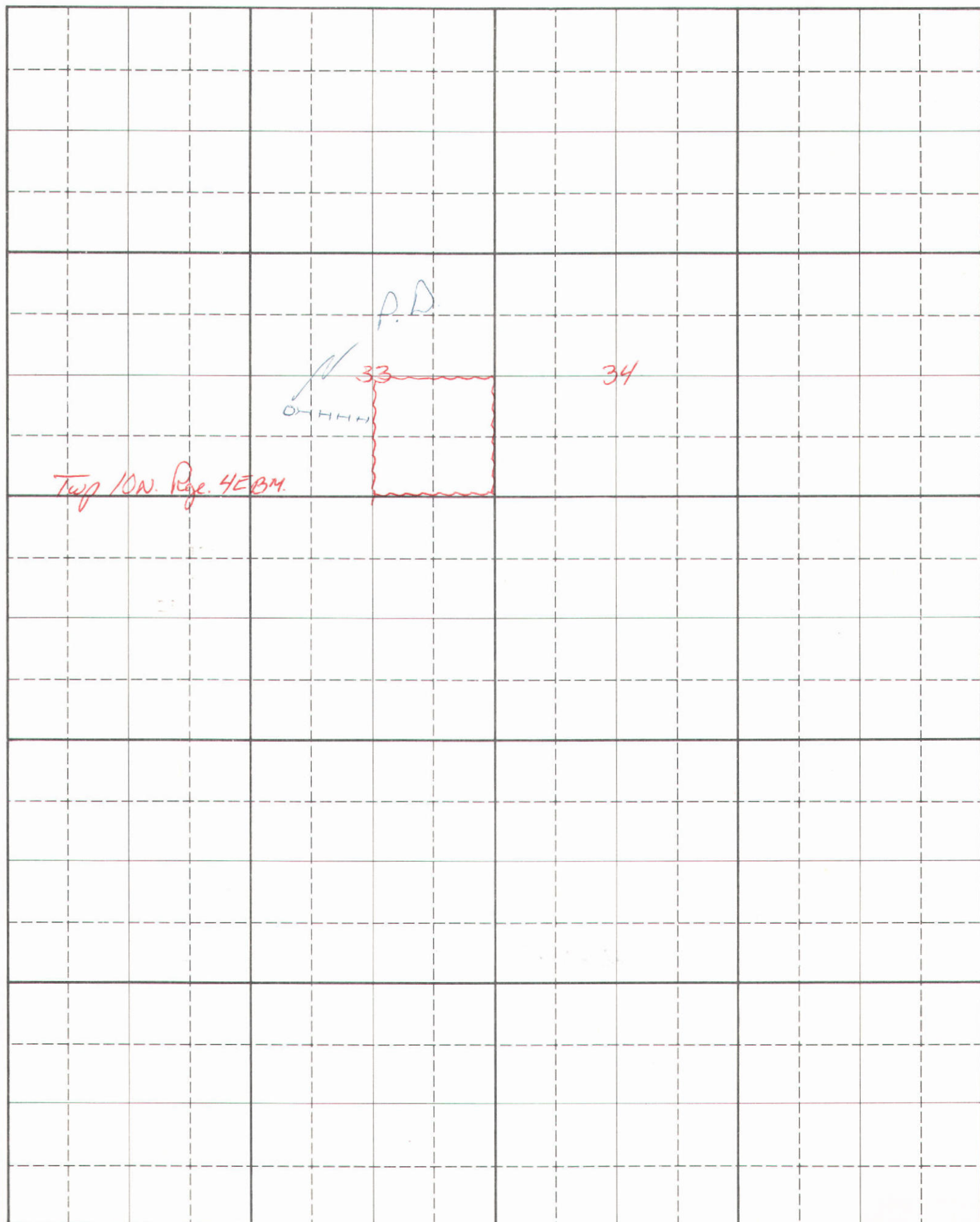


11. Map of proposed project:



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 W. Brannon (President)
(Applicant)

65-7118

AFFIDAVIT
OF
PUBLICATION

STATE OF IDAHO, } S.S.
COUNTY OF BOISE

T. R. Adams, being
duly sworn, deposes and says:
That he is the manager and prin-
cipal clerk of THE IDAHO
WORLD a weekly news paper
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 Two con-
secutive 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 pro-
per and not in a supplement;
that said paper has been estab-
lished and regularly and contin-
uously published for more than
seventy-eight weeks past pre-
vious to the first publication of
this notice. Such notice was pub-
lished in the issue beginning

with March 28, 1970

and ending with the issue of

April 2, 1970

Fees \$... T. R. Adams

Subscribed and sworn to before
me this 16 day of April

1970

Katherine M. Dugan
Clerk District Court

Deputy

NOTICE OF APPLICATION
FOR PERMIT TO
APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF
IDAHO

Notice is hereby given that
Terrace Lakes Recreation Ranch
Inc., Box 65, Garden Valley,
Idaho, has on January 27, 1970,
submitted Application No. 65-
7118 to appropriate the public
waters of an unnamed stream,
tributary of Warm Springs
Creek.

The proposed uses are .35 cfs
for thermal properties extrac-
tion, .13 cfs for multiple domes-
tic purposes, .35 cfs for recrea-
tional purposes and .13 cfs for
industrial purposes from Jan-
uary 1 to December 31.

The application proposes a
maximum diversion of 0.35 cu-
bic feet per second of water to
be diverted by headgate and
pipe within the NW 1/4 SW 1/4 of
Sec. 33, T. 10N., R. 4E., B.M.,
Boise County, and is to be used
within the SE 1/4, Sec. 33, T. 10N
R. 4E., B. M. for a trailer unit
and lodge.

Any permit issued pursuant
to this application will be sub-
ject to ALL PRIOR WATER
RIGHTS and subject to the
CONTROL OF A STATE WAT-
ERMASTER. Any protest a-
gainst this application must be
filed with the Idaho Department
of Reclamation on or before
April 12, 1970.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Idaho World,
Idaho City, Idaho, on March 26
and April 2, 1970.

RECEIVED

Department of Reclamation

65-7118

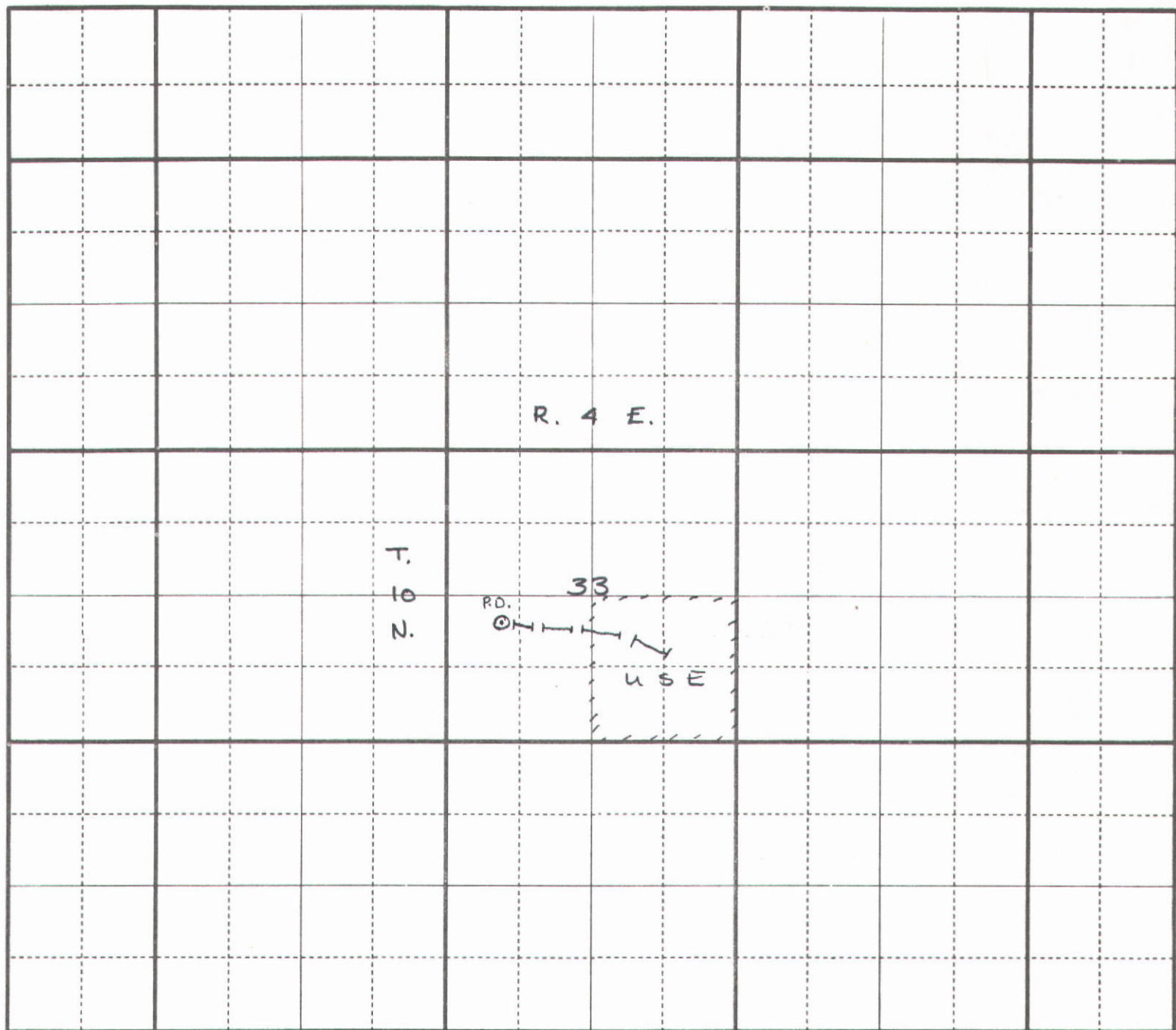


Diagram of System

RECEIVED

APR 14 1970

Department of Reclamation

IN THE DISTRICT COURT OF THE UNITED STATES DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE

TERRACE LAKES DEVELOPMENT, INC.,
Plaintiff, vs. BOISE COUNTY RD. 100
TRUST COMPANY
ENIGMA TRUST and JOHN ENIGMA,
Defendants.

This cause came on for trial before the Court without a jury, on September 17th, 18th and 19th, 1969 at the Courthouse of Boise County, Idaho in Idaho City, Idaho, with Frank T. Hiam of the law firm of Hiam and Smith of Boise, Idaho, appearing as attorney for the plaintiff, and Louis Corbano of Emmet, Idaho, appearing as attorney for the defendants, and the Court having heard the testimony and having examined the proofs offered by the respective parties, and the Court being fully advised in the premises and having filed herein its Memorandum Opinion which was designated as Findings of Fact and Conclusions of Law and having directed that judgment be entered in accordance therewith; now, therefore, by reason of the findings and law as aforesaid

IT IS HEREBY ORDERED, ADJUDGED AND DECREED

1. That the Court has jurisdiction over the parties and the subject matter involved in this action and that pending further order of the Court, the Court shall maintain continuing jurisdiction in this action for the hearing and deciding of any matters and the making of any orders that

65-7118

1 may be appropriate under the facts and circumstances as
2 such may appear from time to time;

3
4 2. That the defendants herein are temporarily enjoined
5 and restrained from the removal of the pipeline of the
6 plaintiff located on the premises of defendants from said
7 premises and defendants are further temporarily restrained
8 from interfering with the operation by plaintiff's of said
9 pipeline all of which shall continue until further Order
10 of the Court, provided however that this temporary
11 injunction shall stand without prejudice to defendants'
12 right to make a further showing to the Court of a reasonable
13 compensation which should be paid by plaintiff to defendants
14 for the occupation of said premises by the pipeline of
15 plaintiff pending final decision in this matter;

16 3. That plaintiff has not perfected a water right to
17 appropriate the water arising from the hot springs located
18 on the lands of defendants for the thermal values of said
19 waters, but that said hot spring waters arising on the
20 lands of defendants are public waters subject to appropriation
21 by plaintiff for any uses involving the thermal values
22 thereof, subject however to the higher priorities of water
23 right established by that certain decree of the District
24 Court of the Third Judicial District of the State of Idaho,
25 in and for the County of Boise dated and filed June 13,
26 1906 in the cause of action entitled as follows:

27 John McBride, Elsie Pa Chamberlain, Margaret Dunlap,
28 John Gardner, Adeline Gardner, John Sittleg, Norman
Sittleg and Fred H. Cord,

Plaintiffs,

vs.

29 J. G. Hayes, G. G. Moore, Adeline Podemack and
30 S. K. Goldstrapp,

Defendants.

1 AND subject further to any prior appropriations for the
2 thermal values of said water by any other person or party
3 including any prior appropriation for the thermal values
4 of said waters having been perfected by defendant herein
5 whether or not the same are of use and;

6 4. That the plaintiff is now obtaining any water right
7 to appropriate water from the water now existing upon
8 the lands of the State of Idaho, to be used in the plaintiff's
9 shall have a right to use the water from the said
10 lands of defendant located within the County of Boise,
11 State of Idaho, which said passage shall be ten (10)
12 feet in width, the center of which is more particularly
13 described as follows:

14 Commencing at the South quarter corner of section
15 33, Township 19 North, Range 4 East, Boise Meridian;
16 thence
17 along the quarter line North 82° 04' West 1,537.0
18 feet to a point which is the real point of beginning;
19 thence
20 North 67° 00' West 23.5 feet to a point; thence
21 North 67° 00' West 234.5 feet to a point; thence
22 South 72° 00' West 165.3 feet to a point; thence
23 South 52° 10' West 166.2 feet to a point; thence
24 South 81° 40' West 121.5 feet to a point; thence
25 North 72° 00' West 27.2 feet to a point; thence
26 South 72° 50' West 101.4 feet to a point; thence
27 North 53° 50' West 122.7 feet to a point; thence
28 North 53° 50' West 122.8 feet to a point; thence
29 South 63° 50' West 211.5 feet to a point; thence
30 South 22° 50' West 122.0 feet to a point; thence
31 South 51° 30' West 52.3 feet to a point; thence
32 South 72° 40' West 51.0 feet to a point, which is
the point of beginning; thence

1 North 54° 20' West 51.5 feet to a point which is
2 the center of a hot spring

3 That the damages assessed for the land of defendants to
4 be occupied by said easement shall be in the amount of
5 \$321.30 and that the damages to the property of defendants
6 remaining are assessed at nothing as of the date of the
7 summons herein;

8 5. That upon their counterclaim, defendants are entitled
9 to damages for the trespass of plaintiff or the patrons of
10 plaintiff in the amount of One Dollar (\$1.00) and for
11 exemplary or punitive damages, nothing.

12 6. That all motions to dismiss by defendant shall be,
13 and are hereby, denied.

14 7. That plaintiff and defendants shall each bear their
15 own costs herein.

16 DATED this 5th day of February, 1970.

17
18
19
20
21 
22 W. H. Smith
23
24
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29
30

CERTIFICATE OF MAILING

STATE OF IDAHO

County of Ada

I, Margaret H. Day, the undersigned authority do hereby
certify that 7 in a letter to the United States mail, one
copy of this letter was deposited with the attorney of
record in this case in accordance with the following:

Mr. Frank L. Day
Attorney at Law
First Sec. Bldg.
Boise, Idaho

Mr. Louis G. Gentry
Boise, Idaho

Dated and signed at Boise, Idaho, this 9th day of
February, 1950.

Margaret H. Day
Margaret H. Day

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 65-7118 Priority Jan. 27, 1970 Amount 0.29 cfs

THIS IS TO CERTIFY, that Terrace Lakes Recreation Ranch, Inc.
of Garden Valley, Idaho, has complied with the terms and conditions of Permit
No 65-7118 issued pursuant to Application for Permit dated January 27, 1970,
and has submitted proof to the Department of Water Resources on July 24, 1975,
that he has applied water to a beneficial use, an examination by the Department indicates that the works have a
capacity for the diversion of 0.29 cfs of water from an unnamed spring,
tributary to Warm Springs Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.13</u> cfs and <u>-</u>	
Recreation	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.29</u> cfs and <u>-</u>	
Industrial	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.13</u> cfs and <u>-</u>	
Thermal Extraction (Heating)	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.29</u> cfs and <u>-</u>	

(both dates inclusive)

Subject, however, to the condition that no more than 0.29 cfs of water be ~~diverted~~ at any one time, and
that the amount of water so ~~diverted~~ and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
209 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 33,
Twp. 10 N, Rge. 4 E, B. M. in the County of Boise

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
10 N	4 E	33													X	X	X	X	

Total number of acres irrigated _____

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 5 day of
November, 19 75.

Director

Identification No. 65-7118
Application No. _____

LICENSE ISSUED FOR .22 SEC. 11
LICENSE PAG _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

APPROVED

1. Name of applicant Terrace Lakes Recreation Ranch, Inc.
post office address Box 65, Garden Valley, Idaho 83622
2. Source of water supply Unnamed spring which is a tributary of Warm Springs Creek
- 3 a 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: _____

- b If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .35 for thermal properties purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .13 for mult. domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .35 for recreational purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
.13 industrial Jan. 1 Dec. 31
5. Total quantity to be appropriated:
a 0.35 cubic feet per second and/or
b _____ acre feet per annum.
- 6 Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Diversion structure with headgate,
pipd to place of use.

- b Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam. _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- 7 a Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years
b. Estimated construction cost is \$ 500.00.
- 8 Description of proposed uses.
a If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33 Township 10 N
Range 4 E B.M.
(2) Amount of power to be generated. _____ hp 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 50 trailer units and lodge for 200
(5) If water is to be used for other purposes describe. See remarks.

65-7118

10

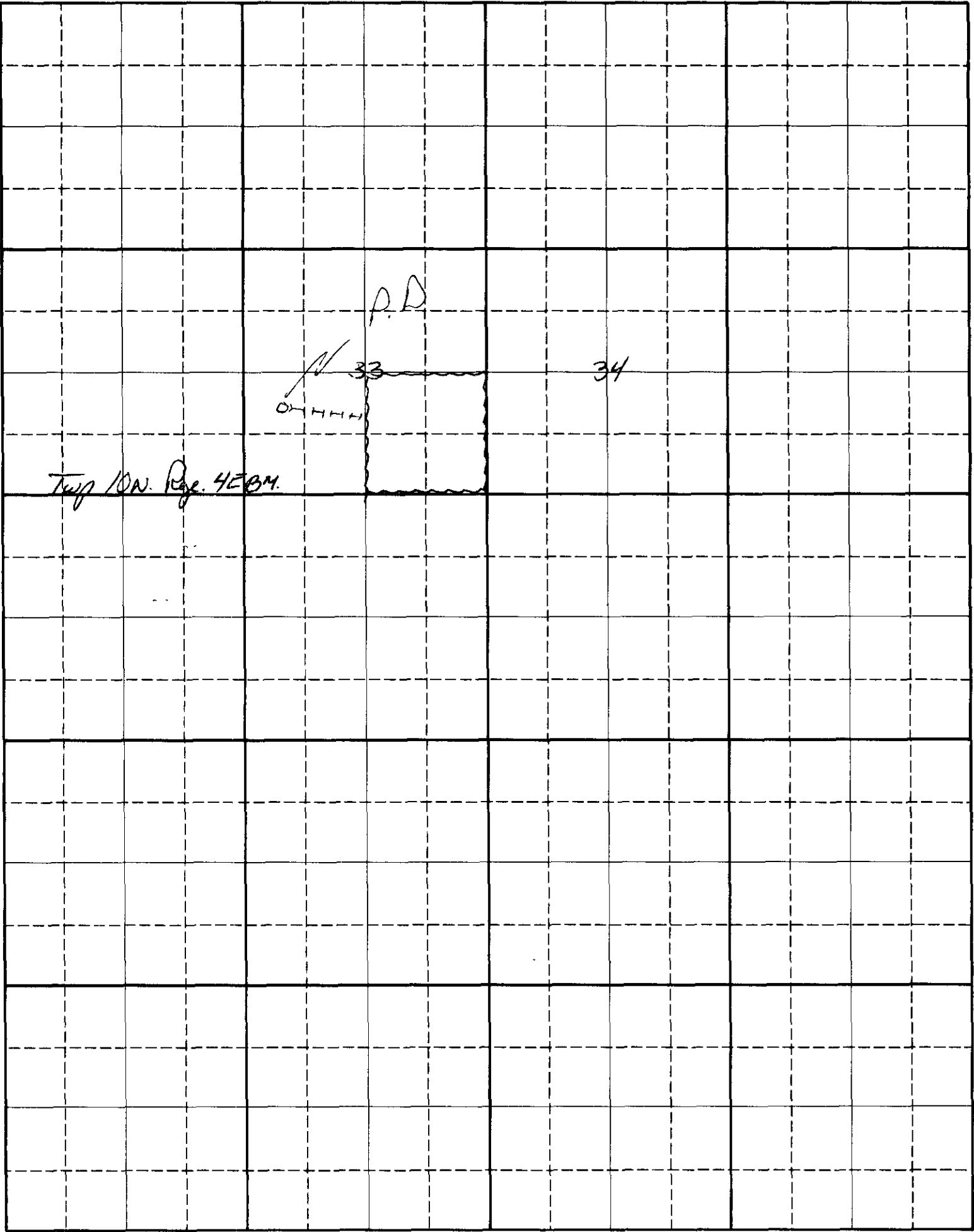
[illegible]

applicant to make this filing

None

[illegible]

11. Map of proposed project:



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.

Ernest W. Brandon (President)
(Applicant)

65-7118

Received by DM Date 1-27-70 Time 12:25P
Preliminary check by DM Fee \$ 10.⁰⁰
Receipted by ju Date 1-27-70 # 4113
Publication prepared by du Date 2-10-70 3-18-70
Published in Idaho World
Publication dates 2-19-70 3-26-70 4-2, 1970
Publication approved du Date 7-21-70
Priority reduced to _____ Reason _____

Protests filed by: Dwight Parker

Copies of protests forwarded by du 3-9-70
Hearing held by JA Date 4-16-70
Recommended for approval denial by DM

APPROVED

ACTION OF STATE RECLAMATION ENGINEER

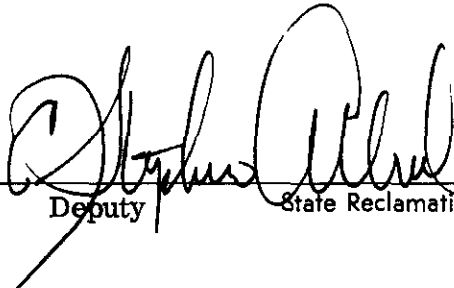
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 65-7118, and said application is hereby APPROVED.

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 August 1, 19 75.
- c. Other: The permit holder shall permanently install and maintain a measuring device of a type approved by the department as part of the diverting works. The issuance of this permit in no way grants any right-of-way or easement.

2. Denial of said application is for the following reasons: _____

Witness my hand this 10th day of August 19 70.


Deputy State Reclamation Engineer

STAFF ANALYSIS

RECOMMENDATIONS: LOCATED @ 2 MILES NORTH & 1 MILE
WEST OF CROUCH OFF MIDDLE FORK PAYETTE
THE SPRINGS FLOW @ 100 gpm AT A TEMP OF
@ 167°F - RESULTING STREAM IS TRIBUTARY
TO MIDDLE FORK PAYETTE RIVER

ENGINEERING WILL CHECK

Qty.	Use	Period	AF	AFA
Qty.	Use	Period	AF	AFA
Qty.	Use	Period	AF	AFA

ACTION: Approved ☒ Denied _____

Conditions of approval or reason for denial: _____

Investigation By [Signature] Title ASSIST STATE REC ENGR
Date 2-11-70

65-7118

DEPARTMENT OF RECLAMATION

STAFF ANALYSIS

Application No. 65-7118 Name Terrace Lakes Recreation Ranch, Inc.
 Source unnamed spring tributary of Warm Springs Creek
 Point of Diversion NW¹/₄SW¹/₄ Sec. 33, T. 10 N., R. 4 E., B.M., Boise County
 Quantity 0.35 c.f.s. Use thermal properties extraction Period Jan. 1 - Dec. 31
 Quantity 0.13 c.f.s. Use mult. domestic Period Jan. 1 - Dec. 31
 Quantity 0.35 c.f.s. Use recreational Period Jan. 1 - Dec. 31
0.13 c.f.s. industrial Period Jan. 1 - Dec. 31
 Well Size _____ Diameter _____ Proposed Depth _____ Feet
 Use 50 trailer units and lodge for 200 . Thermal properties extraction for heating of resort; domestic use of resort and trailer park, recreation, heated swimming pool and related uses; industrial, sewage treatment and hearing of sewage treatment pond
 Date Forwarded 2/4 Date Returned 2-4 Received by sh

RECOMMENDATIONS:

Qty. _____ Use _____ Period _____ AF _____ AFA _____
 Qty. _____ Use _____ Period _____ AF _____ AFA _____
 Qty. _____ Use _____ Period _____ AF _____ AFA _____

ACTION: Approved ☒ Denied _____

Conditions of approval or reason for denial: _____

Engineering

By A. Howard Quinn

Title Asst. State Engr.

Date 2-4-70

65-7118

**AFFIDAVIT
OF
PUBLICATION**

STATE OF IDAHO, } S.S.
COUNTY OF BOISE

T. R. Adams, being
duly sworn, deposes and says:
That he is the manager and principal clerk of THE IDAHO WORLD a weekly news paper 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 760 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 proper and not in 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 March 24, 1970
and ending with the issue of

April 2, 1970
Fees \$ 112 Adams

Subscribed and sworn to before

me this 16 day of July

1970

Kenneth M. Logan
Clerk District Court

Deputy

65-7118

65-3002X

65-3233

65-3237X

65-3239

65-7118 -

65-7140 -

Bert
can you get
a permit # for
this?
John

To Jackie
Date Ray Time _____

WHILE YOU WERE OUT

of _____

Phone _____

Telephoned	☐	Please call	☐
Called to see you	☐	Will call again	☐
Wants to see you	☐	Returned your call	☐

Message not my green
card.

Operator

PS Form 3811 Jan 1975

RETURN RECEIPT, FIVE

● 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..... 15¢
- ☐ Show to whom, date, & address of delivery. 35¢
- ☐ RESTRICTED DELIVERY
Show to whom and date delivered . 65¢
- ☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery 85¢

2 ARTICLE ADDRESSED TO:
Thomas Carter
Terrace Lakes Recreation Ranches, Inc.
Garden Valley, ID 83622

3 ARTICLE DESCRIPTION
REGISTERED NO. P23 CERTIFIED NO. 0486340 INSURED NO.

4 SIGNATURE OF ADDRESSEE OR AGENT

Th Carter

GARDEN VALLEY
FEB
2

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 reverse side
• Moistened gummed ends and attach to back of article

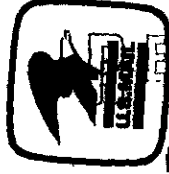
RETURN
TO



Department of Water
Resources
State House
Bozeman

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

Department of Water Resources



FEB 8 1981

RECEIVED

October 21, 1975

Terrace Lakes Recreation Ranch, Inc.
Box 65
Garden Valley, Idaho 83622

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 65-7118 and has found the following:

Quantity of water diverted: 0.29 cfs Source: unnamed spring

Amount of water that can be recognized as beneficially used under
Idaho law: 0.29 cfs

The maximum quantity diverted shall not exceed 209 acre feet per
year.

Point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, Twp. 10 N, Rge. 4 E, B.M.

Beneficial use: Domestic, recreation, industrial, thermal extraction
(heating) purposes all within the SE $\frac{1}{4}$, Sec. 33, Twp. 10 N, Rge. 4 E

Priority established: January 27, 1970

If you do not concur with these findings please contact us within 10 days, otherwise a
water license will be issued as set forth above.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR

November 7, 1975

Re: Permit No. 65-7118

Terrance Lakes Recreation Ranch, Inc.
Box 65
Garden Valley, ID 83622

Gentlemen:

Enclosed herewith is a copy of the water license issued on the above referenced permit.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:Rb

Enc.

MICROFILMED

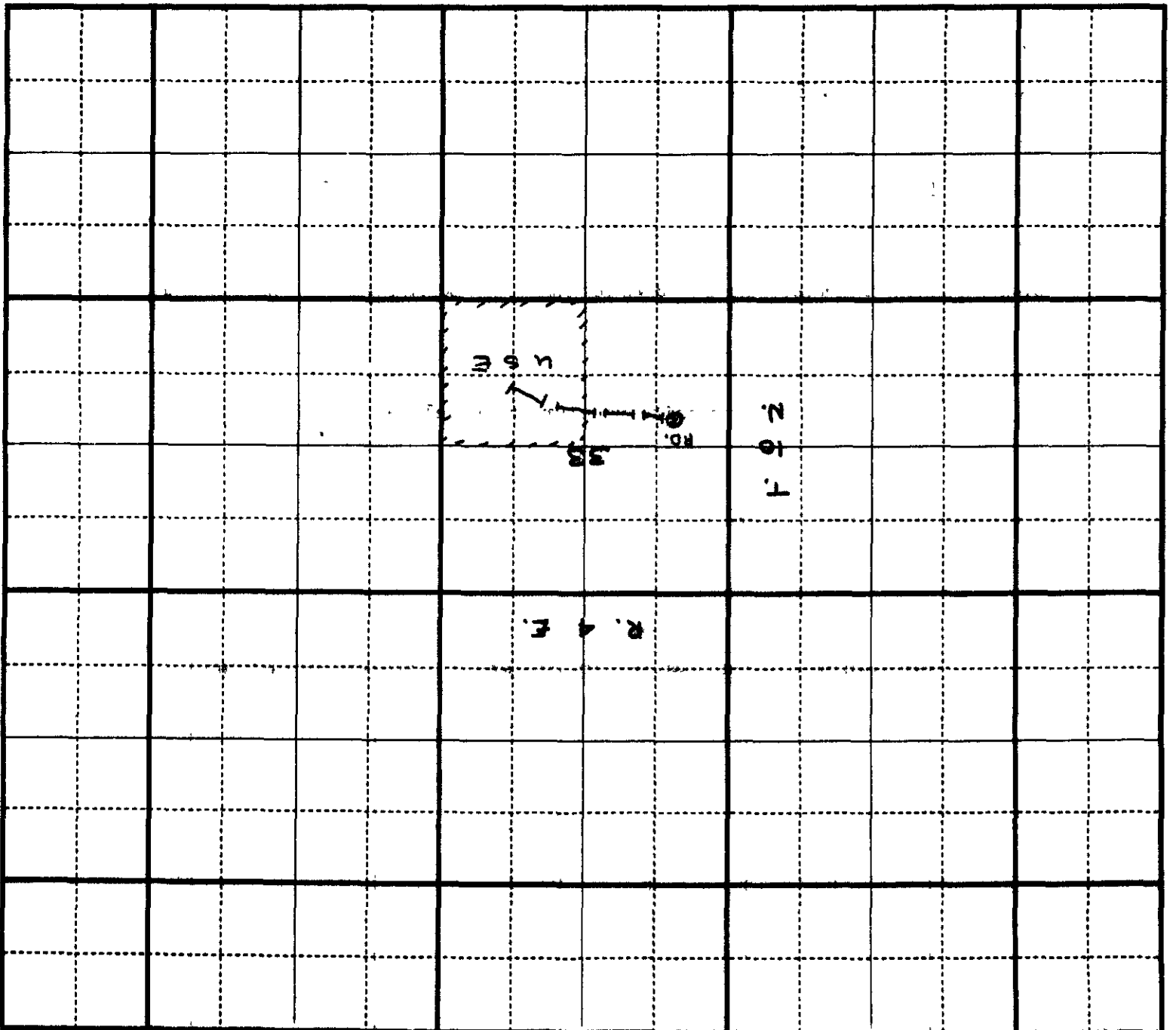
DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder Terrace Lakes Recreation Ranch, Inc.
Post office address Box 65, Garden Valley, ID 83622 Phone
Person to contact Ralph Miller, President Phone

TOTAL ACREAGE

25.1
42
0.14

Diagram of System



DATE OF EXAM Aug. 1, 1975

ACREAGE
Found _____
Recommended NA

Irrigation Requirement NA Ac Ft/Ac

USE							
Therm. Pop. Ext.	Irrigation	Q = <u>0.29</u>	c.f.s.	V = <u>209.6</u>	AF/Ann. from	<u>Jan. 1</u>	to <u>Dec. 31</u>
	Domestic	Q = <u>0.13</u>	c.f.s.	V = <u>150.0</u>	AF/Ann. from	<u>Jan. 1</u>	to <u>Dec. 31</u>
recreation	livestock	Q = <u>0.29</u>	c.f.s.	V = <u>209.6</u>	AF/Ann. from	<u>Jan. 1</u>	to <u>Dec. 31</u>
Industrial		Q = <u>0.13</u>	c.f.s.	V = <u>99.0</u>	AF/Ann. from	<u>Jan. 1</u>	to <u>Dec. 31</u>

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 0.29 cfs. Method of measurement V-notch weir

Total Q recommended 0.29 cfs. Meter No. — Type — Condition —

Total V recommended 209.6 AF/Ann.

Recommended Amendments:
P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

V notch weir H = 0.42' ∴ Q = 0.29 cfs.
V @ 0.29 cfs continuous flow rate = $0.29 \times 1.98 \times 365 = 209.6 \text{ AF/Ann.}$
V @ 0.13 cfs " " " = $0.13 \times 1.98 \times 365 = 99.0 \text{ AF/Ann.}$

SYSTEM DESCRIPTION:

Concrete diversion thru V notch weir into 4" x 2500' underground transit,
pipeline system. ~~Thermometer~~ Systems provide hot water
(approx. 190°F) for heating lodge, swimming pool, maint. shop, sewage
treatment pond, & supplies supplemental domestic water to 50 trailer
units & 200 summer home sites.

REMARKS:

Examiner's Signature M. Clayton Barr Date Aug. 1, 1975
Checked by _____ Date _____
Approved by _____ Date _____

215 Lot $\frac{1}{2}$ secondly
=500

100 'w/ 50 psi pressure

Lot 4

μ 1.3
Mt. 2.40



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

Statehouse
Boise, Idaho 83720
(208) 384-2215

R. Kerth Higginson
Director

July 25, 1975

Re: Permit No's. 65-7118 & 65-7140

Terrace Lakes Recreation Ranch, Inc.
Box 65
Garden Valley, Idaho 83622

Gentlemen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permits.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our District Office in Boise.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

RECEIVED

WATER RESOURCE BOARD:

John F. Straiff
Chairman

Franklin Jones
Member

George L. Yost
Vice-Chairman

M. Reed Hansen
Member

Donald R. Kramer
Secretary

Scott W. Reed
Member

Edwin C. Schlender
Member

Joseph H. Nettleton
Member

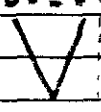
Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
JUL 24 1970
Department of Water Resources
ok ji

1. a) Name of Permit Holder Terrace Lakes Recreation Ranch, Inc.
b) Post Office Address Garden Valley, Idaho 83622
2. Permit Number 65-7118
3. Date of Priority that you are prepared to establish 1-27-70
4. a) Source from which water was appropriated unnamed spring tributary of Warm Springs Creek
b) Location of the point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33
Township 10N, Range 4E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount .35 for thermal properties purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) extraction (Month-Day) (Month-Day)
Amount .13 for multi. domestic purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount .35 for recreational purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
.13 industrial Jan. 1 Dec. 31
b) Total amount appropriated .35 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: person who had this done is deceased
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
N/A
b) Describe the agreement or understanding by which you take water from the works:
N/A
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 4" transite underground pipeline
b) Describe the type and size of measuring device which you have installed at your point of diversion:
14" notched weir

c) Give well driller's name and address and the date the well was completed: N/A
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Thermal properties extracted for heating of lodge; domestic use in resort and mobile home park; recreation, heated swimming pool and bath house; industrial, sewage treatment and heating of sewage treatment ponds, heating of work shop.

Exam typed 7-25-75 ji

RECEIVED

PS Form 3811, Nov 1973

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER (Complete items 1 and 2 Add your address in the "RETURN TO" space on reverse)		
1 The following service is requested (check one)		
☐	Show to whom and date delivered.....	15¢
☐	Show to whom, date, & address of delivery .	35¢
☐	DELIVER ONLY TO ADDRESSEE and show to whom and date delivered.....	65¢
☐	DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of delivery	85¢
2 ARTICLE ADDRESSED TO 		
3 ARTICLE DESCRIPTION		
REGISTERED NO.	CERTIFIED NO	INSURED NO
	26850	
(Always obtain signature of addressee or agent)		
I have received the article described above		
SIGNATURE <i>Linace Lakes</i> <i>by Ethel May Healey</i>		
4	DATE OF DELIVERY	JUN 3 1975 POSTMARK
	4-3-75	
5 ADDRESS (Complete only if requested)		
6 UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS <i>LSH</i>

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article

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



**RETURN
TO**



DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

26 4,50

June 2, 1975

CERTIFIED MAIL

Re: Permit No. 65-7118 and 65-7140

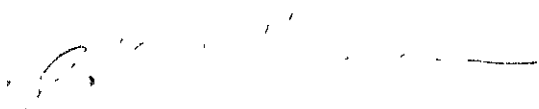
Terrace Lakes Recreation Ranch, Inc.
Box 65
Garden Valley, Idaho 83622

Gentlemen:

One of the conditions of approval of your water Permit No. 65-7118, 65-7140 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before August 1, 1975. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit (2)

6

657118

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE

TERRACE LAKES RECREATIONAL RANCH,)
INC.,)
Plaintiff,)

Boise County No. 765

vs.)

FIRST JUDGMENT

DWIGHT PARKS and JEAN PARKS,)
Defendants.)

District Court Boise County, Idaho
Recorded in Book 6, Page 503
Filed Feb. 10, 1970
Katherine M. Brogan
Clerk

This cause came on for trial before the Court without a jury on September 17th, 18th and 19th, 1969 at the Courthouse of Boise County, Idaho in Idaho City, Idaho, with Frank T. Klam of the law firm of Klam and Smith of Boise, Idaho, appearing as attorney for the plaintiff, and Louis Gorrone of Emmett, Idaho, appearing as attorney for the defendants, and the Court having heard the testimony and having examined the proofs offered by the respective parties, and the Court being fully advised in the premises and having filed herein its Memorandum Opinion which was designated as Findings of Fact and Conclusions of Law and having directed that judgment be entered in accordance therewith; now, therefore, by reason of the findings and law as aforesaid

IT IS HEREBY ORDERED, ADJUDGED AND DECREED

1. That the Court has jurisdiction over the parties and the subject matter involved in this action and that pending further order of the Court, the Court shall maintain continuing jurisdiction in this action for the hearing and deciding of any matters and the making of any Orders that may be appropriate under the facts and circumstances as such may appear from time to time;
2. That the defendants herein are temporarily enjoined and restrained from the removal of the pipeline of the plaintiff located on the premises of defendants from said premises and defendants are further temporarily restrained from interfering with the operation by plaintiff's of said pipeline all of which shall continue until further Order of the Court, provided however that this temporary injunction shall stand without prejudice to defendants' right to make a further showing to the Court of a reasonable compensation which should be paid by plaintiff to defendants for the occupation of said premises by the pipeline of plaintiff pending final decision in this matter;
3. That plaintiff has not perfected a water right to appropriate the water arising from the hot springs located on the lands of defendants for the thermal values of said waters, but that said hot spring waters arising on the lands of defendants are public waters subject to appropriation by plaintiff for any uses involving the thermal values thereof, subject however to the higher priorities of water right established by that certain decree of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Boise dated and filed June 13, 1906 in the cause of action entitled as follows:

John McBride, Elsie De Chambeau, Margaret Dunlap,
John Gardner, Amelia Gardner, John Sitleg, Herman
Sitleg and Fred M. Cord,

Plaintiffs,

vs.

J. C. Hayes, O. S. Moore, Adeline Rodemack and
S. K. Goldtraps,

Defendants.

AND subject further to any prior appropriations for the thermal values of said water by any other person or party including any prior appropriation for the thermal values of said waters having been perfected by defendant herein whether or not the same are of record;

4. That the plaintiff upon obtaining any water right to appropriate waters from the hot springs arising upon the lands of defendants for the thermal values thereof shall become entitled to have an easement over the said lands of defendants located within the County of Boise, State of Idaho, which said easement shall be ten (10) feet in width, the center of which is more particularly described as follows:

Commencing at the South quarter corner of section
33, Township 10 North, Range 4 East, Boise Meridian;
thence

along the quarter line North 0° 01' West 1,527.0
feet to a point which is the real point of beginning;
thence

North 65° 00' West 88.5 feet to a point; thence

North 85° 20' West 224.5 feet to a point; thence

South 73° 00' West 165.8 feet to a point; thence

South 54° 10' West 166.0 feet to a point; thence

South 81° 40' West 136.5 feet to a point; thence

North 78° 00' West 57.0 feet to a point; thence

South 73° 30' West 89.4 feet to a point; thence

North 55° 50' West 128.3 feet to a point; thence

65 7118

North 53° 50' West 122.5 feet to a point; thence
South 68° 50' West 72.5 feet to a point; thence
South 28° 50' West 182.0 feet to a point; thence
South 51° 30' West 58.2 feet to a point; thence
South 79° 40' West 56.0 feet to a point, which is
the point of diversion; thence
North 54° 20' West 51.5 feet to a point which is
the center of a hot spring

That the damages assessed for the land of defendants to be occupied by said easement shall be in the amount of \$321.30 and that the damages to the property of defendants remaining are assessed at nothing as of the date of the summons herein;

5. That upon their counterclaim, defendants are entitled to damages for the trespass of plaintiff or the patrons of plaintiff in the amount of One Dollar (\$1.00) and for exemplary or punitive damages, nothing.

6. That all motions to dismiss by defendant shall be, and are hereby, denied.

7. That plaintiff and defendants shall each bear their own costs herein.

DATED this 9th day of February, 1970

W. E. Smith
District Judge.

CERTIFICATE OF MAILING

STATE OF IDAHO)
 SS
County of Ada)

I, Margaret E. Day, the undersigned authority do hereby certify that I have mailed, by United States mail, one copy of this pre-trial order to each of the attorneys of record in this cause in envelopes addressed as follows.

Mr. Frank Elam
Attorney at Law
First Sec. B. Bldg.
Boise, Idaho

Mr. Louie Gorroho
Barnett, Idaho

Dated and signed at Boise, Idaho, this 9th day of February, 1970.

Margaret E. Day
Official Reporter

March 15, 1971

L. Gorrone
Attorney at Law
105 North Hayes
Bennett, Idaho 83617

Dear Mr. Gorrone:

Attached herewith is Departmental Receipt No. 5756 in the amount of
\$2.00 for Copies of Permit No. 65-7118,
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

65 7118

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215

February 17, 1971



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

RE: Application for Permit No. 65-7118

Mr. L. Gorroneo
105 North Hayes
Emmett, Idaho 83617

Dear Mr. Gorroneo:

April 16, 1970, copies of the above application was mailed to you per your request. The fee for these copies is \$2.00. We have no record of receiving this amount. Would you please check your records?

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

2-19-71

Dear Mr. Bosch:
I don't recall what Permit # 65-7118 relates
to because I make numerous inquiries but
enclosed herein is the \$2.00, Thanks. 65 7118
S Gorroneo

February 17, 1971

RE: Application for Permit No. 65-7118

Mr. L. Gorrone
105 North Hayes
Bennett, Idaho 83617

Dear Mr. Gorrone:

April 16, 1970, copies of the above application was mailed to you per your request. The fee for these copies is \$2.00. We have no record of receiving this fee. Would you please check your records?

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

65 7118

August 27, 1970

Re: Permit No. 65-7118

C
Elam & Smith

Box 362

Boise, Idaho 83701

O
Attn: Frank T. Elam

Dear Mr. Elam:

P
Enclosed is a certified copy of Permit No. 65-7118, as you requested. There is a fee of \$2
for this copy. Please remit promptly.

Very truly yours,

Y
Dorian Clay
Appropriation Examiner

DC:KL

Enclosure

rec # 5104

65-7118

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse Annex 2

Boise, Idaho 83707

(208) 384-2215

August 27, 1970

Re: Permit No. 65-7118



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

Elam & Smith
Box 362
Boise, Idaho 83701

Attn: Frank T. Elam

Dear Mr. Elam:

Enclosed is a certified copy of Permit No. 65-7118, as you requested. There is a fee of \$2 for this copy. Please remit promptly.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:KH

Enclosure

65-7118

RECEIVED

AUG 25 1970

ELAM & SMITH

LAWYERS

807 FRANKLIN STREET—BOX 362
BOISE, IDAHO 83701
PHONE (208) 342-8959

FRANK T. ELAM
THOMAS L. SMITH

Department of Water Administration
McCALL, IDAHO
SHORE LODGE 634-2456

August 24, 1970

State of Idaho
Department of Water Administration
Statehouse - Annex Two
Boise, Idaho 83707

RE: Terrace Lakes Recreation Ranch, Inc.

Gentlemen:

In regards to your letter of August 10, 1970, addressed to Terrace Lakes Recreation Ranch, concerning the Application for Permit No. 65-7118, this is to advise you that I will need to have a certified copy of the approved Application for Permit No. 65-7118 together with the conditions attached thereto so that I may file the same with the District Court to comply with the judgment.

If there are any charges, please advise me.

Very truly yours,

ELAM & SMITH


Frank T. Elam

mj

65-7118

August 10, 1970

Re: Permit No. 65-7118

Terrace Lakes Recreation Ranch, Inc.
Box 65
Garden Valley, Idaho 83622

Dear Sirs:

Enclosed is a copy of your approved Application for Permit No. 65-7118. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

C. Stephen Allred
Deputy Director

CEA:kh
Enclosures: Copy of permit
1 letter

cc. Elam & Smith
Mr. Frank T. Elam
Box 362
Boise, Idaho 83701

65-7118

June 26, 1970

Re: Application for Permit No. 65-7118

Mr. Dwight Parks
Garden Valley,
Idaho 83622

Dear Mr. Parks:

On April 16, 1970, the Department of Reclamation conducted an informal conference concerning the protest filed in connection with Application for Permit No. 65-7118. As a result of that informal conference the protestant and applicant came to a mutual agreement on all of the formally protested issues except an issue involving a license agreement entered into by the applicant and the protestant. Within this license agreement the protestant alleges that the applicant waived any right to appropriate water in connection with the unnamed stream. The protestant pleaded that the department consider the license agreement in its decision as to whether or not to approve Application for Permit No. 65-7118. The hearings officer agreed to submit the question to the Idaho Attorney General's Office for comment. We are enclosing a copy of our letter to the Idaho Attorney General's Office and the response to that inquiry. We find that is is the recommendation of the Attorney General's Office and the decision of the Department of Reclamation that we cannot justly consider the license agreement in our formal action on Application for Permit No. 65-7118. We will leave this matter to the parties and any legal action they wish to pursue.

We understand that the issues involved in the protest have been answered to the mutual satisfaction of the protestant and applicant; therefore, the department is prepared to take final action on Application for Permit No. 65-7118 on or before July 27, 1970, unless adequate cause can be shown as to why final action should not be taken.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:kh
Enclosures
cc. Mr. L. Gorrone
105 North Hayes
Emmett, Idaho 83617

65-7118

June 26, 1970

Re: Application for Permit No. 65-7118

C
O
P
Y
Terrace Lakes Recreation Ranch, Inc.
Box 65
Garden Valley, Idaho 83622

Dear Sirs:

On April 16, 1970, the Department of Reclamation conducted an informal conference concerning the protest filed in connection with Application for Permit No. 65-7118. As a result of that informal conference the protestant and applicant came to a mutual agreement on all of the formally protested issues except an issue involving a license agreement entered into by the applicant and the protestant. Within this license agreement the protestant alleges that the applicant waived any right to appropriate water in connection with the unnamed stream. The protestant pleaded that the department consider the license agreement in its decision as to whether or not to approve Application for Permit No. 65-7118. The hearings officer agreed to submit the question to the Idaho Attorney General's Office for comment. We are enclosing a copy of our letter to the Idaho Attorney General's Office and the response to that inquiry. We find that it is the recommendation of the Attorney General's Office and the decision of the Department of Reclamation that we cannot justly consider the license agreement in our formal action on Application for Permit No. 65-7118. We will leave this matter to the parties and any legal action they wish to pursue.

We understand that the issues involved in the protest have been answered to the mutual satisfaction of the protestant and applicant; therefore, the department is prepared to take final action on Application for Permit No. 65-7118 on or before July 27, 1970, unless adequate cause can be shown as to why final action should not be taken.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:kh
Enclosure

65-7118



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

BOISE 83707

ROBERT M. ROBSON
ATTORNEY GENERAL

Reclamation

June 4, 1970

Mr. R. Keith Higginson
State Reclamation Engineer
B U I L D I N G

Attention: Mr. Donald W. McEldowney
Appropriation Supervisor

Dear Sir:

This letter is in reply to yours of June 1, 1970, asking if the Department of Reclamation would be authorized to consider a protest based upon the contention that the applicant had limited its right to appropriate the water in question by agreement with another individual or entity in a proceeding to obtain an application for a permit to appropriate water.

Under Section 42-203, Idaho Code (Supp. 1969), the grounds for contesting an application are enumerated. The pertinent language in this section provides as follows:

" . . . The state reclamation engineer shall find and determine from the evidence presented to what use or uses the waters sought to be appropriated can be and are intended to be applied, and where such proposed use is such that it will reduce the quantity of water under existing water rights, or that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or where it appears to the satisfaction of the department that such application is not made in good faith, is made for delay or speculative purposes, or that the applicant has not sufficient financial resources with which to complete the

65-1118

Donald W. McEldowney

June 4, 1970

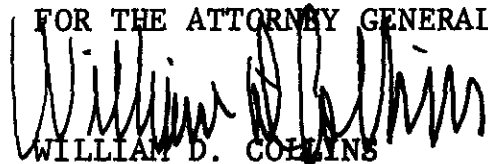
work involved therein, the state reclamation engineer may reject such application and refuse issuance of permit therefor, or may partially approve and grant permit for a less quantity of water than applied for, or may grant permit upon conditions. . . ."

The above provision would appear to be a limitation upon the authority of the State Reclamation Engineer to consider factors other than those enumerated.

While not directly in point, the following cases, which relate to a hearing on a change of point of diversion, limited the State Reclamation Engineer's consideration to the grounds enumerated in the statute: Twin Falls Canal Co. v. Shippen, 46 Idaho 787, 271 P. 578 (1928); First Security Bank of Blackfoot v. State, 49 Idaho 740, 291 P. 1064 (1930). The reasoning in these cases would appear to be applicable to the consideration of an application for a permit, and it is therefore our opinion that your consideration of the application should be limited to the items enumerated in Section 42-203, Idaho Code, and that a protest based upon the contention that the applicant had agreed with another individual or entity to not appropriate the water is subject to dismissal.

Very truly yours,

FOR THE ATTORNEY GENERAL



WILLIAM D. COLLINS
Assistant Attorney General

WDC:R

65-7118

June 1, 1970

Re: Application for Permit No. 65-7118

Attorney Generals Office
Building Mail

Attn: Bill Collins

Dear Bill:

We conducted an informal conference in the matter of the protest filed in connection with the above Application for Permit. We are enclosing a copy of the list of parties attending this conference.

The items of protest, as outlined in the protest letter dated March 3, 1970, were informally discussed. It was decided by the protestants' attorney and the applicant that the only actual point of contention was whether or not a license agreement entered into by the applicant and the protestant prohibits the applicants from appropriating the public water of the State of Idaho. Both parties were advised that the license agreement was a matter outside of the jurisdiction of the Department of Reclamation and we could probably not consider the implication in final approval or rejection of the Application for Permit. It was requested that written conformation or rejection of the implication of this license be obtained from your office. Your prompt attention to this matter will be appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:kh
Enclosure

65-7118

April 16, 1970

Re: Application for Permit No. 65-7118

Mr. L. Gorrone
105 North Hayes
Emmett, Idaho 83617

Dear Mr. Gorrone:

Enclosed you will find the copies you requested, while in our office
on this date. The fee for the enclosed is \$2.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:kh

Enclosures

C
O
P
Y

MEMO

Re: Application for Permit No. 65-7118

On April 16, 1970, Donald W. McEldowney, Appropriation Supervisor, presided over an informal conference concerning the above numbered application for permit. Present at the conference were the following people:

L. Gorrone, attorney for Dwight Parks; Richard F. Ragsdale, representing Terrace Lakes Recreation Ranch; Ira Rodemack, representing himself; Gerald Bramon, representing Terrace Lakes Recreation Ranch; and Dean Buzzell, representing himself.

General discussion was held and the points of protest discussed. It was decided that the only valid point of protest was whether or not a license, entered into by Dwight Parks and Terrace Lakes, was legal and binding. Mr. Gorrone requested that the letter of protest and the copy of the license, submitted against issuance of transfer of water right No. 65-0002, which has been withdrawn, be transferred into this application for permit file.

It was decided to withhold action on this file for 15 days or until we have received an Attorney General's decision on whether or not the said license is binding. The license states that Terrace Lakes Recreation Ranch, Inc., shall not claim any appropriation of water from the springs located on Park's property.

65-7118

65-7118 - Terrace Lakes Recreation Ranch, Inc.

Department of Reclamation, Boise, Idaho

April 16, 1970, at 10:30 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Louie Louren	Emmett, Idaho	Dwight Parks
Julius H. Hagdahl	Boise, Ida.	Terrace Lakes Recreation Ranch
Ira Rodemach	Boise, Ida.	Buzzell
Donald H. Bramore	Garden Valley	Terrace Lakes
Dean Buzzell	Melba, Ida.	Buzzell

65-7118

L. GORRONO
ATTORNEY AT LAW
105 NORTH HAYES
EMMETT, IDAHO 83617
(208) 365-2421

RECEIVED
APR 7 1969
Department of Reclamation

April 4, 1969

Mr. R. Keith Higginson
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Dear Sir:

RE: LETTER OF PROTEST
Application of Terrace Lakes Recreation
Ranch, Inc., of Crouch, Idaho, for
change of point of diversion.

I represent Dwight Parks and Jean Parks, of Garden Valley, Idaho. Protest is made to any existing or future applications of Terrace Lakes Recreation Ranch, Inc., of Crouch, Idaho, to the State of Idaho for a certificate authorizing them to change the point of diversion and/or place of use of the waters of Warm Springs Creek in Boise County, Idaho. Specific protest is made to the notice of Terrace Lakes as published in the Idaho World, a newspaper published in Boise County, Idaho.

Objection is made on the grounds that it is the apparent purpose and design of the applicant to obtain a diversion point located on private property of Dwight and Jean Parks, husband and wife, and their predecessors in interest. Terrace Lakes only had a revocable permit, which permit has been duly revoked. A copy of the permit is marked Exhibit A, and fully incorporated herein by reference. The application for change of point of diversion is an ingenious device of the applicant to evade and subvert the Idaho laws pertaining to trespass. If the State of Idaho would permit or encourage this type of change of point of diversion, the State of Idaho would be condoning, encouraging and approving trespass upon private property of said Parks. Due to the fact that any previous permits have been revoked, the presence of Terrace Lakes upon the property of Parks, is a continuing trespass.

Objection is made that the contemplated change in the point of diversion shall injure the water rights of the said Parks and other parties having liens and interests in the property now occupied by said Parks. The contemplated change of diversion shall cause injury and damage to the existing hot water springs located on the said property of Parks. At the present time, said

65-7118

Mr. R. Keith Higginson
April 4, 1969
Page 2

Parks, being the owners of the property, where the hot water springs originate, have full and unimpeded rights to use the hot water, for useful and beneficial purposes, as long as the same volume of water is returned to the stream for the benefit of lower and prior users. Allowing Terrace Lakes to go upon the private property of Parks and to construct works and pipelines thereon, will injure and damage the present and future water rights and water use of said Parks and all other parties interested in the Parks property, by ownership or liens.

Any change in the point of diversion would authorize and encourage members of the public and particularly members of Terrace Lakes Ranch, Inc., to trespass across and upon private property of Parks and interfere with and injure the springs and water rights of said Parks. According to past performances, members of Terrace Lakes and those interested in the project, have caused some damage to the water rights of Parks.

Terrace Lakes has only one real objective, and that is to obtain hot water, at its source. Their intent and purpose in getting the hot water at its source, is to eliminate or decrease the cost of heating their recreational development, and particularly their swimming pool and lodge. Their past performance under a revocable permit, has shown that their activities shall cause damage to the water rights of said Parks and others interested in said Parks property.

The planned change of diversion shall restrict and injure not only existing water rights but also future development of existing springs and water rights.

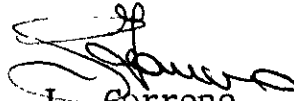
Any permission or encouragement given to the applicants in their design and purpose, would be to approve the taking of private property without due process of law and such acts would be unconstitutional, pursuant to law. The change in point of diversion is not required for irrigation, is not required for a public use, but is only for the convenience of the applicant who desires and plans to tap the hot water source of property located on private property of Parks and those interested therein, as aforesaid.

65-7118

Mr. R. Keith Higginson
April 4, 1969
Page 2

It is the further understanding of the undersigned and Mr. and Mrs. Parks, that there were some errors in the previous notice published in connection with this matter and that new publications are pending. Therefore, this protest is filed and request is made that it not only cover existing publications and existing applications, but any new, or future publications covering the same matter as herein mentioned.

Respectfully submitted,


L. Gorrono

LG:kcn

65-7118

L I C E N S E

THIS AGREEMENT, made and entered into this _____ day of June, 1967, by and between DWIGHT PARKS and JEAN PARKS, husband and wife, hereinafter designated Parks and TERRACE LAKES RECREATION RANCH, INC., an Idaho corporation, hereinafter designated Terrace Lakes, WITNESSETH:

For and in consideration of the mutual covenants contained herein, and \$1.00, the receipt of same hereby acknowledged by Parks, the said Parks do hereby give their consent, permission and license to said Terrace Lakes to construct, maintain and repair an underground water pipe line along a route particularly described as follows:

(Being situate in Boise County, Idaho)

Beginning at the South $\frac{1}{4}$ corner of Section 33, Twp. 10 N., R. 4 E.B.M., thence N.0°01'W., 1495' to a point, which is the real point of beginning, and the centerline of a ten foot strip of land for a pipeline to be constructed and maintained thence

N.66°31'W., 125' to a point, thence

N.87°56'W., 220' to a point, thence

S.75°49'W., 100' to a point, thence

S.51°59'W., 200' to a point, thence

N.87°06'W., 100' to a point, thence

N.74°21'W., 100' to a point, thence

N.47°11'W., 175' to a point, thence

S.75°49'W., 335' to a point terminating this centerline, at

a place on the North bank of Warm Springs Creek 10 feet from the creek bed and in the bottom of a run from the "hot springs".

This license and permit to construct and maintain said water pipe line is restricted to a width of ten feet.

Said Terrace Lakes agrees that said pipe line shall be constructed and placed and covered to a depth of at least three feet at all places where the line is placed, and it is further agreed and understood that said pipe line shall be placed and maintained subordinate to all liens and mortgages and shall also be subordinate to any future liens or mortgages placed on said premises by the said Parks. It being specifically agreed and understood that this is a mere permit, and creates no fee, interest or estate in the property specifically described above, or any other property of said Parks in said general vicinity. This document shall in no way be considered as a grant of an easement or right-of-way. As stated above, it is a mere permissive license to construct and maintain a pipe line as aforesaid and it is revocable at any time by said Parks, their heirs, successors, or assigns, without being subject to any claims of damages, suits or demands upon the part of said Terrace Lakes in connection with said pipe line, the construction, maintenance and use of the same. This right of revocation may be with or without notice and shall be solely and completely within the discretion of said Parks. Upon notice of revocation said Terrace Lakes shall remove their pipes and replace the property in as good a condition as it was prior to the construction of the pipe line. This license is personal to Terrace Lakes and cannot be assigned, transferred, sold or in any way conveyed or passed to any other parties without the written permission of said Parks first had.

Said Terrace Lakes shall not claim any appropriation of waters originating on the following described property, belonging to Parks, located in Boise County, Idaho, except the claims of Terrace Lakes

Exhibit A

65-7118

to waste water in Warm Springs Creek as hereinafter stated. Said Parks property is described as follows, to-wit:

Being situate in Boise County, Idaho
SE $\frac{1}{4}$ of Section 32 and the SW $\frac{1}{4}$ of Section 33, Twp. 10 N.,
R. 4 E.B.M.

Said parties agree that the source of waters to be conveyed by said pipeline originates on the property of Parks, and that Parks have absolute and unconditional priority in the use of these waters originating on the Parks property. In the event Parks do make use of any or all of the waters originating on their property, there shall be no interference therewith on the part of said Terrace Lakes, as long as the waste water drains into Warm Springs Creek. It being recognized that Parks have absolute priority on the use of all waters originating on the Parks property, subject to drainage into Warm Springs Creek as aforesaid. It being further agreed and understood that in the event said Terrace Lakes do not remove their pipeline upon notice by Parks as herein stated, said Parks is hereby given the authority to remove said pipe line forthwith, with or without process of law. It being specifically agreed and understood that this license and permit shall not, by time, use or otherwise, ever accrue the status of an easement, right of way, or like right. It being further agreed and understood that this license is of value to Terrace Lakes, but creates or causes no benefit to Parks, and it is expected in the future, at the discretion of Parks, that negotiations will be had for an easement or right of way for a reasonable consideration. But this statement or recital shall in no way obligate said Parks to negotiate or grant an easement or right of way in the future. Said Parks do not imply or infer that they will ever grant an easement or right of way, but merely point out that in the event such event comes to pass, that Parks will demand reasonable and adequate consideration for such easement or right of way.

It is further agreed that said Terrace Lakes shall police said pipeline to prevent the public, and patrons and guests of Terrace Lakes from trespassing upon and along the route of said pipeline and other lands of said Parks.

Time shall be the essence hereof.

IN WITNESS WHEREOF, said parties have hereunto set their hands and seals, the day and year in this License first above written.

Dwight Parks

Jean Parks

TERRACE LAKES RECREATION RANCH, INC.

By _____
President

ATTEST: _____
Secretary

ELAM & SMITH

LAWYERS

807 FRANKLIN STREET — BOX 362
BOISE, IDAHO 83701
PHONE (208) 342-8959

RECEIVED
70
CSH

Department of Reclamation

FRANK T. ELAM
THOMAS L. SMITH

April 14, 1970

McCALL (208) 634 2456
SHORE LODGE
McCALL, IDAHO 83638

Department of Reclamation
614 West State Street
Boise, Idaho

RE: In the Matter of Application for Permit No. 65-7118
in the name of Terrace Lakes Recreation Ranch, Inc.

Gentlemen:

A copy of your notice of conference and/or hearing of protest scheduled for the 16th day of April, 1970, was received by me late Monday night, April 13, 1970.

Because of prior trial settings in Mountain Home before the Bankruptcy Court and the Juvenile Court, I will be unable to represent my client, Terrace Lakes Recreation Ranch, Inc. I feel that my presence would be necessary in representation of my client since many of the matters which will be determined were discussed and presented to the District Court.

I am enclosing herewith a copy of the Judgment and Decree entered by the District Court concerning this application for Permit No. 65-7118 which may help to establish the issues.

I have no objection to an informal conference. However, before a final hearing or determination is made, I would appreciate the opportunity to appear on behalf of my client. In looking at my calendar, every Monday, Tuesday or Friday in May is available for setting of such a hearing at your convenience.

Very truly yours,

ELAM & SMITH

Frank T. Elam
Frank T. Elam

mj
Enc.

65-7118

RECEIVED

APR 14 1970

Department of Reclamation

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

TERRACE LAKES RECREATION TRAIL
INC.,
Plaintiff, vs. BLAINE COUNTY NO. 100
FIRST CONSOLIDATED
ENLIGHTENED and SEAN P. P. P.,
Defendants.

This cause came on for trial before the Court without
a jury on September 17th, 1968 and 19th, 1969 at the
Courthouse of Blaine County, Idaho in Idaho City, Idaho,
with Frank T. Egan of the law firm of Egan and Smith of
Boise, Idaho, appearing as attorney for the plaintiff, and
Louis Gordon of Laramie, Idaho, appearing as attorney for
the defendants, and the Court having heard the testimony
and having examined the proofs offered by the respective
parties, and the Court being fully advised in the premises
and having filed herein its Memorandum Opinion which was
designated as Findings of Fact and Conclusions of Law and
having directed that judgment be entered in accordance
therewith; now, therefore, by reason of the findings and
law as aforesaid

IT IS HEREBY ORDERED, ADJUDGED AND DECREED

1. That the Court has jurisdiction over the parties and
the subject matter involved in this action and that pending
further order of the Court, the Court shall maintain
continuing jurisdiction in this action for the hearing and
deciding of any matters and the making of any orders that

1
2 may be appropriate under the facts and circumstances as
3 such may appear from time to time;

4 2. That the defendants herein are temporarily enjoined
5 and restrained from the removal of the pipeline of the
6 plaintiff located on the premises of defendants from said
7 premises and defendants are further temporarily restrained
8 from interfering with the operation by plaintiff's of said
9 pipeline all of which shall continue until further Order
10 of the Court, provided however that this temporary
11 injunction shall stand without prejudice to defendants'
12 right to make a further showing to the Court of a reasonable
13 compensation which should be paid by plaintiff to defendants
14 for the occupation of said premises by the pipeline of
15 plaintiff pending final decision in this matter;

16 3. That plaintiff has not perfected a water right to
17 appropriate the water arising from the hot springs located
18 on the lands of defendants for the thermal values of said
19 waters, but that said hot spring waters arising on the
20 lands of defendants are public waters subject to appropriation
21 by plaintiff for any uses involving the thermal values
22 thereof, subject however to the higher priorities of water
23 right established by that certain decree of the District
24 Court of the Third Judicial District of the State of Idaho,
25 in and for the County of Boise dated and filed June 13,
26 1906 in the cause of action entitled as follows:

27 John McBride, Elsie De Charbeau, Margaret Dunlap,
28 John Gardner, Amelia Gardner, John Sattleg, Herman
Sattleg and Fred H. Cord,

29 Plaintiffs,

30 vs.

31 J. G. Hayes, G. S. Moore, Adeline Podemack and
S. K. Goldstrang,

Defendants.

1 AND subject further to any prior appropriations for the
2 thermal values of said water by any other person or party
3 including any prior appropriation for the thermal values
4 of said waters having been perfected by defendant herein
5 whether or not the same are of record:

6 4. That the plaintiff is upon obtaining any water right
7 to appropriate water from the springs existing upon
8 the lands of the defendant, the water shall be conveyed
9 shall be conveyed to the plaintiff on the said
10 lands of defendant located in the County of Boise,
11 State of Idaho, which said conveyance shall be for (10)
12 feet in width, the center of which is more particularly
13 described as follows:

14 Commencing at the South quarter corner of section
15 33, Township 10 North, Range 4 East, Boise Meridian;
16 thence
17 along the quarter line North 82° 01' West 1,537.0
18 feet to a point which is the real point of beginning;
19 thence
20 North 85° 00' West 83.5 feet to a point; thence
21 North 85° 20' West 224.5 feet to a point; thence
22 South 73° 00' West 165.2 feet to a point; thence
23 South 52° 10' West 166.2 feet to a point; thence
24 South 81° 40' West 126.7 feet to a point; thence
25 North 73° 00' West 77.0 feet to a point; thence
26 South 73° 20' West 82.4 feet to a point; thence
27 North 53° 50' West 128.2 feet to a point; thence
28 North 53° 50' West 122.3 feet to a point; thence
29 South 63° 50' West 72.3 feet to a point; thence
30 South 59° 50' West 122.0 feet to a point; thence
31 South 51° 20' West 82.3 feet to a point; thence
32 South 70° 40' West 111.0 feet to a point, which is
33 the point of beginning; thence

1 North 54° 20' West 51.5 feet to a point which is
2 the center of a hot spring

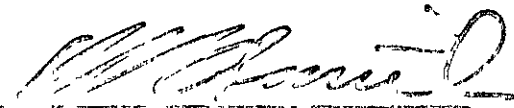
3 That the damages assessed for the land of defendants to
4 be occupied by said easement shall be in the amount of
5 \$321.30 and that the damages to the property of defendants
6 remaining are assessed at nothing as of the date of the
7 summons herein;

8 5. That upon their counterclaim, defendants are entitled
9 to damages for the trespass of plaintiff or the patrons of
10 plaintiff in the amount of One Dollar (\$1.00) and for
11 exemplary or punitive damages, nothing.

12 6. That all motions to dismiss by defendant shall be,
13 and are hereby, denied.

14 7. That plaintiff and defendants shall each bear their
15 own costs herein.

16 JUDGE this 2nd day of February, 1970.

21 
22 District Judge.

CERTIFICATE OF MAILING

STATE OF IDAHO

County of Ada

I, Margaret E. [illegible], the undersigned, do hereby
by certificate of mailing in the United States mail, copy
of this [illegible] [illegible] of the attorney of
record in this cause [illegible] [illegible] as [illegible]

Mr. Frank [illegible]
Attorney at Law
First St. [illegible]
Boise, Idaho

Mr. Louis [illegible]
Emmett, Idaho

Dated and signed at Boise, Idaho, this 9th day of
February, 1959.

[Handwritten signature]

65-7118

65-7118

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and ☐ Deliver ONLY
 address where delivered to addressee
 (Additional charges required for these services)

RECEIPT*Received the numbered article described below.*

REGISTERED NO.	SIGNATURE OR NAME OF ADDRESSEE (Must be in ink)
CERTIFIED NO.	1 <i>J. J. Harwood</i>
INS. NO.	2 <i>2736</i> 3 <i>Paul J. Michael</i>
DATE DELIVERED	3 <i>1230 11/10/68</i> SHOW WHERE DELIVERED (See instructions) <i>MELLI 65-7118</i>

7-10-71
M
7-10-71

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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

**POSTMARK OF
DELIVERING OFFICE**

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED**.

**RETURN
TO**

NAME OF SENDER

STATE OF IDAHO

STREET AND NO. OR P.O. BOX

DEPARTMENT OF RECLAMATION

POST OFFICE, STATE, AND ZIP CODE

BOISE, IDAHO

LS-7118

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered ☐ Deliver ONLY
to addressee
(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.	SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
CERTIFIED NO. 21795	1 <i>Theresa Helen McRae</i>
INS. NO.	2 <i>James</i>
DATE DELIVERED	3 <i>65-7118</i>
	SHOW WHERE DELIVERED (only if requested)

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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

INSTRUCTIONS: Show name and address below, and complete instructions on other side, where applicable. Moistens gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.

POSTMARK
DELIVERING OFFICE
APR 9 1970
PM
RETURN
TO

NAME OF SENDER

STREET AND NO. OR P.O. BOX

POST OFFICE, STATE, AND ZIP CODE

DEPARTMENT OF RECLAMATION
BOISE, IDAHO

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered ☐ Deliver ONLY
to addressee
(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INS. NO.

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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

POSTMARK OF
DELIVERING OFFICE



RETURN
TO

INSTRUCTIONS: Show name and address clearly and completely. Do not write on back side, where applicable. Moistened gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.

NAME OF SENDER

STREET AND NO. OR P.O. BOX

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

POST OFFICE, STATE, AND ZIP CODE

BOISE, IDAHO

AFTER FIVE DAYS RETURN TO
DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

BEFORE THE STATE RECLAMATION ENGINEER
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 65-7118 in the name of)
TERRACE LAKES RECREATION RANCH, INC.)

NOTICE OF CONFERENCE
AND/OR HEARING FOR PROTEST

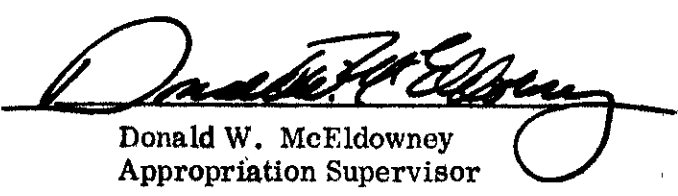
On January 27, 1970, Terrace Lakes Recreation Ranch, Inc., Garden Valley, Idaho, filed with the Department of Reclamation an application to appropriate the public waters of the State of Idaho. On March 4, 1970, L. Gorrono, Attorney at Law, filed in behalf of Dwight Parks, Garden Valley, Idaho, a protest against approval of application for permit No. 65-7118.

The Department of Reclamation has set the matter of protest for conference and/or hearing on April 16, 1970 at 10:30 a.m., at the office of the Department of Reclamation, Statehouse Annex 2, Boise, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Reclamation. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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. 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.

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

Dated this 3 day of April, 19 70.


Donald W. McEldowney
Appropriation Supervisor

Mailed this 3rd day of April, 1970, to Terrace Lakes Recreation Ranch, Inc.,
Box 65, Garden Valley, Idaho, certified No. 21795; Dwight Parks, Garden Valley,
Idaho, certified No. 21797; L. Gorrono, 105 North Hayes, Emmett, Idaho,
certified No. 21796

Copy of protest included with

By H. Henderson
Terrace Lakes Recreation Ranch, Inc.

65-7118

April 13, 1970

Re: Application for Permit No. 65-7118 - Terrace Lakes Recreation
Ranch, Inc.

Idaho World
Idaho City
Idaho 83631

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced item(s). The legal notice was to be published in your paper on March 26 and April 2, 1970.

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

May we please have your prompt attention to this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

65-7118

March 18, 1970

Re: Application for Permit No. 65-7118 - Terrace Lakes Recreation Ranch, Inc.

Idaho World
210 Main
Idaho City, Idaho 83631

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

(Signature of the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Legal notice

P.S. Please acknowledge receipt of this legal notice. Thank you.

*Bill submitted
4-21-70
ds*

*10.30
65-7118*

NOTICE OF APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that Terrace Lake^s Recreation Ranch, Inc., Box 65,
Garden Valley, Idaho, has on January 27, 1970,
submitted Application No. 65-7118 to appropriate the public waters of
an unnamed stream, tributary of Warm Springs Creek
The proposed uses are .35 cfs for thermal properties/ ^{extraction} .13 cfs for multiple domestic
purposes, .35 cfs for recreational purposes and .13 cfs for industrial purposes from
January 1 to December 31.

The application proposes a maximum diversion and appropriation of 0.35
cubic feet per second ~~acre/feet~~ of water to be diverted by headgate and pipe
within the NW¹SW¹ of Sec. 33,
T. 10N, R. 4E, B.M., Boise County,

and is to be used within the SE¹, Sec. 33, T. 10N, R. 4E, B.M. for a trailer unit
and lodge

Any permit issued pursuant to this application will be subject to ALL PRIOR
WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest
against this application must be filed with the Idaho Department of Reclamation on
or before April 12, 1970.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Idaho World, Idaho City, Idaho,
on March 26 and April 2, 1970.

65-7118

Idaho City, Idaho
March 13, 1970

Department of Reclamation

Dear Sirs:

In re: Application for permit No. 65-7118 - Terrace Lakes Recreation Ranch, Inc.

I regret to say that it appears that the request for publication of the above notice was never received here. I have made a search of our files and can find no trace of it for publication February 19 - 26, 1970.

It has been known to happen that mail does not always reach its destination..... and there is no way of knowing until an inquiry is made in regard to it. If you will send out the notice again with a new date of publication, we shall be happy to comply with your request.

sincerely

T.R. Adams
Publisher

in 5-7118

DON SAMUELSON
GOVERNOR



R KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

March 10, 1970

Re: Application for Permit No. 65-7118 - Terrace Lakes Recreation
Ranch, Inc.

Idaho World
Idaho City
Idaho 83631

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced item(s). The legal notice was to be published in your paper on February 19 and 26, 1970.

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

May we please have your prompt attention to this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

65-7118

March 9, 1970

Re: Application for Permit No. 65-7118

Terrace Lakes Recreation Ranch, Inc.
Box 65
Garden Valley, Idaho 83622

Gentlemen:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your application No. 65-7118 by Mr. L. Gorrone in behalf of Mr. Dwight Parks. You should be aware that the following are items which, under Section 42-203 of the Idaho Code, we can consider at a hearing in approving or denying an application for permit:

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 to complete the project?

65-7118

Page 2
Terrace Lakes Recreation Ranch, Inc.
Re: 65-7118
March 9, 1970

The waters intended to be appropriated must be public water of the State of Idaho or, if private waters as defined under Section 42-212, Idaho Code, the applicant must have authority from the owner of the land on which the water lies to divert the water.

The Department of Reclamation may reject an application for permit or may partially approve or grant the permit upon conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish right-of-ways over private or governmental lands. Right-of-ways or easements must be obtained by the applicant through action outside of the water right proceedings.

Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf. You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest.

If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enclosure

65-7118

March 9, 1970

Re: Application for Permit No. 65-7118
Terrace Lakes Recreation Ranch, Inc.

Mr. L. Gorrone
Attorney-at-Law
105 No. Hayes
Emmett, Idaho 83617

Dear Mr. Gorrone:

We are in receipt of the protest concerning the above referenced application for permit. The following are items which, under Section 42-203 of the Idaho Code, can be considered at a hearing in either approving or denying an application:

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?

65-7118

Page 2
Mr. L. Gorrone
Re: 65-7118
March 9, 1970

C
O
P
Y

Please bear in mind that the State Reclamation Engineer may reject such application and refuse issuance of a permit, he may partially approve the permit, he may approve the permit for a quantity of water less than applied for, or he may approve the permit subject to special conditions.

A permit issued by this office does not in any way convey or establish a right-of-way over private or governmental lands. Right-of-ways or easements must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DM:DR

65-7118

Dm

L. GORRONO
ATTORNEY AT LAW
105 NORTH HAYES
EMMETT, IDAHO 83617
(208) 365-2421

RECEIVED

March 3, 1970

Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Gentlemen:

RE: Application for Permit No. 65-7118
Terrace Lakes Recreation Ranch, Inc.

I am filing a protest to the above application on behalf of Dwight Parks, Garden Valley, Idaho. Mr. Parks protests the above application on the grounds that the State of Idaho, Department of Reclamation has now claimed that recreational uses of water are beneficial uses of water. The hot waters originating on the Parks property have been and are being used for bathing, recreational, medicinal, domestic and industrial uses, prior to the said application of Terrace Lakes. The recreational use of all of the waters originating upon the Parks property was clearly prior to the said application of Terrace Lakes. The recreational use of the said waters by Dwight Parks and their predecessors, included, but was not limited to, scenic and aesthetic recreational benefits, and are prior to the application of Terrace Lakes. General recreational and aesthetic purposes include the viewing, recreational enjoyment, bathing and maintenance of the water in its natural and scenic watercourse. It is just as recreational to bathe in a natural stream, as it is in a concrete swimming pool.

Dwight Parks is also making objection to the application of Terrace Lakes on the grounds that Terrace Lakes made a valid and binding agreement with Dwight Parks, that "Terrace Lakes shall not claim any appropriations of waters originating on the Parks property".

Very truly yours,


L. Gorrono

LG:kcn

cc: Mr. Dwight Parks

65-7118

February 17, 1970

Re: Application for Permit No. 65-7118
Terrace Lakes Recreation Ranch, Inc.

Mr. L. Gorrone
105 North Hayes
Emmett, Idaho 83617

Dear Mr. Gorrone:

Please excuse our delay in answering your letter of February 6, 1970.

This is to advise that in reviewing Sec. 42-203 of the Idaho Code, we find that we cannot consider your letter of February 6th as a valid protest and, therefore, comply with your request to provide you with a notice of any hearing on the matter.

The required publication will be in the Idaho World, Idaho City, Idaho, on February 19th and 26th. We are enclosing a copy of the application to assist you in your review of the matter. As you are aware, a protest can be submitted within the ten day period following the last date of publication.

If we can be of further assistance, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Copy of app.

65-7118

L. GORRONO
ATTORNEY AT LAW
105 NORTH HAYES
EMMETT, IDAHO 83617
(208) 365-2421

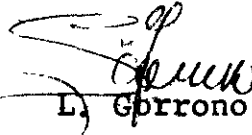
February 16, 1970

Mr. R. Keith Higginson
State of Idaho
Department of Reclamation
Statehouse, Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

I have never received a reply or acknowledgement to my enclosed letter. This matter is rather important to the people involved, and I would appreciate receiving a report as to the status of the alleged application.

Very truly yours,


L. Gorrano

LG/dar

Enc 1

65-7118

February 6, 1970

Mr. R. Keith Higginson
State of Idaho
Department of Reclamation
Statehouse, Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

It is my understanding that Terrace Lakes Recreational Ranch has applied to your office for a water right. Mr. Dwight Parks, my client, informed me this was his understanding after stopping at your office and conferring with some of your people.

Request is made for a copy of any notice of hearing as to the application. In order to protect the record, in the interim, this letter is sent to you as evidence of a protest to the application of Terrace Lakes, or any of its officers, employees, agents, to appropriate waters originating on the Dwight Parks property located in Boise County, Idaho.

Request is made for hearing on the matter, and I would appreciate receiving word from you as to the status of the above-mentioned application.

Very truly yours,

L. Gorrone

LG/dar

CC: Mr. Dwight Parks

65-7118

RECEIVED

Information

65-7118

February 10, 1970

Re: Application for Permit No. 65-7118 - Terrace Lake Recreation Ranch, Inc.

Idaho World
Idaho City,
Idaho 83631

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

(Signature of the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Legal notice

65-7118

NOTICE OF APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that Terrace Lake Recreation Ranch, Inc., Box 65,
Garden Valley, Idaho, has on January 27, 1970,
submitted Application No. 65-7118 to appropriate the public waters of
an unnamed spring, tributary of Warm Springs Creek.

The proposed uses are .35 cfs for thermal properties, .13 cfs for multiple domestic
purposes, .35 cfs for recreational purposes and .13 cfs for industrial purposes
from January 1 to December 31.

The application proposes a maximum diversion and appropriation of 0.35
cubic feet per second ~~acre/feet~~ of water to be diverted by headgate and pipe
within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 33,
T. 10N, R. 4E, B.M., Boise County

and is to be used within the SE $\frac{1}{4}$, Sec. 33, T. 10N, R. 4E, B.M. for trailer unit
and lodge

Any permit issued pursuant to this application will be subject to ALL PRIOR
WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest
against this application must be filed with the Idaho Department of Reclamation on
or before March 9, 1970.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Idaho World, Idaho City, Idaho,
on February 19 and February 26, 1970.

65-7118