

WATER LICENSE

Water License No. G-33479/29-2549 Priority February 21, 1967 Amount 0.02 c.f.s.

THIS IS TO CERTIFY, that DOWNATA HOT SPRINGS
 of Downey, Idaho, made application for a permit to appropriate the public waters of
 the State of Idaho, dated February 21, 1967; that Permit G-33479/29-2549 was issued pursuant
 to said application; that the proposed works were completed on or about August 10, 1966,
 with a storage/or carrying capacity of 0.02 c.f.s., said works consisting of
well, pump and motor; and that on April 17, 1967,
 proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 7.2
 acre feet per season, with a maximum rate of diversion of 0.02 cubic feet per second of the waters
 of ground-water, tributary of _____,
 for the purpose of irrigation from April 1 to October 31;
 and for _____ from _____ to _____; and for
 _____ from _____ to _____; and that the use
 of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
 mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
 located in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T. 12 S, R. 37 E, B.M., and
 other additional points _____, in the County of
Bannock; and that the amount of water to which such right is
 entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
 used for said purposes and shall not exceed 7.2 acre feet per year.

Description and location of place of use:

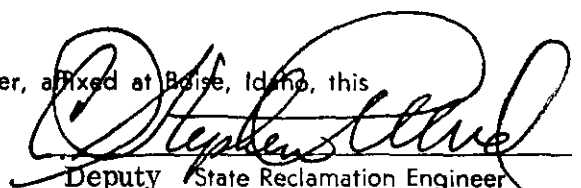
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
12 S	37 E	12											2						2

Total number of acres irrigated 2

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

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

6th day of November, 1969.


 Deputy State Reclamation Engineer

29 2549

33479
 29-2549

re attached.

OCT 6 1967

PROTEST

PROTEST TO Application G-39983 (Permit No. G-31858)
and Application G-41719 (Permit No. G-33479).

John Bowen, Ben Bowen and H. C. Bowen, owners of what
is commonly described as "Hot Springs Ranch", Downey, Idaho,
protest to the issuance of license in the above applications as
follows:

1. The names of protestants are as set forth above and
their residence is Downey, Idaho.
2. Protest is filed on the ground that all of the waters of
that certain group of springs commonly known and called the
Hot Springs, situated within the Southwest Quarter of Section 12,
South Range 37 E.B.M., the approximate flow of which is two
cubic feet per second, save and except three Miners' inches, has
been decreed and quieted unto predecessors of protestants dated
the 14th day of April, 1921, and filed in the Official Records of
Bannock County, Idaho, and affirmed by decree dated 14th day of
May, 1921, and likewise filed in the Official Records of Bannock
County, Idaho; protest is made upon the further grounds that no
provision is made for measuring devices to establish compliance
with the said Court decrees.

Protestants request that license not be issued in said
matter.

Dated this 5th day of October, 1967.

TERRELL, GREEN,
SERVICE & GASSER
Attorneys at Law
Pocatello, Idaho

TERRELL, GREEN, SERVICE & GASSER
Attorneys for Protestants
Residing at: Pocatello, Idaho

CERTIFICATE OF SERVICE BY RESIDENT ATTORNEY
I hereby certify that I am a duly licensed attorney for
the State of Idaho, residing at and with my office in Pocatello,
Bannock County, Idaho, that I served a copy of the foregoing
protest to the below named respondent, by mailing a true and correct
copy thereof to said respondent, at his below listed address, pre-
viously existing thereon and that there is a regular commu-
nication by U.S. Mail between said Pocatello and said address
of said named respondent.
Respondent: State Reclamation Engineer
Address: 107 State House, Boise, Idaho
Dated this 5 day of October, 1967
Archie W. Service
TERRELL, GREEN, SERVICE and GASSER
Center Plaza - Pocatello, Idaho

By Archie W. Service
Archie W. Service - Partner

G33479

RECEIVED

MAY 21 1968

Department of Reclamation

DEPARTMENT OF RECLAMATION, STATE OF IDAHO

In the matter of Protest to)
Issuance of License in Application)
No. G-39983 (Permit No. G-31858)) STIPULATION
and Application No. G-41719)
(Permit No. G-33479))

It is hereby stipulated and agreed by and between the
Protestants, John Bowen, Ben Bowen and H. C. Bowen, and the
Applicant, Downata Hot Springs, Inc., as follows:

1. That with respect to the use of spring waters
under the terms of Permit No. G-33479, Applicant shall immediately
install a flow meter at the point at which it will divert water
from said spring under the terms of said Permit;

2. That with respect to the use of spring waters
under the terms of Permit No. G-33479, Applicant shall divert
waters from said spring only at such times as it is adding to
the flow of said spring an amount of water, from the well
described in Permit No. G-31858, at least equal to the amount
it is entitled to divert from said spring according to the
provisions of Permit No. G-33479;

3. That with respect to the use of spring waters
under the terms of Permit No. G-33479, Applicant shall make use
of such waters only during the summer irrigation months;

4. That Protestants shall immediately withdraw all
Protests, Supplemental Protests and objections of whatsoever
kind to issuance of license on Permits Numbered G-31858 and
G-33479; and

1 - STIPULATION

G-33479

5. That the spring waters which Applicant will be entitled to divert and use under the terms of Permit No. G-33479 shall be used exclusively for the purpose of irrigating that land to which those waters are made appurtenant under the terms of said permit, and said waters shall not be used for the purposes of extracting heat therefrom, and Applicant specifically waives any claim to heat in the waters that he shall be entitled to divert under the terms of said permit.

6. That a copy of this Stipulation be attached to and made a part of Permit No. G-33479.

DATED this 10 day of May, 1968.

John Bowen
John Bowen

Ben Bowen
Ben Bowen

H. C. Bowen
H. C. Bowen

PROTESTANTS

DOWNATA HOT SPRINGS, INC.

By E. Raymond Horsley
E. Raymond Horsley, President

APPLICANT

(Seal)

ATTEST:

Robert W. Horsley
Secretary

ROBERT M. TERRELL
JAMES B. GREEN
ARCHIE W. SERVICE
CLARK GASSER

LAW OFFICE
TERRELL, GREEN, SERVICE & GASSER

CENTER PLAZA — POCATELLO, IDAHO
83201

May 20, 1968

TELEPHONE
Area Code 208
232-4471

RECEIVED
MAY 21 1968

Department of Reclamation

C. Stephen Allred, Assistant
State Reclamation Engineer
Department of Reclamation
107 State House
Boise, Idaho, 83701

Re: Permit No. G-31858 and G-33479

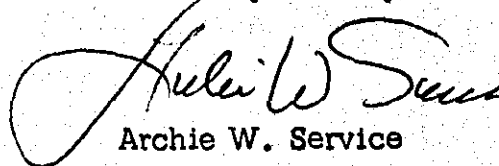
Dear Mr. Allred:

It is our understanding that by this time you have either received or will receive Stipulation entered into by protestants and applicant in the above entitled matter agreeing that certain provisions should be incorporated into the permit and license of applicant. Further, it is our understanding that this Stipulation is to be made part of and attached to the above permits.

With this understanding on behalf of protestants, John Bowen, Ben Bowen and H. C. Bowen, may this be your authority to withdraw protests and supplemental protests filed in the above matter.

Very truly yours,

TERRELL, GREEN, SERVICE & GASSER


Archie W. Service

AWS:ma

cc: C. Timothy Hopkins
John and Ben Bowen

33479

RECEIVED

APR 9 1968

Department of Reclamation

SUPPLEMENTAL PROTEST

SUPPLEMENTAL PROTEST to Application No. G-39983

(Permit No. G-31858) and Application No. G-41719 (Permit No. G-33479) is herewith submitted:

John Bowen, Ben Bowen, and H. C. Bowen, owners of what is commonly known as "Hot Springs Ranch", Downey, Idaho, protest supplementally to that protest lodged with the Idaho State Department of Reclamation on or about the 5th day of October, 1967, to the issuance of license in the above applications as follows:

1. The names of the protestants are restated herein as set forth above and their residence is, and has continued to be, Downey, Idaho.

2. Protestants herewith detail their protest, as below itemized and set forth, noting to the Department that the protest to Permit No. G-31858 is being made only with its connection and relationship to Permit No. G-33479 requesting exchange for spring waters.

A. Protestants object to the amended point of diversion in that no measuring device to record the amount of water diverted from the flow of the spring is set forth. Protestants herewith petition the State Reclamation Engineer that before any license or permit be issued, that a measuring device, and preferably a meter, be installed by applicant to record and measure the amount of diversion and the times thereof.

B. The application for diversion and trade sets forth in no way the time and manner that the exchange shall be made, to-wit: that simultaneously with any diversion from the flow of the spring that like amount of water shall simultaneously be added to the spring's flow from the well described in applicant's Permit No. G-31858.

11

C. Protest is made that the application should set forth the months of irrigation during which applicant could make diversion and trade.

D. Protest is further made that before any license be granted, that applicant comply with prior Court decrees and agreements concerning diversion of spring water, to-wit:

(1) As provided in that certain Court decree issued out of the District Court of the then Fifth Judicial District, Bannock County, State of Idaho, filed in the Official Records of Bannock County, Idaho, which decree is dated the 14th day of May, 1921, that applicant's predecessors in interest have the right to three miners' inches of water from the spring for the irrigation of garden and orchard through a measuring device to be constructed and installed by and at the expense of applicant's predecessors in interest, such measuring device is not installed and should be to the satisfaction of Protestants and the Idaho State Reclamation Engineer prior to the approval of any application.

(2) Protest is further made that from the waters of the spring by agreements of the predecessors in interest of the parties herein, which agreement was recorded on the 3rd day of September, 1929, in Book 9 of Agreements, at Page 168, Official Records of Bannock County, Idaho, applicant's predecessors in interest were given the right to install at the inlet of the pool a three inch pipe for water for domestic users of two families (Protestants' predecessors in interest given domestic use for one family), but that irrespective of this right, applicant is servicing three families in contravention of this agreement.

(3) Protest is further made that applicant is heating a garage with the waters of the spring without permit, right or claim of title.

Protestants request that until such time as permit be amended to comply with objections above detailed, that license not be issued in said matter.

Dated this 8th day of April, 1968.

TERRELL, GREEN, SERVICE & GASSER
Attorneys for Protestants
Residing at: Pocatello, Idaho

By

Archie W. Service
Archie W. Service - Partner

CERTIFICATE OF SERVICE BY RESIDENT ATTORNEY

I hereby certify that I am a duly licensed attorney for the State of Idaho resident of and with my office in Pocatello, Bannock County, Idaho; that I served a copy of the foregoing upon the below named attorney, by mailing a true and correct copy thereof to said attorney at his below listed address, prepaying the postage thereon and that there is a regular communication by U.S. Mail between said Pocatello and said address of said named attorney.

Attorney: *Robert J. Huggins*
Address: *107 State House, Boise*
Dated this *8th* day of *April*, 19*68*.

Archie W. Service
TERRELL, GREEN, SERVICE and GASSER
Center Plaza - Pocatello, Idaho

CERTIFICATE OF SERVICE BY RESIDENT ATTORNEY

I hereby certify that I am a duly licensed attorney for the State of Idaho resident of and with my office in Pocatello, Bannock County, Idaho; that I served a copy of the foregoing upon the below named attorney, by mailing a true and correct copy thereof to said attorney at his below listed address, prepaying the postage thereon and that there is a regular communication by U.S. Mail between said Pocatello and said address of said named attorney.

Attorney: *C. Timothy Hopkirk*
Address: *P.O. Box 129, Idaho Falls*
Dated this *8th* day of *April*, 19*68*.

Archie W. Service
TERRELL, GREEN, SERVICE and GASSER
Center Plaza - Pocatello, Idaho

Address all communications to:

E. Raymond Horsley

P. O. Downey, Idaho

APPLICATION FOR PERMIT

TO APPROPRIATE THE SUBTERRANEAN WATERS OF THE STATE OF IDAHO

Application No. G. 41719

Permit No. G. 33479

Water District No. _____

RECEIVED
FEB 21 1967
8:00 A.M.
Department of Reclamation

1. Name of applicant: Downata Hot Springs, Inc.
Post office address Downey County Bannock State Idaho
2. Quantity of water claimed: 2 miner's inches .04 cfs
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12
Twp. 12S, Rge. 37E, B.M., County of Bannock (see remarks)
5. Water is to be used for: irrigation
6. If for domestic, municipal, industrial or recreational purposes give:
 - (a) Point of use of water is in the _____ $\frac{1}{4}$ of the _____ $\frac{1}{4}$ of Section _____
Twp. _____, Rge. _____, B.M.
 - (b) Waste water or sewage effluent is to be returned to _____
at a point in the _____ $\frac{1}{4}$ of the _____ $\frac{1}{4}$ of Section _____, Twp. _____, Rge. _____, B.M.
7. Kind of Works: drilled well water exchanged for spring water
8. Estimated cost of works: \$ installed
9. (a) Is reservoir to be used? _____
(b) Capacity of reservoir: _____
10. The time required for the completion of such work and complete application of the water to the proposed use is
2 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation: Idaho 3-22-60
 - (b) Amount of capital stock \$ 50,000. (c) Amount paid in: \$ 10,000.
 - (d) Names and addresses of directors: see G-31858

(Continued)

II. The financial resources of the applicant are: (a) Cash on hand: \$_____

(b) Treasury stock: _____ (c) Bonds to be issued: _____

(d) Other resources: _____

12. The land to be irrigated is described in the following tabulation:

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none

(a) _____ (Cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) 2 (~~one year per second, inches of rainfall per minute~~) is for new lands.

Remarks: The well is used for permit G-31858 and part of the flow of the well will be exchanged for spring water, with which the 2 acres will be irrigated. The point of diversion of this permit and point of exchange are in the SW1/4SW1/4, sec. 12, T. 12 S, R. 37 E, B.M. The point of diversion will be at the spring in the SE1/4SW1/4, Sec. 12, T. 12 S, R. 37 E, B.M.

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.

DOWNATA HOT SPRINGS INC
Applicant
By E. Raymond Hensley Agent

Approval of State Reclamation Engineer

The number of this permit is G 33479

Recorded in Book 117 Page 33479 Approved FEB 23 1967

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed before _____

One-fifth of the work above specified to be completed on or before February 23, 1968
The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before February 23, 1969

Witness my hand this 23rd day of February, 1967

R. Keith Higgins
State Reclamation Engineer

IN TESTIMONY WHEREOF, We DON SAMUELSON, Governor of the State of Idaho,
and EDSON H. DEAL, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 23rd day of February, 1967

Countersigned:

STATE OF IDAHO

By Edson H. Deal
Secretary of State

By Don Samuelson
Governor.

No. G 33479

PERMIT

Date of first receipt at office of State
Reclamation Engineer

February 21, 1967 8:00 A.M.

Returned to applicant for correction

Corrected application received

Fees, \$ 5.00

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

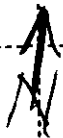
For each additional Sec. Ft. or Fraction

Thereof .25

633479

E. Raymond Horsley

R 37E



Point of exchange

Spring

Point of Redirection

2 Horses

Pool



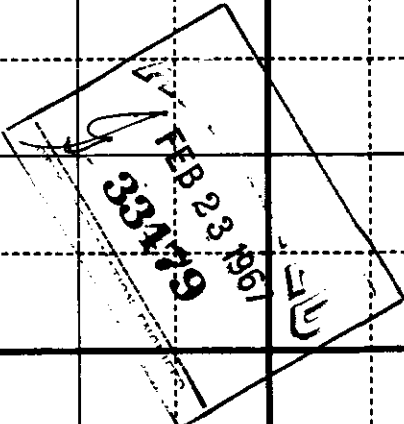
SW SW

SE SW

12 B

11 12
14 13

T 12S



APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 41719
Permit No. G- 33479
District No.

E. Raymond Horsley
Downey, Idaho

1. Name of Applicant: Downata Hot Springs, Inc.
Postoffice address: Downey County: Bannock State: Idaho
2. Quantity of water claimed:
(a) Rate of withdrawal in cubic feet per second .04 or Idaho
Miners' inches 2 or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the SW 1/4 of the SW 1/4 of Section 12
Twp. 12 S , Rge. 37 E , B.M., County of Bannock (see remarks)
5. Water is to be used for: irrigation
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.
7. Kind of works: drilled well, water exchanged for spring water
8. Estimated cost of works: \$ installed
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is
years. 2
11. If applicant is a corporation, give:
I. (a) Date and place of incorporation: Idaho 3-22-60
(b) Amount of capital stock: \$ 50,000.00 (c) Amount paid in: \$ 10,000.00
(d) Names and addresses of directors: see G-31858
II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none
(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
(b) 2 (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks:

Idaho as herein set forth.

/s/ DOWNATA HOT SPRINGS, INC. *Applicant.*

By E. RAYMOND HORSLEY, President ~~XXXXX~~

Date of first receipt at Department of Reclamation: February 21, 1967 8:00 A.M.

Returned to applicant for correction:

Correction application received:

Approval of State Reclamation Engineer

The number of this permit is G— 33479

Recorded in Book 117 Page 33479 Approved February 23, 1967.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before February 23, 1968

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before February 23, 1969

Witness my hand this 23rd day of February, 1967.

/s/ R. KEITH HIGGINSON
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, DON SAMUELSON, Governor of the State of Idaho,
and EDSON H. DEAL, Secretary of State of the State of Idaho, have caused this instrument
to be executed in the named of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this
23rd day of February, 19 67

Countersigned:

STATE OF IDAHO

(SEAL)

By /s/ DON SAMUELSON

Governor

By EDSON H. DEAL

Secretary of State

12.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
12 S	37 E	12									2								2

LIGENBE ISSUED FOR 0.02 SEC. FT.

LIGENSE PAGE NO. .

November 6, 1969

Re: Permit Nos. G-31858/29-2491 and G-33479/29-2549

Downata Hot Springs, Inc.
Downey,
Idaho 83234

Gentlemen:

Enclosed you will find your Water Licenses issued on the above numbered permits.

Also enclosed is departmental receipt no. 3800 in the amount of \$10.00 covering the fees.

Very truly yours,

C. Stephen Allred, Deputy
State Reclamation Engineer

CSA:kh
Enclosures

C
O
P
Y

5-2477
10-2589

mailed Sept. 15
September 2, 1969

Re: Permit No. 29-2549

Downata Hot Springs, Inc.
Downey,
Idaho 83234

Dear Sirs:

A representative of this department has made an examination of the works covered by your Permit 29-2549 and has found the following:

Quantity of water diverted: 0.02 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 0.02 c.f.s.

The maximum quantity diverted shall not exceed 7.2 acre feet per season.

Irrigation of 2 acres within SE 1/4 Sec. 12,
Putposse Sef, Twp 37 E., R. 1 M.

February 21, 1967

The priority date established is: 7.00

A fee totaling \$ must be received within 30 days from the date of this letter in order that we can issue you the License and Certificate of Water Right as described above.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh
cc. Holden, Holden & Kidwell
Attn: Timothy Hopkins
P.O. Box 129
Idaho Falls, Idaho 83401

33479
21-2349

Source of supply Sub.
a tributary of _____
Location of P.D.(s) SW 1/4 SW 1/4 Sec. 12 12S 37E

Water is used for Irrigation
Quantity of water found 9.1 g.p.m. .02 cfs.
How was the measurement made? Pres. gage
Measurement calculations _____

1 Buckner mod. 512 1/2 noz. 7/32 noz pres.
46 Psi = 9.1 g.p.m. = .02 cfs

Diversion works description and diagram

JACUZZI motor 1 HP mod. 5K039RG 219BX
Ser. # JBD

Jucuzzi pump mod P111-0049/A Ser. 55B 1134
2" Discharge into sprinkler head.
IRRIGATION REQUIREMENT 3.5 Ac-ft/DAY

Indicate area irrigated in each subdivision on the map.

Total acreage irrigated 2 Acres

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use.

Who represented the permit holder at the examination?

MR. Hersley

Recommended allowance for licensing .02 cfs.

Description of required amendments. Comments.

Report checked? _____

Examination date 26 June 67

Signature

Don Reynolds

EXAM TYPED

will be missed
with stipulations
as noted

G33479

July 3, 1968

RE: Permit No. G-31858 and G-33479

Archie W. Service
Attorney at Law
Center Plaza
Pocatello, Idaho 83201

Dear Mr. Service:

In answer to your letter of June 28, 1968,
concerning the above referenced permits, please
be advised neither has been licensed.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

G 33479

ROBERT M. TERRELL
JAMES B. GREEN
ARCHIE W. SERVICE
CLARK GASSER

LAW OFFICE
TERRELL, GREEN, SERVICE & GASSER

CENTER PLAZA — POCA TELLO, IDAHO
83201

June 28, 1968

TELEPHONE
Area Code 208
232-4471

RECEIVED
JUL 1 1968
Department of Reclamation

C. Stephen Allred, Assistant
State Reclamation Engineer
Department of Reclamation
107 State House
Boise, Idaho, 83701

Re: Permit No. G-31858 and G-33479

Dear Mr. Allred:

If license has been issued with reference to the above permits, could you please send me a certified copy thereof in order to complete my files.

Any charge, upon billing, will immediately be remitted.

Very truly yours,

TERRELL, GREEN, SERVICE & GASSER


Archie W. Service

AWS:ma

*Neither have been
received*

G 33479

WILLIAM S. HOLDEN
ROBERT B. HOLDEN
R. VERN KIDWELL
FRED J. HAHN
TERRY L. CRAPO
C. TIMOTHY HOPKINS
OF COUNSEL
ARTHUR W. HOLDEN

LAW OFFICES
HOLDEN, HOLDEN & KIDWELL
IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 129
IDAHO FALLS, IDAHO 83401
TELEPHONE 523-0620
AREA CODE 208

REED A. WILLIAMS (1923-1962)
HOWARD R. STINSON (1905-1957)

May 20, 1968

RECEIVED

MAY 21 1968

Department of Reclamation

Mr. C. Stephen Allred, Assistant
State Reclamation Engineer
Department of Reclamation
107 State House
Boise, Idaho 84701

Re: Downata Hot Springs, Inc.
Water Permits No. G-31858
and No. G-33479

Dear Steve:

We enclose herewith the original of a Stipulation in the above matter, which obviates both the pending protests to the issuance of licenses on Permits No. G-31858 and No. G-33479 and any need for further hearings in this matter.

Mr. Archie Service has informed us that he will file with your office the proper withdrawals of protest, and we request that you forward a copy of the same to us once they have been entered of record in your office.

Very truly yours,

HOLDEN, HOLDEN & KIDWELL

By

Tim

C. Timothy Hopkins

CTH:zlm
Enclosure

cc: Archie W. Service, Esq.

G 33479

BEFORE THE STATE RECLAMATION ENGINEER

of the

STATE OF IDAHO

IN THE MATTER OF PROOF OF BENEFICIAL USE AND
ISSUANCE OF LICENSE FOR PERMIT NO. G-33479,
in the name of DOWNATA HOT SPRINGS

NOTICE OF PROTEST HEARING

On March 2, 1967, Downata Hot Springs, holder of Permit No. G-33479, submitted to the Department of Reclamation notice of their intent to make proof of completion of the works and application of the waters to beneficial use. On October 6, 1967, the Department of Reclamation received a protest filed in opposition to the issuance of the license for Permit No. G-33479. A supplemental protest was received on April 9, 1968.

The protests were submitted by John Bowen, Ben Bowen, and H. C. Bowen, owners of Hot Springs Ranch. Copies of the protests are enclosed. Please be advised that the Department of Reclamation has set the matter of protest for a formal hearing on May 14, 1968, at 1:30 p.m. in the Justice Court, Bannock County Court House, Pocatello, Idaho.

The hearing will be held in accordance with the rules and regulations of the Idaho Code and Adopted rules of practice and procedure of the Department of Reclamation.

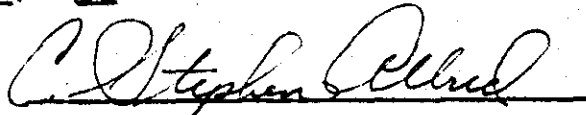
Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

The burden of proof is with the protestant.

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

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

Dated this 24th day of April, 1968



C. Stephen Allred
Assistant State Reclamation Engineer

Mailed this _____ day of _____, 19____, by certified mail No. _____
to _____

WILLIAM S. HOLDEN
ROBERT B. HOLDEN
R. VERN KIDWELL
FRED J. HAHN
TERRY L. CRAPO
C. TIMOTHY HOPKINS
OF COUNSEL
ARTHUR W. HOLDEN

LAW OFFICES
HOLDEN, HOLDEN & KIDWELL
IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 129
IDAHO FALLS, IDAHO 83401
TELEPHONE 523-0620
AREA CODE 201

REED A. WILLIAMS (1923-1982)
HOWARD R. STINSON (1905-1957)

April 22, 1968

Mr. C. Stephen Allred, Assistant
State Reclamation Engineer
Department of Reclamation
107 State House
Boise, Idaho 84701

Department of Reclamation

Re: Downata Hot Springs, Inc.
Water Permits No. G-31858
and No. G-33479

Dear Steve:

We have prepared a suitable Stipulation for resolution of the above matter and have forwarded it to Mr. Horsley for his approval and signature. A recent conversation with Archie Service indicated that we may be able to resolve this matter in this fashion. We shall be in touch just as soon as an appropriate Stipulation has been fully executed, and we shall send a copy for your records.

Very truly yours,

HOLDEN, HOLDEN & KIDWELL

By



C. Timothy Hopkins

CTH:zlm

G33479

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

March 25, 1968

Mr. Archie W. Service, Esq.
Attorney-at-Law
Center Plaza
Pocatello, Idaho 83201

Re: Permit No. G-31858 and G-33479

Dear Mr. Service:

After reviewing the Downata Hot Springs matter and considering the conversation at our conference on January 26, 1968, it appears to me that with agreement as to the Point of Diversion for Permit No. G-31858 as per Mr. Hopkin's letter of February 19, the demands of the protestants appear to have been satisfied. If this is correct, we should proceed in the licensing of these permits. If there are other points of protest, I would appreciate receiving a detailed explanation of those points on which we could consider at hearing.

If I do not hear from you by April 10, 1968, I will assume that the protests have been satisfied and that the protestants are agreeable to licensing of these permits.

Thank you for your cooperation.

Very truly yours,


C. STEPHEN ALLRED, Assistant
State Reclamation Engineer

CSA:mjl

cc: Mr. C. Timothy Hopkins
Holden, Holden & Kidwell
Idaho First National Bank Building
P. O. Box 129
Idaho Falls, Idaho 83401

G 33479

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

February 8, 1968

Re: Permit Nos. G-31858 & G-33479

Holden, Holden & Kidwell
P.O. Box 129
Idaho Falls, Idaho 83401

Attn: C. Timothy Hopkins

Dear Tim:

Thank you for your letter of February 6, 1968.

I believe a postponement of this matter until February 23, 1968 would not be out of order, however, I believe we should settle this matter as soon as possible. I would appreciate your earliest attention to this matter.

If we can be of service, please don't hesitate to call upon us.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kd

cc. Archie W. Service, Esq.
Attorney at Law
Center Plaza
Pocatello, Idaho 83201

G 33479

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

January 18, 1968

Re: Permit No. G-31858 and G-33479 - Downata Hot Springs
and Permit No. 33432 - Sunny Acres

Sunny Acres
P. O. Box 4277
Pocatello, Idaho

Gentlemen:

Please be advised that the Department of Reclamation has scheduled a conference and hearing to be held in connection with the protests filed in opposition to the licensing of Permit No. G-31858 and G-34479.

The hearing is scheduled for January 26, 1968 at 1:00 p.m. in the Justice of the Peace Courtroom, Pocatello, Idaho. You or your representative are required to attend.

Also on the agenda will be a review of the protests filed in connection with Permit No. 33432, Sunny Acres. Inasmuch as there exists no official action pending on this permit, the department cannot formally hear the protest issued on this permit.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

G 33479

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

January 12, 1968

Re: Permit No. G-31858 and G-33479 - Downata Hot Springs
and Permit No. 33432 - Sunny Acres

Archie W. Service - Partner
Terrell, Green, Service and Gasser
Attorneys at Law
Pocatello, Idaho

Dear Mr. Service:

Please be advised that the Department of Reclamation has scheduled a conference and hearing to be held in connection with the protests filed in opposition to the licensing of Permit No. G-31858 and G-34479.

The hearing is scheduled for January 26, 1968 at 1:00 p.m. in the Justice of the Peace Courtroom, Pocatello, Idaho. You or your representative are required to attend.

Also on the agenda will be a review of the protests filed in connection with Permit No. 33432, Sunny Acres. Inasmuch as there exists no official action pending on this permit, the department cannot formally hear the protest issued on this permit.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

G 33479

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

January 12, 1968

Re: Permit No. G-31858 and G-33479 - Downata Hot Springs
and Permit No. 33432 - Sunny Acres

Tim Hopkins
Attorney at Law
P. O. Box 129
Idaho Falls, Idaho

Dear Mr. Hopkins:

Please be advised that the Department of Reclamation has scheduled a conference and hearing to be held in connection with the protests filed in opposition to the licensing of Permit No. G-31858 and G-34479.

The hearing is scheduled for January 26, 1968 at 1:00 p.m. in the Justice of the Peace Courtroom, Pocatello, Idaho. You or your representative are required to attend.

Also on the agenda will be a review of the protests filed in connection with Permit No. 33432, Sunny Acres. Inasmuch as there exists no official action pending on this permit, the department cannot formally hear the protest issued on this permit.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

G 33479

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

January 12, 1968

Re: Permit No. G-31858 and G-33479 - Downata Hot Springs
and Permit No. 33432 - Sunny Acres

John Bowen, Ben Bowen and H.C. Bowen
Hot Springs Ranch
Downey, Idaho

Gentlemen:

Please be advised that the Department of Reclamation has scheduled a conference and hearing to be held in connection with the protests filed in opposition to the licensing of Permit No. G-31858 and G-34479.

The hearing is scheduled for January 26, 1968 at 1:00 p.m. in the Justice of the Peace Courtroom, Pocatello, Idaho. You or your representative are required to attend.

Also on the agenda will be a review of the protests filed in connection with Permit No. 33432, Sunny Acres. Inasmuch as there exists no official action pending on this permit, the department cannot formally hear the protest issued on this permit.

Very truly yours,

A handwritten signature in dark ink, reading "Donald W. McEldowney", is written over the typed name.

Donald W. McEldowney
Water Rights Clerk

DWM:ks

G-33479

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

January 12, 1968

Re: Permit No. G-31858 and G-33479 - Downata Hot Springs
and Permit No. 33432 - Sunny Acres

E. Raymond Horsley
Downata Hot Springs, Inc.
Downey, Idaho

Dear Mr. Horsley:

Please be advised that the Department of Reclamation has scheduled a conference and hearing to be held in connection with the protests filed in opposition to the licensing of Permit No. G-31858 and G-34479.

The hearing is scheduled for January 26, 1968 at 1:00 p.m. in the Justice of the Peace Courtroom, Pocatello, Idaho. You or your representative are required to attend.

Also on the agenda will be a review of the protests filed in connection with Permit No. 33432, Sunny Acres. Inasmuch as there exists no official action pending on this permit, the department cannot formally hear the protest issued on this permit.

Very truly yours,

A handwritten signature in cursive script, reading "Donald W. McEldowney".

Donald W. McEldowney
Water Rights Clerk

DWM:ks

G 33479

January
December 10, 1968

Clerk of the District Court
Bannock County Courthouse
Pocatello, Idaho

Dear Sir:

We wish to thank you for your assistance in scheduling the use of your Justice of the Peace courtroom on January 26, 1968, at 1:00 p.m. The department has sent legal notices of a conference and hearing to be conducted by the State Reclamation Engineer in connection with water rights on this date.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

C
O
P
Y

633499

January 10, 1968

Re: Permit No. G-31858 and G-33479 - Downata Hot Springs
and Permit No. 33432 - Sunny Acres

E. Raymond Horsley
Downata Hot Springs, Inc.
Downey, Idaho

Dear Mr. Horsley:

Please be advised that the Department of Reclamation has scheduled a conference and hearing to be held in connection with the protests filed in opposition to the licensing of Permit No. G-31858 and G-34479.

Also on the agenda will be a review of the protest filed in connection with Permit No. 33432, Sunny Acres. Inasmuch as there exists no official action pending on this permit, the department cannot formally hear the protest issued on this permit.

You or your representative are required to attend.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

G 33479

January 10, 1968

Re: Permit No. G-31858 and G-33479 - Downata Hot Springs
and Permit No. 33432 - Sunny Acres

John Bowen, Ben Bowen, and H. C. Bowen
Hot Springs Ranch
Downey, Idaho

Gentlemen:

Please be advised that the Department of Reclamation has scheduled a conference and hearing to be held in connection with the protests filed in opposition to the licensing of Permit No. G-31858 and G-34479.

Also on the agenda will be a review of the protest filed in connection with Permit No. 33432, Sunny Acres. Inasmuch as there exists no official action pending on this permit, the department cannot formally hear the protests issued on this permit.

You or your representative are required to attend.

Very truly yours,

Donald W. McElldowney
Water Rights Clerk

DWM:ks

G 33479

January 10, 1968

Re: Permit No. G-31858 and G-33479 - Downata Hot Springs
and Permit No. 33432 - Sunny Acres

Sunny Acres
P. O. Box 4277
Pocatello, Idaho

Gentlemen:

Please be advised that the Department of Reclamation has scheduled a conference and hearing to be held in connection with the protests filed in opposition to the licensing of Permit No. G-31858 and G-34479.

Also on the agenda will be a review of the protest filed in connection with Permit No. 33432, Sunny Acres. Inasmuch as there exists no official action pending on this permit, the department cannot formally hear the protest issued on this permit.

You or your representative are required to attend.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

G 33479

January 10, 1968

Re: Permit No. G-31858 and G-33479 - Downata Hot Springs
and Permit No. 33432 - Sunny Acres

Tim Hopkins
Attorney at Law
P. O. Box 129
Idaho Falls, Idaho

Dear Mr. Hopking:

Please be advised that the Department of Reclamation has scheduled a conference and hearing to be held in connection with Permit No. G-31858 and G-33479.

Also, on the agenda will be a review of the protests filed in connection with Permit No. 33432, Sunny Acres. Inasmuch as there exists no official action pending on this permit, the department cannot take official action on these protests. Please plan to attend.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

G 33479

January 10, 1968

Re: Permit No. G-31858 and G-33479 - Downata Hot Springs
and Permit No. 33432 - Sunny Acres

Archie W. Service - Partner
Terrell, Green, Service & Gasser
Attorneys at Law
Pocatello, Idaho

Dear Mr. Service:

Please be advised that the Department of Reclamation has scheduled a conference and hearing to be held in connection with Permit No. G-31858 and G-33479.

Also, on the agenda will be a review of the protests filed in connection with Permit No. 33432, Sunny Acres. Inasmuch as there exists no official action pending on this permit, the department cannot take official action on these protests. Please plan to attend.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

G 33479

December 11, 1967

Archie W. Service - Partner
Terrell, Green, Service & Gasser
Attorneys at Law
Pocatello, Idaho

Dear Mr. Service:

Please be advised that the Department of Reclamation has scheduled a hearing and conference to review the protest you have filed on behalf of Hot Springs Ranch in connection with Permit No. G-31858 and G-33479, Downate Hot Springs. The conference and hearing is scheduled for 10:00 a.m., January 10, 1968 in the Courthouse, Pocatello, Idaho.

Also on the agenda will be a review for the protest you have filed for the Hot Springs Ranch in connection with Permit No. 33432. You should be advised that at this time there exists no official action pending on Permit No. 33432. Therefore, we will only review the protest and the issues at hand. You or your representative are required to attend.

Please contact us if you have any questions on the matter.

Very truly yours,

Donald W. McElowney
Water Rights Clerk

DWM:ks

G 33429

December 11, 1967

E. Raymond Horsley
Downata Hot Springs, Inc.
Downey,
Idaho

Bear Mr. Horsley:

We are again enclosing copies of protests filed in connection with Permit No. G-33479 and G-31858. The review of the protest by Hot Springs Ranch, Downey, Idaho indicate a necessity to hold a conference and hearing to review the matters protested in connection with the licensing of your permit. Therefore, you are advised that the Department of Reclamation has scheduled a conference and hearing for 10:00 a.m., January 8, 1967 in the District Court, Pocatello, Idaho.

Also on the agenda is the protest filed by the Hot Springs Ranch in connection with Permit No. 33479, Sunny Acres. The issues in the protest on Permit No. 33479 can only be reviewed at this time, inasmuch as there exists no pending action in connection with this permit.

Please be advised that you or your representative are required to attend. Please contact us if we can assist you in any manner.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

Enclosures: Copies of protests 33432, 31858, & 33479

G 33479

November 3, 1967

Re: Permit No. G-31858 and G-33479

Downata Hot Springs, Inc.
Downey,
Idaho

Gentlemen:

Enclosed is a copy of a protest filed in connection with the above referenced permits. Please be advised that a copy of the protests has been filed with Permit No. G-33479. Further action on this action of the protest will be deferred until such time as there exists activity in connection with the issuance of the license on this permit.

A copy of the protest has also been filed with permit G-31858. As this permit is in the licensing stages, you will be advised by the Department of Reclamation as to the date set to conduct a conference to be followed by a hearing regarding the protest.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McElowney
Water Rights Clerk

DWM:ks

Enclosed: Protests

G 33479

November 1, 1967

Re: Permit G-31858 & G-33479
Dunnata Hot Springs, Inc.

Archie W. Service - Partner
Ternell, Green, Service & Gasser
Attorneys at Law
Pocatello, Idaho

Dear Mr. Service:

The Department of Reclamation is in receipt of the protest filed in connection with the above referenced permits. Please be advised that a copy of the protest will be filed with permit G-33479 and a copy will be forwarded to the holder of the permit. At such time as there exists pending action as to the issuance of a license regarding this permit, the Department of Reclamation will schedule and advise you of a conference to be followed by a hearing in connection with your protest.

You should also be advised, that a copy of your protest is being forwarded to the applicant of permit G-31858, and a copy of this protest entered in the folder. The Department of Reclamation will advise you within 60 days from October 6, 1967, of the proposed conference, followed by a hearing, in connection with the issuance of the license on the above referenced permit.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

G 33479

August 25, 1967

RE: Permits G-99479 and G-31858

Archie W. Service
Attorney at Law
Center Plaza
Pocatello, Idaho 83201

Dear Mr. Service:

Attached herewith is Departmental Receipt No. G-11782
in the amount of \$2.00. This amount is for the fee for
copies mailed to you August 23, 1967, on the above referenced
permits.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ajw

Encl: Receipt

G-99479

August 23, 1967

RE: Permits G-33479 and G-31858

Archie W. Service
Attorney at Law
Center Plaza
Pocatello, Idaho 83201

Dear Mr. Service:

Enclosed you will find copies of the permit listed above. Permit 1084 is a licensed right of Winifred E. Smalley in Lincoln County and it is doubted that you would have use for it in connection with E. Raymond Horsley.

There is a \$2.00 copy fee for these permits we have enclosed.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw

Encl: Copies of permits as listed

C
O
P
Y

6.33.67

G 31858

ROBERT M. TERRELL
JAMES B. GREEN
ARCHIE W. SERVICE
CLARK GASSER

LAW OFFICE
TERRELL, GREEN, SERVICE & GASSER

CENTER PLAZA — POCATELLO, IDAHO
83201

August 22, 1967

TELEPHONE
Area Code 208
232-4471

Mr. M. Russell Bosch
Office Manager
State of Idaho
Department of Reclamation
107 State House
Boise, Idaho, 83701

RECEIVED
AUG 23 1967

Department of Reclamation

Dear Mr. Bosch:

Could you please make copies of the following permits
and send to this office along with your bill for so making:

Permit No. 1084

Permit No. G 33479 *only this one.*

It is our understanding that these are permits of E. Raymond
Horsley,

May we thank you in advance.

Very truly yours,

TERRELL, GREEN, SERVICE & GASSER

Archie W. Service
Archie W. Service

AWS:ma

G-33479

August 15, 1967

RE: Permit G-33479

Ray Horsley
Downata Hot Springs
Downey, Idaho 83234

Dear Mr. Horsley:

Enclosed please find a photo copy of the above
numbered permit and Departmental Receipt No. G-11748
in the amount of \$1.00. This amount covers the fee
for the copies.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw

Enclosure

C
O
P
Y

G 33479

DOWNATA HOT SPRINGS

INC.

The Fun Spot of Southern Idaho

Your Hosts:
RAY & MAXINE HORSLEY

Phone 2798
DOWNEY, IDAHO
Aug. 10, 1967

State of Idaho
Dept. of Reclamation
State House, Boise, Idaho

RECEIVED
AUG 15 1967
Department of Reclamation

Gentlemen,

Would you please send me a copy
of Permit # G33479 issued to Downata Hot
Springs Inc.

I am enclosing a check for \$1.00
which I believe is the charge.

Very truly yours

DWONATA HOT SPRINGS INC.

Ray Horsley
Ray Horsley

G 33479

NAME AND ADDRESS OF SENDER

Rept. of Reclamations

Indicate type of mail

☐ INSURED☐ C. O. D.☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSEMENT ¹	R. R. FEE	S. D. FEE	S. H. FEE ²	RESTRICTED DELIVERY FEE	REMARKS
1	19989 Dumata Hot Springs, Newmex	.06	30			10				
2	19990 John Bowen, Box Bowen & L.C. Bowen									
3	Hot Springs, Newmex									
4	19991 Archie St. Service, Co., Attn. Center									
5	Clatsop, Idaho									
6	19992 C. Timothy Hopkins, Attn. Box									
7	129 Idaho Falls, Idaho									
8	19993 Dumata Hot Springs, Newmex									
9	19994 John Bowen, Box Bowen & L.C.									
10	Bowen, Hot Springs, Newmex									
11	19995 Archie St. Service, Attn. Center									
12	Clatsop, Idaho									
13	19996 Hopkins, C. Timothy, Box 129, Idaho									
14	Falls, Idaho									
15	19997 John Martin, Clatsop, Idaho									
16	19998 Val Peterson, 35 W. Center									
17	Hot Springs, Idaho									
18	19999 Harry M. Hull, Box 358, Grace									
19	20000 Val Hull, 10 W. Center									
	35 W. Center, Hot Springs, Idaho									

TOTAL NUMBER OF
PIECES LISTED
BY SENDER

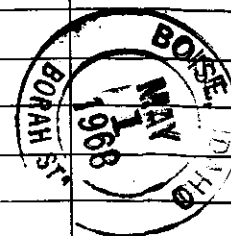
twelve

TOTAL NUMBER OF
PIECES RECEIVED
AT POST OFFICE

12

POSTMASTER, PER (Name of receiving employee)

Olyo

¹ Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid—This Side Up."² Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.

POB Form 3877-A—July 1958

NAME AND ADDRESS OF SENDER

Pg 2 - Dept. of Bldg.

Indicate type of mail

☐ INSURED☐ C. O. D.☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSEMENT ¹	R. R. FEE	S. D. FEE	S. H. FEE ²	RESTRICTED DELIVERY FEE	REMARKS
1	20001 Ron Stull, 16 Wm. Transcend	.06	30			10				
	35 W. Century, Ada, Ida									
3	20002 Leonard O. Bingham, Ada, Ida									
4	20003 Bingham N. Eble, E. Eddins, Rt. 1, Fruitland, Ida									
5	20004 m/m G. J. Lyath, Fruitland, Ida									
6	20005 Wm. Clay C. Crumpler, Bureau of Spt. Fisheries, Box 3237, Portland, Oregon									
7	20006 Peter B. Wilson, Att, Box 749, Bannock Ferry, Idaho									
8	20007 City of Bannock Ferry, Bannock Ferry, Ida.									
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										

BOISE, IDAHO
 MAY 1 1968
 BORAH STA.

TOTAL NUMBER OF PIECES LISTED BY SENDER	7	TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE	Seven	POSTMASTER, PER (Name of receiving employee)	Chy J
---	---	--	-------	--	-------

¹ Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid-This Side Up."

² Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.

POB Form 3877-A—July 1958

33479

G-31858 - Well drilled 1950
Domestic Cullinary, lawn irrigation
& swimming pool.

G-33479.

Underwood ALL OF THE WATERS.
MARSHALL. 3 inches.

1. NO WATER AVAILABLE
2. THAT TEMP. & QUALITY ARE PART OF WATER
RIGHTS AND WILL BE DAMAGED BY EXCHANGE
WITH COLDER WATER.
- 3.

1. ~~INSTALLATION~~ OF WELL IN SPRING
WILL CAUSE OBSTRUCTION OF FLOW. - Parties
will attempt to resolve among
themselves.

Applicant & Protestants will determine
Point of redirection & will amend permit
& read as such - Well Continue for two weeks.

G-33479

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

TRANSFER OF DECREED WATER RIGHT
TRANSFERRED RIGHT NO. 1084

THIS IS TO CERTIFY, That E. Raymond Horsley of Downey, Idaho, is the owner of and using a certain water right of 0.08 cubic feet per second of Unnamed Hot Springs, decreed April 14, 1917, to William C. Underwood, by decree of Judge J. J. Guheen of the Fifth Judicial District of the State of Idaho, in and for the County of Bannock, in the case of

WILLIAM C. UNDERWOOD,

Plaintiff

vs.

ALEXANDER MARSHALL,

Defendant

said action bearing date of March 28, 1917, and being appurtenant to the following described lands, to-wit:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 12
South, Range 37 E. B. M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 6 of Decrees at Page 1239;

That said E. Raymond Horsley has become the owner of said water right by purchase;

And that now, upon the application of E. Raymond Horsley for a Certificate of Transfer of Water Right, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of 0.08 cubic feet per second of the waters of Unnamed Hot Springs upon the above described lands is hereby abandoned, and the lands to be irrigated under such right and to which the water right HEREBY CONFIRMED shall become appurtenant by this Certificate for irrigation and domestic purposes, is described as follows, to-wit:

2 acres located approximately
1400 feet east and 150 feet
north of the SW corner of
Section 12, in the SW $\frac{1}{4}$, Sec-
tion 12, Township 12 South,
Range 37 E. B. M.,

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

4 miners^{inches} or 0.08 cubic feet
per second of the waters of
Unnamed Hot Springs, decreed
April 14, 1917!

That the water right hereby transferred has heretofore been conducted to the first described lands through a ditch with point of diversion in the SW¹/₄SW¹/₄, Section 12, Township 12 South, Range 37 E. B. M.,

That the water right hereby transferred will hereafter be conducted from a point in the SE¹/₄SW¹/₄ of Section 12, Township 12 South, Range 37 E. B. M.,

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 8th day of May, 1967.

(SEAL)

s/ R. KEITH HIGGINSON

R. KEITH HIGGINSON
State Reclamation Engineer

May 8, 1967

Re: Transfer of Water
Right No. 1084

Mr. E. Raymond Horsley,
Downey, Idaho.

Dear Mr. Horsley:

We are enclosing Order Granting Transfer
and Certificate of Transfer of Decreed Water Right
No. 1084, together with Departmental Receipt No.
33769, which was issued covering payment in the
amount of \$1.00 for the recording fee of the above
mentioned transfer.

Very truly yours,

DONALD J. WATTS
Engineer

Encl: Certificate No. 1084
Receipt No. 33769

DJW:pmk

6 33769

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)
E. Raymond Horsley)
of)
Downey, Idaho)
For a Transfer of Water Right)
in the County of Bannock,)
State of Idaho;)

ORDER GRANTING TRANSFER

NO. 1084

WHEREAS, On the 28th day of April, 1967, at the Department of Reclamation of the State of Idaho at Boise, Idaho, this matter of the application of E. Raymond Horsley of Downey, Idaho, for a transfer of water right came on regularly for hearing, pursuant to the published notice in due and statutory form, and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant with the application shows that the water will be put to a higher and more efficient beneficial use and no one will be injured thereby;

NOW, THEREFORE, IT IS ORDERED, That the said application be, and the same is, HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 8th day of May, 1967.

(SEAL)

s/

R. KEITH HIGGINSON

R. KEITH HIGGINSON
State Reclamation Engineer

William C Underwood was deeded
all water of springs ^{in SW sec 12} except
3 inches for irrigation

Alexander Marshall was deeded
3 inches for irrigation of garden
and orchard in SW SW $\frac{1}{4}$ E $\frac{1}{2}$ of
SW sec 12, N E NW of 13.

Agreement between successors
in interest to allow Marshall
to utilize 4 inches for swimming
pool purposes only and for associated
domestic applications - return flow
must be returned for use of
Underwood.

Permit issued (G 31858) for well
in SW SW 12 for cooling water
for pool & culinary use (0.5 cfs.)

Permit issued (G 33479) to utilize
water from well in (G-31858) for
irrigation of 2 acres in SE SW of sec 12
well water would be exchanged for
spring water in the SW SW of sec 12.

water to irrigate the 2 acres
is to be diverted from the spring
in the SE SW sec 12.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

RECEIVED
APR 20 1967
Department of Reclamation

Permit No. G 33479

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: E. RAYMOND
HORSLEY - Residence, Downey, Idaho; Occupation, Swimming pool operator.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:
DOWNATA HOT SPRINGS, INC., Downey, Idaho; President.

Ques. 3. State number, approval date of permit, and date of priority: _____
No. G 33479; Approval date 2-23-67; Date of priority 2-21-67.

Ques. 4. State source of water supply: Subterranean well.
Give location of point of diversion, showing subdivision, section, township and range
SW 1/4 of SW 1/4 of Sec. 12, T.12, S., R.37 EBM.

Ques. 5. Describe your works of diversion: Pipe and pumps
_____; state amount of water they are capable of conveying from point of diversion to place of use: 1/2 CFS; Give name of canal or ditch or other works by which water is conducted to such place of use: _____
_____; if a well, state depth of well 84'; depth and size of casing 54'8" 30'6"; depth to water 21ft.; if pump is used, state discharge of pump: 18 GPH; tell how it was measured or determined _____
Measured in pool; if sprinkler irrigation, give number and size of nozzles and operating pressure: 2 Buckner 512 rocker Jet sprinkler nozzles, 1 R, 1 HP, 60 lb pressure. 5/32"

Ques. 6. State for what purpose water is used: Irrigation - sprinkler
(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:
SE corner of SW 1/4, T.12, S. R. 37 EBM - 2 acres.

no 2.07

G 33479

State nature of all improvements which have been made as a direct result of said use:

Pump pipe sprinkler heads.

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: R. A. Dursteler, Route 1, Preston, Idaho.

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

SW 1/4 of SW 1/4 of Sec. 12, T. 12, S., R.37, EBM (Adjacent to well).

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: Aug. 10, 1966 - Time used since first use:

Used ever since.

Ques. 10. Describe all other water rights appurtenant to same place of use: _____

None.

(sign) E. Raymond Horsley

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Pocatello

, County of Bannock

State of Idaho, on this 17th day of April, A. D. 1967.

My commission expires: 6/13/67

Amelia L. Leo
Notary Public for Idaho,
Residing at Pocatello, Idaho.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho
Permit No. 33479

RECEIVED
APR 20 1967
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

HAL L. NIELSEN, 47, Downey, Idaho; Wholesale oil distributor, Downey, Idaho.

Ques. 2 Are you acquainted with E. Raymond Horsley, the holder of Permit No. 33479? How long have you known him and where does he reside?

Nine years. Downey, Idaho

Ques. 3. Have you read or heard said Permit No. 33479 read, and are you familiar with its provisions and conditions: Yes ☒ No. ☐

Ques. 4. State source of water supply: Well.

Give location of place of diversion, showing subdivision, section, township and range

SW 1/4 of SW 1/4, Sec. 12, T. 12 S., R. 37 EBM, Bannock County, Idaho.

Describe works for conveying water to place of use: Pumps and pipe; sprinkler.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 0.04 How much water have you seen being so

conveyed? 2 Miners' inches.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

2 acres. SE corner of SW 1/4, T. 12, S., R. 37 ERM

6 33479

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Two acres irrigable loam. Not less than one inch per acre.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No.

Ques. 10. When did you first see this water used? August 1966

Other times you have seen such use: On occasional visits since then.

(Signed):

Hal T. Nielsen

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in

Pocatello, County of Bannock, State of Idaho, on this 17th day of April; A. D. 1967

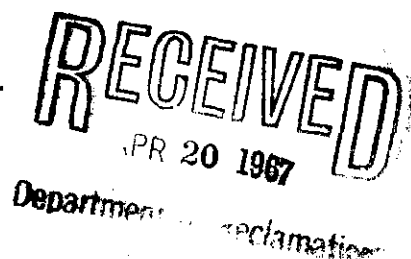
Hermit She
Notary Public for the State of Idaho
Residing Pocatello, Idaho

My commission expires June 13, 1967.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 33479



PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

FORD NELSON, 45, Downey, Idaho; Government Trapper, Downey, Idaho.

Ques. 2 Are you acquainted with E. Raymond Horsley, the holder of Permit No. 33479? How long have you known him and where does he reside?

Nine years. Downey, Idaho.

Ques. 3. Have you read or heard said Permit No. 33479 read, and are you familiar with its provisions and conditions: Yes ☒ No ☐

Ques. 4. State source of water supply: Well.

Give location of place of diversion, showing subdivision, section, township and range

SW 1/4 of SW 1/4, Sec. 12, T.12 S., R. 37 EBM, Bannock County, Idaho.

Describe works for conveying water to place of use: Pumps, pipe & sprinkler.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: .04 How much water have you seen being so

conveyed? 2 Miners' inches.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

Two acres. SE corner of SW 1/4, T.12, S., R.37 EBM.

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Two acres irrigable loam. Not less than one inch per acre.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?

If so, in what way and to what extent? No.

Ques. 10. When did you first see this water used? August 1966.

Other times you have seen such use: On occasional visits since then.

(Signed):

Ford Nelson

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in

Pocatello, County of Bannock, State of Idaho, on this 17th day of April, A. D. 19 67

Arnold K. Lee

Notary Public for the State of Idaho

Residing Pocatello, Idaho

My commission expires June 13, 1967.

RECEIVED
APR 20 1967

Department of Reclamation

PROOF OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Bannock)

Rose L. Jones

being first duly sworn, on his oath, deposes and says:

That he is a citizen of the United States of America, over the age of 21 years; that he was at all times herein mentioned the principal Clerk of The Intermountain, a weekly newspaper published at Pocatello, County of Bannock, State of Idaho, and having a general circulation therein.

That said deponent, during all times mentioned in this affidavit, has had and still has charge of all the advertisements in said newspaper; that the *Notice of Proof of Completion of Work* of which the annexed is a true printed copy, was published in the said Intermountain on the following dates, to-wit:

March 9, 10, 23, 30, 1967

That said newspaper has been consecutively, continuously and uninterruptedly published in said county for a period of 78 weeks prior to publication of said notice, and is a "newspaper" within the meaning of the laws of Idaho.

Rose L. Jones

SUBSCRIBED and sworn to before me this *31st* day of *March*, 1967.

Denver de Bolt

Notary Public, Pocatello, Idaho

My commission expires: *5/1/70*

GATEWAY PRINTERS—POCATELLO

33479

PROOF OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Bannock)

NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that on the 17th day of April 1967, at Pocatello, County of Bannock, State of Idaho before Merrill G. G. Notary Public, at 746 East Lander, Pocatello, Idaho, proof will be submitted of the completion of works for the diversion of 0.04 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-33479, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Downey Hot Springs, Inc., Downey, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 0.04 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes and the amount applied to beneficial use is 0.04 cubic feet per second.

4. The point of diversion of said water is SW 1/4 Sec. 12, T. 12 S. R. 37 E. B. M.

5. The place where said water is used is SE 1/4 SW 1/4 Sec. 12, T. 12 S. R. 37 E. B. M.

6. The date of priority which said user is prepared to establish is February 21, 1967.

R. KETH HIGGINSON
State Reclamation Engineer
March 9, 16 23 30, 1967

being first duly sworn, on his oath, deposes and says:

That he is a citizen of the United States of America, over the age of 21 years; that he was at all times herein mentioned the principal Clerk of The Intermountain, a weekly newspaper published at Pocatello, County of Bannock, State of Idaho, and having a general circulation therein.

That said deponent, during all times mentioned in this affidavit, has had and still has charge of all the advertisements in said newspaper; that the

, of which the annexed is a true printed copy, was published in the said Intermountain on the following dates, to-wit:

That said newspaper has been consecutively, continuously and uninterruptedly published in said county for a period of 78 weeks prior to publication of said notice, and is a "newspaper" within the meaning of the laws of Idaho.

SUBSCRIBED and sworn to before me this 31st day of March, 1967.

Charles S. Selt

Notary Public, Pocatello, Idaho

My commission expires: 5/1/76

April 25, 1967

Re: Permit No. G-33479

E. Raymond Horsley
Downata Hot Springs, Inc.
Downey, Idaho 83234

Dear Mr. Horsley:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the ~~Intermountain~~ all submitted in proof of completion of works and beneficial use on Permit No. G-33479.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try to contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

Donald W. McElDowney
Water Rights Clerk

DWM:dj

G 33479

RECEIVED
MAR 6 1967
Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
MAR 2 1967
Department of Reclamation

Notice is hereby given that ~~at~~ at, on the 17th day of April
19 67, at Pocatello, County of Bannock, State of Idaho
before Merrill Gee, Notary Public, at (address) _____
746 East Lander, proof will be submitted of the completion
of works for the diversion of .04 ~~miners inc has~~ second of underground water from a
well, and of the application to beneficial use of said water, in accordance with the
terms and conditions of Permit No 6-33479, heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is Downstate Hot Springs Inc. Downey, Idaho

2. Said works of diversion will be fully completed on the date for such completion,
and the amount of water which said works are capable of conveying to the place of
use is .04 cfs
2 inc has ~~per second~~.

3. The use to which said water has been applied is irrigation
_____, purposes and the amount applied to beneficial use is
.04
miners inches cubic feet per second.

4. The point of diversion of said water is SW 1/4 of the SW 1/4 Sec. 12
Twp 12 S Rg. 37E Bm

5. The place where said water is used is SE 1/4 Sec. 12, T. 12 S. R. 37E Bm
(Land adjoining the spring in) SE 1/4 Sec. 12 T. 12S R. 37E Bm

6. The date of priority which said user is prepared to establish is Aug. 1966
February 21, 1967

State Reclamation Engineer

6-33479

RECEIVED
MAR 6 1967

RECEIVED
MAR 2 1967

Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

Notice is hereby given that at 2 P. M., on the 17th day of April
1967, at Pocatello, County of Bannock, State of Idaho
before Merrill Gee, Notary Public, at (address) 746 East Lander,
proof will be submitted of the completion
of works for the diversion of 2 ~~miners inc. has~~ ~~cubic feet per second~~ of underground water from a
well, and of the application to beneficial use of said water, in accordance with the
terms and conditions of Permit No. 33479, heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is Downata Hot Springs Inc. Downey, Idaho

2. Said works of diversion will be fully completed on the date for such completion,
and the amount of water which said works are capable of conveying to the place of
use is 2 inc. has ~~cubic feet per second~~.

3. The use to which said water has been applied is irrigation,
purposes and the amount applied to beneficial use is
2 miners inches ~~cubic feet per second~~.

4. The point of diversion of said water is SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 12
Twp 12 S Rge 37E BM

5. The place where said water is used is ####

(Land adjoining the spring in) SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12 T. 12S R. 37E BM

6. The date of priority which said user is prepared to establish is Aug. 1966

State Reclamation Engineer

633419

March 7, 1967

Re: Permit No. G-33479

Intermountain Weekly
P.O. Box 1747
Pocatello, Idaho

Gentlemen:

Enclosed you will find a legal notice which we wish to have published for four consecutive weeks prior to April 17, 1967. The expense of the publication is to be paid by E. Raymond Harsley of Downata Hot Springs, Inc., Downey, Idaho, to whom you should furnish proof of publication on or prior to the above date.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the notice for checking at least one week prior to the first publication.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:nw

G 33479

March 7, 1967

Re: Permit No. G-33479

Downata Hot Springs, Inc.
Downey, Idaho

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-33479. The proofs are to be made ~~at~~ sixteen, on the 17th day of April, 19 67, before Merrill Gos Pocatello, Idaho. Notary Public.

As of this date, we have mailed the Notice to the Intermountain Weekly, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION

Very truly yours,

MRB:nw

M. Russell Bosch
Office Manager

Encl.

cc: Notary

G 33479

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

March 3, 1967

RECEIVED
MAR 6 1967

Department of Reclamation

Re: Permit No. G-33479

E. Raymond Harsley, President
Downata Hot Springs, Inc.
Downey, Idaho

Dear Mr. Harsley:

Returned herewith is your notice of proof of completion of works and application of water to beneficial use.

Your permit lists the place of use as the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12. You indicate on your notice that the place of use and the point of diversion are the same. If the place of use is actually the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, then you will have to amend your permit prior to publication; the form is enclosed. The fee for the amendment will be \$1.00

Please make the necessary corrections and/or amendment and return to our office at your convenience.

Very truly yours,

A handwritten signature in cursive script, appearing to read "M. Russell Bosch".

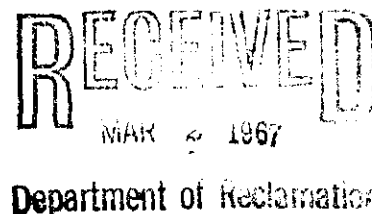
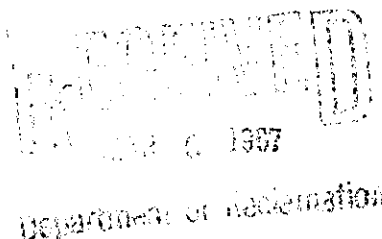
M. Russell Bosch
Office Manager

MRB:nw

Enclosures: Notice
Amendment form

*My mistake - please
make the corrections
and return*

G-33479



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) March 1 1967

(P. O.) Downey, Idaho

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the INTERMOUNTAIN WEEKLY of
P.O. Box 1747 Pocatello, Idaho Published in
the county in which the works are situated.

DOMINIA HOT SPRINGS INC.

E. Raymond Horsley
Pres

(In case of canals or other works designed to divert and
carry more than 50 cubic feet of water per second, the following certificate
must be signed by a well known and competent engineer)

I hereby certify that the facts set forth in the attached
notice are true.

Engineer

6 55479

March 3, 1967

Re: Permit No. G-33479

E. Raymond Harsley, President
Downata Hot Springs, Inc.
Downey, Idaho

Dear Mr. Harsley:

Returned herewith is your notice of proof of completion of works and application of water to beneficial use.

Your permit lists the place of use as the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12. You indicate on your notice that the place of use and the point of diversion are the same. If the place of use is actually the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, then you will have to amend your permit prior to publication; the form is enclosed. The fee for the amendment will be \$1.00

Please make the necessary corrections and/or amendment and return to our office at your convenience.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:nw

Enclosures: Notice
Amendment form

G 33479

February 28, 1947

Re: Permit No. G-33479
Downata Hot Springs, Inc.

E. Raymond Horsley
Downey, Idaho

Dear Mr. Horsley:

We enclose Permit No. G-33479 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

~~XXXXXXX~~ ~~XXXX~~ Departmental Receipt No. G-11352 which was issued covering payment in the amount of \$ 5.00 for the filing fee of the above mentioned permit., was given to you at the time you were in our office.

Very truly yours,

Enc. permit, receipt given
MRB:ejw

M. RUSSELL BOSCH
Office Manager

G 33479

A C K N O W L E D G E M E N T

Date: 2/20/67

Re: Application No. I-41719

g 33479

I hereby acknowledge that, even though I was assisted by employees of the Idaho State Department of Reclamation in the preparation of Application No. I-41719, all responsibility with regard to the accuracy and completeness of the information contained therein rests with me.

Signed: DOWNATA HOT SPRINGS

Applicant
E. Raymond Hensley
433479 Pres.

CONFERENCE, PERMITS G 31858 & G 33479

Review 33432

BANNOCK COUNTY COURT HOUSE.
JUSTICE COURT ROOM.

JAN 26 1967
1: PM

NAME	ADDRESS	REPRESENTING
John [unclear]	Payson, Idaho	Protestant
Archie W. Sauer	Pocatello	
Sam H. [unclear]	Payson, Idaho	Protestant
J. Raymond Horsley	Tremonton, Utah	applicant
E. Raymond Horsley	Payson, Idaho	applicant
R. T. [unclear]	Archie Falls	Applicants
	Holden, Holden & Kidwell	

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR BANNOCK COUNTY.

William C. Underwood,)
Plaintiff)
vs.)
Alexander Marshall,)
Defendant.)

DECREE.

This cause came on regularly for trial the 28th day of March, 1917, upon the complaint of the plaintiff and answer and cross-complaint of the defendant and the plaintiff's answer to said cross-complaint, Budge & Merrill appearing as attorneys for the plaintiff, and C. D. Smith, Esquire, and J. H. Peterson, Esquire, appearing as attorneys for the defendant and cross-complainant. The court having heard the evidence of the respective parties and the arguments of counsel, and being fully advised in the premises, and findings of fact and conclusions of law having been waived by stipulation of the parties:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff's right and title to all of the waters of that certain group of springs commonly known and called the Hot Springs, situated within the southwest quarter of section twelve (12), township twelve (12), south, range thirty-seven (37) east, Boise Meridian, the approximate flow of which is two cubic feet per second, save and except three miner's inches hereinafter decreed to the cross-complainant, be, and the same hereby is quieted and established against the said defendant, Alexander Marshall, and all persons claiming or to claim by, through or under him, and the said Alexander Marshall is hereby permanently restrained and enjoined from diverting or using any of said waters of said springs for any purpose whatsoever, save and except three miner's inches hereinafter decreed to him, and from interfering in any way with the plaintiff's free use and enjoyment of the waters of said springs for culinary and domestic purposes, for the watering of livestock and for their irrigation of the following described lands of the plaintiff, to-wit:

The southwest quarter of the southwest quarter of section 12, the northeast quarter of the southeast quarter, the southeast quarter of the northeast quarter, the northwest quarter of the southeast quarter, the southwest quarter of the northeast quarter, the southwest quarter of the northwest quarter, the southwest quarter of the northwest quarter, the northeast quarter of the northwest quarter, and the northwest quarter of the northwest quarter of section 11, and the northeast quarter of the northeast quarter of section 10, all in township 12 south, range 37 east, Boise Meridian.

And the plaintiff, William C. Underwood, is further decreed the right to clean out said springs and each and all of them, and to repair the dams and ditch leading therefrom, in order to secure the free and full flow of the waters of said springs down to his said lands, and the defendant, Alexander Marshall, is hereby permanently restrained and enjoined from in any manner interfering with the said plaintiff in cleaning out said springs or the channels thereof for the purposes aforesaid.

It is further ordered, adjudged and decreed that the defendant and cross-complainant has no right, title or interest in and to the waters of said springs for commercial bathing and he is hereby permanently restrained and enjoined from diverting said waters of any of them for such purposes or in any manner polluting the waters of said springs by such or any other use.

It is further ordered, adjudged and decreed that the defendant and cross-complainant, Alexander Marshall, has the right of even date with the plaintiff, William C. Underwood, to three miner's inches of waters of said springs hereinafter described for the irrigation of garden and orchard upon the southwest quarter of southwest quarter, the east half of the southwest quarter of section 12, the northeast quarter of the northwest quarter of section 13, all in township 12 south, range 37 east, Boise Meridian, the said waters to be diverted from said springs or the channels thereof through a measuring device to be constructed and installed by, and at the expense of the said Marshall, which shall at all times be subject to the inspection of the said William C. Underwood, and the right and title of the said Alexander Marshall to the said three miner's inches is hereby quieted and established against the plaintiff and all persons claiming or to claim by, through or under him, and the plaintiff is hereby permanently restrained and enjoined from in any manner interfering with the said defendant and cross-complainant in the free use and enjoyment of the said three miner's inches herein decreed to him.

It is further ordered, adjudged and decreed that the plaintiff do have and recover his costs herein incurred, taxed at \$752.42.
Service of copy acknowledged this 12th day of April, 1917. C. D. Smith, Atty. for Defendant.

J. J. Guheen, District Judge.

833479

INSTRUMENT NO. 146569

AGREEMENT

THIS AGREEMENT MADE AND ENTERED into as of this 2nd day of August, 1929, by and between the FIRST NATIONAL BANK OF POCA TELLO, IDAHO, a National Banking corporation, party of the first part, RAY H. UNDERWOOD and JENNIE UNDERWOOD, his wife, parties of the second part and WILL EVANS AND ISAAC MARSHALL, parties of the third part, WITNESSETH:

That, whereas, the party of the first part has sold under a contract subject to the delivery of a deed in the future and upon payment of the purchase price certain real estate to the parties of the second part, and,

WHEREAS, it is desired between the parties to this agreement that a portion of the real estate so contracted to be sold by the first party to the second parties be further contracted to be sold by the first and second parties to the parties of the third part to this agreement.

NOW, THEREFORE, for and in consideration of the covenants and agreements made each to the other and to be kept and performed, it is agreed between the parties as follows, to wit:

That the party of the first part with the consent and at the request of the parties of the second part hereby agree to sell and convey to the party of the third part for the consideration hereinafter recited the following described real property located in Bannock County, Idaho, to wit:

~~Beginning at the southwest corner of Section 12, T. 12 S. R. 37 E., B. M.,~~
~~thence North 43° 16' East, 300 feet; thence South 43° 16' West, 300 feet; thence~~
North 43° 16' west, 300 feet; thence in a southwesterly direction in a straight line 1490 feet, more or less to a point 80 feet west of the southwest corner of said Section 12; thence East 80 feet to the place of beginning.

Also beginning at the southwest corner of Section 12, T. 12 S. R. 37 E., B. M., thence North 21.12 feet; thence north 46° 44' East, 1400 feet to the place of beginning; thence continuing north 46° 44' east, 1300 feet, more or less to the center line of Marsh Creek; thence following the center line of Marsh Creek down stream to a point 50 feet at right angles to the previous course; thence South 46° 44' west, 1300 feet, more or less, to a point 50 feet at right angles from the place of beginning; thence South 43° 16' east, 50 feet to the place of beginning."

The parties of the third part will pay to the party of the first part for the property herein described, the sum of \$5000.00 payable in the following manner, to wit: \$500.00 cash at the signing of these presents, \$500.00 October 1st, 1929, \$1000.00 October 1st, 1930, \$1000.00 October 1st, 1931, \$1000.00 October 1st, 1932 and \$1000.00 October 1st, 1933 together with interest on all unpaid amounts at the rate of 6% per annum which interest shall be paid annually on the first day of October of each succeeding year and shall be in addition to the principal payments. The payment of the sums hereinbefore mentioned by the parties of the third part to the party of the first part shall be credited upon its contract with the parties of the second part.

In Addition to the property above described, it is agreed that there is hereby given the parties of the third part by the parties of the first and second part an option on an additional one acre of land for a period of five years which said land is described as follows, to wit:

"Beginning at a point 1050 feet Northeasterly on the line hereinbefore described running thence north 100 feet, thence at right angles East 435.6 feet, thence at right angles South 100 feet to the line on which the point of beginning rests; thence southwesterly along said line to the point of beginning.

provided, however, that if, for any reason the terms of this contract shall be broken and said contract forfeited as hereinafter recited this option shall likewise be forfeited and ended and provided further that upon the exercise of this option the said third parties will pay to the first party an additional sum of \$300.00 payable on the exercise of said option.

① It is further agreed that the parties of the third part are to use the property hereinbefore described principally as a bathing resort and they are to have full and complete right to the waters flowing through the above land for bathing and resort purposes only and not for irrigation purposes except as hereinafter provided, provided, however, that the bathing resort pools, ditches and aqueducts controlling said water shall be so constructed and built that after said water shall have served its purpose in said resort, pools, etc. it shall flow into the ditch which is now constructed to and upon the lands of the parties of the first and second part where it may then be used for irrigation and other purposes; provided, however, that the parties of the third part shall have the right to clean out said pools at such time as shall be necessary for proper sanitation thereof and such waters as might be used in the flushing and cleansing of said pools as shall not find its way into the irrigation ditches of the parties of the first and second part shall not be considered a breach of this agreement provided such wastage shall not exceed an amount equal to a continuous flow of one miners inches and provided further that the parties of the third part may have the use of four miners inches of said water for irrigation purposes for a period of four hours twice each week.

② It is further agreed that there may be installed at the inlet of the pool to be built for bathing purposes a three inch pipe for water for the domestic uses of three families only, to wit: the families of the parties of the second part and of the third part;

③ It is further agreed that all water used for flushing toilets and similar purposes shall come from the pool and the use of the water for such purposes which shall not find its way into the irrigation ditches shall not consider it a breach of this agreement, but the parties of the second part shall have the right to the use of all such water for irrigation purposes and is hereby granted a right of way over the lands above described for a ditch or ditches to make use of such waters,

Reference is hereby made to that certain decree of the District Court of the Fifth Judicial District of the State of Idaho in and for Bannock County wherein William C. Underwood was plaintiff and Alex Marshall was defendant recorded in Book 3 of Judgments page 333 of the Records of Bannock County and also that certain decree in the same court in that cause wherein Alex Marshall was plaintiff and William C. Underwood was defendant recorded in Book 4 of Judgments, page 527, It is agreed that except as herein expressly provided otherwise these decrees are not considered modified by this agreement.

④ It is further agreed between the parties hereto that there is located near the property hereby affected by this sale but upon the lands sold by the party of the first part ~~that the parties of the second part shall have the right to use the water in and around the lands hereinbefore described for bathing or resort purposes either commercially or otherwise but that such right to the use of such waters for such purposes is hereby recognized to be the complete right, subject to the terms of this contract of the parties of the third part.~~ It is agreed that neither the party of the first part nor the parties of the second part will attempt to use the water in and around the lands hereinbefore described for bathing or resort purposes either commercially or otherwise but that such right to the use of such waters for such purposes is hereby recognized to be the complete right, subject to the terms of this contract of the parties of the third part.

Time is the essence of this agreement and a failure on the part of the parties of the third part to make the payments as herein recited shall give to the parties of the first and/or second part the option and right to cancel this agreement and the whole thereof and all money which might theretofore have been paid under this agreement shall be forfeited as liquidated damages and all improvements which the parties of the third part might have theretofore placed upon said real estate in the construction of said proposed resort shall likewise be forfeited as liquidated damages and as rent for said property during the existence of this contract and upon such forfeiture the parties of the first and second part shall be relieved of and from all obligation in law or in equity to convey the property above described or any part or parcel thereof.

It is further agreed between the parties hereto that if the parties of the second part should pay to the party of the first part all sums owing the said party, prior to the completion of this agreement, said second parties may then receive a deed from the party of the first part and said first party shall thereupon be released from the operation of this contract and the said parties of the second part shall be held to the full performance of this contract in the execution and delivery of the deed hereinafter recited and the acceptance and receipt of the purchase price.

If and when the provisions of this contract shall have been fully paid and discharged, the party of the first part, or the parties of the second part, if they shall have then received title from the party of the first part shall make, execute and deliver to the parties of the third part a warranty deed conveying the real estate hereinbefore described together with that particular acre upon which the option is given providing said option be exercised and said money paid.

This agreement shall bind the heirs, executors, administrators and assigns of the respective parties hereto.

THE FIRST NATIONAL BANK, Pocatello, Idaho

C. A. Valentine Pres.
Party of the first part.

Ray H. Underwood
Jennie Underwood
Parties of the second part.

Will Evans
Isaac Marshall
Parties of the Third part. 633479

STATE OF IDAHO,)
COUNTY OF BANNOCK.) SS.

On this 26th day of August, 1929, personally appeared before me J. F. Sievers, a Notary Public, in and for said County and State, Ray H. Underwood and Jennie Underwood, husband and wife, and Will Evans and Isaac Marshall, known to me to be four of the parties who executed the foregoing instrument and duly acknowledged to me that they executed the same.

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

(Seal)

J. F. Sievers
Notary Public
Residing at Downey, Idaho

STATE OF IDAHO,)
COUNTY OF BANNOCK.) SS.

On this 27th day of August, 1929, personally appeared before me H. P. Jacobson, a Notary Public, in and for said County and State, C. A. Valentine, known to me to be the President of the First National Bank of Pocatello, the corporation that executed the foregoing instrument and he duly acknowledged to me that such corporation executed the same.

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

(Seal)

H. P. Jacobson
Notary Public
Residing at Pocatello, Idaho.

RECORDED SEP 3, 1929 1 40 PM in Book 9 of Agreements page 168, Records of Bannock County, State of Idaho at request of Will Evans.

Lillian Spongberg, Recorder

Fee \$3.80

G 33479