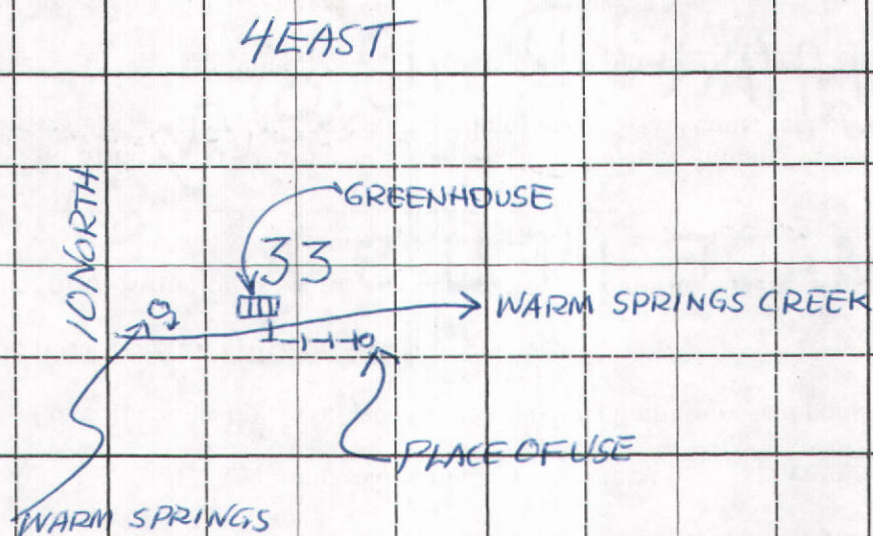


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



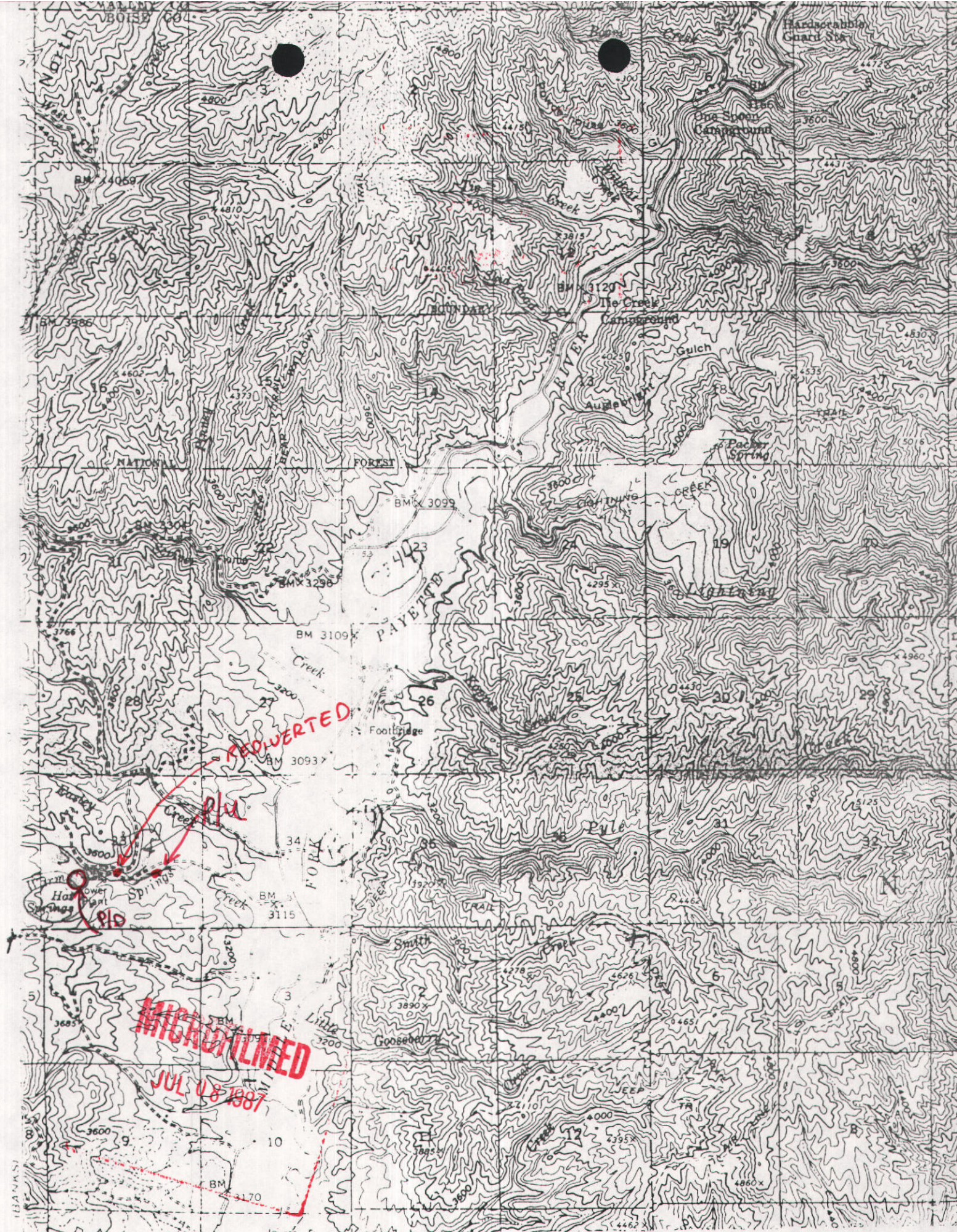
Scale: 2 inches equal 1 mile.

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

Donald R. McKenzie
Dolores J. McKenzie
(Applicant)

MICROFILMED

DEC 16 1986



HOT
SPRINGS
(WARM SPRINGS)
160° F

CASILE MOUNTAIN SUBDIV

500'

(4" INTAKE LINE)

ROAD

150'

EARL WARD
PROPERTY

GREEN HOUSE

EARL WARD
GREENHOUSE

OUTFLOW

OPEN
DITCH
Hot water

OUTFLOW

CONCRETE
REGULATING
TANK

WARM SPRING CREEK

WARM SPRING
WATER TO
WARM SPRINGS
CREEK
(OVERFLOW)

ELEVATIONS

-10'4"

-11'4"

-15'4"

-16'10"

-15'4"

-14'2"

3" LINE

3" LINE

ARMSTRONGS

WILDER

REID

Reid

JOHNSON

BROWN

ACKENZIE
ENELL

T.L. ROAD

COUNTY ROAD

MICROFILMED

JUL 08 1987

RETURN FLOW

2" SUPPLY

1" SUPPLY

1" SUPPLY

1" SUPPLY

1" SUPPLY

1" SUPPLY

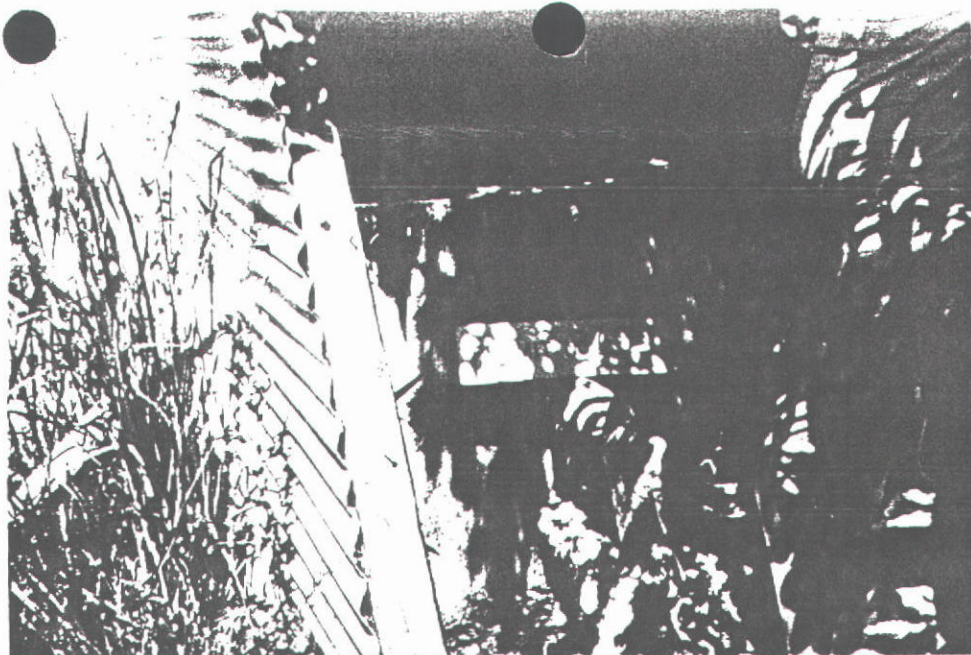
TERACE LAKES RECREATION
RANCH



UNFILMED

JUL 08 1987

Actual P/O From
GREENHOUSE



PART OF WARM SPRINGS,
P/O OF GREENHOUSE
FROM WHICH USERS GET
WATER PRESENTLY, BUT
COULD GET WATER FROM
SPRING.



TO SEE ORIGINALS SEE PERMIT NO.
65-12123

MICROFILMED

JUN 10 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

65-12292
Permit No.

RECEIVED

FEB 09 1987

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

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

Department of Water Resources

Check of P/D index QW 7-28-86 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☐ copy of exam(s) attached?

Type of Overlap? ☐ Add acres or uses to existing system

☐ Increase rate of flow or volume

☐ Other: _____

Check of P/U index QN 7-28-86 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☐ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume

☐ Add P/D's

☐ Increase number of acres within tracts

☐ Other: _____

Aerial Photo

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

Scheduling Letter sent? _____ (Initial and date)

☒ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

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

MICROFILMED

JUL 08 1987

C. Review and Processing:

Exam Completed Quentin Marshall 8-15-86 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent AD 8/16/86 (Initial and date)

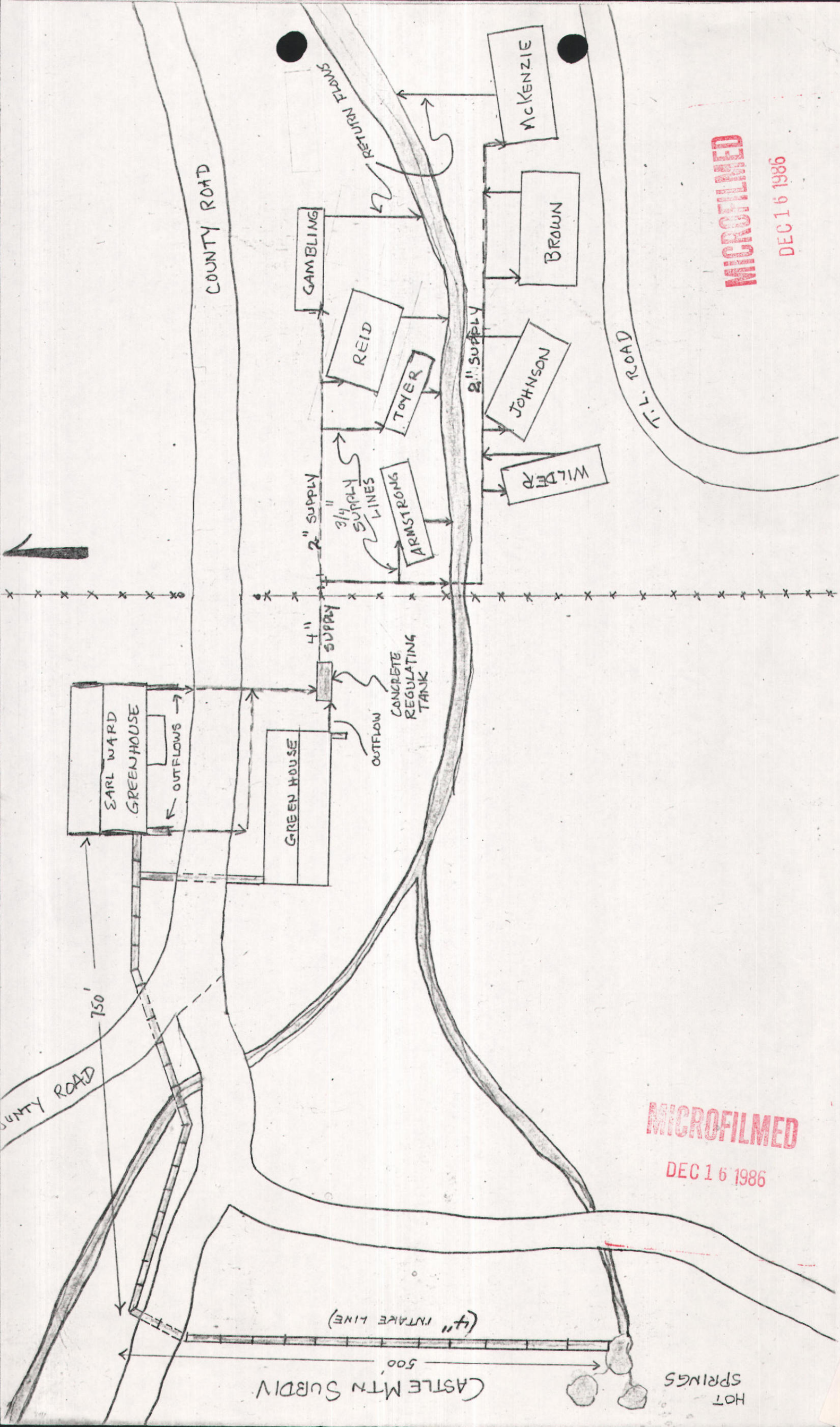
Exam Reviewed by Manager of Regional Office Dir 12/9/86 (Initial and date)

Exam Date Entered in Computer AD 1-6-87 (Initial and date)

Exam sent to State Office E.H. 7/30/87 (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File 12-12-86 (Initial and date)

E.H. 4/12/87



MICROFILMED
DEC 16 1986

MICROFILMED
DEC 16 1986

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12292

Priority: February 2, 1980 Amount: .03 CFS .6 AFA

This is to certify, that DONALD R. MC KENZIE
DOLORES MC KENZIE

6111 CASTLE DR.
BOISE, ID 83703

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated November 23, 1979, and has submitted proof to the Department of Water Resources on July 11, 1986, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .03 cfs of water from;

WARM SPRINGS tributary to WARM SPRINGS CREEK

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Heating	01/01 to 12/31	.03 cfs	
Domestic	01/01 to 12/31	.03 cfs	.6 afa
	Totals	.03 CFS	.6 AFA

LOCATION OF POINT OF DIVERSION(S): NESW , Sec. 33, Township 10N, Range 4E
NWSW , Sec. 33

Boise County

PLACE OF USE: Heating

TWN RGE SEC

10N 4E 33 NWSE

PLACE OF USE: Domestic, same as Heating use

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this license is subject to control by the watermaster of State Water District No. 65L.
5. Place of use also known as Lot 4, Unit 6, Terrace Lakes Ranch.

MICROFILMED

JUL 08 1987

State of Idaho
Department of Water Resources

PAGE 2

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12292

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 19th day
of June, 1987.

Assistant Director

MICROFILMED

JUL 08 1987

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 65-12292 IN THE)
NAME OF DONALD R. & DOLORES MCKENZIE) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before May 1, 1986; and,

WHEREAS, the Department has notified the permit holders by certified mail that proof was due and instructed the permit holders of the steps to be taken to submit the proof of beneficial use; and,

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

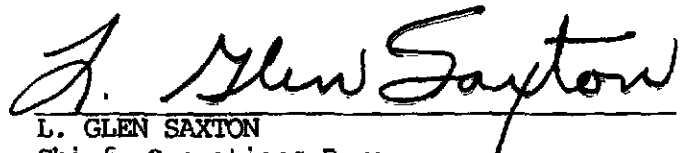
WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holders have provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on July 11, 1986;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 65-12292 be REINSTATED and the priority advanced to February 2, 1980.

Dated this 13th day of November, 1986.

RECEIVED
NOV 13 1986


L. GLEN SAXTON
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Donald R. & Dolores McKenzie Phone 462-3764
Post office address Terrace Lakes, Garden Valley, Idaho 83622

2. Source of water supply Warm Springs which is a tributary of Warm Springs Cr.

3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 33 Township 10N
Range 4E B.M. Boise County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 for domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.20 for heating purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated:

a. 0.20 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. gravity flow through pipe

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

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

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

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 — maximum 5 years).

8. Description of proposed uses:

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

(1) Give the place of use of water: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33 Township 10N
Range 4E B.M.

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

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

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 1.

(5) If water is to be used for other purposes describe: heating for single family domestic

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SE¼	SW¼	

Total number of acres to be irrigated _____

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

None

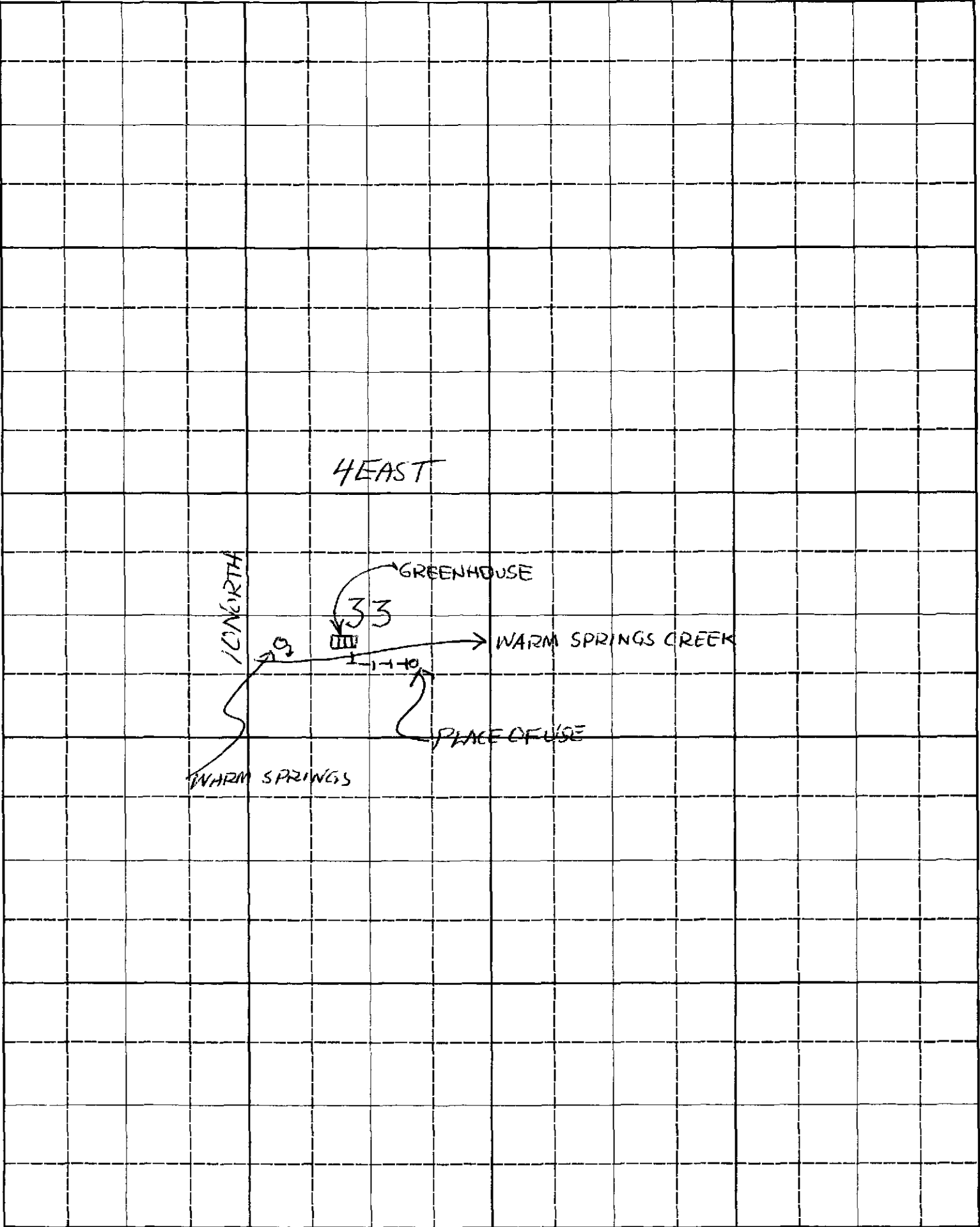
9. a. Who owns the property at the point of diversion Garden Valley Associates, Garden Valley, ID

b. Who owns the land to be irrigated or place of use Donald R. & Dolores McKenzie

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks Water is re-diverted from the outflow of Warm Springs Greenhouse within the NE¼SW¼ Sec 33 T10N, R4E, B. M.
Place of use is also described as Lot 4, Unit 6, Terrace Lakes Ranch

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



Scale 2 inches equal 1 mile.

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

Donald R. McKenzie
Delores E. McKenzie
(Applicant)

Proposed Priority 11/23/79

Received by CWB Date 11/23/79 Time 2:00pm

Preliminary check by CWB Fee \$ 20.00

Received by KK Date 11/26/79 # 15250

Publication prepared by KK Date 11/29/79

Published in The Idaho World

Publication dates 12/10 & 12/13/79

Publication approved KK Date 1/4/80

Protests filed by: James Gillespie

withdrawn - 4/14/81

Copies of protests forwarded by KK

Hearing held by _____ Date _____

Recommended for approval denial by OBS

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

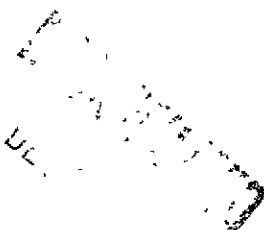
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 65-12292, and said application is hereby approved.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 86.
- 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. Other: The issuance of this permit in no way grants any right-of-way or easement across the land of another. (2) Use of water under this permit is subject to control by the watermaster of State Water District # 65, Payette River. (3) Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.

Witness my hand this 7th day of May, 19 81.

J. Glen Saylor



Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

Mr. J. C. [illegible] 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; that 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 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

Dec. 7, 1979, and ending with the issue of Dec. 1.

1977
Michael J. Hanley
 Subscribed and sworn to before
 me this *3rd* day of *Jan* 19*77*
William S. S. Sullivan
 Clerk, West Ct.
Rep. Kris Heyman
 Deputy

Subscribed and sworn to before
me this 5th day of July, 1972

65-12289
ARMSTRONG, DICK W. &/or BETTY B.
TERRACE LAKES, GARDEN VALLEY, ID.
83622
Source: WARM SPRINGS tributary to WARM
SPRINGS CREEK
Date filed: 11/23/1979
Amount: 0.20 CFS
Diversion Point: NWSW Sec 33 T 10N R 04E
NESW Sec 33 T 10N R 04E (REDIVERSION)
BOISE CO.
Use: HEATING (0.20 CFS) from 01/01 to 12/31
DOMESTIC (0.04 CFS) from 01/01 to 12/31
Place of Use: NWSE Sec 33 T 10N R 04E
Diversion Means: GRAVITY FLOW THROUGH
PIPE

65-12290

WILDER, JOHN J. &/or ANNA LOU
TERRACE LAKES, GARDEN VALLEY, IDAHO
83622

Source: WARM SPRINGS tributary to WARM
SPRINGS CREEK

Date filed: 11/23/1979

Amount: 0.20 CFS

Diversion Point: NWSW NESW Sec 33 T 10N R
04E, BOISE CO.

Use: DOMESTIC (0.04CFS) from 01/01 to 12/31
HEATING (0.20CFS) from 01/01 to 12/31

Place of Use: NWSW Sec 33 T 10N R 04E

Diversion Means: GRAVITY FLOW THROUGH
PIPE

65-12291

JOHNSON, VINCENT M.
TERACE LAKES, GARDEN VALLEY, ID.
83622

Source: WARM SPRINGS tributary to WARM
SPRINGS CREEK

Date filed: 11/23/1979

Amount: 0.20 CFS

Diversion Point: NWSW Sec 33 T 10N R 04E
NESW Sec 33 T 10N R 04E (REDIVERSION),
BOISE, CO.

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31
HEATING (0.20 CFS) from 01/01 to 12/31

Place of Use: NWSE Sec 33 T 10N R 04 E

Diversion Means: GRAVITY FLOW THROUGH
PIPE.

65-12292
MCKENZIE, DONALD R. &/or DORIS
TERRACE LAKES, GARDEN VALLEY, ID
816/22
Source: WARM SPRINGS tributary to WARM
SPRINGS CREEK
Date Filed: 11/23/1979
Amount: 0.20 CFS
Diversion Point: NWSW Sec 33 T 10N R 04E
NESW Sec 33 T 10N R 04E (REDIVERSION),
BOISE CO.
Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31
HEATING (0.20 CFS) from 01/01 to 12/31
Place of Use: NWSE Sec 33 T 10N R 04E
Diversion Means: GRAVITY FLOW THROUGH
PIPE

65-12293
REID, RONALD J.
TERKACE LAKES, GARDEN VALLEY, ID.
83622
Source: WARM SPRINGS tributary to WARM
SPRINGS CREEK
Date filed: 11/23/1979
Amount: 0.20 CFS
Diverdon Point: NWSW Sec 33 T 10N R 04E
NWSW Sec 33 T 10N R 04E (REDIVERSION),
BUMP CO.
Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31
HEATING (0.20 CFS) from 01/01 to 12/31
Place of Use: NWSW Sec 33 T 10N R 04E
Diverdon Means: GRAVITY FLOW THROUGH
PIPE

The name of the person who will be conducting the tour
 is Mr. J. H. Smith. The tour will be held on the 15th of
 May, 1900, at 10 o'clock, and will last for one day.
 The tour will be held at the Hotel, and will be
 held at the Hotel, and will be held at the Hotel.

[illegible]

QX-KK
1/14/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 65-12292

Name(s) of Permit Holder(s): DONALD & DOLORES MCKENZIE

Post Office Address: TERRACE LAKES

GARDEN VALLEY, IDA- 83623 Tel. No. 62-3764

☒ I hereby certify that construction of diversion works on the above referenced permit began on August - 1982. I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

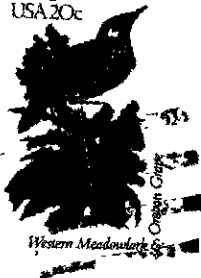
☐ I hereby certify that construction of diversion works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

July - 2 - 82
Date

Dolores McKenzie
Signature of Permit Holder

Oregon
USA 20c



S.R. McKenzie
Terrace Lakes
Garden Valley, Id. 83622

MICROFILMED

JUL 19 1988



RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

JUL 6 1982
Department of Water Resources

GARDEN VALLEY
JUL 3 1982
83522

June 23, 1987

DONALD R. & DOLORES MC KENZIE
6111 CASTLE DR.
BOISE, ID 83703

RE: Permit No. 65-12292

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

JUL 08 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

Permit No

1. **Measurement Calculations**

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

b) Volume Calculations for Irrigation:

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

c) Volume Calculations for Other Uses:

*no volume amt. for heating -
exam done prior to adoption
of rules & regs. which require
this -*

2. **Overlap Review**

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

b) Other water rights with same point of diversion: _____

c) Analysis: *see examiners review -*

MICROFILMED

JUL 08 1987

10 day

- Date 5-27-87

June 3, 1987

DONALD R. & DOLORES MC KENZIE
6111 CASTLE DR.
BOISE, ID 83703

RE: Permit No. 65-12292

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

JUL 08 1987

FEB 09 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT Department of Water Resources

A. GENERAL INFORMATION

Permit No. 65-12292
1. Owner: CECIL INGELES Phone No. 344-0201
Current Address: TERRELL LAKES, GARDEN VALLEY ID. 83622
2. Accompanied by: E. KLISS BROWN EXAM DATE: 7/28/86
Address: 11101 FARVIEW AVE. #53 BOISE ID Phone No. 322-6760
Relationship to Permit Holder: NEIGHBOR
3. Source: WARM SPRINGS tributary to WARM SPRINGS CREEK 1-6-87

B. OVERLAP REVIEW

1. Other water rights with same place of use: NEIGHBORS ON SYSTEM PLUS, 65-10971, 12301
12460, 12466, 12681, 3233, 237, 7118, 7140 NONE SAME ☐ Copies Attached
2. Other water rights with same point of diversion: NEIGHBORS, 65-12287, 12302, 12386, 12392
12627, 3238, 4002A, 4002X, 7118 ☐ Copies Attached ☐ Copies of Field Exam's Attached
7291, 7540, 7562, 7542-73, 7595
- SEE PRINTOUT
MANY ARE SAME EXACT P/O - WARM SPRINGS.

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

SEE ATTACHED DIAGRAM

MICROFILMED

JUL 08 1987

Scale: 1" = _____

- 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).

System Description (continued)

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

- WATER IS BROUGHT FROM GREENHOUSE IN 2" LINE TO CEMENT HEADEN (COPY OF FIGURE). THERE IS AN OVERFLOW 1/2" LINE TO CREEK FROM HEADEN. A 1" LINE "BEE" FURTHER WAY DOWN SYSTEM THEN TURNS INTO 2" - THEN 1" AS DIAGRAM OF SYSTEM SHOWS. A 1" LADDER GOES TO EACH HOUSE OFF OF THE MAINLINE. THE WHOLE SYSTEM FROM GREENHOUSE TO LAST HOUSE IS ABOUT 250' LONG.

☐ See Remarks on page 4 for continuation

4.

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

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

5. **Point(s) of Diversion:**

REDIRECTED

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	SW	33	10N	4E	BOISE	U.S.G.S. QUAD.
			NE	SW	3E	10N	4E	BOISE	

6 **Place(s) of Use:**

Indicate Method of Determination

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	
10N	4E	33																	

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
5 GALLON BUCKET						

- 2 Measurements: TOTAL AMOUNT FOR ALL 6 HOUSES ON SYSTEM
- OVERFLOW - 1 GAL / 1 SEC - 60 G.P.M.
- WILDER HOUSE - 5 GAL / 30 SEC + 1 GAL / 42 SEC = 11.4 G.P.M.
- JOHNSON HOUSE - 2 GAL / 15 SEC = 10 G.P.M.
- BROWN 2 GAL / 15 SEC 8 G.P.M.
- ENGEL 2 GAL / 34 SEC - 3.5 G.P.M. ≈ 929 G.P.M. FROM WHOLE SYSTEM

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1 Measured Method:

2 Alternate Method for Checking Purposes:

THE MAXIMUM THAT WAS COMING OUT OF ANY ONE OF THE HOUSES WAS 11.4 G.P.M. SO GOING TO GIVE THAT AMT. TO EACH ONE BECAUSE HAS SAME CAPACITY (1 LINE) 11.4 G.P.M. $\approx .03$ cfs

F. PUMP EFFICIENCY DATA (Optional)

N/A

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

Total Head: (1) + (2) = _____ (3)

, Flow rate: _____ cfs (4)

Water HP (3) x (4) $\div$ 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 = _____ (6)

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

G. VOLUME CALCULATIONS

1 Volume Calculations for Irrigation N/A

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

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

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

2 Volume Calculations for Other Uses:

. 03 FOR DOMESTIC NO LAWN 2.6 cfs
af. N/A FOR HEATING

H REMARKS AND OVERLAP REVIEW ANALYSIS

- CURRENTLY, WATER IS PUT BY USING EXISTING GREENHOUSE DIVERSION, BUT PERMIT IS WORDEN SO COULD GO DIRECTLY TO SPRING AND GET WATER IF HAD ELEMENTS TO DO SO.
- AS DIAGRAM SHOWS THERE ARE 6 NEIGHBORS ON SYSTEM, ALL WITH SEPERATE ~~SEPERATE~~ PERMITS.
- THE MAXIMUM AMOUNT = THE HOUSE CAN HANDLE .03 cfs - SO RECOMMENDED AMT. FOR LICENSING IS .03 cfs FOR EACH, BUT ADDED TOGETHER SHALL NOT EXCEED .03 cfs.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
DOMESTIC	1/1	12/31	.03	.6
HEATING	1/1	12/31	.03	N/A
Totals:			.03	.6

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 QUINTIN NEEDLETT

Signature Quentin Needlett

Certification Date _____

Field Report Preparation Date 8-15-86

CONSULTANT SEAL

- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MINISTERED

BD
12/10/86

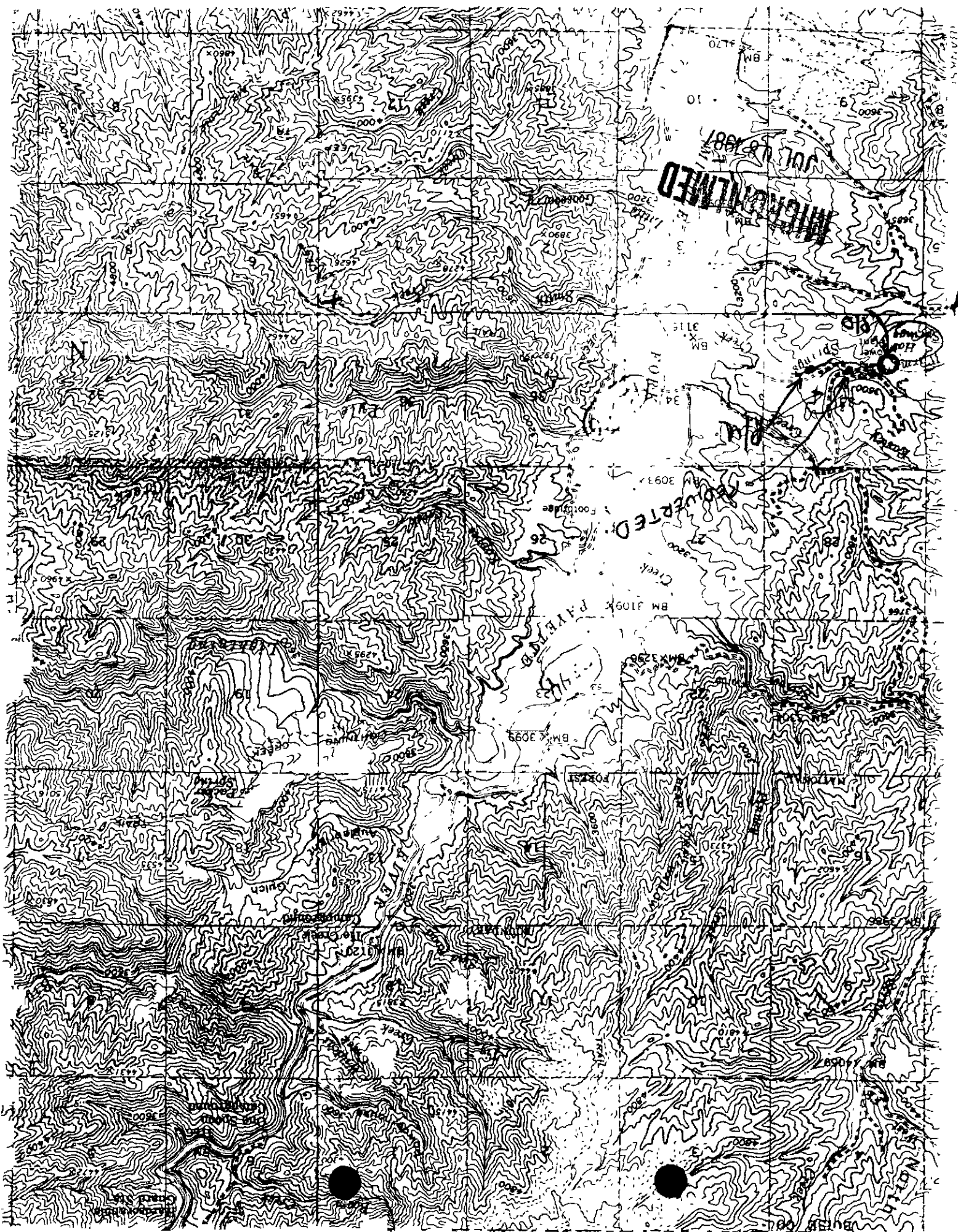
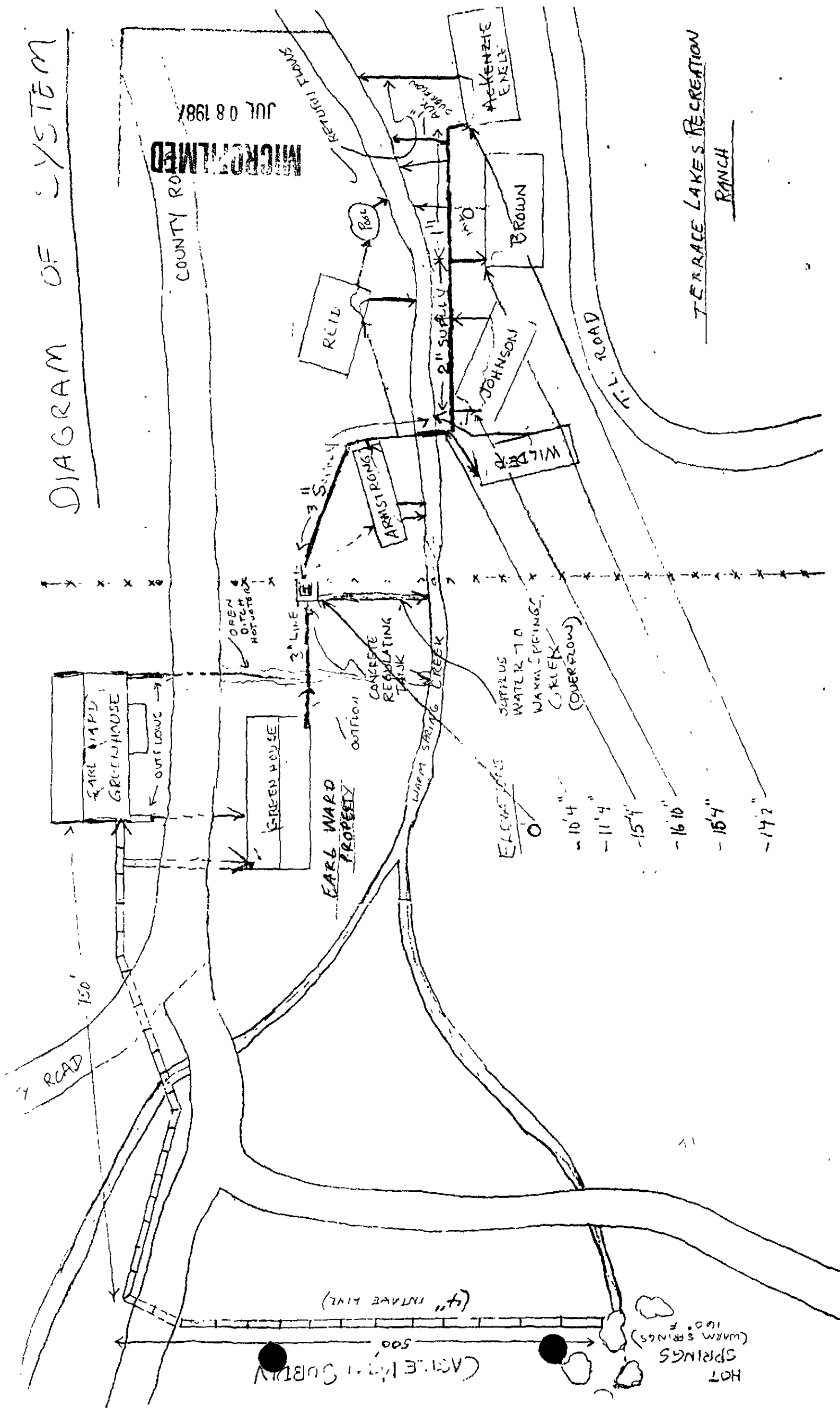
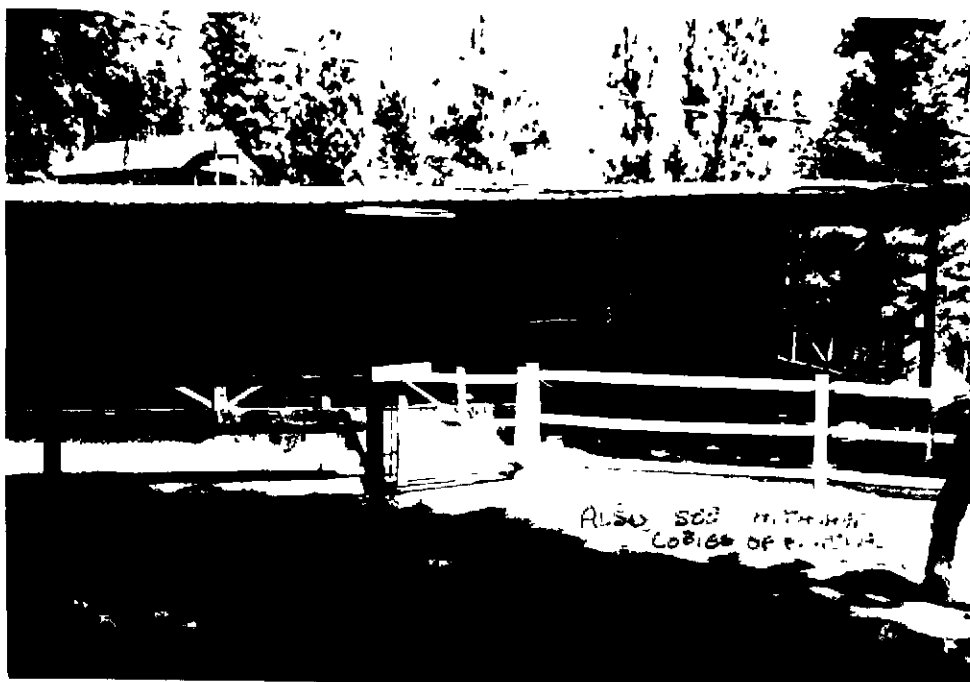


DIAGRAM OF SYSTEM





100-100-100-100

JUN 10 1957

Actual P/O From
GREENHOUSE



PART OF WARM SPRINGS,
P/O OF GREENHOUSE
FROM WHICH USERS GET
WATER PRESENTLY, BUT
COULD GET WATER FROM
SPRING.



TO SEE ORIGINALS SEE PERMIT NO.

65-12123

REPRODUCED

1031

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

65-12272
Permit No.

RECEIVED

FEB 09 1987

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

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

Department of Water Resources

Check of P/D index 7-28-87 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☐ copy of exam(s) attached?

Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____

Check of P/U index 7-28-87 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☐ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____

Aerial Photo

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

Scheduling Letter sent? _____ (Initial and date)

☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

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

RECEIVED

JUL 6 1987

C. Review and Processing:

Exam Completed [Signature] (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent [Signature] (Initial and date)

Exam Reviewed by Manager of Regional Office [Signature] (Initial and date)

Exam Date Entered in Computer [Signature] (Initial and date)

Exam sent to State Office [Signature] (Initial and date)

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

E H 4/4/87

^ALCULATION OF NEW PRIORITY DATE

FROM: RITA FLECK

TO: FILE # 15-12272

DATE: Nov 13, 1976

Date proof received

192

July 11, 1980

Proof due

- 121

July 1

Number of day proof late

71

Priority date

+327

Nov 23, 1979

New priority date

398

Feb 2, 1980

365

33

Remarks:

RECEIVED

JUL 11 1986

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only
Fee Received 50.00
Date 7-11-86
Receipt # 37996
Receipt by [initials]
Reviewed by [initials]
Sent to region 11-3 SL

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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. 65-12292

Name(s) of Permit Holder: Donald R. & Dolores McKenzie

Post Office Address: 6111 Castle Dr., Boise, ID 83703

Telephone No. 342-1654

Source of Water: Warm Springs

Extent of Use:

Domestic 1 (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark Heating

Total rate and/or volume for which proof is submitted 0.2 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: October 1980

Measuring Device: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No

Fee enclosed \$ 50.00
(See License Examination Fee Schedule)

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

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

Cecil Ingeles

(Name)

462-3552 or 344-0201

(Telephone Number)

c/o Terrance Lakes, Garden Valley, ID

(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.

7-11-86

Date

Dolores McKenzie

Signature of Permit Holder (and title, if appropriate)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
MAY 13, 1986

MC KENZIE, DONALD R. & FLORES
TERRACE LAKES
GARDEN VALLEY, ID 83622

LAPSE NOTICE

RE: PERMIT NO. 65-12292

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A, IDAHO CODE, THE ABOVE REFERENCED WATER PERMIT HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE PROOF OF BENEFICIAL USE SUBMITTAL OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF AND NOTICE TO YOU DATED FEBRUARY 28, 1986.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT PROOF OF BENEFICIAL USE OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED PROOF OF BENEFICIAL USE SUBMITTAL (INCLUDING THE EXAMINATION FEE OR A COMPLETED FIELD EXAMINATION REPORT) OR THE EXTENSION REQUEST FORM TOGETHER WITH THE \$15 FEE MUST BE RECEIVED BY THIS DEPARTMENT WITHIN SIXTY DAYS OF THE DATE OF MAILING OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A PROOF OF BENEFICIAL USE FORM AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. 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 GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION.

D. GLEN SEXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:FF

5-28-1986

INTER-DEPARTMENT MEMO — 1

FROM Rita Luck

DATE 3 18-1986

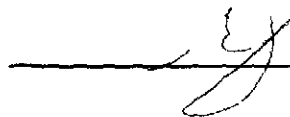
TO File 65-13292

SUBJECT Returned DM Notice

The Boone County Assessor does not have
Donald R de Gooles Mortgage covering
property in Boone County

DEC 18 1985

DEC 18 1985


SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
FEBRUARY 28, 1986

RECEIVED

MAR 4 1986

MC KENZIE, DONALD K. & DOLORES
TERPACE LAKES
GARDEN VALLEY, ID 83622

PROOF DUE NOTICE Department of Water Resources

RE: PERMIT NO. 65-12292

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 MAY 1, 1986. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH 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 A COMPLETED PROOF OF BENEFICIAL USE FORM OR A 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
RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

Forward
Expired

RECEIVED

MAR 5 1986

Department of Water Resources

138890

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
FEBRUARY 28, 1986
138890

MC KENZIE, DONALD R. & LOLORES
TERRACE LAKES
GARDEN VALLEY, ID 83622

PROOF DUE NOTICE

RE: PERMIT NO. 65-12292

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 MAY 1, 1986. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH 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 A COMPLETED PROOF OF BENEFICIAL USE FORM OR A 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

6-
17.
D-11-1-100



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V EVANS

Governor

A. KENNETH DUNN

~~C. STEVEN ALDER~~

Director

Mailing address.

Statehouse

Boise, Idaho 83720

(208) 384-2215

May 18, 1981

Donald & Dolores McKenzie
Terrace Lakes
Garden Valley, Idaho 83622

Dear Mr. & Mrs. McKenzie,

RE: Permit No. 65-12292

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosure

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: CW Bryan Jr

APPLICATION NUMBER: 65-13292
McKenzie

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☐ Other _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☐ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: 12/24/79 ✓
☒ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 1/7/80 ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 65
11/23/79 Date of priority recommended.
Special conditions of approval or cover letter. Right-of-way clause
I.P. letter
Basin 65 W.M. Condition.

By: DBS Date: 4/20/81

STATE OFFICE REVIEW:

- return to applicant
SLW/ cl 05 (65th district) 090
☐ See attached sheet for more information.
By: T. J. G. Date: 4/24/81



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

MEMORANDUM

TO: Water Rights

DATE: April 30, 1981

FROM: Frank Sherman

FBS

SUBJECT: 65-12289, 65-12290, 65-12291, 65-12292, 65-12293

I would suggest a permit condition very similar to 09D or an approval letter paragraph like L10. Perhaps:

Please be advised that the water quality of your discharge water is subject to regulations of the Idaho Department of Health and Welfare. We suggest that you check with them before starting construction.

FBS:cjs



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V EVANS

Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED

Director

April 20, 1981

(208) 334-2190

Donald R. & Dolores McKenzie
Terrace Lakes
Garden Valley, Idaho 83622

RE: Application for Permit No. 65-12292

Dear Mr. and Mrs. McKenzie:

Enclosed is a copy of a withdrawal of protest against the above referenced application.

This office can now take further action on the application.

Sincerely,

DAVID B. SHAW
Western Region Supervisor

DBS:hlh

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS

Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED

Director

April 20, 1981

(208) 334-2190

William L. Vasconcellos
Eberle, Berlin, Kading, Turnbow & Gillespie
P.O. Box 1368
Boise, Idaho 83701

RE: Withdrawal of Protests

Dear Mr. Vasconcellos:

This office acknowledges receipt of the withdrawal of protests against Applications for Permit Nos. 65-12289, 65-12290, 65-12291, 65-12292 and 65-12293.

This office will now continue to process the applications since the protests have been withdrawn.

Sincerely,

DAVID B. SHAW
Western Region Supervisor

DBS:hlh

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE,
CHARTERED

TELEPHONE (208) 344-8535

JAMES L. BERLIN
R. B. KADING, JR.
R. M. TURNBOW
JAMES R. GILLESPIE
WILLIAM J. MCKILVEEN
DALE G. HIGER
WARREN E. JONES
MARK S. GESTON
B. NEWAL SQUIRES, JR.
WILLIAM L. VASCONCELLOS
THOMAS R. LINVILLE
RICHARD A. RILEY
PATRICIA G. YOUNG
JAMES J. DAVIS
JOE H. UBERNAGA II
T. A. BANDUCCI
MARY S. HOBSON

ATTORNEYS AND COUNSELORS AT LAW
CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

J. L. EBERLE (1890-1964)
T. H. EBERLE (1922-1977)

April 14, 1981

RECEIVED

APR 14 1981

Department of Water Resources

David B. Shaw
Western Region Supervisor
State of Idaho
Department of Water Resources
92 S. Cole Road
Boise, ID 83709

Re: Protested Applications for Permit Nos. 65-12289,
65-12290, 65-12291, 65-12292, and 65-12293

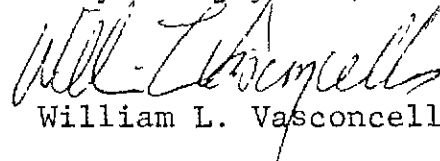
Dear Mr. Shaw:

This is to confirm our telephone conversation of April 13, 1981, at which time we indicated that, based upon the assumption that the parties have reached an agreement in principal for the settlement of the Boise County case of Ward v. Garden Valley Investors, wherein our clients had challenged the water rights of Mr. Ward from which the applicants seek to derive their discharge water, our clients do not intend to proceed with their protests of the above-referenced applications, and said protests are hereby withdrawn. In the event that the Ward v. Garden Valley Investors litigation is not in fact settled, then we would reserve the right to pursue the challenge to Mr. Ward's water rights.

This will also confirm that you have cancelled the hearings set for April 14, 1981, at 1:30 p.m., and that no appearance will be necessary by either the applicants or the protestants.

Thank you very much for your cooperation.

Very truly yours,


William L. Vasconcellos

WLV:ssh
cc: Terraco
cc: James E. Scanlan

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE,
CHARTERED

JAMES L. BERLIN
R. B. KADING JR.
R. M. TURNBOW
JAMES R. GILLESPIE
WILLIAM L. MCKILVEEN
DALE G. HIGER
WARREN E. JONES
MARK S. GESTON
B. NEWAL SQUYRES JR.
WILLIAM L. VASCONCELLOS
THOMAS R. LINVILLE
RICHARD A. RILEY
PATRICIA G. YOUNG
JAMES J. DAVIS
JOE H. UBERUAGA II
T. A. BANDUCCI
MARY G. HOBSON

ATTORNEYS AND COUNSELORS AT LAW
CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

TELEPHONE (208) 344-8535

J. L. EBERLE (1890-1964)
T. H. EBERLE (1922-1977)

April 14, 1981

RECEIVED
APR 15 1981

David B. Shaw
Western Region Supervisor
State of Idaho
Department of Water Resources
92 S. Cole Road
Boise, ID 83709

DEPT. OF WATER RESOURCES

Re: Protested Applications for Permit Nos. 65-12289,
65-12290, 65-12291, 65-12292, and 65-12293

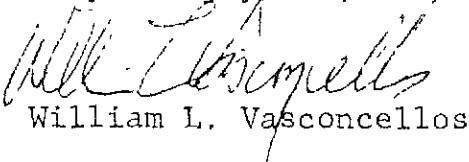
Dear Mr. Shaw:

This is to confirm our telephone conversation of April 13, 1981, at which time we indicated that, based upon the assumption that the parties have reached an agreement in principal for the settlement of the Boise County case of Ward v. Garden Valley Investors, wherein our clients had challenged the water rights of Mr. Ward from which the applicants seek to derive their discharge water, our clients do not intend to proceed with their protests of the above-referenced applications, and said protests are hereby withdrawn. In the event that the Ward v. Garden Valley Investors litigation is not in fact settled, then we would reserve the right to pursue the challenge to Mr. Ward's water rights.

This will also confirm that you have cancelled the hearings set for April 14, 1981, at 1:30 p.m., and that no appearance will be necessary by either the applicants or the protestants.

Thank you very much for your cooperation.

Very truly yours,


William L. Vasconcellos

WLW:ssh
cc: Terraco
cc: James E. Scanlan

CONVERSATION MEMORANDUM

DATE 4/13/81

FILE 65-12289-93

NAME OF PARTY Bill Vasconcellos - Ebenle, Berlin - - - -

EMPLOYEE David Shaw

RE: Hearing set for 4/14.

He believes they have an agreement which will be acceptable to Ward and Garden Valley Assoc. He also believes the problem with Ward, when solved, will also resolve any problems with these applicants. He plans therefore to withdraw their protest against these applications and asked that the hearing be cancelled.

Apps contacted - Reid 4/13

Johnson 4/13

Armstrong 4/13

Mckenzie is in Alaska 4/13

P23

490355

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED —
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO

Donald R. Delores McKenzie

STREET AND NO.

Terrace Lakes

P.O. STATE AND ZIP CODE

Garden Valley, ID 83622

POSTAGE

\$

CONSULT POSTMASTER FOR FEES

OPTIONAL SERVICES

RETURN RECEIPT SERVICE

CERTIFIED FEE

SPECIAL DELIVERY

RESTRICTED DELIVERY

SHOW TO WHOM AND
DATE DELIVEREDSHOW TO WHOM AND DATE
AND ADDRESS OF
DELIVERYSHOW TO WHOM AND DATE
DELIVERED WITH RESTRICTED
DELIVERYSHOW TO WHOM DATE AND
ADDRESS OF DELIVERY WITH
RESTRICTED DELIVERY

TOTAL POSTAGE AND FEES

\$

POSTMARK OR DATE

PS Form 3811, Jan 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

65-12292

- **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

- ☒ Show to whom and date delivered. \$
☐ Show to whom, date and address of delivery. \$
☐ RESTRICTED DELIVERY
 Show to whom and date delivered. \$
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$ _____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO.

Donald R & Delores McKenzie
Terrace Lakes
Garden Valley, ID 83622

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee☐ Authorized agent

DATE OF DELIVERY

3-30-81

POSTMARK

MAR 30 1981

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

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



**RETURN
TO**

Department of Water Resources
Western Regional Office



IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGION (Name of Sender)

92 SOUTH OLYMPIA

BOISE, IDAHO 83719

(Street or P.O. Box)

(City, State, and ZIP Code)

Wm. and Joseph

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

IN THE MATTER OF PROTEST AGAINST APPROVAL OF)	
THE APPLICATION FOR PERMIT NO. 65-12292 IN THE)	NOTICE OF CONFERENCE
NAME OF DONALD R. & DELORES MC KENZIE)	AND/OR HEARING
_____)	

On November 23, 1979, Donald R. and Delores McKenzie filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On December 20, 1979, the Department received a protest against approval of said application from James R. Gillespie, on behalf of Terraco and Garden Valley Associates.

The Department has set the matter of protest for conference and/or hearing for Tuesday, April 14, 1981, at 1:30 p.m., in the Water Resources Conference Room, Second Floor, Towers Building, 450 W. State Street, Boise, Idaho. This hearing will be held concurrently with hearings for protested application Numbers 65-12289, 65-12290, 65-12291 and 65-12293. Any hearing will be held in accordance with provisions of Chapter 17, Title 42, and Chapter 52, Title 67 of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

In accordance with Idaho Code, Section 42-203, the following issues are involved in the consideration of the application and protest:

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose 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 conflict with the local public interest?

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

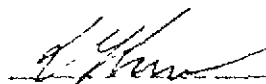
If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties will be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 67-5211.

By written stipulation, the parties may waive compliance with Idaho Code, Section 67-5211. If the hearing is conducted by a hearing officer, the hearing officer will ask the parties at the close of the hearing whether they would like to make such a stipulation.

Failure to waive compliance with Idaho Code, Section 67-5211 will not prejudice the Director's review of a party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 67-5211 is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department to dismiss without prejudice the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 24th day of March, 1981.



DAVID B. SHAW
Western Region Supervisor



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS

Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED

Director

(208) 334-2190

December 23, 1980

James R. Gillespie
Eberle, Berlin, Kading, Turnbow & Gillespie, Chartered
Attorneys and Counselors at Law
P.O. Box 1368
Boise, Idaho 83701

RE: Protested Application for Permit Nos. 65-12289, 65-12290,
65-12291, 65-12292 & 65-12293

Dear Mr. Gillespie:

It has been some time since the Department received any information about the progress of the litigation between Mr. Ward and Tereco and Garden Valley Associates. You had indicated earlier that the litigation could affect the outcome of the protests of the above numbered applications.

Would you please advise me at your earliest convenience of the status of that litigation as it affects the above numbered application for water rights.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

DBS:hlh

cc: Dick & Betty Armstrong
John & Anna Wilder
Vincent M. Johnson
Donald & Delores McKinzie
Rond J. Reid

April 14, 1980

M E M O

TO: Dave

FROM: Lee *chs*

SUBJECT: Apps. 65-12289, 12290, 91, 92, 93

Forrest and I talked with Mr. Kliess Brown on 4/8/80 regarding the above filings. Mr. Brown is the ramrod, so to speak, of a project to utilize the hot water overflows of the greenhouses operated by Earl Ward.

Mr. Brown's plan (see drawing of system) is to pipe the overflow of hot water (108° F) to the cabins of the above applicants and also his own. He already has an approved permit to utilize this water (65-12123). Mr. Brown believes there is enough water to adequately heat several cabins.

Mr. Ward is receptive to the plan and is willing to allow an easement on to his property for an annual fee. Brown and his neighbors would share the cost of installing the pipelines and maintaining the system.

We discussed briefly the problems that could arise if Mr. Ward was to modify his greenhouse operation by using less water or increasing the water use to benefit their system.

HOT
SPRINGS

CASTLE MTN SUBDIV

500'

(4" INTAKE LINE)

COUNTY ROAD

750'

GREEN HOUSE

EARL WARD
GREENHOUSE

OUTFLOWS →

OUTFLOW
CONCRETE
REGULATING
TANK

4" SUPPLY

2" SUPPLY

3/4" SUPPLY
LINES

ARMSTRONG

WILDER

JOHNSON

TOYER

REID

GAMBING

BROWN

MCKENZIE

T.L. ROAD

COUNTY ROAD

RETURN FLOWS



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS

Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED

Director

(208) 384-2190

December 28, 1979

Donald & Dolores McKensie
Terrace Lakes
Garden Valley, ID 83622

RE: Application for Permit No. 65-12292

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to your Application No. ~~65-12292~~. The Department suggests you contact the protestant(s) directly in an effort to determine the nature of the protest(s) and to 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 conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the 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?

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

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

Enc.



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

December 28, 1979

James R. Gillespie
Attorney at Law
P.O. Box 1368
Boise, ID 83701

RE: Application for Permit Nos. 65-12289, 65-12290, 65-12291, 65-12292 & 65-12293

Dear Mr. Gillespie:

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 and/or hearing. At such a conference and/or hearing, 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?

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

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

**EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE
CHARTERED**

TELEPHONE (208) 344-8535

JAMES L. BERLIN
R. B. KADING, JR.
R. M. TURNBOW
JAMES R. GILLESPIE
WILLIAM J. MCKILVEEN
DALE G. HIGER
WARREN E. JONES
GARDNER W. SKINNER, JR.
MARK S. GESTON
MICHAEL A. GREENE
WILLIAM L. VASCONCELLOS
THOMAS R. LINVILLE
RICHARD A. RILEY
PATRICIA G. YOUNG
JAMES J. DAVIS
JOE H. UBERUAGA, II
T. A. BANDUCCI

ATTORNEYS AND COUNSELORS AT LAW
CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

J. L. EBERLE (1890-1964)
T. H. EBERLE (1922-1977)

December 19, 1979

Director
Idaho Department of Water Resources
92 South Cole Road
Boise, ID 83704

Re: Application for Water Right No. 65-12292
PROTEST

Dear Sir:

Please be advised that this law firm represents Terraco, an Idaho partnership, and Garden Valley Associates, an Idaho partnership.

In that capacity, we hereby file our Notice of Protest, on behalf of Terraco and Garden Valley Associates, to the above-referenced Application for Water Right No. 65-12292, filed by Donald R. and/or Dolores McKenzie, for the reason that the water which they are seeking to appropriate has been previously appropriated; therefore, they are not legally entitled to this water.

We hereby request that copies of all further notices and/or date of hearing on all objections be forwarded to the undersigned.

Yours very truly,

James R. Gillespie
James R. Gillespie

JRG:sh

cc: Terraco
Garden Valley Associates

65-12292

MC KENZIE, DONALD R. &/or DOLORES

TERRACE LAKES, GARDEN VALLEY, ID 83622

Source: WARM SPRINGS tributary to WARM SPRINGS CREEK

Date Filed: 11/23/1979

Amount: 0.20 CFS

Diversion Point: NWSW Sec 33 T 10N R 04E NESW Sec 33 T 10N R 04E (REDIVERSION),
BOISE Co.

Use: DOMESTIC	(0.04 CFS)	from 01/01 to 12/31
HEATING	(0.20 CFS)	from 01/01 to 12/31

Place of Use: NWSE Sec 33 T 10N R 04E

Diversion Means: GRAVITY FLOW THROUGH PIPE

APR 11 1980
110 158