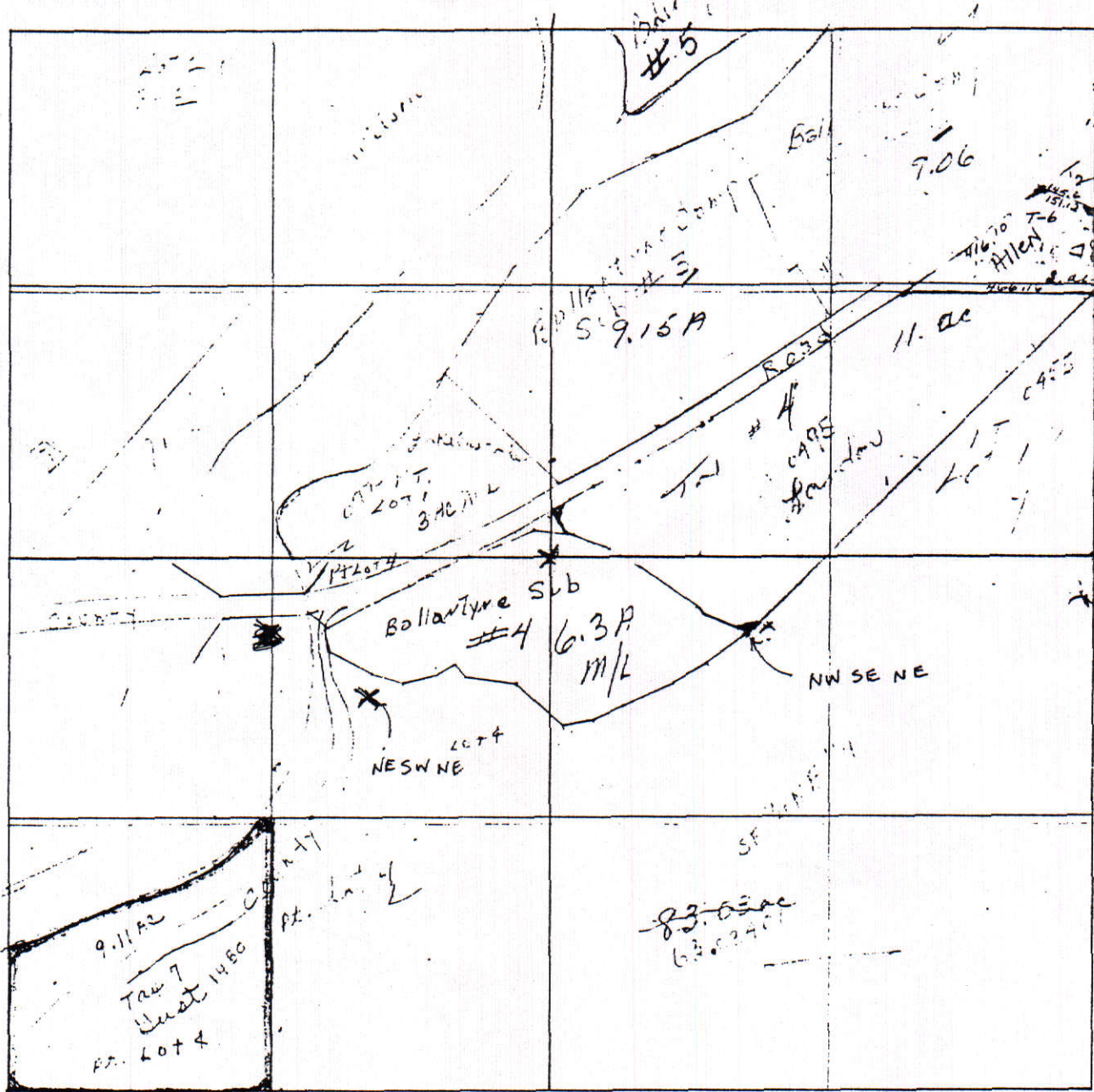


63-11439

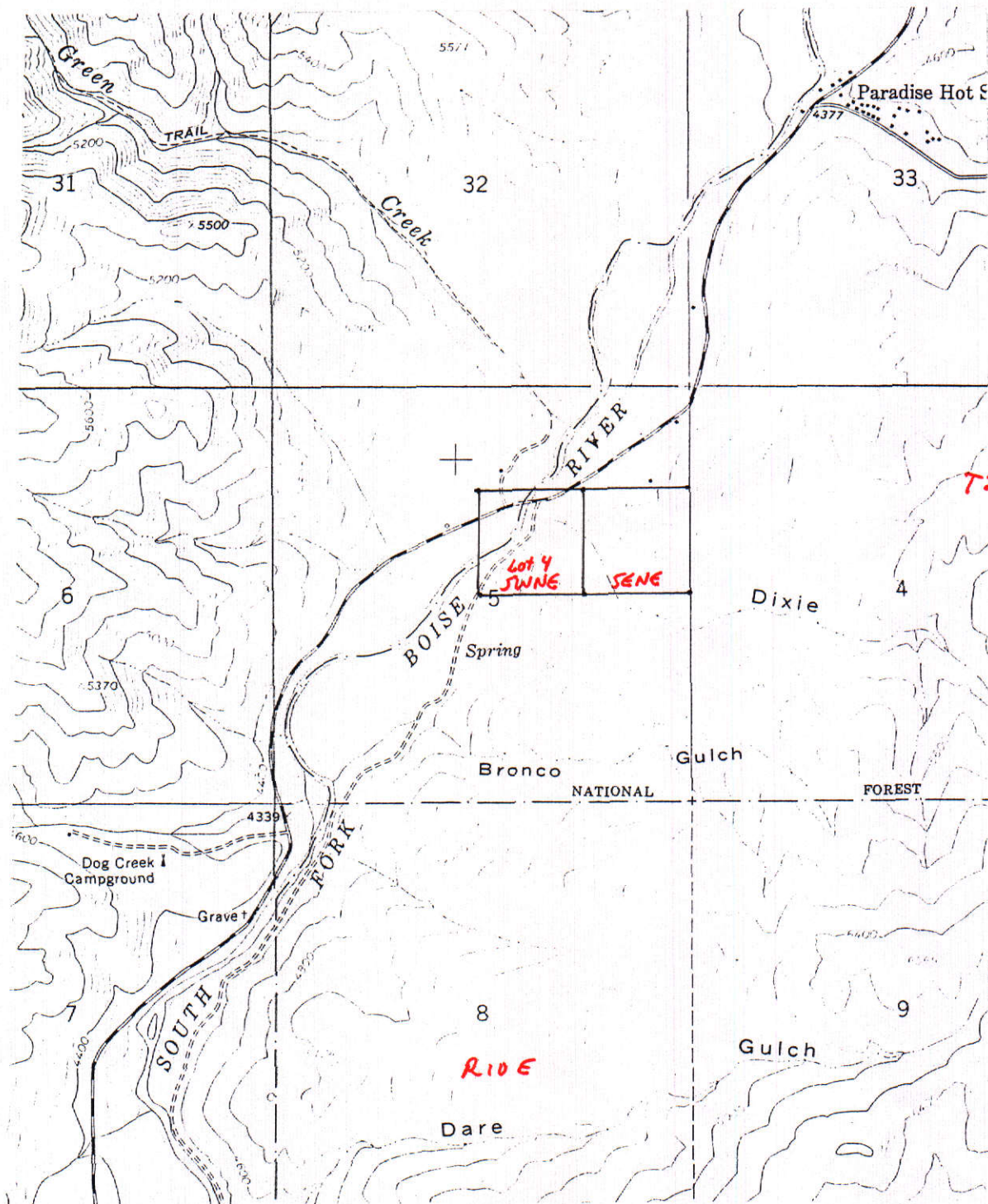
Section 15 Township 15 Range 15 E



MICROFILMED

SEP 21 1992

63-11439



MICROFILMED
SEP 21 1992

63-11439

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.	)	ORDER OF
63-11439 IN THE NAME OF	)	REINSTATEMENT
TRINITY SPRINGS LTD	)	
_____	)	

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use ("proof of beneficial use") be submitted to the Department on or before October 1, 1997; and,

WHEREAS, on October 1, 1997, the permit holder filed a Request for Extension of Time to provide additional time in which to submit proof of beneficial use for a water right permit with the department. On October 16, 1997, the department approved the request based on due diligence extending the proof of beneficial use due date until October 1, 2000; and

WHEREAS, the Department notified the permit holder on July 31, 2000, by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

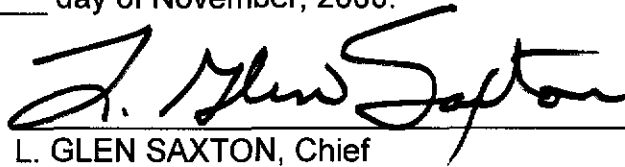
WHEREAS, on October 1, 2000, the permit lapsed, since the permit holder had not submitted an acceptable proof of beneficial use or request for extension of time to the Department; and,

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

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting an acceptable proof of beneficial use on November 13, 2000;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 63-11439 is
REINSTATED with an advance in priority to February 22, 1991.

DATED this 16th day of November, 2000.

A handwritten signature in black ink, appearing to read "L. Glen Saxton", written over a horizontal line.

L. GLEN SAXTON, Chief
Water Allocation Bureau

RECEIVED

NOV 13 2000

Department of Water Resources

1. Permit No. 63-11439 Telephone No. (208) 726-7734

2. Name of Permit Holder(s):
Trinity Springs, Ltd.

3. Mailing Address: P0 Box 1630

City Ketchum State ID Zip 83340

4. Source of Water: Springs If **GROUNDWATER** (well), Date Drilled: mo. / yr.

Well Driller: _____ Drilling Permit Number: _____

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: Commercial

6. Total rate of diversion and/or volume for which proof is submitted: 0.25 cfs OR _____ acre-feet

(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes x or No

Has the measuring device been installed? Yes x or No

8. Fee Enclosed: \$ 100 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Mark Johnson Telephone Number: (208) 726-7734

Address: PO Box 1630, Ketchum, ID 83340

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

TRINITY SPRINGS, LTD.

Signature of permit holder: M. H. [Signature] CEO Date: 11-10-00

(include your title, if on behalf of company or organization)

By: Mark Johnson

Date: 11-10-00

NOV 21 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 01 1997

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

Department of Water Resources

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. 63-11439

Name(s) of Permit Holder: TRINITY SPRINGS LTD.

Mailing Address: P.O. BOX 1630, KETCHUM, ID 83340

Date Proof is Due: OCTOBER 1, 1997 Telephone No. 904 726-7734

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".)

"(1) SPRINGHOUSE AND WATER TREATMENT PLANT IS COMPLETED; (2) WAREHOUSE TO BE COMPLETED (13,000 sq ft) BY END OF 1997; (3) BOTTLING FACILITIES HAVE BEEN PURCHASED AND WILL BE "ON LINE" EARLY IN 1998 AND CAPABLE OF \$1 MILLION PER DAY PRODUCTION; (4) ALL APPLICABLE PERMITS HAVE BEEN RECEIVED AND MARKETING PROCESSES ARE DEVELOPING, COSTING \$2,500,000.00"

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

PERMITTING DELAYS OCCURRED AND CONSTRUCTION, BOTTLING AND MARKETING FELL BEHIND SCHEDULES; NEW FINANCING ARRANGED AND BULK SHIPMENTS FROM PLANT WERE LESS THAN PROJECTED IN 1998

Permit holder(s) request an extension to OCTOBER 1, 2002

FEE: \$50.00

(Signature) [Signature]

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

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ACTION OF THE DEPARTMENT OF WATER RESOURCES

OCT 22 1997

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 October 1, 2000.

Signed this 16th day of October, 19 97

[Signature]
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-11439

Proposed Priority: January 11, 1991 Maximum Diversion Rate: 1.00 CFS
This is to certify, that TRINITY SPRINGS LTD

PO BOX 1630
KETCHUM ID 83340

has applied for a permit to appropriate water from:

SPRINGS

tributary of BOISE RIVER, SOUTH FORK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

COMMERCIAL	01/01 to 12/31	1.00 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: Lot 4(NESWNE), Sec. 5, Township 02N, Range 10E
NWSENE, Sec. 5, Township 02N, Range 10E
ELMORE County

PLACE OF USE: COMMERCIAL
TWN RGE SEC

02N 10E 5 Lot 4(SWNE)

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1997.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Water may be diverted under this right only (a) during periods when Lucky Peak Reservoir is spilling flood flows, or (b) as an exchange when an equivalent amount is provided by other sources, such as storage water.
5. The water right holder shall install and maintain a totalizing flow measuring device at the point of diversion and shall maintain records of the amount of water diverted for a period of 2 years. The right holder shall submit the flow measurements to the Department once each year during the 2 year period.
6. The Department retains jurisdiction of the permit and any subsequent license to require the submittal of additional flow measurements or information as determined necessary to evaluate the adequacy of the exchange agreement.
7. Commercial use is for bottling water for commercial sale and distribution.

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SEP 21 1992

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-11439

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

14th day of September, 1992.

R. Keith Higginson
for R. Keith Higginson, Director



RECORDED

SEP 21 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Trinity Springs, Ltd. Phone 726-7734
788-3874
Post office address P.O. Box 1630 Ketchum, Id 83340
2. Source of water supply Springs which is a tributary of South Fork Boise River
3. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot —
Sec. 5 Township 02N Range 10E B.M. Elmore County; additional
points of diversion if any: NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 5, T 02N, R 10E.
LOT 4
4. Water will be used for the following purposes:
Amount 1.0 for Commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1.0 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Two spring collection systems
with pumped system to storage tanks.

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 _____ inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
3 years (minimum 1 year).

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SEP 21 1992

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. _____
- Other; describe fully. Water is intended to be trucked to Mt. Home for bottling and commercial distribution.

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	
2N	10E	5			C														
					↑														
					Location of Storage tanks														
					lot 4														

Total number of acres to be irrigated _____

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

None. Other existing water rights at the springs are: 63-11051, 63-11053 & 63-8204

- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Mack D. Johnson - Treasurer Box 1114 SanValley ID 83353
Jock S. Bell - President Box 1630 Ketchum ID 83340
Replacement water to be provided by exchange via storage in Anderson Ranch Reservoir by agreement between applicant and BOR.

SEP 21 1992

See attached maps

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SEP 21 1966

See attached maps

SEP 19 1964

SEP 21 1992

X Mark D. [Signature]
Treasurer (Applicant)

Received by DRT Date Jan 2, 1991 Time 8:00 am Preliminary check by SL
Fee \$ 45⁰⁰ Receipted by DRT # W 012941 Date 1/11/91
Publication prepared by GG Date 1-9-91 Published in Mountain Home News
Publication approved AT Date 2-13-91
1/16 & 1/23/91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

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

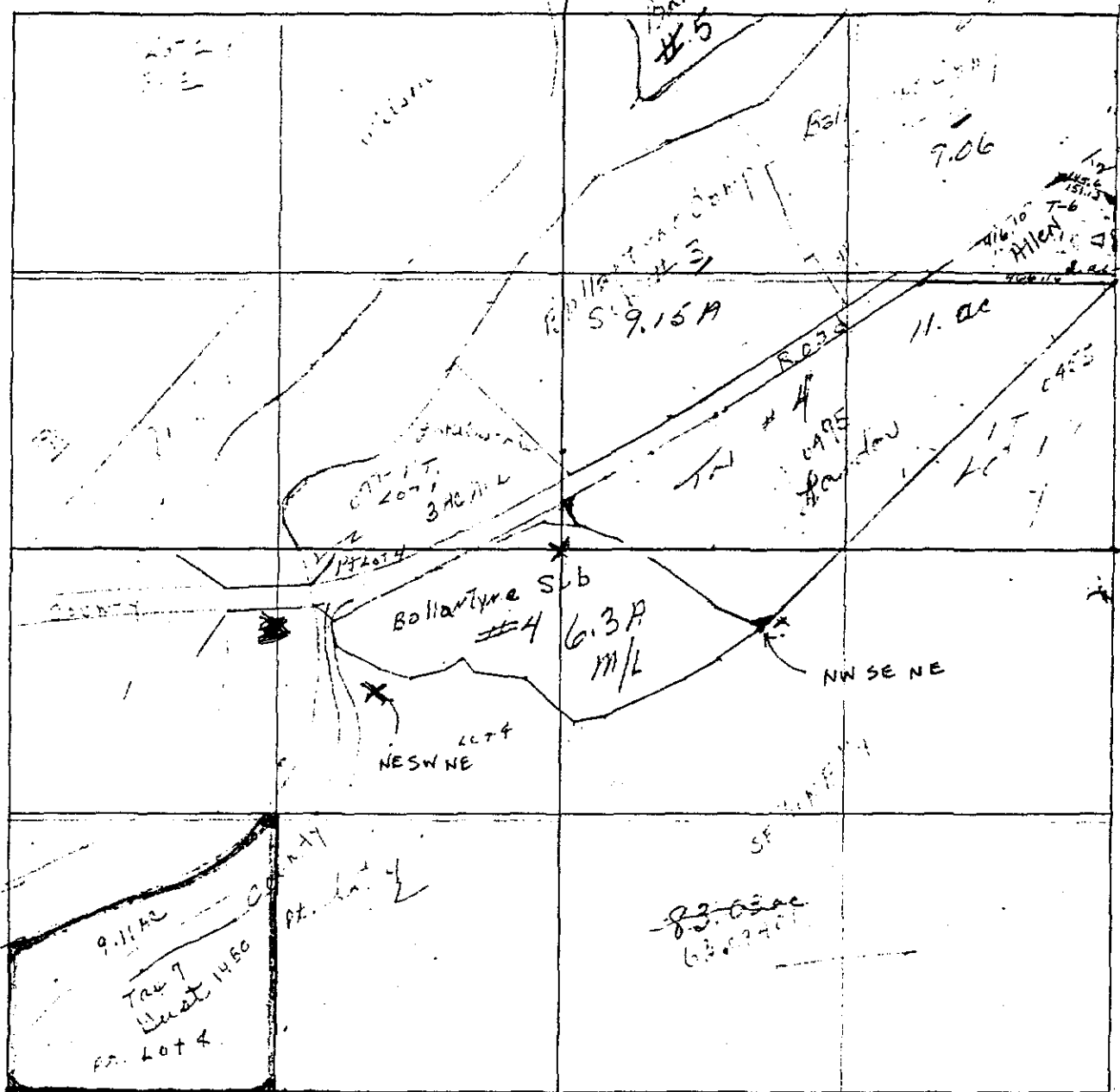
d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim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

e. Other:

RECORDED
SEP 21 1992

63-11439

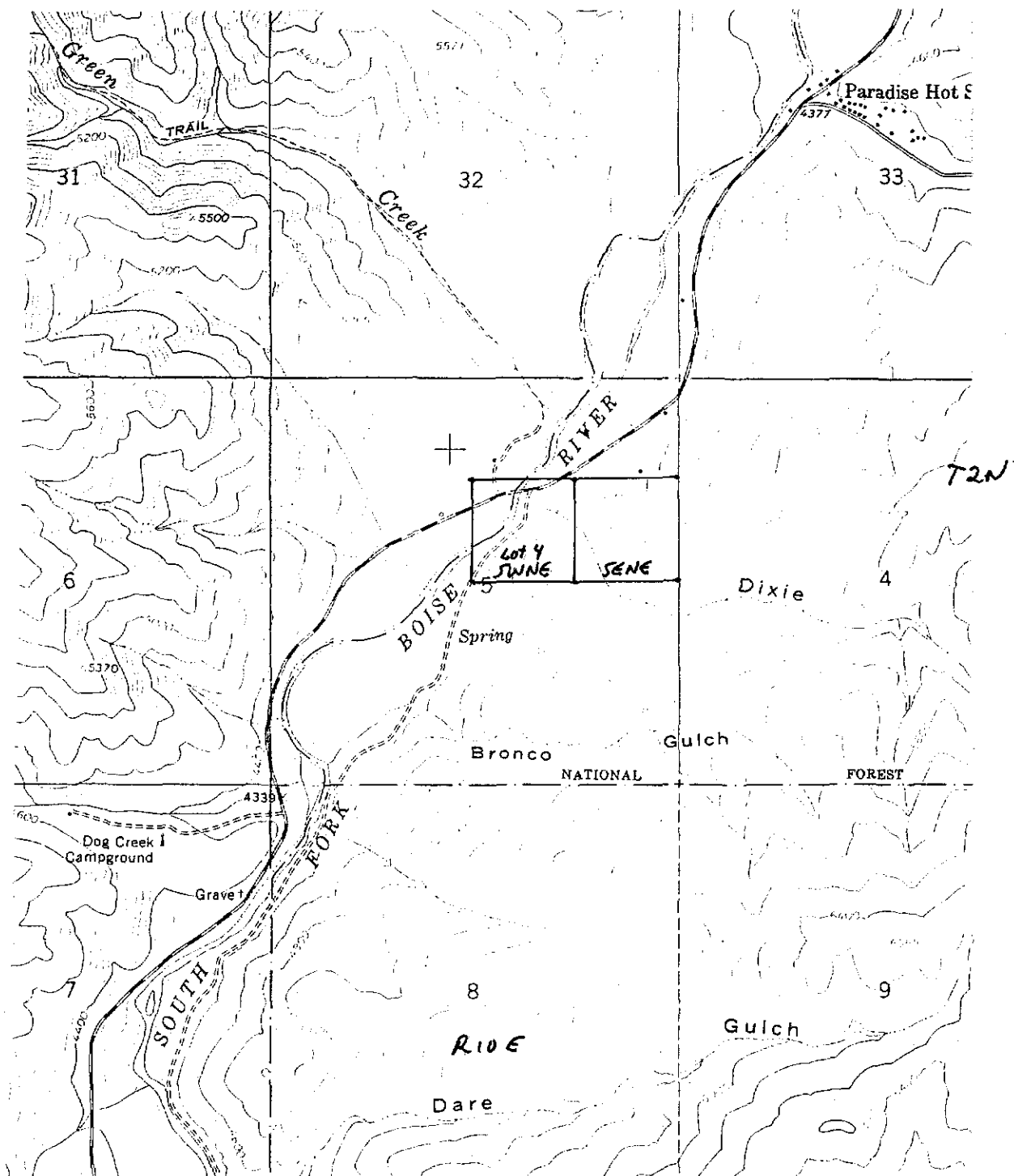
Section _____ Township _____ Range _____ E



63-11439

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SEP 21 1982



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SEP 21 1992

63-11439

T2N R104
S. 4 S. 1/2 N. E. 1/4

65

07620

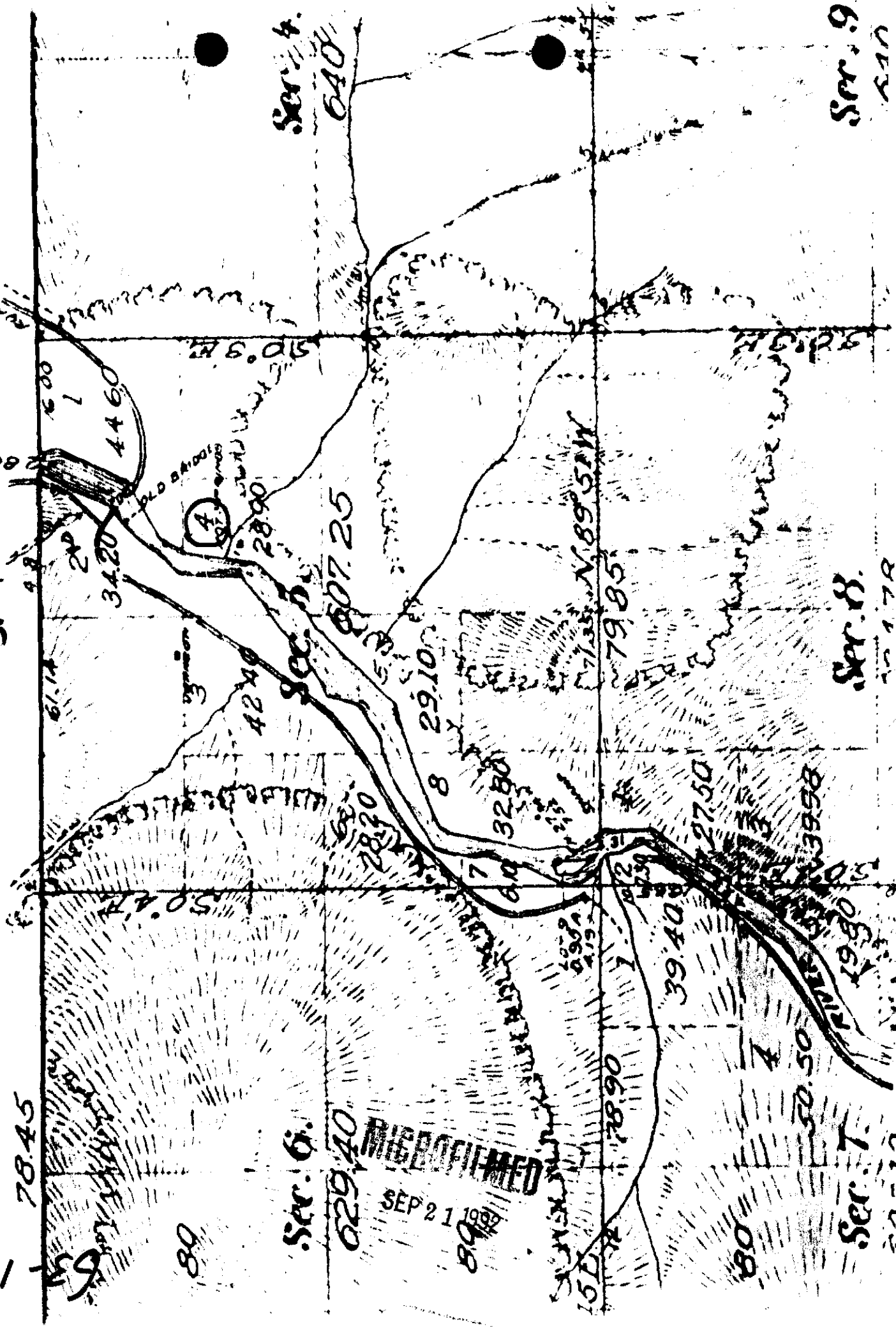
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SEP 21 1964

Secret

35

6. 25



Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Mike Thornberry, do solemnly swear that I am
the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 16th day of January, 1991, and the last publication having been made on the 23rd day of January, 1991; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application has been
filed to appropriate the public waters of
the State of Idaho:

63-11432

TRINITY SPRINGS, LTD.

P.O. BOX 1630

KETCHUM, ID 83340

Source: SPRINGS; Tributary:
SOUTH FORK BOISE RIVER

Diversion Pt: NESWNE Sec 5 T 02N
R 10E; NWSENE Sec 5 T 02N R 10E

Use: COMMERCIAL (1,000 CFS);

Total Diversion: (1,000 CFS)

Date Filed: 1/11/1991

In: T02N R10E S06 SWNE

The permit will be subject to all prior
water rights. Protests must be filed
with the Director, Dept. of Water Resources,
Western Region, 2785 Airport
Way, Boise, Idaho 83705 on or before
FEBRUARY 4, 1991.

R. KEITH HIGGINSON, Director
Published 1/16/1991 & 1/23/1991.

Mike Thornberry

Subscribed and sworn to me this 24th day of

January, 1991

Adrian W. Sive
Notary Public

RECORDED

SEP 21 1992



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

November 15, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TRINITY SPRINGS LTD
PO BOX 1630
KETCHUM ID 83340

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 63-11439

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order reinstating the permit advancing the priority since proof was submitted after the proof due date.

Please be advised that 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. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, please contact the **Western** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region
James P. Speck

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NOV 21 1999

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 63-11439 Reviewed by D. Gibson Date 11/15/00

GENERAL CONSIDERATIONS

Yes Name same as permit?

Yes Address same as permit?

No Proof timely received?

If not, complete calculation below.

TYPES OF USE

Commercial

Correct Uses? Yes

SOURCE OF WATER

Yes Surface water source

No Ground water source

/ Drilling permit required?

/ Copy in the file? Drilling Permit No. /

/ Amount paid for permit

/ Well log in the file?

/ Correct?

LICENSE EXAMINATION FEE

Yes Required?

\$100 Amount Submitted

Yes Correct?

MEASURING DEVICE

Yes Required?

Yes Installed?

/ Waiver requested?

PRIORITY CALCULATION

Date proof received 11/13/00 317

Date proof due 10/2/00 - 275

No. of days late / = 42

Priority Date 1/11/91 + 11

New Priority Date 2/22/91 53

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof, reinstate permit and advance
priority to 2/23/91
22

DATA ENTRY

New Address No

Proof Made 11/13/00

Priority Date 2/22/91

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

November 10, 2000

RECEIVED

NOV 13 2000

Department of Water Resources

Debra Gibson
IDAHO DEPARTMENT OF WATER RESOURCES
1301 No. Orchard Street
Boise ID 83701

RE: Permit No. 63-11439 - Trinity Springs Limited

Dear Debbie:

Enclosed you will find the original Proof of Beneficial Use and my firm's check payable to the Department in the amount of \$100 for the required fee. I have also enclosed a copy of the Proof and a stamped and addressed return envelope. Please receipt date stamp the copy and return it to me.

We understand the priority date of the permit will be advanced by the number of days after October 1, 2000 that the Department receives this Proof. Please call me right away if you have any questions.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:rsd
enclosures
cc: client, w/encl.

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NOV 21 2000

Idaho Department of Water Resources Receipt

Receipt ID C051103

Payment Amount	\$100.00	Date Received	11/13/00 1:09:41 PM	Region	State	Status
Payment Type	Check	Check Number	30349			

Payer SPECK & AANESTAD

Comment PROOF OF BENEFICIAL USE #63-11439

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	BENEFICIAL USE	0229	21	56104	1155

Signature Line (Dept. Representative)

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NOV 21 2000

October 19, 2000

TRINITY SPRINGS LTD
PO BOX 1630
KETCHUM ID 83340

LAPSE NOTICE

RE: PERMIT NO. 63-11439

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated July 31, 2000. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

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

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

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NOV 21 2000

CERTIFICATION OF MAILING

I hereby certify that on 10/19/00
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

dg.

July 31, 2000

TRINITY SPRINGS LTD
PO BOX 1630
KETCHUM ID 83340

PROOF DUE NOTICE

RE: PERMIT NO. 63-11439

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 October 1, 2000.

(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.

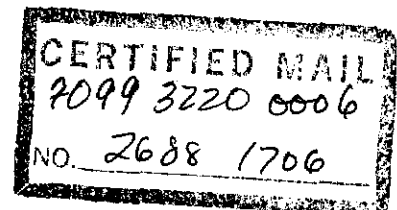
SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures

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NOV 21 2000



ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 63-11439 Reviewed by [Signature] Date 10-16-97

BASIC INFORMATION

10-1-97 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

yes 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? _____

_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ 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 Oct. 1, 2000, on basis of due diligence.

PRIORITY CALCULATION

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

DATA ENTRY

New Address X
Change Proof Due Date 10-1-2000
Change Priority Date X



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 16, 1997

Trinity Springs LTD
PO Box 1630
Ketchum ID 83340

RE: Permit No. 63-11439

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 **October 1, 2000**. Please note that the department granted the extension based on **due diligence**. It is important that you work diligently toward the completion of the development during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

Section 42-248, Idaho Code, which became effective 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 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 me at (208)327-7953, if you have any questions regarding this matter.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

Enclosure

C: IDWR - Regional Office

MICROFILMED
OCT 22 1997

TRINITY SPRINGS LTD.
Post Office Box 1630
Ketchum, Idaho 83340

TEL: 208.726.8796
FAX: 208.726.8015

RECEIVED

OCT 01 1997

Department of Water Resources

September 26, 1997

State of Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
ATTN: Julie Yarbrough, Senior Secretary

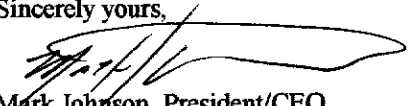
RE: Permit No. 11439; Trinity Springs Ltd.

Dear Ms. Yarbrough:

Pursuant to Section 42 - 204, Idaho Code, please find enclosed an IDWR Request For Extension of Time, which I have signed. I am forwarding it to you for processing by the department.

Thank you for your assistance. If there are any questions, please call me.

Sincerely yours,



Mark Johnson, President/CEO
Trinity Springs Ltd.

Enclosure

MICROFILMED

OCT 22 1997

July 31, 1997

TRINITY SPRINGS LTD
PO BOX 1630
KETCHUM ID 83340

7545062107

PROOF DUE NOTICE

RE: PERMIT NO. 63-11439

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 October 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

RECEIVED

JUL 31 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

September 15, 1992

TRINITY SPRINGS LTD
PO BOX 1630
KETCHUM ID 83340

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-11439

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Sincerely,

BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosures

MAILED
SEP 21 1992

MEMORANDUM

To: Jim
From: Glen *WJ*
RE: CONDITIONS OF APPROVAL
Date: September 11, 1992

I would prefer condition 5 be written in "active" rather than "passive" and not use the word "previous" as now shown. Perhaps the condition could be shown something like the following:

The water right holder shall install and maintain a totalizing flow measuring device at the point of diversion and shall maintain records of the amount of water diverted for a period of 2 years. The right holder shall submit the flow measurements to the department once each year during the 2 year period.

Please also change condition 7 to read something like the following:

The department retains jurisdiction of the permit and any subsequent license to require the submittal of additional flow measurements or information as determined necessary to evaluate the adequacy of the exchange agreement.

MICROFILMED
SEP 21 1992

APPLICATION FOR PERMIT REVIEW

Application #: 63-11439 Date: 9-1-92 Reviewer: Brenda Miller

SYSTEM COMPLETED:

No - 26A-P17
Complete in 1 year - P16
Yes
Proof not submitted - P16
Proof submitted - N/A

GROUNDWATER:

GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
- NMR <fl ch>, A of C
LT. 0.2 cfs - No measurement required <flow chart>
Drilling Permit:
Approved w/permit - P99
Not included - 046-46A-46B-P23 (after 7/1/87), N/A

SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>
LOCATION:

Water Districts - WD No. 63 (Out of delivery AREA)
Surface water - R04, R04-01H-P01(LT.2 w/pump)
R04-01J-P08(GT.2), NMR <flow chart>
Groundwater - P05
Irrigation Districts - 023
Canal Co. Areas - 023
Drainage Districts - 024
Boise Front (63) - 058 (Groundwater)
Swan Falls Flag - (1, Blank or Other)
Trust - 051-052-053-P74(Consumptive Uses)
Non Trust <1> - 048-049

RIVER BASINS:

(Surface Water) Water District Control Condition &....
Boise (63) - 05A & 11E
Payette (65) - 047-P04, 059-P71
Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042(req.), 002-P06(MD), 07A(Spec.),
044(Policy 5G)
Power - Use Power Review
Mining - 06A, 010, or 09E-P10 & 054(req.)
Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)
Rec/Wildlf/Aes - 027(Non-Consumptive)
Domestic - 021 (Boise River - upstream from L Peak)
(restricted areas) 27A (Payette River & main tributaries)

OWNERSHIP:

Non land owner - 004

PROTESTED:

Agreement - 020

Beneficial Use Due Date: - ~~10-02-1995~~ 10-01-1997

Other Conditions:

- ① TOTALIZING MEASURING DEVICE
- ② REGIONAL Recommended ONES →

Form No. 202a.
10/90

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: RL DATE: 1/18/91 APPLICATION: 63-11439

REQUIRED INFORMATION

See appl. remarks

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
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 signatory is required)
Fee:
Yes ☐ No* In form to receipt:

Gov't. Lots:
N P/D
y P/U

ADDITIONAL INFORMATION

YES NO

☒ ☐ Overlapping place of use: (Describe source & relationship to present application on the back.)
☒ ☐ Overlapping point of diversion:
☐ ☐ Field check required: Field check by: _____
☐ ☐ Field report attached:
☐ ☐ Critical groundwater area:
☐ ☐ Groundwater management area:
☐ ☐ Diversion within interim protected river area
☐ ☐ Send dam safety information:
☐ ☐ Send power requirement letter:
☐ ☐ Send fish farm requirement letter:
☐ ☐ Power residency affidavit:
☐ ☐ Power efficiency form:
☐ ☐ Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☐ ☐ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
☒ ☐ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED: _____

☒ ☐ Additional information on reverse side:

REQUIRES BOISE RIVER AUGMENTATION - WATER WILL BE CONSUMED
BY TRANSPORTING IT ELSEWHERE TO SELL IT.
ATTORNEY IS WORKING ON THIS.

RECEIVED
AUG 29 1992

Department of Water Resources

PROCESSING

APPLICATION NO. 63-11439

YES NO

☒ ☐
☐ ☒
☒ ☐

In form for advertising:

Statewide advertising:

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☒ ☐
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. # _____

Other _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

☒ ☐
☐ ☒
☐ ☒
☒ ☐
☐ ☒
☐ ☒
☒ ☐
☐ ☒

Publication dates and paper recorded on application:

Protests received. Final date for protest February 4, 1991

Protest dates, resolution of protest recorded on application:

Recommendations attached: Approve, OrMeasuring device required: (Totalizing)

Measuring port required:

Water delivered by water master? District # Out of WDB3 delivery area

Special conditions of approval or cover letter:

26A (Allow 3 yrs) Water may be diverted under this water right only during periods when Lucky Peak reservoir is spilling flood flows, or (b) as an exchange, when an equivalent amount is provided by another source, such as storage water in Anderson Ranch Reservoir. A totalizing flow
See below for additional information measuring device shall be installed and operated
 Recommended Date or Priority 1/2/1991 at the point of diversion, and records of
 Recommended by: Or Date 8/25/1992

diversion amounts shall be maintained by the water right holder for diversions during the previous five (5) years.

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION

Overlap - See attached page

? Has Mrs. Landon sold this property to Applicant? I know from 1986 field exams and late 1989 mobile office work in Mt. Home (Mrs. Landon filed SRGA claims there) that at least part of the land is applicant's, specifically P10 in NW 56NG (a hot spring), was owned by Landons at that time.

XX This is a commercial use that will take several years to reach maximum capacity. I recommend 5 years for development.

Jim

9-3-92

Need
comment
letter for
sale of
this
water?
No



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 26, 1992

Trinity Springs, Ltd.
PO Box 1630
Ketchum, ID. 83340

RE: Application for Permit Nos. 63-11439 (Springs) and 63-11554 (Well)

Dear Applicant:

The above-referenced application for commercial use from a well near or at the Paradise Resort site was filed as a possible method to provide augmentation water for a proposal to develop water from springs for your business. The springs application is no. 63-11439, which is recommended for approval by the Regional Manager, Mr. Dave Tuthill, based on the storage water contract information that was provided to this office yesterday. The protested well application is no. 63-11554.

Application 63-11439 will be forwarded to the department's State Office for final action. Assuming that an approved permit to develop the springs for commercial use is mailed to you in the near future, further action on the other application will be appropriate.

Once 63-11439 is approved, the well application will serve no purpose since it was proposed as an augmentation supply to the springs. After notification that application 63-11439 is approved and that development may proceed, please consider withdrawing application 63-11554. A withdrawal form is enclosed for your convenience.

Please let me know if you need additional help.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester
Water Rights Supervisor

Enclosure: Withdrawal Form

FILED

SEP 21 1992

INTER-DEPARTMENT MEMO — 1

FROM

Steve

TO

Gene ~~Dr~~

SUBJECT

Appl 63-11439

Spere ✓
Plz review proposed
Cond of approval, and
if you concur plz
forward file to S.O. Ene

DATE

8/25/92

STAN A. was in today & provided a copy of the
Bur. Lecl. contract for storage water. He indicated that of the
few a.t. contract, may get about 90 a.t. this year.
Asked if could expedite final steps in the appl. process.

(Shall we seek withdrawal of 63-11554 (protest file), the well for
augmentation water now superseded by contract?

Withdrawal of the protested app would be fine, but this app can probably be
approved with the protest pending.

SIGNATURE

82

RECEIVED
AUG 25 1992

Department of Water Resources
Western Regional Office

PN Draft 10-1-91
Rev. 11-5-91
Rev. 8-20-92

Contract No. 2-07-10-W0943

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Arrowrock Division, Boise Project, Idaho

INDUSTRIAL WATER SERVICE CONTRACT
BETWEEN THE UNITED STATES AND TRINITY SPRINGS LTD.

Contents

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SEP 21 1992

Storage Water Contract

RE: 63-11439

Contract No. 2-07-10-W0943

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Arrowrock Division, Boise Project, Idaho

INDUSTRIAL WATER SERVICE CONTRACT
BETWEEN THE UNITED STATES AND TRINITY SPRINGS LTD.

THIS CONTRACT, made this 24th day of August,
19 92, pursuant to the Act of Congress approved June 17, 1902 (32 Stat. 388),
and acts amendatory thereof or supplementary thereto, and particularly section
9(c)(2) of the Reclamation Project Act of 1939 (53 Stat. 1187), collectively
known as the Federal Reclamation laws, between the UNITED STATES OF AMERICA,
hereinafter referred to as the United States, represented by the officer
executing this contract, hereinafter referred to as the Contracting Officer, and
TRINITY SPRINGS LTD., an Idaho Corporation, with its principal place of business
in Ketchum, Idaho, hereinafter referred to as the Contractor,

WITNESSETH THAT:

EXPLANATORY RECITALS

2. WHEREAS, the United States has constructed and is operating the
Anderson Ranch Dam and Reservoir on the Boise River as part of the Boise Project
in which there is water stored which can be used for the irrigation of land and
for other beneficial uses, which stored water was appropriated by the United
States pursuant to the laws of Idaho for beneficial use under the Federal
Reclamation Laws; and

Recital 2

1 **MICROFILMED**
SEP 21 1992

3. WHEREAS, the Contractor intends to capture and bottle potable water from natural geothermal springs and sell the bottled water as a commercial enterprise; and

4. WHEREAS, the Idaho Department of Water Resources (IDWR) has determined that the water to be bottled is obtained from surface flows from the Boise River, and, therefore, the Contractor has requested long-term contractual arrangements for 800 acre-feet of storage space in Anderson Ranch Reservoir as replacement for those surface flows; and

5. WHEREAS, the United States has secured from the IDWR, appropriate water use authorizations applicable to this use of water under Idaho law.

NOW THEREFORE, in consideration of the mutual and dependent covenants herein contained, the parties hereto agree as follows:

TERM OF CONTRACT

6. This contract shall become effective on the date first-above written and will continue in effect for a period of 40 years unless previously terminated under the provisions of Article 10 hereof: Provided, That upon expiration of the 40-year term, this contract may be renewed taking into consideration conditions then existing and under provisions mutually acceptable to the parties.

WATER TO BE MADE AVAILABLE TO THE CONTRACTOR

7. a. During the term of this contract, the United States shall make available to the Contractor and the Contractor shall pay for, as provided in Article 8 hereof, the water from 800 acre-feet of storage space in Anderson Ranch Reservoir. All active space in Anderson Ranch Reservoir will be treated with the same priority for determining the amount of stored water available.

Recitals 3, 4, 5
Articles 6, 7

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SEP 21 1992

Losses or shortages resulting from the storage operation will be prorated equally.

b. Up to 800 acre-feet of water from storage space in Anderson Ranch Reservoir each year will be available for release as a substitute or in exchange for water utilized in the Contractor's commercial enterprise in a manner which protects rights predating those of the enterprise. The amount of water released from this space to the credit of other water users, the rate at which the water is released, and the timing of the releases will be coordinated with the State Watermaster. Unused water in this space may be held over in Anderson Ranch Reservoir from year to year.

RATE AND METHOD OF PAYMENT

8. a. Each year the Contractor shall pay for 800 acre-feet of storage space in Anderson Ranch Reservoir at the rate of \$16.31 per acre-foot, whether or not the water in this space is utilized and regardless of any held over water.

b. From time to time, but not less often than once every 5 years, the rate per acre-foot (including operation, maintenance, and replacement costs) will be reviewed by the Contracting Officer and revised, if necessary, taking into account any changes in project costs, allocation of costs, interest rates, or other related factors.

c. The initial payment to the United States for the first year's water shall be due upon execution of this contract.

d. Subsequent annual payments shall be due on January 1 of the year following the date of this contract and each year thereafter: Provided, That the dates of payment may be changed if mutually agreeable to the Contracting Officer and the Contractor.

Article 8

MICROFILMED
SEP 21 1992

e. All payments from the Contractor to the United States under this contract shall be made by the medium requested by the United States on the date payment is due. The required method of payment may include checks, wire transfers, or other types of payment specified by the United States. Except when otherwise so specified, all payments shall be made by check.

MEASUREMENT AND RESPONSIBILITY FOR DISTRIBUTION

9. a. The water to be furnished to the Contractor will be measured by facilities operated by the United States and delivered into the Boise River. At the option of the United States, the Anderson Ranch Reservoir stored water to which the Contractor is entitled may be measured and delivered to or for the Contractor at the outlet works of Anderson Ranch Reservoir, Arrowrock Reservoir, or Lucky Peak Reservoir.

b. The Contractor agrees to provide measuring devices or other means of measurement, which are acceptable to the State Watermaster in charge of the distribution of water from the Boise River at or near the Contractor's point of diversion to measure the quantities of surface and ground water collected by the Contractor: Provided, further. That the Contractor is responsible for making any other arrangements required by the State of Idaho for the collection of such water. The Contractor also shall pay any charges required by the IDWR for the State Watermaster's handling or administration of this water.

c. The United States shall not be responsible for the control, carriage, handling, use, disposal, or distribution of water taken by the Contractor hereunder, and the Contractor shall hold the United States harmless on account of damage or claim of damage of any nature whatsoever, including

4 MICROFILMED
SEP 21 1992

property damage, personal injury, or death arising out of or connected with the control, carriage, handling, use, disposal, or distribution of such water by the Contractor.

TERMINATION OF CONTRACT

10. a. This contract shall be terminated and water service hereunder shall cease at the option of the United States at any time if the Contractor is delinquent in payments required under this contract or upon failure of the Contractor to comply with other provisions herein or to abide by any lawful notice, order, rule, or regulation of the United States and the State of Idaho, now or hereafter established affecting water service hereunder: Provided, That the United States notifies the Contractor of any delinquency or deficiency by written notice and the Contractor fails to comply with said notice within 60 days.

b. The Contractor shall have the right to terminate this contract for any reason: Provided, That notice of the intent by the Contractor to terminate this contract shall be in writing to the Contracting Officer at least 60 days prior to the termination date proposed: Provided further, That termination under this provision shall become effective no sooner than January 1 of the next calendar year following such written notice.

c. Termination of this contract for any cause shall not relieve the Contractor of any obligations incurred by way of this contract prior to termination.

UNITED STATES NOT LIABLE FOR WATER SHORTAGE

11. On account of drought, errors in operation, or other causes, there may occur at times a shortage during any year in the quantity of water available to the Contractor by the United States pursuant to this contract, and in no event shall any liability accrue against the United States or any of its officers, agents, or employees for any damage direct or indirect, arising therefrom. No proportionate adjustment in payments required will be made to the extent water is not available in Anderson Ranch Reservoir for diversion under this contract.

CONTRACT - NOT A WATER RIGHT

12. No provisions of this contract, nor any renewal thereof, nor the furnishing of water hereunder will be construed to either bind the United States after the expiration of this contract or as the basis of a permanent water right.

BOOKS, RECORDS AND REPORTS

13. The Contractor shall establish and maintain accounts and other books and records pertaining to administration of the terms and conditions of this contract, including: water supply data, water use data, and other matters that the Contracting Officer may require. Reports thereon shall be furnished as the Contracting Officer may require. Subject to applicable Federal laws and regulations, each party to this contract shall have the right during office hours to examine and make copies of the other party's books and records relating to matters covered by this contract.

RECEIVED
6 SEP 21 1992

Articles 11, 12, 13

STANDARD CONTRACT ARTICLES

14. This contract is subject to standard contract provisions listed below. The full text of these articles is attached as Exhibit A and is hereby made a part of this contract.

- a. CHARGES FOR DELINQUENT PAYMENTS
- b. GENERAL OBLIGATION--BENEFITS CONDITIONED UPON PAYMENT
- c. NOTICES
- d. CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS
- e. OFFICIALS NOT TO BENEFIT
- f. ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED
- g. RULES, REGULATIONS, AND DETERMINATIONS
- h. QUALITY OF WATER
- i. WATER AND AIR POLLUTION CONTROL
- j. WATER CONSERVATION
- k. EQUAL OPPORTUNITY
- l. COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS

RECEIVED
7
FILMED

SEP 21 1992

Article 14

IN WITNESS WHEREOF, the parties hereto have signed their names the day and year first above written.

(SEAL)

TRINITY SPRINGS LTD.

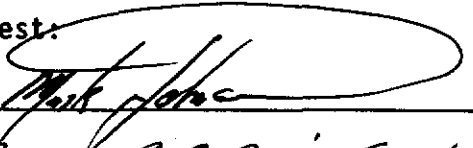
By


Stanford L. Acker
President

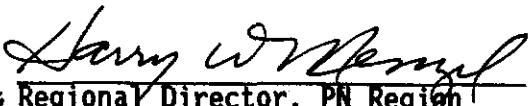
Attest:

By

Title:


CEO & Secretary

UNITED STATES OF AMERICA


Acting Regional Director, PN Region
Bureau of Reclamation

RECORDED

SEP 21 1992

STATE OF IDAHO)
) : ss
County of Maine)

On this 20th day of May, 19 92, before me,
Elizabeth M. Nicholson, a Notary Public, personally appeared
~~Robert Nicholson and~~
Stan Acke known to me to be the President of Trinity
Springs Ltd., and the person who executed the within instrument on behalf of
said corporation, and acknowledged to me that said corporation executed the
same.

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

(SEAL)

Elizabeth M. Nicholson
Notary Public in and for the
State of Idaho
Residing at: Hailey

My commission expires: 7/13/93

STATE OF IDAHO)
) : ss
County of Ada)

On this 24th day of August, 19 92, personally
appeared before me Narry W. Menzel, to me known to be the
official of the United States of America that executed the within and foregoing
instrument and acknowledged said instrument to be the free and voluntary act and
deed of said United States, for the uses and purposes therein mentioned, and on
oath stated that he was authorized to execute said instrument.

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

(SEAL)

Diana L. Jacobs
Notary Public in and for the
State of Idaho
Residing at: Boise

My commission expires: 5-23-94

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SEP 21 1992

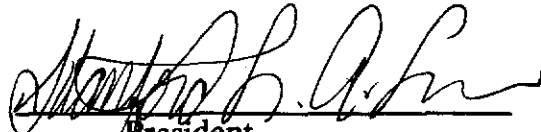
RESOLUTION

TRINITY SPRINGS LTD.

BE IT RESOLVED that the Board of Directors of Trinity Springs Ltd., hereby approve the proposed water service contract (identified as PN Draft 10-1-91; Last Rev. 11-5-91) with the United States Department of the Interior, Bureau of Reclamation, PN Region, Boise, Idaho, for the purpose of obtaining storage space in Anderson Ranch Reservoir; and

BE IT FURTHER RESOLVED that the President and Secretary of Trinity Springs Ltd., are authorized and directed to execute and deliver said water service contract.

Done this 6TH day of MARCH, 19 92.


President

Director

Director

Director

Director

I hereby certify that the above Resolution was passed by the Board of Directors of Trinity Springs Ltd., at the Board of Directors meeting held on

March 6,, 19 92, at Corporate Office,

MICROFILMED


Secretary

SEP 21 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 5, 1992

Ms. Lola Sept
U.S. Bureau of Reclamation
Office of Environmental Compliance
550 W. Fort Street
Boise, ID 83724

RE: Application for Water Right Permit No. 63-11439 in the Name of
Trinity Springs, Ltd.

Dear Ms. Sept:

This letter is in response to a telephonic request from Mr. Stan Acre of Trinity Springs, Ltd. of this date. Mr. Acre requested that I provide written notification to your office as to the need for Boise River basin storage water for the Trinity Springs, Ltd. commercial water bottling operation.

A copy of the above-referenced application for permit is enclosed for your information. Note that Item 12 includes the following statement: "Replacement water to be provided by exchange via storage in Anderson Ranch Reservoir by agreement between applicant and BOR."

This Department considers the Boise River basin upstream from Lucky Peak Reservoir to be fully appropriated during most periods. Because the Trinity Springs, Ltd. commercial operation proposes to remove water from the basin, the amount of water removed must be replaced with a valid senior water right. One feasible water right replacement alternative is storage water from Anderson Ranch Reservoir. If Trinity Springs, Ltd. is successful in obtaining a contract from BOR to receive storage water from Anderson Ranch Reservoir or another viable alternative, a water right permit can be issued based on the above-referenced application.

If you desire further information in this matter, please feel free to contact this office.

Sincerely,

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

cf: Stan Acre, Trinity Springs, Ltd.

MICROFILMED

SEP 21 1992

CONVERSATION MEMORANDUM

DATE 11/1/91

FILE 63-11439

NAME OF PARTY

Trinity Springs

EMPLOYEE

Stan Acre

RE:

Advised me. that agreement w/ BOR to acquire storage

water is moving forward.

leave file on hold for 2 more months.

OK

1/6/92

Stan Acre - is still working with the environmental assessment.

Lola Sept

Office of Env Compliance, BOR

550 W. Fort St

Boise ID 83729

Needs copy of letter from us specifying need for water.

MICROFILMED

SEP 21 1992

CONVERSATION MEMORANDUM

DATE 7/11/91FILE 63-11439NAME OF PARTY Trinity Springs Ltd63-11554EMPLOYEE Steve Lestr63-04221A63-04221

RE:

(1) PRE PERMIT EXAM FOR H₂O samples 63-11554CONTACT JOCK BELL 788-3874

Samples A, B River

C Well

info from JOHN MITCHELL 327-7964
e how to collect etc(2) Am PRE PERMIT info to collect 63-11439 (hold) ?

JOCK BELL

(3) 63-04221 Transter appl.A63-04221 Examine thiscopy in A63-04221 filecontact. See Prof B.U. form 63-10559 e Homeowners' association

Spoke with Jock Bell.

Trinity Springs Ltd = 50% holder of "Sharon" in Parcel
Homeowners Assoc.

Earl Jackson = Pres. of Homeowners Assoc.

APPT. H₂O Samples + Exam 63-04221Thurs. 10:30 7/18/91He will contact Elmer Mease (maint. sup'vr for association).
Meet at Pump House.

SEP 21 1992

CONVERSATION MEMORANDUM

DATE 6/17/91

FILE 63-11439

NAME OF PARTY Joak Bell & Stan Acre

EMPLOYEE Dave Turkil

RE: Augmentation Water

Messrs. Bell & Acre visited the office to say that BOR water appears to be tied up for now due to Salmon Summit considerations, and they asked for other augmentation alternatives. I suggested:

- (1) pumping from non-tributary ^{ground} water as an exchange.
(app for permit would be necessary)
- (2) ~~pump~~ causing a sr downstream re to not use water (through lease or purchase and cessation of irrigation), to allow water to be used upstream (app for transfer would be necessary).

I provided the gentlemen with appropriate forms, and returned Atty John Rosholt's call to update him on this matter.

Dw

MICROFILMED

Hold file - call up on 11/1/91

SEP 21 1992

ROSHOLT, ROBERTSON, TOLMAN & TUCKER
ATTORNEYS AT LAW
142 3RD AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-0906
(208) 734-0700

RECEIVED
FEB 12 1991

DATE:

2/11/91

Department of Water Resources
Western Regional Office

TO:

IDWR
Western Regional Off.
ATTN: Dave Tuttle

RE:

Trinity Springs, LTD.

Permit 63-11053 - Appl 63-11439

This copy is for your info.

We are pursuing the BofR
on the fastest track we know.

MICROFILMED

SEP 21 1992

Rebarrs,

ROSHOLT, ROBERTSON, TOLMAN & TUCKER

BY

Tom Rosholt

IN REPLY
REFER TO:

PN 440

United States Department of the Interior

BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043-550 WEST FORT STREET
BOISE, IDAHO 83724-0043

FACSIMILE

FEB -7 1991

Sent ☒ Recd. ☒
 Date 2/8/91 Time 9:55
 To John Rosholt
 From Stan Ackel
 Number 0005
 follow up copy will ☒
 will not ☐ be mailed.

John Rosholt, Esq.
 Rosholt, Robertson, Tolman & Tucker
 PO Box 1906
 Twin Falls ID 83303-1906

Subject: Industrial Water Service from Anderson Ranch Reservoir, Boise
 Project, Idaho (M&I Water Contract)

Dear Mr. Rosholt:

This is to acknowledge receipt of your January 22, 1991, written request on behalf of a client, Trinity Springs, Ltd., to purchase 1,910 acre-feet of space in Anderson Ranch Reservoir. Although not specifically mentioned in the request, it is our understanding that the water is to be used in commercial production of bottled mineral water.

We are requesting approval from the Commissioner of Reclamation to initiate contract negotiations pursuant to your application. We also will (1) publish notices of the proposed contract actions in the Federal Register and in newspapers of general circulation in the local area, (2) take the steps necessary to meet National Environmental Policy Act requirements, and (3) prepare a draft municipal and industrial water service contract for review by you and your client.

Earnest money or an escrow will not be required pending consideration and approval by the Commissioner of the basis of negotiation. Although difficult to predict when the above actions may be completed, we do hope to be able to provide the draft contract within about two months. In the meantime, you may contact either Richard Rigby (334-1160) or Lowell Oamek (334-1161) with matters concerning this proposal.

Sincerely,

Regional Supervisor of
 Water, Power, and Lands

MICROFILMED

SEP 21 1992

ROSHOLT, ROBERTSON, TOLMAN & TUCKER
ATTORNEYS AT LAW

142 3RD AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
(208) 734-0700

RECEIVED

JAN 25 1991

DATE:

1/24/91

TO:

David TuThill
Idwr

Department of Water Resources
Western Regional Office

RE:

Trinity Springs, LTD.
Permit # 63-11053 - Anal 63-11439

Dear David,

Enclosed for you are two
for inclusion in the above files
is our LETTER initiating the
Request to Process for the Purchase
of water for mitigation. Do you
determine who gets what if we
succeed?
Regards,

ROSHOLT, ROBERTSON, TOLMAN & TUCKER

MICROFILMED

BY

Sam Rosholt

SEP 21 1992

ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY R. McDANIEL
GARY D. SLETTE
JERRY JENSEN
F. BRUCE COVINGTON
BRUCE M. SMITH
G. RICHARD BEVAN
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD

FACSIMILE

Sent 1-22-91 Recd. 3:03
Date 1-22-91 Time 3:03
To From
Number Pages 2
Follow up copy will ✓
will not be mailed.

January 22, 1991

John W. Keys, III
Regional Director
Pacific Northwest Region
Bureau of Reclamation
550 W. Fort Street, Box 043
Boise ID 83724

RE: Purchase of Anderson Ranch Reservoir Water

Dear John:

This office represents Trinity Springs, Ltd., a new Idaho corporation that proposes the diversion and consumption of up to 865 acre feet annually for commercial purposes from a tributary of the Boise River.

Because we are advised that the Boise is fully appropriated and we must mitigate the consumption to obtain a permit, my clients have asked me to do those things necessary to purchase in their name 1910 acre feet of space in Anderson Ranch Reservoir that would be available for the mitigation of the diversion from the tributary. My number is arrived at upon advice that 2.2 A/F of space would be required to assure 1.0 A/F of yield in the worst droughts of record in Anderson Ranch Reservoir.

PLEASE CONSIDER THIS LETTER AS AN APPLICATION TO PURCHASE 1910 A/F OF SPACE IN ANDERSON RANCH RESERVOIR BY TRINITY SPRINGS, LTD.

We understand the price is at \$17.00 per acre foot for purchases for commercial purposes but my client will negotiate if that information is inaccurate. If an earnest money or an escrow is required, please advise.

We encourage your expeditious handling of the process required, included any NEPA compliance and public notice as to the contract process.

SEP 21 1992

John W. Keys, III
Regional Director
Pacific Northwest Region
Bureau of Reclamation
January 22, 1991
Page - 2

We stand ready to provide whatever information and cooperation is required.

Respectfully submitted,

ROSHOLT, ROBERTSON,
TOLMAN & TUCKER, CHARTERED

By: John A. Rosholt
JOHN A. ROSHOLT

JAR:dcb
84671

cc: Rich Rigby

RECEIVED
SEP 21 1992



STATE OF IDAHO

DEPARTMENT OF HEALTH
AND WELFARE

DIVISION OF ENVIRONMENTAL QUALITY
TREASURE VALLEY AREA OFFICE
1410 N Hilton, Suite 101
Boise, Idaho 83706-1290
(208) 334-0550

February 7, 1991

RECEIVED
FEB 08 1991

Department of Water Resources
Western Regional Office

Mr. David R. Tuthill, P.E. *DM*
Western Region Supervisor
Dept. of Water Resources
Statehouse Mail
Boise, ID 83720

RE: Permit No. 63-11439

Dear Mr. Tuthill:

This office has reviewed the above referenced application and has no objections to this appropriation.

However, these comments pertain only to the appropriation of water and is not to be construed as approval to bottle water for public consumption.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Wroten", with a stylized flourish at the end.

Jon Wroten
Water Quality Compliance Officer

JW:rh

cc: Craig Shepard, BFO
Paul Jehn, CO

MICROFILMED

SEP 21 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 23, 1991

Idaho Dept. of Health & Welfare
Division of Environment
Statehouse
Boise, ID 83720

Re: Application for Permit No. 63-11439 in the name of Trinity Springs Ltd.

Dear Sir:

Enclosed is a copy(s) of the above-referenced application(s) for permit which may be of interest to your agency. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter, however, if your agency desires to file a formal protest against the approval of this application(s), your written protest must be received in this office by February 4, 1991.

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

Sincerely,

A handwritten signature in cursive script, reading "David R. Tuthill, Jr.".

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:st

Enclosure(s):

MICROFILMED

SEP 21 1992

UPDATED
12/13/91
SL

SL
1/18/91

63-11439 OVERLAP

* 63-08206 PER 10/6/86 FIELD EXAM:

HOT H₂O

SAME SPRING AS 1 IN NWSENE BUT USED
FOR HEATING AT LODGE BLDG IN LOT 1 (NENE).
RECOMMENDED RATE IS $\approx .07$ cfs.
NO MEASUREMENT OF SPRING CAPACITY.

Exam 8/15/91 *

63-11053

HOT H₂O

SAME SPRING AS ABOVE BUT FOR COMMERCIAL
USE (INTERNAL ONLY) AT SAME LODGE AS ABOVE.

Exam 8/15/91 *

63-11051

COLD H₂O
HOT H₂O?

different SPRING ^{Plotted in SWNWSENE S.S. CENTER OF NGM S.S.} than either OF TWO IN APPLICATION,
FOR DOMESTIC USE AT LANDOWN HOME (same Pl. as 63-08207)

Exam 8/15/91 *

63-04327

HOT H₂O

~~DIFFERENT~~ ^{same} SPRING ~~AS ONE~~ ^{same as 08206 & 11053} OF TWO IN APPLICATION,
FOR HEATING, RECREATION, ~~DOMESTIC AT/AROUND LANDOWN HOME~~ ^{ponds near spring}

63-09168

DIFFERENT SPRING THAN EITHER OF TWO IN APPLICATION,
FOR DOMESTIC USE AT ANOTHER HOME (PERME'S LAND
PER 8/5/86 FIELD EXAM)

63-11078

GROUNWATER FOR BALLANTINE CAMP

*

63-08207

DIXIE GULLCH FOR LANDOWN HOME

63-07663 & 63-07683 UNNAMED STREAM FOR OTHER LAND.

Source temp $\approx 140^{\circ}\text{F}$
Spring in N $\frac{1}{2}$ NWSENE S.S.
Capacity ≈ 1.32 cfs where 1.25 cfs through ditch to ponds and .07 cfs
through 2" I.D. PVC pipe. VOLUME OF 2 POND $\approx .3$ A.F.

*

LANDOWN WATER RIGHTS. LANDOWN WAS (if possibly still is?)
OWNER OF LAND WHERE SPRING IN NWSENE IS LOCATED.

CONVERSATION MEMORANDUM

DATE

1/18/91

FILE

63. 11439

NAME OF PARTY John RosholtEMPLOYEE - Steve Lester

RE:

Mr. Rosholt called to discuss the application. His main concern was augmentation to the Boise River. He had already spoken with Lee Isaac & said he will contact Lee again.

We talked about some method to allow watermaster control for record-keeping, e.g. totalize meter. We discussed some ideas of quantifying the actual amount of water to be used in this project.

He will continue to work on the augmentation question.

MICROFILMED

SEP 21 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region
2735 AIRPORT WAY

Boise, Idaho 83705
(208) 334-2190

JANUARY 11, 1991

Mountain Home News
Drawer O
Mountain Home, ID 83647

Dear Legal Dept.:

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 FEBRUARY 4, 1991.

Yours truly,

GAIL GARRETT
Secretary

Encl.

RECEIVED

SEP 21 1992

63-11439

TRINITY SPRINGS, LTD.
P.O. BOX 1630
KETCHUM, ID 83340

Source: SPRINGS

Tributary: SOUTH FORK BOISE RIVER

Diversion Pt: Lot 4 NESWNE Sec 5 T 02N R 10E
 NWSENE Sec 5 T 02N R 10E

Use: COMMERCIAL (1.000 CFS)
 Total Diversion: (1.000 CFS)

Date Filed: 1/11/ 1991

In: T02N R10E S05 Lot 4 SWNE

SEP 21 1991