

WATER LICENSE

Water License No. G-31858/29-2491 Priority May 4, 1964 Amount 0.45 c.f.s.

THIS IS TO CERTIFY, that DOWNATA HOT SPRINGS, INC.
of Downey, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated May 4, 1964; that Permit G-31858/29-2491 was issued pursuant
to said application; that the proposed works were completed on or about 1950,
with a storage/or carrying capacity of 0.45 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 0.73
acre feet per season, with a maximum rate of diversion of 0.45 cubic feet per second of the waters
of ground-water, tributary of _____,
ming pool and culinary use
for the purpose of cooling water for swim- from January 1 to December 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 0.73 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											X						
SUBJECT TO STIPULATION DATED May 10, 1968																			

Total number of acres irrigated _____

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 2491

31858
29-2491
platted

29-2491

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 39983
Permit No. G- 31858
District No.

1. Name of Applicant: Downata Hot Springs, Inc.,
Postoffice address: Downey County: Bannock State: Idaho
2. Quantity of water claimed: 0.5 cubic feet per second
(a) Rate of withdrawal in cubic feet per second or Idaho
Miners' inches 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 $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12
Twp. 12 S , Rge. 37 E. , B.M., County of Bannock
5. Water is to be used for: Cooling water for our swimming pool & culinary
6. If for municipal, industrial or recreational purposes, give:
Immediately adjoining the well
(a) Point of use of water is in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12 , Twp. 12 S.
Rge. 37 E. , B.M.
(b) Waste water or sewage effluent is to be returned to Marsh Creek
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Drilled, cased well. Electric motor pumped
8. Estimated cost of works: \$Well was drilled in 1950 and has pumped water since
9. (a) Is reservoir to be used? no
(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 5 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: \$10,000.00
(d) Names and addresses of directors: E. Raymond Horsley - Downey, Idaho; Maxine Horsley, Downey, Idaho; Agnes Horsley, Salt Lake City, Utah
II. The financial resources of the applicant are (a) Cash onhand: \$
(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:
(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) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks:

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

Downata Hot Springs Inc., *Applicant.*
By s/ E. Raymond Horsley, Pres. *Agent.*

Date of first receipt at Department of Reclamation: 8:00 A.M. May 4, 1964

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 31858
Recorded in Book 111 Page 31858 Approved May 8, 1964
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 deligitly 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 November 8, 1966
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 May 8, 1969
Witness my hand this 8th day of May, 1964 s/ CARL E. TAPPAN
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, 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 8th day of May, 1964.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

By s/ ROBERT E. SMYLLIE

Governor

Secretary of State.

12.

Twp.	Range	Sec.	NE¼	NW¼	SW¼	SE¼	Totals
			NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	
			LICENSE ISSUED FOR 0.45 SEC. FT. LICENSE 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

31858
29-2491

October 22, 1969

Re: Permit No. 31858/29-2491

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

Dear Mr. Horsley:

A representative of this department has made an examination of the works covered by your Permit 29-2491 and has found the following:

Quantity of water diverted: .421 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: .45 c.f.s.

The maximum quantity diverted shall not exceed .73 acre feet per season.

Beneficial Use: for cooling water for swimming pool and culinary use.

The priority date established is: May 4, 1964

A fee totaling \$ 5.00 must be received within 30 days from the date of this letter in order that we can issue you the Water License as described above.

Very truly yours,

Dean R. Reynolds
Field Examiner

DRR:ah

31858
29-2491

OK
DOWNATA HOT SPRINGS

INC.

RECEIVED

The Fun Spot of Southern Idaho

Your Hosts:

RAY & MAXINE HORSLEY
MAY 13 1969

Phone 2798

DOWNEY, IDAHO

May 9, 1969

Department of Reclamation

Re. Permit # 31858
to Downata Hot Springs Inc.

Department of Reclamation
State House Annex
Boise, Idaho 83701

Gentlemen,

I am writing in regards to the application I was contemplating to amend the above permit, or to file a new revised permit application.

On the advice of my attorney, Mr. William Holden, I have decided to let the permit be licensed as it now stands.

Thank You

Very truly yours

DOWNATA HOT SPRINGS INC

E. Raymond Hersley
E. Raymond Hersley

31858

29-2491

CHECK TO SEE IF PAYMENT
HAS BEEN MADE FOR
LICENSE ON PREVIOUS PERMIT

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

REPORT OF EXAMINER

PERMIT NO. G-31858

REPORT ON PROOF OF Completion of Works & Beneficial Use

5 HP GE.
MOD. 5K11626
S# 2C994

FOR COOLING
POOL

FAIRBANKS-MORSE PUMP

S# PK 1907-1

5" DISCHARGE

1-HP GE

FOR CULINARY

PUMP UNIDENTIFIED

WEIR

4 7/2" WIDE NO END RESTRICTIONS
1 1/8" DEPTH

31858
29-2491

Rgc: 37E

To Perry

Map 11-1

12

I.D.
0

ALLOW Q - 0.45 CH

MAX DIRECTED NOT TO EXCEED

73 AC-FT / SEASON

10-22-69 DE

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-31858

This proof is for Comp. of Works & Beneficial Use In Water District No. _____

1. Name of applicant Downata Hot Springs, Inc.

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the SW 1/4 of Section 12

T. 12 S R. 37 E County of Bannock

4. Describe works as they exist, giving dimensions and capacities of same:

5 HP G.E. MDR: 54116 PG S# 20994
FAIRBANKS - MORSE PUMP S# PK 1907-1 5" PUCARAB

1- HP G.E.

PUMP & UNIDENTIFIED

5. Water is used for: Cooling water for swimming pool and culinary

6. State whether or not water has been turned into works of diversion: YES

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

For cooling water for swimming pool and culinary use in SW 1/4, Sec. 12,

T. 12 S, R. 37 E, B.M.

5 HP PUMP for cooling
1 HP PUMP for culinary

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks:

Head $H = 1\frac{3}{16}$ "

CREST LENGTH $L = 4.0'$

$Q = 3.33 L H^{3/2}$

$Q = 0.421 cfs$

This examination was made on the 7th day of October, 1962

(Signed) Donna Simosovich

Examiner.

31858
29-249

Swimming Pool

General Electric
Motor 5 HP

ZC994

Pomona Turbine Pump

PK1907

Fairbanks-Morse

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

Permit No. G-31858

Well, pipe and pumps
8" X 84' Q-13,500 GPH
H-21'

Examination for Comp. of Works & Beneficial Use

County Bannock

Quantity: 0.5 c.f.s. Sec. 12 T. 12S R. 37E

Source: 29-
Subterranean

P.D.: SW 1/4, Sec. 12, T. 12 S, R. 37 E, B.M.

Use: Cooling water for our swimming pool and culinary

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: May 4, 1964

Due: May 8, 1969

Made: April 17, 1967

Priority: May 4, 1964

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Steve - I have been trying
to contact Mr. Horsley about
this -

Suggest filing a new permit -

Phone

This is not comparable suggest they file a new
permit because extra water requirements
31858

November 7, 1968

Re: Permit No. G-31858

C
O
P
Y

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

Dear Mr. Horsley:

We are sorry to hear of your illness and trust that you are now better.

9 Since our telephone conversation, the State Reclamation Engineer has stated that the only means by which the amendment in question will be considered is if your proof of completion of work and beneficial use, submitted April 17, 1967, is withdrawn.

Secondly, that an amendment be filed for consideration prior to May 8, 1969; and if approved, proof of beneficial use be resubmitted, also, prior to May 8, 1969. There is, however, no guarantee that an amendment of this nature would be approved. We are, therefore, returning your personal check in the amount of \$6 and the application for amendment.

If you wish to pursue the amendment procedures, please advise the Department to withdraw your proof, and return your amendment with a new check.

A much more practical approach to the matter would be for you to submit a new application for a permit, under the new appropriation procedures. We have prepared an application which could be used in this case. The only fee involved to you in connection with the application, its approval, and licensing is a \$10 fee which must accompany the application.

We hope this solution will be satisfactory to you. Please advise the Department as to your intent in the matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg
Enc: Application & instruction
Amendment
Check

31858

DOWNATA HOT SPRINGS

INC.

The Fun Spot of Southern Idaho

Your Hosts:
RAY & MAXINE HORSLEY

~~Phone 2700~~
DOWNEY, IDAHO 897-5736
Oct. 15, 1968

RECEIVED

State of Idaho
Department of Reclamation OCT 17 1968
State House annex
Boise, Idaho

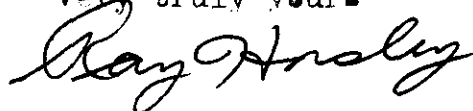
Department of Reclamation

Gentlemen,

On July 18, I sent in my application
of ammendment to Permit # G 31858 along
with my check in the amount of \$6.00.

Could you please let me know the
present status of this application? To
date I have not heard from you.

Very truly yours



E. Raymond Horsley
Downata Hot Springs Inc.
Downey, Idaho 83034

Called to 2-21-68. No answer.

31858

July 17, 1968

Re: Permit No. G-31858

Raymond Horsley
Lava Hot Springs, Inc.
Downey, Idaho

Dear Mr. Horsley:

We wish to thank you for your letter of June 26, 1968 concerning the above referenced permit. Please be advised that if you wish to change the nature of use of your permit, you may file an application for amendment under Section 42-211 of the Idaho Code. We are enclosing such amendment form for your use in this matter.

You should be advised that there is a \$5.00 fee for an application for amendment. The department can only evaluate what you purpose once your proposal is submitted in adequate form and with the proper application fee.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: Application for amendment form

31858

At last - contacted our Horsley

He said to set Irrigation use as
April 1 - to Nov 15

He will send new check if needed.

He wants no Additional water

No - proof made

31858

DOWNATA HOT SPRINGS

INC.

The Fun Spot of Southern Idaho

Your Hosts:
RAY & MAXINE HORSLEY

Phone 2798
DOWNEY, IDAHO
June 20, 1968

Mr. Steve Allred
Idaho Reclamation Department
State House
Boise, Idaho

RECEIVED
JUN 1 1968
Department of Reclamation

Dear Mr. Allred,

Regarding Permit No. G 31858

After our visit in your office the other day and with a lot of afterthought I now realize it is very important that I have the above named permit include irrigation.

I don't recall just how you said this should be done, so would you please let me know your suggestions.

Very truly yours

DOWNATA HOT SPRINGS INC

Ray Horsley

Shoul it be done before or after licensing?

31858

EXAM TYPED

will be
revised with
typographical
errors

31858

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

G-33479.

Underwood ALL OF THE WATERS.
MARSHALL. 3 inches 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. 31858
Applicant & Protestants will determine
Point of redirection & will amend permit
& read as such - Will continue for two weeks.

And protestants must withdraw

3/858

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

31858

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

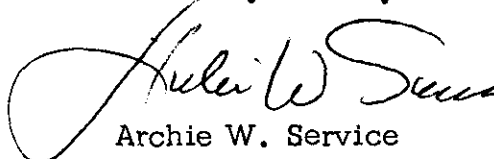
Dear Mr. Allred:

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

31858

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

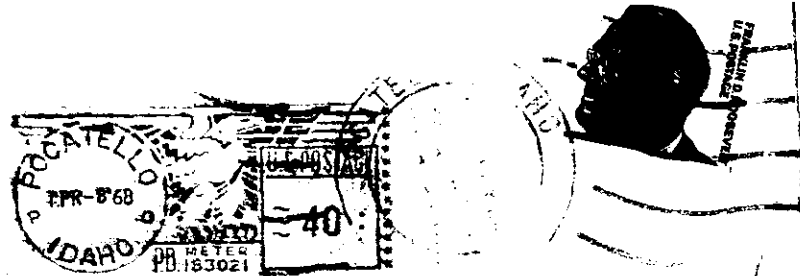
By Tim
C. Timothy Hopkins

CTH:zlm
Enclosure

cc: Archie W. Service, Esq.

31858

LAW OFFICE
TERRELL, GREEN, SERVICE & GASSER
CENTER PLAZA — POCA TELLO, IDAHO
83201



CERTIFIED

No. 856690

MAIL

Mr. R. Keith Higginson
State Reclamation Engineer
107 State House
Boise, Idaho, 83701

31858

TESTED

NAME AND
ADDRESS
OF SENDER

Dept. of Reclamations

Indicate type of mail

☐ INSURED☐ C. O. D.☒ CERTIFIEDAffix 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.	ENDORSE- MENT ¹	R. R. FEE	S. D. FEE	S. H. FEE ²	RESTRICTED DELIVERY FEE REMARKS
1	19989 Rummata Hot Springs, Rummery, Idaho	06	30			10			
2	19990 John Bowen, Box Bowen & J.C. Bowen								
3	Hot Springs, Rummery, Idaho								
4	19991 Archie St. Service, Co. At. Center Plaza								
5	Coatello, Idaho								
6	19992 C. Timothy, Hopkins At. Box								
7	129, Idaho Falls, Idaho								
8	19993 Rummata Hot Springs, Rummery, Idaho								
9	19994 John Bowen, Box Bowen & J.C.								
10	Bowen, Hot Springs, Rummery, Idaho								
11	19995 Archie St. Service, At. Center								
12	Plaza, Coatello, Idaho								
13	19996 Hopkins, C. Timothy, Box 129, Ida.								
14	Falls, Idaho								
15	19997 John Martin, Co. At. Center, Idaho								
16	19998 Wallace Harmon, 35 West Center								
17	Idaho Springs, Idaho								
18	19999 Harry M. Stull, Box 358, Grace								
19	20000 Val Stull, 10 W. Harmon								
20	35 W. Center, Idaho 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.

31858

31858

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-31858,) NOTICE OF PROTEST HEARING
in the name of DOWNATA HOT SPRINGS)

On February 20, 1967, Downata Hot Springs, holder of Permit No. G-31858, 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-31858. On April 9, 1968, the department received a supplemental protest filed against the same permit.

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

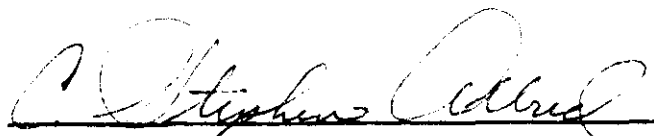
Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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 24 th day of April, 1968.



C. Stephen Allred
Assistant State Reclamation Engineer

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

31858

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)

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:z1m

31858

RECEIVED
APR 11 1968
SALT LAKE CITY

RKH

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.

31858

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 residing at and with my office in Pocatello, Blaine County, Idaho; that I served a copy of the foregoing on the below named attorney, by mailing a true and correct copy thereof to said attorney at his below listed address, pre-paying 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: R. Keith Hoppinson
State Reclamation Engineer

Address: 107 State House, Blaine

Dated this 8th day of April 1968

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 residing at and with my office in Pocatello, Blaine County, Idaho; that I served a copy of the foregoing on the below named attorney, by mailing a true and correct copy thereof to said attorney at his below listed address, pre-paying the postage thereon and that there is a regular communication by U.S. Mail between said Pocatello and said address of said named attorney.

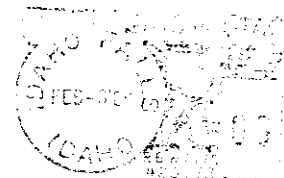
Attorney: C. Timothy Hopkins

Address: P.O. Box 129, Idaho Falls

Dated this 8th day of April 1968

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

LAW OFFICES
HOLDEN, HOLDEN & KIDWELL
IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 129
IDAHO FALLS, IDAHO 83401



Messrs. Steven Allred and
Donald McEldowney
Department of Reclamation
107 State House
Boise, Idaho 83701

31858

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,

A handwritten signature in cursive script that reads "C. Stephen Allred".

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

31858

February 23, 1968

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

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

Dear Mr. Service:

The Department of Reclamation is in receipt of a letter dated February 19, 1968 from Mr. C. Timothy Hopkins, Holden, Holden, and Kidwell, representing Raymond Horsley, applicant for Permits G-31858 and G-33479.

Mr. Hopkins letter indicates that a settlement has been reached between the applicants and the protestants concerning the above referenced permits. Would you please advise the department by return mail as to whether or not this is your understanding, and if a settlement has been reached, whether or not the protestants desire to withdraw their protests in connection with the permits.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

31858

LAW OFFICES

HOLDEN, HOLDEN & KIDWELL

IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 129

IDAHO FALLS, IDAHO 83401

TELEPHONE 523-0620

AREA CODE 208

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

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

February 19, 1968

RECEIVED
FEB 20 1968
Department of Reclamation

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

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

Dear Stephen:

Mr. Raymond Horsley, President of Downata Hot Springs, Inc., the permittee under the above numbered permits, and Mr. John Bowen and Mr. Ben Bowen have now agreed upon a new point of diversion for the works contemplated and described in Permit No. G-33479. You will note that the point of diversion as described on the Permit is more particularly explained in the remarks section, and it would be our suggestion that the newly agreed upon description be included in the remarks section as well. That description is as follows:

Diversion to be accomplished by the placement of a pipe in the spring at a point at the northwest corner of said spring approximately five (5) feet distant from the northwest corner of the concrete dam. Said waters to be diverted through said pipe to a steel or concrete sump from which said waters shall be pumped and piped to their place of use.

We are enclosing a rough sketch of the proposed new point of diversion which you may wish to attach to the Permit on file in your office.

31858

C. Stephen Allred, Assistant
Page 2
February 19, 1968

Agreement now having been reached between the permittee and the protestants, it is our understanding that the protestants will now withdraw their protest with respect to the above numbered permits.

If further problems arise with respect to the above permits, please let us know.

Very truly yours,

HOLDEN, HOLDEN & KIDWELL

By C. Timothy Hopkins
C. Timothy Hopkins

CTH:zlm

Enclosure

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

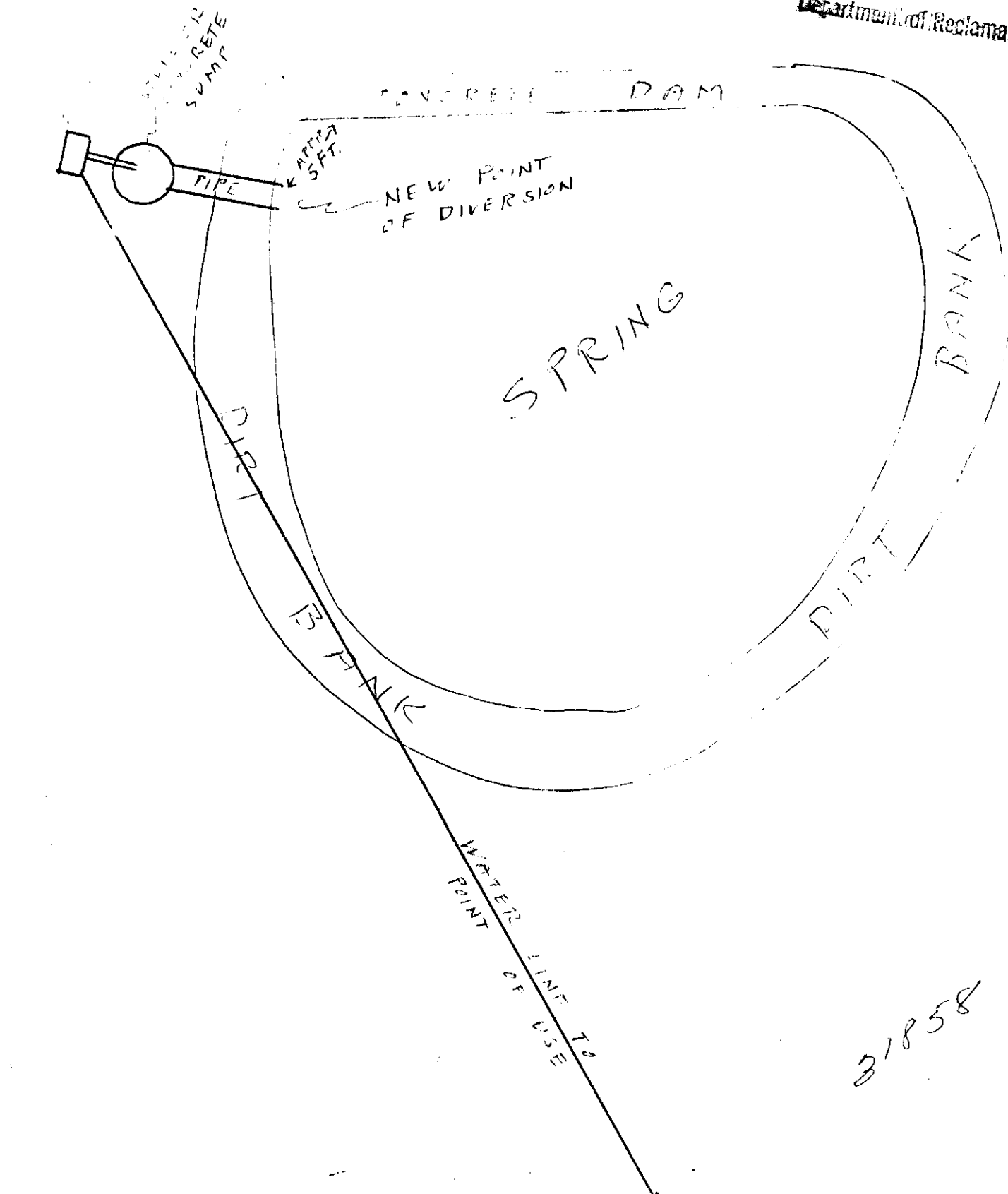
131858

DOWNATA HOT SPRINGS, INC.
RAY & MAXINE HORSLEY
DOWNNEY, IDAHO 83214

FEB 14 1961
RECEIVED

FEB 23 1961

Department of Reclamation



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 and 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

CEA:kd

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

31858

64

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)

February 6, 1968

Messrs. Steven Allred and
Donald McEldowney
Department of Reclamation
107 State House
Boise, Idaho 83701

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

Gentlemen:

At the conclusion of our hearing held in Pocatello on January 26, 1968, with respect to protests filed on the two Permits listed above, you continued the hearing for a period of two weeks, i.e., until February 9, 1968, within which time we were to provide you with information regarding an agreed point of diversion on Permit No. G-33479. Due to the ill health of one of the protestants, the parties have not as yet had an opportunity to reach their agreement regarding the above mentioned point of diversion, and we therefore request that you further continue this matter until February 23, 1968. If we do not hear further from you, we shall presume that this further continuance has been granted, and we shall endeavor to provide you with this agreement at the earliest possible date.

Very truly yours,

HOLDEN, HOLDEN & KIDWELL

By C. Timothy Hopkins
C. Timothy Hopkins

CTH:zlm

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

31858

BK 4 Judgments
p 527

Defendant should have judgment for his costs herein incurred.

Dated this 15th day of May, 1921.

ROBERT M. TERRILL,
District Judge.

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

ALEXANDER W. MARSHALL,

Plaintiff,

-vs-

WILLIAM C. UNDERWOOD,

Defendant.

RECEIVED

This cause came on regularly to heard on the 11th day of April, 1921, Peterson and Coffin, appearing as Attorneys for the plaintiff and Dodge and Merrill, appearing as Attorneys for the defendant. The Court having heard the evidence of the respective parties and having heard the arguments of counsel and being fully advised in the premises and having made and signed Findings of Fact and Conclusions of Law:

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1.

That plaintiff take nothing by reason of his complaint herein.

2.

That the judgment rendered and entered on the 14th day of April, 1919, in the case of William C. Underwood vs. Alexander Marshall, was and is the adjudication of all matters in controversy between the parties to this action, including the particular claims of the plaintiff to the waters of what plaintiff designated in his complaint as the Lower Springs and that said decree as entered, the rights of the plaintiff and defendant in and to said Lower Springs and in and to the entire group of springs of which said Lower Springs form a part was and is fully and completely and finally established, and determined.

3.

That defendant have and recover his costs herein taxed at \$_____.

Dated May 14th, 1921.

ROBERT M. TERRILL,
District Judge.

31858

County of Bannock) ss.

I, EMMETTE SPRAKER, Clerk of the District Court, Ex-Officio Auditor and Recorder in and for the said County and State, hereby certify that the above and foregoing is a full, true and correct copy of the original as the same appears of record or on file in my office. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Pocatello,

Idaho, this 26th day of January, 19 68

By *Francis H. Wilson*
Deputy

EMMETTE SPRAKER
Clerk, District Court, Ex-Officio
Auditor and Recorder

12 3
323
88

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

William C. Underwood,

Plaintiff,

vs.

DECREE

Alexander Marshall,

Defendant.

This cause came on regularly for trial the 21
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. W. Peterson, Esquire, appearing as attorneys for the de-
fendant 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 minor's inches hereinaf-
ter decreed to the cross-complainant, be, and the same hereby
is quieted and established against the said defendant, Alexander

31858

County of Bannock } ss.

I, EMMETTE SPRAKER, Clerk of the District Court, Ex-Officio Auditor and Recorder in and for the said County and State, hereby certify that the above and foregoing is a full, true and correct copy of the original as the same appears of record or on file in my office. IN WITNESS WHEREOF,

I have hereunto set my hand and affixed my official seal at Pocatello,

Idaho, this 26th day of January, 1968.

By _____
Deputy

EMMETTE SPRAKER

Clerk, District Court, Ex-Officio
Auditor and Recorder

31858

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 minor'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 the irrigation of the following described lands of the plaintiff, to-wit:

The Southwest Quarter of the Southwest Quarter of Section 18; 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 18 South, Range 24 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 spring for commercial bathing and he is hereby permanently restrained and enjoined from diverting said waters or 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

County of Bannock } ss.

I, EMMETTE SPRAKER, Clerk of the District Court, Ex-Officio Auditor and Recorder in and for the said County and State, hereby certify that the above and foregoing is a full, true and correct copy of the original as the same appears of record or on file in my office. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Pocatello,

Idaho, this 26th day of January, 19 68

EMMETTE SPRAKER

By _____
Deputy

Clerk, District Court, Ex-Officio
Auditor and Recorder

31858

right of even date with the plaintiff, William C. Underwood,
to three miner's inches of the waters of said springs herein-
before described for the irrigation of garden and orchard
upon the Southwest Quarter of the Southwest Quarter, the East
half of the Southwest Quarter ^{Southwest Quarter} Section 12, The Northeast
Quarter of the Northwest Quarter of Section 15, 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} 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} ~~hereby permanently restrained~~
and enjoined from in any manner interfering with the said de-
fendant 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 \$152.20.

Service of copy acknowledged this 12th day of April, 1917.
C. D. Smith, Attny. for Defendant J. J. Guheen,
District Judge

26th

January 19, 1918

Frances H. Wilson

31858

HO FALLS
AM
POST OFFICE DEPARTMENT
OFFICIAL BUSINESS
1968
83201

LAW DAY
FREEDOM UNDER THE LAW
MAY 1
PENALTY FOR MISUSE TO AVOID
PAYMENT OF POSTAGE, \$300

POSTMARK OF
DELIVERING OFFICE
IDAHO FALLS
8961

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Capitol Annex 2

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Boise, Idaho 83701 31858

RETURN
TO

POD Form 3811 Apr. 1967

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to addressee*(Additional charges required for these services)***RECEIPT***Received the numbered article described below.*

REGISTERED NO.

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

CERTIFIED NO.

INSURED NO.

DATE DELIVERED

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MAY 3 - 1968

31858

055-16-71548-10 GPO

65-15-71548-101

APR 1967

POD Form 3

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Boise, Idaho 83701 31858

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CERTIFIED NO. <i>19994</i>		SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
INSURED NO.		
DATE DELIVERED <i>MAY 3 - 1968</i>		SHOW WHERE DELIVERED <i>(only if requested)</i>

• 656-16-71848-10 GPO

31858

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OFFICIAL BUSINESS

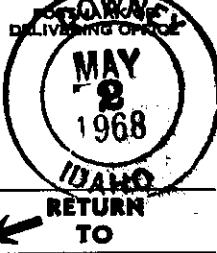
PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

650-16-71648-10

Apr. 1967

POB Form 3

Downata



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NAME OF SENDER

Dept. of Reclamation

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Boise, Idaho 83706

21858

INSTRUCTIONS TO DELIVERING EMPLOYEE☐ Show to whom, date, and
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CERTIFIED NO.

INSURED NO.

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②

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

MAY 1 1968

655-16-71548-10 GPO

31858

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

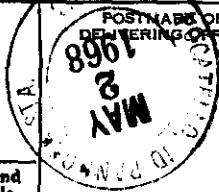
PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

PS-16-71649-10

Apr. 1967

POD Form 3

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TO

NAME OF SENDER

Dept. of Reclamation

STREET AND NO. OR P.O. BOX

Capitol Annex 2

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83701

21858

INSTRUCTIONS TO DELIVERING EMPLOYEE

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

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Received the numbered article described below.

REGISTERED NO.	1 2 3	SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
CERTIFIED NO. 19991		<i>Archie M. Service</i>
INSURED NO.		SIGNATURE OF ADDRESSEE'S AGENT, IF ANY <i>Pat Bourne</i>
DATE DELIVERED MAY 1 1961		SHOW WHERE DELIVERED (only if requested) <i>R</i>

c55-16-71548-10 GPO

31858

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR FAILURE TO AVOID
PAYMENT OF POSTAGE

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1 Apr. 1967

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Downer



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31858

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CERTIFIED NO.

19990

INSURED NO.

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

MAY 1 1968

SHOW WHERE DELIVERED (only if requested)

31258

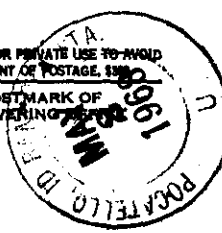
85-10-71548-10 GPO

PS Form 3800-10
Apr. 1967
PS Form 3

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, 100%

POST MARK OF
DELIVERING OFFICE



Downala

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

← RETURN
TO

NAME OF SENDER
Dept. of Reclamation
STREET AND NO. OR P.O. BOX
Capitol Annex 2
POST OFFICE, STATE, AND ZIP CODE
Boise, Idaho 83701 21858

INSTRUCTIONS TO DELIVERING EMPLOYEE

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

RECEIPT

Received the numbered article described below.

REGISTERED NO.	SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
CERTIFIED NO. 19995	1 <i>Archie M. Service</i>
INSURED NO.	2 SIGNATURE OF ADDRESSEE'S AGENT, IF ANY <i>Pat. Brown</i>
DATE DELIVERED	SHOW WHERE DELIVERED (only if requested)
<i>4/1</i>	<i>PO BOX 10000 MAY 2 1964 1025</i>
	31858

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

31858

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 dark ink, appearing to read "Donald W. McEldowney".

Donald W. McEldowney
Water Rights Clerk

DWM:ks

31858

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 cursive script, reading "Donald W. McEldowney".

Donald W. McEldowney
Water Rights Clerk

DWM:ks

31858

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

31858

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

31858

~~January~~
~~December~~ 10, 1968

C
O
P
Y

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

31858

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. McElldowney
Water Rights Clerk

DWM:ks

31858

January 10, 1960

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

John Bowen, Ben Bowen, and E. 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. McElDowney
Water Rights Clerk

DWM:ks

31858

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. McElldowney
Water Rights Clerk

DW:ks

31858

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. Hopkins:

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. McElldowney
Water Rights Clerk

DWM:ks

31858

January 10, 1966

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

31858

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, Downata 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. McElDowney
Water Rights Clerk

DWM:ks

31858

December 11, 1967

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

Dear 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

31858

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. McElDowney
Water Rights Clerk

DWM:ks

Enclosed: Protests

31858

November 1, 1967

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

Archib 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. McElowney
Water Rights Clerk

DWM:ks

31858

Department of Health

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, 1917, 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

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
upon the below named ~~party~~, by mailing a true and correct
copy thereof to said ~~party~~ at his below listed address, pre-
paid postage thereon and that there is a regular commu-
nication by U.S. Mail between said Pocatello and said address
of said named ~~party~~.
~~Party~~: 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

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

By Archie W. Service
Archie W. Service - Partner

31858

August 25, 1967

RE: Permits G-33479 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:ejw

Encl: Receipt

31858

August 23, 1967

RE: Permits G-33479 and G-31858

Archib 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 Winia 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

31858

G 31858

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

LAW OFFICE
TERRELL, GREEN, SERVICE & GASSER

CENTER PLAZA — POCA TELLO, 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

31858

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

31858

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

E. Raymond Horsley
of
Downey, Idaho)

ORDER GRANTING TRANSFER

NO. 1084

For a Transfer of Water Right
in the County of Bannock,
State of Idaho;)

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

31858

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

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

31858

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} ~~3~~ 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

31858

April 25, 1967

Re: Permit No. G-31858

E. Raymond Horsley
Downtown 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-31858~~.

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. McElowney
Water Rights Clerk

DWM:dj

31858

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Permit No. 31858

RECEIVED
APR 20 1967

Department of Reclamation

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: _____
G 31858 - dated May 4, 1964.

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 E.B.M.

Ques. 5. Describe your works of diversion: Pipe and pumps.
_____; state amount of water they are capable of con-
veying 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 21 ft.; if pump is used,
state discharge of pump: 13,500 GPH; tell how it was measured or determined _____
Measured in pool; if sprinkler irrigation, give number and size
of nozzles and operating pressure: _____

Ques. 6. State for what purpose water is used: Cooling of swimming pool water for
culinary use. (If for irrigation, name each subdivision in which used and number of acres in
each subdivision that have actually been irrigated with said water:

31858

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

Swimming pool.

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: R. A. Durstel~~er~~, 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, Twp. 12 S. R. 37 E.B.M. -

(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: 1950 - Time used since first use:

Used every season since.

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

Use of hot water from Hot spring by Deed right from Garnet Johnson.

(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: June 13, 1967.

Harold K. Lee
NOTARY PUBLIC for Idaho,
Residing at: Pocatello, Idaho.

3:858

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho
Permit No. 31858

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:

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

Ques. 2 Are you acquainted with E. Raymond Horsley, the holder of
Permit No. 31858? 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. 31858 read, and are you familiar
with its provisions and conditions: Yes XX 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.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: One-half How much water have you seen being so
conveyed? 13,500 GPH

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

31858

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, Sec. 12, T. 12 S., R. 37 EBM (Adjacent to well).

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.

Culinary use only, in addition to swimming pool cooling.

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? 1952

Other times you have seen such use: Every year since.

(Signed):

Lord 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. 1967

Mervin Lee

Notary Public for the State of Idaho

Residing Pocatello, Idaho.

My commission expires 6/13/67

31858

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho
Permit No. 31858

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. 31858? 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. 31858 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.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: One-half. How much water have you seen being so conveyed? 13,500 GPH

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

31858

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, Sec. 12, T.12 S., R.37 EBM (Adjacent to well).

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.

Culinary use only, in addition to swimming pool cooling.

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? 1952

Other times you have seen such use: Every year since.

(Signed):

Wal R. Dickson

* * * * *

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

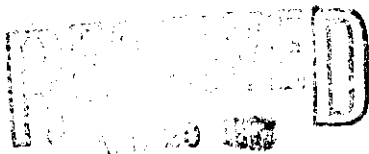
Mervin K. Lee

Notary Public for the State of Idaho

Residing Pocatello, Idaho

My commission expires 6/13/67.

31858



Department of Reclamation

PROOF OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Bannock)

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

Feb. 23, March 2, 9, 16, 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.

Robert L. Jones

SUBSCRIBED and sworn to before me this *16th* day of *March*, 19*67*.

Charles de Balt

Notary Public, Pocatello, Idaho

My commission expires: *5/1/70*

GATEWAY PRINTERS—POCATELLO

31858

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 me, Notary Public, at 748 East Lander, Pocatello, Idaho, proof will be submitted of the completion of works for the diversion of 0.5 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. 331858, 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 *DOWNTOWN 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 0.5 cubic feet per second.

3. The use to which said water has been applied is *Cooling of swimming pool purposes*, and the amount applied to beneficial use is 0.5 cubic feet per second.

4. The point of diversion of said water is *SW 1/4 of the NW 1/4 of Sec. 12 Twp. 12 N. R. 37 E. B. M. County of Bannock*.

5. The place where said water is used is *SW 1/4 of the SW 1/4, Sec. 12, T. 12 N. R. 37 E. B. M.*

6. The date of priority which said user is prepared to establish is *May 4, 1964*.

R. KEITH HIGGINSON
State Reclamation Engineer
February 23, March 2, 9, 16, 1967

PROOF OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Bannock)

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 *Intermountain* 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 *16th* day of *March*, 19*67*.

Notary Public, Pocatello, Idaho

My commission expires: *5/1/70*

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. Coe*, Notary Public, at 746 East Lander, Pocatello, Idaho, proof will be submitted of the completion of works for the diversion of 0.5 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. *Q21854*, 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 *DOWNTOWN 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 0.5 cubic feet per second.

3. The use to which said water has been applied is *Culinary and Cooling of swimming pool* purposes, and the amount applied to beneficial use is 0.5 cubic feet per second.

4. The point of diversion of said water is *SW 1/4 of the SW 1/4 of Sec. 12 Twp. 12 S. Rge. 37 E. B. M. County of Bannock.*

5. The place where said water is used is *SW 1/4 of the 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 *May 4, 1964.*

R. KEITH HIGGINSON
State Reclamation Engineer
February 23, March 2, 9, 16, 1967

RECEIVED
APR 20 1967

Department of Reclamation

LAW OFFICES
GEE, HARGRAVES & ARMSTRONG
LEXCO BUILDING
746 EAST LANDER
POCATELLO, IDAHO 83201

MERRILL K. GEE
GEORGE W. HARGRAVES
HOWARD L. ARMSTRONG, JR.

April 18, 1967

AREA CODE: 208
233-2044
TELEPHONE: 233-2045

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

Dear Mr. Higginson:

We are sending to you Proof of Publication and
Proof of Completion of Works, relating to Permits
No. 31858 and 33479.

Sincerely yours,

GEE, HARGRAVES & ARMSTRONG


Merrill K. Gee

MKG:rr

Encls.

31858

February 20, 1967

Re: Permit No. **G-31858**

Downata Hot Springs, Inc.
Downey, Idaho 83234

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. **G-31858**. The proofs are to be made ~~xxx~~ ~~xxxxxxxx~~, on the 17th day of April, 19 67 before Merrill Gee

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:mw

M. Russell Bosch
Office Manager

Encl.

cc: Notary

31858

February 20, 1967

Re: Permit No. G-31858

Intermountain Weekly
P.O. Box 1747
Pocatello, Idaho 83201

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 Downata Hot Springs, Inc. of 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

31458

*with affidavit
5-29-67
mw*

RECEIVED
FEB 20 1967

NOTICE OF PROOF OF COMPLETION OF WORKS **Department of Reclamation**
and
APPLICATION OF WATER TO BENEFICIAL USE

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 Land er, proof will be submitted of the completion
of works for the diversion of 0.5 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. G31858, 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 0.5 cubic feet per second.

3. The use to which said water has been applied is Culinary & Cooling of swimming pool
_____, purposes and the amount applied to beneficial use is
0.5 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 Rg. 37 E BM Co. unty of Bannock

5. The place where said water is used is Sam - SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12, Twp. 12 S.
Rge. 37 E. B.M.

6. The date of priority which said user is prepared to establish is Well was
May 4, 1964
drilled in 1950 and has been used since.

State Reclamation Engineer

31858

mw



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN ~~DUPLICATE~~ ^{Department of Reclamation}

(Date) Feb. 18, 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.

DOWNATA HOT SPRINGS INC.

(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

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

Alexander Marshall was decreed
3 inches for irrigation of garden
and orchard in SW SW & E 1/2 of
SW sec 12, NE 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 SWSW 12 for cooling water
for pool & culinary use (0.5 g.p.)

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 SWSW of sec 12.
31858

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

31858

CONFERENCE, PERMITS G 31858E/ G 33479
Review 33432

BANKNOCK COUNTY COURT HOUSE.
JUSTICE COURT ROOM.

JAN 26 1967
1: PM

NAME	ADDRESS	REPRESENTING
John Brown	Norman, Idaho	Plaintiff
Ayler W. Sauer	Pocatello	
Don H. Brown	Norman, Idaho	Protestant
J. Raymond Horsley	Tremonton, Utah	applicant
J. Raymond Horsley	Idaho, Idaho	applicant
R. T. Tuelley	Adams Falls Holden, Holden & Kidwell	Applicants

31858

May 19, 1964

Re: Permit No. G-31858
Downata Hot Springs, Inc.

Mr. E. Raymond Horsley,
Downey, Idaho.

Dear Mr. Horsley:

We enclose Permit No. G-31858 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-9672 which was issued covering payment in the amount of \$ 5.00 for the filing fee of the above mentioned permit.

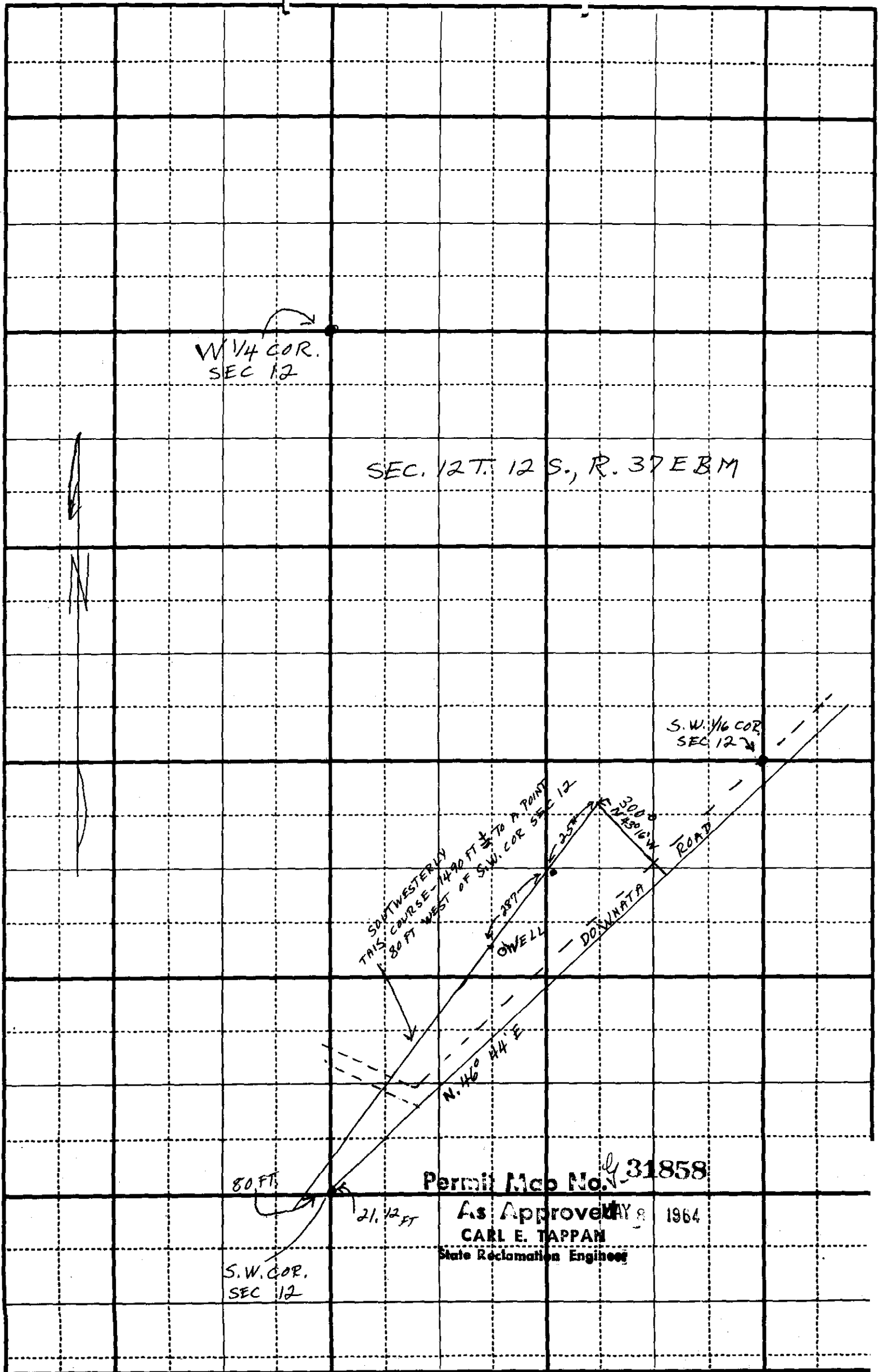
Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk

31858



April 28, 1964

Re: Application for Permit
Downata Hot Springs, Inc.

E. Raymond Horsley
Downey, Idaho

Dear Mr. Horsley:

We received your application for permit to divert
subterranean water, without the \$5.00 filing fee.

The amount claimed 33.4 c.f.s. has been changed to
0.5 c.f.s. which is equivalent to 13,465 gallons per house. That
amount is slightly over the amount you stated you are using.

Remit the filing fee noted above and the application
will be processed.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

31858

DOWNATA HOT SPRINGS

INC.

The Fun Spot of Southern Idaho

Your Hosts:
RAY & MAXINE HORSLEY

Phone 2798
DOWNEY, IDAHO
April 24, 1964

RECEIVED
APR 29 1964

State of Idaho
Dept. of Reclamation
Boise, Idaho

Department of Reclamation

Gentlemen,

I am submitting herewith my application for permit on our well that we use to cool our swimming pool water.

I am not enclosing a check because I am not sure as to the actual cubic feet per second pumped. As near as I can tell we are using about 13000 gal per hour from the well, and I am not positive how to figure the cubic feet.

Please let me know the filing fee and check over my application.

Very truly yours

DOWNATA HOT SPRINGS INC,

Ray Horsley

31858