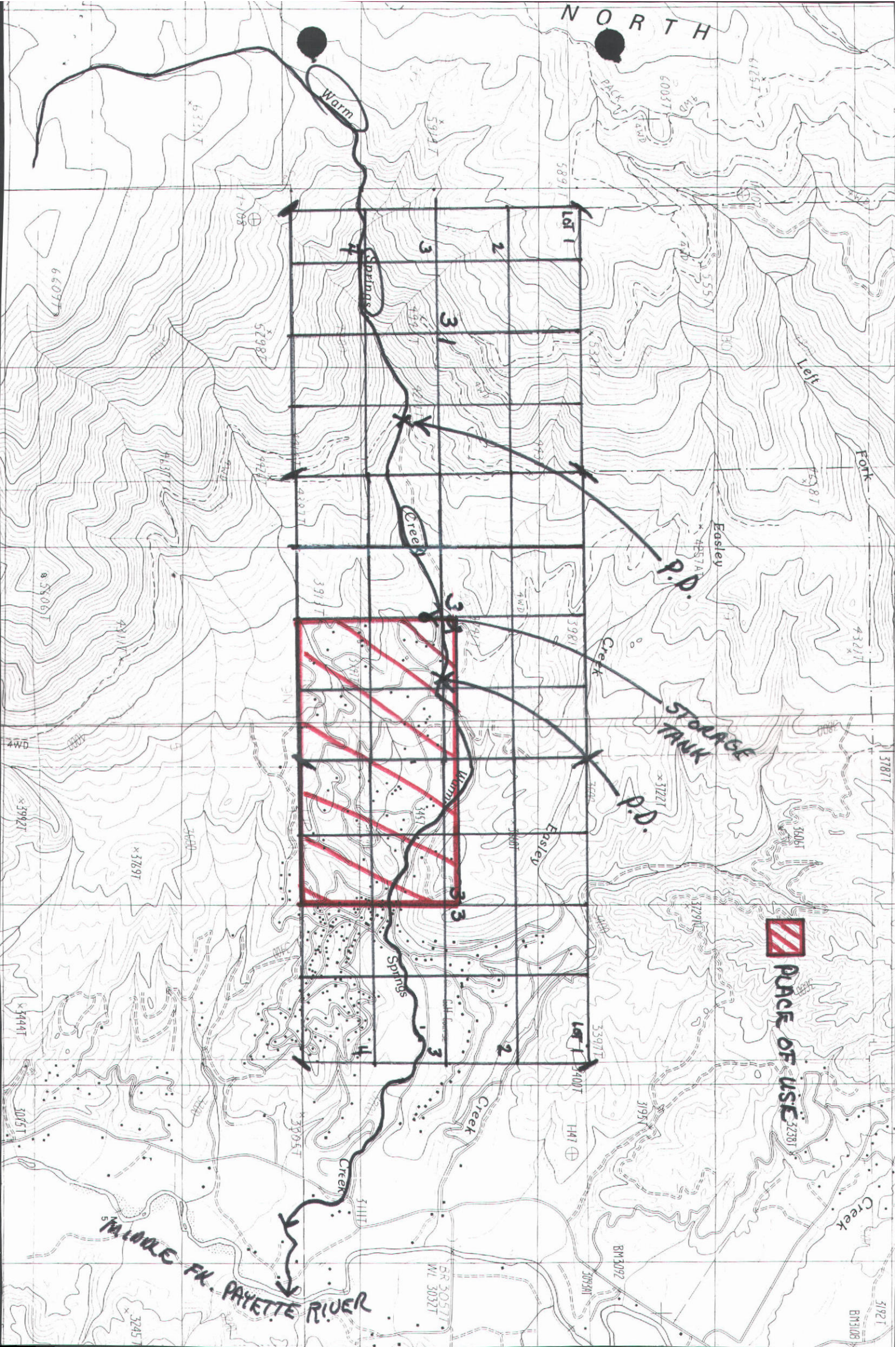


1- LOTS NOT COVERED UNDER 65-03238 OR 65-12776  
& BEING APPLIED FOR UNDER THIS APPLICATION

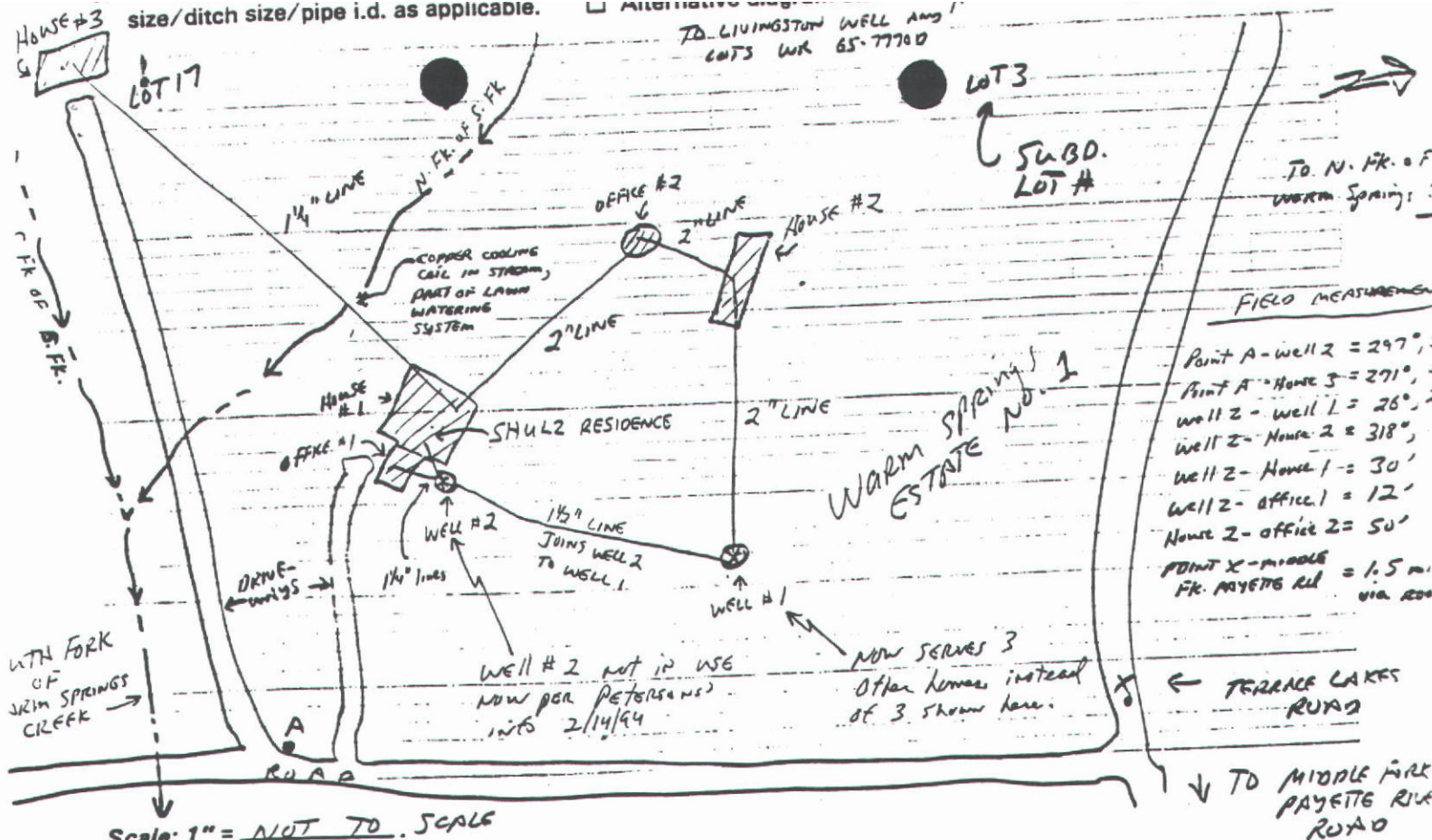
NORTH



PAGE OF USE

size/ditch size/pipe I.D. as applicable.

TO LIVINGSTON WELL AND  
CUTS WR 65-77700

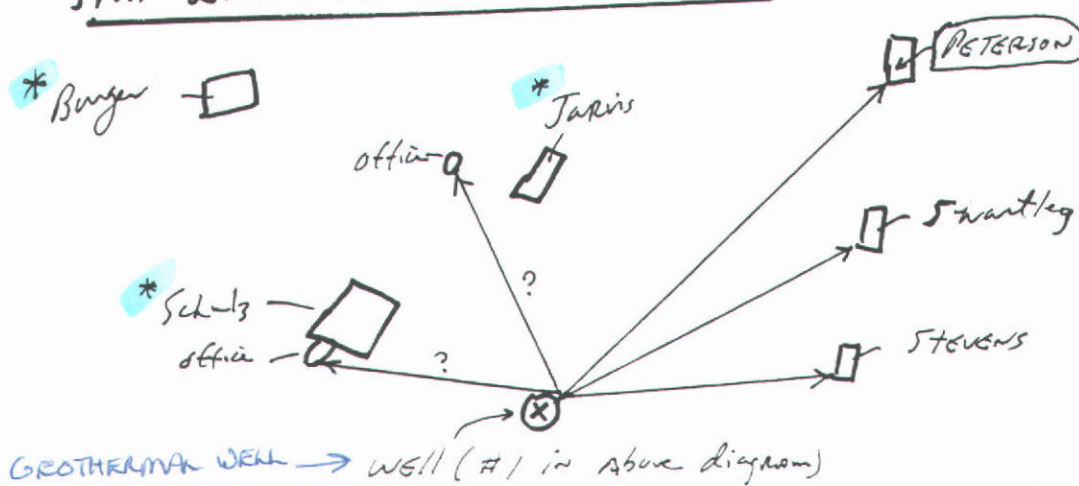


FIELD MEASUREMENTS  
Point A - Well 2 = 297'  
Point A - House 3 = 271'  
Well 2 - Well 1 = 26'  
Well 2 - House 2 = 318'  
Well 2 - House 1 = 30'  
Well 2 - Office 1 = 12'  
House 2 - Office 2 = 50'  
Point X - middle fork PAYETTE RIVER = 1.5 mi. via road

Scale: 1" = NOT TO SCALE

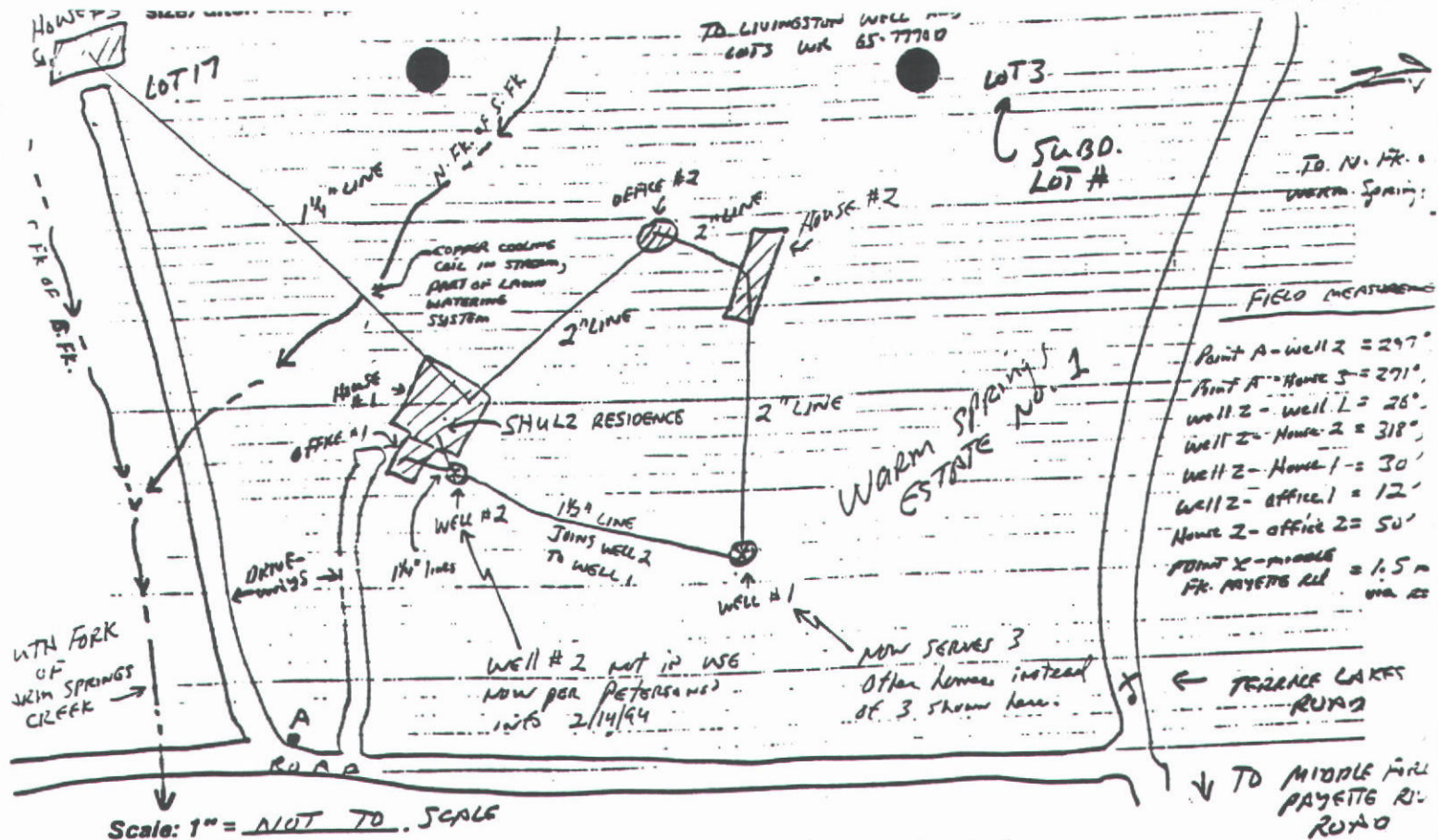
2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
- ☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).
- ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).

- ABOVE - from 1986 Exam 65-077700 by FL.
- IN NOV. 1993, revisited site for Exam 65-13050, nearby lot springs. was told by Mr. JARVIS that Well #1 serves 3 new homes in Lot 3 of Subd.
- FEB 14, 1994, PETERSONS filed change in ownership, pointed of 65-077700. Right still supplies 3 homes (i.e. 2 offices), but serves 3 different homes instead of the 3 original. This is still within terms of water right.



\* O/S NOW SERVED by hot springs, other water rights.

FL  
2/14/94



Scale: 1" = NOT TO SCALE

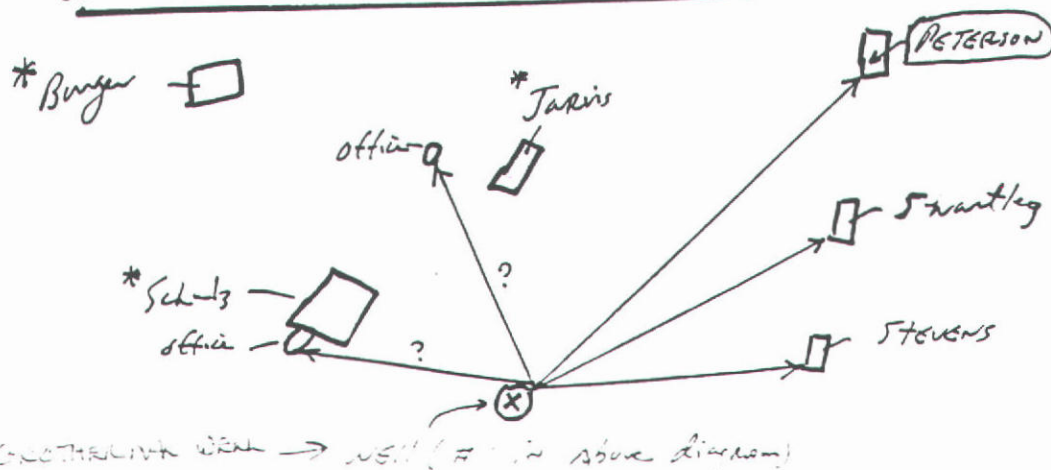
2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
- ☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

☐ Aerial Photo Attached (required for irrigation of 10 acres or more).

• ABOVE - from 1986 Exam 65-07770C by FL.

• IN NOV. 1993, revisited site for Exam 65-13050, nearby hot springs. was told by Mr. JARVIS that Well #1 serves 3 new homes in Lot 3 of Subd.

• FEB 14, 1994, PETERSONS filed change in ownership, pointed out 65-07770C. Right still supplies 3 homes (i.e. 2 offices), but SERVES 3 different homes instead of the 3 original. This is still within terms of water right.



\* O/S now served by hot springs, other water rights.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
BENEFICIAL USE FIELD REPORT

RECEIVED  
DEC 09 1992

Department of Water Resources

A. GENERAL INFORMATION

1. Owner: John M. & Margie B. Tribby Permit No. 65-12802  
Current Address: HC 26 Box 4030 Garden Valley ID 83622 Phone No. 462-3377  
2. Accompanied by: Margie B. Tribby EXAM. DATE: 7-24-91  
Address: Same Phone No. \_\_\_\_\_  
Relationship to Permit Holder: \_\_\_\_\_

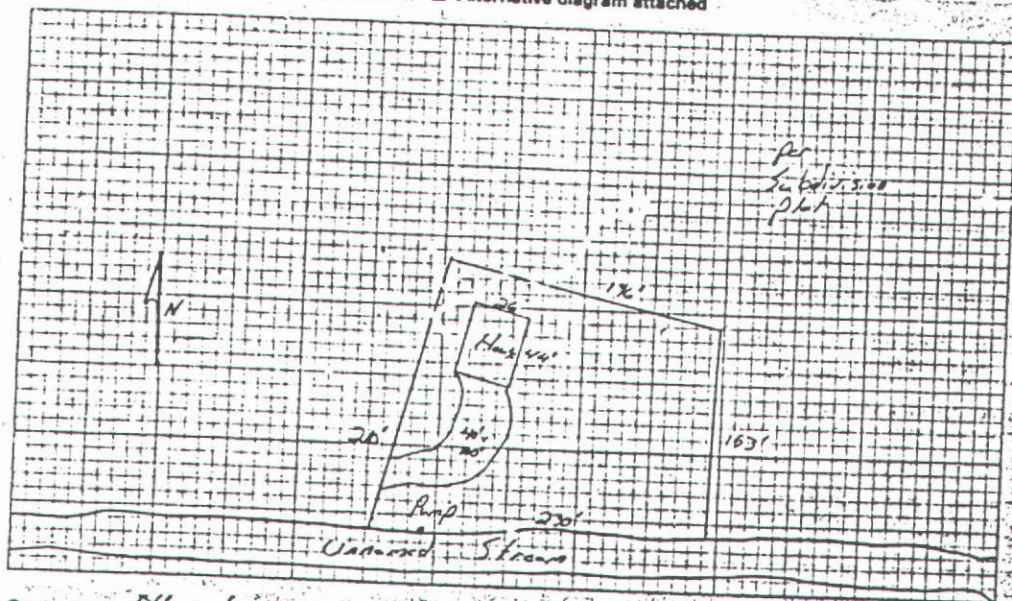
3. Source: Unnamed Stream tributary to Whom Springs

B. OVERLAP REVIEW

1. Other water rights with same place of use: 65-12776 ☐ Copies Attached  
2. Other water rights with same point of diversion: N/A ☐ 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" = 50' 100'

2. ☒ Copy of U.S.G.S. Quadrangle Attached ☐ Aerial Photo Attached  
Showing location(s) of point(s) of diversion and place(s) of use (required). (required for irrigation of 10 acres or more).  
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).



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

NO. 65-13526

Priority: June 30, 1994

Maximum Diversion Rate:

1.58 CFS

This is to certify, that **CASTLE MOUNTAIN CREEK OWNERS ASSN INC**  
HC 76 BOX 4001  
GARDEN VALLEY ID 83622

has applied for a permit to appropriate water from:

**WARM SPRINGS CREEK** tributary of **PAYETTE RIVER, MIDDLE FORK**

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 10/31       | 1.04 CFS                 |
| DOMESTIC              | 01/01 to 12/31       | 0.54 CFS                 |
|                       | Totals               | 1.58 CFS                 |

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 31, Township 10N, Range 04E  
NWSE , Sec. 32, Township 10N, Range 04E  
BOISE County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|--------------|
| 10N        | 04E        | 32         | SWNE 1.0     | SENE 1.0     | NESE 6.0     |              |              |
|            |            |            | NWSE 6.0     | SWSE 6.0     | SESE 7.0     |              | 27.0         |
|            |            | 33         | SWNW 1.0     | SENW 2.0     | NESW 4.0     |              |              |
|            |            |            | NWSW 3.0     | SWSW 7.0     | SESW 8.0     |              | 25.0         |

Total number of acres irrigated: 52.0

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **April 1, 2005**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.

State of Idaho  
Department of Water Resources

## Permit To Appropriate Water

NO. 65-13526

CONDITIONS OF APPROVAL AND REMARKS

5. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
7. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
9. Domestic use is for 162 homes and does not include lawn, garden, landscape, or other types of irrigation.

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

14<sup>th</sup> day of April, 2000.

  
Karl J. Dreher, Director

RECEIVED

MAR 31 2000

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant CASTLE MOUNTAIN CREEK OWNERS ASSN INC Phone 462-3765

Post office address HC 76, BOX 4001, GARDEN VALLEY, ID 83622

2 Source of water supply Warm Springs Creek which is a tributary of Payette River, M. Fork

3 Location of point of diversion is 1/4 of NE 1/4 of SE 1/4, Govt. Lot       

Sec. 31 Township 10N Range 4E B.M. Boise County, additional

points of diversion if any NWSE, Sec. 32, TWP. 10N, RGE. 4E.

4. Water will be used for the following purposes

Amount .54 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount 1.04 for Irrigation purposes from 4-15 to 10-15 (both dates inclusive)  
(cfs or acre-feet per annum)

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

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

5 Total quantity to be appropriated is (a) 1.58 and/or (b)         
cubic feet per second acre feet per annum

6 Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 7.5 hp pump in sump beside creek - water  
(P.D. in the) subs from creek into sump, 7.5 hp pumps water up into 40,000 gal storage tank(NWSE, S.32)  
P.D. in NESE, S. 31)  
is by gravity flow through 3,822' mainline down to 40,000 gal. storage tank. Gravity flow  
from storage tank to subdivision lots.

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

c. Proposed well diameter is        inches, proposed depth of well is        feet.

d Is ground water with a temperature of greater than 90°F being sought?       

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).

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. 162 lots
- e. Other, describe fully. \_\_\_\_\_

9. Description of place of use:

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

| TWP | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 10N | 4E    | 32   |     |     | D   | D   |     |     |     |     |     |     |     |     | D   | D   | D   | D   | 27     |
|     |       | 33   |     |     |     |     |     |     | D   | D   | D   | D   | D   | D   |     |     |     |     | 25     |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 52

10. Describe any other water rights used for the same purposes as described above. 65-03238 - same source additional lots & 65-12776 - groundwater source.

- 11 a. Who owns the property at the point of diversion? Boise Cascade & Castle Mtn. Ck. Owners Assn. Inc.
- b. Who owns the land to be irrigated or place of use? Castle Mtn Ck Owners Assoc & Ind. lot owners
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Castle Mtn Ck Owners Assoc has an easement from Boise Cascade for the p.d. in S. 31 & a deed for the p.d. in S. 32.

12. Remarks \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

13 Map of proposed project. show clearly the proposed point of diversion, place of use, section number, township and range number. SEE ATTACHED SUBD MAP

SEE ATTACHED SUBD. MAP

✓ 1000.

A blank sheet of graph paper with a grid pattern. The top right corner contains the handwritten text "+ TOPO.".

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.

(Applicant)

BOARD MEMBER

Received by JR Date 6-30-94 Time 11:40 Preliminary check by lg  
Fee \$ 65 Receipted by JR # W017672 Date 6-30-94  
Publication prepared by AT Date 7-13-94 Published in Id. World  
Publication approved AT Date 8-24-94 *paper error - not published until 8-3-10 + reset date 8-23-94*

### 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.



**PACK OF USC 32381**

A map of the Fayette River area. A large arrow points to a location on the river labeled "FAYETTE RIVER". Another arrow points to a location labeled "MADOLE".



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

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

April 14, 2000

CASTLE MOUNTAIN CREEK OWNERS ASSN INC  
HC 76 BOX 4001  
GARDEN VALLEY ID 83622

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13526

Dear Permit Holder:

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

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

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

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

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

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

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

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

Sincerely,



*JK* Shelley W. Keen  
Water Rights Supervisor

SK:klt

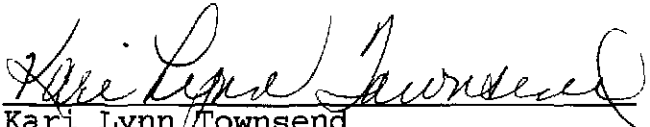
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 14th day of April, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 65-13526

CASTLE MOUNTAIN CREEK OWNERS ASSN INC  
HC 76 BOX 4001  
GARDEN VALLEY ID 83622

  
Kari Lynn Townsend  
Secretary

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

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

### **PETITION FOR RECONSIDERATION**

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

### **EXCEPTIONS AND BRIEFS**

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have fourteen (14) 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.

### **CERTIFICATE OF SERVICE**

All documents intended to be part of the Department record in connection with a preliminary order shall be served upon the representatives of each party of record. Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate:

I HEREBY CERTIFY (swear or affirm) that I have this day of \_\_\_\_\_, served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy thereof in person (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to (list names)).  
(Signature)

### **ORAL ARGUMENT**

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

### **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.

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.

### **RIGHT TO HEARING**

Pursuant to Section 42-1701A(3), Idaho Code, unless the right to a hearing before the Department is otherwise provided by statute, any person aggrieved by any decision, determination, order, or action of the Department or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the Department, who is aggrieved by a denial or conditional approval ordered by the Department, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Department to contest the denial or conditional approval upon filing with the Department, within fifteen (15) days after receipt of the denial or conditional approval, a written permission stating the grounds for contesting the action by the director and requesting a hearing

### **APPEAL OF FINAL ORDER TO DISTRICT COURT**

If a preliminary order becomes final, any party aggrieved by the final order or orders previously issued in the 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 (a) a hearing was held, or (b) the final agency action was taken, or (c) the party seeking review of the order resides, or (d) 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. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Sections 67-5270 through 67-5273, Idaho Code.

APPLICATION FOR PERMIT  
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 4/7/00

No. 65 13524 Name: W. L. Corp. Officers ✓ Ad ok ✓ Govt Lots       

AREA OF CONCERN: No/Yes        Moratorium        GWMA        TRUST/NON-TRUST       

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)  
Basin 34 - 085  
Irr w/in WD - P05  
WMD - North/East/West  
≤ 0.24 cfs/5 acres - No MD  
> 0.24 cfs/5 acres - 067  
~~WMD~~  
Supp irr (irr = only use) - 065-104  
Supp irr (+ other uses) - 100-105  
≤ 0.24 cfs/5 acres - No MD  
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)  
Mitigation - 121  
42-248 Area - P84 (20s-70s, 81-86)  
Swan Falls Flag  
Trust - 051(P74) (consumptive uses)  
Non-Trust - 048-049 (consumptive uses or non-cons > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA  
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)  
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)  
STOCKWATER - R37 (BLM/USFS)  
MINING - 054-081(P10)  
FISH PROP - 029(70's only)-007-042-081(P10)  
HEAT/COOL - R07(injection well)  
FIRE PROT - 077

BENEFICIAL USE DUE: 4/10/12005

MISC CONDITIONS/REMARKS:

Protested - 020-W19 pro. was  
Development Period dismissed  
≤ 1 yr - P16  
> 1 yr - 26(P17)  
Ownership - 004  
Non-consumptive - 027  
Water Quality - 081-R07

IRRIGATION SEASON 4/1 - 10/31 (Per updated map)

OTHER CONDITIONS/REMARKS Review

COMMENTS       

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response         
In/Above MSF - WB9  
PLANNING SECTION REVIEW/RESPONSE         
In-stream development - P52  
WD - R04 (WD# 612)  
≤ 0.20 cfs/others - 01H(P01), 01P or No MD  
> 0.20 cfs - 010(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD  
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A  
(02,03) - 007 (w/ remark WB9 if above Weiser)  
Payette R (65) - 047(P04) (Payette Lake)  
Salmon R (70's) - 029 (fish screens)  
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)  
MUNICIPAL  
Restricted area - 022,075  
Irr, GW supp to SW - 102  
DOMESTIC  
Surface water - WB5 (Big Wood or Boise above Star Bridge)  
27A (Payette R)  
≤ 1 in restricted area - 070-071-075 (no parks/common areas, etc)  
Irr use listed separate - WB5 (162)  
Moratorium approvable - W03 (2500 gpd - meets domestic definition -  
i.e. D/convenience store)

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET

send copy to H+W  
RECEIVED

MAR 31 2000  
DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: g DATE: 7/12/94 APPLICATION: 65-13526

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)  
☒ Period of use: Gov't. Lots: ☒ P/D  
☒ Nature of proposed use: (Include description of use) ☒ 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:  
☐ ☒ 1992 moratorium  
☐ ☒ Copy to SCA staff (perennial stream, non-pump diversion):  
☐ ☒ 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 Trust Water Supplementary Analysis Sheet.)  
☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)  
☒ ☐ \*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Robert  
DATE REQUESTED: 7/13/94  
☒ Additional information on reverse side:

## PROCESSING

APPLICATION NO. 65-

YES NO

☒ ☐  
☒ ☐  
☒ ☐

In form for advertising:

Statewide advertising: ( &gt; 10 cfs &amp;/or 1000 af)

Fee amount, receipt number and date recorded on application:

## SEND COPIES TO

YES NO

☒ ☐  
☒ ☐  
☒ ☐  
☒ ☐

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☐ ☒  
☐ ☒  
☐ ☒  
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. # 65

Other \_\_\_\_\_

## FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐  
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

Publication dates and paper recorded on application 22Protests received. Final date for protest 8-28-94

Protest dates, resolution of protest recorded on application:

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District # 65Special conditions of approval or cover letter: See memo dated 3/27/00

See below for additional information

Recommended Date or Priority 6/30/94Recommended by: ChrysDate 3/28/00

## STATE OFFICE REVIEW

See below for additional information. By \_\_\_\_\_ Date \_\_\_\_\_

## ADDITIONAL INFORMATION

P/4

(6w)

P/0overlaps: 65-12776 other source/same lts-03238 same source/other lts ← only-07770D separate source + P/4\* -12802 same source/same P/4\* 65-03238 listed Warm Springs Ck as only source.Decree notes show " " and unnamedstream. Transfer listed on 65-03238 to clarify -see: attached in com.O. As a result, 65-12802 (listed)  
licensed on the unnamed stream is now an  
overlap with 65-03238 - (if approved) over →

cont. :  
65-03238 should be conditioned ' This is  
when combined with 65-12802 limited to ... "

RECEIVED

MAR 31 2000

Department of Water Resources

## *FILE PRESENTATION*

This application was processed prior to the January 12, 2000 memo "Changes to Water Right Applications." The old technique of making application changes was used.

To avoid additional processing delay, the file is forwarded as "one in the pipeline" with respect to that memo. The regional office anticipates that this will be acceptable for this limited group of applications.

## MEMORANDUM

To: Application for Water Right No. 65-13526 in the Name of Castle Mountain Creek Owners Assn. Inc.

From: Gary Spackman 

Re: Recommended Conditions of Approval

Date: March 27, 2000

Protests against application for water right no. 65-13526 were resolved, the latest by dismissal of the protest. Because the application can now be processed, I recommend the following conditions.

1. (020).
2. (R04) Water District 65, Payette River.
3. (121).

MAR 06 2000

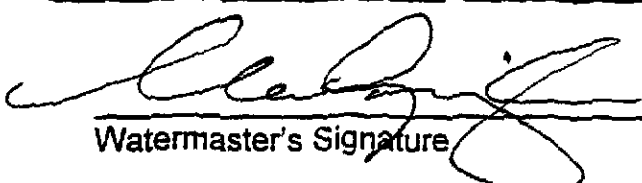
WATER RESOURCES  
WESTERN REGION

## RECOMMENDATION OF WATERMASTER

Application No: TRANSFER 4392, APPLICATION 65-13526Applicant's Name: CASTLE MTN CREEK OWNERS

## Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if it is conditioned as follows: WATERMASTER CONTROL
- c) ☐ I oppose approval of this application for the following reasons:
- d) Additional Comment :

Dated this 3 day of MARCH, 2000.Water District No: 65  
Watermaster's Signature

Use reverse side of page if you need more space.

**REQUEST TO PROCESS**

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

Name of Applicant

CASTLE MOUNTAIN CREEK OWNERS ASSN. INC.

Mailing Address

HC 76 BOX 4001  
GARDEN VALLEY ID 83622Application No.  
(if known)65-13526IN LOCAL PUBLIC INTEREST

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

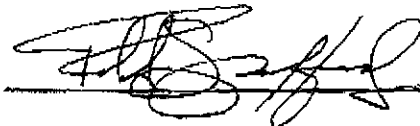
PROPOSE MITIGATION NOW

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

WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

Signature



Date

18 FEBRUARY 2000

Please return this form to:

Idaho Dept. of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, ID 83705-5062

---

## Castle Mountain Creeks Homeowners Association

5 Snow Springs Drive  
Garden Valley, ID 83622-9728  
(208)462-3592

### **List of Officers as of February 18, 2000**

1. Lyle Medcoff (208)462-3358
2. Bob Thomas (208)376-8980
3. Rob Spofford (208)327-78918
4. Mary Kay Jones (208)462-2808
5. Ben Fowler (208)462-4011



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

February 18, 2000

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

**MARK LIMBAUGH**  
102 N Main  
Payette ID 83661

Re: Application for Transfer No. 4392 and Application for Permit 65-13526 in the Name of Castle Mtn Creek Owners Assn. Inc.

Dear Watermaster:

Enclosed is a copy of the above-referenced application for transfer and application for permit. Also enclosed is a form for your recommendation concerning these applications.

Please review the applications and return to my attention any comments you might have within two weeks.

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

Sincerely,

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

Lori Graves  
Sr. Allocations Agent

Encl: Transfer and Permit Applications  
Recommendation of WM Form

## MEMORANDUM

To: Steve Lester 

From: Gary Spackman 

Re: Application for Water Right No. 65-13526 in the Name of Castle Mountain Creek Owners Assn. Inc.

Date: February 14, 2000

My review of the file revealed that we do not have the agreement to mitigate form in the file. This is probably because the application was filed prior to our requiring submittal of the form. Would you please have someone request the form. After its receipt, I will forward the application to the state office with recommendations.

MEMORANDUM

June 30, 1994

TO: FILE FOR APP. FOR TRANSFER OF RIGHT NO. 65-03238

FROM: JAN SHURTE

The purpose of this transfer is to add a new diversion point from Warm Springs Creek, show the current uses of the water under this right and to clarify the source(s) historically used.

The original right was decreed for water from Warm Springs Creek with two points of diversion. Per the map from the original file, copy attached, one of these diversion points was on the Northfork of Warm Springs Creek and one was on the Southfork of Warm Springs Creek. However, on the topographic map, the Northfork is designated as Warm Springs Creek and the Southfork appears without a source name indicating it is an unnamed stream trib. to Warm Springs Creek. The point of diversion in the NW1/4SE1/4, S. 32 is from the main Warm Springs Creek and the point of diversion in the NW1/4SW1/4, S. 33 is from the unnamed stream trib. to Warm Springs Creek. Since both points of diversion were decreed, one of the items of this transfer is to clarify the source(s) from which these points actually have been and are diverted from. The diversion point in the NW1/4SW1/4, S. 33 is used by a few private individuals for the 1.5 acres of irrigation within the NW1/4SW1/4, S. 33 - which they have claimed under a duplicate claim filing on this right. However, Castle Mountain Creek Owners Assoc. Inc. feel they were assigned this entire right as shown in the attached documents and are including the 1.5 acres irrigated from this point of diversion on this transfer. The 6 acres originally decreed and irrigated in the NE1/4SE1/4, S. 32 are no longer irrigated as a field, however, individual lots are being irrigated. As stated, only 1.5 acres of the original 5 acres decreed in the NW1/4SW1/4, S. 33 are being irrigated and included on this transfer. This transfer changes a portion of the original irrigated acres to the domestic use which has been occurring since the land was developed into the subdivisions. Heating is also no longer a purpose of use, therefore, it is being changed to domestic purposes. The diversion point in the NW1/4SE1/4, S. 32 and the new point of diversion within the NE1/4SE1/4, S. 31 are diverting into the water tank and gravity fed to the 105 lots indicated.

A new application is being filed for the remaining 162 lots in the Castle Mountain Creek Subdivisions diverting from Warm Springs Creek. This transfer only includes the number of lots(105) being serviced as of the date of the field examination for the groundwater sources filed under Permit No. 65-12776 - 6-18-1987. The new application will also cover the remaining lots irrigated acres over and above the 7 acres listed on this transfer.

The total of this original decreed right (.38 cfs, 105 lots & 7 acres) and the new application(1.58 cfs, 162 lots & 52 acres) will be 267 lots and 59 acres (approx. 1/4 acre of irrigation per lot) for a total of 1.96 cfs (880 gpm).



A65-0402A

C3231B

C3238A/B

C7562

C7546

C7542

C7710C/D/B

~~~~~  
65-13050

C7593

13526

12602

MEMORANDUM

March 29, 1996

TO: DAVE TUTHILL *DT*

FROM: JAN SHURTE

RE: ATTACHED LISTING OF WATER RIGHTS CONCERNING PROTESTS ON  
APPLICATION FOR TRANSFER NO. 65-03238 & APPLICATION FOR  
PERMIT NO. 65-13526 - CASTLE MTN CK OWNERS ASSN INC

\*\*\*\*\*  
\*\*\*\*\*

As we discussed, attached is a listing of water right filings that may help in the protests for the above applications.

I listed only the water rights for the protestants and both claimants who filed duplicate claims for 65-03238 since they would all be affected by the transfer.

Basically, it will boil down to whether or not the individuals have a right or not to a portion of 65-03238, specifically the original heating use and irrigation and whether they will be injured by the new application. There is no evidence in any of the files that the heating use on the original decree went to Usto Schulz, which would also mean there is no evidence he didn't have it, except that the decreed source is not the hot springs. I could not find any information showing what the heating use as recommended at the time of the decree was and even when I wrote Forrest Luthy he did not remember what it was based on. Mr. Schulz has other water rights that were filed to cover heating & domestic use for 2 units from the hot spring, however, per Steve's field exams in 1986 and 1993 it appears 3 additional homes have been added to use the water from the hot springs sometime within those 7 years. The claim filed by Mr. Schulz, along with several individual names, added the Warm Spring source to the decreed right. The actual decreed right stated Warm Springs Creek only as the source. Depending on the outcome of the protests it could be that a new application may be needed for the new uses.

Some of the other individuals involved have separate filings on the hot springs for their personal use, along with Castle Mountain Ck Owners Assn. (A65-04002A). However, the 4 individual groups who only show Claim No. A65-03238A, upon which the hot springs were added on the claim, but were not decreed, are listed on the bottom of page one of the water right listing. Per Steve's field exam, the Burger's do use the hot spring, but it is unknown whether the other parties do or not. It could be that new applications may be needed if these parties use the hot springs since it is doubtful that the decreed right for 65-03238 will be approved to add the Warm Springs source they claimed. A copy of Steve's field exam and notes are attached for your review.

There are also filings by the individuals involved covering their irrigation from Warm Springs Creek along with the application for transfer which purposefully retained that portion of the original decreed acres within these individual's land to cover what they are now irrigating from the creek source. The remaining acres have been subdivided and a portion of the irrigation use is proposed to be changed to domestic. The reason Castle Mountain filed on the entire right is due to the documents from the original decree owners, Garden Valley Associates, assigning the water system and all water rights and claims to Castle Mountain. Copies of these documents are in the file. The full purpose of the transfer is explained in my memo dated 6-30-1994.

The attached research is submitted per your request. However, because my mother has a cabin in the area served by Castle Mtn Ck Owners Assn Inc, it could be thought that I have a conflict of interest in this dispute. Therefore, I submit this memo and attached research as I would have with any other assignment, but would prefer not to be involved any further with the upcoming conference or proposed decision, unless you specifically feel that I need to be.





**LISTING OF INDIVIDUAL WATER RIGHTS IN CONNECTION WITH PROTEST ON  
APP. FOR TRANSFER OF RIGHT NO. 65-03238 AND APP. FOR PERMIT NO.  
65-13526 IN THE NAME OF CASTLE MTN CREEK OWNERS ASSN**

**HOT SPRINGS & GEOTHERMAL WELLS WATER RIGHT FILINGS**

**CASTLE MTN CREEK OWNERS ASSN INC**

A65-04002A - SPRINGS - 6-1-1965 - DECREED - .25 CFS FOR HEATING TO  
BE USED IN POOLS, SPA & MAINTENANCE SHED.

**USTO SCHULZ**

A65-03238A - WARM SPRING & WARM SPRINGS CREEK - 6-1-1883 - DECREED  
(THE WARM SPRING SOURCE WAS CLAIMED BUT WAS NOT DECREED UNDER THIS  
RIGHT IN THE PRBA). THE CLAIM WAS FILED FOR .22 CFS FOR IRRIGATION  
OF 11 ACRES, .04 CFS FOR DOMESTIC AND .12 CFS FOR HEATING. THE  
NUMBER OF HOMES WAS NOT LISTED. THIS CLAIM WAS FILED UNDER SEVERAL  
INDIVIDUALS WHICH ARE LISTED BELOW TO SHOW WATER RIGHTS EACH  
INDIVIDUAL HAS FILED. THESE INDIVIDUALS ARE LISTED SINCE ALL ARE  
A PART OF THE TWO DUPLICATE CLAIM FILINGS ON RIGHT NO. 65-03238.  
THE 2ND CLAIM IS CLAIM NO. A65-03238B FILED BY CASTLE MTN CK OWNERS  
ASSN UPON WHICH THE PROTESTED TRANSFER WAS BASED.

A65-07540 - WARM SPRINGS - 4-7-1975 - DECREED FOR 2 UNITS-HOME AND  
GUESTHOUSE FOR HEATING & DOMESTIC - .08 CFS FOR HEATING AND .04 CFS  
FOR DOMESTIC ALL IN LOT 3. CLAIM FILED FOR 3 HOMES WITH THE REMARK  
THAT THE HOUSEHOLDS HAVE BEEN ON THE SYSTEM SINCE INITIAL START.

A65-07770C - HOT WELL - 12-19-1976 - LICENSED & DECREED FOR .10 CFS  
FOR HEATING AND .11 CFS FOR DOMESTIC USE. BOTH HEATING & DOMESTIC  
USE ARE FOR 3 HOMES AND 2 OFFICES IN LOT 3. PER A FIELD EXAM  
CONDUCTED BY STEVE LESTER, THE 3 HOMES AND 2 OFFICES WERE OWNED BY  
SCHULZ, BURGER & JARVIS. IN 11-1993 STEVE CONDUCTED ANOTHER EXAM  
ON THE HOT SPRINGS FOR A PERMIT FOR JARVIS'S AND WAS INFORMED THAT  
THIS HOT WELL NOW SERVED 3 DIFFERENT HOMES IN THE NAMES OF  
PETERSON, SWARTLEY & STEVENS AND THAT THE ORIGINAL 3 HOMES WERE NOW  
USING THE HOT SPRINGS INSTEAD OF THIS WELL. WHETHER THE 2 OFFICES  
USE THE HOT SPRING OR HOT WELL IS STILL UNCLEAR. THE USE FOR THE  
3 HOMES FROM THE SPRING MAY BE COVERED UNDER A65-07540 AS CLAIMED,  
HOWEVER, ONLY 2 DOMESTIC USES WERE LICENSED. A CHANGE OF OWNERSHIP  
FORM HAS BEEN SUBMITTED FOR THE CLAIM ON THIS RIGHT. THIS CHANGE  
IS FOR A PORTION OF THIS RIGHT - .04 CFS FOR HEATING & DOMESTIC USE  
FOR ONE HOME TO JACK &/OR SHIRLEY PETERSON.

**HARRY, HELEN & LENETTE BURGER, HARRY SHERMAN, JOHN & MARGE TRIBBY  
& GLEN WEGNER**

A65-03238A - WARM SPRING (CLAIMED) & WARM SPRINGS CREEK (DECREED) -  
SEE EXPLANATION OF THIS CLAIM UNDER USTO SCHULZ.

FILINGS FOR HOT SPRINGS & GEOTHERMAL WELLS CONTINUED:

LON & RENEE JARVIS

A65-03238A - WARM SPRING (CLAIMED) & WARM SPRINGS CREEK (DECREED) - SEE EXPLANATION OF THIS CLAIM UNDER USTO SCHULZ.

A65-07770C - HOT WELL - SEE EXPLANATION ABOVE UNDER USTO SCHULZ.

65-13050 - HOT SPRINGS - 2-7-1989 - PERMIT WITH FIELD EXAM SHOWING HEATING AND DOMESTIC USES FOR 2 HOMES WITH ONE SWIMMING POOL IN LOT 3. LICENSE NOT YET ISSUED.

EARL & FAY LIVINGSTON

A65-03238A - WARM SPRING (CLAIMED) & WARM SPRINGS CREEK (DECREED) - SEE EXPLANATION OF THIS CLAIM UNDER USTO SCHULZ.

A65-07770D - 12-18-1976 - LICENSE - HOT WELL FOR .04 CFS FOR HEATING AND .06 CFS FOR DOMESTIC USE FOR 2 HOMES IN LOT 2.

ARNOLD & JB WITHROW

65-07593 - 10-29-1975 - HOT SPRINGS -LICENSE - NO ADJUDICATION CLAIM FILED - ORIGINALLY LICENSED FOR .01 CFS FOR HEATING OF A SWIMMING POOL - LOT 10 - NOT FOR HEATING HOME. PER EXAM THE HOT SPRINGS SUB UP IN THE POOL - DIFF. HOT SPGS THAN OTHER RIGHTS?

A65-07770B - 11-29-1976 - LICENSE - HOT WELL FOR .04 CFS FOR DOMESTIC USE AND .02 CFS FOR HEATING OF 1 HOME IN LOT 10.

WARM SPRINGS CREEK WATER RIGHT FILINGS

GARY L. & D. ANN BUNN

A65-03231B - 6-1-1865 - DECREED - WARM SPRINGS CREEK FOR .14 CFS FOR IRRIGATION OF 6 ACRES.

CASTLE MTN CREEK OWNERS ASSN INC

A65-03238B - 6-1-1883 - DECREED - WARM SPRINGS CREEK FOR .22 CFS FOR IRRIGATION, .04 CFS FOR DOMESTIC & .12 CFS FOR HEATING. A TRANSFER APPLICATION WAS FILED TO CHANGE THE NATURE OF USE TO REPRESENT THE USE AS OF 6-18-1987 TO DOMESTIC FOR 105 LOTS AND .24 CFS AND IRRIGATION OF 7 ACRES FOR .14 CFS PLUS TO ADD A POINT OF DIVERSION. THE TRANSFER ALSO CORRECTS THE SOURCE, PER THE TOPOGRAPHIC MAP, TO SHOW WARM SPRINGS CREEK AND UNNAMED STREAM

WHICH REPRESENTS THE NORTH & SOUTH FORKS OF WARM SPRINGS CREEK ORIGINALLY DECREED. THE ACTUAL SOURCES HAVE NOT CHANGED FROM WHAT WAS ORIGINALLY DECREED, ONLY THE SOURCE NAMES NEEDED CLARIFYING. THE 7 ACRES OF IRRIGATION ALSO COVER THOSE ACRES BEING IRRIGATED BY SOME OF THE INDIVIDUAL LANDOWNERS LISTED AS CLAIMANTS ON THE DUPLICATE CLAIM FILING NO. A65-03238A. THE APPLICATION FOR TRANSFER HAS BEEN PROTESTED.

65-13526 - 6-30-94 - APP. FOR PERMIT (PROTESTED) - WARM SPRINGS CREEK FOR .54 CFS FOR DOMESTIC USE ON 162 LOTS AND 1.04 CFS FOR IRRIGATION OF 52 ACRES. THIS APPLICATION WAS FILED TO COVER THE REMAINING LOTS AND ACRES DEVELOPED AFTER 1987 AND NOT COVERED UNDER A65-03238B.

USTO SCHULZ

A65-03238A - 6-1-1883 - WARM SPRINGS CREEK(DECREED) & WARM SPRINGS(CLAIMED) - SEE EXPLANATION ABOVE UNDER LISTING OF RIGHTS FOR HOT SPRINGS & GEOTHERMAL WELLS.

A65-07562 - 07-09-1975 - DECREED - SOUTH FORK WARM SPRINGS CREEK (SAME SOURCE AS THE UNNAMED STREAM UNDER THE APPLICATION FOR TRANSFER OF 65-03238) FOR .04 CFS FOR DOMESTIC USE FOR 1 HOME (PERMIT ISSUED FOR 1 HOME, HOWEVER LICENSE DOES NOT LIST # OF HOMES). PER THE FIELD EXAM FOR PROOF OF BENEFICIAL USE THIS WATER IS MIXED WITH THE HOT WATER UNDER A65-07540 AND USED TO MEET THE NEEDS OF THE TWO HOUSEHOLDS OWNED BY MR. SCHULZ (HOME & GUESTHOUSE). LICENSE WOULD ONLY COVER 1 HOME PER PERMIT LIMITATION.

ARNOLD & JB WITHROW

A65-07592 - 12-3-1975 - NORTH FORK WARM SPRINGS CREEK - DECREED - (THIS SOURCE IS THE SAME AS WARM SPRINGS CREEK ON THE PROTESTED TRANSFER AND APPLICATION FOR PERMIT). FOR .02 CFS FOR DOMESTIC USE WHICH IS LISTED AS OUTSIDE IRRIGATION FOR 1/2 ACRE OR LESS.

JOHN & MARGE TRIBBY

65-12802 - 6-24-1987 - LICENSE - SOUTH FORK WARM SPRINGS CREEK (SAME SOURCE AS THE UNNAMED STREAM UNDER THE APPLICATION FOR TRANSFER OF 65-03238) FOR .02 CFS FOR IRRIGATION OF .8 ACRES.

NOTE: THE WATER RIGHT FILINGS LISTED ABOVE ARE NOT ALL OF THE FILINGS ON THE HOT SPRINGS/WELLS, WARM SPRINGS CREEK AND UNNAMED STREAM TRIB. TO WARM SPRINGS CREEK. THE RIGHTS LISTED ABOVE ARE THE FILINGS OF PROTESTANTS AND BOTH PARTIES LISTED ON THE DUPLICATE FILINGS FOR 65-03238. THESE ARE THE PARTIES INVOLVED IN THIS DISPUTE, THEREFORE, ONLY THEIR FILINGS ARE LISTED HERE.

Quilt panel

C:\

Carolyn Wynn

375-2011

P 241 820 387

US Postal Service

~~First Class~~ Certified Mail

CAROLYN &/OR CATHERINE GOFF  
DEAN BUZZELL TRUST  
PO BOX 876  
NAMPA ID 83653

RS

PS Form 3800, April 1995

|                                                             |         |
|-------------------------------------------------------------|---------|
| Postage                                                     | \$      |
| Certified Fee                                               |         |
| Special Delivery Fee                                        |         |
| Restricted Delivery Fee                                     |         |
| Return Receipt Showing to Whom & Date Delivered             |         |
| Return Receipt Showing to Whom, Date, & Addressee's Address |         |
| TOTAL Postage & Fees                                        | \$ 7.52 |
| Postmark or Date                                            |         |

Stick postage stamps to article to cover **First-Class postage, certified mail fee, and charges for any selected optional services** (See front)

1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier *(no extra charge)*

2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article

3 If you want a return receipt, write the certified mail number and *your name and address* on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number

4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article

5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811

6 Save this receipt and present it if you make an inquiry

P 241 820 388

US Postal Service

**Receipt for Certified Mail**

GARY L BUNN

HC 76 BOX 2281

GARDEN VALLEY ID 83622

PS Form 3800, April 1995

|                                                             |                |
|-------------------------------------------------------------|----------------|
| Postage                                                     | \$             |
| Certified Fee                                               |                |
| Special Delivery Fee                                        |                |
| Restricted Delivery Fee                                     |                |
| Return Receipt Showing to Whom & Date Delivered             |                |
| Return Receipt Showing to Whom, Date, & Addressee's Address |                |
| <b>TOTAL Postage &amp; Fees</b>                             | <b>\$ 2.52</b> |
| Postmark or Date                                            |                |

**Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front)**

1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge)

2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.

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5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811

6 Save this receipt and present it if you make an inquiry

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered.

65-13526

I also wish to receive the following services (for an extra fee).

1. ☐ Addressee's Address  
2. ☐ Restricted Delivery

Consult postmaster for fee.

**3. Article Addressed to.**

GARY L BUNN  
HC 76 BOX 2281  
GARDEN VALLEY ID 83622

**4a. Article Number**

P 241 820 388

**4b. Service Type**

- ☐ Registered ☒ Certified  
☐ Express Mail ☐ Insured  
☒ Return Receipt for Merchandise ☐ COD

**7. Date of Delivery**

7/8/96

**5. Received By: (Print Name)**

Addressee's Address (Only if requested and fee is paid)

**6. Signature. (Addressee or Agent)**

*Gary L Bunn*

UNITED STATES POSTAL SERVICE

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USPS  
Permit No. G-10

RECEIVED

JUL 09 1996

WATER RESOURCES  
WESTERN REGION

Put your name, address, and ZIP Code in this box •

1996

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY  
BOISE, IDAHO 83705

Is your RETURN ADDRESS completed on the reverse side?

65-13526 + 2238

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee).

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee

**3. Article Addressed to:**

CAROLYN &/OR CATHERINE GOFF  
DEAN BUZZELL TRUST  
PO BOX 876  
NAMPA ID 83653

**4a. Article Number**

P 241 820 387

**4b. Service Type**

- |                                                                    |                                               |
|--------------------------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Registered                                | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                              | <input type="checkbox"/> Insured              |
| <input checked="" type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD                  |

**7. Date of Delivery**

JUL - 8 1996

**5. Received By: (Print Name)**

M J Bryce

**6. Signature. (Addressee or Agent)**

X

**8. Addressee's Address (Only if requested and fee is paid)**

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First Class Mail  
Postage & Fees Paid  
USPS  
Permit No G-10

**RECEIVED**

**JUL 09 1996**

**WATER RESOURCES  
WESTERN REGION**

**DEPARTMENT OF WATER RESOURCES  
2735 AIRPORT WAY  
BOISE, IDAHO 83706**

P 241 820 379

US Postal Service

**Receipt for Certified Mail**

CAROLYN &/OR CATHERINE GOFF

DEAN BUZZELL TRUST

PO BOX 876

NAMPA ID 83653

|                                                             |           |
|-------------------------------------------------------------|-----------|
| Postage                                                     | \$        |
| Certified Fee                                               |           |
| Special Delivery Fee                                        |           |
| Restricted Delivery Fee                                     |           |
| Return Receipt Showing to Whom & Date Delivered             |           |
| Return Receipt Showing to Whom, Date, & Addressee's Address |           |
| <b>TOTAL Postage &amp; Fees</b>                             | <b>\$</b> |

Postmark or Date

PS Form 3800, April 1995

**Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front)**

**1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (*no extra charge*)**

**2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article**

**3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number**

**4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article**

**5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.**

**6. Save this receipt and present it if you make an inquiry**

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee)

1. ☐ Addressee's Address  
 2. ☐ Restricted Delivery

Consult postmaster for fee

## 3. Article Addressed to:

GARY L BUNN  
 HC 76 BOX 2281  
 GARDEN VALLEY ID 83622

## 4a. Article Number

P241 820 378

## 4b. Service Type

- ☐ Registered ☒ Certified  
☐ Express Mail ☐ Insured  
☐ Return Receipt for Merchandise ☐ COD

## 7. Date of Delivery

6-10-96 Del

## 5. Received By: (Print Name)

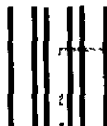
GARY L. BUNN

## 6 Signature: (Addressee or Agent)

X 

## 8 Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No G-10

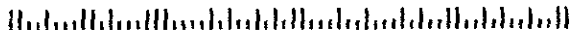
**RECEIVED**

**JUN 11 1996**

**WATER RESOURCES  
WESTERN REGION**

**DEPARTMENT OF WATER RESOURCES**

**2735 AIRPORT WAY  
BOISE, IDAHO 83705**



**SENDER:**

- Complete items 1 and/or 2 for additional services
- Complete items 3, 4a, and 4b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address  
 2. ☐ Restricted Delivery

Consult postmaster for fee.

**3. Article Addressed to:**

CAROLYN &/OR CATHERINE GOFF  
 DEAN BUZZELL TRUST  
 PO BOX 876  
 NAMPA ID 83653

**4a. Article Number****4b. Service Type**

- ☐ Registered ☐ Certified  
☐ Express Mail ☐ Insured  
☐ Return Receipt for Merchandise ☐ COD

**7. Date of Delivery**

JUN 10 1994

**5. Received By: (Print Name)****8. Addressee's Address (Only if requested and fee is paid)****6. Signature: (Addressee or Agent)**

X M J Bryce

UNITED STATES POSTAL SERVICE



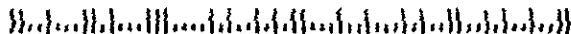
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

**RECEIVED**  
**JUN 11 1996**

Put your name, address, and ZIP Code in this box •

WATER RESOURCES  
WESTERN REGION

DEPARTMENT OF WATER RESOURCES  
2735 AIRPORT WAY  
BOISE, IDAHO 83705



P 241 820 378

US Postal Service

**Receipt for Certified Mail**

GARY L BUNN

HC 76 BOX 2281

GARDEN VALLEY ID 83622

|                                                             |           |
|-------------------------------------------------------------|-----------|
| Postage                                                     | \$        |
| Certified Fee                                               |           |
| Special Delivery Fee                                        |           |
| Restricted Delivery Fee                                     |           |
| Return Receipt Showing to Whom & Date Delivered             |           |
| Return Receipt Showing to Whom, Date, & Addressee's Address |           |
| <b>TOTAL Postage &amp; Fees</b>                             | <b>\$</b> |

Postmark or Date

PS Form 3800, April 1995

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front)

1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge)

2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article

3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits Otherwise, affix to back of article Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number

4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article

5 Enter fees for the services requested in the appropriate spaces on the front of this receipt If return receipt is requested, check the applicable blocks in item 1 of Form 3811

6 Save this receipt and present it if you make an inquiry

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

67-12526

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

**3. Article Addressed to:**

CASTLE MOUNTAIN CREEK OWNER:  
ASSN INC  
HC 76 BOX 4001  
GARDEN VALLEY ID 83622

**4a. Article Number**

P 478 660 833

**4b. Service Type**

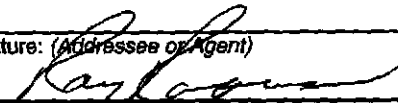
- |                                                                    |                                               |
|--------------------------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Registered                                | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                              | <input type="checkbox"/> Insured              |
| <input checked="" type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD                  |

**7. Date of Delivery**

3M 5/9/96

**5. Received By: (Print Name)****8. Addressee's Address (Only if requested and fee is paid)****6. Signature: (Addressee or Agent)**

X



UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

**RECEIVED**

**MAY 10 1996**

**WATER RESOURCES  
WESTERN REGION**

**DEPARTMENT OF WATER RESOURCES**

**2735 AIRPORT WAY  
BOISE, IDAHO 83705**

**SENDER:**

- Complete items 1 and/or 2 for additional services
- Complete items 3, 4a, and 4b
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered.

62-15326

I also wish to receive the following services (for an extra fee):

- 1 ☐ Addressee's Address
- 2 ☐ Restricted Delivery

Consult postmaster for fee.

**3. Article Addressed to.**

GARY L BUNN  
HC 76 BOX 2281  
GARDEN VALLEY ID 83622

**4a. Article Number**

P 478 660 832

**4b. Service Type**

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☒ Return Receipt for Merchandise ☐ COD

**7. Date of Delivery**

207 5/8/96

**5. Received By (Print Name)****6. Signature (Addressee or Agent)**

X 

**8. Addressee's Address (Only if requested and fee is paid)**

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

**RECEIVED**

**MAY 10 1996**

**WATER RESOURCES  
WESTERN REGION**

Print your name, address, and ZIP Code in this box •

**DEPARTMENT OF WATER RESOURCES  
2735 AIRPORT WAY  
BOISE, IDAHO 83705**

62-132-6

**SENDER:**

- Complete items 1 and/or 2 for additional services
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

**3. Article Addressed to.**

ARNOLD &/OR J B WITHROW  
HC 76 BOX 4053  
GARDEN VALLEY ID 83622

**4a. Article Number**

P 478 660 831

**4b. Service Type**

- |                                                                    |                                               |
|--------------------------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Registered                                | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                              | <input type="checkbox"/> Insured              |
| <input checked="" type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD                  |

**7. Date of Delivery**

gm 5/23/96

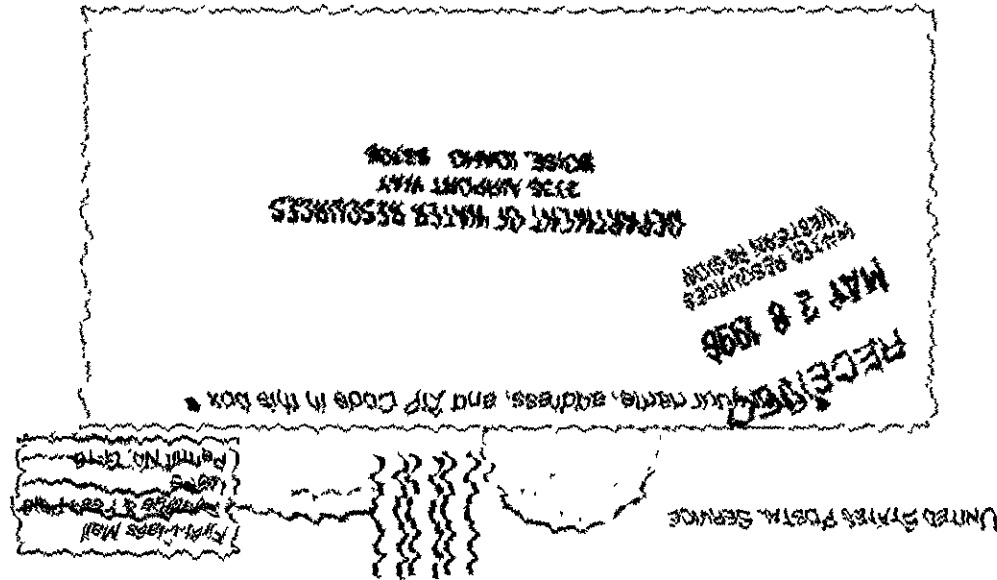
**5. Received By. (Print Name)**

8. Addressee's Address (Only if requested and fee is paid)

**6. Signature: (Addressee or Agent)**

X

*J B Withrow*



62-15526

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee

**3. Article Addressed to**

USTO SCHULTZ  
HC 76 BOX 4048  
GARDEN VALLEY ID 83622

**4a. Article Number**

P 478 660 830

**4b. Service Type**

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☒ Return Receipt for Merchandise ☐ COD

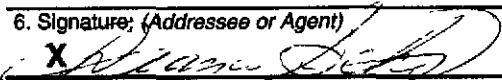
**7. Date of Delivery**

5/8/96 gm

**5. Received By: (Print Name)**

**8. Addressee's Address (Only if requested and fee is paid)**

**6. Signature: (Addressee or Agent)**

X 

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES  
2735 AIRPORT WAY  
BOISE, IDAHO 83706

RECEIVED

MAY 09 1996

WATER RESOURCES  
WESTERN REGION

**SENDER:**

- Complete items 1 and/or 2 for additional services
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

65-13526

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address2. ☐ Restricted Delivery

Consult postmaster for fee.

## 3. Article Addressed to:

CAROLYN &/OR CATHERINE GOFF  
DEAN BUZZELL TRUST  
PO BOX 876  
NANPA ID 83653

## 4a. Article Number

z 111 981 140

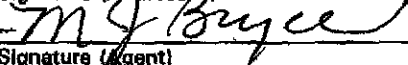
## 4b. Service Type

- |                                               |                                                         |
|-----------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Registered           | <input type="checkbox"/> Insured                        |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD                            |
| <input type="checkbox"/> Express Mail         | <input type="checkbox"/> Return Receipt for Merchandise |

## 7. Date of Delivery

5-9

## 5. Signature (Addressee)



## 6. Signature (Agent)

## 8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE



Official Business

RECEIVED

MAY 10 1996

WATER RESOURCES  
WESTERN REGION

PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE, \$300



Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES  
2735 AIRPORT WAY  
BOISE, IDAHO 83705



P 478 660 832

US Postal Service

**Receipt for Certified Mail**

GARY L BUNN

HC 76 BOX 2281

GARDEN VALLEY ID 83622

|                                                             |           |
|-------------------------------------------------------------|-----------|
| Postage                                                     | \$        |
| Certified Fee                                               |           |
| Special Delivery Fee                                        |           |
| Restricted Delivery Fee                                     |           |
| Return Receipt Showing to Whom & Date Delivered             |           |
| Return Receipt Showing to Whom, Date, & Addressee's Address |           |
| <b>TOTAL Postage &amp; Fees</b>                             | <b>\$</b> |
| Postmark or Date                                            |           |

PS Form 3800, April 1995

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).

1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge).

2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article

3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number

4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811

6 Save this receipt and present it if you make an inquiry

P 478 660 831

US Postal Service

# Receipt for Certified Mail

ARNOLD &/OR J B WITHROW

HC 76 BOX 4053

GARDEN VALLEY ID 83622

|                                                            |                |
|------------------------------------------------------------|----------------|
| Postage                                                    | \$             |
| Certified Fee                                              |                |
| Special Delivery Fee                                       |                |
| Restricted Delivery Fee                                    |                |
| Return Receipt Showing to Whom & Date Delivered            |                |
| Return Receipt Showing to Whom Date, & Addressee's Address |                |
| <b>TOTAL Postage &amp; Fees</b>                            | <b>\$ 2.52</b> |

Postmark or Date

**Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front)**

- 1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge)
- 2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article
- 3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number
- 4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article
- 5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811
- 6 Save this receipt and present it if you make an inquiry

P 311 571 954



**Receipt for  
Certified Mail**

No Insurance Coverage Provided

**GARY L BUNN  
HC 76 BOX 2281  
GARDEN VALLEY ID 83622**

|                                                                 |    |
|-----------------------------------------------------------------|----|
| Postage                                                         | \$ |
| Certified Fee                                                   |    |
| Special Delivery Fee                                            |    |
| Restricted Delivery Fee                                         |    |
| Return Receipt Showing<br>to Whom & Date Delivered              |    |
| Return Receipt Showing to Whom<br>Date, and Addressee's Address |    |
| TOTAL Postage<br>& Fees                                         | \$ |

Postmark or Date

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

- 1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge)
- 2 If you do not want this receipt postmarked stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt and mail the article
- 3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number
- 4 If you want delivery restricted to the addressee or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article
- 5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811
- 6 Save this receipt and present it if you make inquiry

U.S. GPO 1991-302 916

P 053 428 418



**Receipt for  
Certified Mail**

No Insurance Coverage Provided

**ARNOLD &/OR J B WITHROW  
HC 76 BOX 4053  
GARDEN VALLEY ID 83622**

|                                                                 |    |
|-----------------------------------------------------------------|----|
| Postage                                                         | \$ |
| Certified Fee                                                   |    |
| Special Delivery Fee                                            |    |
| Restricted Delivery Fee                                         |    |
| Return Receipt Showing<br>to Whom & Date Delivered              |    |
| Return Receipt Showing to Whom,<br>Date and Addressee's Address |    |
| TOTAL Postage<br>& Fees                                         | \$ |

Postmark or Date

PS Form 3800, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

- 1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge)
- 2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article
- 3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number
- 4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article
- 5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811
6. Save this receipt and present it if you make inquiry

P 311 571 953



# **Receipt for Certified Mail**

No Insurance Coverage Provided

**CASTLE MOUNTAIN CREEK OWNERS  
ASSN INC  
HC 76 BOX 4001  
GARDEN VALLEY ID 83622**

|                                                                 |    |
|-----------------------------------------------------------------|----|
| Postage                                                         | \$ |
| Certified Fee                                                   |    |
| Special Delivery Fee                                            |    |
| Restricted Delivery Fee                                         |    |
| Return Receipt Showing<br>to Whom & Date Delivered              |    |
| Return Receipt Showing to Whom<br>Date, and Addressee's Address |    |
| TOTAL Postage<br>& Fees                                         | \$ |

Postmark or Date

PS Form 3800, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).

2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, detach and retain the receipt, and mail the article

3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number

4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article

5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811

6 Save this receipt and present it if you make inquiry

U S GPO 1991-302-916

65-13526

**SENDER:** Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

GARY L. RUNN  
HC 76 BOX 2281  
GARDEN VALLEY ID 83622

4. Article Number

P 311 571 954

Type of Service:

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail; ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature - Address

X

6. Signature - Agent

X

7. Date of Delivery

12-27-94 *del*

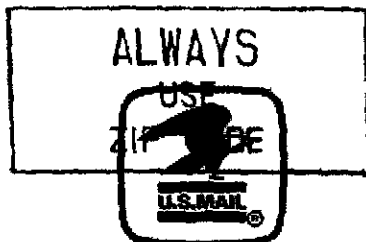
8. Addressee's Address (ONLY if requested and fee paid)

**UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS**

**SENDER INSTRUCTIONS**

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



**PENALTY FOR PRIVATE  
USE, \$300**

**RETURN  
TO**

Print Sender's name, address, and ZIP Code in the space below.

**RECEIVED**

**DEC 28 1994**

**WATER RESOURCE:  
WESTERN REGION**

**DEPARTMENT OF WATER RESOURCES**

**2735 AIRPORT WAY**

**BOISE, IDAHO 83705**

65-13526

Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:  
  
CASTLE MOUNTAIN CREEK OWNERS  
ASSN INC  
HC 76 BOX 4001  
GARDEN VALLEY ID 83622

4. Article Number  
P 311 571 953

Type of Service:  
☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee  
X *Ray Rogers*

6. Signature - Agent  
X

8. Addressee's Address (ONLY if requested and fee paid)

7. Date of Delivery  
12-28-94 *[Signature]*

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS



**SENDER INSTRUCTIONS**

Print your name, address and ZIP Code  
in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE  
USE, \$300

RETURN  
TO



Print Sender's name, address, and ZIP Code in the space below.

RECEIVED

DEC 29 1994

WATER RESO  
WESTERN RE...

DEPARTMENT OF WATER RESOURCES  
2735 AIRPORT WAY  
BOISE, IDAHO 83705

**GARDEN:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt (as will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

ARNOLD E/OR J B WITHROW  
HC 76 BOX 4053  
GARDEN VALLEY ID 83622

*[Handwritten signature]*

B. Signature - Addressee

B. Signature - Agent

C. Date of Delivery

SEP 18-30-94

PS Form 3817, Mar. 1988 \* U.S.G.P.O. 1988-212-865

4. Article Number

053 428 418

Type of Service:

☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

B. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT

65-15526

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

**SENDER INSTRUCTIONS**

- Print your name, address and ZIP Code in the space below.
- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits; otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**RETURN TO**

**RECEIVED**

**JAN 03 1995**

**WATER RESOURCES  
WESTERN REGION**

**DEPARTMENT OF WATER RESOURCES**

**2735 AIRPORT WAY**

**BOISE, IDAHO 83705**

**83705**

Print Sender's name, address, and ZIP Code in the space below.

**PENALTY FOR PRIVATE  
USE, \$300**



**ZIP CODE**

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

|                                           |   |                                 |
|-------------------------------------------|---|---------------------------------|
| <b>IN THE MATTER OF APPLICATION FOR</b>   | ) |                                 |
|                                           | ) |                                 |
| <b>PERMIT NO. 65-13526 IN THE NAME</b>    | ) | <b>ORDER DISMISSING PROTEST</b> |
|                                           | ) |                                 |
| <b>CASTLE MOUNTAIN CREEK OWNERS</b>       | ) |                                 |
|                                           | ) |                                 |
| <b>ASSOCIATION.</b>                       | ) |                                 |
| <hr style="width: 50%; margin-left: 0;"/> |   |                                 |

Application for water right no. 65-13526 was filed by Castle Mountain Creek Owners Association. The application was protested by Arnold &/or J. B. Withrow (Withrow), and Gary L. Bunn.

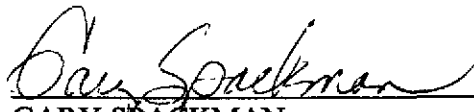
A prehearing conference was conducted for the protest on November 12, 1998.

On January 5, 1999, the Idaho Department of Water Resources (IDWR) mailed a letter to Withrows and Bunn, asking them to show cause why they did not appear at the prehearing conference. The letter stated that if cause for failure to appear was not shown within thirty (30) days, IDWR would dismiss the protest. Withrows and Bunn did not respond to the letter

**ORDER**

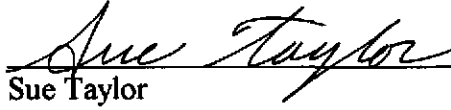
IT IS HEREBY ORDERED, that the protests filed by Arnold &/or J. B Withrow and Gary L. Bunn are DISMISSED.

Dated this 30<sup>th</sup> day of June, 1999.

  
\_\_\_\_\_  
GARY SPACKMAN  
Western Regional Manager

## CERTIFICATE OF MAILING

I hereby certify that on the 1<sup>st</sup> day of ~~June~~ *July*, 1999, I mailed a true and correct copy, postage prepaid, of this document to the applicants and protestants listed below.

  
Sue Taylor  
Senior Secretary

CASTLE MTN CREEK OWNERS  
HC 76 BOX 4001  
GARDEN VALLEY ID 83622

CATHERINE GOFF  
6536 MELBA RD  
MELBA ID 83641

ARNOLD &/OR J B WITHROW  
HC 76 BOX 4053  
GARDEN VALLEY ID 83622

BOHNER CHASAN & WALTON  
PO BOX 1069  
BOISE ID 83701

GARY L BUNN  
HC 76 BOX 2281  
GARDEN VALLEY ID 83622

USTO SCHULTZ  
3845 SEA ISLAND CT  
MERIDIAN ID 83642

CAROLYN &/OR CATHERINE GOFF  
DEAN BUZZELL TRUST  
PO BOX 876  
NAMPA ID 83653

SHERL CHAPMAN  
410 S ORCHARD STE 144  
BOISE ID 83705

## ROSTER OF ATTENDANCE

### IDAHO DEPARTMENT OF WATER RESOURCES 2735 AIRPORT WAY, BOISE, IDAHO 83705

**Re:** Application for Permit No. 65-13526 and Transfer of Water Right No. 65-03238 in  
the Name of Castle Mountain Creek Owners Assn Inc.

**Place:** IDWR, 1301 N. Orchard, Boise, Idaho 83706

**Date:** November 12, 1998

**Conducted by:** Gary Spackman

**NAME**

**ADDRESS**

|                |                                             |
|----------------|---------------------------------------------|
| Catherine Goff | 6536 Melba Rd Melba 83641                   |
| Carolyn Goff   | 6530 Melba Rd Melba, ID 83641               |
| David Shaw     | 2309 N. Lake View, Ste 174, Boise, ID 83706 |
| Rob Spofford   | 4735 JENNIFER ST. BOISE, ID 83704           |

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

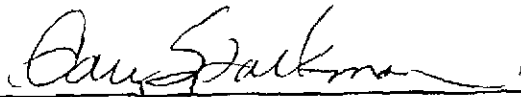
**IN THE MATTER OF APPLICATION )**  
**FOR PERMIT NO. 65-13526 AND )**  
**APPLICATION FOR TRANSFER OF ) AMENDED NOTICE OF CONFERENCE**  
**PERMIT NO. 65-03238 IN THE NAME )**  
**OF CASTLE MOUNTAIN CREEK )**  
**OWNERS ASSOCIATION, INC. )**

---

Pursuant to a request by the applicant, the conference for the above-referenced matter is hereby changed from Wednesday, November 4, 1998 at 10:00 a.m. to Thursday, **November 12, 1998, at 10:00 a.m.** The location of the conference remains the same at the Idaho Department of Water Resources, upstairs conference room C, 1301 N. Orchard, Boise, Idaho. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

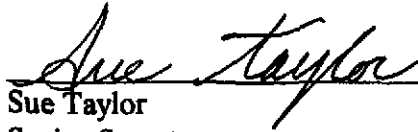
The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 1<sup>st</sup> day of October, 1998

  
\_\_\_\_\_  
Gary Spackman

**CERTIFICATE OF MAILING**

I hereby certify that on the 1<sup>st</sup> day of October 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

  
Sue Taylor  
Senior Secretary

CASTLE MTN CREEK OWNERS ASSN  
HC 76 BOX 4001  
GARDEN VALLEY ID 83622

USTO SCHULTZ  
3845 SEA ISLAND CT  
MERIDIAN ID 83622

GARY L BUNN  
HC 76 BOX 2281  
GARDEN VALLEY ID 83622

BOHNER CHASAN & WALTON  
PO BOX 1069  
BOISE ID 83701

ARNOLD &/OR J B WITHROW  
HC 76 BOX 4053  
GARDEN VALLEY ID 83622

CATHERINE GOFF  
6536 MELBA RD  
MELBA ID 83641

CAROLYN &/OR CATHERINE GOFF  
DEAN BUZZELL TRUST  
PO BOX 876  
NAMPA ID 83653

SHERL CHAPMAN  
410 S ORCHARD STE 144  
BOISE ID 83705

DAVE SHAW  
2309 N MTN VIEW DR STE 174  
BOISE ID 83706

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

**IN THE MATTER OF APPLICATION )**  
**FOR PERMIT NO. 65-13526 AND )**  
**APPLICATION FOR TRANSFER OF )**  
**WATER RIGHT NO. 65-03238 IN THE )**  
**NAME OF CASTLE MOUNTAIN )**  
**CREEK OWNERS ASSN. )**  

---

**NOTICE OF PREHEARING  
CONFERENCE**

On June 30, 1994, Castle Mountain Creek Owners Assn Inc filed with the Department of Water Resources (department) an application for permit to appropriate the public waters of the State of Idaho, and an application for transfer of a water right. The application for permit was protested by Gary L. Bunn and Arnold &/or J.B. Withrow. The application for transfer was protested by Carolyn &/or Catherine Goff and Usto Schultz.

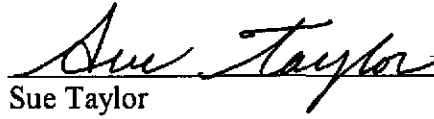
The department has scheduled a conference for the protest to be held on Wednesday, November 4, 1998, at 10.00 a.m. at the Department of Water Resources, upstairs conference room C., 1301 N. Orchard, Boise ID 83706. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

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

Dated this 22<sup>nd</sup> day of September 1998

  
\_\_\_\_\_  
Gary Spackman

I hereby certify that on the 23<sup>rd</sup> day of September 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

  
Sue Taylor  
Senior Secretary

GARY L BUNN  
HC 76 BOX 2281  
GARDEN VALLEY ID 83622

CATHERINE GOFF  
6536 MELBA RD  
MELBA ID 83641

ARNOLD &/OR J B WITHROW  
HC 76 BOX 4053  
GARDEN VALLEY ID 83622

CASTLE MTN CREEK OWNERS  
HC 76 BOX 4001  
GARDEN VALLEY ID 83622

CAROLYN &/OR CATHERINE GOFF  
DEAN BUZZELL TRUST  
PO BOX 876  
NAMPA ID 83653

DAVE SHAW  
2309 N MTN VIEW DR STE 174  
BOISE ID 83706

USTO SCHULTZ  
HC 76 BOX 4048  
GARDEN VALLEY ID 83622

SHERL CHAPMAN  
410 S ORCHARD STE 144  
BOISE ID 83705

BOHNER CHASAN & WALTON  
PO BOX 1069  
BOISE ID 83701

## **CONFERENCE AND HEARING PROCEDURE**

### **APPLICATION FOR PERMIT**

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

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

### **BURDEN OF PROOF**

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

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

### **PROCEDURE**

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

## **CONFERENCE**

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

## **HEARING**

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

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

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

## **EXHIBITS**

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

## **AMERICANS WITH DISABILITIES ACT**

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

## **CONFERENCE AND HEARING PROCEDURE**

### **APPLICATION FOR TRANSFER**

Section 42-222, Idaho Code, requires the department to consider the following issues in connection with an application for transfer:

- 1) Will the proposed appropriation injure other water rights?
- 2) Will the proposed transfer constitute an enlargement in use of the original right?
- 3) Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
- 4) Is the proposed use contrary to conservation of water resources within the state of Idaho?

#### **BURDEN OF PROOF**

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

The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

#### **PROCEDURE**

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

#### **CONFERENCE**

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate

and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

## **HEARING**

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

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

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

## **EXHIBITS**

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

## **AMERICANS WITH DISABILITIES ACT**

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

GARY L BUNN  
HC 76 BOX 2281  
GARDEN VALLEY ID 83622

ARNOLD &/OR J B WITHROW  
HC 76 BOX 4053  
GARDEN VALLEY ID 83622

CAROLYN &/OR CATHERINE  
GOFF  
DEAN BUZZELL TRUST  
PO BOX 876  
NAMPA ID 83653  
CATHERINE GOFF  
6536 MELBA RD  
MELBA ID 83641

USTO SCHULTZ  
HC 76 BOX 4048  
GARDEN VALLEY ID 83622

BOHNER CHASAN & WALTON  
PO BOX 1069  
BOISE ID 83701

CASTLE MTN CREEK OWNERS  
HC 76 BOX 4001  
GARDEN VALLEY ID 83622

DAVE SHAW  
2309 N MTN VIEW DR STE 174  
BOISE ID 83706

*Sheri Chapman*

FROM

DATE

TO

SUBJECT

lllllll  
Catherine Gott  
6536 Melba Rd.  
Melba Id. 83641

Friday Afternoon

SIGNATURE

*disc.*  
CASTLE MTN CREEK OWNERS ASSN  
INC  
HC 76 BOX 4001  
GARDEN VALLEY ID 83622  
462-3765

*left msg*  
GARY L BUNN  
HC 76 BOX 2281  
GARDEN VALLEY ID 83622  
462-3808

*ok*  
ARNOLD &/OR J B WITHROW  
HC 76 BOX 4053  
GARDEN VALLEY ID 83622  
462-3627

CAROLYN &/OR CATHERINE GOFF  
DEAN BUZZELL TRUST  
PO BOX 876  
NAMPA ID 83653

USTO SCHULTZ  
HC 76 BOX 4048  
GARDEN VALLEY ID 83622  
462-3696  
*disconnected*

BOHNER CHASAN & WALTON  
PO BOX 1069  
BOISE ID 83701  
345-3760

CATHERINE GOFF  
6536 MELBA RD  
MELBA ID 83641

*Sheryl - Karen inner call*

*Karen*

495-2350

*Sheryl  
week of 19<sup>th</sup> of January  
water heater miss  
not 26<sup>th</sup>*

*30<sup>th</sup>*

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

|                                          |                                   |
|------------------------------------------|-----------------------------------|
| <b>IN THE MATTER OF APPLICATION )</b>    |                                   |
| <b>FOR PERMIT NO. 65-13526 AND )</b>     | <b>ORDER CONTINUING</b>           |
| <b>APPLICATION FOR TRANSFER OF )</b>     | <b>PRE-HEARING CONFERENCE AND</b> |
| <b>WATER RIGHT NO. 65-03238 IN THE )</b> | <b>INTERRUPTING APPLICATION</b>   |
| <b>NAME OF CASTLE MOUNTAIN )</b>         | <b>PROCESSING</b>                 |
| <b>CREEK OWNERS ASSOC., INC. )</b>       |                                   |
| <b>)</b>                                 |                                   |

---

On January 12, 1998, the Idaho Department of Water Resources (IDWR) received a request from the Castle Mountain Creek Owners Assoc., Inc. to continue a pre-hearing conference scheduled for January 30, 1998. The letter will be considered a request to interrupt processing of a application as described in Rule 40.d (IDAPA 37.03.08.040.d) of the Water Appropriation Rules which states:

An applicant may request in writing . . . that further processing be interrupted for a period not to exceed six (6) months. The director at his discretion may approve the request unless he determines that others will be injured by the delay or that the applicant seeks the delay for the purpose of speculation, or that the public interest of the people of Idaho will not be served by the delay.

A delay in processing is generally a disadvantage to an applicant. The delay prevents the applicant from using water as proposed. When the use proposed by an application has already been developed, however, the delay may provide a windfall to the applicant because he may attempt to use water without a water right. The use of the water may injure other water users or adversely affect the protestants.

In this case, there is some indication that the use of water by Castle Mountain Creek Owners Assoc., Inc. is already in place. A delay could adversely affect the protestants. Nonetheless, if the applicant can acquire water rights to resolve the protests, a delay may benefit all of the parties.

ORDER

IT IS HEREBY ORDERED that the pre-hearing conference scheduled for January 30, 1998, is CONTINUED.

IT IS FURTHER ORDERED that the processing of application for permit no. 65-13526 and application for transfer of water right no. 65-03238 is interrupted for a period of six (6) months.

IT IS FURTHER ORDERED that another pre-hearing conference will be scheduled for approximately July of 1998.

IT IS FURTHER ORDERED that IDWR will entertain any petition by protestants or other interested parties to seek curtailment of uses of water by Castle Mountain Creek Owners Assoc., Inc. in excess of or inconsistent with water rights authorizing water diversion and use by Castle Mountain Creek Owners Assoc., Inc.

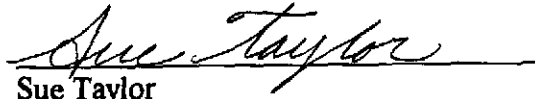
Dated this 21<sup>st</sup> of January, 1998.

  
Gary Spackman

GS:st

CERTIFICATE OF MAILING

I hereby certify that on the 22<sup>nd</sup> day of January, 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

  
Sue Taylor  
Senior Secretary

CASTLE MTN CREEK OWNERS ASSN  
HC 76 BOX 4001  
GARDEN VALLEY ID 83622

USTO SCHULTZ  
HC 76 BOX 4048  
GARDEN VALLEY ID 83622

GARY L BUNN  
HC 76 BOX 2281  
GARDEN VALLEY ID 83622

BOHNER CHASAN & WALTON  
PO BOX 1069  
BOISE ID 83701

ARNOLD &/OR J B WITHROW  
HC 76 BOX 4053  
GARDEN VALLEY ID 83622

CATHERINE GOFF  
6536 MELBA RD  
MELBA ID 83641

CAROLYN &/OR CATHERINE GOFF  
DEAN BUZZELL TRUST  
PO BOX 876  
NAMPA ID 83653

January 9, 1998

Mr. Gary Spackman  
Regional Manager  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082

Re: Castle Mountain Creek Owners Association, Inc.  
Applications for Permit 65-13526 and for Transfer 65-03238

Dear Mr. Spackman:

I am writing on behalf of the Castle Mountain Creek Owners Association, Inc. seeking a continuance of the conference scheduled for January 30, 1998 regarding the above referenced applications.

The Association has tentative commitments from potential sellers of other water rights which the Association is seeking to purchase to augment the water supply for the Castle Mountain Creek development. Additional transfers of water rights will be necessary as a part of the water right purchases. The Association may also find it desirable to amend the applications currently before the Department to best utilize the water rights available to it after the purchase and to minimize the concerns of other water users. The Association anticipates written confirmation of the tentative purchases by the end of January with applications to the Department to follow shortly thereafter.

The Association seeks a continuance of the present conference to allow the purchase to be developed and to allow the review of its existing applications. If the continuance is granted I will keep you apprised of the progress being made by the Association toward the purchase of additional water and the time by which additional and/or amended applications are expected to be filed.

Mr. Gary Spackman  
January 9, 1998  
Page 2

Please call if you have questions. Thank you for your consideration of this request.

Yours truly,



David B. Shaw

cc: Castle Mountain Creek Owners Assn  
Gary L. Bunn  
Arnold &/or J B Withrow  
Carolyn &/or Catherine Goff  
Usto Schultz  
Bohner Chasan & Walton

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

|                                     |   |                             |
|-------------------------------------|---|-----------------------------|
| <b>IN THE MATTER OF APPLICATION</b> | ) |                             |
| <b>FOR PERMIT NO. 65-13526 AND</b>  | ) |                             |
| <b>APPLICATION FOR TRANSFER OF</b>  | ) | <b>NOTICE OF CONFERENCE</b> |
| <b>IT NO. 65-03238 IN THE NAME</b>  | ) |                             |
| <b>OF CASTLE MOUNTAIN CREEK</b>     | ) |                             |
| <b>OWNERS ASSOCIATION, INC.</b>     | ) |                             |
| _____                               | ) |                             |

The conference for the above-referenced matter is hereby set for January 30, 1997, at 1.30 p.m. at the Department of Environmental Quality, conference room D, 1410 N Hilton, Boise, Idaho. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources

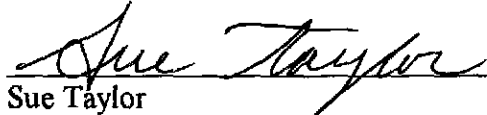
The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 19<sup>th</sup> day of December, 1997

  
\_\_\_\_\_  
Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 22<sup>nd</sup> day of December, 1997, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed.



Sue Taylor  
Senior Secretary

CASTLE MTN CREEK OWNERS ASSN  
HC 76 BOX 4001  
GARDEN VALLEY ID 83622

GARY L BUNN  
HC 76 BOX 2281  
GARDEN VALLEY ID 83622

ARNOLD &/OR J B WITHROW  
HC 76 BOX 4053  
GARDEN VALLEY ID 83622

CAROLYN &/OR CATHERINE GOFF  
DEAN BUZZELL TRUST  
PO BOX 876  
NAMPA ID 83653

USTO SCHULTZ  
HC 76 BOX 4048  
GARDEN VALLEY ID 83622

BOHNER CHASAN & WALTON  
PO BOX 1069  
BOISE ID 83701

RECEIVED

DEC 02 1997

WATER RESOURCES  
WESTERN REGION

November 29, 1997

Mr. Gary Spackman  
Idaho Dept. of Water Resources  
Western Region  
2755 Airport Way  
Boise, ID 83705-5082

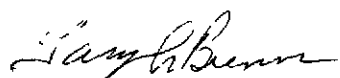
Dear Mr. Spackman:

This letter is to let you know that I will not be able to attend the conference on December 5, 1997 on Permit No. 65-13526 Castle Mountain Creeks Owners Association.

On January 13, 1995 conference, it was agreed that Castle Mountain Creeks Owners Association would work with the Water Resources to establish a water users association for Warm Springs Creek for the protection of existing water permit holders. I still agree to this arrangement.

Thank you.

Sincerely,



Gary L. Bunn  
389 Middlefork Rd.  
Garden Valley, ID 83622

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

|                                     |   |                        |
|-------------------------------------|---|------------------------|
| IN THE MATTER OF APPLICATION        | ) |                        |
| FOR PERMIT NO. 65-13526 AND         | ) |                        |
| APPLICATION FOR TRANSFER OF PERMIT) | ) | NOTICE OF CANCELLATION |
| WATER RIGHT NO. 65-03238 IN THE     | ) | OF CONFERENCE          |
| NAME OF CASTLE MOUNTAIN CREEK       | ) |                        |
| <u>ASSOCIATION, INC.</u>            | ) |                        |

Pursuant to a request by the applicant the conference scheduled for December 5, 1997, in the above-referenced matter is hereby continued until January 30, 1997. You will be notified of the place and time at a later date.

  
Gary Spackman

I hereby certify that on the 3<sup>rd</sup> day of December, 1997, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

  
Sue Taylor  
Senior Secretary

CASTLE MTN CREEK OWNERS ASSN  
HC 76 BOX 4001  
GARDEN VALLEY ID 83622

GARY L BUNN  
HC 76 BOX 2281  
GARDEN VALLEY ID 83622

ARNOLD &/OR J B WITHROW  
HC 76 BOX 4053  
GARDEN VALLEY ID 83622

CAROLYN &/OR CATHERINE GOFF  
DEAN BUZZELL TRUST  
PO BOX 876  
NAMPA ID 83653

USTO SCHULTZ  
HC 76 BOX 4048  
GARDEN VALLEY ID 83622

BOHNER CHASAN & WALTON  
PO BOX 1069  
BOISE ID 83701

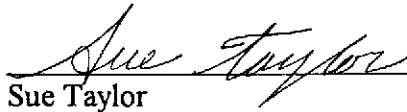
**IN THE MATTER OF APPLICATION )  
FOR PERMIT NO. 65-13526 AND )  
APPLICATION FOR TRANSFER OF ) AMENDED NOTICE OF CONFERENCE  
PERMIT NO. 65-03238 IN THE NAME )  
OF CASTLE MOUNTAIN CREEK )  
OWNERS ASSOCIATION, INC. )  
\_\_\_\_\_ )**

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

## Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 14<sup>th</sup> day of November, 1997, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed.



Sue Taylor  
Senior Secretary

CASTLE MTN CREEK OWNERS ASSN  
HC 76 BOX 4001  
GARDEN VALLEY ID 83622

USTO SCHULTZ  
HC 76 BOX 4048  
GARDEN VALLEY ID 83622

GARY L BUNN  
HC 76 BOX 2281  
GARDEN VALLEY ID 83622

BOHNER CHASAN & WALTON  
PO BOX 1069  
BOISE ID 83701

ARNOLD &/OR J B WITHROW  
HC 76 BOX 4053  
GARDEN VALLEY ID 83622

CATHERINE GOFF  
6536 MELBA RD  
MELBA ID 83641

CAROLYN &/OR CATHERINE GOFF  
DEAN BUZZELL TRUST  
PO BOX 876  
NAMPA ID 83653

## **CONFERENCE AND HEARING PROCEDURE**

### **APPLICATION FOR PERMIT**

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

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

### **BURDEN OF PROOF**

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

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

### **PROCEDURE**

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

## **CONFERENCE**

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

## **HEARING**

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

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

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

## **EXHIBITS**

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

## **AMERICANS WITH DISABILITIES ACT**

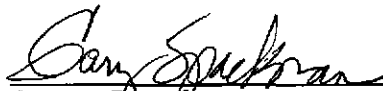
The hearing will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

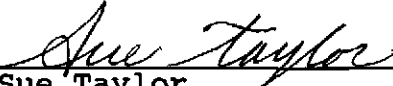
|                                     |   |                           |
|-------------------------------------|---|---------------------------|
| IN THE MATTER OF APPLICATION        | ) |                           |
| FOR PERMIT NO. 65-13526 AND         | ) | CHANGE IN CONFERENCE DATE |
| APPLICATION FOR TRANSFER OF PERMIT) | ) |                           |
| WATER RIGHT NO. 65-03238 IN THE     | ) |                           |
| NAME OF CASTLE MOUNTAIN CREEK       | ) |                           |
| <u>ASSOCIATION, INC.</u>            | ) |                           |

Pursuant to a request by the applicant the conference in the above-referenced matter is hereby changed from Wednesday, November 5, 1997, at 1:30 p.m. to Wednesday, **December 3, 1997, at 10:00 a.m.** The location of the conference remains at the Idaho Department of Water Resources, upstairs conference rooms A & B, 1301 N. Orchard, Boise, Idaho. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

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

  
\_\_\_\_\_  
Gary Spackman

I hereby certify that on the 27<sup>th</sup> day of October, 1996, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

  
Sue Taylor  
Senior Secretary

CASTLE MTN CREEK OWNERS ASSN  
HC 76 BOX 4001  
GARDEN VALLEY ID 83622

GARY L BUNN  
HC 76 BOX 2281  
GARDEN VALLEY ID 83622

ARNOLD &/OR J B WITHROW  
HC 76 BOX 4053  
GARDEN VALLEY ID 83622

CAROLYN &/OR CATHERINE GOFF  
DEAN BUZZELL TRUST  
PO BOX 876  
NAMPA ID 83653

USTO SCHULTZ  
HC 76 BOX 4048  
GARDEN VALLEY ID 83622

BOHNER CHASAN & WALTON  
PO BOX 1069  
BOISE ID 83701

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

|                                          |   |                             |
|------------------------------------------|---|-----------------------------|
| <b>IN THE MATTER OF APPLICATION</b>      | ) |                             |
| <b>FOR PERMIT NO. 65-13526 AND</b>       | ) | <b>NOTICE OF CONFERENCE</b> |
| <b>APPLICATION FOR TRANSFER OF WATER</b> | ) |                             |
| <b>RIGHT NO. 65-03238 IN THE NAME OF</b> | ) |                             |
| <b>CASTLE MOUNTAIN CREEK OWNERS</b>      | ) |                             |
| <b>ASSOCIATION, INC.</b>                 | ) |                             |
|                                          | ) |                             |

---

On June 30, 1994, Castle Mountain Creek Owners Association, Inc. filed with the Department of Water Resources (Department) an application for permit to appropriate the public waters of the State of Idaho, and an application for transfer of water right. The application for permit was protested by Gary L. Bunn and Arnold &/or J. B. Withrow. The application for transfer was protested by Carolyn &/or Catherine Goff and Usto Schultz.

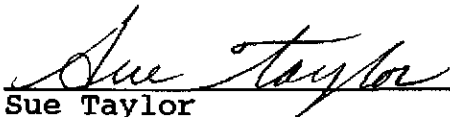
The Department has scheduled a conference for the protest to be held on Wednesday, November 5, 1997, at 1:30 p.m., at the Idaho Department of Water Resources, downstairs conference room D, 1301 N. Orchard, Boise, Idaho 83705. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

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

Dated this 19<sup>th</sup> day of September, 1997.

  
\_\_\_\_\_  
Gary Spackman

I hereby certify that on the 19<sup>th</sup> day of September, 1997, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

  
Sue Taylor  
Secretary/Office Coordinator

CASTLE MTN CREEK OWNERS ASSN INC  
HC 76 BOX 4001  
GARDEN VALLEY ID 83622

GARY L BUNN  
HC 76 BOX 2281  
GARDEN VALLEY ID 83622

ARNOLD &/OR J B WITHROW  
HC 76 BOX 4053  
GARDEN VALLEY ID 83622

CAROLYN &/OR CATHERINE GOFF  
DEAN BUZZELL TRUST  
PO BOX 876  
NAMPA ID 83653

USTO SCHULTZ  
HC 76 BOX 4048  
GARDEN VALLEY ID 83622

## **CONFERENCE AND HEARING PROCEDURE**

### **APPLICATION FOR PERMIT**

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

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

### **BURDEN OF PROOF**

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

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

### **PROCEDURE**

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

## **CONFERENCE**

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

## **HEARING**

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

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

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

## **EXHIBITS**

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

## **AMERICANS WITH DISABILITIES ACT**

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

BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR )  
PERMIT NO. 65-13526 AND APPLICATION )  
FOR TRANSFER OF WATER RIGHT NO. )  
65-03238 IN THE NAME OF CASTLE )  
MOUNTAIN CREEK OWNERS ASSN. INC. )

ORDER RESCINDING ACTION  
TO VOID PROTESTS

Whereas, a conference was held on June 4, 1996 in the matter of protested water right application no. 65-13526 and application for transfer of water right no. 65-03238 and,

Whereas, protestants Gary L. Bunn and Carolyn &/or Catherine Goff were properly notified of the conference but failed to appear and,

Whereas, the department issued via certified mailing dated June 7, 1996 an order to show cause to void the protests of said parties for failure to appear at the June 4 conference, and for which order a response was due by June 26, 1996 and,

Whereas, protestants Bunn and Goffs responded with timely letters, the department should set aside the order to show cause and allow the above parties to remain as protestants in this matter,

IT IS THEREFORE ORDERED that the June 7, 1996 order to show cause is rescinded.

IT IS ALSO ORDERED that protestants Bunn and Goffs retain their standing as protestants in the matter of the protested applications before the department.

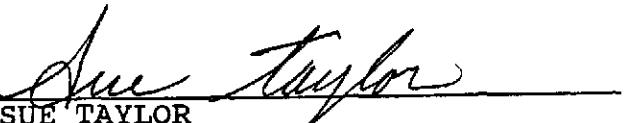
Furthermore, said protestants shall be notified by the department regarding the next conference that is tentatively scheduled in late 1996.

Dated this 5<sup>th</sup> day of July, 1996.

  
STEVE LESTER  
Deputy Manager, Western Regional Office

CERTIFICATE OF MAILING

I hereby certify that on the 5<sup>th</sup> day of July, 1996, I mailed true and correct copies, postage prepaid, of this document to persons listed below:

  
SUE TAYLOR  
Secretary - Office Coordinator

CERTIFIED MAILING

GARY L BUNN  
HC 76 BOX 2281  
GARDEN VALLEY ID 83622

CAROLYN &/OR CATHERINE GOFF  
DEAN BUZZELL TRUST  
PO BOX 876  
NAMPA ID 83653

CONVERSATION MEMORANDUM

DATE 7/3/96  
FILE Castle Mt. CK.  
Owners Assn

NAME OF PARTY 916N Jaxton  
EMPLOYEE Steve Lator

RE: ORDER ~ PROTESTS

Previously, should have sent "Notice of Default" instead of "Show Cause Order" per Rules of Procedure, Rule 700 (ps. 35).

Agrees with analysis -

- other protests remain in place
- although Bunn's response essentially non-responsive, there is little to gain by voiding Bunn's protest
- keep both parties of show cause order in good standing.

Should issue order to this effect, and send copy to J.O. file.

JUNE 25, 1996

To The Department Of Water Resources  
David R. Tuthill, Jr., P. E

In regards to your resent letter we, my sister and I, are sorry that we missed the hearing. Both of us wanted to come but due to some unexpected conflicts we were unable to attend.

As in our very first letter we oppose this increase in water. Not only will it affect how many acres that I am able to water, but in the low years I may not even have enough water to water the cattle if this is allowed to be passed. As it is now I only have enough water to water about 30 acres of the 40 acres of land.

To you this may seem trival but to us it is very important. You see this property was part of a ranch that my sister and I grew up on. When our father was killed certain parts of the ranch was put into a trust and cannot be divided until the last child is of age 25. At the time of our fathers death my little sister was of age 1, my little brother was of age 3, I was of age 13, and my older sister was of age 17. It has been 12 years and we still have 12 more to go.

During those 12 years we, my sister and I, have been trying to take care of the property until the other children are old enough to help make some of the decisions. For the past 7 years I personally have been working with this piece of property. Since I live in Melba and this property is in Garden Valley I drive up there at least 2 to 3 times a week to just change the water. This is a 2 hour drive one way for me. To make enough money to pay for the taxes and general expense I rent this property as cattle pasture. Without this money I would not be able to pay taxes and try and keep the property going until the younger 2 children are old enough to make decisions about what we all want to do with this inheritance.

If you allow Castle Mountain Creek more water it would sorely cut down on mine which means less cattle on the property and less money because I get paid by the cow/calf pair per month. Right now I can hold about 20 pairs at the price of \$10 per month per pair, so that is about \$200 per month. I can only hold them for about 3 months, so that is about \$600 per year. That barely covers my gas cost after the taxes are paid and the general upkeep cost.

It is our feelings that if more water rights are given there won't be any water especially in the low water years that we have had. As it is someone feels we are getting too much water as the cattle have been without water several times each year and the rocks where our ditch takes off seem to "move" by themselves. We have had a constant fight to keep the water going to the property. The cattle owners and us don't like chasing cattle due to someone elses greedy interference.

More and more people are going to move into this area AT WHAT POINT DO WE STOP THE USE OF THE CREEK TO PRESERVE WHAT IS ALREADY BEING USED? That is why we protested anyone else having or getting any more water from Warm Springs Creek. We ask that you do not void our protest due to the fact that it is a sincere and legitamate protest. We regret not being able to come to the hearing but we ask that our conflicts for not coming not be held against us.

RECEIVED

JUN 26 1996

WATER RESOURCES  
WESTERN REGION

THANK YOU FOR YOUR CONSIDERATION

Sincerely,

Catherine D. Goff Carolyn J. Goff

RECEIVED

JUN 20 1996

WATER RESOURCES  
WESTERN REGION

June 19, 1996

Davia R. Tuthill, Jr., P.E.  
Manager, Western Regional Office  
Idaho Dept. of Water Resources  
2735 Airport Way  
Boise, ID. 83705-5082

RE: PERMIT NO. 65-13526  
CASTLE MOUNTAIN CREEKS OWNERS ASSOCIATION, INC.

Dear Mr. Tuthill:

This letter is in reply to your June 7, 1996 Order To Show Cause.

On January 13, 1995, a conference was held at the Idaho Department of Water Resources with Castle Mountain Creeks Owners Associations' representatives.

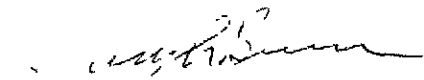
At that conference it was agreed that Castle Mountain Creeks Owners Association would submit the necessary paperwork, and work with the Idaho Department of Water Resources to establish a water users association for Warm Springs Creek for protection of existing water permit holders. \*

Will Castle Mountain Creeks Owners Association comply with that agreement?

If not, please let me know.

Thank you.

Sincerely,



Gary L. Bunn  
H.C. 76 Box 2281  
Garden Valley, ID 83622

\* nothing in 1/13/95 conf  
note by DRT & this  
item  
JL 7/2/96

BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

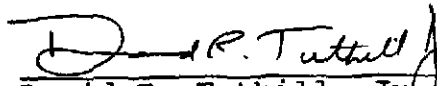
IN THE MATTER OF APPLICATION FOR )  
PERMIT NO. 65-13526 AND APPLICATION)  
FOR TRANSFER OF WATER RIGHT NO. ) ORDER TO SHOW CAUSE  
65-3238 IN THE NAME OF CASTLE )  
MOUNTAIN CREEK OWNERS ASSN. INC. )

Whereas, a conference was held on June 4, 1996 in the matter of protested water right application no. 65-13526 and application for transfer of water right no. 65-3238 and,

Whereas, protestants Gary L. Bunn and Carolyn &/or Catherine Goff were properly notified of the conference but failed to appear,

Now, therefore, IT IS HEREBY ORDERED that the protestants, Gary L. Bunn and Carolyn &/or Catherine Goff provide to the department no later than June 26, 1996, any information as to why we should not void their protests. Failure to provide this information will result in voiding of their protests.

Dated this 7<sup>th</sup> day of June, 1996.

  
David R. Tuthill, Jr., P.E.  
Manager, Western Regional Office

CERTIFICATE OF MAILING

I hereby certify that on the 7<sup>th</sup> day of June, 1996, I mailed true and correct copies, postage prepaid, of this document to persons listed below:

  
Sue Taylor  
Secretary - Office Coordinator

CERTIFIED MAIL

GARY L BUNN  
HC 76 BOX 2281  
GARDEN VALLEY ID 83622

CAROLYN &/OR CATHERINE GOFF  
DEAN BUZZELL TRUST  
PO BOX 876  
NAMPA ID 83653



State Idaho  
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

June 4, 1996

Distribution: Arnold & J.B. Withrow; Sherl Chapman; A.J. Bohner; Rob Spofford

RE: Summary of Results of Conference Held Today

Dear Interested Party:

The following items are the conclusions of the Conference held in this matter this morning:

1. Castle Mountain will repair their measuring device and will continue to monitor utilization of their water system.
2. Castle Mountain will pursue the installation of a lockable controlling works and a permanent measuring device at the new inlet works that are presently in the design stage.
3. Mr. Schulz's representatives, Mr. Bohner and Mr. Chapman, will meet with the Castle Mountain Board this summer to discuss resolution of their protest.
4. Mr. Schulz's representatives will also provide to IDWR information regarding the extent of his claimed use of heating under water right no. 65-03238, including the places of use; rates of flow; volumes of use; and dates of use.
5. IDWR will send an Order to Show Cause to the protestants who failed to appear at the conference, to determine their intent to continue to protest the applications.
6. Castle Mountain will consider methods of ensuring that their junior water rights are not diverted during periods when senior downstream water rights are not receiving a full supply of water.
7. IDWR will plan to conduct another conference in this matter during October or November, 1996, unless the parties complete their actions and so notify IDWR at an earlier date.

A copy of the memorandum from Ms. Jan Shurte of this office that was referenced during the conference is enclosed.

Sincerely,

David R. Tuthill, Jr., P.E.  
Manager, Western Regional Office

Enclosure

June 4, 1996

Distribution: Arnold & J.B. Withrow; Sherl Chapman; A.J. Bohner; Rob Spofford

RE: Summary of Results of Conference Held Today

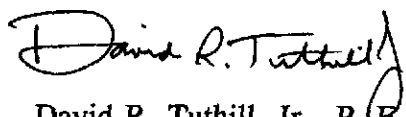
Dear Interested Party:

The following items are the conclusions of the Conference held in this matter this morning:

1. Castle Mountain will repair their measuring device and will continue to monitor utilization of their water system.
2. Castle Mountain will pursue the installation of a lockable controlling works and a permanent measuring device at the new inlet works that are presently in the design stage.
3. Mr. Schulz's representatives, Mr. Bohner and Mr. Chapman, will meet with the Castle Mountain Board this summer to discuss resolution of their protest.
4. Mr. Schulz's representatives will also provide to IDWR information regarding the extent of his claimed use of heating under water right no. 65-03238, including the places of use; rates of flow; volumes of use; and dates of use.
5. IDWR will send an Order to Show Cause to the protestants who failed to appear at the conference, to determine their intent to continue to protest the applications.
6. Castle Mountain will consider methods of ensuring that their junior water rights are not diverted during periods when senior downstream water rights are not receiving a full supply of water.
7. IDWR will plan to conduct another conference in this matter during October or November, 1996, unless the parties complete their actions and so notify IDWR at an earlier date.

A copy of the memorandum from Ms. Jan Shurte of this office that was referenced during the conference is enclosed.

Sincerely,



David R. Tuthill, Jr., P.E.  
Manager, Western Regional Office

Enclosure

6/4/96

Water Right Conference for Castle Mtn Creek Owners

App for Permit No. 65-13526

App for Transfer of No. 65-3238

Applicant Present & Represented by Rob Spofford (on Board)  
for Castle Mtn.

Protestants Usto Shulz: Represented by Bonner

Shurt Chapman

Arnold & JB Withrow (first house on Packer John Rd  
(blue & white))

Rob Spofford

- Totalizing meter is installed
- At an unknown time, the meter broke - now being repaired
- Apparently normal use is 20-22,000 gpd
- Breaks have occurred - sometimes have not been fixed timely

Withrows

- Full time residents since 1985
- Maintenance of pipe has been continual - system seems to be inadequate. Pipe was too light-weight - no expansion joints or pressure relief valves

Rob Spofford

- Castle Mtn has contracted with JUB engineers to install a new inlet design; filtration system is being designed & will be installed. Estimated cost: \$600K + 250 lots involved + some additional lots

Rob Spofford

- Primary sources of drinking water:
  - 2 Sources on streams
  - 1 well (minor source)
- Individual water meters are being considered
- Presently there is some outside water use

D. Tutthill

- Inlet needs a lockable inlet & measuring device

Stel Chapman

65-3238 has <sup>remaining one</sup> ~~two~~ items of concern:

1. Source is shown as Warm Eggs Creek - Mr. Shultz concerned about heating portion. App for transfer retains irr & dom, but drops heating use. Properties where heating did occur are owned by him. Wants to see transfer app amended to show heating, either in his name or Castle Mtn name. Offers to withdraw protest if this action is taken. If use is beyond domestic use, heating should be shown split into A & B / sort out validity in SRBA.

Note: Possible for Mr. Shultz to identify the locations and amounts of these uses? (And dates of latest uses) yes, can do

The heating water is non-consumptive which goes back into the creek.

Conclusions

1. Castle Mtn will continue to compile info re: water use.
2. Castle " " seek measurement & control of inlet.
3. Mr. Schulz will provide info regarding  
Place of use; extent of use; dates of use of heating  
uses
4. Mr. Schulz' reps will meet w/ Castle Mtn Board to  
discuss resolution of their protest.
5. IDWR will send Order to Show Cause to determine  
extent of interest of other protestants
6. Castle Mtn will consider methods of ensuring that  
junior diversions are not made while senior water rts  
are not satisfied.
7. IDWR will plan on another conference during Oct. 96. <sup>Nov</sup>

END

## ROSTER OF ATTENDANCE

### IDAHO DEPARTMENT OF WATER RESOURCES 2735 Airport Way, Boise, ID 83705

Re: Application for Permit No. 65-13526 and Application for Transfer of Water Right No. 65-3238 and A65-3238 in the Name of Castle Mountain Creek Owners Association, Inc.

Place: IDWR, Western Region, 2731 Airport Way, Boise, Idaho

Date: Tuesday, June 4, 1996

Conducted by: David R. Tuthill, Jr., P.E.

NAME

ADDRESS

*Wimrow*  
Arnold & B HC 76 Box 4053 Garden Valley, ID 83622  
A.J. Bohner P.O. Box 1069, Boise, ID 83761 - (on behalf of Uto Schultz  
Steve H. Chapman 405 Oneida Street Boise - representing Uto Schultz  
ROB SPOTFORD 4735 JENNIFER ST. BOISE, ID 83704

MEMORANDUM

March 29, 1996

TO: DAVE TUTHILL *DT*

FROM: JAN SHURTE

RE: ATTACHED LISTING OF WATER RIGHTS CONCERNING PROTESTS ON  
APPLICATION FOR TRANSFER NO. 65-03238 & APPLICATION FOR  
PERMIT NO. 65-13526 - CASTLE MTN CK OWNERS ASSN INC

\*\*\*\*\*  
\*\*\*\*\*

As we discussed, attached is a listing of water right filings that may help in the protests for the above applications.

I listed only the water rights for the protestants and both claimants who filed duplicate claims for 65-03238 since they would all be affected by the transfer.

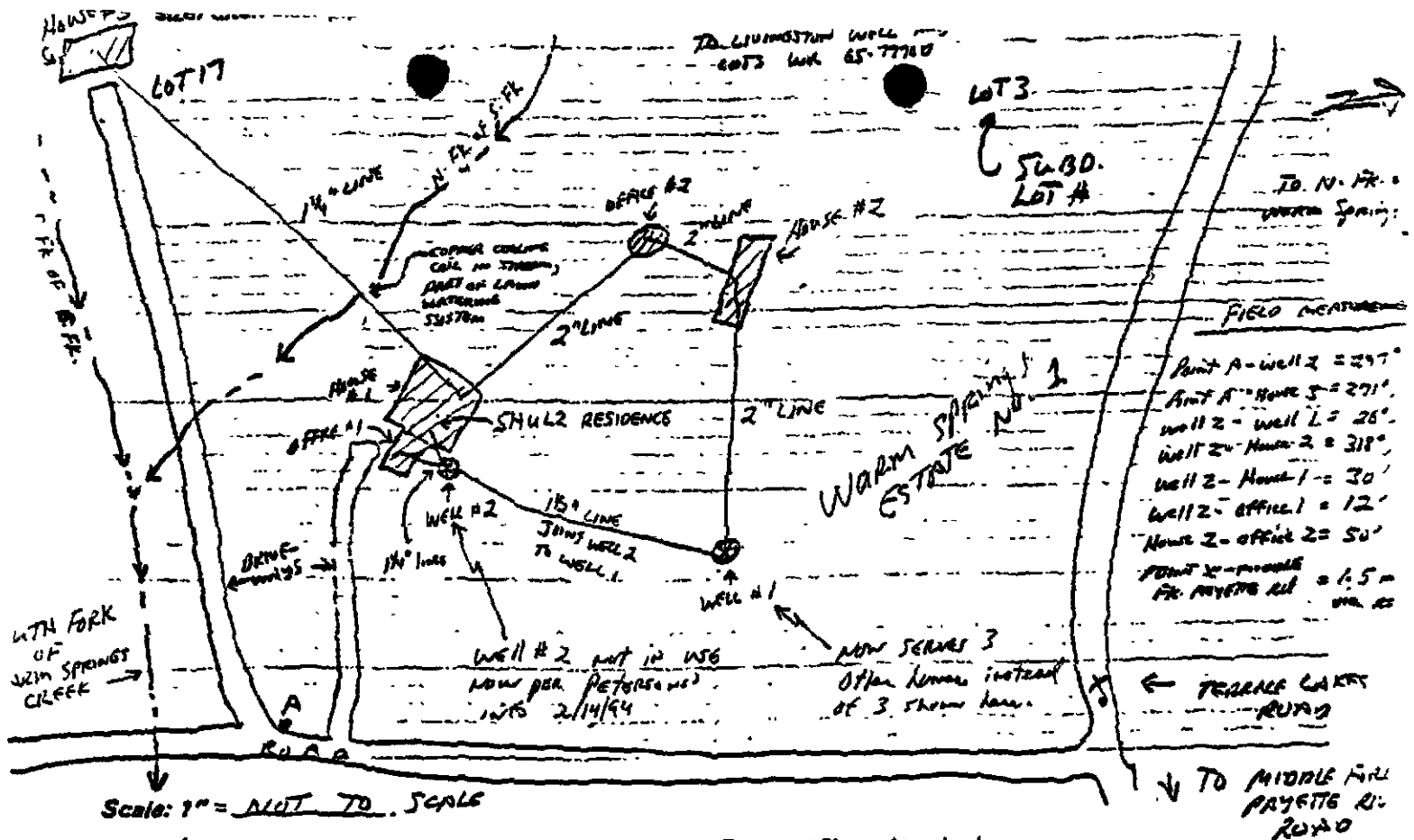
Basically, it will boil down to whether or not the individuals have a right or not to a portion of 65-03238, specifically the original heating use and irrigation and whether they will be injured by the new application. There is no evidence in any of the files that the heating use on the original decree went to Usto Schulz, which would also mean there is no evidence he didn't have it, except that the decreed source is not the hot springs. I could not find any information showing what the heating use as recommended at the time of the decree was and even when I wrote Forrest Luthy he did not remember what it was based on. Mr. Schulz has other water rights that were filed to cover heating & domestic use for 2 units from the hot spring, however, per Steve's field exams in 1986 and 1993 it appears 3 additional homes have been added to use the water from the hot springs sometime within those 7 years. The claim filed by Mr. Schulz, along with several individual names, added the Warm Spring source to the decreed right. The actual decreed right stated Warm Springs Creek only as the source. Depending on the outcome of the protests it could be that a new application may be needed for the new uses.

Some of the other individuals involved have separate filings on the hot springs for their personal use, along with Castle Mountain Ck Owners Assn. (A65-04002A). However, the 4 individual groups who only show Claim No. A65-03238A, upon which the hot springs were added on the claim, but were not decreed, are listed on the bottom of page one of the water right listing. Per Steve's field exam, the Burger's do use the hot spring, but it is unknown whether the other parties do or not. It could be that new applications may be needed if these parties use the hot springs since it is doubtful that the decreed right for 65-03238 will be approved to add the Warm Springs source they claimed. A copy of Steve's field exam and notes are attached for your review.

There are also filings by the individuals involved covering their irrigation from Warm Springs Creek along with the application for transfer which purposefully retained that portion of the original decreed acres within these individual's land to cover what they are now irrigating from the creek source. The remaining acres have been subdivided and a portion of the irrigation use is proposed to be changed to domestic. The reason Castle Mountain filed on the entire right is due to the documents from the original decree owners, Garden Valley Associates, assigning the water system and all water rights and claims to Castle Mountain. Copies of these documents are in the file. The full purpose of the transfer is explained in my memo dated 6-30-1994.

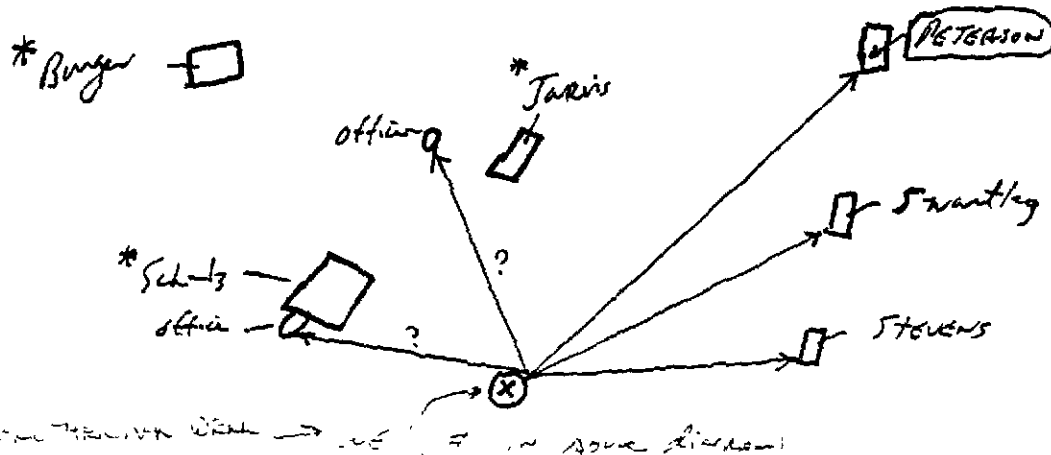
The attached research is submitted per your request. However, because my mother has a cabin in the area served by Castle Mtn Ck Owners Assn Inc, it could be thought that I have a conflict of interest in this dispute. Therefore, I submit this memo and attached research as I would have with any other assignment, but would prefer not to be involved any further with the upcoming conference or proposed decision, unless you specifically feel that I need to be.

*Jan*



2. ☒ Copy of U.S.G.S. 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 or more).
- ☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

- ABOVE - FROM 1986 EXAM 65-07770C BY FL.
- IN NOV. 1993, REVISITED SITE FOR EXAM 65-13050, NEARLY HOT SPRINGS. WAS TOLD BY MR. JARVIS THAT WELL #1 SERVES 3 NEW HOMES IN LOT 3 OF SUBD.
- FEB 14, 1994, PETERSONS FILED CHANGE IN OWNERSHIP, LOCATED AT 65-07770C. RIGHT STILL SUPPLIES 3 HOMES (i.e. 2 OFFICES), BUT SERVES 3 DIFFERENT HOMES INSTEAD OF THE 3 ORIGINAL. THIS IS STILL WITHIN TERMS OF WATER RIGHT.



LISTING OF INDIVIDUAL WATER RIGHTS IN CONNECTION WITH PROTEST ON  
APP. FOR TRANSFER OF RIGHT NO. 65-03238 AND APP. FOR PERMIT NO.  
65-13526 IN THE NAME OF CASTLE MTN CREEK OWNERS ASSN

HOT SPRINGS & GEOTHERMAL WELLS WATER RIGHT FILINGS

CASTLE MTN CREEK OWNERS ASSN INC

A65-04002A - SPRINGS - 6-1-1965 - DECREED - .25 CFS FOR HEATING TO  
BE USED IN POOLS, SPA & MAINTENANCE SHED.

USTO SCHULZ

A65-03238A - WARM SPRING & WARM SPRINGS CREEK - 6-1-1883 - DECREED  
(THE WARM SPRING SOURCE WAS CLAIMED BUT WAS NOT DECREED UNDER THIS  
RIGHT IN THE PRBA). THE CLAIM WAS FILED FOR .22 CFS FOR IRRIGATION  
OF 11 ACRES, .04 CFS FOR DOMESTIC AND .12 CFS FOR HEATING. THE  
NUMBER OF HOMES WAS NOT LISTED. THIS CLAIM WAS FILED UNDER SEVERAL  
INDIVIDUALS WHICH ARE LISTED BELOW TO SHOW WATER RIGHTS EACH  
INDIVIDUAL HAS FILED. THESE INDIVIDUALS ARE LISTED SINCE ALL ARE  
A PART OF THE TWO DUPLICATE CLAIM FILINGS ON RIGHT NO. 65-03238.  
THE 2ND CLAIM IS CLAIM NO. A65-03238B FILED BY CASTLE MTN CK OWNERS  
ASSN UPON WHICH THE PROTESTED TRANSFER WAS BASED.

A65-07540 - WARM SPRINGS - 4-7-1975 - DECREED FOR 2 UNITS-HOME AND  
GUESTHOUSE FOR HEATING & DOMESTIC - .08 CFS FOR HEATING AND .04 CFS  
FOR DOMESTIC ALL IN LOT 3. CLAIM FILED FOR 3 HOMES WITH THE REMARK  
THAT THE HOUSEHOLDS HAVE BEEN ON THE SYSTEM SINCE INITIAL START.

A65-07770C - HOT WELL - 12-19-1976 - LICENSED & DECREED FOR .10 CFS  
FOR HEATING AND .11 CFS FOR DOMESTIC USE. BOTH HEATING & DOMESTIC  
USE ARE FOR 3 HOMES AND 2 OFFICES IN LOT 3. PER A FIELD EXAM  
CONDUCTED BY STEVE LESTER, THE 3 HOMES AND 2 OFFICES WERE OWNED BY  
SCHULZ, BURGER & JARVIS. IN 11-1993 STEVE CONDUCTED ANOTHER EXAM  
ON THE HOT SPRINGS FOR A PERMIT FOR JARVIS'S AND WAS INFORMED THAT  
THIS HOT WELL NOW SERVED 3 DIFFERENT HOMES IN THE NAMES OF  
PETERSON, SWARTLEY & STEVENS AND THAT THE ORIGINAL 3 HOMES WERE NOW  
USING THE HOT SPRINGS INSTEAD OF THIS WELL. WHETHER THE 2 OFFICES  
USE THE HOT SPRING OR HOT WELL IS STILL UNCLEAR. THE USE FOR THE  
3 HOMES FROM THE SPRING MAY BE COVERED UNDER A65-07540 AS CLAIMED,  
HOWEVER, ONLY 2 DOMESTIC USES WERE LICENSED. A CHANGE OF OWNERSHIP  
FORM HAS BEEN SUBMITTED FOR THE CLAIM ON THIS RIGHT. THIS CHANGE  
IS FOR A PORTION OF THIS RIGHT - .04 CFS FOR HEATING & DOMESTIC USE  
FOR ONE HOME TO JACK &/OR SHIRLEY PETERSON.

HARRY, HELEN & LENETTE BURGER, HARRY SHERMAN, JOHN & MARGE TRIBBY  
& GLEN WEGNER

A65-03238A - WARM SPRING (CLAIMED) & WARM SPRINGS CREEK (DECREED) -  
SEE EXPLANATION OF THIS CLAIM UNDER USTO SCHULZ.

FILINGS FOR HOT SPRINGS & GEOTHERMAL WELLS CONTINUED:

LON & RENEE JARVIS

A65-03238A - WARM SPRING (CLAIMED) & WARM SPRINGS CREEK (DECREED) - SEE EXPLANATION OF THIS CLAIM UNDER USTO SCHULZ.

A65-07770C - HOT WELL - SEE EXPLANATION ABOVE UNDER USTO SCHULZ.

65-13050 - HOT SPRINGS - 2-7-1989 - PERMIT WITH FIELD EXAM SHOWING HEATING AND DOMESTIC USES FOR 2 HOMES WITH ONE SWIMMING POOL IN LOT 3. LICENSE NOT YET ISSUED.

EARL & FAY LIVINGSTON

A65-03238A - WARM SPRING (CLAIMED) & WARM SPRINGS CREEK (DECREED) - SEE EXPLANATION OF THIS CLAIM UNDER USTO SCHULZ.

A65-07770D - 12-18-1976 - LICENSE - HOT WELL FOR .04 CFS FOR HEATING AND .06 CFS FOR DOMESTIC USE FOR 2 HOMES IN LOT 2.

ARNOLD & JB WITHROW

65-07593 - 10-29-1975 - HOT SPRINGS -LICENSE - NO ADJUDICATION CLAIM FILED - ORIGINALLY LICENSED FOR .01 CFS FOR HEATING OF A SWIMMING POOL - LOT 10 - NOT FOR HEATING HOME. PER EXAM THE HOT SPRINGS SUB UP IN THE POOL - DIFF. HOT SPGS THAN OTHER RIGHTS?

A65-07770B - 11-29-1976 - LICENSE - HOT WELL FOR .04 CFS FOR DOMESTIC USE AND .02 CFS FOR HEATING OF 1 HOME IN LOT 10.

WARM SPRINGS CREEK WATER RIGHT FILINGS

GARY L. & D. ANN BUNN

A65-03231B - 6-1-1865 - DECREED - WARM SPRINGS CREEK FOR .14 CFS FOR IRRIGATION OF 6 ACRES.

CASTLE MTN CREEK OWNERS ASSN INC

A65-03238B - 6-1-1883 - DECREED - WARM SPRINGS CREEK FOR .22 CFS FOR IRRIGATION, .04 CFS FOR DOMESTIC & .12 CFS FOR HEATING. A TRANSFER APPLICATION WAS FILED TO CHANGE THE NATURE OF USE TO REPRESENT THE USE AS OF 6-18-1987 TO DOMESTIC FOR 105 LOTS AND .24 CFS AND IRRIGATION OF 7 ACRES FOR .14 CFS PLUS TO ADD A POINT OF DIVERSION. THE TRANSFER ALSO CORRECTS THE SOURCE, PER THE TOPOGRAPHIC MAP, TO SHOW WARM SPRINGS CREEK AND UNNAMED STREAM

WHICH REPRESENTS THE NORTH & SOUTH FORKS OF WARM SPRINGS CREEK  
ORIGINALLY DECREED. THE ACTUAL SOURCES HAVE NOT CHANGED FROM WHAT  
WAS ORIGINALLY DECREED. ONLY THE SOURCE NAMES NEEDED CLARIFYING.  
THE 7 ACRES OF IRRIGATION ALSO COVER THOSE ACRES BEING IRRIGATED BY  
SOME OF THE INDIVIDUAL LANDOWNERS LISTED AS CLAIMANTS ON THE  
DUPLICATE CLAIM FILING NO. A65-03238A. THE APPLICATION FOR  
TRANSFER HAS BEEN PROTESTED.

65-13526 - 6-30-94 - APP. FOR PERMIT (PROTESTED) - WARM SPRINGS  
CREEK FOR .54 CFS FOR DOMESTIC USE ON 162 LOTS AND 1.04 CFS FOR  
IRRIGATION OF 52 ACRES. THIS APPLICATION WAS FILED TO COVER THE  
REMAINING LOTS AND ACRES DEVELOPED AFTER 1987 AND NOT COVERED UNDER  
A65-03238B.

USTO SCHULZ

A65-03238A - 6-1-1883 - WARM SPRINGS CREEK(DECREED) & WARM  
SPRINGS(CLAIMED) - SEE EXPLANATION ABOVE UNDER LISTING OF RIGHTS  
FOR HOT SPRINGS & GEOTHERMAL WELLS.

A65-07562 - 07-09-1975 - DECREED - SOUTH FORK WARM SPRINGS CREEK  
(SAME SOURCE AS THE UNNAMED STREAM UNDER THE APPLICATION FOR  
TRANSFER OF 65-03238) FOR .04 CFS FOR DOMESTIC USE FOR 1 HOME  
(PERMIT ISSUED FOR 1 HOME, HOWEVER LICENSE DOES NOT LIST # OF  
HOMES). PER THE FIELD EXAM FOR PROOF OF BENEFICIAL USE THIS WATER  
IS MIXED WITH THE HOT WATER UNDER A65-07540 AND USED TO MEET THE  
NEEDS OF THE TWO HOUSEHOLDS OWNED BY MR. SCHULZ (HOME &  
GUESTHOUSE). LICENSE WOULD ONLY COVER 1 HOME PER PERMIT  
LIMITATION.

ARNOLD & JB WITHROW

A65-07592 - 12-3-1975 - NORTH FORK WARM SPRINGS CREEK - DECREED -  
(THIS SOURCE IS THE SAME AS WARM SPRINGS CREEK ON THE PROTESTED  
TRANSFER AND APPLICATION FOR PERMIT). FOR .02 CFS FOR DOMESTIC USE  
WHICH IS LISTED AS OUTSIDE IRRIGATION FOR 1/2 ACRE OR LESS.

JOHN & MARGE TRIBBY

65-12802 - 6-24-1987 - LICENSE - SOUTH FORK WARM SPRINGS CREEK  
(SAME SOURCE AS THE UNNAMED STREAM UNDER THE APPLICATION FOR  
TRANSFER OF 65-03238) FOR .02 CFS FOR IRRIGATION OF .8 ACRES.

NOTE: THE WATER RIGHT FILINGS LISTED ABOVE ARE NOT ALL OF THE  
FILINGS ON THE HOT SPRINGS/WELLS, WARM SPRINGS CREEK AND UNNAMED  
STREAM TRIB. TO WARM SPRINGS CREEK. THE RIGHTS LISTED ABOVE ARE  
THE FILINGS OF PROTESTANTS AND BOTH PARTIES LISTED ON THE DUPLICATE  
FILINGS FOR 65-03238. THESE ARE THE PARTIES INVOLVED IN THIS  
DISPUTE, THEREFORE, ONLY THEIR FILINGS ARE LISTED HERE.

FILE IN A65-03238B



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHONE # IS 1-208-835-2748  
NEW AREA CODE MAY BE 208  
OFFICE IN LEWISTON - 1208-746-8212  
(DAWN KEES)  
1410 15TH ST.  
LEWISTON

January 6, 1995

Forrest Luthy  
934 I Street  
Washougal, WA 98671-1135

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

Dear Forrest:

You'll probably be surprised to hear from me after this long a time period. It took me a while to find your address and I never could find your phone number. I hope this letter finds all going well for you.

The purpose of this letter is to search your mind for old memories - and I mean old - of a Payette River Basin Adjudication right. It is one that you worked on, and I have been working on for way too long now. It was in the name of Garden Valley Associates and was located up by Terrace Lakes. It is now in the name of Castle Mountain Creek Homeowners Assoc. I know that will ring a bell because you helped them file their claims. It also deals with Usto Schultz, which should sound familiar also. The situation does go back to the way the right was recommended in the Payette River Adjudication. I am enclosing what I did find in the microfilm files for this water right.

Here's the problem. The right recommended in the PRBA was an old decreed right from Warm Springs Creek - had been decreed way back when for irrigation only. Then, during the Payette River Decree, you recommended it for irrigation, domestic, and heating. One of the enclosures is a copy of the map from the PRBA topographic maps with the acreages and ditches drawn in. Also enclosed is a copy of the original PRBA work claim. I thought maybe these would bring back memories. You also helped with the filing on this right for the Snake River Basin Adjudication claims filing. There was one claim filed by several individuals, Schultz, Livingston, etc. and one filed by the Castle Mountain Homeowners Association, both for the entire right. I have enclosed copies of all that too. I recently helped them file a transfer on this right, based on bits of information from both claimants. However, it has been protested and it basically evolves around what the Heating use was that was recommended in the Payette River Basin Adjudication.

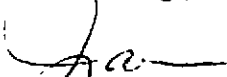
Warm Springs Creek is diverted by the Association for domestic, irrigation and then it also runs through a system that uses the hot springs water nearby to heat the cold water from the creek. The creek water flows into a couple of containers that have coils with the hot springs water in them that heat the creek water and it is used in the Association's pools. So, they feel the heating use from Warm Springs Creek (the only source decreed for this right) is this use of the creek water in the pools after it is heated by the coils.

*Forrest came in to the office & did not recall this recommendation at all - no info given. JH*

They also have a water right that covers the pumping of the water from the hot springs into the coils. Usto Schulz maintains that the source should have been decreed for both Warm Springs Creek and Warm Springs on the original PRBA right, and if you notice that when he filed the individual's claim for this right he added this source. He feels the heating use is for the heating of three homes he has an interest in. So, the question comes back to what the heating use was on the PRBA claim decreed. You worked on this one and so I am hoping you can remember what it was for. I can't find anything in any of these records that talk about what heating use was. All I have found is enclosed.

Could you please call and talk with me about this? Just call me at 1-208-334-2190 and give me your phone number and I can call you back. Even if you don't remember what the heating use was, that's ok, please call me anyway. Any information about this may help shed light on the situation. Plus, I'd enjoy talking with you too. Thanks for any information you have.

Sincerely,



JAN SHURTE  
Water Rights Supervisor  
Adjudication Section  
Western Region

Enclosures

MEMORANDUM

June 30, 1994

TO: FILE FOR APP. FOR TRANSFER OF RIGHT NO. 65-03238

FROM: JAN SHURTE

The purpose of this transfer is to add a new diversion point from Warm Springs Creek, show the current uses of the water under this right and to clarify the source(s) historically used.

The original right was decreed for water from Warm Springs Creek with two points of diversion. Per the map from the original file, copy attached, one of these diversion points was on the Northfork of Warm Springs Creek and one was on the Southfork of Warm Springs Creek. However, on the topographic map, the Northfork is designated as Warm Springs Creek and the Southfork appears without a source name indicating it is an unnamed stream trib. to Warm Springs Creek. The point of diversion in the NW1/4SE1/4, S. 32 is from the main Warm Springs Creek and the point of diversion in the NW1/4SW1/4, S. 33 is from the unnamed stream trib. to Warm Springs Creek. Since both points of diversion were decreed, one of the items of this transfer is to clarify the source(s) from which these points actually have been and are diverted from. The diversion point in the NW1/4SW1/4, S. 33 is used by a few private individuals for the 1.5 acres of irrigation within the NW1/4SW1/4, S. 33 - which they have claimed under a duplicate claim filing on this right. However, Castle Mountain Creek Owners Assoc. Inc. feel they were assigned this entire right as shown in the attached documents and are including the 1.5 acres irrigated from this point of diversion on this transfer. The 6 acres originally decreed and irrigated in the NE1/4SE1/4, S. 32 are no longer irrigated as a field, however, individual lots are being irrigated. As stated, only 1.5 acres of the original 5 acres decreed in the NW1/4SW1/4, S. 33 are being irrigated and included on this transfer. This transfer changes a portion of the original irrigated acres to the domestic use which has been occurring since the land was developed into the subdivisions. Heating is also no longer a purpose of use, therefore, it is being changed to domestic purposes. The diversion point in the NW1/4SE1/4, S. 32 and the new point of diversion within the NE1/4SE1/4, S. 31 are diverting into the water tank and gravity fed to the 105 lots indicated.

A new application is being filed for the remaining 162 lots in the Castle Mountain Creek Subdivisions diverting from Warm Springs Creek. This transfer only includes the number of lots(105) being serviced as of the date of the field examination for the groundwater sources filed under Permit No. 65-12776 - 6-18-1987. The new application will also cover the remaining lots irrigated acres over and above the 7 acres listed on this transfer.

The total of this original decreed right (.38 cfs, 105 lots & 7 acres) and the new application(1.58 cfs, 162 lots & 52 acres) will be 267 lots and 59 acres (approx. 1/4 acre of irrigation per lot) for a total of 1.96 cfs (880 gpm).



Castle Mountain Creeks Owners Association, Inc.  
H C 76, Box 4001  
Garden Valley, Idaho 83622

April 17, 1991

A65-04002A  
A65-12776  
A65-03238  
A65-03238B

Idaho Department of Water Resources  
1301 N Orchard  
Boise, Id 83706

TO WHOM IT MAY CONCERN

Please be advised that the Board of Directors for Castle Mountain Creeks Owners Association, Inc. at their monthly meeting held April 13, 1991, elected to have Fay Livingston or Bill Lawrence as the ONLY authorized agents for Castle Mountain Creeks Owners Association, Inc.

Only these two people and ONLY these two people should file for any water rights for Castle Mountain Creeks Owners Association Inc.

*Fay Livingston*

Fay Livingston  
President of the Board  
CMCOA, I.

lr

MICROFILMED



Castle Mountain Creeks Owners Association, Inc.  
H C 76, Box 4001  
Garden Valley, Idaho 83622

April 17, 1991

**RECEIVED**

APR 22 1991

Idaho Department of Water Resources

1301 N. Orchard

Boise, Id. 83706

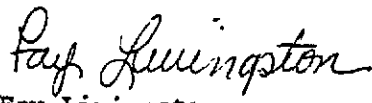
Department of Water Resources

Attn: Roxanne McCarthy.

Ms. McCarthy:

Would you please see that the enclosed letter is sent to the proper person or department. We have been advised by your office that you would be the best person to handle this matter.

Thank you for your help.

  
Fay Livingston  
President of the Board  
CMCOA, I.

lr

MICROFILMED

SEP 22 1992

## MEMO TO FILES

A65-03238B

DATE: 6/11/90

APPLICANT: CASTLE MTN OWNER'S ASSOC.

CLAIM NO: A65-03238B.

SUBJECT: VISIT GENE BRADY (CONV.)

MR. BRADY CAME INTO THE OFFICE TODAY TO DISCUSS HIS CONFUSION REGARDING THE DISPOSITION OF THE CLAIMS FOR PAYETTE DECREED RT. 65-03238 WHICH WERE FILED BY THE ASSOC. & ANOTHER BY OTHER USERS.

INITIALLY A FILING WAS MADE ADDING TWO NAMES TO A CLAIM WHICH MIGHT HAVE ALLOWED THE FILING WITH THE SNAKE ADJUDICATION OF A CLAIM FOR THE PARENT RIGHT ONLY. MR. BRADY CONTENDS THAT THE ONE BY OTHER INDIVIDUALS IS INCORRECT AND THAT THEY CANNOT DEMONSTRATE B/U OF THE OLDER RT.

OUR DISCUSSION LED TO THE ASSURANCE BY ME THAT THE PROPOSED COMBINATION WAS NOT ACCOMPLISHED & ONLY WOULD BE DONE SO AFTER EXAMINATION & AGREEMENT BY ALL PARTIES. THE RT ACCORDING TO MR. BRADY WAS ASSIGNED OR TRANSFERRED TO THE GROUP BY GARDEN VALLEY ASSOCIATE. HE DOUBTS THAT THE INDIVIDUALS ON THE LIST FOR THE OTHER CLAIM ARE LEGAL USERS FOR THAT RT.

MR. BRADY WAS GIVEN COPIES OF THE XEROX'S OF THE WARM SPRINGS DECREE FOR 65-3238 & A COPY OF THE MEMO FOR THE PAYETTE RECOMMENDATIONS FOR 65-3238 & A COPY OF XEROX OF THE CLIN

...CROFILMED

SEP 22 1992

MEMO TO FILES

FROM: EL

A65-03238B

DATE: 5/21/90

APPLICANT: Misc Ind Users & Castle Mtn Crks. Owner's Assoc

CLAIM NO: A65-03238 - 03238A, & -03238B.

SUBJECT: Disallowal Of Splits A & B.

Castle Mountain Creeks Owners Association Filed A Claim For A Split, A65-03238B, Of The Original Rt. On 3/21/90. With The Addition Of Two Names, Castle Mountain Creeks Owners Association & Glen Wagner, To The Claim For The Parent Rt., The Splits A & B Can Be Eliminated And Be Recommended To The Court For Disallowal As Being Claimed Under A65-03238, (The Parent Rt.)

An Amended Claim With The Additional Names Was Filed In May To Accomplish This.

EL

MICROFILMED

SEP 22 1992

A65-032388 INTER-DEPARTMENT MEMO — 1

ADJ. BUR. IDWR  
FROM FORREST LUTHY

DATE 05/14/1990

TO MR. VITO SCHULZ  
GARDEN VALLEY, ID 83622

SUBJECT ADJ. CLM. A65-032388

DEAR MR. SCHULZ:

ENCLOSED ARE AN ORIG. DURY-A COPY OF THE AMENDED CLAIM  
FOR A65-032388 W/ THE ADDITION OF THE 2 NAMES YOU REQUESTED.  
IF YOU HAVE ANY QUESTIONS, PLEASE WRITE OR CALL

SINCERELY,

James E. Luthy (WATER RES. AGENT)  
SIGNATURE

MICROFILMED

Memo To File: A65-03238

From: FEL

DATE: 03/28/1990

A65-03238B

CASTLE MTN. CREEKS OWNER' ASSOC. FILED A CLAIM FOR A SPLIT, A65-03238B  
OF THE ORIGINAL RT. ON 03/21/1990. WITH THE ADDITION OF THE 2  
NAMES, CASTLE MTN CREEKS OWNERS' ASSOCIATION & GLEN WAGNER,  
TO THE CLAIM FOR THE PARENT RT., THE SPLITS A & B CAN BE  
ELIMINATED AND BE RECOMMENDED TO THE COURT FOR DISALLOWAL.  
AS BEING CLAIMED UNDER A65-03238 (THE PARENT RT.).



MICROFILMED

SEP 22 1992

3-20-1990

Idaho Dept. of Water Resources  
Western Region  
2735 Airport Way  
Boise, Idaho 83705

Sirs:

Re: Water Right A 65-03238

We the undersigned members of Castle Mountain Creeks Owners Assn., take exception to the manner in which the present claim was filed to above water right.

At the time the claim was filed, one of those filing, Fay Livingston, was the President of our Assn. and the claim should have been filed for the Assn. and not for individual members.

There are 264 Lots of 33/4 to 11/2 acres, owned by over 200 people in our subdivision, with over 85 homes in same. Without water the homes are next to worthless to live in.

We have a central water system, with a 44,000 gal. tank and 6" main lines and 4" and 2" lateral lines to service all 264 lots.

Most of the individuals in Claim # A65-03238 are served by our water system. The only ones not served by our system are Usto and Diana Schulz.

These individuals do not have at the present time a separate system to deliver water to themselves.

In view of the above facts and because Garden Valley Associates turned over their Decreed water rights to Castle Mountain Creeks Owners Assn. as per attached letter, we believe their claim should be disallowed and the water rights should belong to Castle Mountain Creeks Owners Assn.

Yours Truly,

*Eugene J Brady*  
*Robert E. Lamm*  
*Anthony A. Van Dine*

HC 76 Box 4022  
Garden Valley Ida  
83622

MICROFILMED

SEP 22 1992

William R. Corcoran  
Wilderness Ranch  
HC 33 Box 3100  
Boise, Idaho 83706  
(208) 344-3387

February 22, 1990

Mr. Gene Brady,  
c/o Castle Mountain Creeks Owners' Ass'n  
H. C. 76, Box 4022, Garden Valley, Id.

Dear Mr. Brady,

Reference is made to that certain Water Right #65-03238, at  
Castle Mountain Creeks Subdivision in Garden Valley, Boise County,  
Idaho.

The aforesaid water right was turned over by Garden Valley Assoc-  
iates to Castle Mountain Creeks Owners' Ass'n., six or eight  
years ago, probably in about 1983. However, the date could have  
been earlier.

It was always our clear intent that this water right be transferred  
to Castle Mountain Creeks Owners' Ass'n., and indeed that was done  
by us.

If you have any further questions, please feel free to call me.

Yours truly,  
Terraco, an Idaho Partnership,  
and a General Partner of Garden  
Valley Associates, an Idaho General  
Partnership.

By: *William R. Corcoran*  
partner

STATE OF IDAHO  
COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_ in the  
year 19\_\_\_\_, before me, a Notary Public, personally appeared  
William R. Corcoran  
known or identified to me to be (one of) the partner(s) in the partner-  
ship of Terraco

and the partner(s) who subscribed said partnership name to the foregoing  
instrument, and acknowledged to me that he executed the same  
in said partnership name.

*Brenda L. Dyer*  
Notary Public

Residing at *Boise*, Idaho

MICROFILMED  
SEP 22 1992

CLAIMANT'S NAME: Tribby et al

DATE: 2-5-90

EMPLOYEE: Barber Triscale

RE: Gene Brady, along with 2 other members  
of the Castle Mountain Creeks Owners Assn.  
question whether this right should be  
claimed by the individuals. Their contention  
was that this water right belonged to  
the association rather than a handful  
of individuals.

For Cunningham - President of Anti-Com. League  
 and member of Board of Directors  
 Fred Loring - Chairman Board of Directors  
 William Lawrence  
 George Haworth  
 — Stinson } Lower Members

MICROFILMED

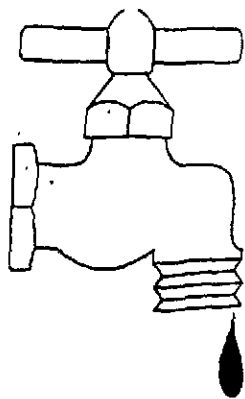
SEP 22 1992

1-462-3522

Dear Gene:

Gene Brady requested that I give you a copy of this news letter, that was circulated by our board of directors pertaining to a duplicate spot filling of the water right which we filed on a couple of months ago and paid the late fee on from Garden Valley Associates inc.

Would it be possible at all to update the scheduled hearing as we have an Association meeting coming up around Aug 12. and many of us are interested in discussing the situation and attending the hearing so we might put everyone in perspective and know where we have different thoughts. Sidney A Van Dusen  
(thanks)



# Water Rights Do We, or Don't We?

Water Rights???? There have been many questions, and some member action, in trying to understand the water right situation for the Association. It is very complicated, but I will try to, in a very short space, explain where we are with the water right issue.

When the Association formally took control of the sub division, there were no water rights transferred. Although some feel there were, no signed notarized copy of such a transfer is filed with the State of Idaho. Upon finding out this error, I filed for an Association water right and the water right was approved on July 21, 1986. This right was described as follows:

- Total 20*
- Irrigation from 03/15 to 11/15 during the year at .20 CFS (90 gal per min) for 97.2 AFA.
  - Domestic from 01/01 to 12/31 during the year at .20 CFS (90 gal per min) for 63.0 AFA.
  - Point of diversion is NESE, Sec. 32, Township 10N, Range 04E and SWSE, Sec. 32, Township 10N, Range 04E.
  - Place of use is Township 10N, Range 04E, Sec. 32 SWNE, NWSE, SENE, SWSE, NESE, SESE and Sec. 33 SWNE, NWSW, SENW, SWSW, NESW, SESW

This right was established for all of the domestic water needed in the sub division for 250 homes.

*105 on 38 acres.*  
In plainer language, this water right was for the sub surface well at the pump house at the creek and the groundwater well located next to the storage tank. Remember, water rights are associated with the land, NOT with an individual or an Association. *Not always true*

*Filed 5-11-1989*  
During the adjudication process, I filed on the above mentioned water right and also discovered that a water right with an early priority date had been filed upon by several people. I contacted these people and explained to them that this particular water right was being used for the water required at the spa/pool area. They agreed to add Castle Mountain to this adjudication filing. This right is for .04 CFS (18 gal per min). The point of diversion for this right is NWSE, Sec. 32, Township 10N, Range 04E. This particular diversion point is different that the domestic water right diversion point stated above. *38 CFS*

Bottom Line: Castle Mountain Creeks has 2 water rights filed in the Snake River Basin Water System adjudication process; Water Right License Water Right No. 65-12776 for 90 gal per min domestic use and Civil Case Number 39576 Identification Number A65-03238 for 18 gal per min for use at the spa area. *38 CFS 18 gal/min*

*Correct # is*

*65-4002A for .25 CFS or 112 1/2 gal min*

*Memorandum*

I will quote from the Identification Number A65-03238 filing: "Castle Mountain Creeks Owners' Ass'n filed a claim for a split, A65-03238B, of the original right on 3/21/1990. With the addition of the two names, Castle Mountain Creeks Owners Association & Glen Wagner, to the claim for the parent right, the splits A & B can be eliminated and be recommended to the court for disallowal as being claimed under A65-03238 (the parent right)"

*No one filed on water Castle Mtn claims*

Without total knowledge of all of the parts that make up the filing of water rights for the Association, court action could very well take place that would disallow all of our water rights, both domestic and for spa use. I encourage anyone wanting to pursue and file water rights for the Association to contact me first. Improper filing could lead to a total disallowance of water rights for the Association. Remember, only the Board of Directors have the legal right to file water rights in the name of Castle Mountain Creeks Owners Association.

If you want further detail explanation, or would like to see copies of the water rights that I have talked about, please contact me and I will be happy to sit down and discuss this with you.

Thanks,

Bill Lawrence

- \* - \* - \* - \* - \* - \* - \* - \* - \* - \* - \* - \* - \* - \* - \*

## P R E S I D E N T ' S      R E P O R T

Plans are under way for additions to the mailboxes. However, we have run out of space at the present location. Plans have been worked out with the post office and tentative arrangements have been made to move the mailboxes to the property owned by Castle Mountain Creeks Owners Associations near the swimming pools.

The roads seem to be in good shape this summer. Mix has been put in some locations and grading has been done.

Fay Livingston  
President



CASTLE MOUNTAIN CREEKS OWNERS ASSOCIATION  
NEWSLETTER

FINANCIAL NEWS

GENERAL FUND

|                                        |              |
|----------------------------------------|--------------|
| Beginning Balance 11/01/89.....        | \$ 5,939.04  |
| Operating Income.....                  | \$ 30,104.72 |
| Transferred from Contingency Fund..... | \$ 6,000.00  |
| Operating Expense.....                 | \$ 28,426.16 |
| Ending Balance 4/30/90 .....           | \$ 13,617.60 |

PETTY CASH

|                                 |          |
|---------------------------------|----------|
| Beginning Balance 11/01/89..... | \$ 21.51 |
| Deposits.....                   | \$ 24.00 |
| Expense.....                    | \$ 37.32 |
| Ending Balance 4/30/90 .....    | \$ 8.19  |

CONTINGENCY FUND

|                                 |              |
|---------------------------------|--------------|
| Beginning Balance 11/01/90..... | \$ 18,093.38 |
| Deposits.....                   | \$ 5,264.80  |
| Transferred to Checking.....    | \$ 6,000.00  |
| Ending Balance 4/30/90 .....    | \$ 17,358.18 |

NOTES FROM THE CHAIRMAN

The past year, Castle Mountain has run relatively smooth and without too many calls for major concern. I believe these are indications the Association has begun to reach a mature level that allows for more energies to be placed on more important long term issues. Those issues have not changed, they are:

1. Long term water supply
2. Road improvements
3. Equipment (own vs. lease)

The Association's financial position continues to improve. As of 4/30/90, we had over \$30,000 in the bank between the General Fund and Contingency Fund. Although our financial position is somewhat cyclical, the dollar amount has continued to grow over the past several years. The amount of outstanding dues has continued to be a major focus with less than stunning results. However, it seems time catches up to most delinquent accounts and foreclosure action or tax sales force a change in ownership that typically nets Castle Mountain new owner(s) who are willing to keep their account current.

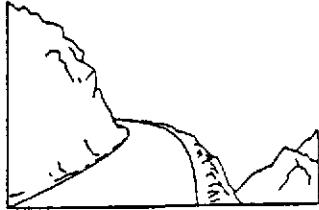
This year we have scheduled the Annual Meeting for August 11, 1990. I would encourage everyone to attend this year's meeting or to send in your proxy to ensure your vote is counted.

Rick Knigge

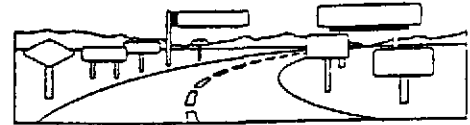
The new keys have been working well, there has been only one incident of major vandalism where the men's bathroom was destroyed. To curtail the vandalism and late night parties, we have arranged to hire reserve Boise County Sheriff's Officers to patrol the spa area periodically during the night. We are also working on a parking barrier to keep cars further away from the fence.

The main pools are functioning well, still some problems with the spa, but working diligently to get it up and working again. Looking forward to seeing you at the Annual Meeting.

Bob Stevenson



#### ROADS AND EQUIPMENT



As another fiscal year is drawing near to a close, it's time to make a report out for the Association's members benefit, so they will be informed before the Annual meeting of what we have done, what we are doing, and what we plan on doing before winter.

The last winter was fairly good to us. Mother Nature kinda played havoc with us a couple of times, snowing a bunch then turning to rain which left us with slush on the roads. We had several people with two-wheel drive vehicles getting stuck and even four-wheel drive was having some difficulty getting through. Our pickup/snowplow did it's best, but was to light for wet snow, so therefore we had to use our cat and we hired another cat to help clear the roads, which depleted our funds more than I wanted.

So far this summer we have been able to hire a grader from Terrace lakes. They graded part of the roads but the road bed got to dry so we will have to wait for another rainstorm, then maybe we can get them to finish the job.

We have hauled several loads of decomposed granite in different areas where needed. I plan to put road mix on Mildrens hill and on around to Tony Wolfe's place. This was a muddy trouble spot this spring and needs attention before another winter sets in.

We had looked into the possibility of purchasing a grader of our own, but with the new influx of people coming onto the mountain and the several new homes being built, we decided our number 1 priority was water. After this is resolved, we can maybe look again into getting our own road equipment and not have to depend on other equipment.

Our pickup and cat is in fairly good condition. We had to do several hours of welding on the cat last winter, but it should see us through another season with minimum expenses. (Knock on wood!).

We also want to report that we have finished the extension on the shop and we now have a firetruck in the Association. We wish to thank all of those who donated their time on this project for a job well done.

We are also putting an office in the main shop building where all business will be taken care of for the Castle Mountain Creeks Owners Association. The office will be open on certain days for so many hours. This will benefit the members as well as the bookkeeper who has had to conduct all business from her home, which has tied up one bedroom for office space.

Hope to see you at the Annual Meeting.

George G. Hawker, Board of Director, Roads & Equipment

CASTLE MOUNTAIN CREEKS OWNERS ASSOCIATION  
H.C. 70, Box 4001  
Garden Valley, Idaho 83622

Ordinance No. 1  
Margee Teibly, Secretary  
of the CMC Owners Association  
6/18/87

### WATER NOTES

Well, this has been an interesting last week. In following up on the water problems we have had, I first made an appointment with the State Department of Water Resources. (appointment was on July 2, 1986)

At the water resources office, Jan Shurte (Sr. Water Resource Agent) and I spent the better part of 2 hours looking through all the records to see if Castle Mountain has any water rights established for the domestic and heating water.

Castle Mountain Creeks has the following water rights:

As of 7/1/86

Right Number.....65-4002A  
Name and Address.....Garden Valley Associates  
Star Route, Garden Valley,  
Idaho 83622  
Priority Date.....6/1/65  
Use.....Heating  
Use Period From/To.....1/1 to 12/31  
Max Rate......25 CFS  
Diversion Point.....NWSW S33  
Place of Use.....NWSW S33  
Basis for Right.....Beneficial Use

Basically, the above is for the hot water from the spring area below the Spa's and is for the heating of the Spa's and shed. This right is equivalent to 112.5 gal per min (1.0 CFS = 450.0 GPM)

Right Number.....65-7594 *Lapsed.*  
Name and Address.....Garden Valley Associates  
Star Route, Garden Valley,  
Idaho 83622  
Priority Date.....10/31/75  
Use.....Domestic/Heating  
Use Period From/To.....1/1 to 12/31  
Max Rate......04 CFS (Domestic)  
.08 CFS (Heating)  
Diversion Point.....NWSW S31  
Place of Use.....NWSW S33  
Basis for Right.....Permit

*- Lapsed 18*  
*12 CFS. - 36*  
*54 gal per min*

The above is for one household use and was probably the right for the mobile home that was originally used as a office above the Spa area. This right is equivalent to 9 gal per min at .04 CFS and 18 gal per min at .08 CFS.

Right Number.....65-3238  
Name and Address.....Garden Valley Associates  
Star Route, Garden Valley,  
Idaho 83622  
Priority Date.....6/1/1983  
Use.....Irrigation/Domestic/Heating

*18* *48* *36*  
**MICROFILMED**

MAY 15 1989

Use Period From/To.....4/1 to 11/1  
 Max Rate......22 CFS (Irrigation) 1-16 11-1  
 .04 CFS (Domestic) 1-1 - 12-50  
 .12 CFS (Heating) " " "  
 Diversion Point.....NWSE S32/NWSW S33  
 Place of Use.....NESE S32 (6A) NWSW S33 (5A)  
 Basis for Right.....Deed

The above right is covering 11 acres for irrigation, 9 gal per min for domestic use and 54 gal per min for heating. This important thing to note here is that the use period is from April 1 thru November 1 of each year.

170 gal/min  
 170  
 34  
 224

Based on the above facts, that is Castle Mountain Creeks Owners Association does NOT have any water rights for the domestic water that is being used within the Subdivision, an Application For Permit to appropriate the Public Waters of the State of Idaho is being filed with the Department of Water Resources on July 14th, 1986.

= 65-127

This application will request .20 CFS (90 gal per min) be granted in connection with the well at the storage tank, the well next to Warm Springs Creek and a tentative request for the well currently located on Jackson's lot (this can be changed later to whatever source of water that is determined).

Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (1 year minimum) with one 5 year extension upon filing at the end of the first 5 year period.

The application will describe water rights # 65-4002A & 65-3238 as stated above. The request will be for total domestic use (250 homes) in both 10N 4E 32 and 10N 4E 33. It also includes rights for irrigation of 20 acres within each 1/4 section (32 & 33).

Filing fee is \$30.00 and is due upon filing of the application. Examination fee is \$50.00 and is due when examination is requested for final approval (1 yr, or 5 yrs or 10 yrs).

On July 8th, 1986, I met with Jon W Wroten, Sr. Water Quality Specialist with the State Department of Health & Welfare. This is the office that must give the water system approval.

Some findings: The water system is inspected every 3 years. Our system has one year before inspection is due, but because of our request, he will be doing an inspection sometime this year. He will look at everything and give us a list of items that need to be corrected for being approved.

He will schedule time with the Water Master to inspect the system.

The minimum requirement for the Subdivision is 80 gal per min being pumped into the storage tank. 200 gal per min of unrestricted water flow. At 80 GPM, there would be a residual of 200 gal per min left in the tank at maximum usage, just enough water left to "maybe" water one lawn per day. The 80 GPM figure is strictly for in house usage and not for irrigation purposes.

He confirmed that the well at the storage tank was improperly tested. The test pumping should have been at 57 gal per min at 323 feet for 9 hours instead of 38 gal per min., thus the shortage of water within the well.

MAY 11, 1986

We discussed several alternatives to getting more water in order to meet the minimum criteria and his final suggestion was that we hire an Engineer who will be able to arrive at some sound solutions. He recommended Mr. Keith Stokes who is an Engineer and owns South County Water system in Boise. I have called him for an estimate of the cost of recommending solutions.

Any change or major improvement must be approved by the Department of Health and Welfare and must be submitted with engineering designs. If we have to do this, we might as well start with an engineer.

One comment that Mr. Wroten had is that his Department is being much more active and demanding concerning water systems, more so than in the past. This doesn't help us any, but he did understand the development (and the developer) and wanted to work with us in any way to ensure that the system can be approved. One of the tests that is required in order to be State approved is that the system must maintain 20 lb pressure throughout the system for 7 days (this is the test). We all know at this time this cannot be accomplished. 20 lb of pressure is required in order to not cause a vacuum in the water lines that could suck back into the lines dirt, etc. that could carry germs.

He also re-confirmed that fact that the chlorine must remain in the water for a period of 30 minutes prior to usage. This requirement is due to the fact that the water used from the creek is consider surface water by his department and that regulations require 30 minute action period.

When he does his inspection of our water system, if the system fails, i.e., cannot maintain 20 lb pressure, he will disapprove the system. What this means is that no one else can build, sell or buy property until the system has been approved. Thought to keep in mind.

-----  
Meeting with Mr. Keith Stokes, Professional Engineer, South County Water Company here in Boise, July 9, 1986.

He charges a consulting fee of \$40.00 - \$50.00 per hour, depending on if he is in the office or in the field. He figures that approximately 5 to 6 hours of work would produce some good sound solutions for resolving the problems with the water system.

I am recommending that Mr. Stokes be hired by the Association for the purpose of determining a solution to additional water gal per min and a means of getting that water into the tank.

Additionally, we talked about ownership of water systems. He currently owns the South County Water System. Basically there are three routes which he could do:

1. After the system is brought to State standard, take over ownership of the entire system. This would cause it to become a public utility and all the necessary standards would have to remain. One draw back to this arrangement is that he could only charge those lots that are hooked up to the water system and it would have to be a separate charge outside of the payment of dues. The big advantage would be that all the problems associated with the system would be out of the hands of the Association.

2. Contract for the maintenance of the system. He would take over the complete maintenance of the system to include the sampling of the water, fixing anything that went wrong with the system billing the customers, etc. His fee

MAY 15 1989

would be a certain percentage of a water charge billed to the customer using the system and the remaining percentage would be returned to the Association. He would also be the contact for any State inspections, requirements, etc. Again, the system would have to be brought to State standard prior to this arrangement being made. The draw back here is that the Association would still own the system and any major improvements to maintain State standard would be the burden of the Association. The big benefit is that maintenance would be out of the hands of the Association and payment for repairs would be through the fee rather than the Association Board.

3. The last alternative would be to do nothing except recommend to use how to improve the system and the maintenance would remain the responsibility of the Association.

It appears that the #2 option would be very feasible and would be worth taking a good hard look at. The fee would be probably be higher than the current dues and we would still have to charge dues, except it would be at a reduced amount because we would not have to include water maintenance in it. Within this solution, the amount of the fee could be set equal to the cost of the contract with no remaining percentage of the fee going to the Association. This would keep the price lower over the period of the contract.

Bill Lawrence  
Member, Board of Directors  
Castle Mountain Creeks Owners Association  
July 9th, 1986

MICROFILMED

MAY 15 1989



Castle Mountain Creeks Owners Association, Inc.  
H C 76, Box 4001  
Garden Valley, Idaho 83622

1986 ANNUAL MEETING

*July 19, 1986*

Castle Mountain Creeks Owners Association's Annual Meeting was called to order at 10:10 A M on July 19, 1986 at the shop-spa area, Garden Valley, Idaho, by Fay Livingston, President. She read the Notice of Annual Meeting. Rick Knigge made a motion that the meeting be held as scheduled. Second by Bud Wilson. Motion was voted on and carried. There were 124 Owners voting, either in person or by proxy.

Marge Tribby read the minutes of the 1985 meeting. Bill Lawrence stated that errors had been made on the Expense- Budget Statement. Judy Lawrence made a motion to approve the minutes, as corrected. Second by Rick Knigge. Motion was voted on and carried. (Corrections as follows: Under Roads, Material should be listed as \$3,186.74. Under Administration, the total should be \$13,922.54).

CMC's loan has a balance due of \$3,380.16, with monthly payments of \$273.04. Scheduled pay-off is September of 1987.

WATER REPORT

Bill Lawrence stated that, due to an extremely dry summer and an inadequate water supply, residents have been asked to water every other day, from 6 A M until 10 A M, then again from 6 P M until 10 P M. Some residents are not complying.

A pump sentry has been installed at the upper well to prevent burn out of the pump when water supply is diminished.

Bill stated that CMC has no water rights filed with the State of Idaho Department of Water Resources for domestic use. Application has recently been filed for .20 cfs for domestic use. Minimum waiting time for a permit is one year. At the end of ten years, CMC must have pumping capacity of .20 cfs. This information was received from Jan Shurte, Senior Water Resource Agent, Department of Water Resources, Boise, Idaho.

CMC's water system is not approved by the State of Idaho. To be approved, 80 gallons per minute must be pumped to the tank (200 gallons per minute unrestricted water flow). At present, pumping fluctuates from 47 to 63 gallons per minute; this is not state accepted as the minimum pumping requirement. The 80 gallons per minute required must have a constant 20 pounds of pressure through the entire water system at all times to be acceptable by the State. An additional requirement is that chlorine must remain in the system 30 minutes prior to use; it does currently. If the State disapproves CMC's water system, there can be: no selling, no buying, no more water hook-ups and no houses until approval is secured. Information source for State approval is Jon W. Wroten, Department of Health and Welfare, Boise, Idaho. A professional engineer, Keith Stokes, has been hired to recommend solutions. Estimated cost of securing water for State approval is from \$25,000.00 to \$35,000.00.

Memo To: 65-3298

2/15/72

From: F.E.L. Shows Little If Any Definite Signs Of Irrigation

1964 Aerial Shows By This Portion Of The Dam Spans Decid

Onwards Contain No Positive Signs

1975 V-2 Photo Also No Positive Signs

1977 V-2 Indicates Approx 6 Acres In NESE 532,5 Though

Difficult To Definitely Ascertain Because Of A Unable To R903

In Area Approximately 5 Acres In NW SW 533, ALL INFORMATION

We Are Therefore Recommending Irrigation Of 11 Acres For

The Irrigation Portion Of This Right

SF

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

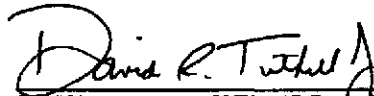
|                                  |   |                      |
|----------------------------------|---|----------------------|
| IN THE MATTER OF APPLICATION     | ) |                      |
| FOR PERMIT NO. 65-13526 AND      | ) |                      |
| APPLICATION FOR TRANSFER NO.     | ) | NOTICE OF CONFERENCE |
| 65-3238 IN THE NAME OF CASTLE    | ) |                      |
| MOUNTAIN CREEK OWNERS ASSN. INC. | ) |                      |
| <hr/>                            |   |                      |

On June 30, 1994, Castle Mountain Creek Owners Association, Inc. filed with the Department of Water Resources (Department) an application for permit to appropriate the public waters of the State of Idaho, and an application for transfer of water right. The application for permit was protested by Gary L. Bunn and Arnold &/or J. B. Withrow. The application for transfer was protested by Carolyn &/or Catherine Goff and Usto Schultz.

The Department has set the matter of protest for a conference to be held on Tuesday, June 4, 1996, at 10:00 a.m., at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

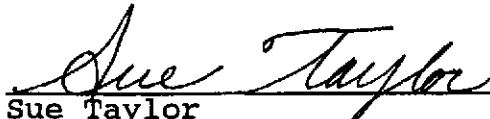
The Department will provide the opportunity for parties to the matter to respond and present information and argument on the issues involved.

Dated this 6<sup>th</sup> day of May, 1996.



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

I hereby certify that on the 7<sup>th</sup> day of May, 1996, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:



Sue Taylor  
Secretary/Office Coordinator

Certified Mail

CASTLE MTN CREEK OWNERS ASSN INC  
HC 76 BOX 4001  
GARDEN VALLEY ID 83622

GARY L BUNN  
HC 76 BOX 2281  
GARDEN VALLEY ID 83622

ARNOLD &/OR J B WITHROW  
HC 76 BOX 4053  
GARDEN VALLEY ID 83622

CAROLYN &/OR CATHERINE GOFF  
DEAN BUZZELL TRUST  
PO BOX 876  
NAMPA ID 83653

USTO SCHULTZ  
HC 76 BOX 4048  
GARDEN VALLEY ID 83622

## **CONFERENCE AND HEARING PROCEDURE**

### **APPLICATION FOR PERMIT**

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

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

### **BURDEN OF PROOF**

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

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

### **PROCEDURE**

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

### **CONFERENCE**

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize

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

## **HEARING**

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

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

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

## **EXHIBITS**

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

## **AMERICANS WITH DISABILITIES ACT**

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

Prot.



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

September 8, 1994

USTO SCHULZ  
HC 76 BOX 4048  
GARDEN VALLEY ID 83622

Re: Application for Permit No. 65-3238 and A65-3238 in the  
name of Usto Schulz

Dear Mr. Schulz:

This letter is to inform you that we are in agreement to  
your request for an extension of time of thirty (30) days.

If you have any questions, please call this office.

Sincerely,

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

DRT:st

Encl.

RECEIVED

SEP 07 1994

WATER RESOURCES  
WESTERN REGION

USTO SCHULZ  
HC 76 BOX 4048  
GARDEN VALLEY, ID 83622

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

*Dr*  
MR. DAVID R. TUTHILL, JR. , P.E.

RE: 65-3238 & A65-3238

I HAVE YOUR LETTER OF AUG. 22, 1994 IN WHICH YOU SET 20 DAYS AS THE PERIOD TO SETTLE THE PROTEST WITH CASTLE MOUNTAIN ASSOCIATION. MR. SHERL CHAPMAN'S SCHEDULE IS SUCH THAT WE WILL NOT BE IN POSITION TO DEVELOP A REASONABLE RESOLUTION FOR DISCUSSION IN THAT PERIOD. WE ARE REQUESTING AN ADDITIONAL 30 DAYS.

*Usto Schulz*  
USTO SCHULZ  
9/6/94

COPY TONY BOHNER  
CASTLE MOUNTAIN  
SHERYL CHAPMAN  
GARY BUNN



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

February 16, 1996

CASTLE MOUNTAIN CREEK OWNERS ASSN  
HC 76 BOX 4001  
GARDEN VALLEY ID 83622

RE: Application for Permit No. 65-13526 in the Name of Castle  
Mountain Creek Owners Assn

Dear Applicants:

The purpose of this letter is to inquire as to the status of the  
above-referenced application.

Please bring us up to date on this matter as soon as possible.

Sincerely,

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

DRT:st

Notes for Conference on 65-13526 Castle Htn Creek Owners

Present: Rob Spofford & Jan Strate for App.

Notes by D. Tuttle

Gary Bunn, & Arnold & JB Withrow, Protestants 1/13/1995

Concerns: Watermaster is needed

Even during good years, water is insufficient throughout the year

Potential Conditions:

1. WRT control
2. M/D required
3. Capability for shutoff to decreed water req'd
- 4.

Resolution:

1. Hold until transfer application is reviewed
2. Find out extent of in-home use - report from Rob Spofford

## ROSTER OF ATTENDANCE

### IDAHO DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, ID 83705

Re: Protested Application for Permit #65-13526 in the Name of  
Castle Mountain Creek Owners Assn. Inc.

Place: IDWR, Western Region, 2735 Airport Way, Boise, ID 83705

Date: Friday, January 13, 1995

Conducted by: David R. Tuthill, Jr., P.E.

NAME

ADDRESS

|                |                                    |
|----------------|------------------------------------|
| Larry K. Burns | HC 76 Box 2251 Garden Valley 83622 |
| David Tuthill  | HC 76 Box 4043 Garden Valley       |
| B. Withrow     | HC 76 Box 4053 Garden Valley       |
| BOB SPOFFORD   | 4735 JENNIFER ST. BOISE, ID 83704  |
| JAN V. HUNT    | IDWR                               |

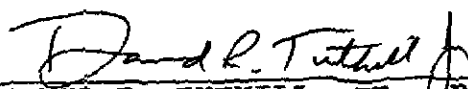
BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

|                                |   |                      |
|--------------------------------|---|----------------------|
| IN THE MATTER OF APPLICATION   | ) |                      |
|                                | ) |                      |
| FOR PERMIT NO. 65-13526 IN THE | ) | NOTICE OF CONFERENCE |
|                                | ) |                      |
| NAME OF CASTLE MOUNTAIN CREEK  | ) |                      |
|                                | ) |                      |
| OWNERS ASSN. INC.              | ) |                      |
| <hr/>                          |   |                      |

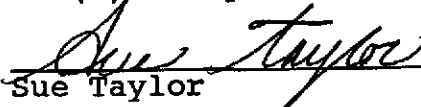
On June 30, 1994, Castle Mountain Creek Owners Assn. Inc. filed with the Department of Water Resources an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Gary L. Bunn and Arnold &/or J. B. Withrow.

The Department has set the matter of protest for a conference to be held on Friday, January 13, 1995, at 10:00 a.m., at the Department of Water Resources, Western Region conference room, 2735 Airport Way, Boise, Idaho 83705. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 22<sup>nd</sup> day of December, 1994.

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

I hereby certify that on the 23<sup>rd</sup> day of December, 1995, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s), and protestant(s) listed:

  
Sue Taylor  
Secretary

Certified Mail

CASTLE MOUNTAIN CREEK OWNERS ASSN INC  
HC 76 BOX 4001  
GARDEN VALLEY ID 83622

GARY L BUNN  
HC 76 BOX 2281  
GARDEN VALLEY ID 83622

ARNOLD &/OR J B WITHROW  
HC 76 BOX 4053  
GARDEN VALLEY ID 83622

## **CONFERENCE AND HEARING PROCEDURE**

### **APPLICATION FOR PERMIT**

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

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### **BURDEN OF PROOF**

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

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

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

#### **EXHIBITS**

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

#### **AMERICANS WITH DISABILITIES ACT**

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



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

September 7, 1994

GARY L BUNN  
HC 76 BOX 2281  
GARDEN VALLEY ID 83622

Re: Application for Permit No. 65-13526 in the name of Castle  
Mountain Creek Owners Assn., Inc.

Dear Mr. Bunn:

This letter is to inform you that we are in agreement to  
your request for an extension of time of twenty (20) days.

Also enclosed is a list of the water right permit holders  
on Warm Springs Creek.

Sincerely,

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

DRT:st

Encl.

# The Idaho World

P O Box 99  
Garden Valley, ID 83622  
208 462-3487

RECEIVED

AUG 16 1994

WATER  
WCS

State of Idaho >

County of Boise >

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for 100 (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Aug 3, 1994 and ending with the issue of Aug 10, 1994.

Deanna Stevenson

State of Idaho >

County of Boise >

On this 15 day of Aug in the year 1994, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

V. Carotte  
Notary Public for Idaho  
Residing at Garden Valley, Idaho

My commission expires 6-25-2000

## NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13523

KELLER, ROY  
KELLER, ROBERTA  
1665 N BRANDON RD  
STAR, ID 83669

Source: GROUNDWATER

Diversion Pt: SESENW Sec 23 T 10N R 04E in BOISE County.

Use: DOMESTIC (.040 CFS)  
Total Diversion: (.040 CFS)

Date Filed: 6/27/1994

In: BOISE County  
T10N R04E S23 SWNE SENW NESW

65-13524

KELLER, ROBERTA  
KELLER, ROY  
1665 N BRANDON  
STAR, ID 83669

Source: PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER

Diversion Pt: SWSWNE Sec 23 T 10N R 04E in BOISE County.  
SESENW Sec 23 T 10N R 04E in BOISE County.

Use: IRRIGATION (.030 CFS)  
Total Diversion: (.030 CFS)

Date Filed: 6/27/1994

In: BOISE County  
T10N R04E S23 SWNE SENW NESW

1.0 ACRES TOTAL

65-13526

CASTLE MOUNTAIN CREEK OWNERS ASSN INC  
HC 76 BOX 4001  
GARDEN VALLEY, ID 83622

Source: WARM SPRINGS CREEK Tributary: PAYETTE RIVER, MIDDLE FORK

Diversion Pt: NESE Sec 31 T 10N R 04E in BOISE County.  
NWSE Sec 32 T 10N R 04E in BOISE County.

Use: DOMESTIC (.540 CFS)  
IRRIGATION (1.040 CFS)  
Total Diversion: (1.580 CFS)

Date Filed: 6/30/1994

In: BOISE COUNTY  
T10N R04E S32 SWNE SENE NESE NWSE  
SWSE SESE  
S33 SWNW SENW NESW NWSW  
SWSW SESW

52.0 ACRES TOTAL

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before AUGUST 22, 1994. The protestant must also send a copy of the protest to the applicant.

R. KEITH HIGGINSON, Director

Published in The Idaho World August 3 and 10, 1994.



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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

August 22, 1994

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

ARNOLD &/OR J B WITHROW  
HC 76 PO BOX 4053  
GARDEN VALLEY ID 83622

Re: Application for Permit No. 65-13526 in the Name of Castle  
Mountain Creek Owners Assn. Inc.

Dear Protestant:

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

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

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

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

Sincerely,

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

DRT/st



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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

August 22, 1994

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

GARY L BUNN  
HC 76 BOX 2281  
GARDEN VALLEY ID 83622

Re: Application for Permit No. 65-13526 in the Name of Castle  
Mountain Creek Owners Assn. Inc.

Dear Protestant:

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

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

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

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

Sincerely,

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

DRT/st



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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

August 22, 1994

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

CASTLE MOUNTAIN CREEK OWNERS ASSN INC  
HC 76 BOX 4001  
GARDEN VALLEY ID 83622

Re: Application for Permit No. 65-13526

Dear Applicant:

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

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

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

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

Sincerely,

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

Enclosure: Copy of protest(s)

ARNOLD & J B WITHROW  
HC 76 PO BOX 4053  
GARDEN VALLEY, ID. 83622

1 PROTEST TO CASTLE MT.  
DEVERTING, WARM SP-  
CREEK, NORTH FORK  
TO PRIVATE USE OF  
MEMBERS OF CASTLE  
MT. SUB. THEY HAVE  
BEEN DEVERTING THE  
NT. FORK TO THE WARM  
SPRINGS CREEK SINCE  
THE 7-1-94. THEY  
DROW THE NT. FORK DOWN  
TO NOTHING, AND ON  
8-2-94 SO LOW THEY  
KILLED ALL THE  
TROUT IN THE NT. FORK.

Rec'd \$25.00 8-18-94  
W017939 By VR

**RECEIVED**

**AUG 18 1994**

**WATER RESOURCES  
WESTERN REGION**

**RECEIPT**  
For Monies Paid  
to the  
Idaho Department of Water Resources

Receipt No: 2017232

Date: 8/12/1994  
Time: 13:50:38

Received

From: WATERBURY FUND

| Type of Payment     | Program A cct | Amount |
|---------------------|---------------|--------|
| PROTEST FEE 8-13-94 | 220 21 1155   | 25.00  |

Total

\$25.00

CHECK

4-66

Region: WESTERN

Signature:

*V. Robinson*

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
NOTICE OF PROTEST**

RECEIVED

AUG 17 1994

WATER RESOURCES  
WESTERN REGION

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

1. Matter being protested 65-13526 Castle Mountain Owners Association
2. Name of protestant Jary L. Bunn
3. Protestant's representative for service (If different than protestant)  
N/A
4. Service mailing address H.C. 76 Box 2281 Garden Valley, ID 83622
5. Service telephone no. (208) 462-3808
6. Basis of protest (including statement of facts and law upon which the protest is based) \_\_\_\_\_  
There is no water available during peak summer months of irrigation.  
There are more water users than there is water available.

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

7. What would resolve your protest? A. Immediate moratorium on Warm Springs Creek.  
B. Installation of metering devices by permit holders.  
C. Complete review by Idaho Water Resources to determine the actual amount of water available.

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

Signed this 17th day of August, 1994.

Jary L. Bunn  
PROTESTANT

\_\_\_\_\_  
PROTESTANT'S REPRESENTATIVE

Copy sent to Castle Mountain Owners Association,  
Garden Valley, ID.

**NOTE:**

- a) Not more than two (2) representatives for service of documents may be designated on a protest. If this protest is signed by more than one person without identifying the representative(s) for service of documents, the hearing officer may select the person(s) upon whom documents will be served.
- b) A protestant is required to timely file a protest with the department together with a \$25.00 protest fee in order for the protest to be considered by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.
- 

**INSTRUCTIONS**

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. \_\_\_\_\_ in the name of \_\_\_\_\_" or "Application for Transfer No. \_\_\_\_\_ in the name of \_\_\_\_\_."
  2. Show the name of the protestant.
  3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
  4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
  5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
  6. Specifically describe the nature of the protest.
  7. Describe the relief being sought by the protestant.
- 

**FOR DEPARTMENT USE ONLY**

Received by VR Date 8-17-94 Time 11:45 am  
\$25.00 fee Receipted by VR # W017934 Date 8-17-94

# NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13523

KELLER, ROY  
KELLER, ROBERTA  
1665 N BRANDON RD  
STAR, ID 83669

Source: GROUNDWATER

Diversion Pt: SESENW Sec 23 T 10N R 04E In BOISE County.

Use: DOMESTIC (.040 CFS)  
Total Diversion: (.040 CFS)

Date Filed: 6/27/1994

In: BOISE County  
T10N R04E S23 SWNE SENW NESW

65-13524

KELLER, ROBERTA  
KELLER, ROY  
1665 N BRANDON  
STAR, ID 83669

Source: PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER

Diversion Pt: SWSWNE Sec 23 T 10N R 04E In BOISE County.  
SESENW Sec 23 T 10N R 04E In BOISE County.

Use: IRRIGATION (.030 CFS)  
Total Diversion: (.030 CFS)

Date Filed: 6/27/1994

In: BOISE County  
T10N R04E S23 SWNE SENW NESW

1.0 ACRES TOTAL

65-13526

CASTLE MOUNTAIN CREEK OWNERS ASSN INC  
HC 76 BOX 4001  
GARDEN VALLEY, ID 83622

Source: WARM SPRINGS CREEK Tributary: PAYETTE RIVER, MIDDLE FORK

Diversion Pt: NESE Sec 31 T 10N R 04E In BOISE County.  
NWSE Sec 32 T 10N R 04E In BOISE County.

Use: DOMESTIC (.540 CFS)  
IRRIGATION (1.040 CFS)  
Total Diversion: (1.580 CFS)

Date Filed: 6/30/1994

In: BOISE COUNTY  
T10N R04E S32 SWNE SENE NESE NWSE  
SWSE SESE  
S33 SWNW SENW NESW NWSW  
SWSW SESW

52.0 ACRES TOTAL

*PROTEST*

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83706 together with a protest fee of \$25.00 on or before AUGUST 22, 1994. The protestant must also send a copy of the protest to the applicant.

R. KEITH HIGGINSON, Director

Published in The Idaho World August 3 and 10, 1994.

**PROTEST INFORMATION SHEET**

**APPLICANT:** Castle Mountain Creek Owners Assn Inc

**WR #:** 65-13526

**Date Filed** 6-30-94

**Protest Date:** 8-22-94

**Protestant(s) Name & Address:** Arnold &/or J. B. Withrow, HC 76  
PO Box 4053, Garden Valley ID 83622

Gary L. Bunn, HC 76 Box 2281, Garden Valley ID 83622

\_\_\_\_\_  
\_\_\_\_\_  
**Attorney - Name & Address** \_\_\_\_\_

\_\_\_\_\_  
**Issues** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Applicant - Attorney - Name & Address** \_\_\_\_\_  
\_\_\_\_\_

**Dates:** \_\_\_\_\_

Acknowledgement Letters 8.22-94

Hearing Notice \_\_\_\_\_

Hearing Date \_\_\_\_\_

**Other:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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IDAHO DEPARTMENT  
OF HEALTH AND WELFARE

DIVISION OF  
ENVIRONMENTAL QUALITY

✓ DNR  
WTR R/F file

1420 North Hilton, Boise, ID 83706-1260, (208) 334-0550

Cecil D. Andrus, Governor

July 20, 1994

CASTLE IWR

David R. Tuthill, Manager, Western Regional Office  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705

RECEIVED

JUL 21 1994

WATER RESOURCES  
WESTERN REGION

RE: IDWR - Public Waters Appropriation Permit No. 65-13526

Dear Mr. Tuthill:

The project must be conducted under the design and supervision of an Idaho registered professional engineer. The proposed source is surface water which is more complex to treat and monitor than is groundwater. The process to follow is:

1. Selecting the appropriate type of treatment and the subsequent design is very complex. Therefore, an engineering report is required and it must be prepared by a registered professional engineer. The engineer should demonstrate that he has experience in the design of these systems and is familiar with state and Environmental Protection Agency (EPA) regulations; please have him contact us early in the process.

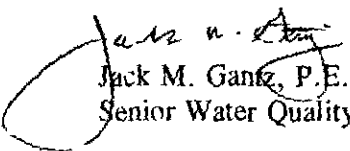
The general guidelines for both reports and plans are contained in "Recommended Standards For Water Works". We look forward to at least that level of detail, and occasionally, our requirements are stricter.

2. Pilot plant studies are usually necessary and may last a full year in some cases. In addition, the climatology and hydrology background must be sufficient to ensure that the year tested is representative.
3. Detailed plans and specifications must be submitted to this office for review.

We will pay particular attention to the following items:

1. Construction must be done under the general supervision of the professional engineer. The contract assuring this must be submitted with the application.
2. Much more sophisticated and detailed monitoring and reporting are required for surface water supplies. We recommend that you contact 334-3100 and obtain the latest set of "IDAHO REGULATIONS FOR PUBLIC DRINKING WATER SYSTEMS".
3. All treatment plants must have a State Certified Operator.

Sincerely,

  
Jack M. Gantz, P.E.  
Senior Water Quality Engineer

cc: Castle Mountain Creek Owners Association, Inc, Applicant  
Monty Marchus, DEQ-SWIRO

Source File #14, Reading File



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

July 15, 1994

IDAHO DEPT OF HEALTH & WELFARE  
DIV OF ENV QUALITY  
SWIRO  
1420 N HILTON  
BOISE, ID 83706

Re: Applications for Permit Nos. 65-13526 in the Name of  
Castle Mountain Creek Owners Assn. Inc. and 57-7595 in the  
Name of Les Moncrief

Dear Sir:

Enclosed are a copies of the above-referenced applications  
for permit which may be of interest to your agency. Please  
review the applications and submit any comments you may have.

This office normally completes the processing of an  
application within a six-week period and is required to take  
final action shortly thereafter, however, if your agency  
desires to file a formal protest against the approval of this  
application(s), your written protest must be received in this  
office by August 8, 1994.

If you have any questions regarding the applications,  
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):

65-13526

CASTLE MOUNTAIN CREEK OWNERS ASSN INC  
HC 76 BOX 4001  
GARDEN VALLEY, ID 83622

Source: WARM SPRINGS CREEK

Tributary: PAYETTE RIVER, MIDDLE FORK

Diversion Pt:            NESE        Sec 31 T 10N R 04E in BOISE County.  
                         NWSE        Sec 32 T 10N R 04E in BOISE County.

Use: DOMESTIC                            ( .540 CFS)  
      IRRIGATION                        ( 1.040 CFS)  
              Total Diversion: ( 1.580 CFS)

Date Filed: 6/30/1994

|                  |      |      |      |      |
|------------------|------|------|------|------|
| In: BOISE County |      |      |      |      |
| T10N R04E S32    | SWNE | SENE | NESE | NWSE |
|                  | SWSE | SESE |      |      |
| S33              | SWNW | SENW | NESW | NWSW |
|                  | SWSW | SESW |      |      |

52.0 ACRES TOTAL

WR0749NP  
No. 65-12802

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 07/12/94  
PAGE: 1

| OWNER<br>CODE | NAME & ADDRESS         | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | JOHN M TRIBBY          | 06/24/1987       | IRRIGATION | 04-15 10-15           | 0.02 CFS          | 2.80 AFA            |
| C             | MARGIE B TRIBBY        |                  |            |                       |                   |                     |
|               | HC 76 BOX 4030         |                  |            |                       |                   |                     |
|               | GARDEN VALLEY ID 83622 |                  |            |                       |                   |                     |
|               | (208) 462-3397         |                  |            |                       |                   |                     |
|               |                        |                  |            | TOTAL DIVERSION:      | 0.02 CFS          | 2.80 AFA            |

Water Source: UNNAMED STREAM

Tributary to: WARM SPRINGS CREEK

Stage: LICENSE

Point(s) of Diversion Capacity: 0.02 CFS

Point(s) of Diversion: T10N R04E S32 NESE

BOISE County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |             |     |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|-----|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | :           | SUM |
| 10N | 04E | 32 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | :           | 0.8 |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 0.8 |

Pou County: BOISE

Other Rights: PERMIT 65-12776.

Other Water Rights Listing Overlapping Place(s) of use:  
65-03238 65-12776

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
- R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

|        |                 |            |                    |            |
|--------|-----------------|------------|--------------------|------------|
| Dates: | App. Received:  | 06/24/1987 | Priority Date:     | 06/24/1987 |
|        | Proof Due Date: | 10/01/1988 | Proof Made Date:   | 07/18/1988 |
|        | Exam Made Date: | 07/25/1991 | Exam Sent to S.O.: | 12/08/1992 |
|        | Licensed Date:  | 01/11/1993 |                    |            |

Misc: Water District Number: 65 Field Exam Fee: R (Received)

Audit: 11/03/87 04/30/88 CONVERT 08/11/88 CURTIS 12/16/88 WALKER  
07/29/91 GARRETT 12/08/92 TAYLOR 12/17/92 SKAGGS

Form 212  
6/86

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
BENEFICIAL USE FIELD REPORT

RECEIVED  
DEC 09 1992

Department of Water Resources

A. GENERAL INFORMATION

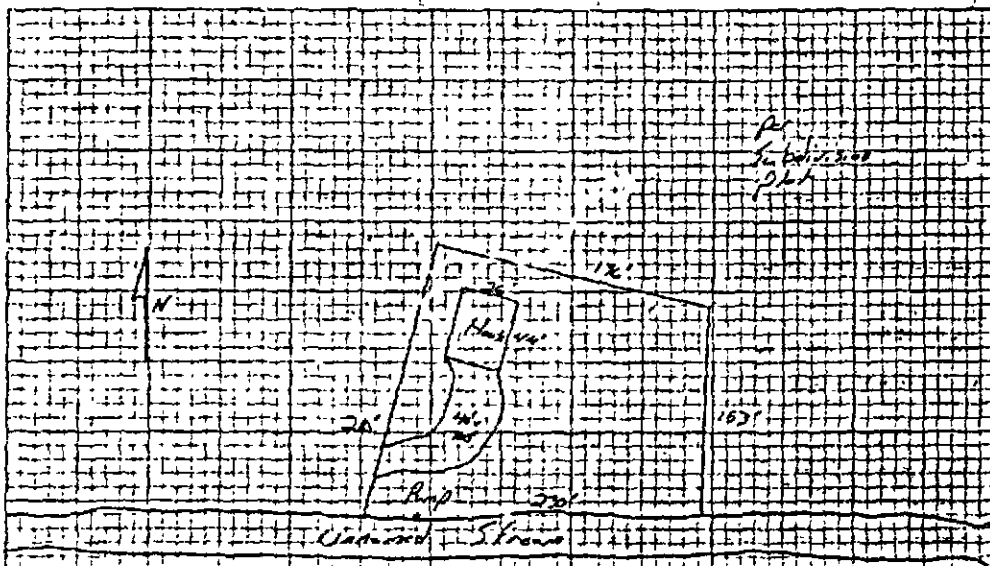
Permit No. 65-12802  
1. Owner: John A. & Margie B. Tibbby Phone No. 462-3377  
Current Address: HC 76 Box 4030 Garden Valley ID 83622  
2. Accompanied by: Margie B. Tibbby EXAM. DATE: 7-24-91  
Address: See Phone No. \_\_\_\_\_  
Relationship to Permit Holder: \_\_\_\_\_  
3. Source: Howard Stream tributary to Whisper Springs

B. OVERLAP REVIEW

1. Other water rights with same place of use: 65-12776  
☐ Copies Attached  
2. Other water rights with same point of diversion: N/A  
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = 50' 100'

2. ☒ Copy of U.S.G.S. Quadrangle Attached ☐ Aerial Photo Attached  
Showing location(s) of point(s) of diversion and (required for irrigation of 10 acres or more)  
place(s) of use (required).  
☒ Photo of Diversion and System Attached  
(required for all but single household domestic groundwater, and stockwater).

**System Description (continued)**

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

A 1/2 hp pump is used to direct water from an unexcavated stream. The pump was not in the water at the time of exam, but several pressure sprinklers were located in the garden area. The point of diversion in the stream was approx 5 ft higher than the sprinkler line.  
 Total acreage =  $[(210 \times 153/2) + (196 \times 230/2) - 26,444 \times 46,000] / 43,560 = 0.001$   
 Water for the house is supplied by Castle Mt. Cocks Subdivision

☐ See Remarks on page 4 for continuation

| Well or Diversion Identification No.* | Motor Make | Hp  | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|-----|------------------|-----------|-----------------------------------|
|                                       | Alb Lys    | 1/2 |                  | Teel Pump |                                   |
|                                       |            |     |                  |           |                                   |
|                                       |            |     |                  |           |                                   |
|                                       |            |     |                  |           |                                   |

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

5. Point(s) of Diversion:

| Ident. No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks |
|------------|-----------|-----|-----|-----|------|------|------|--------|---------------------------------|
|            |           |     | NE  | SE  | 32   | 10N  | 4E   | Bute   | 1,565 Quad                      |
|            |           |     |     |     |      |      |      |        |                                 |
|            |           |     |     |     |      |      |      |        |                                 |
|            |           |     |     |     |      |      |      |        |                                 |

6. Place(s) of Use:

Indicate Method of Determination 1,565 Quad / 1,511 map

| 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 |        |
| DN   | 4E   | 32   |        |        |        | 2      |        |        |        |        |        |        |        |        |        | 8      |        |        | 8      |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
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DEPARTMENT OF AGRICULTURE  
 UNITED STATES DEPARTMENT OF AGRICULTURE  
 OFFICE OF THE ASSISTANT SECRETARY FOR WATER RESOURCES  
 WASHINGTON, D.C. 20250

Do not use this space

DEC 8 1965  
 17-10-11-12

Do not use this space

#### D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

1/2 hp pump, 5' dynamic, 60 psi c/s

#### E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

$$8.8 \times 0.265 = 0.265$$

2. Alternate Method for Checking Purposes:

$$1/2 \text{ hp} \times 8.8 \times 70\% = 0.265$$

#### F. PUMP EFFICIENCY DATA (Optional)

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 x \_\_\_\_\_ 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 0.01732 = \_\_\_\_\_ (8)

Panel Input HP: (8) x 1.34 = \_\_\_\_\_ (7); Efficiency: (5)/(7) x 100 = \_\_\_\_\_ %

#### G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IA} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 8 \times 3.5 = 28.5$$

$$V_{DA} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.2 \times 2144 \times 1.9835 = 8.5$$

$$V = \text{Smaller of } V_{IA} \text{ and } V_{DA} = 28.5$$

2. Volume Calculations for Other Uses:

# H. REMARKS AND OVERLAP REVIEW ANALYSIS

*Permit # 65-12776 is used inside the basin and to also support the irrigation requirements.*

## I. RECOMMENDATIONS

### 1. Recommended Amounts

| Beneficial Use    | Period of Use |             | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (af) |
|-------------------|---------------|-------------|------------------------------|-------------------------|
|                   | From          | To          |                              |                         |
| <i>Irrigation</i> | <i>4/1</i>    | <i>11/1</i> | <i>.02</i>                   | <i>2.8</i>              |
|                   |               |             |                              |                         |
|                   |               |             |                              |                         |
| Totals:           |               |             | <i>.02</i>                   | <i>2.8</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

## J. AUTHENTICATION

Field Examiner's Name *Mark Sain*  
 Signature *Mark Sain*  
 Certification Date *2/12/92*  
 Field Report Preparation Date *7-27-91*



## K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

PERMIT 6512802 INTT 1965  
T. R. S. Q/O  
P/D 22 46 22 NE 1/4  
SCALE  
PHOTO ID.

NORTH

