyone other than the Silver City Taxpayers Association currently hold a valid right to the spring the Association has filed on ^{To} the supply the city water system? 2

(3) What are the responsibilities of the operators of the water system, with respect to the regulatory authority of the Department of Water Resource?

(4) What authority does the Taxpayers Association, as holder of the water right, have over individual residences and businesses which are connected to the town water system?

(5) Is the water right a "lump sum" water right for the entire system, or is it a group of individual rights?

(6) Define the difference between "water right," "water permit," and "use permit."

(7) How far does the jurisdiction of the Department of Water Resources extend in the operation of the Silver City water system.

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JUN 09 1998

(8) Does domestic (single family residential) use always have priority over commercial use?

(9) Has anyone else other than the Silver City Taxpayers Association filed any sort of usage documentation which would have an impact upon our water right?

(10) If we amend the current water right to provide coverage for more than the 40 domestic units presently covered, does this place our water right in any jeopardy? Can we amend the water right to provide coverage for all existing 56 domestic units and 4 commercial/domestic units?

(11) If the permit is amended to provide for commercial use for the Otto bed and breakfast, what will be the impact on:

(a) The bed and breakfast?

(b) Single family residential water users?

(c) The existing water right of the Association?

(12) If the permit is not amended to provide for commercial use for the Otto bed and breakfast, what will be the impact on:

(a) The bed and breakfast?

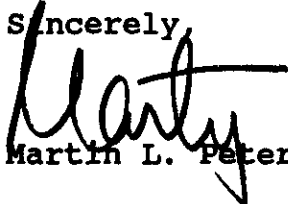
(b) Single family residential water users?

(c) The existing water right of the Association?

(13) The operators of the bed and breakfast already have water rights from other sources. What consideration, if any, should that receive in determining the need to amend the existing water right of the Association?

Governor, on behalf of all of the residents of Silver City, I would like to thank you for your assistance in this matter.

Sincerely,


Martin L. Peterson

cc: Water Committee Members
Mr. and Mrs. Karl Otto
Harold Kurt
Ed Jagels

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JUN 09 1998

August 17, 1988

SILVER CITY TAXPAYERS ASSN. INC.
C/O HAROLD CURT, PRES.
RT. 2
FRUITLAND, ID 83619

RE: PERMIT NO. 55-7011

Dear Mr. Curt:

As you know the Dept. has been attempting to issue a license on the above referenced permit, but have encountered some questions first raised by yourself and now by Mr. Sherl Chapman.

It appears that a meeting should be arranged between yourself and Mr. Chapman to resolve these questions. He can be contacted at 410 S. Orchard, Boise Id 83705, Tel. 344-6690.

I have informed Mr. Chapman that we will not take any further action on issuing the license until we hear from both of you on this matter.

If you have any questions please let me know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

cc: Sherl Chapman

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JUN 09 1998

MEMORANDUM

TO: FILE

FROM: JIM JOHNSON

RE: CONVERSATION WITH SHERL CHAPMAN

DATE: 8-12-88

Sherl called in reference to the uses identified on this permit. He is opposed to removing the Bed and Breakfast use for Mrs. Otto from the proposed license.

I informed him that I would not process this right further until a meeting between himself Mrs. Otto and Harold Curt, president of the Silver City Taxpayers Assn. Inc. had occurred.

MICROFILMED

JUN 09 1998

August 12, 1988

SILVER CITY TAXPAYERS ASSN. INC.
C/O HAROLD CURT, PRES.
RT. 2
FRUITLAND, ID 83619

RE: PERMIT NO. 55-07011

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED
JUN 09 1998

July 5, 1988

SILVER CITY TAXPAYERS ASSN. INC.
C/O HAROLD CURT, PRES.
RT. 2
FRUITLAND, ID 83619

RE: PERMIT NO. 55-07011

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

10000 10000
JUN 09 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

Permit No. _____

1. Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

Allow Commercial = 0.04 cfs
Allow Domestic(40) = 0.76 cfs
Limit to 0.80 cfs to
prevent expansion
of permit -

b) Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____
 $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____
 $V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

c) Volume Calculations for Other Uses:

Allow 40 units = 48.0 AFA
1 hotel = 1.2 AFA

Limit to 48.0 AFA so no expansion
can occur.

2. Overlap Review *see VAX:*

a) Other water rights with same place of use: _____

b) Other water rights with same point of diversion: *none* - _____

c) Analysis:

see Ada Base:

p/d - none

p/u - 55-7223

55-4040

55-7011

2212

4006

55-4108

4110

4151

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JUN 09 1998

30 day
P/D, use

7. Point(s) of Diversion: (note: examiner could not pinpoint 10 ac. tract descrip.)

8. Place(s) of Use

9. Recommended Conditions/Remarks: Source known locally as City Spring.
D/40 units. C/~~hotel~~ bed & breakfast establishment.
P/U aka Silver City.

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~~JUN 09 1998~~

- ## 10. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other _____

11. Examiner's Signature _____ Date _____
- Checked in Regional Office by _____ Date _____
- Approved in State Office by Kay Walker Date 6/16/88



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

November 8, 1989

GOVERNOR

Gloria and Carl Otto
P.O. Box 56
Murphy, ID. 83650

R. KEITH HIGGINSON

DIRECTOR

Paul Nettleton, President
Silver City Taxpayers Association, Inc.
Murphy, ID. 83650

RECEIVED
NOV 9 1989

Re: Permit 55-07011

Department of Water Resources

Dear Interested Parties:

The above permit concerns the city spring and domestic use for 40 units in the Silver City area. I conducted a ~~licensing~~ field exam on 11/5/87 and made licensing recommendations to the department's State Office. The report was returned to me to clarify some details.

The rate of flow recommended for licensing is 0.20 cfs or 90 gpm as confirmed by D. Eytchison's telephone response to my 8/2/89 letter to the Silver City Taxpayers Association, Inc. (SCTA). The final issue to resolve concerns the particular units to be licensed. For the remainder of this letter, the Otto's Idaho Power Building will be the IPB, and the historic downtown hotel will be called the Hotel. Please refer to the attached revised map. The map identifies 40 domestic units hooked to the SCTA water system. Also shown are the IPB and Hotel, which I realize are connected to the SCTA water system. What to do about the latter two connections is the question to be resolved.

I address both parties because you need to reach an agreement that will allow me to make a final license recommendation for permit 55-07011. The complex and disputed situation cannot be resolved without a consensus. I urge you to review the following information and reach an agreement. The key point to remember is that the license to be issued cannot exceed the limits of the permit. Domestic use for 40 units or the equivalent thereof may be licensed. For example, any non-domestic use included in licensing must be accompanied by an equivalent reduction in the amount of domestic water provided by this right. Any other interpretation would be an expansion of the water right and cannot be condoned in the licensing process. In this respect, my previous recommendation to license 40 homes and the commercial use at the Hotel was incorrect.

According to the adjudication claims filed by Gloria, water use at the IPB has included irrigation, industrial, commercial, and domestic uses via three water rights. Two statutory claims and one beneficial use (grandfather) adjudication claim cover the IPB. The statutory claims 55-04006 and 55-04151 and their subsequent adjudication filings are not an issue in permit 55-07011. Thus, irrigation and industrial uses are not an issue in licensing the permit. However, the beneficial use adjudication claim A55-10130 is an issue. The claim states the following:

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JUN 09 1998

Permit 55-07011, 11/8/89 letter
page 2

date of priority = 1/1/1866; source = city spring as in Permit 55-07011;
amount = 0.02 cfs domestic and 0.04 cfs commercial for 0.06 cfs total; and
use = domestic 1 home and commercial 1 hostel for up to 14 people (both
uses within the IPB).

Thus, the claim records domestic and commercial use of the city spring at the IPB dating to 1866. This is the same domestic and commercial use indicated by the Ottos et al for permit 55-07011. Various correspondence and telephone conversations mention that the IPB has been connected to the SCTA system for some time. It is possible to include domestic and perhaps commercial use at the IPB in licensing the permit. It is possible to include the uses in adjudication claim A55-10130. However, the inclusion cannot occur under both rights. A choice must be made.

Claim A55-10130 refers to 0.02 cfs for one domestic and 0.04 cfs for the hostel. The allowable rate for each domestic use within the limits of the permit is 0.005 cfs or 2.2 gpm (0.20 cfs divided by 40 units equals 0.005 cfs per unit). If the domestic use at the IPB is included on permit 55-07011, then the allowable rate for the IPB domestic use is 0.005 cfs, and the last home of the 40 hooked to the SCTA system must be removed from the permit to maintain the 0.20 cfs limit. Removal from the permit does not mean to disconnect the pipes; the reference applies to proper water right coverage only. Likewise, if the commercial use at the IPB is to be licensed in the permit at 0.04 cfs (as shown in the adjudication claim), the equivalent domestic users must be removed from the permit. This means that the eight homes connected to the system just prior to the last home as mentioned above would be removed from the SCTA permit (0.04 cfs divided by 0.005 cfs equals 8 units). To determine the number of homes that would be removed from the permit beginning with the most recent homes hooked up and working backwards in time, divide any non-domestic use cfs rate by 0.005 cfs. If the IPB domestic and/or commercial use is included in the permit, the homes removed from the permit will need some type of water right coverage, most likely applications for permit for new appropriations.

If, however, the domestic and commercial uses at the IPB are to be covered by the 1866 priority in A55-10130, the 40 units marked on the attached map can be recommended for licensing. This scenario implies that the two uses at the IPB have a prior call on the water delivered by the SCTA system (older priority of A55-10130 versus 55-07011). Please remember that statutory claims and adjudication claims are water rights not verified by this department. Such claims are only verified by ripening into decreed rights through a court action. Licenses, on the other hand, are verified rights through department field work and related licensing procedures. An attorney should be consulted on any points of law in question.

The same reasoning applies to the Hotel. It may be possible that the Hotel has received water through the SCTA system at least since 8/16/1971 when the permit was filed and should therefore be included in the license. If so, the appropriate number of junior domestic sites would be eliminated from the permit. An alternative to the preceeding thought concerns filing an adjudication claim for the city spring for use at the Hotel. (similar concept

JUN 09 1998

Permit 55-07011, 11/8/89 letter
page 3

found in the Otto claim A55-10130). This could be done if use at the Hotel occurred by 5/20/1971, which allows establishing a grandfather right, and if water use continued for at least once every five years. As in the IPB, such a claim implies a priority to the water before the SCTA permit. If a late adjudication claim is filed for the city spring and Hotel, the late fee might be waived due to my earlier recommendation to include the Hotel in the permit. Again, water use at the Hotel may be covered in the permit or an adjudication claim but not in both. A choice must be made.

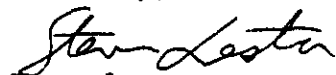
You should be aware that adjudication claims may be protested. Similarly, applications for permit for new appropriations may be protested. The department will respond to any protests received.

To summarize this confusing situation, some decisions must be made before licensing proceeds. Currently, the following is found.

- 1) Permit 55-07011 with a 1971 priority for 0.20 cfs or 90 gpm for 40 domestic units or the equivalent thereof using the SCTA system;
- 2) Adjudication claim A55-10130 with a 1866 priority for 0.06 cfs or 27 gpm for domestic and commercial uses at the IPB using the same SCTA system;
- 3) Beneficial use from the same SCTA system for the Hotel with an unspecified priority for a suggested 0.04 cfs for commercial purposes.
- 4) Numbers 1 through 3 must be reconciled to provide:
 - a) no more than 0.20 cfs for uses in permit 55-07011, and
 - b) proper water right coverage for all users supplied through the SCTA system.

Gloria visited this office recently and indicated that she and her husband will be in California for several months. Please discuss the situation and inform me of your decision as soon as your schedules allow. If I do not receive a reply by June 1, 1990, I will recommend that the license include domestic use for the 40 units indicated with a X on the enclosed map. Let me know if I can provide additional help.

Sincerely,



Steve Lester
Sr. Water Resource Agent

Sl: sl
Enclosure: map
CC: B. Bruegman, B.L.M., Boise District Office

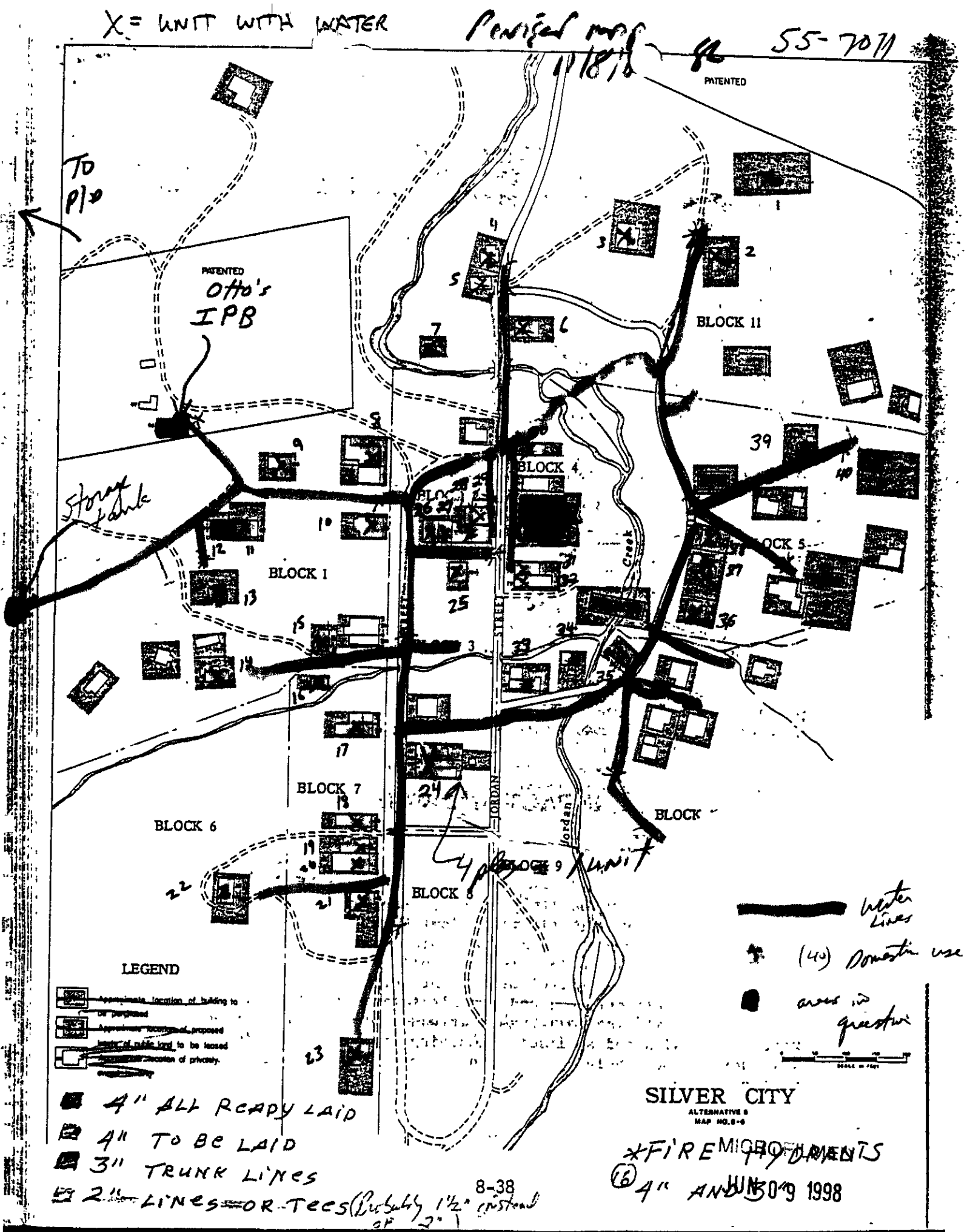
MICROFILMED
JUN 09 1998

X = UNIT WITH WATER

Perished map

82

55-7011



THIS SHOWS UP GRADING IN PROCESS TO IMPROVE WATER DELIVERY TO HOME

RECEIVED

MAY 04 1988

Department of Water Resources

MEMORANDUM

TO: JIM JOHNSON
FROM: JAN SHURTE
SUBJECT: LICENSE TO BE ISSUED FOR SILVER CITY WATER SYSTEM
PERMIT NO. 55-7011

On November 5, 1987, Steve Lester conducted a field exam for Permit No. 55-7011, Silver City Taxpayers Assn., Inc. During that field exam Steve was assisted by Delbert Eytchison, a member of this Association who lives up at Silver City year round. A plat map of Silver City was submitted showing the homes under the Silver City water system marked with an X by Mr. Eytchison. The exam was completed and sent to the State office for licensing on 2/24/88.

Sherl Chapman phoned concerning this exam on behalf of a client of his, Gloria Otto. Mrs. Otto has contacted the Department several times concerning her water rights at Silver City which involved some conflicts with her neighbors and the Silver City water system managers. I conducted the on-site visits concerning these water right problems and during these visits found out that Mrs. Otto's family lived at Silver City while she was growing up and the home Mrs. Otto's family lived in was served by the Silver City water system ever since it was developed. Mrs. Otto has refurbished this old home into a bed and breakfast establishment for approximately 14 occupants.

Sherl Chapman's inquiry on the exam concerned whether or not Mrs. Otto's home had been included as being served by the Silver City water system. In checking the above mentioned plat map, I discovered that this home had not been marked with an X to show that water was served there. I then phoned Delbert Eytchison to find out why it was not marked and he stated that it should have been, and that he had inadvertently not marked her home. While conducting the on-site visits it was confirmed to me by other long-time residences of Silver City that the Otto's home in question has been served with Silver City water since the beginning of the water system. The hotel in Silver City has also been served since the water system was put in and the exam recommends that a portion of the domestic use originally filed for be changed to reflect the commercial use in this hotel. Steve Lester spoke with you concerning this change and you had agreed with him to allow it. Sherl Chapman's request on behalf of Mrs. Otto is to include her home, which should have been included anyway, but to change a portion of the permit's domestic use to commercial use since the use now is similar to the hotel as a bed and breakfast establishment for up to 14 occupants. Mrs. Otto is very concerned about her use of the Silver City water being properly covered due to problems she has experienced with her water rights over the years.

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JUN 09 1998

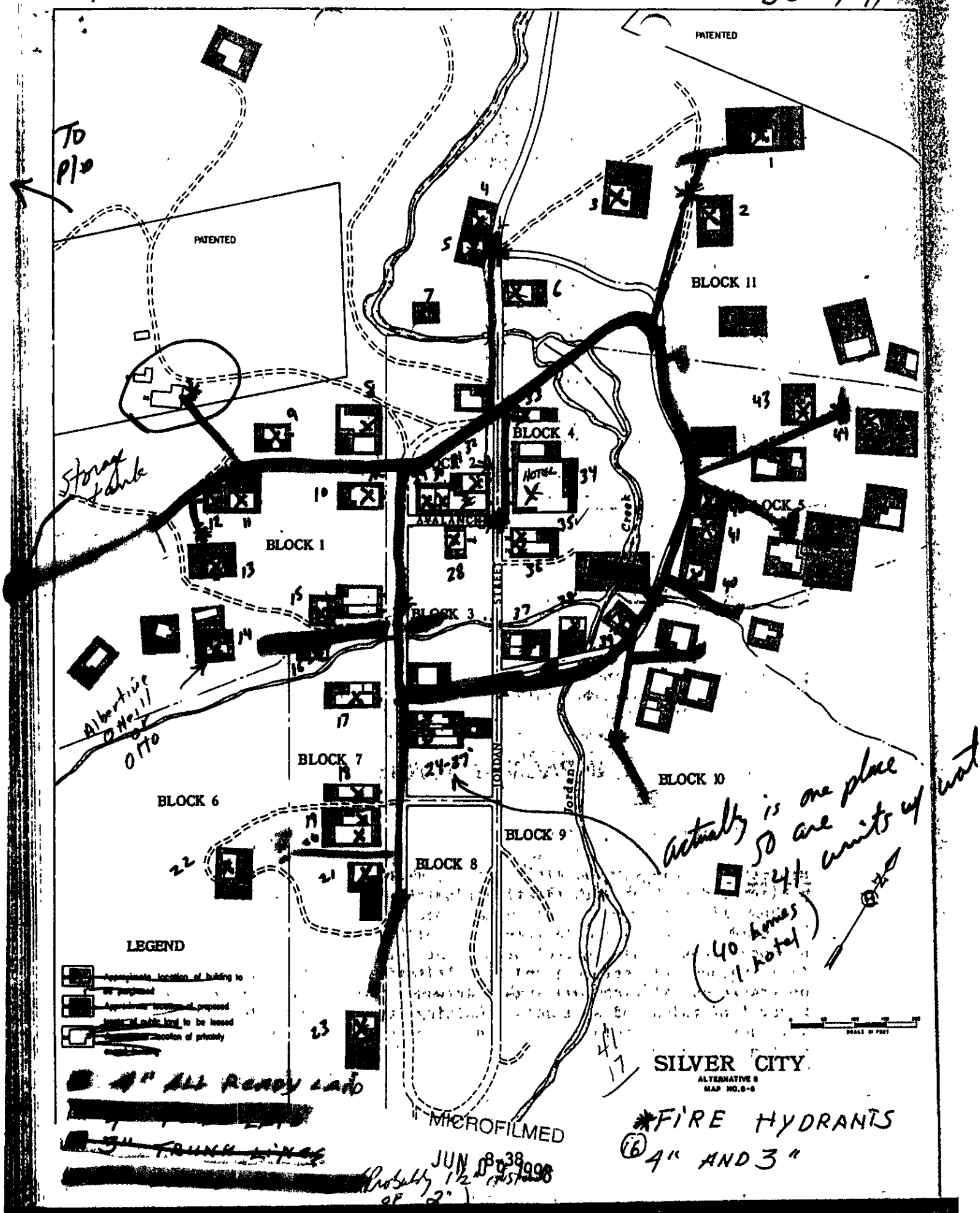
If you have any problems with allowing this request, or need more information, please be sure and let me know. Thanks.

MICROFILMED
JUN 09 1998

This copy was made
by me & colored in
according to the
original. Please note
Mrs. Otto's home in
red without an X
marked. This is the
~~house~~^{note} in my request.
Waterline is shown to
the residence. J

X = UNIT WITH WATER

55-7011



THIS SHOWS UPGRADING IN PROCESS TO IMPROVE WATER DELIVERY TO HOMES

40 homes
max allowed = 30
RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAR - 1 1988

Staff Analysis Sheet

for

Beneficial Use Field Report

Department of Water Resources

55-7011
Permit No.

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☒ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index SL 11/4/87 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of exam(s) attached?
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____

Possible P/D overlap,
see exam

Check of P/U index SL 11/4/87 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☒ copy of water right(s) attached?
Type of Overlap? ☐ Increase rate of flow or volume
☒ Add P/D's
☐ Increase number of acres within tracts
☒ Other: _____

Aerial Photo

Required? ☐ yes ☒ no If yes: ☐ copy attached?

Scheduling Letter sent? N/A (Initial and date)

☒ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
- ☒ Photographs of Point of Diversion and Place of Use
- ☒ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed Stan Lester 11/5/87 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent BD 1/22/88 (Initial and date)

Exam Reviewed by Manager of Regional Office Ans 2/11/88 (Initial and date)

Exam Date Entered in Computer ☒ (Initial and date)

Exam sent to State Office nl 2-24-88 (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

4/8
RECEIVED

JUN 2 1987

Department of Water Resources
Western Regional Office

RECEIVED

JUN 18 1987

STATE DEPARTMENT of Water Resources

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

KEYPUNCHED

For Office Use Only

Fee Received 100

Date 6/2/87

Receipt # 4488.2

Receipt by [Signature]

Sent to S.O. 4/5/87 - 25

1. Permit No. 53-7011

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Silver City Taxpayers Assn.

3. Post Office Address: c/o Harold Curt, Rt 2
Fruitland, Id. 83619 Telephone No. 452-4512

4. Source of Water: Springs

5. Extent of Use:
Domestic ☒ 40 (No. of households) Stockwater _____ (No. and type of stock)
Irrigation _____ (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted .80 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

June 12, 1909

8. Person to contact to accompany the department representative during the field examination:

See #3

MICROFILMED

(Name) 11/9 1998

(Address)

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

6-1-87
Date

Clarence M. Pater Board Member
Signature of Permit Holder (and title, if appropriate)

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.



Cecil D. Andrus
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

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

55-7011
SILVER CITY TAXPAYERS ASSN. INC.
C/O CLARENCE M. ORTON
11462 HIGHLANDER RD.
BOISE, ID 83705

138054

April 3, 1987

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information set showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

MICROFILMED
JUN 09 1998

CONVERSATION MEMORANDUM

DATE 9/3/86
FILE 55-4011

NAME OF PARTY

EMPLOYEE

Louisa Otto
Jan Thurt

RE:

Spring Overflow - Silver City Spring
(Mrs Otto's Water Rts. are 55-4066 + 57-4058)
Mrs. Otto uses the overflow from
this permit. Silver City people
use this spring for domestic in-house
use and any overflow is usually
used by Mrs Otto. She is concerned
because some town people have
objected to this because they believe
it will enable her to demand water
from the city if the overflow is not
coming as sometimes happens in
July & August.

I informed Mrs. Otto that
she is entitled to any overflow
from this spring, however, if in
order to satisfy their (city) right
they need all of the water then they
do not have to make sure she gets
some. She understands this & can
comply, but does not think it is
fair to keep the overflow from her
when it is there. I told her that was
correct & she is proceeding based
on that assumption.

MICROFILMED

JUN 24 1986

September 21, 1976

Re: Permit No. 55-7011

Silver City Taxpayer's Assn., Inc.
c/o Clarence M. Orton
11462 Highlander Rd.
Boise, Idaho 83705

Dear Mr. Orton:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order which removes the measuring device requirement on this permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field exam, please contact our Regional Office in Boise.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JFR

Enclosure

Identification No. _____

Permit No. 55-7011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
SEP 16 1976
OK
Department of Water Resources

1. a) Name of Permit Holder Silver City Taxpayer's Assn., Inc.
b) Post Office Address 6/6 ~~Murphy, Idaho~~ c/o Clarence M. Orton
11462 Highlander Road
Boise, ID 83705
2. Permit Number 55-7011
3. Date of Priority that you are prepared to establish June 12, 1909
4. a) Source from which water was appropriated Springs
b) Location of the point of diversion: NE 1/4 SW (2 points)
1/4, Section 6
Township 5 S, Range 3 W Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 0.25 for domestic purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.25 cfs cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: estimate
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) spring box, pipeline and water tank
b) Describe the type and size of measuring device which you have installed at your point of diversion: None (see remarks)
c) Give well driller's name and address and the date the well was completed: N/A
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: domestic use for approx. 30 families (no lawns)

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated _____

10. Remarks: We hereby request that the measuring device requirement be removed based on the quantity of water used and the low diversion rate.

The above information is a true statement of the extent to which the above numbered permit has been developed.

September 16, 1976

(Date)

Clarence M. Orton, Jr.

(Signature)

Clarence M. Orton, Jr., President

State of Idaho)

) ss.

County of Ada)

On this 16th day of September, 19 76, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (~~she~~) (~~they~~) executed the same.

Clarence J. Woods

Notary Public residing at
Boise, Idaho

My commission expires

6/15/77

July 30, 1976

CERTIFIED MAIL

138834

Re: Permit No. 55-7011

Don Hasselbring
Silver City Taxpayer's Assoc., Inc.
3602 Greenbrier Dr.
Boise, Idaho 83705

Dear Mr. Hasselbring:

One of the conditions of approval of your water Permit No. 55-7011 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before October 1, 1976. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

May 15, 1975

Re: Permit No. 55-7011

**Silver City Taxpayers Assn., Inc.
Donald L. Hasselbring, Pres.
3602 Greenbrier Dr.
Boise, Idaho 83705**

Dear Mr. Hasselbring:

Pursuant to your recent request, enclosed is a copy of the above referenced permit along with a copy of the amendment which changed the point of diversion.

You will note that the project is to be completed and proof of beneficial use made on or before October 1, 1976.

If you have any questions regarding the permit, please do not hesitate to contact us.

Sincerely,

**D. Darlene Reich
Water Rights Supervisor**

**ddr
Enclosures**

MICROFILMED

April 12, 1974

C
Re: Permit No. 55-7011

Q
Mr. Karl J. Laible, Jr., Pres.
Silver City Taxpayers Assn., Inc.
703 18th Avenue South
Nampa, Idaho 83651

P
Dear Mr. Laible:

Enclosed is a copy of the approved application for amendment submitted in connection with the above referenced permit. Also enclosed is Receipt No. 12458 for \$10.00 covering the amendment filing fee.

If you have any questions concerning this matter, please do not hesitate to contact us.

Y
Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC
Enclosures

55 7011

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse -- Annex 2
Boise, Idaho 83720
(208) 384-2190



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

September 21, 1973

Re: Permit No. 55-7011

Permit #12458

Mr. Karl J. Laible, Jr., Pres.
Silver City Taxpayers Assn., Inc.
703 18th Avenue South
Nampa, ID 83651

Dear Karl:

This office has received an application for Amendment in connection with the above referenced permit.

Before we can process this application, however, we will require a \$10.00 filing fee. Please submit the required fee at your earliest convenience.

Sincerely,

D. Darlene Reich
D. DARLENE REICH
Water Rights Supervisor

DDR:cd

55 7011

C
O
P
Y
September 21, 1973

Re: Permit No. 55-7011

Mr. Karl J. Laible, Jr., Pres.
Silver City Taxpayers Assn., Inc.
703 18th Avenue South
Nampa, ID 83651

Dear Karl:

This office has received an application for Amendment in connection with the above referenced permit.

Before we can process this application, however, we will require a \$10.00 filing fee. Please submit the required fee at your earliest convenience.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:cd

55 7011

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

October 5, 1971

Re: Permit No. 55-7011 - Silver City Taxpayer's Assn., Inc.

Silver City Taxpayer's Assn., Inc.
c/o Keith Chadwick
Route #7
Caldwell, Idaho 83605

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 55-7011. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

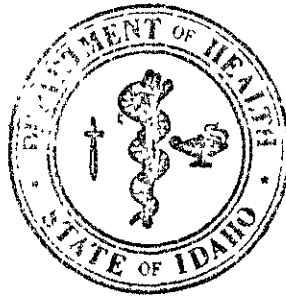
Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:cr

Enclosures

55 7011



RECEIVED

STATEHOUSE, BOISE, IDAHO 83707

Department of Water Administration

October 19, 1971

RE: Application for permit
No. 36-7203 - S. Paul and Hilda
F. Stewart, joint tenants.
Application for permit no.
55-7011 Silver City Taxpayers
Assn., Inc. Application for permit
no. 63-7479, Boise Water Corp.

Donald W. McEldowney
Dept. of Water Administration
Statehouse, Annex 2
Boise, Idaho 83707

Dear Mr. McEldowney:

We have received the copies of the above referenced application for permits for water appropriation and have the following comments.

In regard to the application for permit filed by Paul and Hilda Stewart, No. 36-7203, I could not locate any information in our files. It is noted that they propose to drill a test well to discover the availability and nature of the groundwater in the area. However, if this well should become part of a public water supply serving the subdivision they should first submit for our approval engineering plans and specifications of the water system.

We are aware of the water supply at Silver City as mentioned in the Silver City Taxpayers Association, Inc.'s application no. 55-7011. However, the supply has never been surveyed by us nor have we ever seen any plans of the water system.

We have reviewed and approved plans and specifications for the well which is to be drilled by the Boise Water Corporation here in Boise and is mentioned on Boise Water Corporation's application no. 63-7479.

We will include the copies of the applications in our files.

Sincerely,

Jerry L. Yoder
Sr. Public Health Engineer
Environmental Improvement Division

slg

55 7011

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

September 1, 1971

Re: Application for Permit No. 36-7203 - S. Paul and Hilda F. Stewart, joint tenants
" " " " 55-7011 - Silver City Taxpayer's Assn., Inc.
" " " " 63-7479 - Boise Water Corporation

Mr. Vaughn Anderson
Dept. of Health
Boise, Idaho

Dear Mr. Anderson:

Enclosed, please find copies of the above referenced applications for permit. Before final action is taken, we would appreciate receiving your comments in connection with these applications.

Your assistance in this matter is greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB

Enc: Copies of Applications

55 7011

August 30, 1971

Re: Application No (55-7011) Silver City Taxpayer's Assn., Inc.
" " 57-7052 - J. W. Englebert

Owyhee Chronicle
20 East Idaho Avenue
Homedale, Idaho 83628

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Donald W. McKidowney
Appropriation Supervisor

Bill submitted 9-29-71 By CR

55 7011

DM:cr

Enc: Legal Notices

**NOTICE OF APPLICATION
FOR WATER PERMIT**

RECEIVE

SEP 3 1971

Department of Water Affairs

Notice is hereby given that Silver City Taper's Assn., Inc., c/o Keith Chadwick Route No. 7, Caldwell, Idaho has on August 16, 1971 submitted Application No. 557011 for a permit to appropriate 0.80 cubic feet per second of water from springs by means of a pipeline within the NE¹SW¹/₄, S¹6 T 5S R 4W B.M., Owyhee County to be used from Jan 1 to Dec 31 for domestic purposes for 10 families, Silver City, Idaho within the E¹/₂ Sec. 6, T. 5S R 4W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before September 27, 1971

55 7011

R KEITH HIGGINSON
Director

Published in the Owyhee Chronicle, Homedale, Idaho on Sept. 9 and Sept 16, 1971

O.K.
9-2-71
B.B.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Silver City Taxpayer's Assn., Inc.,
c/o Keith Chadwick, Route #7, Caldwell, Idaho
has on August 16, 1971 submitted Application No. 55-7011
for a permit to appropriate 0.80 cubic feet per second ~~some feet per second~~
of water from springs
by means of pipeline
within the NE 1/4, Sec. 6, T. 5N, R. 4W, B.M., Owyhee County

to be used from Jan. 1 to Dec. 31
for domestic purposes for 40 families (Silver City, Idaho)

within the NE 1/4, Sec. 6, T. 5N, R. 4W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before September 27, 1971.

R. KEITH HIGGINSON

Director

Published in the Owyhee Chronicle, Homedale, Idaho
on Sept. 9 and Sept. 16, 1971.

55 7011

IDENT. NO. 55-7011

WATER RIGHT DATA ENTRY LOG

[illegible]