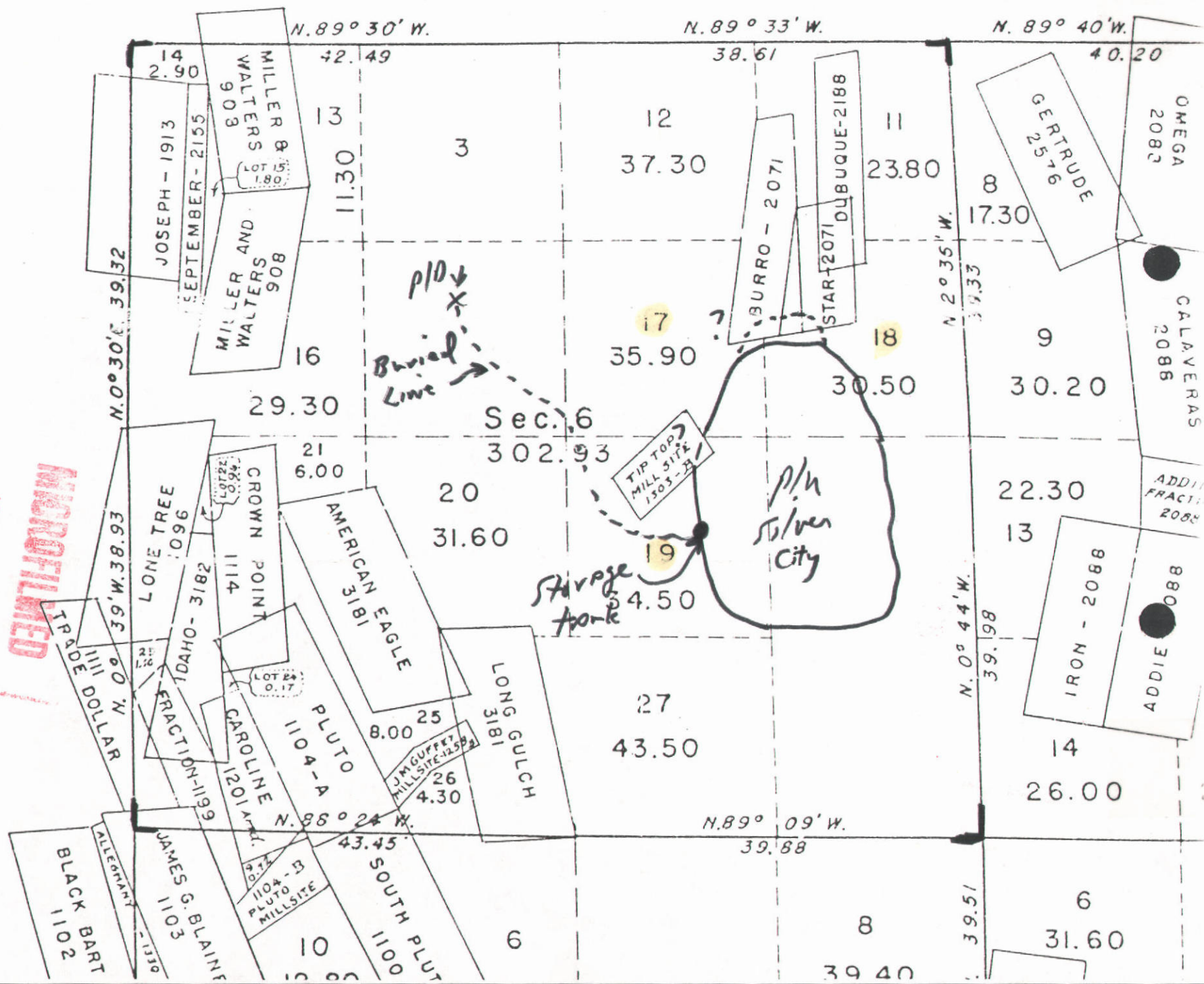
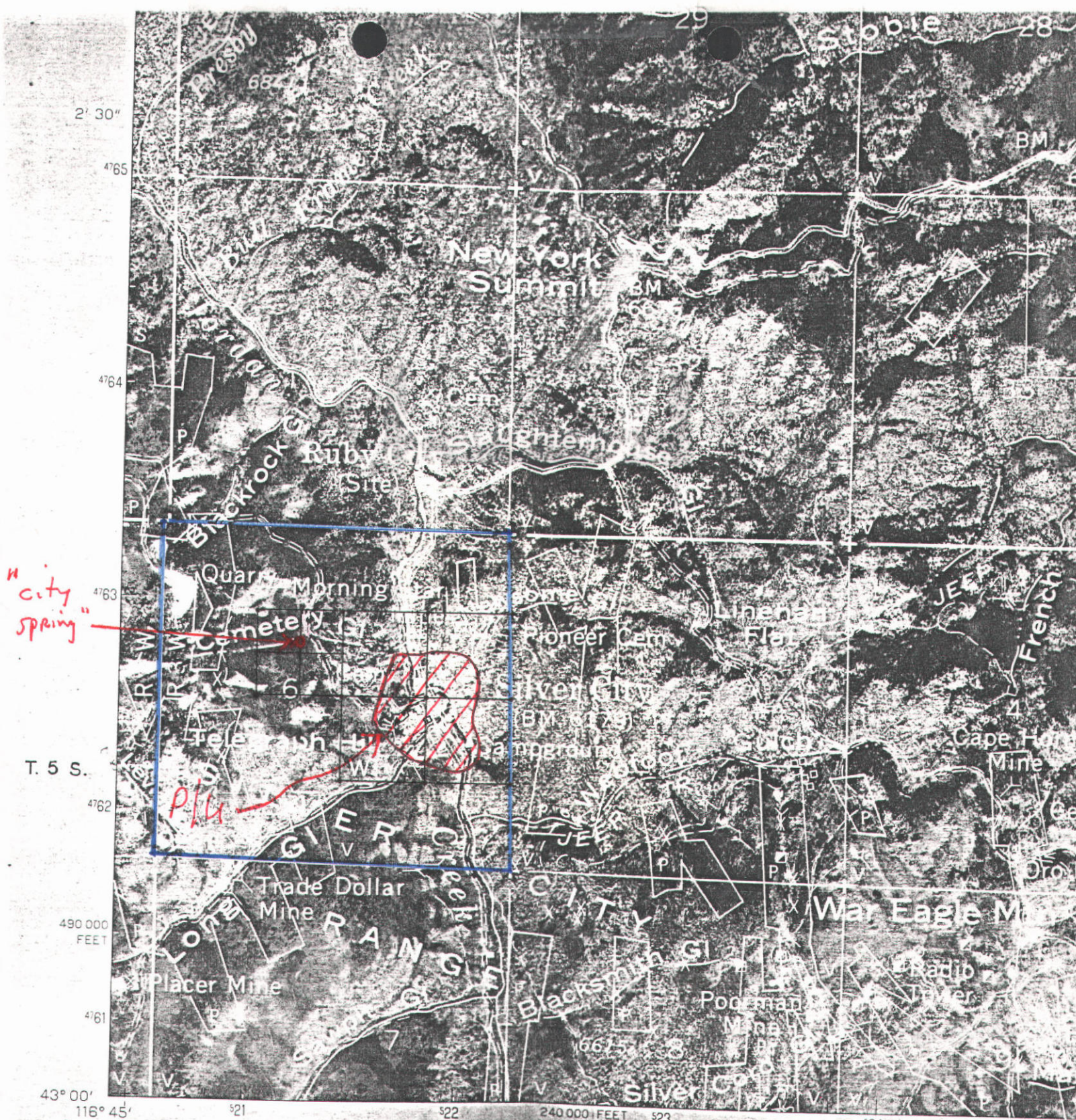


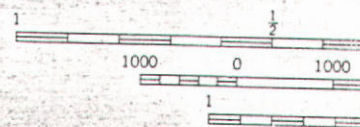
5. 6





Produced by the Geological Survey
in cooperation with the Soil Conservation Service
Orthophotograph prepared from 1:80,000-scale
aerial photographs taken August 7, 1979
Projection and 10,000-foot grid ticks
Idaho coordinate system, west zone
(transverse Mercator)
1000-meter Universal Transverse Mercator grid ticks,
zone 11. 1927 North American datum
Photoimagery rectified by optical scanning
Where double or mismatched image occurs use the
mean of image position for map point

**TSS
FILMED
JAN 67 1991**



**55-07409
Spring (AKA
City Spring)**

X = UNIT WITH WATER

21 "units"

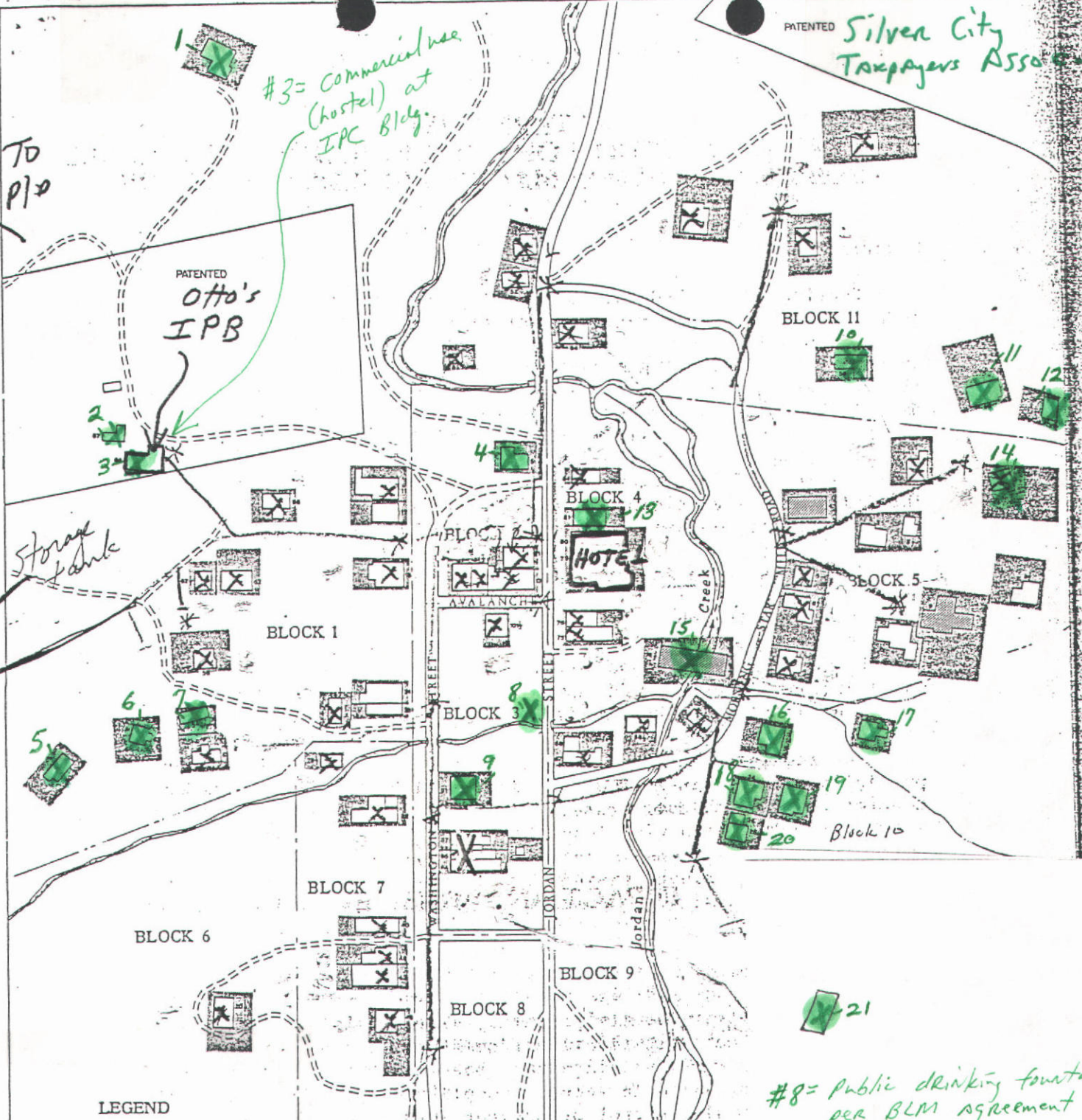
55-07409

Silver City
Taxpayers Assoc.

#3 = Commercial use
(hostel) at
IPC Bldg.

PATENTED
Otto's
IPB

Storage
tank



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")

MICROFILMED
JAN 17 1981

SILVER CITY
ALTERNATIVE B
MAP NO. B-6

*FIRE HYDRANTS
⑥ 4" AND 3"

THIS SHOWS UPGRADING IN PROCESS TO IMPROVE WATER DELIVERY TO HOME

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 55-07409

Priority: April 23, 1990

Maximum Diversion Rate:

0.20 CFS

Maximum Diversion Volume:

15.0 AF

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

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated April 23, 1990; and
has submitted Proof of Beneficial Use on November 29, 1995. An examination indicates
that the works have a diversion capacity of 0.200 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	15.0 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)

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.

State of Idaho
Department of Water Resources

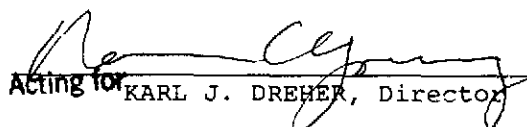
Water Right License

WATER RIGHT NO. 55-07409

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, 55-07011, 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 a public drinking fountain, 22 homes with in-house use only, and 1 home 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

RECEIVED

JUN 02 1998

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 55-07409

Date of Priority: April 23, 1990

Maximum Diversion Rate:

0.20 CFS

Maximum Diversion Volume:

15.0 AF

Comes now

SILVER CITY PROPERTY OWNERS ASSN

C/O MARTIN 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. 55-07409, 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

15.0 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)

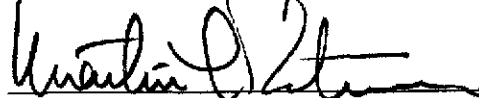
Lot 18(ENE)

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


(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 55-07409

FOR DEPARTMENT USE ONLY

Preliminary check by Suk Fee = 5.00 Received by LS # 0006471 Date 6/12/78

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. 55-07409 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, 55-07011, 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 a public drinking fountain, 22 homes with in-house use only, and 1 home with in-house and lawn irrigation use.

Witness my hand this 8TH day of JUNE, 1978.

Acting for 
KARL J. DREHER, Director

RECEIVED

NOV 29 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 55-07409 Telephone No. 208-467-3073
2. Name(s) of Permit Holder(s): Silver City Taxpayers Assoc. Inc. now known as
Silver City Property Owners Assoc. Inc.
3. Mailing Address: c/o Grant Danner
6812 Canter Ln., Nampa, Id. 83687
4. Source of Water: Spring If **GROUNDWATER** (well), Date Drilled. mo. ____ / yr. ____
 - a. Well Driller: N/A Drilling Permit Number ____ - ____ - ____
 - b. **OPTIONAL:** N/A
Pump Horsepower: ____ Pressure (psi): ____ Dynamic pumping level (ft): ____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 19 plus one public fountain Stockwater (No. and type of stock) ____
Irrigation (No. of acres): 4 Other: Commercial - 1
6. Total rate of diversion and/or volume for which proof is submitted. 0.20 cfs OR ____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes ____	or	No <u>X</u>
	Has the measuring device been installed?	<u>N/A</u>	Yes ____	or
Flow Measurement Port:	Is a flow measurement port required?	Yes ____	or	No <u>X</u>
	Has the measurement port been installed?	<u>N/A</u>	Yes ____	or
8. Fee Enclosed. \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Clarence Orton Telephone Number 853-2710
Address: 5033 Lakes Edge Pl., Garden City Id. 83703
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho

Signature of permit holder: Clarence M. Orton Date: DEC 1 1995
(include your title, if on behalf of company or organization)
Chairman, Silver City Water Board
c/o Grant Danner, President, Silver City Property
Owners Assoc. Inc

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 55-07409

Proposed Priority: April 23, 1990 Maximum Diversion Rate: 0.20 CFS
This is to certify, that SILVER CITY PROPERTY OWNERS ASSN..

C/O DOUG HYSLOP
P.O. BOX 74
MURPHY, ID 83650

has applied for a permit to appropriate water from:

SPRING

tributary of SINKS

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	0.08 CFS
COMMERCIAL	01/01 to 12/31	0.04 CFS
DOMESTIC	01/01 to 12/31	0.20 CFS
	Totals	0.20 CFS

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

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	03W	6	LOT 17(SWNE) 1	LOT 18(SENE) 1	NESE 1	4
			LOT 19(NWSE) 1			
						Total number of acres irrigated: 4

PLACE OF USE: COMMERCIAL

TWN RGE SEC

05S 03W 6 LOT 17(SWNE) LOT 19(NWSE)

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1995.
2. Subject to all prior water rights.
3. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
4. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

RECORDED

JAN 07 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

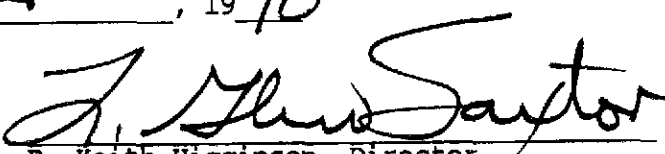
NO. 55-07409

CONDITIONS/REMARKS:

5. The source is known locally as City Spring.
6. Domestic use is for 19 homes and a public fountain.
7. Commercial use is for a hostel.

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

12th day of December, 1990

for 
R. Keith Higginson, Director

City Spring

Form 202
6/85

Ident No 55-07409

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- 1 Name of applicant Silver City Taxpayers Assoc. Inc. Phone 834-2237
Post office address % Paul Nettleton (President) P.O. Box 74 Murphy, ID. 83650
- 2 Source of water supply Spring which is a tributary of sinks
- 3 Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot —
Sec 6 Township 55 Range 3W B.M. Douglas County; additional
points of diversion if any NWSE NW 5.6 T55 R3W (see remarks)
- 4 Water will be used for the following purposes.
Amount .20 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .04 for Commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .08 for Irrigation purposes from 4/1 to 11/01 (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
- 5 Total quantity to be appropriated is (a) .20 cubic feet per second and/or (b) acre feet per annum
- 6 Proposed diverting works:
a Description of ditches, flumes, pumps, headgates, etc springbox, 1900' of 2 1/2" pipe
to storage tank, mainline and laterals (delivery per existing S.C.T.A.
system to existing uses & future uses).
b Height of storage dam N/A feet, active reservoir capacity acre-feet, total
reservoir capacity acre-feet, period of year when water will be diverted to storage
 to inclusive.
c Proposed well diameter is N/A inches, proposed depth of well is feet.
d. Is ground water with a temperature of greater than 90°F being sought? N/A
- 7 Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

55-07409

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

- a Hydropower, show total feet of head and proposed capacity in KW _____
- b Stockwatering, list number and kind of livestock _____
- c Municipal; show name of municipality _____
- d Domestic; show number of households 19 homes (internal use) & public drinking fountain
- e Other, describe fully Commercial: hotel at old Idaho Power Building
(in SWNE &/or NWSE S.6). Internal use.

9. Description of place of use

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below (yards)
- b If water is used for other purposes, place a symbol of the use (example D for Domestic) in the corresponding place of use below See instructions for standard symbols

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
55	3W	6			1	1									1	1			4
					D	D									D	D			
					C											C			
					govt. lot 17	govt. lot 18									govt. lot 17	govt. lot 18			

Total number of acres to be irrigated 4

- 10 Describe any other water rights used for the same purposes as described above A55-10204, 55-07011 } same spring but other units, 55-07440 & 55-07411 other springs for same units & irrigation.
- 11 a. Who owns the property at the point of diversion? BLM
- b Who owns the land to be irrigated or place of use? S.C.T.A. members per recent sale
- c If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. special use permit via BLM

- 12 Remarks: Source locally known as "City Spring" which is on/near tract line in N½ SE NW S.6 T55 R3W.
This right, when combined with any other rights from the same spring (to date A55-10204, 55-07011) cannot exceed the licensed rate of flow in 55-07011.

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

See attached maps
(3)

RECEIVED
JAN 5 1901

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.

x

Paul Nettleton
(Applicant)

President, S. C. T. A. INC.

no lenc. ns ✓ REC'D D.O.P. = 4/23/90 SL
Received by YB. Date 4/23/90 Time 11:00 am Preliminary check by FW
Fee \$ 30.00 Receipted by SL # W011785 Date 4/2/90 *paid prior to applying*
Publication prepared by GG Date 6-27-90 Published in Owyhee Avalanche
Publication approved st Date 9-24-90 7/4 & 7/11/90 *SL*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a SUBJECT TO ALL PRIOR WATER RIGHTS

b Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 _____

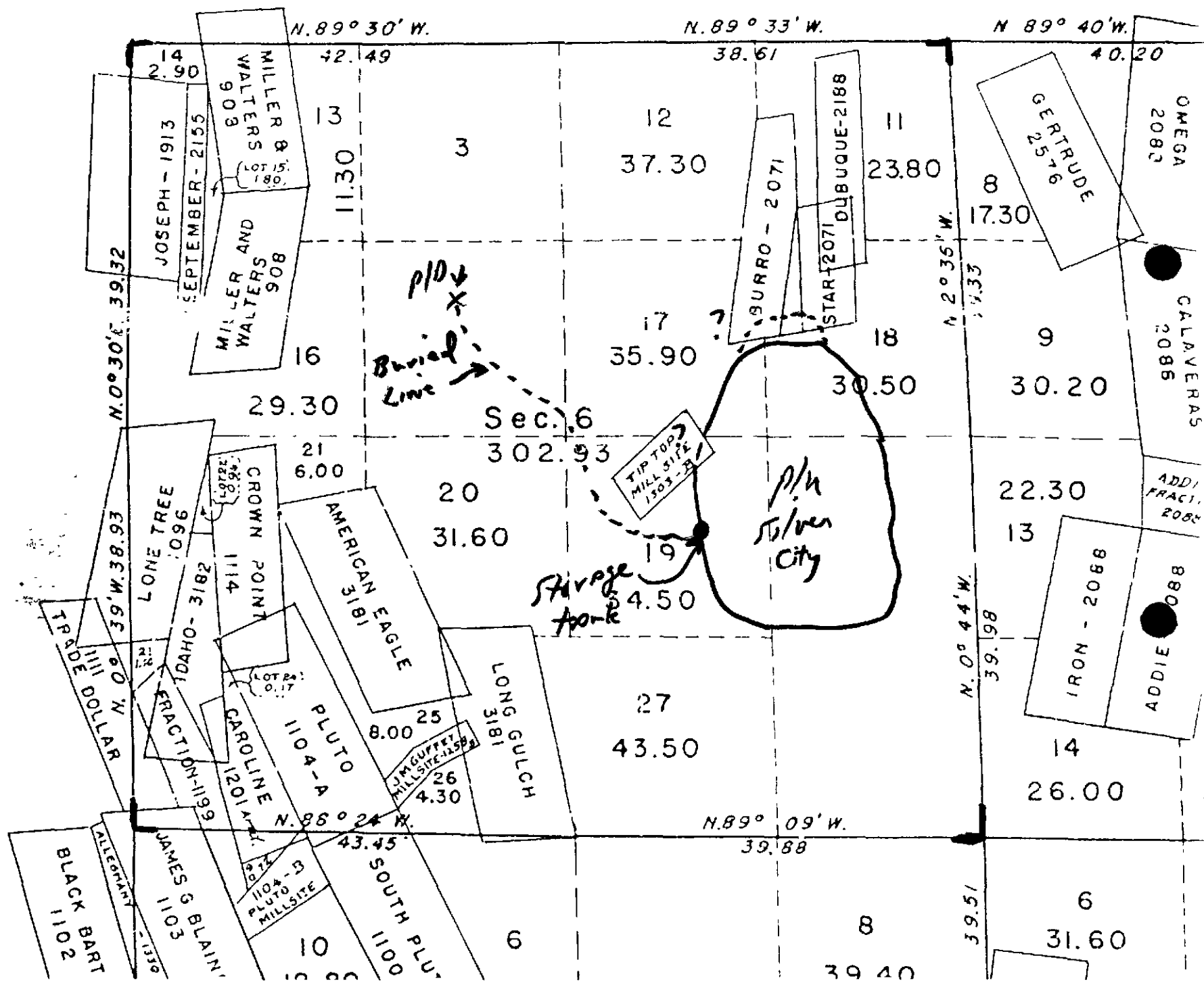
c The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

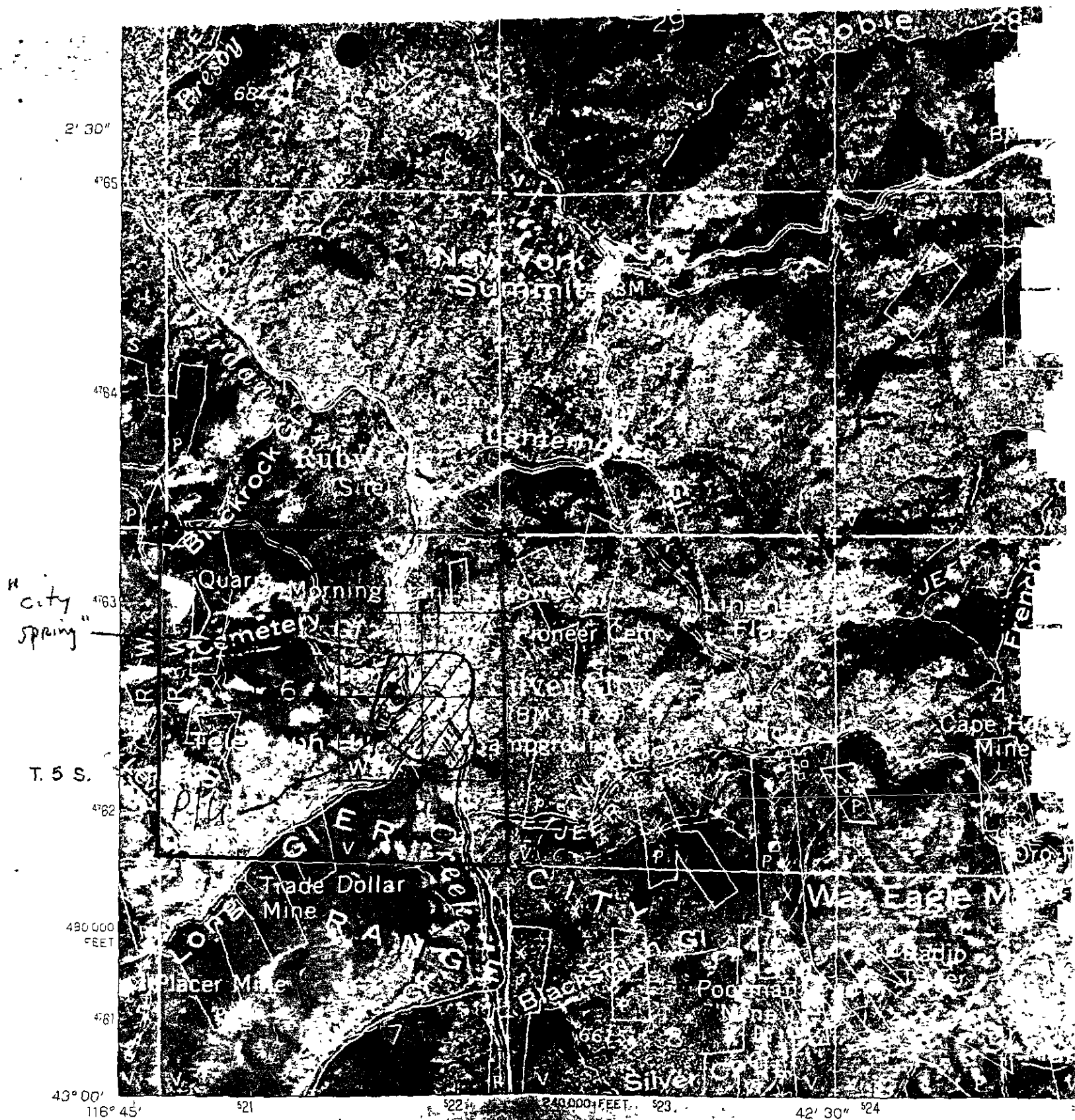
d The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against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

e Other

APR 24 1990

T55 R3W
S. 6





Produced by the Geological Survey
in cooperation with the Soil Conservation Service

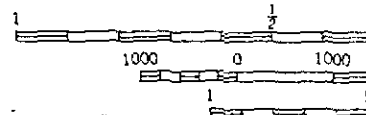
Orthophotograph prepared from 1:80,000-scale
aerial photographs taken August 7, 1979

Projection and 10,000-foot grid ticks
Idaho coordinate system, west zone
(transverse Mercator)

1000-meter Universal Transverse Mercator grid ticks,
zone 11 1927 North American datum

Photomagey rectified by optical scanning

Where double or mismatched image occurs use the
mean of image position for map point



55-07409
Spring (AKA
City Spring)

App. is filed to
provide water right
coverage to existing
& future uses not
covered by earlier
rights. Additional flow
from the spring is
not proposed.

X = UNIT WITH WATER

2/ "units"

SS-07409

PATENTED

Silver City
Tampayers Asso

#3 = Commercial use
(hostel) at
IPC Bldg.

To
P/O

PATENTED
Otto's
IPB

Storage
Tank

BLOCK 11

BLOCK 1

BLOCK 4

HOTEL

BLOCK 2

BLOCK 8

BLOCK 5

BLOCK 7

BLOCK 6

BLOCK 9

BLOCK 8

Block 10

LEGEND

- Approximate location of building to be purchased
- Approximate location of proposed tract 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 = Public drinking fountain
per BLM Agreement

SILVER CITY

ALTERNATIVE B
MAP NO 8-6

* FIRE HYDRANTS
⑥ 4" AND 3"

8-38

THIS SHOWS UPGRADING IN PROCESS TO IMPROVE WATER DELIVERY TO HOME

Obtained from
master map in
file 55-07011.

82
3/19/90

Dept. of Water - Western Region

THE OWYHEE AVALANCHE

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
)ss
COUNTY OF OWYHEE)

SEP 22 1990

I, Joe E. Aman, being first duly sworn, depose and say: Department of Water Resources
Western Regional Office

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now 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 publisher of **The Owyhee Avalanche**, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said **The Owyhee Avalanche** has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

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

newspaper, in two (2)

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

July 3 & 11, 1990

Signed Joe E. Aman

Subscribed and sworn to before me this 20 day of Sept. A.D., 1990

Chris Bahem

Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires April 1996

NOTICE OF APPLICATION FOR WATER RIGHT

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

51-07337

OWEN, RICHARD L.
P.O. BOX 590
BRUNEAU, ID 83604
Source: SPRINGS Tributary:
BRUNEAU RIVER
Diversion Pt: SENESE Sec 34
T 07S R 06E
Use: HEATING (.200 CFS)
FISH PROPAGATION (.200 CFS)
STOCKWATER (.200 CFS)
Total Diversion (.200 CFS)
Date Filed: 5/ 1/ 1990
In: T07S R06E S34 NESE

55-07409

SILVER CITY TAXPAYERS
ASSOC. INC.
C/O PAUL NETTLETON
P.O. BOX 74
MURPHY, ID 83650
Source: SPRING Tributary:
SINKS
Diversion Pt: NESENE Sec 6
T 05S R 03W
NWSENE Sec 6 T 05S R 03W
Use: IRRIGATION (.080 CFS)
COMMERCIAL (.040 CFS)
DOMESTIC (.200 CFS)
Total Diversion: (.200 CFS)
Date Filed: 4/23/ 1990
In: T05S R03W S06 Lot 17
(SWNE) Lot 18 (SENE) NESE
Lot 19 (NWSE)
4.0 ACRES TOTAL

55-07411

SILVER CITY TAXPAYERS
ASSOC. INC.
C/O PAUL NETTLETON,
PRESIDENT
P.O. BOX 74
MURPHY, ID 83650
Source: SPRINGS Tributary:
LONG GULCH
Diversion Pt: NENESE Sec 12
T 05S R 04W
NWSENE Sec 12 T 05S R 04W
SWNESE Sec 12 T 05S R 04W
SENESE Sec 12 T 05S R 04W
Use: IRRIGATION (.080 CFS)
COMMERCIAL (.100 CFS)
DOMESTIC (.200 CFS)
Total Diversion: (.200 CFS)
Date Filed: 4/23/ 1990
In: T05S R03W S06 Lot 17
(SWNE) Lot 18 (SENE) NESE
Lot 19 (NWSE)
4.0 ACRES TOTAL

55-07412

SILVER CITY TAXPAYERS
ASSOC. INC.
C/O PAUL NETTLETON,
PRESIDENT
P.O. BOX 74
MURPHY, ID 83650
Source: JORDAN CREEK
Tributary: OWYHEE RIVER
Diversion Pt: LOT-18 (SENE)
Sec 6 T 05S R 03W
SENE Sec 6 T 05S R 03W
Use: FIRE PROTECTION
(.200 CFS)
FIRE PROTECTION
STORAGE (4.00 AF)
FIRE PROTECT. FROM STOR
(4.00 AF)
Total Diversion (.200 CFS)
(4.00 AF)
Date Filed: 4/23/ 1990
In: T05S R03W S06 Lot 17
(SWNE) Lot 18 (SENE) NESE
Lot 19 (NWSE)

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before JULY 23, 1990

R. KEITH HIGGINSON,

OCT - 2 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
GovernorKARL 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

MICROFILMED

55-7409

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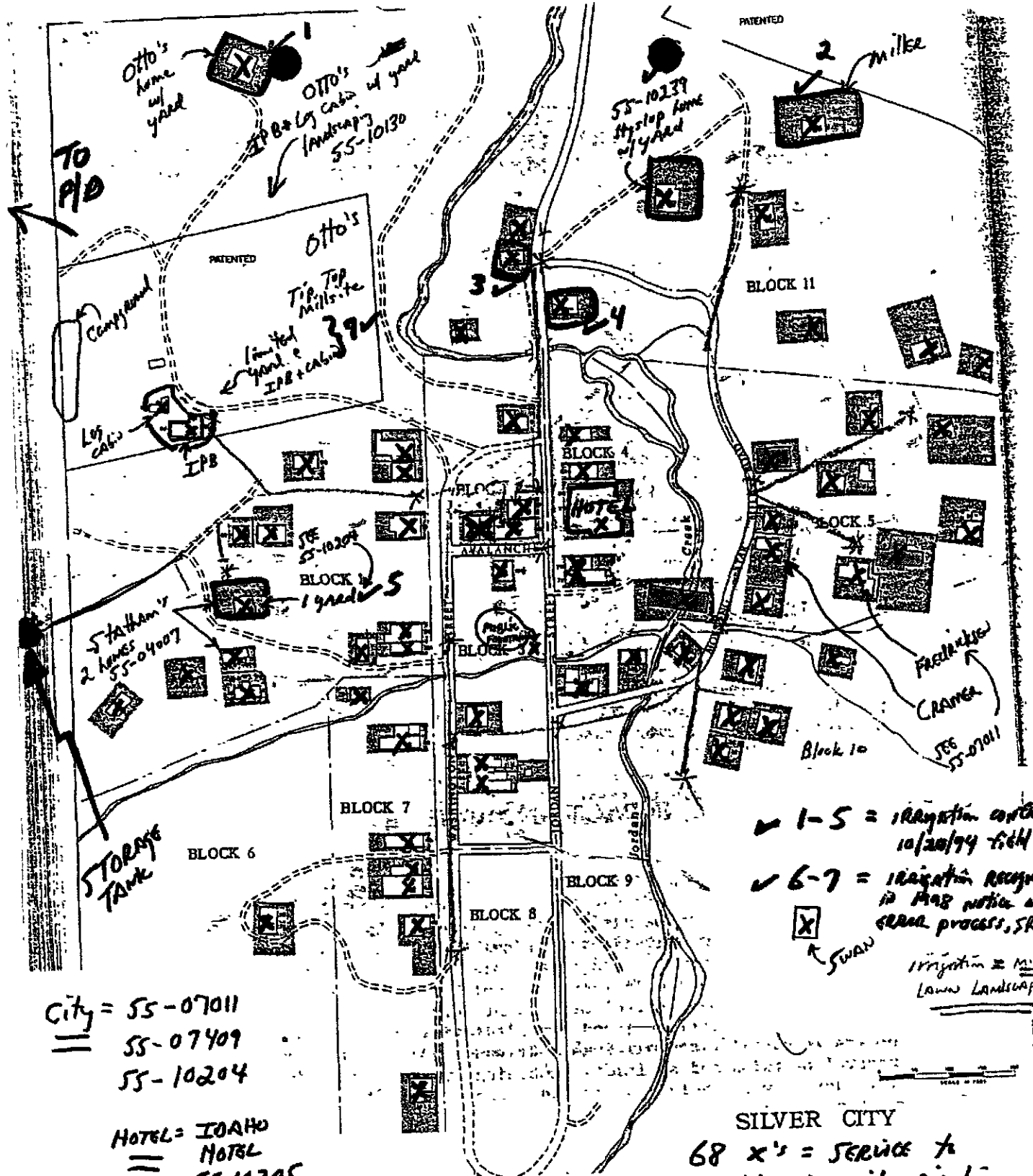
Table 2. Summary of Water Rights using the City Spring for Yard Irrigation (Water Rights are from Table 1).

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.

WATER RIGHT



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

✓ 1-5 = Irrigation cont'd
 10/20/94 field
 ✓ 6-7 = Irrigation Recgr
 id HAZ notice &
 GRAD process, SR
 X Swan
 Irrigation & M
 Low Landscap

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

MASTER map for 55-07011

CONVERSATION MEMORANDUM

DATE 9/18/98

FILE Silver City -

NAME OF PARTY See below

EMPLOYEE FL

City Spring
(Region file)

RE: JRBA objections - Meeting @ S.O.

Roxanne : FL - DUNK

Clarence Orton - 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 plot 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

NOV 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 PROPERTY OWNERS ASSN
C/O MARTIN PETERSON
743 HEARTHSTONE DR
BOISE ID 83702

RE: WATER RIGHT NO. 55-07409

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.

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, appearing to read "Shelley W. Keen".

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. 55-07409

SILVER CITY PROPERTY OWNERS ASSN
C/O MARTIN PETERSON
743 HEARTHSTONE DR
BOISE ID 83702


Kari Lynn Townsend
Secretary



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

LICENSE REVIEW CHECKLIST

PERMIT NO. 55-07409 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 .20 cfs
Fee limit .20 cfs \$5000
Measured — cfs
Theoretical .20 cfs

Recommended Total Div Rate .20 cfs

WATER USES

<u>Dom</u>	<u>.20</u> cfs	<u>15.0</u> af	Irrig -	overlap (R58-R61, R62-R65, R66-R69)
_____	_____ cfs	_____ af		supp. gw (WB7/065/079)
_____	_____ cfs	_____ af		overlap spec combined rts (W35)
_____	_____ cfs	_____ af		<1acre (W31)
_____	_____ cfs	_____ af	Domestic	(W01/WB5/070/071/075)
TOTALS	_____ cfs	_____ af	Power	(W42 or W43/025/027/R22 or R23)
			Fish (042)	Fire (077) Wtr Quality (081/R07)

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

REMARKS same as 7011

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 N/A

Adjust Memo P39 P38
Amend letters P47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 55-07409

1. Owner: SAME AS 55-07011

Phone No. _____

Current Address: _____

2. Accompanied by: in-office exam per previous

EXAM DATE: 12/8/95

Address: field trips, water right & STWA info

Phone No. _____

Relationship to Permit Holder: _____

3. Source SAME * tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: } SAME

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

* SAME = identical w/ to revised
REPORT 55-07011

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
									<u>SAME</u>

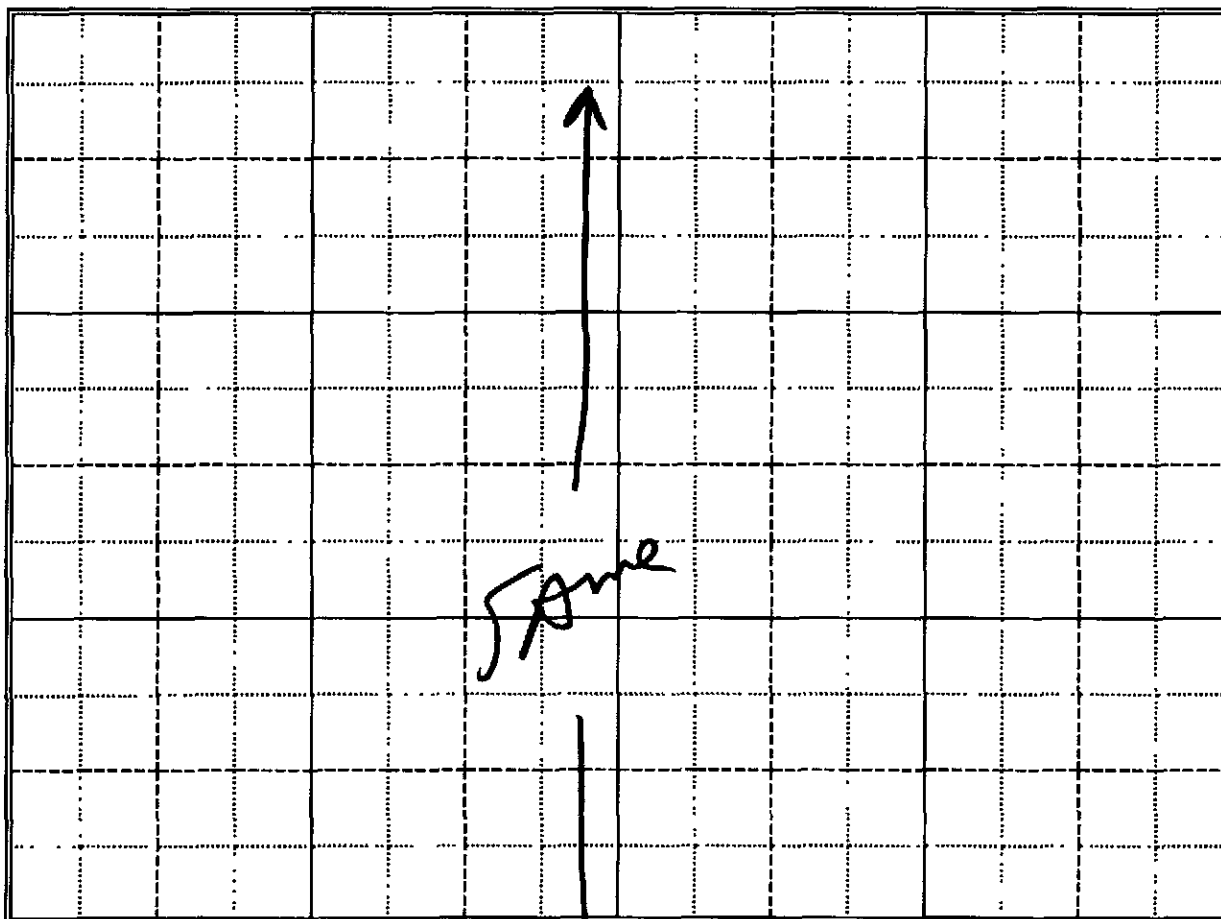
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

See 5/11/98 Revised Exam (w/ attachments) for 55-07011. This
Report for youngest city right builds on 55-07011 & 55-10204.

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)

_____ Aerial Photo Attached (required for irrigation of 10+ acres)

_____ Photo of Diversion and System Attached

4.

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

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: _____

E. NARRATIVE/REMARKS/COMMENTS

First, SEE NARRATIVE in Revised 55-07011 Report.

For 55-07409:

Provider coverage for the balance of city "hookups" made after the initial exam of 55-07011 in late 1987. This assumes (for 55-07011) that NO changes occurred in city from the 1976 proof filing until the Nov. 1987 exam. Probably a reasonable assumption.

Allow in-house domestic use for 23 homes. Minor yard irrigation occurs at ~~2~~ 1 of those homes. Since the acreage is less than $\frac{1}{10}$ acre for ~~those 2 homes~~ ^{that home}, describe the yard use as part of domestic rather than as irrigation.

Allow domestic water for the public drinking fountain* observed on my 10/20/94 site visit.

Delete commercial use since it is covered by ~~55-10205 (IO Hotel)~~ 55-10130 (Otto's IPB hostel).

Even though permit states 19 homes, it should not be considered an expansion to allow 23 homes. The terms "irrigation & comm." in permit provide plenty of volume to cover homes in excess of permit limit. Plus, the idea of 55-07409 was that city filed permit details based on IDWR Recommendation in 1990. That Recommendation was based on best estimate at that ~~given~~ time, given SRBA factors, to provide the missing water right protection to ~~actual~~ actual users.

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

* for lack of better data: present volume same as in-house use for 1 home.

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

SAME

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:

0/23 includes 1 yard; dom. fountain is as D/I interval:
 $(22 \times .6) + 1.2 + .6 = 15 \text{ Afa}$ ← *allow*
 $V = .20 \times 365 \times 1.9835 = 144.8 \text{ Afa} *$

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>15.0</i>
Totals:			<i>.20</i>	<i>15.0</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
NO Amendment Fee to correct 10 ac. tract in Q&Q?

I. AUTHENTICATION

Field Examiner's Name *Steve Latta* Date *Report completed 5/12/98*

Reviewer _____ Date _____ SEAL _____

* System produces plenty of volume at full rate of flow all year to handle all uses under all rights (water) in city.
 See Attachment A.

Attachment A - 55-07409

VOLUME ESTIMATE

For entire system in Silver City, the maximum annual volume estimate is as follows:

total look ups = 68 (68 "x's" in Attach. 2
of 55-07011 Revised
Report)

uses = 65 homes
2 hotels (I.D. HOTEL plus Otto's IPB hotel)
1 public fountain
where 7 units have min. yard landscaping*

$$V_R = (61 \times .6) + (7 \times 1.2) = 45 \text{ AFA (max. use)}$$

$$V_o = .20 \times 365 \times 1.9835 = 144.8 \text{ AFA (capacity)}$$

The system is capable of supplying annual volume to uses observed.

Total yard irrigation is so minor that discussion of uses served is N/A.

* per attachment 4 in
55-07011 Revised Report

-JK
5/12/98

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

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

RECEIVED

MAR 06 1998

Department of Water Resources

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 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.

NOTED-FILED

MAR 11 1998

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).

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.

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.

OTTO RIGHT NOS. 55-04151 and 55-10130

55-04151 - recommended with a 1937 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. Uses include commercial use at the campground and the IPB site plus domestic use at the IPB site (note dual uses depend on arrangement with guests at the site). 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.

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.

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.

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 involved. The home owners served by this right should file a change in ownership with IDWR to replace Statham with Fredrickson assuming that IDWR has the correct information for this situation.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

November 8, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

NOV 12 1996

Department of Water Resources

GLORIA OTTO
250 AUSTIN AVE
ATHERTON CA 94027

**RE: RECORDED RIGHTS FOR "CITY SPRING" WATER USE AT YOUR "IDAHO
POWER BUILDING" SITE**

Dear Gloria:

Enclosed are computer reports detailing the recorded water rights that include use of water via the "city spring" for use at your hostel, also known as the Idaho Power building (IPB), in Silver City. You requested copies today in our telephone conversation to assist you in working with the BLM to obtain approval for pipeline work involving public property.

Four recorded rights include in some fashion or another the use of city spring water for the property in question. Two of the rights have been recorded by you, and the other two have been recorded by the city.

Your Snake River Basin Adjudication (SRBA) claims, nos. A55-04151 and A55-10130, include use of the overflow water associated with the city storage tank. These are beneficial use claims to be addressed in the SRBA proceedings.

The city rights include SRBA claim no. A55-10204, the city's claim to record all "grandfather" uses developed prior to May, 1971. The claim addresses water delivered via the city distribution network. The other city right is permit no. 55-07409 issued for uses developed after November, 1987. This permit is beyond the SRBA scope and therefore does not have a SRBA claim associated with it.

It appears that ample water right recordings have been made to show that the IPB site enjoys use of water from the city distribution network as well as from the city tank overflow.

If you or BLM staff have any questions about this matter, please contact me at your convenience.

Sincerely,

Steve Lester
Deputy Regional Manager

Enclosure

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 55-07409 Reviewed by [Signature] Date 12-5-95

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
no Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

☒ Surface water source
☐ Ground water source
☐ Drilling permit required?
☐ Copy in the file? Drilling Permit No. _____
☐ Amount paid for permit _____ Correct?
☐ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50.00 Amount Submitted
yes Correct?
no Required?
☐ Installed?
☐ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	_____
Date proof due	_____	_____
No. of days late	_____	_____
Priority Date	_____	_____
New Priority Date	_____	_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address 6816 Carter Ln Proof Made 11-29-95
17011-200 Rd. #3687



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 5, 1995

SILVER CITY PROPERTY OWNERS ASSN
6812 CENTER LN
NAMPA ID 83687

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 55-07409

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning the field examination, please feel free to contact the WESTERN Regional Office in Boise, at (208) 334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

September 30, 1995

SILVER CITY PROPERTY OWNERS ASSN..
C/O DOUG HYSLOP
P.O. BOX 74
MURPHY ID 83650

PROOF DUE NOTICE

RE: PERMIT NO. 55-07409

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1995.

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

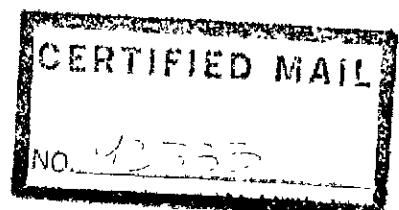
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

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

55-07409

RE: Questions Regarding Silver City Water Rights

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

RECEIVED

DEC 17 1993

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.

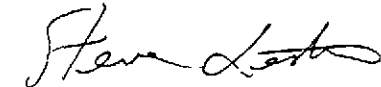
Silver City Water Board
December 14, 1993
Page 3

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

Water Right Number - P55-07409

Adj. Flag Translation: PERMIT

Old (D) Number -

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

*** C - CURRENT OWNER ***

SILVER CITY PROPERTY OWNERS ASSN..

1 - C/O DOUG HYSLOP

2 - P.O. BOX 74

3 -

City- MURPHY

State- ID Zip- 83650

Phone - 208-466-3773

+ - - Priority Date - - + + - - Region - - + + - - Stage - - - + + - - Status - - - +
04/23/1990 14 ERROR IN REGION P - PERMIT

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRING SINKS

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

05S 03W 6 NE SE NW (73) OWYHEE
NW SE NW (73) OWYHEE

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	11/01	0.080	
10 - COMMERCIAL		01/01	12/31	0.040	
43 - DOMESTIC		01/01	12/31	0.200	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.200

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
05S	03W	6	SW NE	17	1.0	01	IRRIGATION	(73) OWYHEE
			SE NE	18	1.0			(73) OWYHEE
			NE SE		1.0			(73) OWYHEE
			NW SE	19	1.0	(73) OWYHEE		
			SW NE	17		10	COMMERCIAL	(73) OWYHEE
			NW SE	19				(73) OWYHEE

Total Acres: 4.0

+ - - Diversion Means - SPRINGBOX, PIPE TO STORAGE TANK AND PIPELINE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A55-10204, 55-07011

Water right number - P55-07409

Adj. flag translation: PERMIT

+ - - - - Remarks - - - - - +

The source is known locally as City Spring.

Domestic use is for 19 homes and a public fountain.

Commercial use is for a hostel, ~~in the old Idaho Power building.~~ *ed*

+ - - - - Conditions of Approval - - - - - +

004 - The issuance of this permit in no way grants any right-of-way or
- easement across the land of another.

03A - The rate of diversion of water for irrigation under this permit
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +

00/00/0000

+ - - - - Comments - - - - - +

No comments found

+ - - Audit Fields - SKAGGS

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 12/01/1995
Approved/Denied - 00/00/0000
Proof Made Date - 00/00/0000
Start Work Date - 00/00/0000
Order Show Cause - 00/00/0000
Licensed Date - 00/00/0000
Decree Date - 00/00/0000

Field Exam Made - 00/00/0000
Protested Date - 00/00/0000
Hearing Date - 00/00/0000
Verified Date - 00/00/0000
Receipt Number - W011785
Appl Received - 04/23/1990

Field Exam Fee -
Swan Falls -
Temporary Right - P
DLE/Carey Act -
Water District -
Transfer/Amended -



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 18, 1990

SILVER CITY PROPERTY OWNERS ASSN..
C/O DOUG HYSLOP
P.O. BOX 74
MURPHY, ID 83650

PERMIT APPROVAL NOTICE

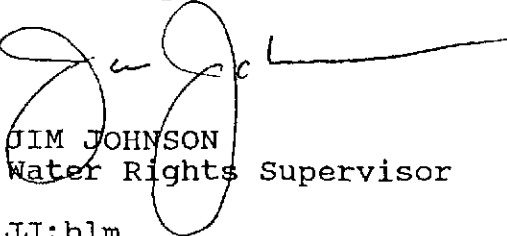
RE: PERMIT NO. 55-07409

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

NOTED

JAN 97 1991

APPLICATION FOR PERMIT REVIEW

Application #: 55-7409

Reviewer: Pam Skaggs

Date: 11-29-90

Existing:

No - 26A-P17

Complete in 1 year - P16

Yes

Proof not submitted - P16

Proof submitted - N/A

Groundwater:

GT. 0.7 cfs - 01G-P03, 01C-P03(existing well)

LT. 0.7 cfs - N/A

Drilling Permit:

Approved w/permit - P99

Not included - 046-P23

Location:

Water Districts - WD No. _____

Surface water - 005, 005-01H-P01 (LT.7 w/pump),
005-01J-P08 (GT.7), P04(cons.)

Groundwater - P05, 005-01H-P01(lock device)

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

Trust (see list) - (051, 052, 053)-P74

Non Trust (see list) - 048, 049

Swan Falls Flag - _____ (1 or Blank)

River Basins:

(Surface Water)

Boise (63) - 11D-P72

Payette (65) - 047, 059-P71

Snake (01, 02 & 03) - 11A-P04 (01), 061-P07 (02 & 03)

Use:

Fish Propagation - (P06) 002, 06A, 007, 09E-P10, 010,
042, 044

Power - (less than 25cfs P18), 01F-P19, 008,
08A, 09E-P10, 017K, 017G, 017M, 025

Mining - 06A, 006, 09E-P10, 010, 54

Storage - 18A-P09 (In W.D.), 18B-P09 (Size)

Domestic - (restricted areas) 021

Ownership:

Non land owner - 004

Protested:

Agreement - 020

Minimum Stream Flow:

Overlapping uses - 029-P20

Beneficial Use Due Date: - 12-01-1995

Other Conditions Recommended _____

Form No. 202a.
3/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: RW DATE: 6-25-90 APPLICATION: 55-07409

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
☒ Address:
☒ Source: (See USGS Quad for names of water sources)
☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
☒ County:
☒ Quantity: (Flow and/or volume) Gov't. Lots:
☒ Period of use: N P/D
☒ Nature of proposed use: (Include description of use) 17, 18, 19 P/U
☒ Description of diverting works:
☒ Time required for beneficial use of water:
☒ Place of use or acres irrigated:
☒ Map:
☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee:
☒ Yes ☐ No In form to receipt:

ADDITIONAL INFORMATION

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on the back.)
☒ Overlapping point of diversion:
Field check required: Field check by: _____
Field report attached:
Critical groundwater area:
Groundwater management area:
Send dam safety information:
Send power requirement letter:
Send fish farm requirement letter:
Power residency affidavit:
Power efficiency form:
Within trust water boundary: (If yes, attach TS & Supplementary Analysis Sheet.)
Diversion greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.)
*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED: _____

RECEIVED
OCT 04 1990
Department of Water Resources

☒ Additional information on reverse side:

PROCESSING

YES NO

X In form for advertising:
 X Statewide advertising:
 Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

X I.D. Health and Welfare
 I.D. Fish and Game
 I.D. Lands
 Adjudication Bureau

YES NO

X U.S. BLM
 U.S. Forest Svc.
 Water Dist. #
 Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

 Affidavit of publication received:
 Application published correctly: If not, record action taken.
 Received affidavit 9-24-90

 Publication dates and paper recorded on application:
 Protests received. Final date for protest July 23, 1990
 Protest dates, resolution of protest recorded on application:
 Recommendations attached: Approve, DNR
 Measuring device required:
 Measuring port required:
 Water delivered by water master? District #
 Special conditions of approval or cover letter:

26A (Allow 5 yrs)

 See below for additional information

Recommended Date or Priority 4/23/1990

Recommended by: DNR Date 10/1/1990

STATE OFFICE REVIEW

 See below for additional information. By Date

ADDITIONAL INFORMATION

Overlap refer to Item #10, #12 on Application

CONVERSATION MEMORANDUM

DATE

10/1/90

FILE

55-07411

NAME OF PARTY

Paul Nettleton

EMPLOYEE

John Lester

55-07412

55-07409

RE:

NEW NAME FOR APPLICATIONS

= Silver City Property Owners Assoc.

(Same address* but to Doug Hyslop, President).

PHONE = to Doug H. 466-3773

OFFICERS

Pres = Doug Hyslop

U-Pres = Grant Danver

Sec'y = Jan Beckwith

Treas = June Bowman

Addresses - use business address on applications

* this is the business address for Association



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

September 19, 1990

Owyhee Avalanche
P.O. Box 97
Homedale, ID 83628

RE: Water Right Affidavits

Dear Legal Dept:

We have not received the affidavit for the advertising of water right no. 51-07337 in the name of Richard L. Owen, and nos. 55-7409, 55-7411 and 55-7412 in the name of Silver City Taxpayer's Assoc. Inc.

These were advertised on July 4 and 11, 1990, in the Owyhee Avalanche. We would appreciate it if you would send us these affidavits so we can continue processing the applications.

Thank you.

Sincerely,

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

Sue Taylor
Secretary, Office Coordinator

MICROFILMED

JAN 1991



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

P12 file w/ water rt —
DIVISION OF ENVIRONMENTAL QUALITY
BOISE FIELD OFFICE
1410 N Hilton, Suite 101
Boise, Idaho 83706-1290
(208) 334-0550

July 27, 1990

RECEIVED
JUL 31 1990

Mr. David R. Tuthill, Jr., P.E.
Manager, Western Regional Office
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Department of Water Resources
Western Regional Office

RE: Application for Permit No. 55-07409 in the name
of Silver City Taxpayer's Assoc., Inc.

Dear Mr. Tuthill:

The above referenced application has been reviewed by
this office. We have no objections or comments.

Sincerely,

A handwritten signature in dark ink, appearing to read "George Varin".

George Varin
Water Quality Compliance Officer

cc: Craig Shepard, BFO



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

July 10, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Idaho Dept. of Health & Welfare
Division of Environment
Statehouse
Boise, ID 83720

Re: Application for Permit No. 55-07409 in the name of Silver City Taxpayer's
Assoc., Inc.

Dear Sir:

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

This office normally completes the processing of an application within a
six-week period and is required to take final action shortly thereafter,
however, if your agency desires to file a formal protest against the approval
of this application(s), your written protest must be received in this office
by July 23, 1990.

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

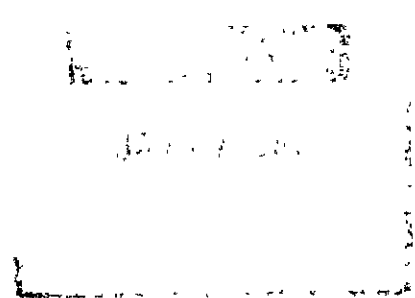
Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr.".

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

DRT:st

Enclosure(s):





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

July 10, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Bureau of Land Management
3948 Development Ave.
Boise, ID 83705

Re: Application for Permit No. 55-07409 in the name of Silver City Taxpayer's
Assoc., Inc.

Dear Sir:

Enclosed is a copy(s) of the above-referenced application(s) for permit
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by July 23, 1990.

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

Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr.".

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

DRT:st

Enclosure(s):



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

March 20, 1990

Mr. Paul Nettleton, President
Silver City Taxpayers' Assoc., Inc.
P.O. Box 74
Murphy, ID. 83650

RE: Water Rights for S.C.T.A., Inc.

Dear Paul:

Enclosed are the various water right filings that I prepared based on our recent meeting. One adjudication claim and four applications for permit were prepared. These, along with the license to be completed for permit 55-07011, should summarize the water uses for the association excluding the historical water use at the Idaho Hotel. I will contact the hotel owner to work on that particular water right which probably should be covered by a separate adjudication claim dating to the 1860's.

Also attached are two maps. The Summary Map shows uses at units within Silver City by water right. All of the units are the place of use in the applications dealing with the Metallic Mine Spring, the springs in Long Gulch, and the fire protection from Jordan Creek. The other map indicates the units for inclusion in licensing permit 55-07011, which will be recommended for internal and external use at 11 homes for 0.20 cfs or 90 gallons per minute.

Please note that A55-10204, 55-07409, ~~55-07410~~, and 55-07411 include irrigation of four acres. All the rights describe the same four acres and represent the external or yard use within Silver City. I discovered that irrigation use was necessary to accurately describe the uses from the various sources and estimated that one acre per quarter-quarter for the town was involved. Including four acres allows irrigation of approximately 2000 to 2500 square feet per home or business, and I assumed that this was adequate due to the limited irrigation that actually occurs within Silver City. Note that each right explains that irrigation use is secondary to internal use throughout the S.C.T.A. delivery system. *want file this appl.*

For permit 55-07011, the license report will be completed and forwarded to the State Office for review. After the license is issued, the Western Regional Office will revise adjudication claim A55-07011 to agree with the license. You do not need to do anything about permit 55-07011 or adjudication claim A55-07011 at this time.

Please review the enclosed material. If everything is satisfactory, the claim and applications should be signed by you (notarized signature for A55-10204) and returned with the fees to me as soon as possible. The filing cost is \$194. Jan Shurte and I are recommending that the \$50 late fee for A55-10204 be waived. To help us in this matter, please complete and return the attached Request for Extension of Time to File Adjudication claim. This should be returned to me with the other filings.

MICROFILMED

JAN 07 1991

Letter to Paul Nettleton, S.C.T.A. Inc.
page 2

Let me know if any changes are needed in any of the material or if any additional help is needed. Thanks for your time and effort in clarifying the water right situation.

Sincerely,

Steve Lester

Steve Lester
Sr. Water Resource Agent

SL:sl
Enclosures

CC: Silver City Water Board c/o B. Nettleton

55-07409

SILVER CITY TAXPAYERS ASSOC. INC.
C/O PAUL NETTLETON
P.O. BOX 74
MURPHY, ID 83650

Source: SPRING

Tributary: SINKS

Diversion Pt: NESENW Sec 6 T 05S R 03W
 NWSENW Sec 6 T 05S R 03W

Use: IRRIGATION (.080 CFS)
 COMMERCIAL (.040 CFS)
 DOMESTIC (.200 CFS)
 Total Diversion: (.200 CFS)

Date Filed: 4/23/ 1990

In: T05S R03W S06 Lot 17 (SWNE) Lot 18 (SENE)

NESE Lot 19 (NWSE)

4.0 ACRES TOTAL

MICROFILMED
JAN 07 1991