



# Affidavit of Publication

RECEIVED  
No 3832

STATE OF IDAHO, }  
COUNTY OF TWIN FALLS }

ss.

MAY 5 1975

I, KAY MABEY being first duly sworn upon

oath, depose and say that I am Principal of the TIMES-NEWS, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two

consecutive THURSDAYS, commencing with the issue dated April 24, 1975, and ending with the issue dated MAY 1, 1975.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this Kay Mabey 29th day of

April, 1975.

Masha L. Coak

Notary Public in and for the County of Twin Falls, State of Idaho, residing at Twin Falls, Idaho

## NOTICE OF AMENDED CLAIM TO A WATER RIGHT NO. 47-4004

Notice is hereby given that Claim To A Water Right No. 47-4004 in the name of Johnnie Kuest, Box 1254, Twin Falls, Idaho, was filed for the diversion of 3.0 cubic feet per second of water from Hot Springs tributary of Shoshone Creek in the SE 1/4 NE 1/4 Section 19, Township 16S, Range 17E, B.M. Twin Falls County to be used from January 1 to December 31, for commercial and industrial purposes within the SE 1/4 NE 1/4, Section 19, Township 16S, Range 17E, B.M.

Claim To a Water Right No. 47-4004 is hereby amended in the name of Magic Hot Springs Ltd., Box 82, Twin Falls, Idaho, to 3.0 cubic feet per second of water from Magic Hot Springs, tributary to Shoshone Creek from (3 points) the SW 1/4 NE 1/4, Section 30, Township 16S, Range 17E, B.M. Twin Falls County; SE 1/4 NW 1/4, Section 30, Township 16S, Range 17E, B.M. to be used from January 1 to December 31 for commercial, industrial and bathing purposes within the W 1/2 NW 1/4, E 1/2 NW 1/4, Section 30, Township 16S, Range 17E, B.M.

Any exception to the amending of this Claim To A Water Right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

R. KEITH HIGGINSON  
Director

Published in the Times-News on April 24 & May 1, 1975.

5-5-75  
Re-advertise  
5-8-75

MICROFILMED

RECEIVED  
N<sup>o</sup> 3879

MAY 16 1975

# Affidavit of Publication

STATE OF IDAHO, }  
COUNTY OF TWIN FALLS } ss.

I, Kay Mallery being first duly sworn upon  
Thurs. Clerk Department of Water Resources,  
published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy  
of the notice of advertisement, as per clipping attached, was published in the regular and  
entire issue of said newspaper, and not in any supplement thereof, for two  
consecutive Thursdays, commencing with the issue dated  
May 8, 1975, and ending with the issue dated  
May 15, 1975.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Kay Mallery  
Subscribed and sworn to before me on this 13th day of  
May, 1975.  
Marble L. Clark

Notary Public in and for the County of Twin Falls,  
State of Idaho, residing at Twin Falls, Idaho

## NOTICE OF AMENDED CLAIM TO A WATER RIGHT NO. 47-4004

Notice is hereby given that Claim To A Water Right No. 47-4004 in the name of Johnnie Kuest, Box 1254, Twin Falls, Idaho, was filed for the diversion of 3.0 cubic feet per second of water from Hot Springs tributary of Shoshone Creek in the SE 1/4 NE 1/4, Section 19, Township 16S, Range 17E, B.M., Twin Falls County to be used from January 1 to December 31, for commercial and industrial purposes within the SE 1/4 NE 1/4, Section 19, Township 16S, Range 17E, B.M.

Claim To A Water Right No. 47-4004 is hereby amended in the name of Magic Hot Springs Ltd., Box 82, Twin Falls, Idaho, to 3.0 cubic feet per second of water from Magic Hot Springs, tributary to Shoshone Creek from (3 points) in the SW 1/4 NE 1/4, Section 30, Township 16S, Range 17E, B.M. Twin Falls County; SE 1/4 NW 1/4, Section 30, Township 16S, Range 17E, B.M. to be used from January 1 to December 31 for commercial, industrial and bathing purposes within the W 1/2 NE 1/4, E 1/2 NW 1/4, Section 30, Township 16S, Range 17E, B.M.

Any exception to the amending of this Claim To A Water Right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.  
R. KEITH HIGGINSON,  
Director  
Published in the Times-News on May 8 & 15, 1975.

*OK-ae  
5-16-75*

MICROFILMED

# Affidavit of Publication

STATE OF IDAHO,  
COUNTY OF TWIN FALLS } ss.

N<sup>o</sup> 14304

**NOTICE OF CLAIM TO  
A WATER RIGHT**  
No. 47-4004

Notice is hereby given that Johnnie Kuest, Box 1204, Twin Falls, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 3.0 cubic feet per second of water from Hot Springs tributary of Shoshone Creek with point of diversion in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 19, T. 16 S, R. 17 E, B. M., Twin Falls County; the water is claimed to be used from January 1 to December 31 for commercial and industrial purposes with a priority of 1880; the place of use is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 19, T. 16S, R. 17 E, B. M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON,  
State Reclamation Engineer

Published in the Times-News,  
Twin Falls, Idaho, on September 11  
and September 18, 1969.

I, Carolynne Jennings, being first duly sworn upon oath, depose and say that I am principal clerk of the TIMES-NEWS, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive Tuesdays, commencing with the issue dated Sept. 11, 1969, and ending with the issue dated Sept. 18, 1969.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Carolynne Jennings  
Subscribed and sworn to before me this 18th day of Sept., 1969.

Al Wittington  
Notary Public in and for the County of Twin Falls,  
State of Idaho, residing at Twin Falls, Idaho

47 4004

RECEIVED  
SEP 19 1969  
Department of Reclamation

Bill submitted  
kk

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
 Section 42-225a, Idaho Code

RECEIVED

APR 11 1975

(AMENDED) **CLAIM TO A WATER RIGHT**

Department of Water Resources  
 Southern District Office

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Magic Hot Springs Ltd.  
(name of claimant)  
 of Box 82 Twin Falls, Idaho 83301, claims a right to the diversion and beneficial use of  
(mailing address)  
 the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Magic Hot Springs  
 \_\_\_\_\_, tributary to, Shoshone Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- |        |                                  |     |   |                     |               |    |                                       |
|--------|----------------------------------|-----|---|---------------------|---------------|----|---------------------------------------|
| Amount | <u>3.0</u>                       | Use | <u>Commercial</u>                         | Period of Use: From | <u>Jan. 1</u> | To | <u>Dec. 31</u>                        |
| Amount | <u>3.0</u>                       | Use | <u>Industrial</u>                         | Period of Use: From | <u>Jan. 1</u> | To | <u>Dec. 31</u>                        |
| Amount | <u>3.0</u>                       | Use | <u>Bathing</u>                            | Period of Use: From | <u>Jan. 1</u> | To | <u>Dec. 31</u>                        |
|        | <small>(cfs, gpm or a/f)</small> |     | <small>(dom., irri., stock, etc.)</small> |                     |               |    | <small>(both dates inclusive)</small> |
- (3) Total quantity of water claimed: 3.0 cubic feet per second, or \_\_\_\_\_ acre feet per annum, and/or \_\_\_\_\_ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1880

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)  
 (3 points) SW ¼ NE ¼, Sec. 30 Twp. 16S Rge. 17E B. M. County of Twin Falls  
 Additional points of diversion: SE ¼, Sec. 30, Twp. 16S, Rge. 17E
- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Concrete catch basins into pools.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

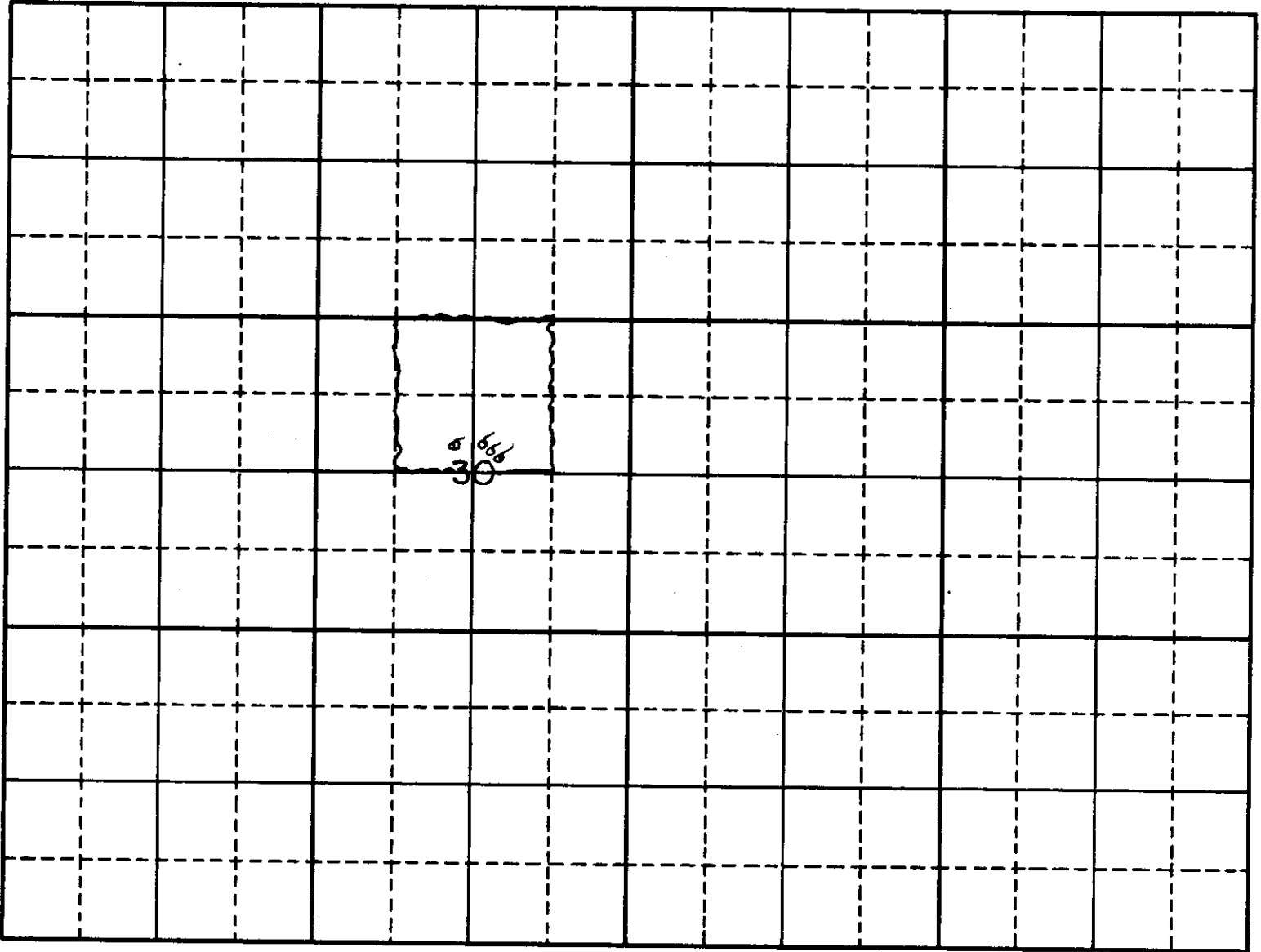
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16S	17E	30		X	X		X			X									

Total No. of acres \_\_\_\_\_

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: This Magic Hot Springs water has been used or bathing and therepetic use since the 1880's and we hope to continue to use it for that. All the water that flows out of the ground is being used the year around.
- (7) If you are claiming water as a member of an organization, list name of organization: \_\_\_\_\_

SCANNED  
 JAN 18 2007

(8) Remarks Magic Hot Springs has been and is a health resort, it was homesteaded by a Mr. Urie in the early 1880's and has been improved on ever since.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
 County of ada ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 10<sup>th</sup> day of \_\_\_\_\_

Shoel Johnson  
 (Claimant)  
April, 1975  
Lyle Glen Lupton  
 Notary Public  
 Residing at Boise, Idaho

My commission expires 11-21-78

**For Department Use Only**

Received by <u>SDF</u>	Date <u>4-8-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>SDF</u>	Date <u>4-8-75</u>		claimant by:	
\$10.00 fee received by <u>Arant</u>	Date _____			
Approved for publication by <u>K.B.</u>				
Published in <u>Times News</u>				
Dates <u>4-24 &amp; 5-1-75</u>				



RECEIVED  
N<sup>o</sup> 3879

MAY 16 1975

# Affidavit of Publication

STATE OF IDAHO, }  
COUNTY OF TWIN FALLS } ss.

I, Kay Mauley being first duly sworn upon  
oath, depose and say that I am Thoree Clerk of the Water Resources  
published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy  
of the notice of advertisement, as per clipping attached, was published in the regular and  
entire issue of said newspaper, and not in any supplement thereof, for two  
consecutive Thursdays, commencing with the issue dated  
May 8, 1975, and ending with the issue dated  
May 15, 1975.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Kay Mauley  
Subscribed and sworn to before me on this 13th day of  
May, 1975.

Marble T. Wick  
Notary Public in and for the County of Twin Falls,  
State of Idaho, residing at Twin Falls, Idaho

**NOTICE OF A WATER RIGHT CLAIM**  
I, K. Mauley  
do hereby give notice that claim  
To Thoree Clerk in the  
name of Shoshone Creek, Box 1254,  
Twin Falls, Idaho, with head for the  
diversion of 3.0 cubic feet per  
second of water from Hot Springs  
tributary of Shoshone Creek in the  
SE1/4NW1/4, Section 30, Township  
16S, Range 17E, B.M., Twin Falls  
County, to be used from January 1 to  
December 31, for commercial and  
industrial purposes within the  
SE1/4NW1/4, Section 30, Township  
16S, Range 17E, B.M.  
Case No. 47-  
400, in the name of Thoree Clerk, Box 62,  
Twin Falls, Idaho, to 3.0 cubic feet  
per second of water from Magic Hot  
Springs, tributary to Shoshone  
Creek from (3 points) in the  
SW1/4NE1/4, Section 30, Township  
16S, Range 17E, B.M., Twin Falls  
County; SE1/4NW1/4, Section 30,  
Township 16S, Range 17E, B.M., to  
be used from January 1 to  
December 31 for commercial, industrial  
and bathing purposes within  
the W1/2NE1/4, E1/2NW1/4, Section 30,  
Township 16S, Range 17E, B.M.  
As an extension to the amending of  
this claim to a Water Right and be  
filed with the Idaho Department of  
Water Resources, 1041 Blue Lakes  
Bldg. North, Twin Falls, Idaho.  
**R. KEITH HIGGINS**  
Director  
Published in the Times-News on  
May 8, 1975.

*Handwritten:*  
K. Mauley  
5-16-75



Identification No. \_\_\_\_\_  
Claim No. 47-4004 P  
Map No. \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF RECLAMATION**  
**CLAIM TO A WATER RIGHT**  
**Established by Diversion and Application to Beneficial Use**

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Johannie Kuest  
post office address P.O. Box 1254, Twin Falls, Idaho 83301

2. The point of diversion is in SE ¼ of NE ¼ Section 19 Township 16S  
Range 17 E B.M. located on HOT SPRINGS  
(name of source)  
tributary to Shoshone creek in Twin Falls County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed: 1880 amount: all that comes out of the ground  
73.0 c.f.s. or — acre feet  
JR, c.f.s. or — acre feet  
amount: — c.f.s. or — acre feet  
Total claimed — c.f.s. or — acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use ~~your crop~~ period of use from JAN 1 to Dec 31 (both dates inclusive)  
use commercial, industrial period of use from JAN 1 to Dec 31 (both dates inclusive)  
use Bathing period of use from JAN 1 to Dec 31 (both dates inclusive)  
use — period of use from — to — (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of CONCRETE CATCH  
BASINS INTO POOLS; length is — feet; height is — feet;  
width at bottom is — feet; width at top is — feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known —  
RUNS BETWEEN SPRINGS & POOLS THROUGH  
CONCRETE BOXES.

b. Underground water diverting works: is <sup>SPRING</sup> ~~well~~ flowing or pumped flowing; depth of <sup>SPRING</sup> ~~well~~ is unknown feet; diameter of well is — inches; type of pump is —  
capacity of pump is — g.p.m.; name and address of well driller is —



b. Do you get water through a ditch owned by several users? \_\_\_\_\_ If yes, give the name of the ditch \_\_\_\_\_ The other users and their respective interests in the ditch are (if known) \_\_\_\_\_

6. Where water is used for stock watering, give number of each kind of stock watered \_\_\_\_\_

7. Where water is used for domestic or municipal purposes give number of families served 3 name of town supplied \_\_\_\_\_

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities. This Magic Hot Springs water has been used for bathing and therapeutic use since the 1880's and we hope to continue to use it for that. All the water that flows out of the ground is being used the year around.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation Magic Hot Springs has been and is a health resort, it was homesteaded by a Mr. Urie in the early 1880's and has been improved on ever since.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

11-22-68  
(Date)

Johnnie Kilst  
(Signature of Claimant)

State of Idaho }  
County of TWIN FALLS } ss.

On this 22<sup>nd</sup> day of NOVEMBER 1968, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Frank H. Goldtman  
Notary Public residing at Twin Falls, Idaho

My commission expires 13 November 1971

For Department Use Only

Received by <u>[Signature]</u> Date <u>8-26-69</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>[Signature]</u> Date <u>8/26/69</u>	_____	_____	_____
Fee received by <u>[Signature]</u> Date <u>8-26-69</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by _____	_____	_____	_____
Published in <u>Times News</u> Dates <u>9-11 and 18-69</u>	_____	_____	_____

Rec'd # 3553

## INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

### Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8</u> c.f.s. or	<u>          </u> acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4</u> c.f.s. or	<u>          </u> acre feet
		Total claimed:	<u>1.2</u> c.f.s. or	<u>          </u> acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.



IN THE MATTER OF:

RECORDED

AFFIDAVIT

Department of Reclamation

State of Idaho )  
County of \_\_\_\_\_ )

I Henry Wilson being first duly sworn,  
deposes and says: that I have known Magic Hot Springs for 27 years.  
And have attended and known that Magic Hot Springs have used all the hot springs  
water for bathing and thereputic purpos es ever since.

Have recieved much benefit  
and pleasure from the use  
of the springs.

Henry Wilson  
(signature)

Subscribed and sworn to before me this 22<sup>nd</sup> day of November 19 68.

Silvia D. Miller  
(Notary Public)

Residing at Twin Falls, Idaho.  
My commission expires June 1, 1970.

IN THE MATTER OF:

AFFIDAVIT

Department of Health

State of Idaho )  
County of Twin Falls )

Emily M Baker & J E Baker being first duly sworn,

deposes and says: that I have known Magic Hot Springs for 33 years.  
and have known and attended that Magic Hot Springs have used all the hot  
springs water for bathing and thereputic purposes ever since.

I Emily M Baker, in 1935 worked for Guy Stoddard, at Magic  
Hot Springs. He owned the Springs at that time.

The Hot Springs operated as a Hot Bath Mineral Spring, and has  
been operating on that basis up to the present time.

Emily M Baker

I J E Baker have been to and will swear to the fact that  
Magic Hot Springs has used the Hot water for Mineralh baths  
every year since 1935.

J E Baker

Emily M Baker  
J E Baker  
(signature)

Subscribed and sworn to before me this 21<sup>st</sup> day of November 1968.

Carole Schmidt  
(Notary Public)

Residing at Harrison Id.  
My commission expires Sept 15, 1969

IN THE MATTER OF:

Department of Recreation

AFFIDAVIT

State of Idaho  
County of Terrebonne

\_\_\_\_\_ being first duly sworn,  
deposes and says: that I have known Magic Hot Springs for forty-eight years,  
and have attended and known that Magic Hot Springs have used all the hot  
water springs water for bathing and therapeutic purposes, ever since.

We have great confidence and  
praise for the remarkable effect the  
Magic Hot Springs have done for  
our parents, other relatives and for  
us by taking the hot baths and  
drinking the hot water, which has  
been beneficial to our health and  
for the many, many other people,  
that have been taking them.

Our parents had made there since  
1920 and we, too have gone there  
each year since that time.

Adolph Machack  
(signature)

Subscribed and sworn to before me this 21 day of NOV 1968

J.P. Hamilton  
(Notary Public)

Residing at Buhl  
My commission expires 11-7-70



# Affidavit of Publication

STATE OF IDAHO.

COUNTY OF TWIN FALLS

ss.

N<sup>o</sup> 14304

all the water  
 Idaho and  
 right of 3.0  
 app from  
 cubic feet  
 Hot Springs  
 Creek with  
 SE 1/4 Sec. 16 S. R. 17 E.  
 B. M. Twin Falls  
 is claimed to be  
 1. to December  
 and industrial  
 of 1890; the  
 within the SE 1/4  
 R. 17 E. B. M.  
 Any exception  
 water right may  
 Department of  
 E. K. K.  
 State  
 Twin Falls  
 and September

I, Carolyn Jennings, being first duly sworn upon  
 oath, depose and say that I am principal clerk of the TIMES-NEWS,  
 published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy  
 of the notice of advertisement, as per clipping attached, was published in the regular and  
 entire issue of said newspaper, and not in any supplement thereof, for two  
 consecutive days, commencing with the issue dated  
Sept. 11, 1969, and ending with the issue dated  
Sept. 18, 1969.

And I do further certify that said newspaper is a consolidation, effective February 16,  
 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the  
 Twin Falls News, published theretofore daily except Monday, both of which newspapers  
 prior to consolidation had been published under said names in said city and county con-  
 tinuously and uninterruptedly during a period of more than twelve consecutive months, and  
 said TIMES-NEWS, since such consolidation, has been published as a daily newspaper ex-  
 cept Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each  
 week has been designated as the day on which legal notice by law or by order of any  
 court of competent jurisdiction within the state of Idaho, to be published weekly, will be  
 published; and that at the head of the editorial column of said combined newspapers, and  
 in each issue thereof, Thursday is announced as the day on which said legal notices will  
 be published.

Subscribed and sworn to before me this 18th day of  
Sept., 1969.

Al. [Signature]  
 Notary Public in and for the County of Twin Falls,  
 State of Idaho, residing at Twin Falls, Idaho

*Handwritten notes:*  
 Filed with  
 11

17 2104

September 9, 1981

Smith & Beeks  
210 6th Ave. East  
Box 508  
Twin Falls, ID 83301

RE: License Nos. 47-7080, 47-2455  
and Claim No. 47-4004

Dear Mr. Smith:

Thank you for your letter of August 20, 1981. I have noted the Assignments of Permits on the above referenced water rights. However, in Idaho a water rights has several different stages; permit, license and claim. A permit is considered personal property and can be acquired when the permit holder assigns all or part of his interest in the water right (assignment form). A license and claim are considered real property and can be acquired when the land to which the water right is appurtenant to is purchased (no assignment form needed). Therefore, I have put the assignment forms in each file for further reference only.

If you have any questions concerning this matter, please contact me at 334-4123.

Sincerely,

ROBYN CARLSON  
Chief Clerk

RC:kw

# Smith & Beeks

210 6TH AVE. EAST  
BOX 508  
TWIN FALLS, IDAHO 83301  
(208) 733-6684

RECEIVED

AUG 21 1981

Department of Water Resources

*Attorneys at Law*

*Leon E. Smith, Jr.*

*Paul M. Beeks*

August 20, 1981

Department of Water Resources  
State Office  
Records Department  
450 West State Street  
Boise, Idaho 83720

Gentlemen:

I represent Peter M. Link, and I enclose herewith three assignments of Water Permits, to bring your records to date as to the ownership of the land and permit rights appertaining. Peter M. Link was the eventual purchaser of property known as the "Magic Hot Springs", from H Bar H, a Washington Corporation. H Bar H was the holder of permits numbered:

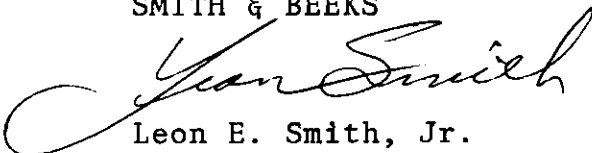
1. 47-7080
2. 47-4004
3. 31065/47-2455

Mr. Link now holds the title to the property at the place of diversion and the place of use. He is also the owner of all water rights pursuant to contract of purchase.

Would you please insure that these water permits are reflected in Mr. Link's name, and confirm that with a letter or notation to me? Thank you for your efforts on our behalf.

Yours truly,

SMITH & BEEKS



Leon E. Smith, Jr.

LES/rjf

Enclosures

MICROFILMED

RECEIVED

State of Idaho  
Department of Water Resources  
ASSIGNMENT OF PERMIT

AUG 21 1981

Department of Water Resources

I, H BAR H, a Washington corporation, hereby assign to PETER M. LINK  
of Route #1, Box 267, Hansen, ID 83334  
Address

CHECK ONE

All my right, title, and interest in and to ~~Permit~~ <sup>Claim</sup> No. 47-4004  
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and to Permit  
No. \_\_\_\_\_ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within  
each 40 acre subdivision, the point of diversion and the amount of water in cubic  
feet per second for direct diversion, or acre feet for storage)

Made this 21 day of May, 19 80.

ATTEST:

[Signature]  
Permit Holder H BAR H by President

Secretary \_\_\_\_\_

Spouse of Permit Holder \_\_\_\_\_

State of Idaho Washington,  
County of Snookish ) ss.

On this 21 day of May, 19 80, personally  
appeared before me the signer(s) of the above instrument, who duly acknowledged to me  
that he is the President of the corporation and that such corporation  
executed the same.

seal

[Signature]  
Notary Public residing at  
Woods, WA

My commission expires:  
\_\_\_\_\_

MICROFILMED



State of Idaho  
Department of Water Resources

RECEIVED

ASSIGNMENT OF PERMIT

AUG 18 1980 ✓

I, H BAR H, a Washington corporation, hereby assign to GORDON BECKSTEAD Regional District Office  
of Route #4, Twin Falls, ID 83301  
Address

CHECK ONE

All my right, title, and interest in and to ~~Permit~~ <sup>Claim</sup> No. 47-4004  
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and to Permit  
No. \_\_\_\_\_ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within  
each 40 acre subdivision, the point of diversion and the amount of water in cubic  
feet per second for direct diversion, or acre feet for storage)

Made this 21 day of May, 19 80.

ATTEST:

[Signature]  
Permit Holder H BAR H by President

Secretary

Spouse of Permit Holder

State of ~~Idaho~~ Washington )  
County of Snohomish ) ss.

MICROFILMED

On this 21 day of May, 19 80, personally  
appeared before me the signer(s) of the above instrument, who duly acknowledged to me  
that he is the President of the corporation and that such corporation  
executed the same.

seal

[Signature]  
Notary Public residing at

My commission expires:

RECEIVED

JUL 25 1985 ✓

May 19, 1975

RE: Amended Claim to a Water Right No. 47-4004 - Magic Hot Springs Ltd.

Magic Hot Springs Ltd.  
Box 82  
Twin Falls, Idaho 83301

Gentlemen:

The Department of Water Resources has completed the processing of your Claim to a Water Right, and no further action is authorized under Sections 42-225a and 42-225b of the Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the Court.

As you are aware, the filing of your claim does not, in itself guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing a copy of the claim for your records. If you have any questions or if we can be of further assistance, please feel free to contact us.

Sincerely,

BOB HAYNES  
Southern District Engineer

BH:cc

Enc.

April 14, 1975

RE: Amended Claim To A Water Right No. 47-4004 - Magic Hot Springs Ltd.

Times News  
P. O. Box 548  
Twin Falls, Idaho 83301

Gentlemen:

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

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

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Bob Haynes  
Southern District Engineer

Bill submitted: \_\_\_\_\_



NOTICE OF AMENDED CLAIM TO A WATER RIGHT

NO. 47-4004

Notice is hereby given that Claim To A Water Right No. 47-4004 in the name of Johnnie Kuest, Box 1254, Twin Falls, Idaho, was filed for the diversion of 3.0 cubic feet per second of water from Hot Springs tributary of Shoshone Creek in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 19, Township 16S, Range 17E, B.M. Twin Falls County to be used from January 1 to December 31, for commercial and industrial purposes within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 19, Township 16S, Range 17E, B.M.

Claim To a Water Right No. 47-4004 is hereby amended in the name of Magic Hot Springs Ltd., Box 82, Twin Falls, Idaho, to 3.0 cubic feet per second of water from Magic Hot Springs, tributary to Shoshone Creek from (3 points) in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 30, Township 16S, Range 17E, B.M. Twin Falls County; SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 30, Township 16S, Range 17E, B.M. to be used from January 1 to December 31 for commercial, industrial and bathing purposes within the W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , Section 30, Township 16S, Range 17E, B.M.

Any exception to the amending of this Claim To A Water Right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

R. KEITH HIGGINSON

Director

Published in the Times News  
on April 24 & May 1, 1975.

*Resubmitted 5-8-75  
5-15-75 G.C.*

47-4004

# WARRANTY DEED

For Value Received J. EDWARD JOHNSON, a single man,

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto MAGIC HOT SPRINGS LTD., a limited partnership with its principal place of business in Twin Falls County, Idaho,

Hereinafter called the grantee, the following described premises, in Twin Falls..... County, Idaho, to-wit:

Township 16 South, Range 17 E.B.M., Twin Falls County, Idaho,

Section 30: W 1/2 NE 1/4, E 1/2 NW 1/4

TOGETHER With all mineral rights and water rights appurtenant to said real property including but not limited thereto the water rights shown in State of Idaho Department of Reclamation Application for Permit to appropriate the Public Waters of the State of Idaho as shown by Permit No. 47-7080, No. 47-4009 and No. 47-2451.

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

Dated: April 13, 1973

*J. Edward Johnson*

STATE OF IDAHO, COUNTY OF Twin Falls  
On this 13 day of April, 1973, before me, a notary public in and for said State, personally appeared J. Edward Johnson, a single man,

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

*Don (M) Deike*

Notary Public

Residing at Twin Falls, Idaho  
Comm. Expires

STATE OF IDAHO, COUNTY OF TWIN FALLS  
I hereby certify that this instrument was filed for record at the request of *J. Edward Johnson* at 40 minutes past 4 o'clock P.M. this APR 1 1975 day of 19, in my office, and duly recorded in Book of Deeds at page

H.A. LANCASTER  
Ex-Officio Recorder

By *John Peterson* Deputy.

Fees \$ *1.00*  
Mail to: *J. Edward Johnson*  
*Box 82, Twin Falls, Idaho*

INSTRUMENT No. 678159

MICROFILMED

83301

# WARRANTY DEED

For Value Received

JOHNNIE KUEST and ELSIE KUEST, Husband and Wife,

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

J. EDWARD JOHNSON, a Single Man,

Hereinafter called the Grantee, the following described premises situated in Twin Falls County, Idaho, to-wit:

TOWNSHIP 16 SOUTH, RANGE 17 E.B.M., TWIN FALLS COUNTY, IDAHO,

Section 30: W 1/2 NE 1/4, E 1/2 NW 1/4

TOGETHER With all mineral rights and water rights appurtenant to said real property including but not limited thereto the water rights shown in State of Idaho Department of Reclamation Application for Permit to Appropriate the Public Waters of the State of Idaho as shown by Permit No. 47-7080, No. 47-4009 and No. 47-2451.

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

Dated: *June 27, 1972*

*Johnnie Kuest*  
*Elsie Kuest*

STATE OF IDAHO, COUNTY OF TWIN FALLS  
On this *27<sup>th</sup>* day of *June*, 1972 before me, a notary public in and for said State, personally appeared JOHNNIE KUEST and ELSIE KUEST, Husband and Wife,

known to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.

*Married Brock*  
Notary Public

Residing at *Twin Falls*, Idaho.

STATE OF IDAHO, COUNTY OF TWIN FALLS  
I hereby certify that this instrument was filed for record at the request of *Ray Harrison Ready* at *30* minutes past *8* o'clock A. M., this *27<sup>th</sup>* day of *June*, 1972, in my office, and duly recorded in Book *223* of Deeds at page *605*.

Ex-Officio Recorder

By *Arden Patterson* Deputy.

Fees \$ *1.00*  
Mail to: *718 Shoshone St East*

Instrument No.

637877

September 30, 1969

Re: Claim to a Water Right No. 47-4004 - Johnnie Kuest

Johnnie Kuest  
P. O. Box 1254  
Twin Falls, Idaho 83301

Dear Mr. Kuest:

Please be advised that the Department of Reclamation has received and processed your claim to a water right. We have enclosed a copy of the claim for your files; please refer to the claim number if you desire to add or change information in your claim.

You should be aware that the filing of the claim completes the Department's work in processing the claim. Under Idaho Statutes, no further processing is pending at this time. Your claim will merely be filed on record with the Department until such time you or a court may be in need of the information.

You were given departmental receipt number 3553 in our office, in the amount of \$10.00 covering the filing fee.

If we may be of assistance at any time, please feel free to contact the Department.

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

DWM:sc  
Enc: Copy of claim

47 4004

MORTY TAPE -- LEGALS ....  
NOTICE OF CLAIM TO  
A WATER RIGHT  
No. 47-4004

Notice is hereby given that Johnnie Kuest, Box 1254, Twin Falls, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 3.0 cubic feet per second of water from Hot Springs tributary of Shoshone Creek with point of diversion in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 19, T. 16 S, R. 17 E, B. M., Twin Falls County; the water is claimed to be used from January 1 to December 31 for commercial and industrial purposes with a priority of 1880; the place of use is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 19, T. 16 S, R. 17 E, B. M.

Any exception to this claim of water right may be filed with the Department of Reclamation.  
R. KEITH HIGGINSON,  
State Reclamation Engineer  
Published in the Times News,  
Twin Falls, Idaho, on September 11  
and September 18, 1969.

September 3, 1969

Re: Claim to a Water Right No. 47-4004 - Johnnie Kuest  
Application for Permit No. 47-7080 - Johnnie Kuest

Times News  
Box 548  
Twin Falls, Idaho

Gentlemen:

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

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

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

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

\_\_\_\_\_  
Signature of claimant

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

DWM:DR  
Enc: Legal notices (2)

47 4004

NOTICE OF CLAIM TO A WATER RIGHT

No. 47-4004

Notice is hereby given that Johnnie Kuest, Box 1254, Twin Falls,  
Idaho, has filed a claim to a water right  
established by diversion and application to beneficial use of 3.0  
cubic feet per second ~~acre foot~~ of water from Hot Springs tributary  
of Shoshone Creek with point of diversion in SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>,  
Sec. 19, T. 16 S, R. 17 E, B.M., Twin Falls County; the water is  
claimed to be used from January 1 to December 31 for commercial  
and industrial purposes with a priority of 1880  
; the place of use is within the  
SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Sec. 19, T. 16 S, R. 17 E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON  
State Reclamation Engineer

Published in the Times News, Twin Falls, Idaho,  
on September 11 and September 18, 1969.