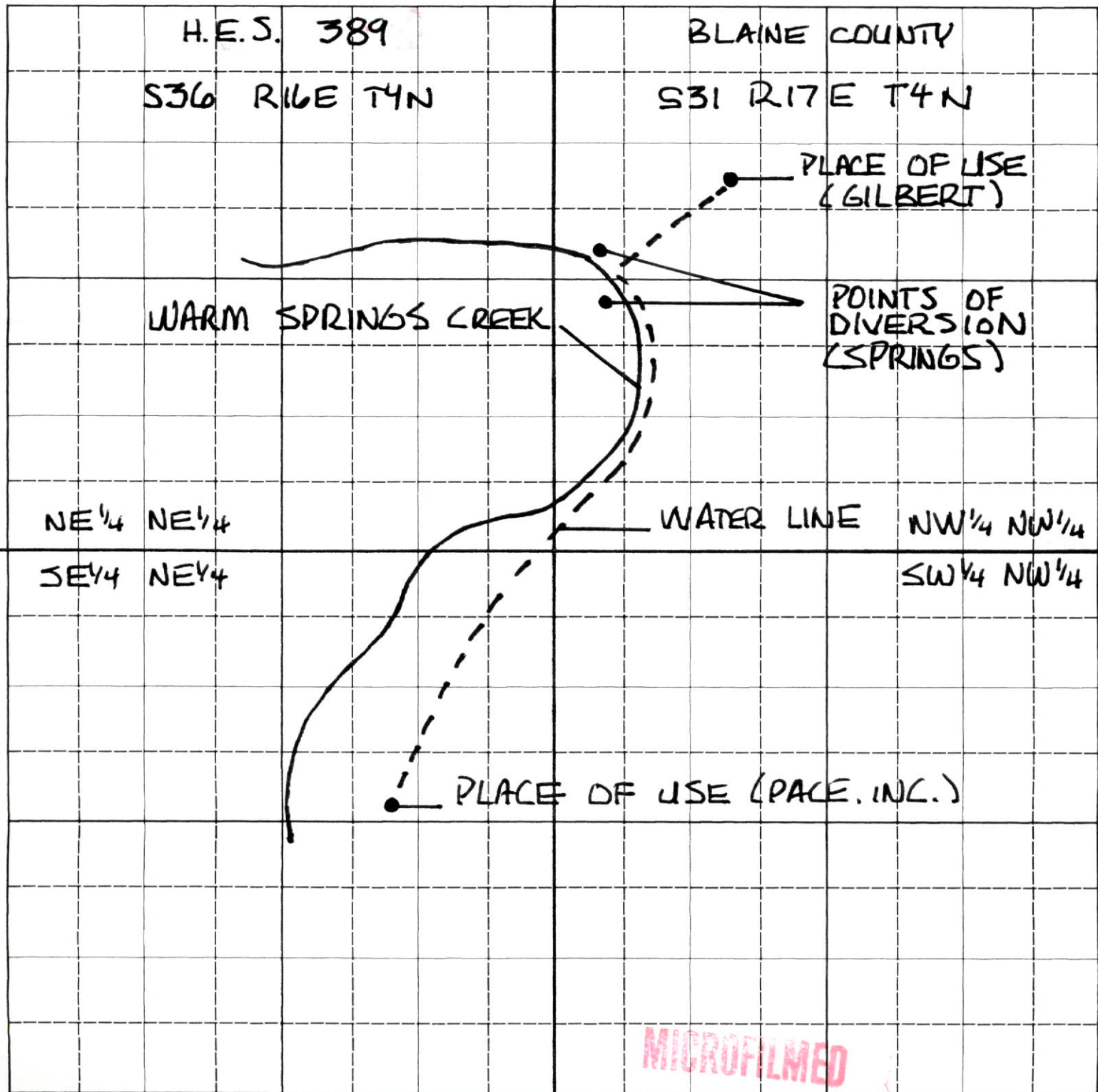


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

MAR 03 1989

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.

Bruce Gilbert
(Applicant)

AFFIDAVIT of PUBLICATION RECEIVED

State of Idaho, }
County of Blaine } SS.

NOV 10 1988

Department of Water Resources
Southern Region Office

DANIEL J. GORHAM

, being first duly sworn,
deposes and says that he is the printer (publisher) of the Wood River Journal, a
newspaper published every week in Hailey, County of Blaine, State of Idaho; that
said newspaper has been continuously and uninterruptedly published for a period of
seventy-eight consecutive weeks prior to the first publication of the annexed notice,
and is a newspaper qualified to publish legal notices as provided by act of the 1919
session of the legislature of the State of Idaho, known as House Bill 145; that the

annexed advertisement was published once each week for 2 consecutive
issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 2nd day of Nov, 19 88, and

the date of the last publication was on the 9th day of Nov, 19 88.

Daniel J. Gorham
Subscribed and sworn to before me this 9th day of Nov, 19 88.
(SEAL)

Roberta McKencher
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 11
Number of Insertions 45
Lines tabular at _____ 5¢/Pica
45 Lines straight at 22.28 4¢/Pica
45 Subsequent lines at 17.33 3¢/Pica
TOTAL COST 39.61

COPY OF NOTICE

(Paste Here)

Not. of Application #37-08388
TITLE OF NOTICE *Gilbert*

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

Gilbert files on water right

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08388

GILBERT, BRUCE
C/O BRIAN L. BALLARD
P.O. BOX 297
KETCHUM, ID 83340

Source: WARFIELD
HOT SPRINGS
Tributary: WARM SPRINGS
CREEK

Diversion Pt: SWNWNW Sec 31 T
04N R 17E; Blaine County; 4 miles
South & 6 miles West of Ket-
chum.

Use: HEATING (1.000 CFS)
RECREATION (.920 CFS)
DOMESTIC (.080 CFS)

Date Filed: 8/25/1988

In: T04N R17E S31 NWNW
S36 SENE

The permit(s) will be subject to all
prior water rights. Protests may
be submitted based on the criteria
of Sec. 42-203A, Idaho Code,
and/or the new public interest
criteria of Sec. 42-203C, Idaho
Code. Protests must be filed with
the Director, Dept. of Water
Resources, 2148 4th Avenue
East, Twin Falls, Idaho 83301, on
or before NOVEMBER 21, 1988.

R. Keith Higginson, Director
Publish: Wood River Journal-
November 2 & 9, 1988.

No 6226

MICROFILMED

MAR 03 1989

413102 4/22/98

A Plat Showing

WARFIELD HOT SPRINGS SUBDIVISION AMENDED

Located in H.E.S. 389, Section 31, T.4N., R.17E. & Section 36, T.4N., R.16E., S.M., Blaine County, Idaho

APRIL 1998

GRAPHIC SCALE



Scale: 1"=100'

Legend

- Found Brass Cap
- Found 5/8" Rebar
- Found 1/2" Rebar
- Set 5/8" Rebar
- PW --- Roadway Line
- FP --- Approximate 100-Year Floodplain Line
- BE --- Building Envelope
- PE --- Public Easement For Warm Springs Rd.
- PL --- Previous Lot Lines
- EL --- Existing Fence-October 1997
- CL --- Contiguous Warm Springs Rd.

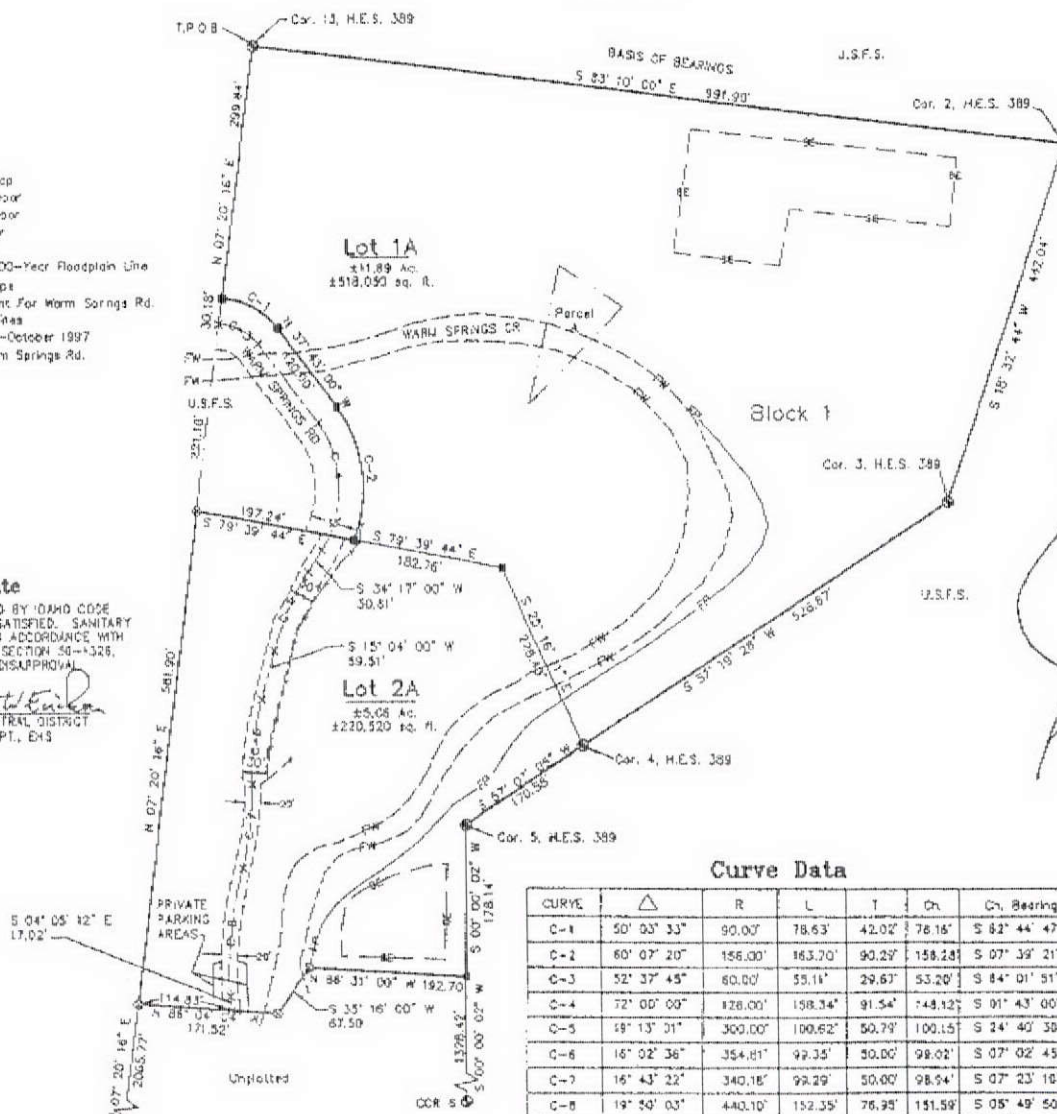
Health Certificate

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE TITLE 50, CHAPTER 13, HAVE BEEN SATISFIED. SANITARY RESTRICTIONS MAY BE REIMPOSED, IN ACCORDANCE WITH IDAHO CODE TITLE 50, CHAPTER 13, SECTION 50-1326, BY ISSUANCE OF A CERTIFICATE OF DISAPPROVAL.

DATE: 4-6-98

Robert W. Enloe
SOUTH CENTRAL DISTRICT
HEALTH DEPT., EHS

MICROFILMED
JUN 16 2000



Notes

1. This is a Second Use Zone, thus road maintenance, plowing, and emergency services (police, fire, ambulance) will be nonexistent or minimal.
2. No further subdivision of either lot is allowed.
3. The existing building envelopes on Lot 2 is as shown on the face of the plat.
4. Forest Service regulations for using Warm Springs Road must be followed.
5. County building permits will be required for all construction.
6. Portions of this subdivision may be subject to conditions stated in Instrument No's 281977, 355314, 355315, records of Blaine County.
7. Parcel A is not a separate parcel but is part of Lot 1.
8. The individual lots described in this plat will not be served by any water system common to one or more of the lots, but will be served by individual wells.
9. A ten (10) foot public utility easement for the benefit of Warfield Hot Springs Subdivision Amended lot owners is hereby reserved on all side and rear lot lines.

*former USFS - exchanged
in 1997-98*

Curve Data

CURVE	Δ	R	L	T	Cn	Cn Bearing
C-1	50° 03' 33"	90.00'	78.63'	42.02'	76.16'	S 82° 44' 47" E
C-2	60° 07' 20"	156.00'	163.20'	90.29'	158.28'	S 07° 39' 21" E
C-3	52° 37' 45"	60.00'	55.11'	29.67'	53.20'	S 84° 01' 51" E
C-4	72° 00' 00"	126.00'	158.34'	91.54'	148.12'	S 01° 43' 00" E
C-5	59° 13' 01"	300.00'	100.62'	50.79'	100.15'	S 24° 40' 38" W
C-6	16° 02' 36"	354.81'	92.35'	30.00'	98.02'	S 07° 02' 45" W
C-7	16° 43' 22"	340.16'	98.29'	50.00'	98.54'	S 07° 23' 10" W
C-8	19° 50' 03"	440.10'	152.35'	76.95'	151.59'	S 05° 49' 50" W



This map is a photographic reproduction of that on file in either the Recorder's or the Surveyor's Office. The company assumes no liability for variation, if any, with another or re-survey.
Courtesy Of:
Sawtooth Title Co.
Box 753
Gardnerville, Idaho 83340
226-4595

Warfield Hot Springs Sub. Amended
Gillero Engineering, Inc.

Form No. 204

12/99

FILING FEE \$50.00

For Office Use Only

\$50 Fee Received by 50.00Date 2-12-01Receipt No. 0052264

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

RECEIVED

FEB 12 2001

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 37-8388Name(s) of Permit Holder: Steven D. ReutherAddress: 10772 Chalon Road City Los Angeles State CA Zip 90077Telephone No. 818-954-5595 Date Proof is Due: March 1, 2001

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

See Attached Addendum

Costing \$ _____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

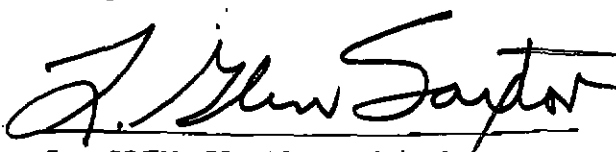
See Attached AddendumPermit holder(s) request an extension to March 1, 2006
(Signature) Steven D. Reuther

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use is extended to 3/1/2006.

Signed this 15th day of February, 2001
L. GLEN SAXTON, Chief
Water Allocation Bureau

RECEIVED

MAY 25 2000

Department of Water Resources
Southern Region

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

RECEIVED

MAY 25 2000

Department of Water Resources
Southern Region

RECEIPT # 5023128

5/25/2000 P.S.

BRUCE and ELLEN GILBERT (the "Assignors"), hereby assign to STEVEN D. REUTHER, whose address is 10772 Chalon Road, Los Angeles, California 90077 (the "Assignee"), all of their right, title and interest in and to Idaho Water Permit No. 37-08388 to appropriate the public waters of the State of Idaho.

IN WITNESS WHEREOF, the Assignors have signed and executed this Assignment of Permit on the 15th day of May, 2000.

RECEIVED

MAY 26 2000

Department of Water Resources

Bruce Gilbert
BRUCE GILBERT

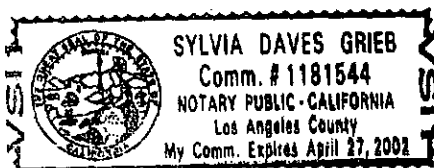
Ellen Gilbert
ELLEN GILBERT

STATE OF California)
County of Los Angeles)

ss.

On this 15th day of May, 2000, before me the undersigned notary public in and for said state, personally appeared BRUCE GILBERT, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

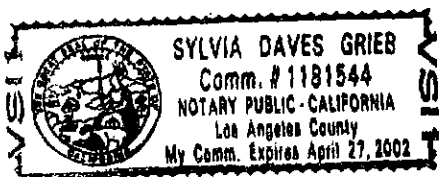


Sylvia Daves Grieb
Notary Public for California
Residing at: 14444 Pacific Palisades
Commission Expires: 4-27-02

STATE OF California
County of Los Angeles SS.

On this 15th day of May, 2000, before me the undersigned notary public in and for said state, personally appeared ELLEN GILBERT, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Sylvia Daves Grieb
Notary Public for California
Residing at: Pacific Palisades
Commission Expires: 4-27-02

RECEIVED

FEB 28 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 37-08388

Name(s) of Permit Holder: BRUCE GILBERT

Mailing Address: c/o BRIAN BALLARD OR RICHARD BURLEIGH P.O. BOX 1617, BOISE, ID
83701

Date Proof Is Due: MARCH 1, 1997 Telephone No. (208) 344-6000

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

SEE ATTACHMENT "A" HERETO

Costing \$

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

SEE ATTACHMENT "A" HERETO

Permit holder(s) request an extension to MARCH 1, ~~19~~ 2002.

FEE: \$50.00

Bruce Gilbert
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

MICROFILMED

MAR 11 1997

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to March 1, 2001.

Signed this 4th day of March, 19 97

J. Glen Saylor
Chief, Water Allocation Bureau

STATE OF IDAHO

For Office Use Only
\$15 FEE Received by OK
Date 2-18-92
Receipt # 0003256

RECEIVED

DEPARTMENT OF WATER RESOURCES

FEB 18 1992

REQUEST FOR EXTENSION OF TIME

~~Department of Water Resources~~ (TO PROVIDE) ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 37-08388

Name(s) of Permit Holder: Bruce Gilbert

Post Office Address: c/o Brian L. Ballard, P.O. Box 297, Ketchum, ID 83340

Telephone No. 726-1700

Date Proof Is Due: March 1, 1992

Describe what work has been completed toward the development of this water right: _____
(This must be filled out! If no work has been completed, show "none".)

(See attached correspondence)

Costing \$ _____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

(See attached correspondence)

Permit holder(s) request an extension to March 1, 19 97.
(1 yr. minimum)

Bruce Gilbert
(Signature)

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

RECEIVED

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED MAR 05 1992
and the time within which to submit proof of beneficial use is extended to
March 1, 1997.

Signed this 18th day of February, 19 92.

J. Glen Saylor
Chief, Water Allocations Bureau

RECEIVED

Form 202
6/85

AUG 25 1988

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region Office

APPLICATION FOR PERMIT

Department of Water Resources
Southern Region Office

To appropriate the public waters of the State of Idaho

RECEIVED

Ident. No. 37-08388
JUL 28 1988

APPROVED

(208) 726-5657

1. Name of applicant Bruce Gilbert Phone (208) 726-5657
Post office address c/o Brian L. Ballard, Post Office Box 297, Ketchum, ID 83340
2. Source of water supply Warfield Hot Springs which is a tributary of Warm Springs Creek
3. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot H.E.S. 389
Sec. 31 Township 4N Range 17E B.M. Blaine County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 1 cfs for heating purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .92 cfs for recreational purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .08 cfs for domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 2cfs and/or (b) _____ See remarks.
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Application proposes to utilize output of existing springs and wells by pumping (1-2 5hp pumps) and/or drilling other wells with artesian pressure and/or pumps utilized to deliver water via buried pipelines (1 $\frac{1}{2}$ "-3").
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is less than 10 inches; proposed depth of well is less than 40 feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? See remarks.
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).

MICROFILMED

MAR 03 1989

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. 1 main household with 2 guesthouses
- Other; describe fully. Water would be used for heating and swimming pool/spa purposes at main residence with ancillary heating and spa purposes for guest houses; water would also be used to fulfill obligation to supply water to Pace, Inc., as per Exhibit "A" attached hereto.

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	17E	31						DG											
4N	16E	36				DG													

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. No other water rights are known to exist.

- Who owns the property at the point of diversion? Bruce Gilbert
- Who owns the land to be irrigated or place of use? Bruce Gilbert/Pace, Inc.
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. See attached Exhibit "A"; downstream users have historically utilized water for heating and/or spa use.

12. Remarks: Water is not utilized commercially; all use is domestic/recreational as incidental to private use of residences; generally nonconsumptive; return to river will correspond to historical return.

Remarks continued on attached page.

MICROFILMED

MAR 03 1989

REMARKS CONTINUED

The temperature of Warfield Hot Springs is estimated in the Eastlake and Sifford 1981 Analysis to be 123°F (51°C). This is less than the geothermal resource definition of 212°F as set forth in I.C. §42-4002. Further, water at this geothermal resource temperature level is not being sought; the water at its present temperature will be utilized.

.08 cfs for domestic use is based upon Department guidelines for domestic use for three homes. The main house plus the two guesthouses is estimated to correspond to this .08 cfs use.

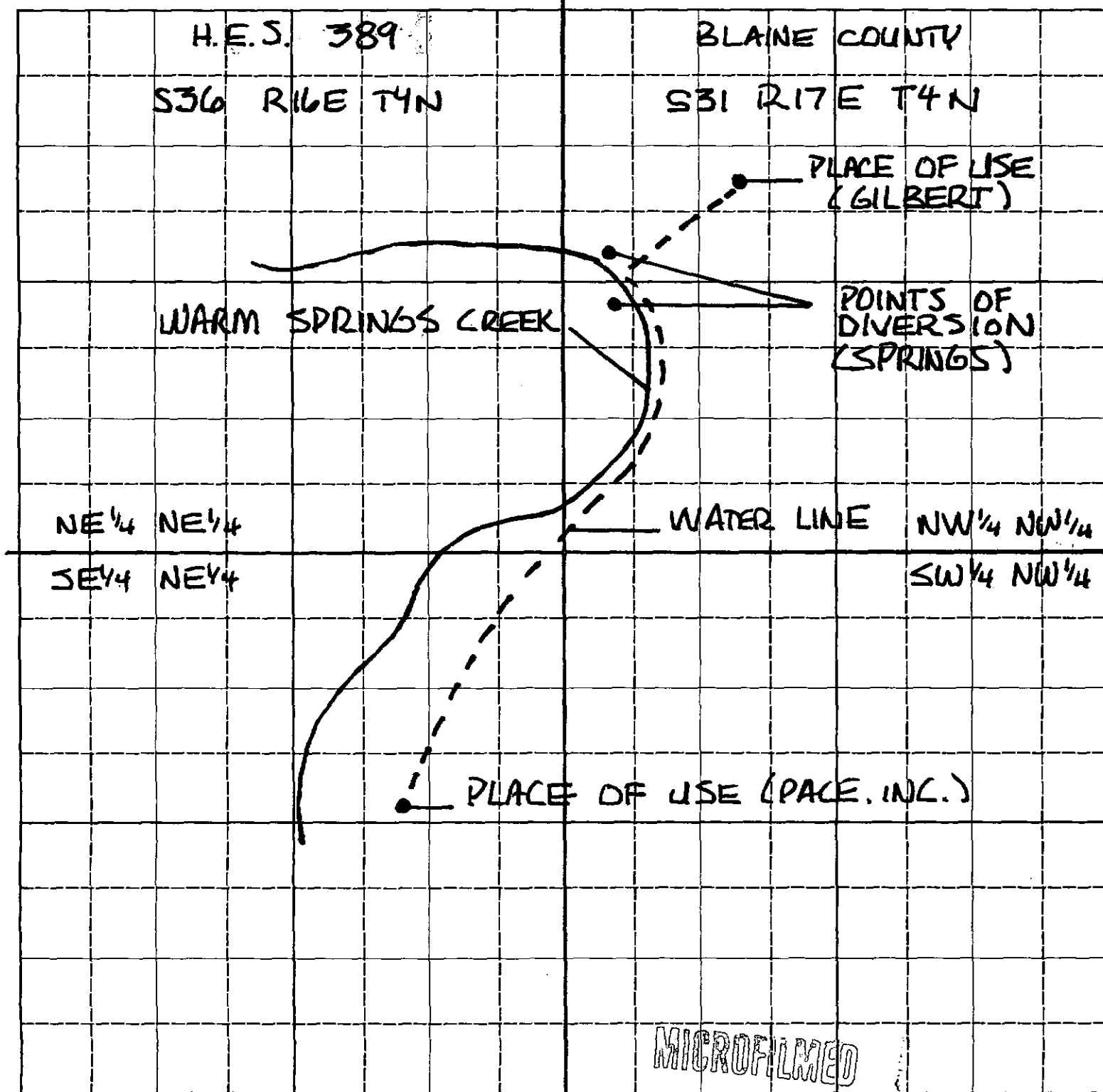
The 1 cfs for heating and the .92 cfs for recreational is so designated to utilize the estimated remaining available water for heating of all the units, for swimming pool and spa use, and the requirements of Pace, Inc., as per Exhibit "A" attached.

As previously referenced, the water will be collected, utilized and returned to Warm Springs Creek in historical amounts.

MICROFILMED

MAR 03 1980

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



Scale: 2 inches equal 1 mile.

MAR 03 1989

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.

Bruce Gilbert
(Applicant)

Proposed Priority 8/25/88

8/25/88

10:00 am

Received by M. Baldwin Date 7/28/88 Time 10:00a. Preliminary check by AS

Fee \$ 65⁰⁰ ^{Free Rec. 8/25/88} Received by M. Baldwin # 5002693 Date 10/3/88

Publication prepared by M. Baldwin Date 10/20/88 Published in Wood River Journal

Publication approved M. Baldwin Date 11/22/88

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. 37-8388, 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 March 1, 19 92.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.

Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Diversion of water under this permit is limited to Warfield Hot Springs. This permit does not authorize the diversion and/or use of groundwater.

Use of water under this permit is subject to control by the watermaster of State Water District No. 37, Big Wood River.

Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

Witness my hand this 3rd day of February, 1989.

J. Glen Saxton

MICROFILMED

MAR 03 1989

RECEIVED

AUG 25 1988

Department of Water Resources
Southern Region Office

#12308

Blaine Co. *don't*
RECORD OF
93 17 PM 3 18
SARE LINE (L) 106
FRESH 6 20 DEF

245698

CORPORATE WARRANTY DEED

For Value Received, Pace, Inc., an Idaho corporation, hereinafter referred to as "Grantor", does hereby grant, bargain, sell and convey unto Geoffrey S. Bushell and Linda K. Bushell, husband and wife, whose address is P.O. Box 2798, Sun Valley, ID 83353, all of its right, title and interest in and to the following described real property located in Blaine County, Idaho, to-wit:

A portion of H.E. Survey 389 (Hailey 03144 and 105799), being a portion of Section 36, Township 4 North, Range 16 East, Boise Meridian, and Section 31 in Township 4 North, Range 17 East, Boise Meridian, Blaine County, State of Idaho, more particularly bounded and described as follows:

Beginning at Corner No. 1 of said H.E. Survey, as Corner No. 1, the true point of beginning of this tract, thence South 83°10' East 587.4 feet to Corner No. 2; thence South 18°32' West of 440.22 feet to Corner No. 3; thence South 57°12' West, 528 feet to Corner No. 4; thence South 57°12' West 170.94 feet to Corner No. 5; thence South 0°02' East 238.00 feet to Corner No. 6; thence North 86° West 403.7 feet, more or less, to a point on the Westerly boundary line of said H.E. Survey, being line 12-13 of said original survey, which point is Corner No. 7 of this description, and which point is South 7°18' West 1133.1 feet from Corner No. 13 of said original survey; thence North 7°18' East 1133.1 feet to Corner No. 8 of this description, which point is coincident with Corner No. 13 of said original H.E. Survey; thence South 83°10' East 403.92 feet to said Corner No. 1 point of beginning; EXCEPTING however, that certain tract excepted in the original Patent, more particularly described as follows: Beginning at Corner No. 14 of said original Patent, from which Corner No. 1 above mentioned bears N. 0°04' East 228.36 feet; thence South 58°56' East 57.42 feet to Corner No. 15; thence South 44°13' West 70.82 feet to Corner No. 16; thence South 44°13' West 91.08 feet to Corner No. 17; thence North 12°22' East 166.98 feet to Corner No. 18; thence South 58°56' East 33 feet to place of beginning of said excepted tract.

ALSO EXCEPTING the following tract: A parcel of land within Homestead Entry No. 389 in Section 36, Township 4 North, Range 16 East, Boise Meridian, Blaine County, State of Idaho, and more particularly described by

MICROFILMED

EXHIBIT A

MAR 03 1989

Section 36, Township 4 North, Range 16 East, Boise Meridian, Blaine County, State of Idaho, and more particularly described by

metes and bounds as follows: Commencing at a stone marking Corner No. 5 of said H.E.S. No. 389; thence South 0°02' East 178.5 feet along the East boundary of said H.E.S. No. 389 to a 1/2" rebar, said rebar marking the true point of beginning; thence South 0°02' East 59.5 feet along the East boundary of H.E.S. No. 389, to a 1/2" rebar; thence North 86°00' West 231.9 feet to a 1/2" rebar on the Easterly bank of Warm Springs Creek; thence North 35°16' East 67.5 feet along the Easterly bank of Warm Springs Creek to a 1/2" rebar; thence South 86°31' East 192.7 feet to a 1/2" rebar, said rebar marking the true point of beginning.

RESERVING TO THE GRANTOR the right to use the flow of hot water in the gravity feed water line that now exists. It is understood that Pace, Inc. and its successors shall not increase or expand on that existing flow. This right is to be appurtenant to, and run with, the following described property:

A portion of W. H. Warfield H.E.S. No. 389 in Section 36, Township 4 North, Range 16 E.B.M., Blaine County, Idaho, described as follows:

Beginning at a point on the East line of said H.E.S. No. 389, said point being 348 feet South of Corner No. 5 of said H.E.S. No. 389, Thence South along the East line of said H.E.S. No. 389 a distance of 118 feet; Thence West a distance of 161 feet, more or less, to the center of Warm Springs Creek; Thence in a Northerly direction along the centerline of Warm Springs Creek a distance of 160 feet, more or less to a point which is North 86°00' West from the point of beginning; Thence South 86°00' East a distance of 206 feet, more or less, to the point of beginning.

GRANTING, however, the right to share the use, repair and maintenance of the water line referred to above, this right to be appurtenant only to that portion of the property conveyed herein lying South and East of Warm Springs Creek, commonly known as the Crony Cove Parcel, containing approximately two and one-half (2 1/2) acres.

SUBJECT TO:

Reservations contained in Patent from the United States of America to William H. Warfield dated October

MICROFILMED
MAR 03 1989

reservations contained in patent from the United States of America to William H. Warfield dated October

-2-

25, 1919, recorded December 17, 1919, in Book 99 of Patents, page 259, records of Blaine County, Idaho, reciting: "Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States."

TO HAVE AND TO HOLD the same unto the Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the Grantees that it is the owner in fee simple of said premises, that they are free from encumbrances except as above described and that it will warrant and defend the same from all lawful claims whatsoever.

Dated this 1st day of November, 1983.

PACE, INC.

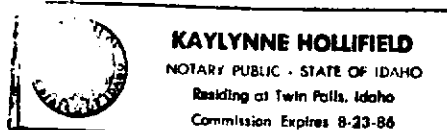
By: D. L. Pace

President

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 1st day of November, 1983, before me, the undersigned, a notary public in and for said county and state, personally appeared D. L. Pace, known to me to be the President of Pace, Inc., the corporation whose name is subscribed to the within instrument or the person who executed the instrument on behalf of said corporation and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the same day and year in this certificate first above written.



Kaylynne Hollifield
NOTARY PUBLIC FOR IDAHO
Residing at Twin Falls, Idaho

MICROFILMED
MAR 03 1989

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Blaine } SS.

NOV 10 1988

Department of Water Resources
Southern Region Office

DANIEL J. GORHAM

, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the

annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 2nd day of Nov, 19 88, and

the date of the last publication was on the 9th day of Nov, 19 88.

Daniel J. Gorham

Subscribed and sworn to before me this 9th day of Nov, 19 88.
(SEAL)

Roberta McKeen
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 45
Number of Insertions 2
Lines tabular at _____ 5¢/Pica
45 Lines straight at 22.28 4¢/Pica
45 Subsequent lines at 17.33 3¢/Pica
TOTAL COST 39.61

COPY OF NOTICE

(Paste Here)

Not. of Application #37-08388
TITLE OF NOTICE *Gilbert*

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

Gilbert files on water right

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08388

GILBERT, BRUCE
C/O BRIAN L. BALLARD
P.O. BOX 297
KETCHUM, ID 83340

Source: WARFIELD
HOT SPRINGS
Tributary: WARM SPRINGS
CREEK

Diversion Pt: SWNWNW Sec 31 T
04N R 17E; Blaine County; 4 miles
South & 6 miles West of Ketchum.

Use: HEATING (1.000 CFS)
RECREATION (.920 CFS)
DOMESTIC (.080 CFS)

Date Filed: 8/25/1988

In: T04N R17E S31 NWNW
S36 SENE

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301, on or before NOVEMBER 21, 1988.

R. Keith Higginson, Director
Publish: Wood River Journal-
November 2 & 9, 1988.

No 6226
MICROFILMED

MAR 03 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

February 15, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

STEVEN D REUTHER
10772 CHALON RD
LOS ANGELES CA 90077

JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: PERMIT NO. 37-8388

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use to **March 1, 2006**. Please note that the department granted the extension based on due diligence. Therefore, it is important that you work diligently towards completion of the project since the department **may not** be able to grant future extension requests based on due diligence.

Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact this office or any regional office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact the department, if you have any questions regarding this matter.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No.: 37-8388

Reviewed By: dgibson

Date: February 15, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Request received timely?	X		Is the delay a government agency?		X
Appropriate fee submitted?	X		Is supporting documentation needed to support the file?		
Additional Amount Due:					
Receipt No.:	C052264		Has the permit been involved in litigation?		X
Name and signature same as permit?	X		Is supporting documentation needed to support the file?		
Is address same as permit?		X	Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?		X
Has adequate work been completed to demonstrate due diligence?	X				

Priority Calculation

Extension request received	02/12/2001	New proof due date	03/01/2006
Date proof due	- 03/01/2006		
Lapse notice sent	-		
No. of days late	= 0		
Holiday allowance	+		
Priority date	+ 08/25/1988		
New priority date	= 08/25/1988		

Action Taken

Acknowledge request for extension, change proof due date to 3/1/2006 based on due diligence.

ADDENDUM TO REQUEST FOR EXTENSION OF TIME

Permit No. 37-8388

Permit Holder: Steven D. Reuther

The Permit was originally issued on February 3, 1989. Two Extensions of Time to Prove Beneficial Use were granted due to delays in negotiating a land exchange with the United States Forest Service. That land exchange was finally completed and the subdivision plat amended in April, 1998 to incorporate the land which includes the hot springs developed under the Permit into private ownership on Lot 1A of Warfield Hot Springs Subdivision. The current Permit holder purchased the property in May, 2000 and immediately commenced work on the residential project. Architects, land planners and other professionals were retained to design the primary residence and outbuilding together with the recreational facilities, all of which will incorporate use of water pursuant to the Permit for heating, recreational and domestic purposes.

Once the plans were approved by Blaine County and the building permit issued in October, 2000, construction commenced immediately and has continued through the winter. The use of the geothermal surface water for heating purposes has significantly expedited the construction process during these winter months. Through January 8, 2001, the Permit holder has incurred direct costs in the sum of \$377,132.37 as summarized on the accounting attached hereto. Copies of the invoices and other specific documentation are available upon request if needed for review of this Request for Extension of Time. Please contact my attorney, James P. Speck (208-726-4421), for this information.

Permit holder has not been able to complete construction by the present Proof of Beneficial Use due date due to the scope of the project, date of acquisition of the property and the time required to obtain the necessary permits through Blaine County for construction. At present, we estimate the project will be entirely completed by late fall 2003. However, to provide a cushion in case of unforeseen delays in the construction process, I am requesting an extension for the maximum five year period. In light of all of the delays created by the land exchange process with the United States Forest Service, the present March 1, 2001 deadline has effectively provided the original and current Permit holders with only three years to develop the Permit. In light of the scope of the project, this request for an additional five years on top of the initial three years seems extremely reasonable.

ADDENDUM TO REQUEST FOR EXTENSION OF TIME

STEVEN REUTHER

Warm Springs Development Costs Through 1/8/01

<u>Name</u>	<u>Amount</u>
Alpine Enterprises, Inc.	2,172.50
Galena Engineering, Inc.	2,239.10
David Rosser Construction	285,876.98
Speck & Arnestad	4,481.94
James T. Glancey Architects	20,230.48
Idaho Power	29,845.00
Pinnacle Engineers	12,325.00
Corporation for Land Planning & Engineering	3,490.00
Blaine County	16,471.37
<u>Total:</u>	<u>377,132.37</u>



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

February 14, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

James P. Speck
HOGUE, SPECK & AANESTAD
120 E. Avenue
P.O. Box 987
Ketchum, ID 83340

RE: REQUEST FOR EXTENSION OF TIME - PERMIT 37-08388

Dear Mr. Speck:

This letter follows up your letter to me dated February 9, 2001, and our telephone conversation today. You have inquired about a condition of approval on the permit and whether the permit holder is authorized to seek hot water below land surface. In addition, you have asked that a department representative visit the property to determine how the permit holder can properly capture the hot water resource.

The condition of approval you inquired about states that "Diversion of water under this permit is limited to Warfield Hot Springs. This permit does not authorize the diversion and/or use of ground water." As I described to you in our phone conversation, the file does not clearly describe the purpose for this condition, but I suspect that the condition was intended to minimize potential interference with other water users. In addition, the legal notice of the application published in 1988 shows the source of water as Warfield Hot Springs tributary to Warm Springs Creek.

As I also described in our phone conversation, I can't describe a specific depth below land surface to which the permit holder may go when developing the hot water. A spring, by definition, is ground water which appears at land surface. I suspect, however, that as a practical matter, it is not possible to develop the spring source without some excavation below land surface. It seems that a reasonable amount of excavation in the development of the spring water could not be easily challenged by parties claiming injury unless the claim was supported by competent evidence.

With respect to visiting the property to determine how to "properly capture the hot water", I recommend your client seek a competent expert in that regard.

The department will further review the request for extension of time that you submitted in this matter.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: IDWR - Regional Office

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

February 9, 2001

RECEIVED

FEB 12 2001

Department of Water Resources

Mr. L. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise ID 83720-9000

**Re: Permit No. 37 -8388 - Steven D. Reuther
Our File No. 1169/990235**

Dear Glen:

Enclosed you will find the original and one copy of a Request for Extension of Time to submit proof of beneficial use for the above-referenced Permit and my firm's check for the \$50 filing fee. You may recall I previously wrote you about this Permit on December 30, 1999. As you will see from the enclosed Request, my client subsequently acquired the property and has moved forward as quickly as possible with the construction of his home and related structures which will beneficially use the hot springs water. We certainly believe there is "good cause" for granting this Request for Extension of Time.

When you originally signed the approval of the Application for Permit in February, 1989, you added the following conditions:

Diversion of water under this Permit is limited to Warfield Hot Springs. This Permit does not authorize the diversion and/or use of groundwater.

The Warfield Hot Springs consists of numerous springs and seeps emanating from the ground on Mr. Reuther's property. However, several of the best heat producing springs are actually located between the mean high water marks of Warm Springs Creek. This makes capturing the spring water without mixing in the colder creek water somewhat problematic. We believe we can establish that the same hot water is flowing just below the surface in areas which are away from the stream bed and in areas where it appears fill was placed during construction of an adjacent road many years ago. In other words, it is quite possible that such hot water now flowing under the ground once flowed on the surface. Capturing water in a location out of the stream channel will avoid flood issues and assure there is no "contamination" of the hot water by cold water, thus maximizing the use of its heat value.

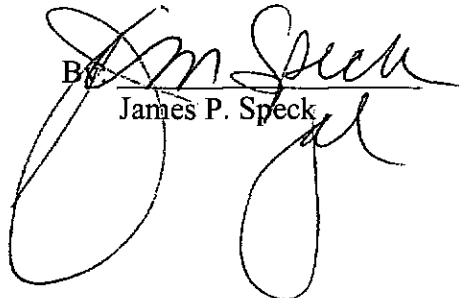
Mr. L. Glen Saxton
February 9, 2001
Page - 2

I would like to ask you (or someone else from the Department) to come up and inspect the property and make a determination of how we can properly capture this hot water resource. I cannot determine from the documents I have seen why the above-quoted condition was placed on the Permit. It will not be necessary to go very far below the surface of the ground to properly capture the hot water, but we do not know whether we are authorized to do so by the Permit.

Please call me at your earliest convenience to discuss this matter. Have your secretary receipt stamp the enclosed copy and return to us in the self-addressed stamped envelope. Thank you for your continuing assistance.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation


By James P. Speck

JPS:jal
Enclosures
cc: Client (w/encls.)

December 31, 2000

STEVEN D REUTHER
10772 CHALON RD
LOS ANGELES, CA 90077

PROOF DUE NOTICE

RE: PERMIT NO. 37-8388

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

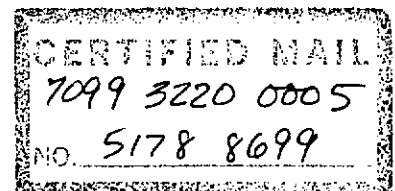
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 1, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

STEVEN D REUTHER
10772 CHALON RD
LOS ANGELES CA 90077

RE: Assignment of Permit 37-08388

Dear Permit Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced permit to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

JUN 16 2000

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

RECEIVED

MAY 26 2000

Department of Water Resources

May 23, 2000

RECEIVED
MAY 25 2000
Department of Water Resources
Griffith Region

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

RE: Permit No. 37-08388 - Steven D. Reuther
Our File No.: 1168/990235

Dear Allen:

Enclosed you will find the original and a copy of the Assignment of Permit wherein my client, Steven D. Reuther, acquires the entire interest in and to Permit No. 37-08388. I have also enclosed a check payable to IDWR in the sum of \$25 to cover the assignment fee. Please have your office receipt date stamp the copy of the Assignment and return it to me in the stamped and postage paid envelope I have also included for that purpose.

Please call me right away if there are any questions about this matter.

Thank you again for your continuing cooperation and assistance in these matters.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:rsd
enclosures
cc: Steve Reuther, w/encl.
Tom Drougas, w/encl.

MICROFILMED
JUN 16 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 30, 1999

James P. Speck
HOGUE, SPECK & AANESTAD
120 East Avenue
P.O. Box 987
Ketchum, ID 83340

RE: PERMIT 37-08388 IN THE NAME OF BRUCE GILBERT

Dear Mr. Speck:

I have reviewed the faxed letter from you dated December 30, 1999 in which you ask whether the prior two (2) extension of time requests in which to submit proof of beneficial use of water for the above referenced permit prevents the department from granting an extension of time based upon Section 42-204(5), Idaho Code.

My review of the water right file shows that the first extension of time approved on February 18, 1992 which extended the proof due date to March 1, 1997, was based on Section 42-204(1), Idaho Code. The second extension of time approved on March 4, 1997 which extended the proof due date to March 1, 2001, also was based on Section 42-204(1), Idaho Code. The two extensions do not preclude the department from granting an extension of time based on Section 42-204(5), Idaho Code, if the extension request otherwise qualifies for approval under subparagraph 5 of the code section.

If you have questions, please feel free to contact me or the department.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: IDWR - S. Region

MICROFILMED

JUN 16 2000

*12-30-99
gm*

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS
P. O. Box 987
Ketchum, ID 83340
1-208-726-4421
Fax: 1-208-726-0752

FAX COVER SHEET/MEMO

To: Mr. L. Glen Saxton	Date: December 30, 1999
Fax #: (208) 327-7866	Pages: 3, including this cover sheet.
From: James P. Speck	
Subject: Warfield Hot Springs - Permit 37-08388	Our File No. 1168/990235

COMMENTS:

THE INFORMATION CONTAINED IN THIS FAX TRANSMISSION IS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE ABOVE-NAMED RECIPIENT AND MAY BE THE SUBJECT OF ATTORNEY/CLIENT PRIVILEGE. IF THE READER OF THIS MESSAGE IS NOT THE ABOVE-NAMED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION, DISSEMINATION, COPYING OR OTHER USE OF THIS COMMUNICATION IS STRICTLY PROHIBITED AND NO PRIVILEGE IS WAIVED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. THANK YOU.

MICROFILMED

JUN 16 2000

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

120 EAST AVENUE
P. O. BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

December 30, 1999

VIA FACSIMILE - (208) 327-7866
ORIGINAL WILL NOT FOLLOW

Mr. L. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Re: Warfield Hot Springs - Permit 37-08388
Our File No. 1168/990235

Dear Glen:

I represent a client who has entered into a contract to purchase Lot 1A of Warfield Hot Springs Subdivision Amended (see enclosed copy of plat). Permit 37-08388 is a part of the transaction. It was originally issued on February 3, 1989. Two extensions of time to prove beneficial use were granted due to delays in negotiating a land exchange with the United States Forest Service. The current proof of beneficial use deadline is March 1, 2001.

The land exchange was finally completed and the plat amended in April, 1998. The triangular Parcel A is the former USFS land acquired. It contains the hot springs to be developed under the Permit. Thus, the permit holder will have effectively had the original three year period to develop the Permit by the current deadline of March 1, 2001. I would like to confirm that the 10 year extension due to the USFS negotiations does not affect the permit holder's ability to request another extension under I.C. § 42-204(5) for "good cause". It will be impossible for my client to complete development of the permitted heating and recreational uses within the current time frame.

Please call me to discuss this matter at your earliest convenience. **HAPPY HOLIDAYS!!**

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

James P. Speck

JPS/j
(w/ enclosure)
cc: client (w/ enclosure)
Tom Drougas

MICROFILMED
JUN 16 2000

413102 4/22/98

A Plat Showing

WARFIELD HOT SPRINGS SUBDIVISION AMENDED

Located in H.E.S. 389, Section 36, T.4N., R.16E., B.M., Blaine County, Idaho

APRIL 1998

GRAPHIC SCALE



Scale: 1"=100'

Legend

- Found Brass Cap
- Found 5/8" Rebar
- Found 1/2" Rebar
- Set 5/8" Rebar
- Proposed Line
- Aspirin Line 100-year Floodplain Line
- Building Envelope
- Public Easement For Warm Springs Rd.
- Private Lot Lines
- Existing Fence-October 1997
- Certified Warm Springs Rd.

Notes

1. This is a Seasonal Use Zone, thus no maintenance, plowing, and emergency services (police, fire, ambulance) will be non-existent or minimal.
2. No further subdivision of either lot is allowed.
3. The existing building envelope on Lot 2 is as shown on the face of the plat.
4. Forest Service regulations for using Warm Springs Road must be followed.
5. County building permits will be required for all construction.
6. Portions of this subdivision may be subject to conditions stated in Instrument No. 281277, 285314, 285315, records of Blaine County.
7. Parcel A is not a separate parcel but is part of Lot 1.
8. The individual lots described in this plat will not be served by any water system common to one or more of the lots, but will be served by individual wells.
9. A ten (10) foot public utility easement for the benefit of Warfield Hot Springs Subdivision Amended lot owners is hereby reserved centered on all side and rear lot lines.

Health Certificate

SAFETY RESTRICTIONS AS REQUIRED BY OHIO CODE TITLE 63, CHAPTER 10, SECTION 10.01, AND ANY RESTRICTIONS MAY BE REMOVED BY THE HEALTH DEPARTMENT BY ISSUANCE OF A CERTIFICATE OF INSURANCE.

DATE: 4-6-98

ROBERT L. HENRY
SOUTH CENTRAL DISTRICT
HEALTH DEPT., EMS

Curve Data

CURVE	Δ	R	L	T	Ch	Ch Bearing
C-1	50° 03' 33"	90.00'	78.43'	42.02'	76.18'	S 83° 44' 47" E
C-2	60° 07' 20"	156.00'	183.70'	90.27'	158.13'	S 07° 30' 21" E
C-3	52° 37' 45"	60.00'	55.11'	29.67'	53.20'	S 34° 01' 31" E
C-4	72° 00' 00"	128.00'	158.34'	81.34'	140.12'	S 07° 43' 00" E
C-5	19° 13' 31"	360.00'	100.62'	50.79'	100.15'	S 24° 40' 39" W
C-6	16° 32' 36"	354.81'	92.35'	50.00'	98.08'	S 07° 02' 43" W
C-7	16° 43' 23"	340.18'	98.29'	50.00'	98.04'	S 07° 23' 10" W
C-8	19° 50' 03"	440.10'	152.35'	76.39'	151.59'	S 05° 49' 50" W

This map is a photographic reproduction of that on file in either the Recorder's or the Surveyor's Office. The certifying assumes no liability for variation, if any, with another or survey.

Country of
Sawtooth Title Co.
Bas. 103
Sawtooth, Idaho 83404
208-595-5555

Warfield Hot Springs Sub. Amended
Blaine County, Idaho



MICROFILMED
JUN 16 2000

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 37-08388 Reviewed by Jy Date 2-28-97

BASIC INFORMATION

2-28-97 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
yes Address Change

BASIS FOR EXTENSION REQUEST

_____ Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____

yes Is delay by a government agency?
Is supporting documentation needed to complete the file? yes Requested? _____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN Recommend extend to March 1, 2001,
on basis of Gov. Agency Delay.

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address c/o Brian Ballard, P.O. Box 1617, Boise ID 83701
Change Proof Due Date 3-1-2001
Change Priority Date X



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 4, 1997

Bruce Gilbert
c/o Brian Ballard or
Richard Burleigh
P.O. Box 1617
Boise, ID 83701

RE: Permit No. 37-08388

Dear Permit Holder:

Enclosed is a copy of your approved Request for Extension of Time submitted in connection with the above referenced permit. The time within which to submit proof of beneficial use is extended **March 1, 2001**.

Please note that the department has granted the extension based on government agency delay. It is important that you work diligently to develop the water right. The department **may not** be able to grant additional extensions associated with this permit.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

If you have any questions regarding this matter, please contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

MICROFILMED

MAR 11 1997

RECEIVED

FEB 28 1997

Department of Water Resources

Describe what work has been completed toward the development of this water right:

In February of 1992, the permittee, Bruce Gilbert obtained an five year extension of time to complete the diversion of water under Permit No. 37-08388 and to put the water to beneficial use. At that time Mr. Gilbert was engaged in a land exchange with the United States Forest Service. (Mr. Gilbert was also involved in litigation concerning the property and in pending matters before the Blaine County Commissioners). The extension was granted on the basis of governmental agency delay.

As a result of the delay in exchanging land with the Forest Service, the complaint and the zoning dispute (described in greater detail below) Mr. Gilbert has been prevented from progressing on the work toward completion of the diversion of water pursuant to his permit. However, excavation and construction of the diversion works was commenced and a device for the purpose of measuring flow and temperature of the water has been set in place.

The permit holder was unable to complete the remainder of the work for the following reasons:

During the initial five year extension period, the permittee, Mr. Gilbert, continued to negotiate with the U.S. Forest Service to enter into an agreement whereby the Forest Service and Mr. Gilbert would exchange parcels of land. The exchange was relevant to the water permit since the diversion and place of use of the water was impacted by the Forest Service's ownership of the land. The initial extension of time was granted by the Department of Water Resources because of these ongoing negotiations to exchange the property. This exchange has still not been finalized.

The primary source of the delay has been the Forest Service request that the County also be involved in the exchange. Mr. Gilbert initiated negotiations with Blaine County to relocate and replat the existing county road which crosses through Mr. Gilbert's property. The county road could be relocated and replatted because access to the land-locked parcel owned by the Forest Service was no longer necessary.

ATTACHMENT A
REQUEST FOR EXTENSION OF TIME
PERMIT NO. 37-08388 - 1

MICROFILMED

MAR 11 1997

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However, once the County was involved in the process of obtaining approval for the relocation of the road on his property and the replat of his lot, the County Commissioners wanted to include the neighboring lots in the process, in order to attempt to settle outstanding county road "right of way" issues. The existing plats for Mr. Gilbert's and neighboring properties indicate only a "temporary right of way," not a permanent one for the old road. Mr. Gilbert did obtain approval from all parties, including his neighboring property owner, Lisa Vierling, for the replating and official road moving at an open hearing of the County Commissioners. A new plat was drafted and all parties, including the County and Mr. Gilbert, signed it. However, when the replat was presented to Lisa Vierling, she refused to sign it because of a new objection she raised to the County's standard 60 foot width for the road right of way. Efforts by Mr. Gilbert to point out to her that the 60 foot road width is standard in Blaine County and that even the old plat indicated a 60 foot width for the old road were in vain.

Even the County's attempt to appease Ms. Vierling by guaranteeing that her fences and parking area would be preserved, has not engendered a response from Ms. Vierling. Consequently, the County approval of the relocation and replat has not been forthcoming. Without County approval of the relocation and replat of the road, the exchange of land with the Forest Service has also been postponed.

After consultation with the Forest Service and the County, Mr. Gilbert intends to take a new tack. He will propose to the county a replat of his property alone without dealing with the neighbor's property. The Forest Service remains ready to exchange their property with Mr. Gilbert. A new group of County Commissioners has been seated and they have indicated a desire to resolve this issue.

Relocation of the road facilitated the development of Mr. Gilbert's property, including development of the water right. Approval of the relocation was necessary before the Forest Service would finalize the land exchange. Although relocation and replat of the road appeared to be a fairly straight forward process, as noted above, this did not turn out to be the case.

MICROFILMED

ATTACHMENT A
REQUEST FOR EXTENSION OF TIME
PERMIT NO. 37-08388 - 2

MAR 11 1997

Mr. Gilbert fully anticipates obtaining the necessary County approval in due time and is frustrated by the fact that the approval of the relocation and replat has not been obtained in a more timely fashion. Once all appropriate County approvals are obtained and the land formally exchanged, Mr. Gilbert will proceed with the development of Permit No. 73-08388 with due haste and diligence. However, the necessary approvals will not be obtained by March 1, 1997.

Mr. Gilbert was given four years under the permit to put the water to a beneficial use. He was granted a five year extension to resolve the Forest Service property exchange. He has been pursuing the exchange diligently and in good faith. Pursuant to I.C. §42-204, Mr. Gilbert request a further extension of five years so that he may finalize the land exchange and complete the appropriation of the water under permit No. 37-08388.

ATTACHMENT A
REQUEST FOR EXTENSION OF TIME
PERMIT NO. 37-08388 - 3

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MAR 11 1997

HAWLEY TROXELL ENNIS & HAWLEY LLP

A LIMITED LIABILITY PARTNERSHIP OF ATTORNEYS AND COUNSELORS

877 MAIN STREET, SUITE 1000

POST OFFICE BOX 1617

BOISE, IDAHO 83701-1617

TELEPHONE (208) 344-6000

FACSIMILE (208) 342-3829

RICHARD B. BURLEIGH

EMail: RBB@hteh.com

RECEIVED

FEB 28 1997

Department of Water Resources

February 28, 1997

VIA HAND DELIVERY

Julie L. Yarbrough
Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

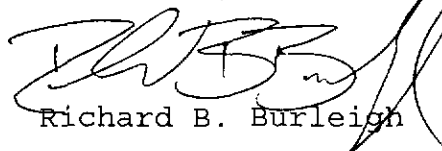
Re: *Permit No. 37-08388*

Dear Ms. Yarbrough:

Please find attached hereto a request for extension of time to prove up permit No. 37-08388. If you have any questions regarding this request for extension of time, please contact the undersigned.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP



Richard B. Burleigh

RBB/cap
Enclosure

cc: Bruce Gilbert

877 MAIN STREET, SUITE 1000
POST OFFICE BOX 1617
BOISE, IDAHO 83701-1617
TELEPHONE (208) 344-6000
FACSIMILE (208) 342-3829

MICROFILMED

MAR 1 1997

333 WALNUT AVENUE
POST OFFICE BOX 297
KETCHUM, IDAHO 83340-0297
TELEPHONE (208) 726-1700
FACSIMILE (208) 726-9743

333 SOUTH MAIN STREET
POST OFFICE BOX 100
POCATELLO, IDAHO 83204-0100
TELEPHONE (208) 233-0845
FACSIMILE (208) 233-1304

December 31, 1996

BRUCE GILBERT
C/O BRIAN L. BALLARD
P. O. BOX 297
KETCHUM ID 83340

PROOF DUE NOTICE

RE: PERMIT NO. 37-08388

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1997.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

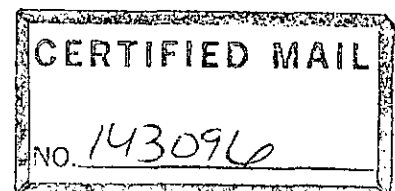
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

MAR 11 1997





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 19, 1992

Bruce Gilbert
c/o Brian Ballard
Lawson, Peebles, Ballard and Edson
P.O. Box 297
Ketchum, ID 83340

Re: Permit No. 37-08388

Dear Brian:

Enclosed is a copy of your approved Request for Extension of Time submitted in connection with the above referenced permit. The time within which to submit proof of beneficial use is extended to March 1, 1997.

Please note that the department has granted this extension based upon governmental agency delay. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

c: IDWR-Regional Office

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MAR 05 1992

ANALYSIS SHEET
FOR
EXTENSION OF TIME

Permit No. 37-08388 Reviewed by Klg Date 2/18/92

BASIC INFORMATION

2/18/92 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

_____ Has adequate work been completed to demonstrate due diligence?
_____ Has the permit been involved in litigation?
_____ Is supporting documentation needed to complete the file? _____ Requested?
yes Is delay by a government agency?
_____ Is supporting documentation needed to complete the file? no Requested?
_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

extension approved due to governmental delay
extend to 3/1/92

PRIORITY CALCULATION

Date extension received	<u>NA</u>	=	_____
Proof due date	<u>/</u>	=	_____
Number of days late	<u>/</u>	=	_____
Priority date	<u>/</u>	=	_____
New Priority Date	<u>/</u>	=	_____

DATA ENTRY

New Address _____
Change Proof Due Date 2/19/92 Klg
Change Priority Date _____

LAW OFFICES OF
LAWSON, PEEBLES, BALLARD & EDSON

A PROFESSIONAL CORPORATION
SECURITY PACIFIC BANK BUILDING

280 SOUTH CAPITOL BOULEVARD
POST OFFICE BOX 448
BOISE, IDAHO 83701-0448

TELEPHONE 208-345-8700
FACSIMILE 208-389-9449

EDWARD A. LAWSON
RAND L. PEEBLES
BRIAN L. BALLARD
GARY W. EDSON
CAROL L. SHEPHARD
LESLIE THULLEN KUNICK
KENNETH R. ARMENT

KETCHUM OFFICE:
319 WALNUT AVE.
POST OFFICE BOX 297
KETCHUM, ID 83340
208-726-1700
FAX 208-726-9743

February 14, 1992

RECEIVED
FEB 18 1992

Karen L. Gustafson
IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

Re: Permit No. 37-08388
Bruce Gilbert
REQUEST FOR EXTENSION OF TIME

Dear Ms. Gustafson:

In response to your Proof Due Notice of December 31, 1991, enclosed please find a Request for Extension of Time, executed by Bruce Gilbert, and our check in the amount of \$15.00. As per the reference in the Request, please be advised of the following:

1. Work completed to date includes the following:
 - (a) Site excavation and measurement device installed by Thomas Plumbing;
 - (b) Engineering review completed by Joseph Humphrey;
 - (c) Hydrologic review completed by Chuck Brockway;
 - (d) Field inspection made by Reid Newby;
 - (e) Architectural drawings (preliminary) completed by Betty Schneider;
 - (f) Roadway and bridge relocated work completed by Mid-Western Contractors, Myers Construction Company, and Ralph Thornton Construction, Inc. Work supervised by Galena Engineering.

Total cost of the work completed to date exceeds \$70,000, the majority of which consists of the expense incurred in the relocation of the roadway and bridge. The relocation was made, in part, to provide private access to the hot water source, and to permit a building site for utilization of the water.

2. Mr. Gilbert has been unable to complete the remainder of the work for the following reasons:

- (a) The spring site includes land owned by the Forest Service. Since acquiring the property, Mr. Gilbert has been pursuing diligently an exchange with the Forest Service, as evidenced by the enclosed letters. The exchange is not yet completed. The exchange concerns land which is vital to proper development of the source. Final consent or final approval of this exchange will permit the completion of the development.

MAR 05 1992

Karen L. Gustafson
February 14, 1992
Page 2

I have provided only a sampling of correspondence. More evidence is available if you would require.

(b) Development was delayed because of vandalism and arson. I have included the newspaper articles evidencing the destruction of over \$100,000 in equipment. It took quite some time to recover and begin work again.

(c) The primary contractor, Mid-Western Contractors, went bankrupt midway through the project. I have included a copy of pertinent bankruptcy pleadings. There was lengthy delay caused in extracting the matter from the bankruptcy proceeding and finding an alternate contractor.

(d) An adjacent lot owner involved Mr. Gilbert in a lawsuit. I enclose a copy of the Complaint. This case has been recently settled.

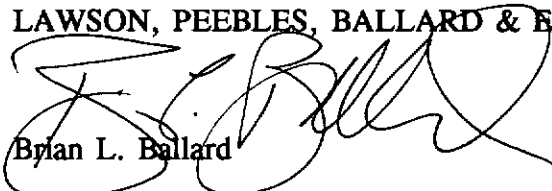
All of the foregoing have contributed to the delay in completion. Mr. Gilbert continues with due diligence to pursue development, in particular with respect to the Forest Service exchange.

The uncertainty of the exchange process prompts this request for an extension of the maximum of five (5) years. If the exchange process can be completed sooner, it is expected that completion of the development will also be completed sooner.

Thank you for your attention to this matter. If I may be of further assistance, please do not hesitate to call.

Very truly yours,

LAWSON, PEEBLES, BALLARD & EDSON


Brian L. Ballard

BLB:cgj
Enclosures

cc: Bruce Gilbert

MAR 05 1992



United States
Department of
Agriculture

Forest
Service

Ketchum
Ranger District

P.O. Box 2356
Ketchum, ID 83340
Telephone: (208) 726-7672

Reply to: 5430

Date: December 30, 1991

Mr. Brian Ballard
Lawson, Peebles, Ballard & Edson
280 South Capitol Boulevard
P. O. Box 448
Boise, ID 83701-9449

Dear Brian:

We have received your December 13, 1991 letter and agree that this matter has been much too slow in coming to resolution.

We are willing to amend the offer made in our September 9th letter. We are willing to exchange the permanent public easement on the new road and bridge for the public land which is approximately 0.16 acre in size and located inside Mr. Gilbert's property. We will take the bridge as is and program the costs to correct the previously identified items through our yearly maintenance program. These costs were estimated to be \$18,600 in 1989 and do not include the costs to improve the alignment off of the upstream side of the bridge.

Blaine County has performed periodic maintenance on this road and continues to do so. It remains our opinion that the old road located through Mr. Gilbert's property does meet the 932 Statute since HES 389 has a patent date of October 10, 1919 and the road is referred to as the Warm Springs Creek Wagon Road on the original 1882 survey. The public right is on the old roadway and this action on the new roadway does not invalidate that right.

It is our feeling that it is in the best interests of the public to complete this exchange as we have proposed. We are willing to discuss this matter at any time.

Sincerely,

ALAN S. PINKERTON
District Ranger

cc: Ralph Cisco
Gray Reynolds
Jack Bills

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MAR 05 1992

Dedicated to: . QUALITY . COOPERATION . INTEGRITY . In Resource Management



United States
Department of
Agriculture

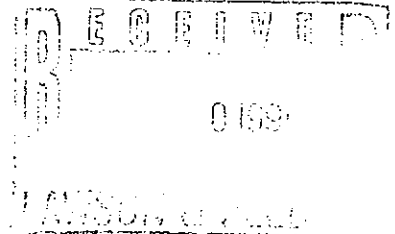
Forest
Service

Ketchum Ranger District
P.O. Box 2356
Ketchum, ID 83340

Reply To: 5430

Date: September 9, 1991

Mr. Brian Ballard
P.O. Box 297
Ketchum, ID 83340



Dear Brian:

We have discussed the various options concerning the Warm Springs exchange with both the Regional Office and the Sawtooth Supervisor's Office. We are willing to exchange the landlocked triangle of National Forest land for the road right-of-way, bridge, and the the area of land uphill to the Forest boundary. We are also willing to take the bridge, as is, and complete the items that have been identified needing attention with our own road crew.

As we have discussed, the county is making plans to declare several roads as 932 status and we are reluctant to purchase any that fit this designation. Warm Springs Road predates the National Forest and the patented property that is now owned by Mr. Gilbert. It is our position that it is a public road.

We realize that this may not satisfy Mr. Gilbert's expectations, but it is the position we prefer, to bring this issue to a close.

We are available to discuss this with you at any time.

Sincerely,

ALAN S. PINKERTON
District Ranger

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MAR 05 1992

KETCHUM RANGER DISTRICT BEGINS ANALYSIS FOR POSSIBLE CRONEY COVE LAND EXCHANGE
IN WARM SPRINGS AREA WEST OF KETCHUM

DATE: JULY 8, 1991

RELEASE: IMMEDIATE

KETCHUM, IDAHO.....The Ketchum Ranger District of the Sawtooth National Forest is initiating an analysis of a proposal for a land exchange in the Warm Springs area west of Ketchum, Idaho.

"We have received a proposal from Mr. Bruce Gilbert that would result in the Forest Service accepting the jurisdiction for the portion of the Warm Springs Road that goes through his property," states Ketchum District Ranger Alan Pinkerton. "In return, Gilbert would receive .15 acres of National Forest System land that is locked within his property and additional property that is available for exchange on the Fairfield Ranger District."

Gilbert's property is located approximately 11 miles up Warm Springs from Ketchum. In 1988 Gilbert constructed a new road and bridge on his property to replace an older bridge and road. The proposal would transfer the jurisdiction of approximately 1/2 mile of road and the bridge to the Forest Service. An option to the proposed exchange is the outright purchase of the right-of-way through Gilbert's property.

(more)

MAR 05 1992

Pinkerton said that the first step in considering this proposal will be to identify issues and concerns the Forest Service and the public have that need to be addressed in an environmental analysis. To date the following issues have been identified. How will the hot springs in the area be affected by this proposal? How will wintering elk in the area be affected? Since the Sawtooth Forest and Land Resource Management Plan does not identify any land exchange possibilities in the Ketchum area, will the Plan be revised? How will public safety for those using the Warm Springs road be affected? How will the water quality of the Warm Springs drainage be affected? How will the general public benefit from this exchange?

"This list is by no means complete," Pinkerton said. "People that are interested in suggesting other issues and concerns are asked to contact Butch Harper here at the Ketchum Ranger District office. The phone number is 622-5371, or people can send written suggestions to Ketchum Ranger District, P.O. Box 2356, Ketchum, ID 83340. As always, comments will be taken through the entire analysis process. To be the most beneficial, however, we would like to receive comments by August 7."

Pinkerton anticipates assembling a team of individuals, both from the Forest Service and the public, to conduct the analysis for the proposal and to propose a preferred alternative. This work is planned to begin after August 7.

###

NEWS CONTACT: Alan Pinkerton, District Ranger
Ketchum Ranger District
P.O. Box 2356
Ketchum, ID 83340
208-622-5371

MAR 05 1992

United States
Department of
Agriculture

Service

Ketchum
Ranger
District

P. O. Box 2356
Ketchum, ID 83340

Reply To: 5430

Date: September 28, 1990

Mr. Brian Ballard
P.O. Box 297
Ketchum, ID 83340

Dear Brian:

Several questions will need to be answered before we can honestly say we are ready to effect and exchange the road and bridge for the parcel of land owned by the Forest Service. I have listed these below for your information and Mr. Gilberts' consideration.

1. The bridge and road cannot be accepted as they are. Attached are the recommendations and cost estimates made by our regional engineer that would put the bridge and road in condition for the Forest Service to accept. Once these conditions have been met the Forest Service would assume full liability and maintenance responsibilities.
2. We are required by law to conduct an environmental analysis and ask for public involvement before we can enter into an exchange agreement. We would not be able to start this process until this winter.
3. If all goes well the exchange of Forest Service land for the road easement and bridge must occur at the same time.
4. All of Mr. Gilberts' rights hereunder are freely assignable and enforceable by his successors in interest.
5. Forest Service engineers will need to review the bridge design with Mr. Gilberts' engineer.
6. Forest service will require a field review before any construction can begin.
7. No letter of intent will be entered into until all conditions are acceptable to both Mr. Gilbert and the Forest Service.

As you can see there is considerable work to be done by both the Forest Service and Mr. Gilbert before we can conclude this exchange. We would be happy to discuss this with you at any time.

Sincerely,



ALAN S. PINKERTON
District Ranger

Enclosure

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After inspecting the bridge at Croney Cove, we (the R.O. bridge group) have the following recommendations:

1. All the cast-in-place concrete that is visible should be given a class finish, as described in the standard specs.
2. The steel superstructure needs to be sandblasted and painted.
3. The stream channel bank at the upstream side of abutment 1 needs to be pulled back away from the truss and bearing shelf.
4. Approach guard rail is needed to channel the traffic and protect the ends of the trusses.
5. Missing hardware needs to be replaced and bolt threads need to be peened to prevent future removal.
6. The R.O. bridge group will need a full set of drawings and calculations from the consulting engineer.

MAR 05 1992

United States
Department of
Agriculture

Forest
Service

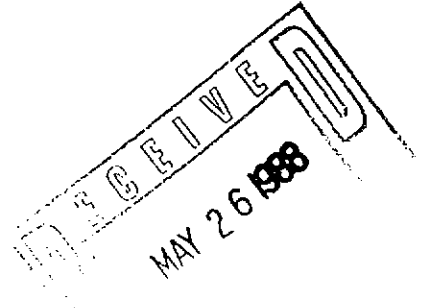
Ketchum
Ranger
District

P. O. Box 2356
Ketchum, ID 83340

Reply To: 5430

Date: May 26, 1988

Mr. Brian L. Ballard
319 Walnut Avenue
P.O. Box 297
Ketchum, Idaho 83340



Dear Brian:

The purpose of this letter is to outline the intention of the Forest Service to start an exchange process to acquire a right-of-way in fee title in exchange for National Forest Land within the Warfield Hot Springs Subdivision. We intend to start our exchange process when and if Mr. Bruce Gilbert has title to the property and if the new road and bridge meet with our specifications. You and Mr. Gilbert should understand that the exchange process entails public involvement and thus there is no guarantee that we will be able to complete the exchange, however, I do not anticipate significant barriers to the exchange.

If you have any questions, please give me a call.

Sincerely,


John Phipps
District Ranger

cc: Tom Drougas

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MAR 05 1992

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his physician
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car.

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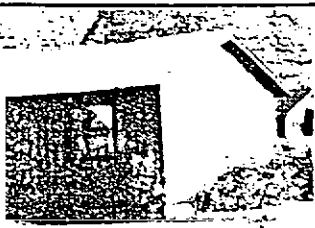
RANDY CORIELL, M.D.

M.D. KATHRYN WOODS, M.D.

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artesian wells where drill-
ing has occurred in an area
where water is naturally under
pressure, causing water to rise
at least above the level of the
area's water table. He said his
agency is concerned about
artesian wells which are not
capped or put to some use, not
only because the water is
wasted, but because they can
lead to reduction in an area's
water pressure.

According to Fuller's
understanding of the
property's history, at one time
there was a "weeping hot spring"
on the site. A previous

incident from the fish
cluding waste, medical
given to the fish and diseased
organisms could flow into
Mager.

However, according to
Fuller, O'Crowley's concern
about that aspect of his plans is
unnecessary. He said his inten-
tion is to use the hot water to
heat a farmhouse, barn and
commercial greenhouses he
plans to construct on the prop-
erty. The cooled water would
then empty into a series of
three pools with fish in them,
but it would not be a commer-
cial operation like those com-

Spackman said. A plea-
test of Fuller's water rights ap-
plication is lodged with the ID-
WR's Twin Falls office by the
Nov. 21 deadline, a hearing
will be scheduled to consider
the matter. Following that, his
agency has the option of deny-
ing the application, approving
it, as is, or approving it, with
modifications.

"I'm not sure he has any ap-
proval to do anything, right
now," Spackman noted, add-
ing, "He was told by us to
file, but that doesn't mean his
application will necessarily be
approved."

Arsonists hit Frenchman's in monkey wrench blaze

Arson is suspected to be the
cause of a fire in the upper
Warm Springs Road area near
Frenchman's Bend last Thurs-
day which caused an estimated
\$115,000 in damage to
materials and equipment being
used by Midwestern Contrac-
tors, a Boise-based company.

According to Blaine County
Sheriff Walt Femling, the
blaze was started about 2 a.m.
Thursday morning by someone
who apparently set fire to fresh
wood placed strategically
around the rubber tires of
several pieces of equipment.
To get the blaze going, the
suspects doused the machinery
with motor oil. Femling
speculated.

The bridge under construc-
tion is being built by a private
owner to reroute the Warm
Springs Road from his proper-

ty. Once the bridge is built, the
owner apparently plans to
close off access to a hot-springs
bath house that lies on his land
and has been used by locals for
years.

"The amount of damaged
equipment is incredible," he
said. "A large Link-Built crane
had its motor and cab
destroyed. Also, whoever did
this set fire to a semi-van,
destroying it and over \$25,000
in tools that were inside it,"
said Femling on Monday.

Femling went on to say the
damage included 200 gallons
of fuel, a four-wheel
generator, paint damage to the
passenger side of a Ford pickup
parked nearby, and the loss of
some \$1,500 in tools belonging
to employees.

"We don't have any suspects
yet, but it's possible some peo-

ple may have an idea who we
are looking for," Femling said.
"The fire was near the bridge
(under construction) up Warm
Springs and near the Hot Spr-
ings. It's possible that
somebody may have seen the
people involved who were
there that night."

Femling said he expects the
contracting company to an-
nounce a reward offer for in-
formation leading to the arrest
of suspects involved in the ar-
son.

"I heard they are planning
to offer some kind of reward to
anyone with information
leading to their apprehension,"
he said. "I think it's a good
idea; it may just get someone
to tell us what he or she saw."

Wood River Journal 11/16/88

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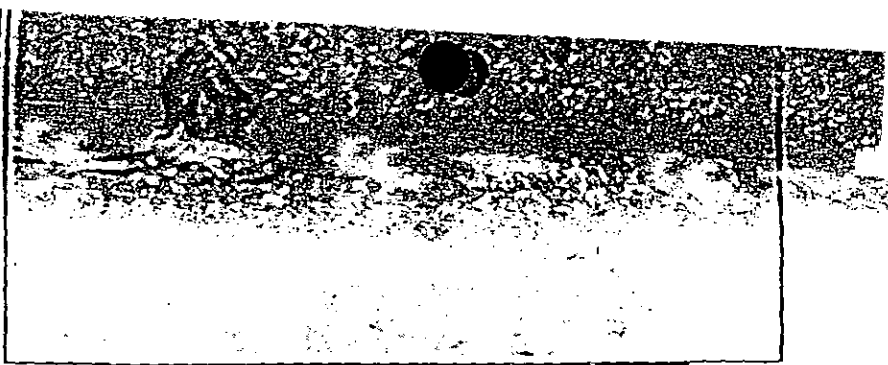
MAR 05 1992

Republican John Sainy
 German by 7,009 to 3,000.
 wide. Peavey widened
 of victory over Sandy, he
 recorded two years ago from 981
 votes to 1,111. His victory in
 County was 3,757 to 2,008.

For president, county voters
 joined the state and nation in voting
 for Republican George Bush over
 Michael Dukakis, 3,130 to 2,498.

They agreed heavily to send
 Democrat Richard Stallings back to
 Washington, D.C., as Idaho's
 representative from the 2nd
 District. The county gave Stallings
 3,957 votes to Republican Dan
 Watkin's 1,714.

They went against the Magic
 Valley but with the rest of the state
 by approving the state lottery 3,644
 to 2,138. □



Blowing snow around the clock, the Sun Valley Company took full advantage of the weekend's freezing temperatures to supplement Mother Nature's generous white offering. (Photo by Jerry Hadam)

Hot Water

re, the springs haven't
 recreationally "for 10
 d Fuller. "It's too
 degrees."

he was required by the
 r put the water to use,
 ell under control.

ckman of the Depart-
 ter Resources agreed
 some provisions of law
 it the waste of such

application, which can
 ed until Nov. 21, pro-
 ce uses for the water:
 commercial, and fish
 on.

R will possibly withhold
 on the application until a
 held, said Spackman.

al diversion rate is .41
 per second, said DWR's

is a question whether fish
 is beneficial use of geo-
 water," said Janet
 ey, chair of the committee

which is circulating the petition.

She said fish farming may depo-
 sit harmful wastes into Magic
 Reservoir.

Fuller responded he has no plans
 for commercial use, rather the con-
 struction of private recreation
 ponds for "personal use."

Plus, he will design an overflow
 pond to prevent and waste water
 from flowing into Magic, he said.

Fuller said he has not yet devel-
 oped a master plan for his property
 because of an unresolved dispute
 with the county over the future of a
 half-mile stretch of access road. He
 purchased the land last spring.

He said his application is not
 cause for concern.

"The protest is not a surprise in
 that I'd always expect someone to
 protest just about anything in this
 valley," said Fuller.

"But as far as it being a valid
 protest, I'm surprised." □

Vandals Destroy \$100,000 in Equipment

by Dennis Wilken

Senseless destruction in Blaine
 County reached a costly new high
 early Thursday morning, Nov. 10.
 That's when someone burned heavy
 equipment at the bridge construc-
 tion site at Frenchman's Bend eight
 miles out Warm Springs Road.

The articles destroyed or
 damaged included a \$75,000 crane,
 a \$5,000 semi and \$25,000 worth of
 tools stored in the semi, Blaine
 County Sheriff Walt Femling said.

Femling said tests on the crane to
 determine if it had been heat-
 damaged could up the destruction
 ante by thousands.

An old pickup, used at the site,
 was also scorched. Estimated dam-
 age to the truck was \$1,000. Tools
 on site belonging to employees
 worth \$1,500 were also destroyed.

Two other construction vehicles
 worth \$120,000 escaped damage
 despite the vandals attempts to
 burn them.

Femling said the fires were
 started when someone put firewood
 into burning coals and then sur-
 rounded the assorted vehicles' tires
 with burning two-by-fours.

Motor oil was then thrown onto
 the blaze.

The sheriff identified the vic-
 timized property-owners as David
 Frel of Weiser, Idaho, and the
 Midwest Contractors Inc., of
 Boise.

Femling said there are no sus-
 pects at this time. Femling said con-
 struction officials are discussing of-
 fering a reward.

Anyone with information on this
 crime is asked to call the Blaine
 County Sheriff's Department at
 788-2271. □

IDE

Y BLUES

ents looks at the
 of the holiday season.

4

Y
 is day-care proposal to
 mmissioners.

8

ISING NUN
 ist Sister Thomas More
 is Sun Valley.

10

SKI '88

A special section on the com-
 ing ski season.

14

PICK YOUR PASS

The annual Express analysis of
 the cost of ski passes.

22

ELECTION

An analysis on Tom
 Blanchard's election to the
 County Commission.

24

REGULARS

Editorials 6
 Letters 7
 News of Record 30

WEATHER

Light, but widespread snow today, with colder air
 coming in tonight and Thursday. Expect unsettled
 weather and another storm front Sat. night. Highs
 in upper 20s, lows in mid-teens.

ON THE COVER

April Leeming of Indian Creek participated in the
 LEGO contest sponsored by The Toy Store last
 weekend. (Photo by Jerry Hadam)

Meridian Express 11/16/88

Brian L. Ballard, Esq.
LAWSON & PEEBLES
Post Office Box 297
Ketchum, Idaho 83340
Telephone (208) 726-5657

Attorneys for Bruce Gilbert

IN THE UNITED STATES BANKRUPTCY COURT
IN AND FOR THE DISTRICT OF IDAHO

In Re	)	Case No. 88-03616KH
	)	
MID-WESTERN CONTRACTORS,	)	
INC., an Idaho	)	STIPULATION RE REJECTION
corporation,	)	OF EXECUTORY CONTRACT
	)	
Debtor in Possession.	)	

COME NOW Mid-Western Contractors, Inc., debtor in possession, by and through counsel, Alan D. Cameron, of the law firm of Manweiler, Bevis & Cameron, P.A., and Bruce Gilbert, party in interest, by and through counsel, Brian L. Ballard, of the law firm of Lawson & Peebles, P.A., and hereby stipulate that the Court may, pursuant to 11 U.S.C. Section 365, approve the debtor in possession's rejection of that certain executory contract, a true and correct copy of which is attached hereto as Exhibit "A" and incorporated herein. It is the business judgment of the debtor in possession that rejection of the contract will benefit the estate.

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MAR 05 1992

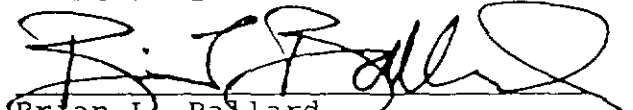
STIPULATION RE REJECTION OF EXECUTORY
CONTRACT/Page 1

Pursuant to Bankruptcy Rules 6006 ad 9014, this is a contested matter proceeding, which may be resolved between interested parties pursuant to stipulation, without the necessity of hearing.

DATED this 5th day of April, 1989.


Alan D. Cameron
Attorney for Debtor in
Possession Mid-Western
Contractors

DATED this 21st day of March, 1989


Brian L. Ballard
Attorney for Bruce Gilbert,
Party in Interest

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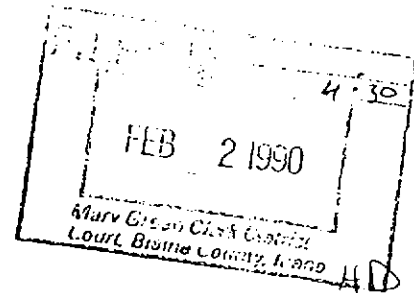
MAR 05 1992

STIPULATION RE REJECTION OF EXECUTORY
CONTRACT/Page 2

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10 Telephone (208) 726-4421

11 Attorneys for Plaintiffs

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12 LISA VIERLING, a single woman,) Case No. 15638
13)
14 Plaintiff,) COMPLAINT
15)
16 vs.) Fee Category: A(1)
17) Fee: \$46.00
18)
19 GARY GARBRECHT and MARSHA)
20 GARBRECHT, husband and wife,)
21 BRUCE GILBERT and JANE DOE)
22 GILBERT, husband and wife, and)
23 DOES 1 through 10,)
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25 Defendants.)
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19 For a cause of action against Defendants, Plaintiff
20 alleges as follows:

- 21 1. Lisa Vierling is a resident of Blaine County,
22 Idaho.
23
24 2. Plaintiff is informed and believes Gary Garbrecht
25 and Marsha Garbrecht (hereinafter collectively referred to as
26 "Garbrecht") are, and at all times relevant to this action have
27 been, husband and wife and residents of the State of Florida.

28 COMPLAINT - 1

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1 3. Plaintiff is informed and believes Bruce Gilbert
2 and Jane Doe Gilbert (hereinafter collectively referred to as
3 "Gilbert") are, and at all times relevant to this action have
4 been, husband and wife and residents of the State of California.

5 4. The true names and capacities, whether individual,
6 corporate, associate or otherwise, of the parties named herein as
7 Does I through X, inclusive, are unknown to Plaintiff and
8 Plaintiff therefore sues said parties by such fictitious names.
9 Plaintiff is informed and believes and upon such ground alleges,
10 such fictitiously named parties may be the actual principals or
11 the actual parties who committed the trespass and damage
12 described herein. Plaintiff will amend this Complaint to show
13 the true names and capacities of those parties when the same have
14 been ascertained.

15 5. In or about the month of May, 1989, Garbrecht
16 owned that certain real property located in Blaine County, Idaho
17 described as Lot 2, Block 1, Warfield Hot Springs Subdivision as
18 shown on the official plat thereof on record with the office of
19 the Blaine County Recorder, Hailey, Idaho (hereinafter "Lot 2").
20 At that time, Garbrecht and Vierling entered into a real estate
21 purchase and sale agreement whereby Garbrecht agreed to sell and
22 Vierling agreed to buy Lot 2.

23 6. On or about July 20, 1989, Garbrecht conveyed Lot
24 2 to Vierling by warranty deed, pursuant to the aforementioned
25 contract. A copy of the warranty deed (hereinafter "the Deed")
26 is attached hereto as Exhibit A and fully incorporated by this

27
28 COMPLAINT - 2

MAR 05 1992

1 reference.

2 7. At all times relevant to this action, Gilbert has
3 owned that certain real property adjacent to Lot 2, described as
4 Lot 1, Block 1, Warfield Hot Springs Subdivision as shown on the
5 official plat thereof on record with the office of the Blaine
6 County Recorder, Hailey, Idaho (hereinafter "Lot 1").

7 8. On July 20, 1989 two cabins existed on Lot 2.

8 9. Plaintiff is informed and believes, subsequent to
9 July 20, 1989, Garbrecht and Gilbert, acting personally or
10 through their duly appointed agents, entered upon Lot 2, and
11 removed one of the cabins located thereon. Both the entry and
12 the removal of the cabin were without Vierling's knowledge or
13 consent.

14 Count I

15 Trespass

16 (Garbrecht/Gilbert)

17 10. Plaintiff reasserts each allegation contained in
18 the preceding paragraphs as though fully set forth herein.

19 11. The above described conduct by Garbrecht and
20 Gilbert, whether personal or through their agents, constitutes a
21 trespass upon Lot 2.

22 12. As a result of Garbrecht and Gilbert's wrongful
23 trespass upon Lot 2 and removal of the cabin, Plaintiff has been
24 damaged in an amount to be proven at trial, but in no event less
25 than fifteen thousand dollars (\$15,000).

26 13. As a result of Defendants' wrongful conduct,

27
28 COMPLAINT - 3

MAR 05 1992

1 Plaintiff has been required to retain the services of Hogue,
2 Speck & Aanestad, P.A., to bring this action. If this action
3 proceeds by default, a reasonable attorney's fee shall be the sum
4 of \$1,500.00.

5 **Count II**

6 **Breach of Covenant Against Encumbrances**

7 **(Garbrecht)**

8 14. Plaintiff reasserts each allegation contained in
9 the preceding paragraphs as though fully set forth herein.

10 15. Plaintiff is informed and believes that an
11 agreement existed between Garbrecht and Gilbert prior to July 20,
12 1989 (hereinafter "the Agreement"). Plaintiff is informed and
13 believes the Agreement specified Garbrecht's authorization for
14 Gilbert to enter upon Lot 2 and remove the aforementioned cabin.

15 16. The Agreement, if it existed, was not revealed to
16 Vierling at any time prior to the date the Deed was executed.
17 Vierling did not have actual knowledge of the Agreement prior to
18 the date the Deed was executed.

19 17. The Agreement, if it existed, was not of public
20 record at any time relevant to this action.

21 18. The Agreement, if it existed, constitutes an
22 encumbrance on Lot 2 in violation of the covenant against
23 encumbrances contained in the Deed. That covenant states:

24 Grantor does hereby covenant to and
25 with the said Grantee, that the
26 Grantor is the owner in fee simple
27 of said premises; that they are
28 free from all incumbrances except
as described above and that Grantor

COMPLAINT - 4

MAR 05 1992

1 will warrant and defend the same
2 from all lawful claims whatsoever.

3 1. As a result of Garbrecht's wrongful breach of the
4 covenant against encumbrances, Plaintiff has been damaged in an
5 amount to be proven at trial, but in no event less than fifteen
6 thousand dollars (\$15,000).

7 2. As a result of Defendant's wrongful conduct,
8 Plaintiff has been required to retain the services of Hogue,
9 Speck & Aanestad, P.A., to bring this action. If this action
10 proceeds by default, a reasonable attorney's fee shall be the sum
11 of \$1,500.00.

12 WHEREFORE, PLAINTIFF REQUESTS THE FOLLOWING RELIEF:

13 1. Judgment against Defendants on Count 1 for damages
14 in an amount to be proven at trial, but in no event less than
15 \$15,000.

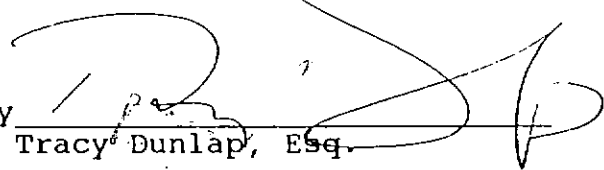
16 2. Judgment against Defendants Garbrecht on Count 2
17 for damages in an amount to be proven at trial, but in no event
18 less than \$15,000.

19 3. Plaintiff's reasonable attorney's fees and costs
20 incurred herein.

21 4. Such other relief as the Court deems just.

22 DATED this 16th of February, 1990.

23 HOGUE, SPECK & AANESTAD, P.A.
24 Attorneys for Plaintiffs

25 By 
26 Tracy Dunlap, Esq.

27 VERIFICATION

28 COMPLAINT - 5

1 STATE OF IDAHO)
2) ss.
3 County of Blaine)

4 I, LISA VIERLING, being first duly sworn upon oath,
5 depose and state:

6 That I am one of the Defendants in the above-entitled
7 action; that I have read the within and foregoing Complaint, know
8 the contents thereof and believe the facts therein stated to be
9 true.

10 SUBSCRIBED and SWORN to before me this 1st day of
11 January, 1990.

12 *February*

13 *Buckley M. K. Baker*
14 Notary Public for Idaho
Residing at: *(Signature)*
Commission Expires *11/17/93*

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28 COMPLAINT - 6

FILED
JAN 05 1992

138366
December 31, 1991

BRUCE GILBERT
C/O BRIAN L. BALLARD
P. O. BOX 297
KETCHUM ID 83340

PROOF DUE NOTICE

RE: PERMIT NO. 37-08388

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

RECEIVED
MAR 05 1992

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: Application 37-8388/Trust Water Processing

DATE: 12-11-90

This permit had been listed on the Trust Water Process list because the rate of diversion under the DCMF filing was greater than 1.0 cfs. The permit was called up for sequential trust water processing but I found that it had already been approved in February of 1989.

Upon review of the filing I find that the source of water is thermal hot springs and the uses include heating and recreation. The use is essentially non-consumptive as water is diverted for heat value and returned to the natural surface water system (Warm Springs Creek). Due to the non-consumptive nature of the filing, it is exempt from review criteria of section 42-203C and/or 42-203D. The permit has been removed from the trust water database and given a DCMF Swan Falls code in the vax database (code C).

RECEIVED
MAR 05 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 37-08388

Name(s) of Permit Holder(s): Bruce Gilbert

Post Office Address: C/O Brian L. Ballard P.O. Box 297
Ketchum, Id. 83340 Tel. No. (208) 726-1700

☒ I hereby certify that construction of diversion works for the above referenced permit began on January 25, 1990. I understand that I must
(date)

continue to develop the water system with due diligence to maintain a valid permit.

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

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

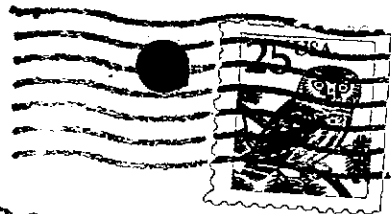
January 30, 1990
Date

Bruce Gilbert
Signature of Permit Holder

Bruce Gilbert

3 Latimer Rd.

Santa Monica, Ca. 90402



RECEIVED

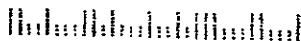
MAR 05 1992



RECEIVED

FEB 5 1990

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 334-7900
February 7, 1989

BRUCE GILBERT
C/O BRIAN L. BALLARD
P. O. BOX 297
KETCHUM, ID 83340

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08388

Dear Permit Holder:

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

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

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

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

Sincerely,

GARY SPACKMAN, Supervisor
Water Rights Permits Section

GS: SC
Enclosures

P.S. Please be advised that construction of a well is not authorized by this permit.

MICROFILMED

MAR 03 1989

6:16am - use 68

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Andy Indley DATE 9/7/88 APPLICATION NUMBER 37-8388

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☒ ^{none} Overlapping place of use (Describe source & relationship to present application on the back.)
 - ☐ Overlapping point of diversion ^{none}
 - ☒ Yes ☐ No Field check required
 - ☒ Yes ☐ No Field check by AS (see memo)
 - ☐ Yes ☐ No Field report attached
 - ☐ Yes ☐ No Critical groundwater area
 - ☐ Yes ☐ No Groundwater management area
 - ☐ Yes ☐ No Send dam safety information
 - ☐ Yes ☐ No Send power requirement letter
 - ☐ Yes ☐ No Send fish farm requirement letter
 - ☐ Yes ☐ No Power residency affidavit
 - ☐ Yes ☐ No Power efficiency form
 - ☐ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
 - ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- See reverse side for additional information

QUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested

RECEIVED

DEC 05 1988

Department of Water Resources

PROCESSING

☒ Yes ☐ No Form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

☒ Idaho Dept. of Health & Welfare ☐ U.S. BLM, District _____
☒ Idaho Dept. of Fish & Game, Region _____ ☐ U.S. Forest Service, Forest _____
☐ Idaho Dept. of Lands ☒ Water District # _____
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest _____
☒ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☒ Yes ☐ No Measuring device required
☒ Yes ☐ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 37 ✓
☐ Yes ☐ No Special conditions of approval or cover letter below.

OIF, O9E, O5 37, Big Wood R., 26

☐ See below for additional information

Date of priority recommended 8/25/88

By Loren O. Thaler

Date 11/30/88

STATE OFFICE REVIEW

P08, P17 OIJ 26 ** (below) O5 (37, Big Wood River)
O9E

☐ See below for additional information

By KW

Date 1/31/89

ADDITIONAL INFORMATION

These springs are being used by other users. The springs are tributary to Warm Springs L. There is enough water to support this lining. There are no water rights filed on these springs at this time.

Diversion

** ~~Approved~~ ~~the~~ of water under this permit is limited to ~~the~~ ~~the~~ ~~the~~ Warfield Hot Springs. ~~and/or~~ This permit does not authorize the use of ground water.

diversion and/or

allow 3 yrs. for B/U development



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

02-Nov-1988

Reid J. Newby, Watermaster
Water District #37, 37-M
Box T
Shoshone, ID 83352

Re: Application for Permit No. 37-08388

Dear Mr. Newby:

Please find enclosed a copy of the above referenced
Application for Permit for your information and files.

If you have any questions or if this office can be of further
assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

Enclosure

MICROFILMED

MAR 03 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

01-Nov-1988

Dept. of Health & Welfare
Attention: Gary Burkett
P.O. Box 1626
Twin Falls, ID 83301

Re: Applications for Permit Nos. 37-08361, 37-08368,
37-08369, 37-08371, 37-08388, 71-07118

Dear Mr. Burkett:

Please find enclosed a copy of the above referenced
Application for Permit for your information and files.

If you have any questions or if this office can be of further
assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

Enclosure

MICROFILMED

MAR 03 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

01-Nov-1988

Idaho Fish & Game
Attention: Bob Bell
P.O. Box 428
Jerome, ID 83338

Re: Applications for Permit Nos. 37-08371, 37-08388, 71-07118

Dear Mr. Bell:

Please find enclosed a copy of the above referenced
Application for Permit for your information and files.

If you have any questions or if this office can be of further
assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

Enclosures

MICROFILMED

MAR 03 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

01-Nov-1988

Bruce Gilbert
c/o Brian L. Ballard
P.O. Box 297
Ketchum, ID 83340

Re: Application for Permit No. 37-08388

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office will be advertising the application in the Wood River Journal on 11/2 & 11/9/88. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unopposed application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

MICROFILMED
MAR 03 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

OCTOBER 20, 1988

WOOD RIVER JOURNAL
P.O. BOX 988
HAILEY, ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 21, 1988.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

MAR 03 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08388

GILBERT, BRUCE
C/O BRIAN L. BALLARD
P. O. BOX 297
KETCHUM, ID 83340

Source: WARFIELD HOT SPRINGS

Tributary: WARM SPRINGS CREEK

Diversion Pt: SWNNWN Sec 31 T 04N R 17E ; Blaine County; 4 miles South &
6 miles West of Ketchum.
Use: HEATING (1.000 CFS)
RECREATION (.920 CFS)
DOMESTIC (.080 CFS)

Date Filed: 8/25/1988

In: T04N R17E S31 NWNW
S36 SENE

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before NOVEMBER 21, 1988.

R. Keith Higginson, Director

Published 11/02/1988 & 11/09/1988

MICROFILMED

MAR 03 1989

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

37-08388

GILBERT, BRUCE
C/O BRIAN L. BALLARD
P.O. BOX 297
KETCHUM, ID 83340

Source: WARFIELD

HOT SPRINGS

Tributary: WARM SPRINGS
CREEK

Diversion Pt: SWNWNW Sec 31 T
04N R 17E; Blaine County; 4 miles
South & 6 miles West of Ketchum.

Use: HEATING (1.000 CFS)
RECREATION (.920 CFS)
DOMESTIC (.080 CFS)

Date Filed: 8/25/1988

In: T04N R17E S31 NWNW
S36 SENE

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301, on or before NOVEMBER 21, 1988.

R. Keith Higginson, Director

Publish: Wood River Journal-
November 2 & 9, 1988.

OK
NB
10/31/88

MICROFILMED

MAR 03 1989

319 WALNUT AVENUE
POST OFFICE BOX 297
KETCHUM, IDAHO 83340

LAWSON & PEEBLES
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

TELEPHONE
(208) 726-5657

August 23, 1988

RECEIVED

AUG 25 1988

Department of Water Resources
Southern Region Office

Gary Funderburg
Sr. Water Resource Agent
State of Idaho
Department of Water Resources
2148 4th Ave. East
Twin Falls, Idaho 83301

Re: Application for Permit Filed By Bruce Gilbert

Dear Gary:

As per our telephone conversation of August 16, 1988, enclosed please find a revised application which corrects the items referenced in your letter of August 10, 1988. Please note that I have expanded the Remarks section of the application, and have attached an additional page. The remarks thereon addressed those items of concern as discussed in our telephone conversation.

Please call if you would have additional requirements for the processing of this application for permit. I have requested the geothermal resource materials as per your suggestion. Please contact me immediately if an additional application need be filed.

Very truly yours,

LAWSON & PEEBLES

Brian L. Ballard

BLB/cr/61.1t
Encl.
cc: Bruce Gilbert

MICROFILMED

MAR 03 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

10-Aug-1988

Brian L. Ballard
LAWSON & PEEBLES
P.O. Box 297
Ketchum, ID 83340

Re: Application for Permit

Dear Mr. Ballard:

Please find enclosed the application filed on behalf of your client, Bruce Gilbert.

Please correct the items below and return to our office:

Item #3-legal description needs to be described to the nearest 10 acre. Be sure map agrees with legal description.

Item #4-(Domestic=2 cfs) We can only allow .02 cfs for single family home. Is there more than one home?

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

Enclosures

MICROFILMED

MAR 03 1989

319 WALNUT AVENUE
POST OFFICE BOX 297
KETCHUM, IDAHO 83340

LAWSON & PEEBLES
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

TELEPHONE
(208) 726-5657

RECEIVED

July 27, 1988

JUL 28 1988

Department of Water Resources
Southern Region Office

Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

Re: Gilbert Application for Permit

Gentlemen:

Enclosed please find an Application for Permit, together with our check in the amount of \$65 for the application fee. Please contact this office if anything further is required.

Thank you.

Very truly yours,

LAWSON & PEEBLES


Brian L. Ballard

39.1t
Encl.
cc: Bruce Gilbert

MICROFILMED

MAR 03 1989

STAFF ANALYSIS SUPPLEMENT

1) Water District _____ Basin # 37

2) Local Description: (of one P/O)

☐

At the above street address

☐4 miles N/S S and 6 miles E/W W
of Ketchum, Ida (City or landmark).☐

Other (describe) _____