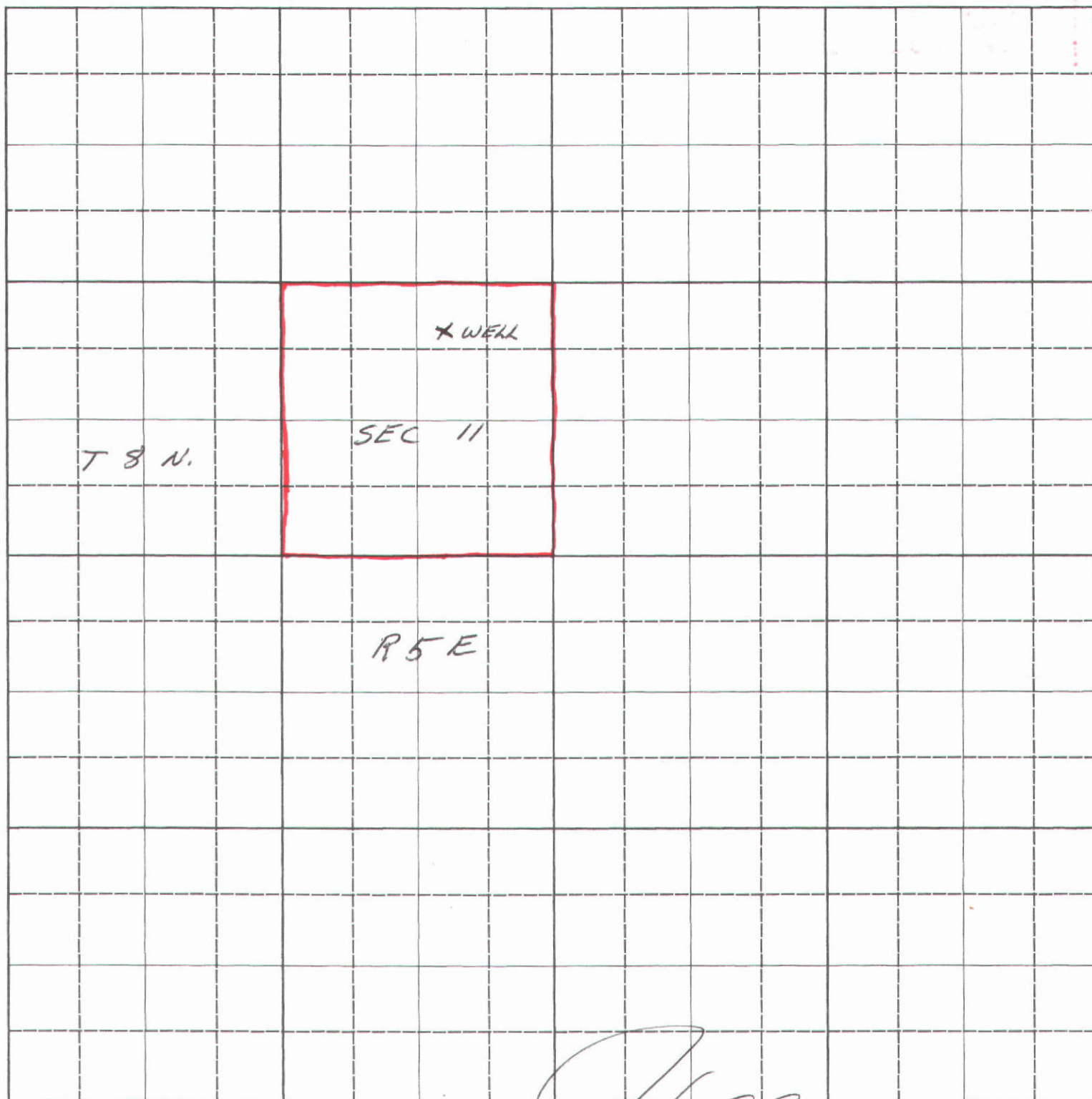


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

OCT 25 1989

John C. Carr P.R.H.S.M.O.A.
President
Charles F. Evans
Noyd E. Markus
Erwin M. Bailey
(Applicant)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 65-13076 IN THE)
NAME PAYETTE RIVER HOT SPRINGS HOME OWNERS)
_____)

ORDER OF REINSTATEMENT

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before November 1, 1990; and,

WHEREAS, Section 42-218a Idaho Code provides that the Department notify permit holder sixty days prior to the proof due date; and,

WHEREAS, the Department sent notice to the permit holder by certified mail that proof was due with instructions as to the steps to be taken to make said proof; and,

WHEREAS, the Department notified the permit holder that the permit lapsed for failure of the permit holder to submit proof of beneficial use form; and,

WHEREAS, on September 24, 1990, the permit holder submitted the proof of beneficial use for this water right; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of lapsing; and,

WHEREAS, the permit holder provided a reasonable showing as to why said permit should be reinstated by submitting the proof of beneficial use form timely;

MICROFILMED

FEB 07 1991

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 65-13076 be REINSTATED
with no advance in priority.

Dated this 18th day of January, 1991.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

FEB 07 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13076

Proposed Priority: May 4, 1989

Maximum Diversion Rate:

0.25 CFS

This is to certify, that **PAYETTE RIVER HOT SPRINGS HOME OWNERS**
C/O JOHN C. CARR
2021 N.W. 10TH
MERIDIAN, ID 83642

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.25 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNE Sec. 11, Township 08N, Range 05E
BOISE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

08N 05E 11

NWNE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **November 1, 1990**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
5. Domestic use is for 30 homes.

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

10th day of October, 1989

for R. Keith Higginson
R. Keith Higginson, Director

MICROFILMED

OCT 25 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho 376-9061 WK.#

1. Name of applicant Payette River Hot Springs H.O. Association Phone 888-5362
Post office address 2021 N.W. 10th Meridian, Ida. 83642

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

3. Location of point of diversion is N.W. 1/4 of N.E. 1/4 of _____ 1/4, Govt. Lot _____
Sec. 11 Township 8N Range 5E B M Boise County; additional
points of diversion if any, _____

4. Water will be used for the following purposes:

Amount .25 ^{cfs} for domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated is (a) .25 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works. pump pressure system

a. Description of ditches, flumes, pumps, headgates, etc _____
underground pipe distribution system.

b. Height of storage dam N.A. feet; active reservoir capacity 1000 gal. acre-feet, total
reservoir capacity 1000 gal. acre-feet, period of year when water will be diverted to storage.
1-1 to 12-31 inclusive

c. Proposed well diameter is 6 inches, proposed depth of well is 175 feet.

d. Is ground water with a temperature of greater than 90°F being sought? NO

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

Completed years (minimum 1 year).
Allow 1 yr. - kw

MICROFILMED

OCT 25 1989

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. 30
- 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	
8N	5E	11		D															

Total number of acres to be irrigated 0

10 Describe any other water rights used for the same purposes as described above. None.

11. a Who owns the property at the point of diversion? Lafayette River Hot Springs N.O. Assoc.
- b. Who owns the land to be irrigated or place of use? MA * Individual 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. Domestic Water Supply for individual lot owners.

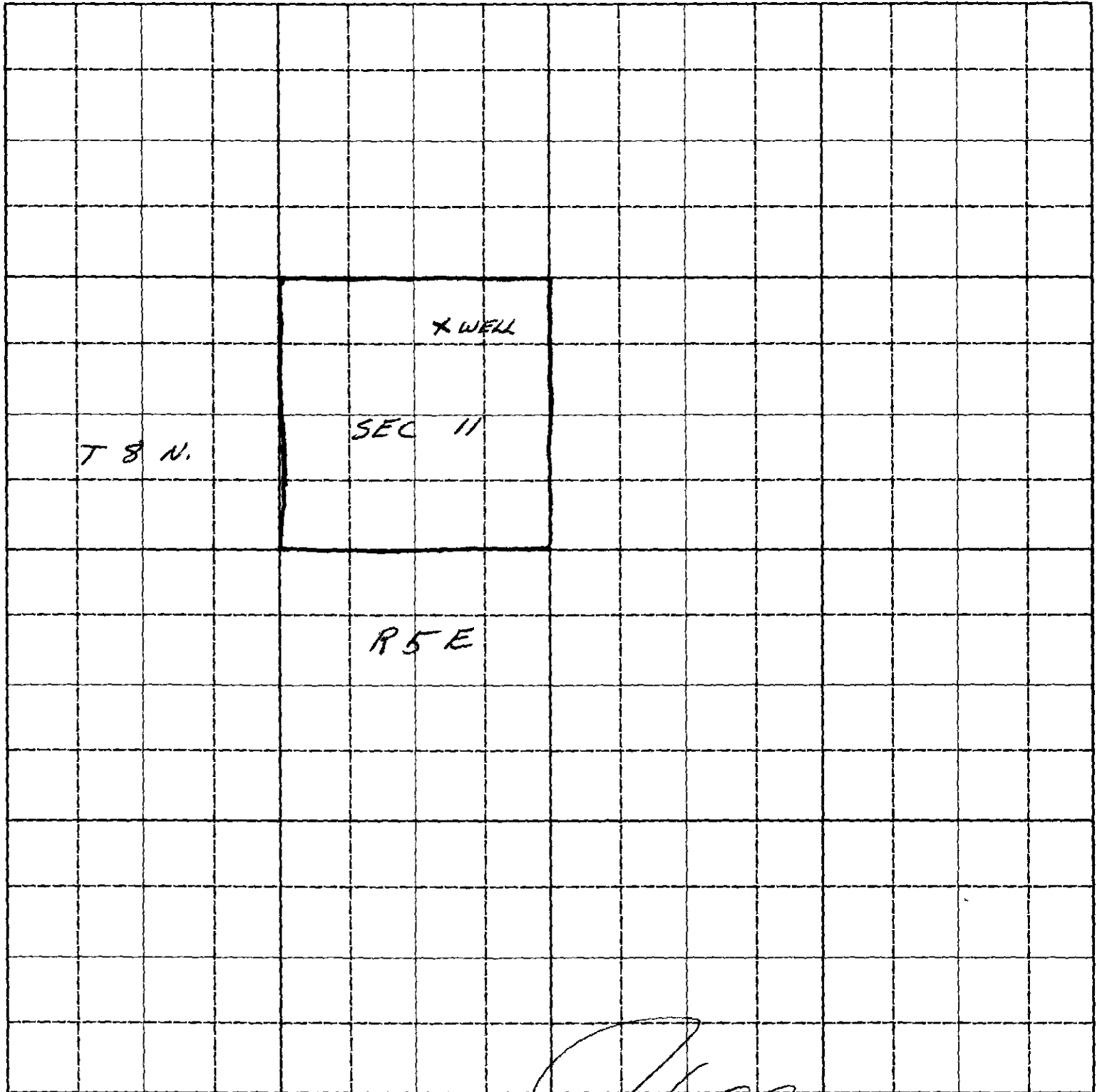
12. Remarks: _____

* Per Tele-con w/ Tom Carr 6/25/89

FILED

1989 JUN 25

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



Scale. 2 inches equal 1 mile

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

OCT 25 1939

John C. Carr P.P.H.S.M.O.A.
President.
Charles T. Evans
Lloyd E. Markus
Evan M. Bailey
(Applicant)

Received by L. Werner Date 5-4-89 Time 1700 Preliminary check by _____
Fee \$ 45.00 Receipted by L. Werner # W2704 Date 5-4-89
Publication prepared by GG Date 7-12-89 Published in ID World
Publication approved st Date 8-16-89
7/19 & 7/26/89

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:

ACT 11-1

STATE OF IDAHO }

County of Boise

Peter A. Wierenga, being duly sworn, deposes and says: that he is the manager and principal clerk of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and 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 two (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 in the issue beginning with 7/19, 1989 and ending with the issue of 7/26, 1989.

Peter A. Wierenga

STATE OF IDAHO }

County of Boise

On this 26th day of July
In the year of 1989, before me, a
Notary Public, personally appeared
Peter A. Wierenga

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.

Peter A. Wierenga
Notary Public for Idaho
Boise, Idaho
Residing at

My commission expires: 9/14/94

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-12974

LIVINGSTON, FAY
LIVINGSTON, EARL
HC 76, BOX 4043
GARDEN VALLEY, ID 83622

Source GROUNDWATER, Diversion Pt NWSW Sec 33 T 10N R 04E, Use HEATING (100 CFS), DOMESTIC (080 CFS), IRRIGATION (.090 CFS); Date Filed 2/24/1989, In: T10N R04E S33 NWSW, 3.0 ACRES TOTAL

65-13075

MILLER, ROGER
P.O. BOX 253
HORSESHOE BEND, ID 83629

Source PORTER CREEK SPRINGS, Tributary PAYETTE RIVER PORTER CREEK, Diversion Pt SENWSW Sec 12 T 07N R 02E, NWSE Sec 12 T 07N R 02E, Use IRRIGATION (240 CFS), Date Filed 6/23/1989, In: T07N R02E S12 NWSW, 12.0 ACRES TOTAL

65-13076

PAYETTE RIVER HOT SPRINGS H.O ASSN
C/O JOHN C. CARR
2021 N W 10TH
MERIDIAN, ID 83642

Source GROUNDWATER, Diversion Pt. NWNE Sec. 11 T 08N R 05E, Use DOMESTIC (250 CFS); Date Filed. 5/04/1989, In: T08N R05E S11 NWNE

65-13080

BODIFORD, DON
BODIFORD, BARBARA
HC 76, BOX 2545
GARDEN VALLEY, ID 83622

Source WARM SPRINGS CREEK, Tributary PAYETTE RIVER, MIDDLE FORK, Diversion Pt LOT 3 (NESE) Sec 33 T 10N R 04E; Use IRRIGATION (090 CFS), Date Filed: 6/06/1989, In: T10N R04E S34 SWSW, 3.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before AUGUST 7, 1989.

R. KEITH HIGGINSON, Director

Published in the Idaho World, Idaho City, Idaho, July 19 & 26, 1989.

PAYETTE RIVER HOT SPRINGS HOME OWNERS .RS
C/O LLOYD MARKUS
3114 LEWIS LANE
NAMPA ID 83686

January 22, 1991

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13076

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

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

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

Enclosure

RECEIVED
JAN 24 1991
FBI - BOISE

RECEIVED
SEP 24 1990

For Office Use Only
Amt of Fee \$ 100.00
Date Sept 19 1990
Receipt No W012728
Received by JFW

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

Permit No. 65-13076 Telephone No. 466-1929

Name(s) of Permit Holder(s): Payette River Hot Springs Home Owners

Post Office Address: Lloyd Markus 3114 LEWIS LANE, Nampa 83686

Source of Water: Groundwater

If ground water, well driller's name: unknown. Date drilled: Est. 1979

Extent of Use: 33 possible
Domestic 33 (No. of households) Irrigation _____ (No. of acres)
Stockwater _____ (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted .25 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: Est. 1979

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes No Installed? Yes No

OR

Flow Measurement Port: Required? Yes No Installed? Yes No

Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Lloyd Markus 466-1929
Name Telephone No.
3114 LEWIS LANE, Nampa 83686
Address

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

9-19-90
Date

Linda M. Bailey Sec.
Signature (and title if on behalf of a company or organization)

RECORDED
INDEXED

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 65-13076

Date 12-27

GENERAL CONSIDERATIONS

Y Name same as permit?
N Address same as permit? If no, prepare data entry form.
Y Proof timely received? If no, complete priority
advancement below.

SOURCE OF WATER

✓ Surface water source
✓ Ground water source
N Drill permit req'd?
Copy in file? Drill permit no. N/A
Well log in file?
Amt paid for drilling permit? _____ Correct?

LICENSE EXAMINATION FEE

Y Required?
100 Amount submitted?
Y Correct amount?

MEASURING DEVICE

N Measuring device or access port required?
✓ Installed?
✓ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

- address change
- Reinstate - no advance in priority

PRIORITY CALCULATION

Date proof received LB
Date proof due _____ - _____
No. of days late _____ = _____
Priority date _____ + _____
NEW PRIORITY DATE _____ = _____

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

November 5, 1990

PAYETTE RIVER HOT SPRINGS HOME OWNERS
C/O JOHN C. CARR
2021 N.W. 10TH
MERIDIAN, ID 83642

LAPSE NOTICE

RE: PERMIT NO. 65-13076

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated August 31, 1990. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:rf

Enclosures

RECEIVED
FEB 07 1991

CERTIFICATION OF MAILING

I hereby certify that on 11-8-90
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

August 31, 1990

PAYETTE RIVER HOT SPRINGS HOME OWNERS
C/O JOHN C. CARR
2021 N.W. 10TH
MERIDIAN, ID 83642

PROOF DUE NOTICE

RE: PERMIT NO. 65-13076

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before November 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
October 11, 1989

PAYETTE RIVER HOT SPRINGS HOME OWNERS
C/O JOHN C. CARR
2021 N.W. 10TH
MERIDIAN, ID 83642

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P65-13076

Dear Permit Holder:

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

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of

MICROFILMED

OC1 23 1989

L J

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECEIVED
OCT 25 1983

OCT 25 83

8N 56 S.11 NW NE

Form No. 202a.
3/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: RW DATE: 6-12-89 APPLICATION: 65-13076

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: No P/D
☒ Nature of proposed use: (Include description of use) No P/U
☒ Description of diverting works:
☒ Time required for beneficial use of water:
☒ Place of use or acres irrigated:
☒ Map:
☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee:
☒ Yes ☐ No* In form to receipt:

ADDITIONAL INFORMATION

YES NO

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

DATE REQUESTED: _____

☐ ☒ Additional information on reverse side:

RECEIVED

SEP 07 1989

Department of Water Resources

PROCESSING

YES NO

X X
X X

In form for advertising:

Statewide advertising:

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

X X
X X
X X
X X

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

X X
X X
X X
X X

U.S. BLM

U.S. Forest Svc.

Water Dist. #

Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

X X
X X

Affidavit of publication received:

Application published correctly: If not, record action taken.

X X
X X

Publication dates and paper recorded on application:

Protests received. Final date for protest August 7, 1989

Protest dates, resolution of protest recorded on application:

Recommendations attached: Approve, DW

Measuring device required:

Measuring port required:

Water delivered by water master? District # 65-P05

Special conditions of approval or cover letter:

See below for additional information

Recommended Date or Priority

Recommended by:

DW 5/4/1989

Date 9/1/89

STATE OFFICE REVIEW

P05, P23

P16

4604

See below for additional information. By

DW

Date 9-29-89

ADDITIONAL INFORMATION

65-13076

PAYETTE RIVER HOT SPRINGS H.O. ASSN.
C/O JOHN C. CARR
2021 N.W. 10TH
MERIDIAN, ID 83642

Source: GROUNDWATER

Diversion Pt: NWNE Sec 11 T 08N R 05E

Use: DOMESTIC (.250 CFS)

Date Filed: 5/04/1989

In: T08N R05E S11 NWNE

RECORDED
OCT 25 1989