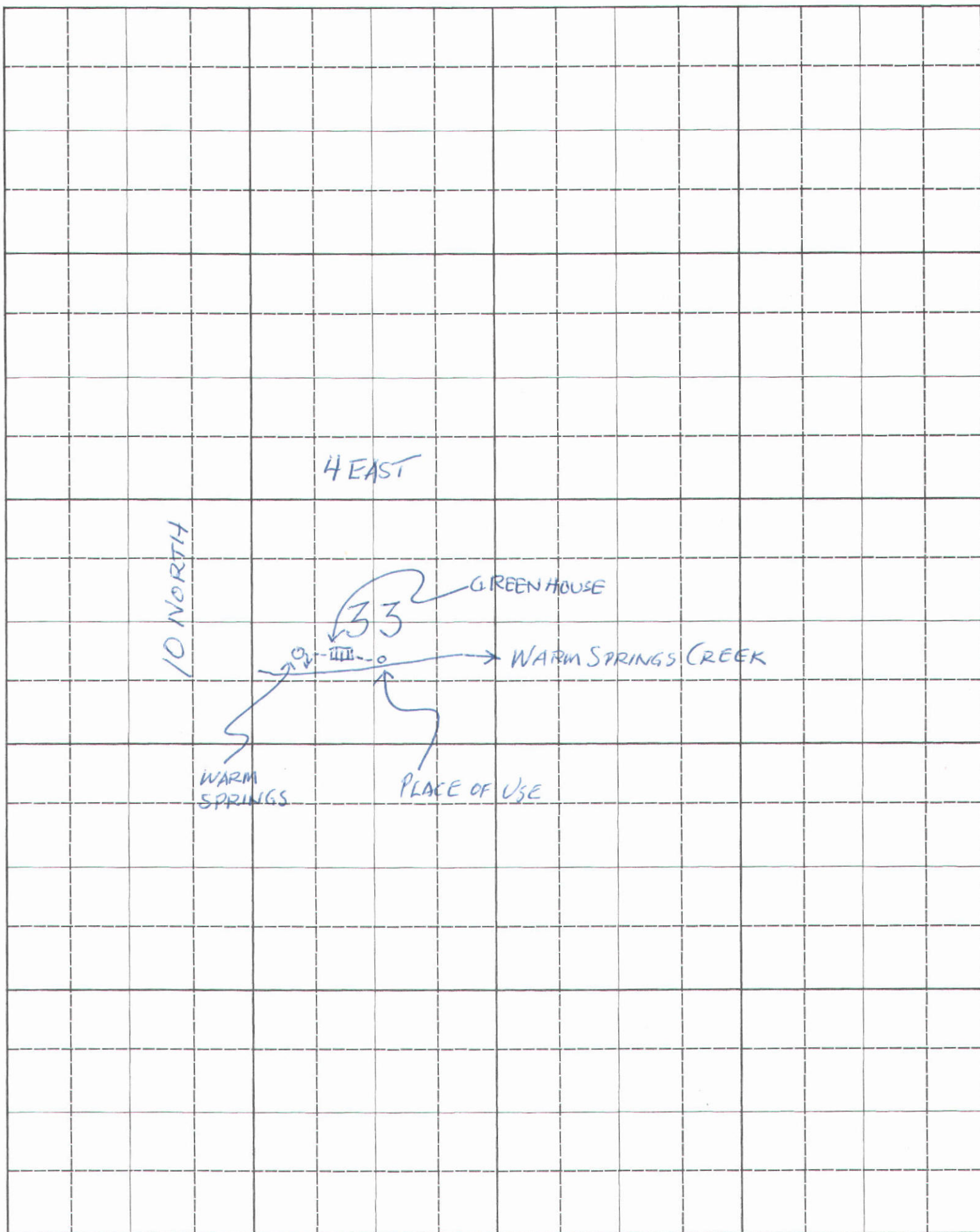


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Larry S. Armstrong
(Applicant)
Larry S. Armstrong

MICROFILMED

HOT
SPRINGS
(WARM SPRINGS)
160° F

CASILE MOUNTAIN SUBDIV

500'

(4" INTAKE LINE)

ROAD

150'

EARL WARD
PROPERTY

GREEN HOUSE

EARL WARD
GREEN HOUSE

OUTFLOW

OUTFLOW

CONCRETE
REGULATING
TANK

3" LINE

OPEN
DITCH
HOTWATER

3" LINE

ARMSTRONG

WILDER

REID

RAE

JOHNSON

BROWN

ACKENZIE
ENGINE

2" SUPPLY

1" LINE

1" LINE

AUXILIARY

RETURN FLOW

T.L. ROAD

COUNTY ROAD

DIAGRAM OF SYSTEM

MICROFILMED

JUL 08 1987

TERACE LAKE RECREATION
RANCH

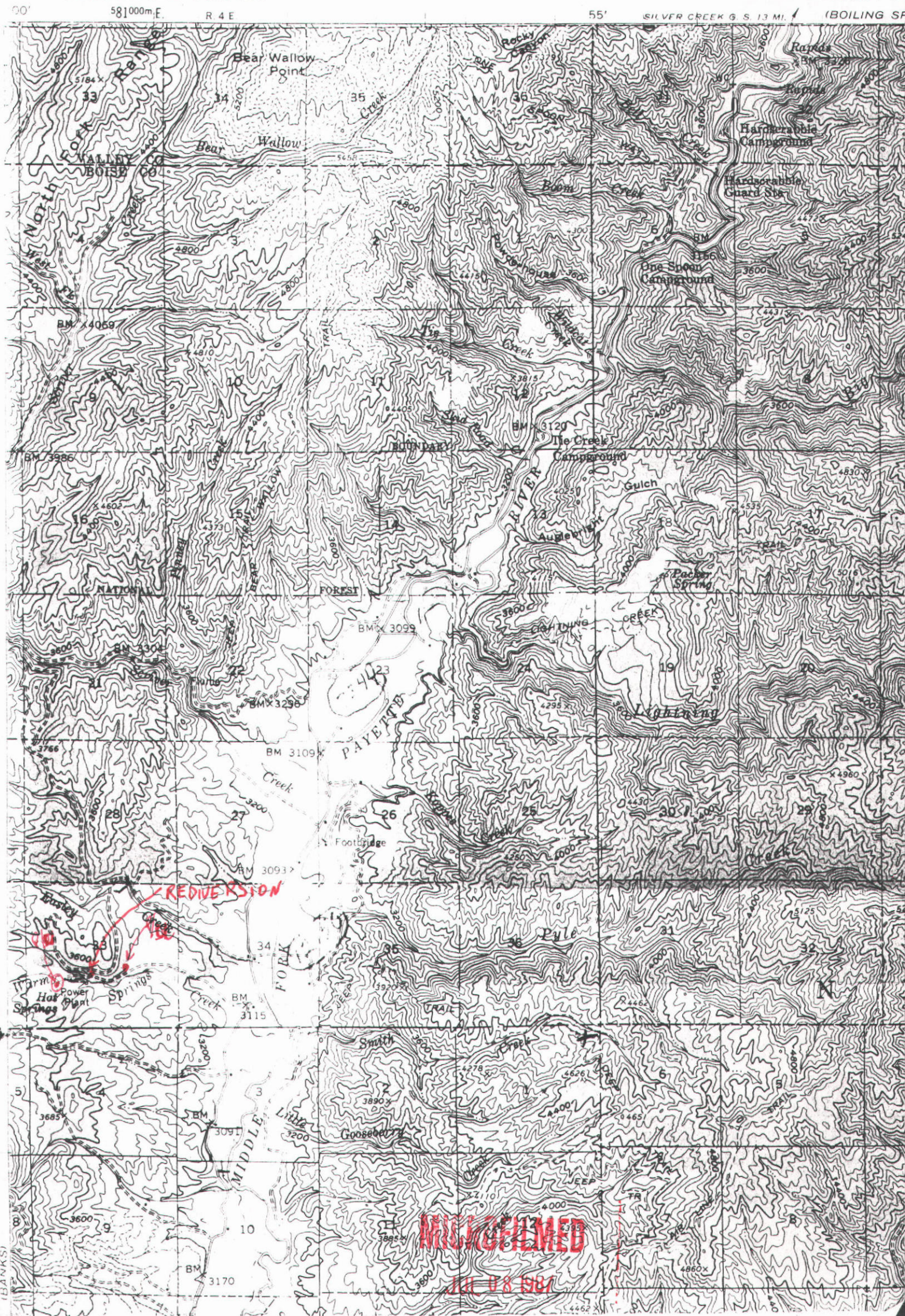
ELEVATIONS
-10'4"
-11'4"
-15'4"
-16'10"
-15'4"
-14'2"

SURPLUS
WATER TO
WARM SPRINGS
CREEK
(OVERFLOW)

65-12289-33

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

UNITED STATES
DEPARTMENT OF THE INTERIOR
FOREST SERVICE





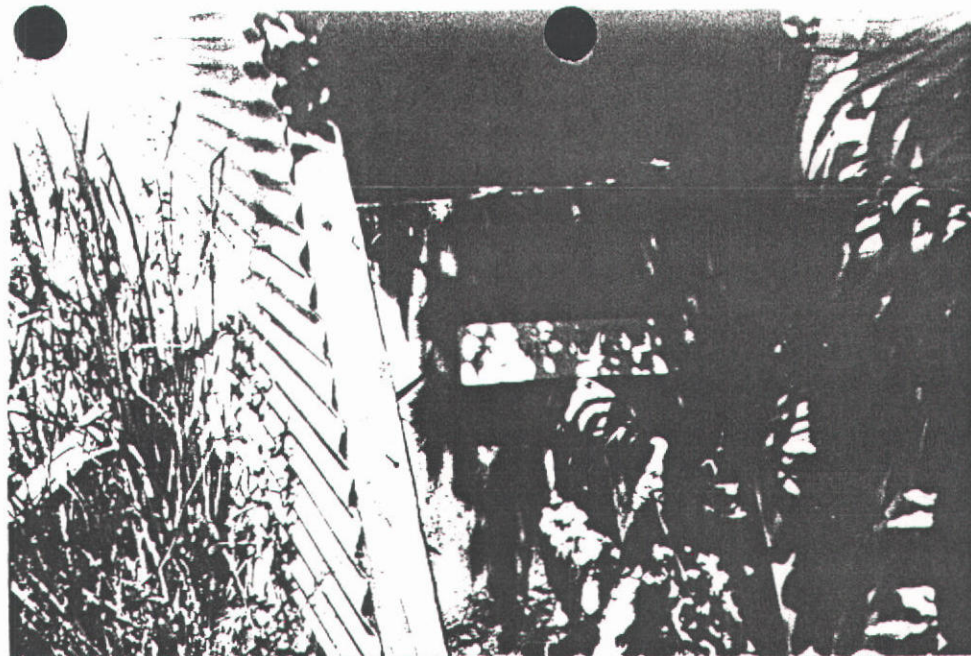
ALSO SEE ATTACHED
COPIES OF
PICTURES

65-12289

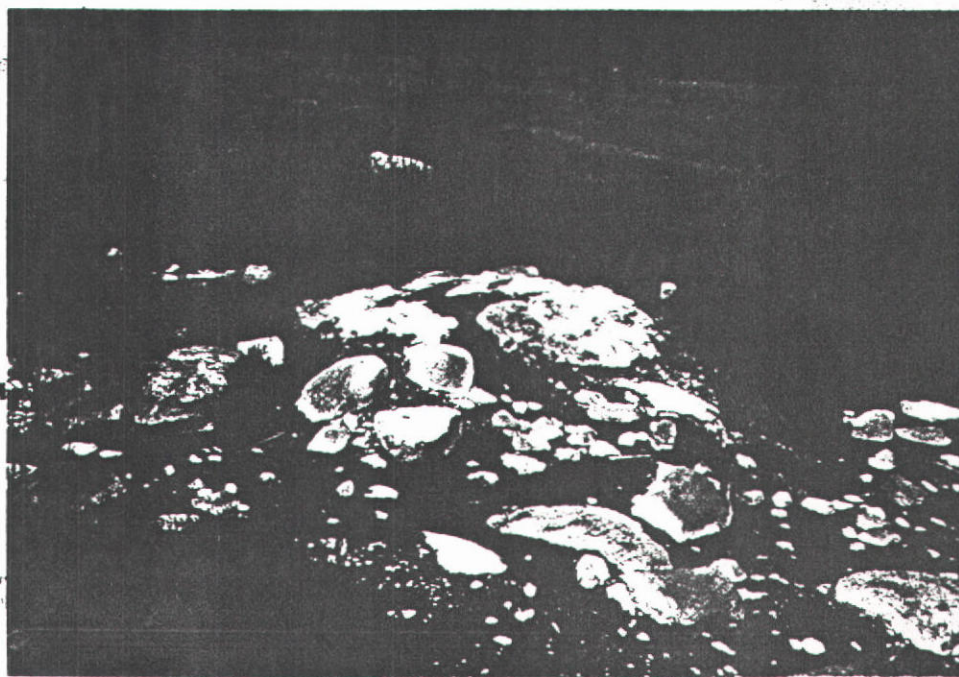
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JUL 08 1987

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

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JUL 08 1987

65-4002A GARDEN VALLEY ASSO C D 06-01-1883 WARM SPRINGS CREEK
65-7540 GARDEN VALLEY ASSO C D 06-01-1965 SPRINGS
65-7562 SCHULZ C D 04-07-1975 WARM SPRINGS
65-7592 SCHULZ C D 07-09-1975 WARM SPRINGS CREEK, SOUTH FORK
CZECH C L 12-03-1975 WARM SPRINGS CREEK, NORTH FORK

N 7

HRR156

IDaho DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY PLACE OF USE

PAGE 3332
01/04/1986

TWNSHP	RNG	SEC	TRACT	LOT	ACRES	USES	WATER RIGHT NUMBER	LAST NAME	OWNER CODE	STAGE	PRIORITY DATE	SOURCE OF WATER
(POU CONTINUED FROM PREVIOUS PAGE)												
10N	04E	33	N4SW		43		65-7592	CZECH	C			
			N4SW		22		65-7593	SCHULZ	C	L	11-11-1975	SPRING
								CZECH	C			
			N4SW		43		65-7595	BLAKE	C	L	11-03-1975	GROUNDWATER
			N4SW		22.43		65-7770C	BLAKE	C			
			N4SW		22.43		65-7770D	SCHULZ, DEC.	P	P	12-17-1976	GROUNDWATER
								SCHULZ	D			
								SCHULZ	P	P	12-17-1976	GROUNDWATER
			S4SW		22.43		65-12367	LIVINGSTON	C			
								ROBINSON	C			
			S4SW		22		65-12385	ROBINSON	P	P	10-14-1980	GROUNDWATER
			S4SW		22		65-12425	VAN SICKLE	C			
			S4SW		22		65-12437	VAN SICKLE	C			
								HARTLEY	C	P	01-31-1981	GROUNDWATER
								HARTLEY	C			
								DAY	C	P	06-03-1981	GROUNDWATER
								DAY	C			
			NESE		22.43, 46		65-7118	CANNABAY	C	P	07-01-1981	GROUNDWATER
			NESE	03	28		65-3233	TERRACE AKES REC.	C	D	01-27-1970	SPRING
			NESE	03	28		65-3233	TERRACE LAKES REC.	C	D	05-01-1873	WARM SPRINGS CREEK
			NHSE	01	01		65-3239	TERRACE LAKES REC.	C	D	06-01-1887	WARM SPRINGS CREEK
			NHSE		43, 22		65-10971	GUERNSEY	C	D	07-01-1967	WARM SPRINGS CREEK
			NHSE		22.43		65-12123	BROWN	P	P	05-11-1978	WARM SPRINGS
								ARMSTRONG	C	P	11-23-1979	WARM SPRINGS
			NHSE		22.43		65-12290	WILDER	C			
			NHSE		22.43		65-12291	WILDER	C	P	11-23-1979	WARM SPRINGS
			NHSE		22.43		65-12292	JOHNSON	C	P	11-23-1979	WARM SPRINGS
								MC KENZIE	C	P	11-23-1979	WARM SPRINGS
			NHSE		22.43		65-12293	MC KENZIE	C			
			NHSE		22		65-12301	REID	C	P	11-23-1979	WARM SPRINGS
								GUERNSEY	C	P	01-03-1980	WASTEWATER
			NHSE		22.43		65-12460	MILLER	C			
								MILLER	C	P	09-21-1981	WASTE WATER
			NHSE		22		65-12466	O LOUGHLIN	C			
			NHSE		22		65-12681	HARRIS	C	P	10-28-1981	SPRING
								HARRIS	C			
			NHSE		08 01		65-3233	NIX	C	P	08-26-1983	WASTE WATER
			NHSE		08 01		65-3233	NIX	C			
			NHSE		22.43, 46		65-7118	TERRACE LAKES REC.	C	D	05-01-1873	WARM SPRINGS CREEK
			NHSE		43		65-7140	TERRACE LAKES REC.	C	D	06-01-1887	WARM SPRINGS CREEK
			NHSE		03 01		65-3233	TERRACE LAKES REC.	C	D	01-27-1970	SPRING
			NHSE		03 01		65-3233	TERRACE LAKES REC.	C	D	05-26-1970	MC BRIDE CREEK
			NHSE		03 01		65-3233	TERRACE LAKES REC.	C	D	05-01-1873	WARM SPRINGS CREEK
			NHSE		03 01		65-3233	TERRACE LAKES REC.	C	D	06-01-1887	WARM SPRINGS CREEK

NEIGHBORS
SAME
SYSTEM

MICROFILMED

JUL 08 1987

0 7

HRR156

IDaho DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY PLACE OF USE

PAGE 3333
01/04/1986

TWNSHP	RNG	SEC	TRACT	LOT	ACRES	USES	WATER RIGHT NUMBER	LAST NAME	OWNER CODE	STAGE	PRIORITY DATE	SOURCE OF WATER
10N	04E	33	SHSE		22.43, 46		65-7118	TERRACE AKES REC.	C	D	01-27-1970	SPRING
			SHSE		43		65-7140	TERRACE LAKES REC.	C	D	05-26-1970	MC BRIDE CREEK
			SESE		22.43, 46		65-7118	TERRACE AKES REC.	C	D	01-27-1970	SPRING
			SESE	04	02 01		65-3233	TERRACE LAKES REC.	C	D	05-01-1873	WARM SPRINGS CREEK
			SESE	04	02 01		65-3239	TERRACE LAKES REC.	C	D	06-01-1887	WARM SPRINGS CREEK
			NENE		02 01, 04		65-12625	SIMS	C	P	06-15-1983	PYLE CREEK
			NENE		15 01, 43		65-2901	BAILEY	C	D	05-28-1951	PAYETTE RIVER, MIDDLE FORK
			NENE		11 01		65-3225	PINE TREE RANCH, 1	C	D	07-23-1883	SCRIVER CREEK
			NENE		15 01		65-7616	BAILEY	C	P	04-30-1976	PYLE CREEK
			NHNE		17 01		65-11236	BAILEY	C			
								BUZZELL	C	D	10-01-1953	PAYETTE RIVER, MIDDLE FORK
			NHNE		10 01		65-3225	BUZZELL	C			
			NHNE		17 01		65-3226	PINE TREE RANCH, 1	C	D	07-23-1883	SCRIVER CREEK
								BUZZELL	C	D	07-23-1883	SCRIVER CREEK

48158

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY POINT OF DIVERSION

PAGE 1
01/04/1

TWN	RNG	SEC	TRACT	LOT	USES	WATER RIGHT NUMBER	STAGE PRIORITY	RFLG	SOURCE OF WATER	LAST NAME
10N	04E	32	SHSE	22		65-12480	P			
			SHSE	22		65-12521	P	01-13-1982	GROUNDWATER	THURBER
							P	06-02-1982	GROUNDWATER	DEBOER
			SESE	22		65-12442	P	07-01-1981	GROUNDWATER	DEBOER
		32	SHNW	22		65-12557	P			CANNABAY
			MESH	22,43		65-12289	P	08-09-1982	GROUNDWATER	CANNABAY
							R	11-23-1979	WARM SPRINGS	BARNES
			MESH	43,22		65-12290	P			ARMSTRONG
							R	11-23-1979	WARM SPRINGS	ARMSTRONG
			MESH	43,22		65-12291	P			HILDER
							R	11-23-1979	WARM SPRINGS	HILDER
			MESH	43,22		65-12292	P			JOHNSON
							R	11-23-1979	WARM SPRINGS	
			MESH	43,22		65-12293	P			MC KENZIE
							R			MC KENZIE
			MESH	22,01		65-12719	P	11-23-1979	WARM SPRINGS	REID
							P	06-28-1984	SPRING	
			MESH			65-7597				BUNN
										BUNN
			MESH	43,22		65-77703	L	11-04-1975	WARM SPRINGS CREEK	KURTZ
							L	11-29-1976	GROUNDWATER	KURTZ
			MESH	22,43		65-77700	P			SCHULZ
							P	12-17-1976	GROUNDWATER	SCHULZ
			MESH	22,43		65-77700	P			SCHULZ, DEC.
							P	12-17-1976	GROUNDWATER	
			MESH	43,22		65-12123	P			SCHULZ
							P	05-11-1978	WARM SPRINGS	SCHULZ
			MESH	22		65-12289	P			LIVINGSTON
							P			LIVINGSTON
							P			BROWN
							P			FREEMAN
							P			FREEMAN
							P			FREEMAN
							P			FREEMAN

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JUL 08 1987

48158

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY POINT OF DIVERSION

PAGE 1
01/04/1

TWN	RNG	SEC	TRACT	LOT	USES	WATER RIGHT NUMBER	STAGE PRIORITY	RFLG	SOURCE OF WATER	LAST NAME
10N	04E	33	MESH	22,43		65-12289	P			
							P	11-23-1979	WARM SPRINGS	ARMSTRONG
			MESH	43,22		65-12290	P			ARMSTRONG
							P	11-23-1979	WARM SPRINGS	
			MESH	43,22		65-12291	P			HILDER
							P	11-23-1979	WARM SPRINGS	HILDER
			MESH	43,22		65-12292	P			JOHNSON
							P			

FREEMAN
FREEMAN
FREEMAN
FREEMAN

0000

B 2

次 158

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY POINT OF DIVERSION

PAGE 1377
01/04/1986

[illegible]

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JUL 08 1981

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IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY POINT OF DIVERSION

PAGE 1378
01/04/1986

RNG	SEC	TRACT	LOT	USES	WATER RIGHT NUMBER	STAGE PRIORITY	RFLG	SOURCE OF WATER	LAST NAME	OWNER CODE
D4E	33	N45W	22		65-7593	L		11-1975 SPRING	SCHULZ	
		N45W	43		65-7595	L		975 GROUNDWATER	CZECI CZECH	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

65-12289
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 DN - 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 DN - 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.

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JUL 08 1987

C. Review and Processing:

Exam Completed Quentin Thibault 8-13-86 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent BD 8-15-86 (Initial and date)

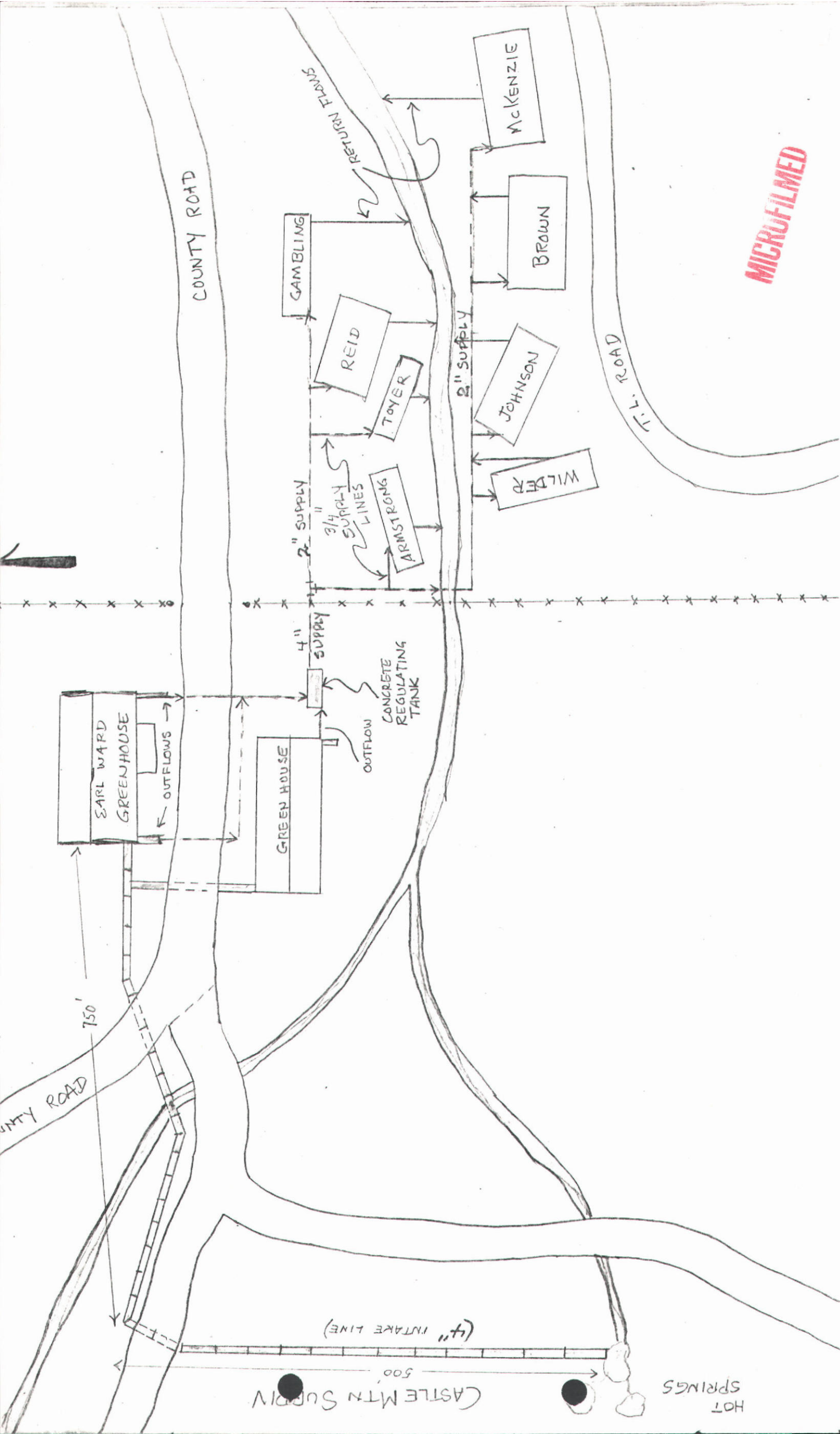
Exam Reviewed by Manager of Regional Office Dnt 12/9/86 (Initial and date)

Exam Date Entered in Computer 7-1-87 (Initial and date)

Exam sent to State Office 7-1-87 (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File 12-13-86 (Initial and date)

E # 4/2/87



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12289

Priority: November 23, 1979 Amount: .03 CFS .6 AFA

This is to certify, that DICK W. ARMSTRONG
BETTY B. ARMSTRONG

1015 STRAWBERRY LANE
BOISE, ID 83706

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 December 17, 1981, 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 140, Unit 1, Terrace Lakes Ranch.

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JUL 08 1987

State of Idaho
Department of Water Resources

PAGE 2

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12289

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.

Acting for the Director



MICROFILMED

JUL 08 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Dick W. & Betty B. Armstrong Phone 343-5833

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

Amount 0.04 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)

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

MICROFILMED

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

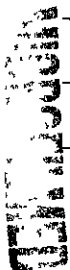
9. a. Who owns the property at the point of diversion Garden Valley Associates, Garden Valley, ID

b. Who owns the land to be irrigated or place of use Dick W. & Betty B. Armstrong

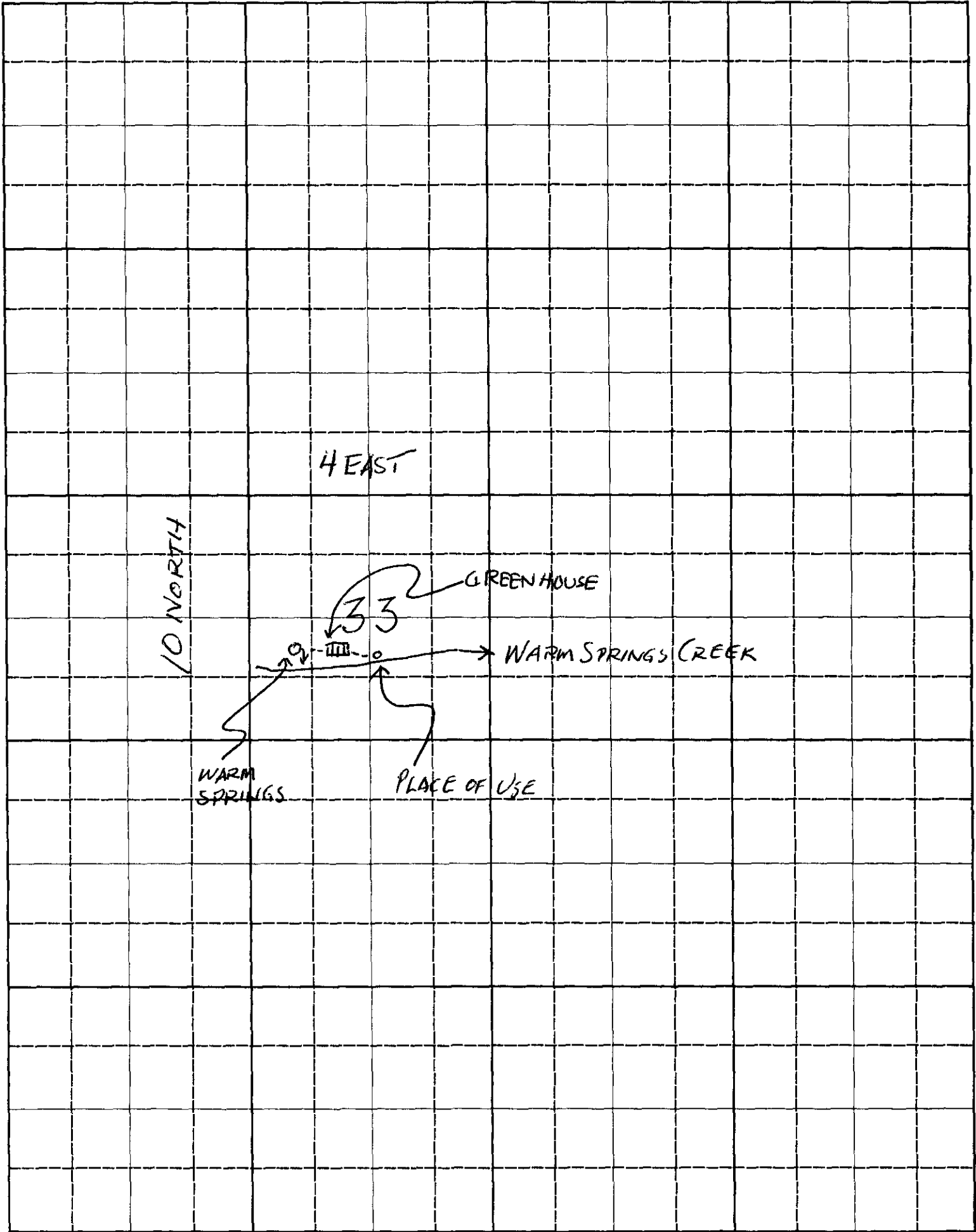
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks Water is re-diverted from the outflow of Warm Springs Greenhouse within the NE¼SW¼ Sec. 33, Twp 10N, R4E, Boise M.

Place of use is also described as Lot 140, Unit 1, 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.

RECORDED

Letty S. Armstrong
(Applicant)
Eden Armstrong

Proposed Priority

11/23/79

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

Preliminary check by CWB Fee \$ 20.00

Receipted by JK Date 11/26/79 # 15252

Publication prepared by JK Date 11/29/79

Published in Id. World

Publication dates 12/7 & 12/14/79

Publication approved KK Date 1/14/80

Protests filed by: James Gillespie

Withdrawn 4/14/81

Copies of protests forwarded by JK

Hearing held by _____ Date _____

Recommended for approval denial by DBS JK

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. 65-12289, 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.

A. Glen Saylor

MICROFILMED

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE,
CHARTERED

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

TELEPHONE (208) 344-8535

Resources

Office

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

JAMES L. BERLIN
R. B. KADING, JR.
R. M. TURNBOW
JAMES R. GILLESPIE
WILLIAM J. MCKLVEEN
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. UBERUAGA II
T. A. BANDUCCI
MARY S. HOBSON

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

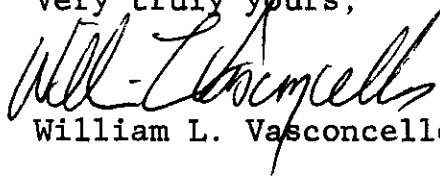
Dear Mr. Shaw:

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

RECEIVED

**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. MCKLVEEN
DALE G. HIGER
WARREN E. JONES
GARDNER W. SKINNER, JR.
MARK S. GESTON
MICHAELA 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. 65-12289
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. 65-12289, filed by Dick W. and/or Betty B. Armstrong, 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

JRG:sh

cc: Terraco
Garden Valley Associates

MICROFILMED

RECEIVED
DEC 19 1979

Department of Water Resources
Western Regional Office

NOTICE OF APPLICATION
FOR WATER RIGHT

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

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

OK-KK
11/4/80

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 (0.04 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

65-12291

JOHNSON, VINCENT M.
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.

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

65-12293

REID, ROND J.
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

If issued the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho, 83709 on or before DECEMBER 24, 1979.

C. Stephen Allen
Director

1. All the Idaho Water Right Applications
by Dec 24, 1979

STATE OF IDAHO,
County of Boise

Michael J. Hanley 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. 14*

1979.

Michael J. Hanley

Subscribed and sworn to before

me this *30th* day of *Jan* 1980

Ruth N. Sturtevant
Clerk, Dist. Ct.
By: *Kris Hoffman*
Deputy

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720

65-12289
ARMSTRONG, DICK W.
ARMSTRONG, BETTY B.
715 HILLVIEW DR.
BOISE, ID 83702

138615

June 5, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

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

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

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

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
 Boise, Idaho 83720

NW 1/4 Sec 33
10N 4E Boise

RECEIVED
JUN 25 1986

Department of Water Resources

0201

JUN 15 011472N1 06/14/86

1015 Strawberry Ln
Boise

RETURN TO SENDER
NO FORWARDING ORDER ON FILE
UNABLE TO FORWARD

CLAIM CHECK
NO.

☐ HOLD

DATE

1ST NOTICE

2ND NOTICE

RETURN

CERTIFIED MAIL

/1388615

Delivered from
PS Form 3849-A
Oct 1980

June 23, 1987

DICK W. & BETTY B. ARMSTRONG
1015 STRAWBERRY LANE
BOISE, ID 83706

RE: Permit No. 65-12289

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

FILED

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 -
rules & regs. requiring volume
were adopted after exam was
completed.*

2. Overlap Review

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

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

c) Analysis: *see examiner's review -*

RECEIVED
JUL 08 1987

10 day

- Date 5-27-87

June 3, 1987

DICK W. & BETTY B. ARMSTRONG
1015 STRAWBERRY LANE
BOISE, ID 83706

RE: Permit No. 65-12289

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,

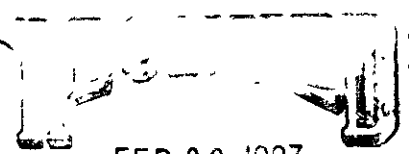
JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

INDEXED

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. 65-12289

1. Owner: DICK W. + BETTY B. ARMSTRONG Phone No. 343-5833

Current Address: TERRACE LAKES, GARDEN VALLEY, ID. 83622 (8-13-86)

2. Accompanied by: OWNER EXAM. DATE: 7/28/86 comp

Address: _____ Phone No. KEY

Relationship to Permit Holder: _____

3. Source: WARM SPRINGS tributary to WARM SPRINGS CREEK

B. OVERLAP REVIEW

1. Other water rights with same place of use: NEARBY ON SYSTEM, 65-12971, 12301, 12460, 12466, 12681
3633, 3639, 7.8, 7.40 - NONE USED SAME HOUSE ☐ Copies Attached

2. Other water rights with same point of diversion: NEARBY, 65-12287, 12302, 12308, 12386
12392, 12627, 4002A, 4002X, 718, 7291 ☐ Copies Attached ☐ Copies of Field Exam's Attached
7540, 7562, 7592 F3, 7595
- SEE PRINTOUT, MANY ARE FROM WARM SPRINGS SAME P.O.

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 SHEET

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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 3" LINE TO CEMENT HEADBOX (PICTURE). THERE IS AN OVERFLOW^(3") PIPE TO CREEK FROM HEADBOX. A 3" SUPPLY LINE GOES PART WAY DOWN SYSTEM THEN TURNS INTO 2" + THEN 1", AS DIAGRAM SHOWS. A 1" SUPPLY OFF THE MAINLINE GOES TO ERM HOUSE. 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
NONE					

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

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

REDIVERTED

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	USGS Quad.
			NE	SW	33	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														X			

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

OVERFLOW - 1 GAL/1 SEC - 60 GPM
WILDER HOUSE - 5 GAL/30 SEC + 1 GAL/42 SEC - 11.4 GPM
JOHNSON - 2 GAL/12 SEC - 10 GPM
BROWN - 2 GAL/15 SEC - 8 GPM
LUGEL - 2 GAL/24 SEC - 3.5 GPM

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

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes

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 .001732 = _____ (6)

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation

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

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1\,9835 =$ _____

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

2. Volume Calculations for Other Uses:

• D? FOR DOMESTIC = .6 cfs NOLA W/N

• N/A FOR HEATING

H. REMARKS AND OVERLAP REVIEW ANALYSIS

- WATER IS CURRENTLY DIVERTED FROM EXISTING GREEN HOUSE SYSTEM PERMIT IS WORDED SO COULD GO DIRECTLY TO SPRING IF HAD EASEMENTS TO DO SO.
- AS DIAGRAM SHOWS THERE ARE 6 NEIGHBORS ON SYSTEM EACH WITH SEPERATE PERMIT
- MAX CAN GO INTO ONE HOUSE^{IS} .03 cfs SO BOTH HEATING AND DOMESTIC USE MAY BE GRANTED FOR .03 CFS BUT NOT TO 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

BD

12/10/86

J. AUTHENTICATION

Field Examiner's Name QUENTIN NEBBITT
Signature Quentin Nebbitt
Certification Date 7/30/86
Field Report Preparation Date _____

CONSULTANT SEAL

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

MICROFILMED

JUL 08 1987

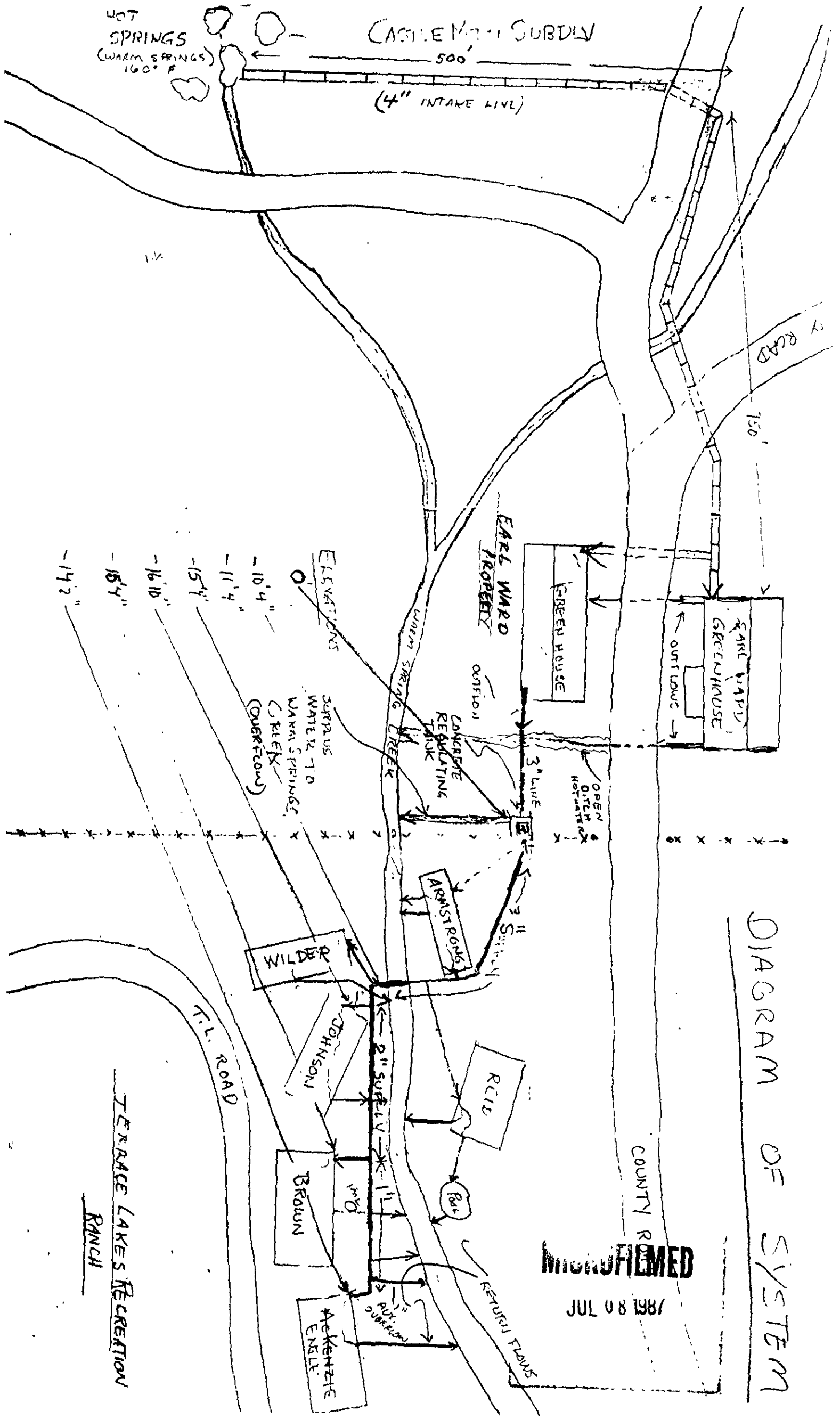


DIAGRAM OF SYSTEM

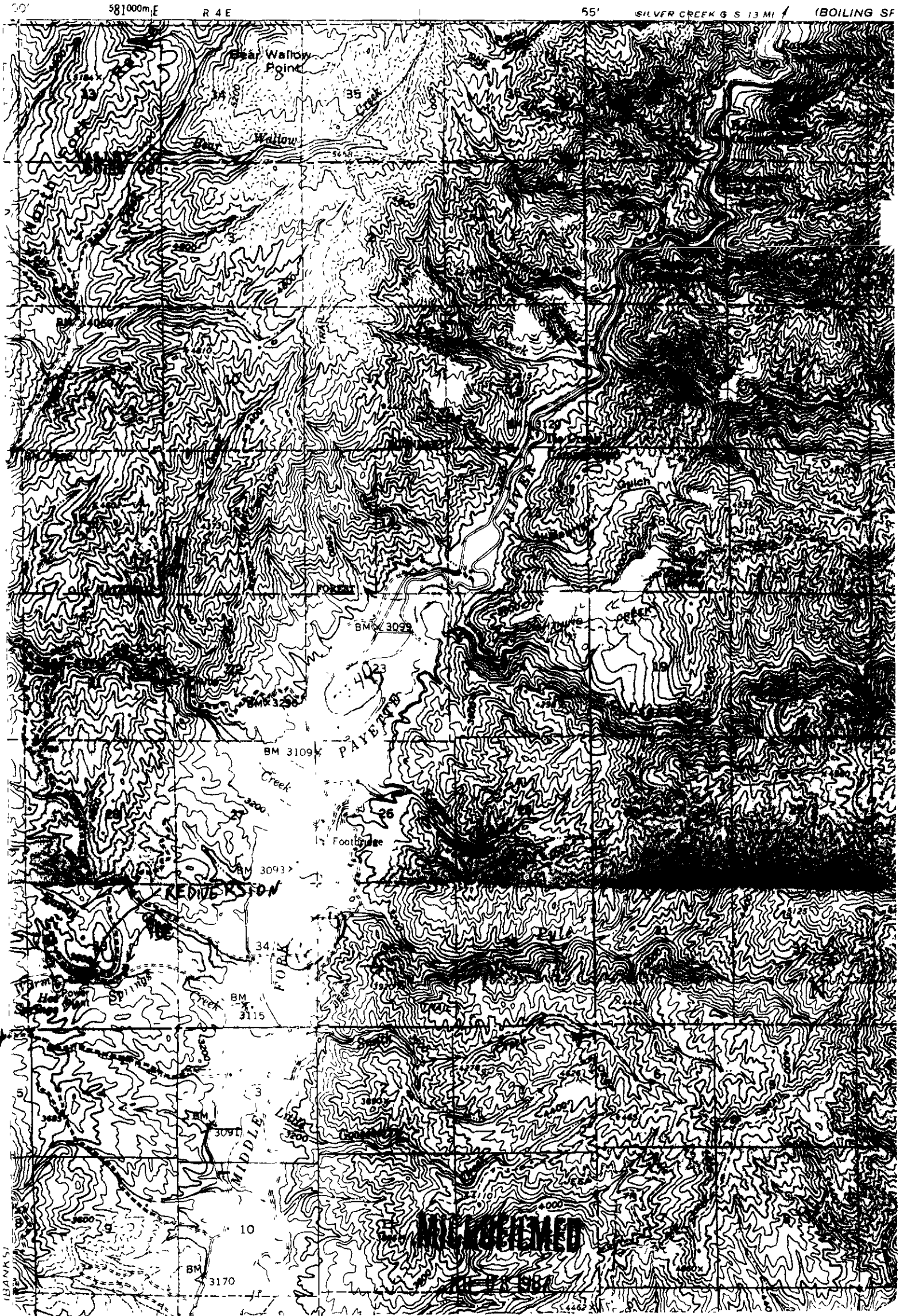
MICROFILMED

JUL 08 1987

65-1-89-33

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

UNITED STATES
DEPARTMENT OF
FOREST SERVICE





65-12289

MICROFILMED

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

JUL 08 1987

1990

PAGE 3332
01/04/1986

JUL 08 1987

PAGE-3333
01/04/1986

TOWNSHIP	RNG	SEC	TRACT	LOT	ACRES	USES	WATER RIGHT NUMBER	LAST NAME	OWNER STAGE CODE	PRIORITY DATE	SOURCE OF WATER	
10N	04E	33	SWSW		22.43.46		65-7118	TERRACE LAKES REC.	C	D	01-27-1978	SPRING
			SWSW		43		65-7140	TERRACE LAKES REC.	C	D	09-26-1978	MC BRIDE CREEK
			SWSW		22.43.46		65-7118	TERRACE LAKES REC.	C	D	01-27-1978	SPRING
		34	SSES	04	02	01	65-3233	TERRACE LAKES REC.	C	D	09-01-1973	WASH SPRINGS CREEK
			SSES	04	02	01	65-3239	TERRACE LAKES REC.	C	D	06-01-1987	WASH SPRINGS CREEK
			NENE		02	01.04	65-12625	SIHS	C	P	06-15-1983	PYLE CREEK
			NENE		15	01.43	65-2901	BAILEY	C	D	05-28-1951	PAYETTE RIVER, MIDDLE FORK
			NENE		11	01	65-3225	PINE TREE RANCH, 1	C	D	07-23-1983	SCRIVER CREEK
			NENE		5	01	65-7616	BAILEY	C	P	04-30-1976	PYLE CREEK
			NENE		7	01	65-11236	BAILEY	C	D	07-01-1953	PAYETTE RIVER, MIDDLE FORK
			NENE		10	0	65-3224	BUZZELL	C	D	07-23-1983	SCRIVER CREEK
			NENE		10	0	65-3224	PINE TREE RANCH, 2	C	D	07-23-1983	SCRIVER CREEK
			NENE		10	0	65-3224	BUZZELL	C	D	07-23-1983	SCRIVER CREEK
			NENE		10	0	65-3224	BUZZELL	C	D	07-23-1983	SCRIVER CREEK
			NENE		10	0	65-3224	BUZZELL	C	D	07-23-1983	SCRIVER CREEK
NENE		10	0	65-3224	BUZZELL	C	D	07-23-1983	SCRIVER CREEK			
NENE		10	0	65-3224	BUZZELL	C	D	07-23-1983	SCRIVER CREEK			
NENE		10	0	65-3224	BUZZELL	C	D	07-23-1983	SCRIVER CREEK			

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IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY POINT OF DIVERSION

PAGE 5
01/04/78

TWN	RNG	SEC	TRACT	LOT	USES	WATER RIGHT NUMBER	STAGE PRIORITY	RFLG	SOURCE OF WATER	LAST NAME
10N	04E	32	SHSL	22		65-12480	P			THURBER
			SHSL	22		65-12521	P		01-13-1982 GROUNDWATER	DEBOER
							P		06-02-1982 GROUNDWATER	DEBOER
			SESL	22		65-12442	P		07-01-1981 GROUNDWATER	CANNABAY
							P			CANNABAY
		31	SHNH	22		65-12442	P		08-09-1982 GROUNDWATER	BARNES
			NESH	22.43		65-12286	P	R	11-23-1979 WARM SPRINGS	ARMSTRONG
							P	R		ARMSTRONG
			NESH	43.22		65-12296	P	R	11-23-1979 WARM SPRINGS	WILDER
							P	R		WILDER
			NESH	43.22		65-1229	P	R	11-23-1979 WARM SPRINGS	JOHNSON
			NESH	43.22		65-12292	P	R	11-23-1979 WARM SPRINGS	MC KENZIE
							P	R		MC KENZIE
			NESH	43.22		65-12293	P	R	11-23-1979 WARM SPRINGS	REID
			NESH	22.01		65-12719	P		06-28-1984 SPRING	BUNN
							P			BUNN
			NESH			65-7597			11-04-1975 WARM SPRINGS CREEK	KURTZ
							P			KURTZ
			NESH	43.22		65-7770B	P		11-29-1976 GROUNDWATER	SCHULZ
							P			SCHULZ
			NESH	22.43			P		2-17-1976 GROUNDWATER	CZECH
							P			CZECH
			NESH	22.43		65-7770D	P		12-17-1976 GROUNDWATER	SCHULZ
							P			SCHULZ, DEC
							P			SCHULZ
			NESH	43.22			P			LIVINGSTON
							P			LIVINGSTON
			NESH	22			P		5-1-1978 WARM SPRINGS	BROWN
							P			BROWN
							P			FREEMAN
							P			FREEMAN
							P			FREEMAN
							P			FREEMAN

FILED

B 3

1981

TWN	RNG	SEC	TRACT	LOT	USES	WATER RIGHT NUMBER	STAGE PRIORITY	RFLG	SOURCE OF WATER	LAST NAME
10N	04E	33	NASH	22.43		65-12209	P		11-23-1979 WARM SPRINGS	ARMSTRONG
							P			ARMSTRONG
						65-12290	P		11-23-1979 WARM SPRINGS	WILDER
							P			WILDER
			NASH	43.22		65-1220	P		11-23-1979 WARM SPRINGS	

0000

PAGE 1377
01/04/1986

[illegible]

DECLASSIFIED

██████████ 2 ██████████
██████████ 2 ██████████

PAGE 1378
01/04/1986

RNG	SEC	TWYLT	LCT	USES	WATER RIGHT NUMBER	STAGE PRIORITY	RELG	SOURCE OF WATER	LAST NAME	OWNER CODE
0-4E	33		NHSH	32	64-7593	L	-11-1975	SPRING	SCHULZ	CZECH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

65-12289
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 WN - 728-86 (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 WN - 728-86 (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 information, and date and signature of examiner.

RECEIVED

JUL 08 1987

C. Review and Processing:

Exam Completed Quentin J. Whitte 8-13-86 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent BD 8/15/86 (Initial and date)

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

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

Exam sent to State Office 20 1-6-87 (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File 15-12-8670 (Initial and date)

E # 4/2/87

4/86

ck BD

For Office Use Only
Fee Received 50
Date 7-28-86
Receipt # 40541
Receipt by AB
Sent to S.O. 8-13-86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXAMINATION FEE INFORMATION

1. Permit No. 65-1 2289

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

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

2. Permit Holder: DICK W - BETTY B Armstrong

3. Post Office Address: 1015 STRAWBERRY LN
BOISE, IDA Telephone No. 386-9633

4. Source of Water: WARM SPRINGS - thru Greenhouse

5. Extent of Use:
Domestic 104 (No. of households) Stockwater _____ (No. and type of stock)
Irrigation _____ (acres) Other/Remark HEATING

6. Total rate &/or volume for which proof is submitted 1 1/2 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:
OCT. 1981

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

MICROFILMED

(Name) JUL 08 1981

(Address) (Telephone Number)

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

Date _____
Signature of Permit Holder (and title, if appropriate) Dick Armstrong

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

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

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

Checks should be made payable to the
Department of Water Resources

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



ate of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Storehouse
Boise, Idaho 83720

65-12289
ARMSTRONG, DICK W.
ARMSTRONG, BETTY B.
715 HILLVIEW DR.
BOISE, ID 83702

138615

June 5, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

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

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

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

JUL 08 1987

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

MICROFILMED

JUL 08 1987



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)

A. Kenneth Dunn

Director

(208) 334-2190

RE:

Dear

We acknowledge receipt of your statement submitted as proof as beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

☐ A field examination of your system has been scheduled for

_____.
If this time and date is not convenient for you, please contact this office as soon as possible.

☐ A field examiner will contact you to arrange to examine your system.

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

Sincerely,

Judy Pense

Judy Pense
Secretary



734-2190

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 65-1228

Name(s) of Permit Holder: DICK W And BETTY B Armstrong

Post Office Address: 715 HILLVIEW DRIVE
BOISE, IDA Tel. No. 343-5833

Source of Water:

Extent of Use:

☒ Domestic

(number of households)

☐ Stockwater

(number and type of stock)

☐ Irrigation

(acres)

☐ Other

HEATING

Measuring Device:

Required?

☐ Yes ☒ No

Installed?

☐ Yes ☐ No

Access Port:

Required?

☐ Yes ☒ No

Installed?

☐ Yes ☐ No

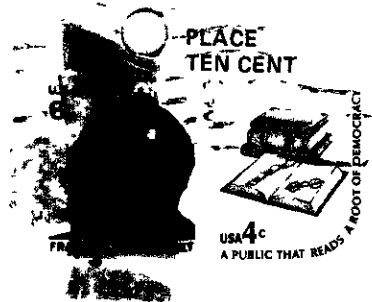
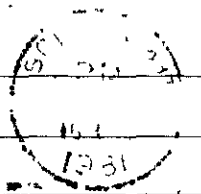
The above information is a true statement of the extent to which the above numbered permit has been developed.

12/15/81

Date

Dick Armstrong
Signature of Permit Holder

DICK W. ARMSTRONG
715 HILVIEW DRIVE
BOISE, IDA
83702



RECEIVED



DEC 17 1981

MICROFILMED

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN
~~C. KENNETH DUNN~~

Director

Mailing address
Statehouse
Boise, Idaho 83720
(208) 384-2215

May 18, 1981

Dick & Betty Armstrong
715 Hillview Dr.
Boise, Idaho 83702

Dear Mr. & Mrs. Armstrong,

RE: Permit No. 65-12289

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.

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

DRT:lr

Enclosure

MICROFILMED



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
FROM: Frank Sherman *FBS*
DATE: April 30, 1981
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

RECEIVED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: CW Byrnes

APPLICATION NUMBER: 65-12289
Admitted

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: 11/180 ✓
☒ 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

TE OFFICE REVIEW:

return receipt & cover letter
SLW/100 04, 05/65 byette R. SPD
☐ See attached sheet for more information.
By: Kelvin Date: 4/24/81

MICROFILMED



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

April 20, 1981

Dick W. & Betty B. Armstrong
715 Hillview Drive
Boise, Idaho 83702

RE: Application for Permit No. 65-12289

Dear Mr. and Mrs. Armstrong:

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

MICROFILMED



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

MICROFILMED

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE,
CHARTERED

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

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 SOUYRES, JR.
WILLIAM L. VASCONCELLOS
THOMAS R. LINVILLE
RICHARD A. RILEY
PATRICIA G. YOUNG
JAMES J. DAVIS
JOE H. UBERUAGA II
T. A. BANDUCCI
MARY S. HOBSON

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

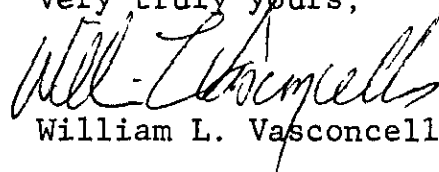
Dear Mr. Shaw:

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

RECEIVED

CONVERSATION MEMORANDUM

DATE 4/13/81FILE 65-12289-93NAME OF PARTY Bill Vasconcellos - Ebenke, Berlin - - -EMPLOYEE David ShawRE: 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

MICROFILMED

723

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO		James Gillespie	
STREET AND NO.		P.O. Box 1368	
POST OFFICE BOX NO.		P.O. Box 1368	
CITY, STATE AND ZIP CODE		Baton Rouge, LA 70801	
POSTAGE		\$	
CONSULT POSTMASTER FOR FEES	CERTIFIED MAIL	\$	
	SPECIAL DELIVERY	\$	
	RESTRICTED DELIVERY	\$	
	SHOW TO WHOM AND DATE DELIVERED	\$	
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY	\$	
	SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	\$	
OPTIONAL SERVICES	RETURN RECEIPT SERVICE	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	
TOTAL POSTAGE AND FEES		\$	
POSTMARK OR DATE			

PS Form 3800, Apr 1976

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED -
NOT FOR INTERNATIONAL MAIL

See Reverse

SENT TO		Dick W. & Betty Armstrong	
STREET AND NO.		Terrace Lakes	
PO, STATE AND ZIP CODE		Garden Valley, ID 83622	
POSTAGE		\$	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE	c
		SPECIAL DELIVERY	c
	RETURN RECEIPT SERVICE	RESTRICTED DELIVERY	c
		SHOW TO WHOM AND DATE OF DELIVERY	c
		SHOW TO WHOM DATE AND ADDRESS OF DELIVERY	c
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	c
TOTAL POSTAGE AND FEES		\$	
POSTMARK OR DATE			
2/24/81			

PS Form 3800, Apr 1976

3-6-44

PS Form 3811 Jan. 1978

1. 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:
Dick & Betty Armstrong
715 Hillview Dr.
Boise ID 83702

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	023	
	0486349	

(Always obtain signature of addressee or agent)

I have received the article described above.

Signature ☐ Addressee ☐ Authorized agent

[Signature]

4. DATE OF DELIVERY
MAR 30 1981

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

65-12289

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" adjacent to number.

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



RETURN



DEPT. OF WATER RESOURCES
WESTERN REGIONAL OFFICE
(Name of Sender)

92 N. 10th St.
BOISE, IDAHO 83709

MAY 1981

(Street or P.O. Box)

Department of Water Resources
Western Regional Office

(City, State, and ZIP Code)

Form 3811, Jan. 1978

RETURN RECEIPT, REGISTERED AND CERTIFIED MAIL

1. SENDER Complete items 1, 2, and 3 Add your address in the "RETURN TO" space on reverse.											
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: James Gillespie P.O. Box 1368 Borser ID 83701											
3. ARTICLE DESCRIPTION <table border="1"> <tr> <td>REGISTERED NO.</td> <td>CERTIFIED NO.</td> <td>INSURED NO.</td> </tr> <tr> <td></td> <td>P23</td> <td></td> </tr> <tr> <td></td> <td>0486434</td> <td></td> </tr> </table> (Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE ☒ Addressee ☐ Authorized agent			REGISTERED NO.	CERTIFIED NO.	INSURED NO.		P23			0486434	
REGISTERED NO.	CERTIFIED NO.	INSURED NO.									
	P23										
	0486434										
4. DATE OF DELIVERY		POSTMARK APR 1978									
5. ADDRESS (Complete only if requested)											
6. UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS									

65-12289 4A 12293

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" adjacent to number.



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

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGIONAL OFFICE

92 SOUTH COLE FLD

BOISE, IDAHO 83709

(Street or P.O. Box)

Department of Water Resources

Regional Office

(City, State, and ZIP Code)

3/23/81 cc - B. Flemer
B. Kight

MICROFILMED

Mail Receipts

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

IN THE MATTER OF PROTEST AGAINST APPROVAL OF	)	
	)	NOTICE OF CONFERENCE
THE APPLICATION FOR PERMIT NO. 65-12289 IN THE	)	
	)	AND/OR HEARING
NAME OF DICK W. & BETTY B. ARMSTRONG	)	
_____	)	

On November 23, 1979, Dick W. & Betty B. Armstrong 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 65-12290, 65-12291, 65-12292 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.

RECEIVED
APR 14 1981
WATER RESOURCES
DIVISION

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

MICROFILMED



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

MICROFILMED

April 14, 1980

M E M O

TO: Dave

FROM: Lee *chs*

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

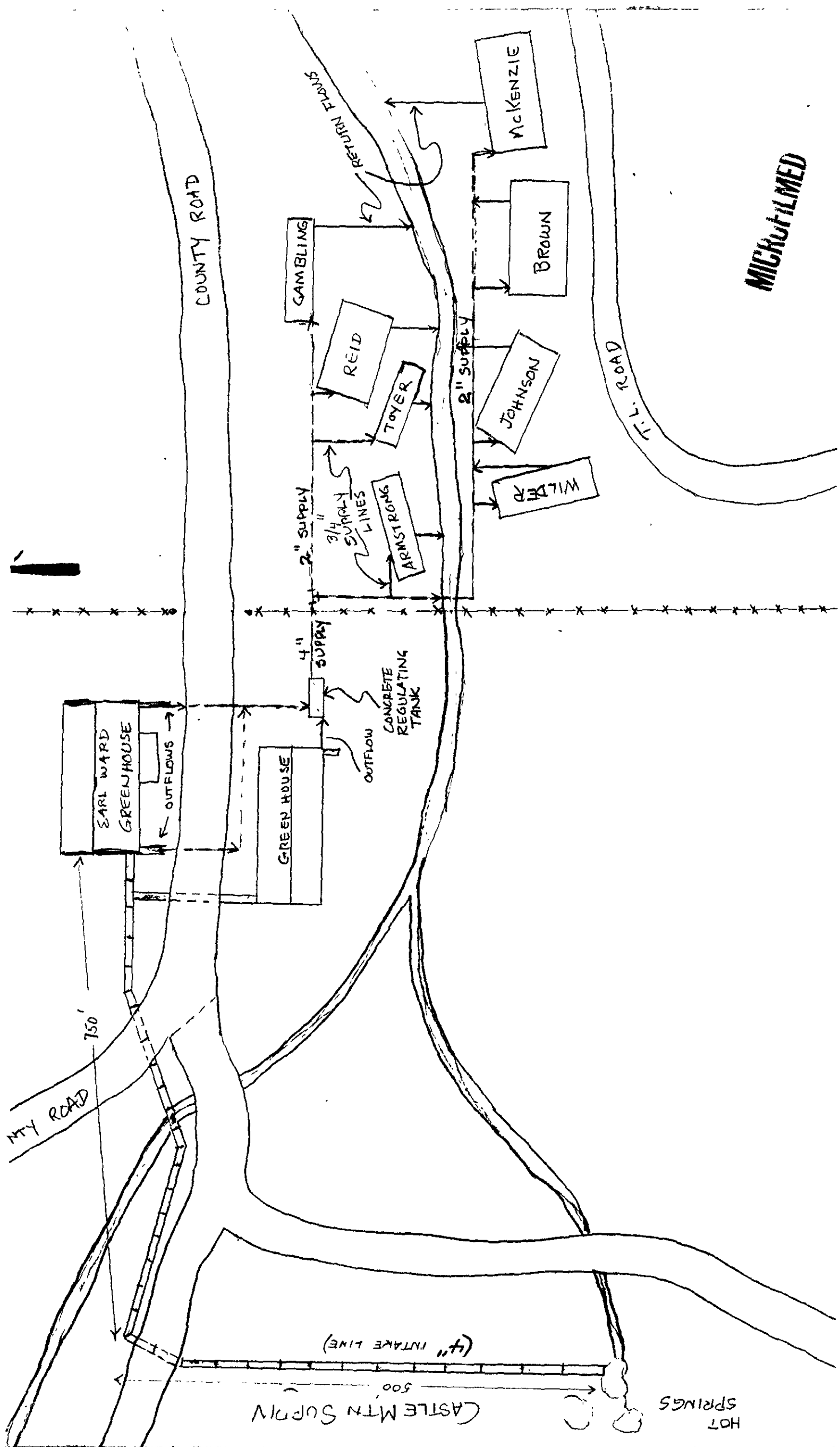
Forrest and I talked with Mr. Kliess Brown on 4/8/80 regarding the above filings. Mr. Brown is the ramrod, so to speak, of a project to utilize the hot water overflows of the greenhouses operated by Earl Ward.

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.

RECEIVED



MICROFILMED



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)

(208) 384-2190

C. STEPHEN ALLRED
Director

December 28, 1979

Dick & Betty Armstrong
Terrace Lakes
Garden Valley, ID 83622

RE: Application for Permit No. 65-12289

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to your Application No. ~~65-12289~~. 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

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

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

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709 on or before DECEMBER 24, 1979.

C. STEPHEN ALLRED

Director

ished 12/6 & 12/13/79.

RECEIVED
DEC 13 1979
IDAHO DEPT. OF WATER RESOURCES

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

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