

RECEIVED

APR 11 1995

Department of Water Resources
Southern Region

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A47-04203

Date Received: 4/11/1995

Receipt No: 3017968

Received By: [Signature]

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: TWIN FALLS WILDLIFE FEDERATION 208-423-4044
Address: PO BOX 785
TWIN FALLS ID 83303-0000

2. Date of Priority: JAN 1, 1928

3. Source: UNNAMED STREAM (SEEP TUNNEL Trib. to: ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	17E	21	NW	SE	NE		TWIN FALLS

5. Description of diverting works:

CHECK DAM & DITCH TO HATCHERY & CONC. RACEWAYS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	8.020		

7. Total Quantity Appropriated is:

8.020 C.F.S. (and/or) A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

H/STUDENT TRAINING FACILITY OPERATED BY COLLEGE OF SOUTHERN IDAHO

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	17E	21	SE	NE		FISH	

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11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

THERE ARE 7 CONCRETE RACEWAYS WITH HATCHERY BUILDING CONTAINING
10 TROUGHS AND A WETLAB RESEARCH FACILITY. THE FACILITY IS A
NON-PROFIT EDUCATIONAL FACILITY.

4/11/95, DJ: AMENDED CLAIM RECEIVED 4/5, ENTERED 4/11, TO
INCREASE DIVERSION RATE. PRIORITY EVIDENCE SUBMITTED. ADDITIONAL
FEE OF \$10.20 PAID, R#S017968.

15. Basis of Claim: STATUTORY CLAIM

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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

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A M E N D E D

**NOTICE OF CLAIM
TO A
WATER RIGHT
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APR 05 1995

Department of Water Resources
Southern Region

Please type or print clearly

1. Name of Claimant (s) Twin Falls Wildlife Federation Phone (208) 423-4044
Mailing Address P.O. Box 785, Twin Falls, Idaho Zip 83303

2. Date of Priority (Only one (1) per claim) January 1, 1928

3. Source of water supply (a) Unnamed Stream (Seep Tunnel)
which is tributary to (b) Rock Creek

4. a. Location of existing point of diversion is: Township 10S Range 17E Section 21,
NW 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Twin Falls

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Check dam and ditch to hatchery & concrete raceways

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6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Fish Propagation purposes from 1/1 to 12/31 amount 8.02 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 8.02 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Fish propagation; concrete raceways w/hatchery building and wetlab research facility.

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10S	17E	21				F													

Total number of acres irrigated None

11. In which county (ies) are lands listed above as place of use located? Twin Falls

12. Do you own the property listed above as place of use? Yes ☒ No _____
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
 License #47-02208 or None ()

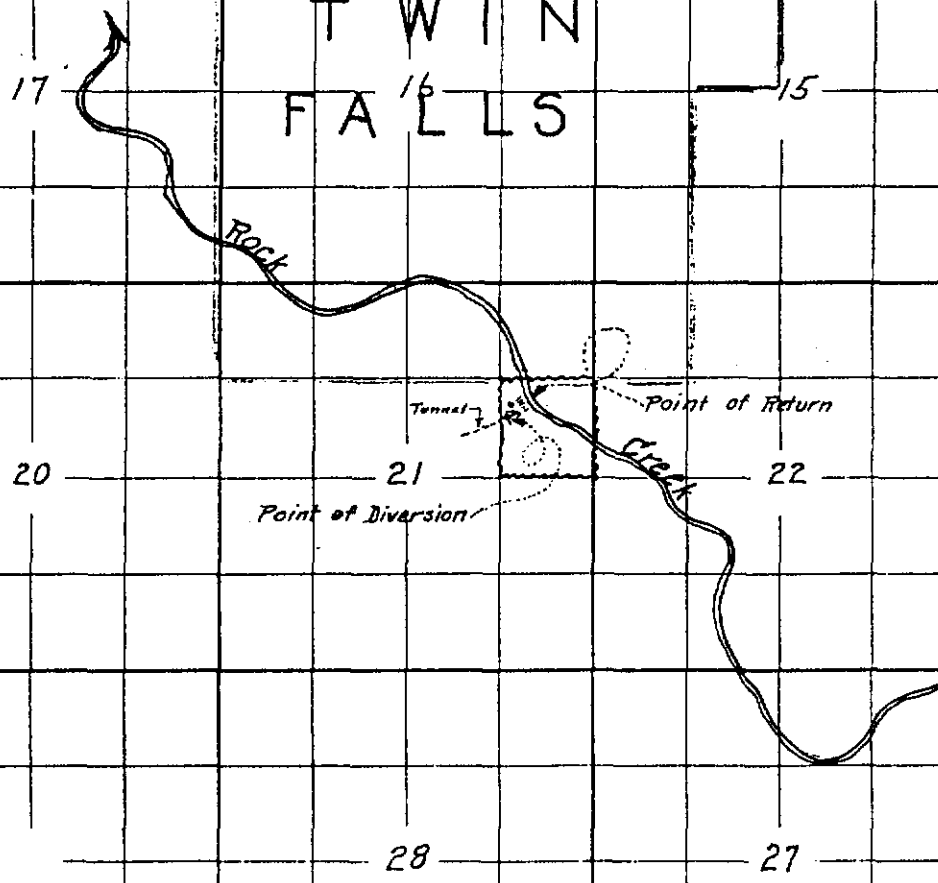
14. Remarks: Student research facility operated by College of Southern Idaho. Evidence of priority attached: copies of Fish & Game Dept. Biennial Report for 1927-28; copies of photos showing facility in 1928; various newspaper articles; copy of application for permit for licensed right. Flow evidence attached: Klamath Flows Report for 1985-95.

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Last Name T.F.Wildlife Fed. Ident No. A47-04203

Copies: White -State, Yellow-Claimant

TWIN
FALLS



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15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 47-04203
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of Twin Falls Wildlife Federation, Inc. _____, that I have signed the foregoing
document in the space below as President Title _____ of Twin Falls Wildlife Federation, Inc. Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Leslie F. Hagen

Title and Organization President

Twin Falls Wildlife Federation, Inc.

Date _____

State of Idaho/or Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 31st day of March 19 95

SEAL

Notary Public Sharon Hart

Residing at Boonville

My Commission Expires 12-27-97

17. Notice of Appearance:

Notice is hereby given that I, J. EVAN ROBERTSON Please Print Name Leslie F. Hagen P.P.A. will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Leslie F. Hagen

Address 751 Cento Drive Twin Falls ID

Date 3-31-95

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NOV 29 1996

Last Name T.F. Wildlife Fed. Ident. Number A47-04203

Copies White-State, Yellow-Claimant

#47-04203

EVIDENCE OF
PRIORITY

TWELFTH BIENNIAL REPORT

OF THE

FISH AND GAME
WARDEN

OF THE

STATE OF IDAHO,

1927-1928



Idaho State Library
325 West State Street
Boise, Idaho 83702

R. E. THOMAS
State Game Warden

1906 19

MED

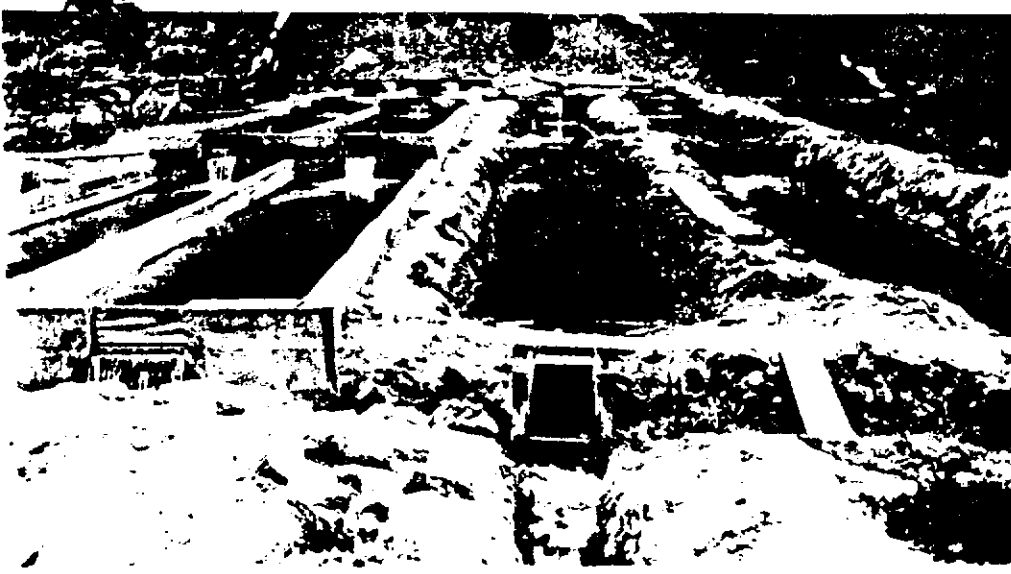
have been forever ruined as such by the introduction and establishment of yellow perch. If we expect to save the remainder, no fish of any variety should be transported and planted without the approval of the officers of the Department, nor should the Federal Bureau of Fisheries consign non-indigenous species to applicants in this state without such sanction. As an example of the promiscuous planting of many varieties in one water, Hayden Lake in Kootenai county might be cited. This lake formerly one of the finest trout waters in the northwest has been planted with the following species: Brook, rainbow, cut-throat, steelhead and mackinaw trout; chinook salmon, large-mouth black bass, yellow perch, and crappies. Fishermen using live minnows as bait have also been responsible for carp and tench becoming numerous in this water. The native varieties already existing there were native cut-throat trout, whitefish, squawfish and chubs.

Cooperation With Sportsmen's Associations

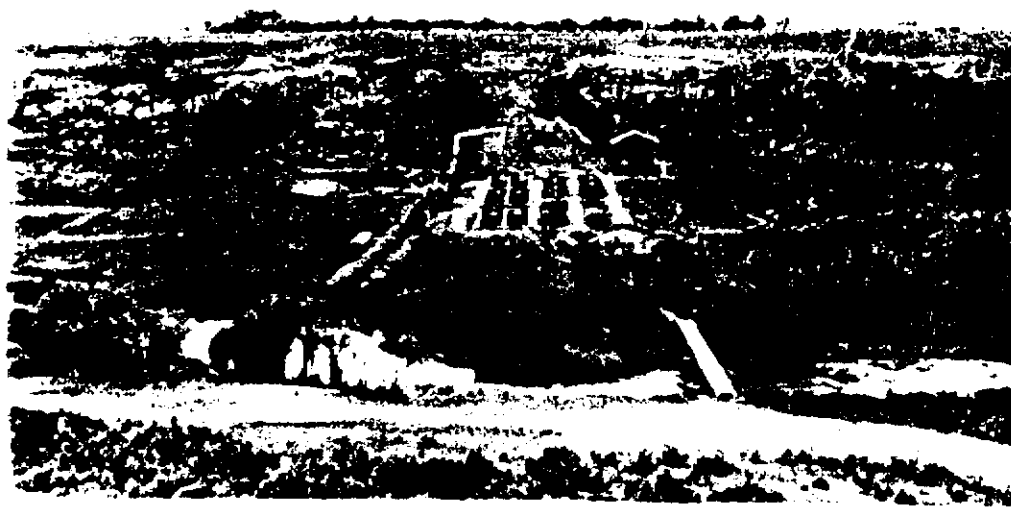
The development of cooperative rearing ponds for which the Department supplies the fish and the sportsmen maintain has increased tremendously the past biennium. Properly conducted in suitable locations such establishments are an invaluable assistance to the Department, but in many instances demands are made upon the Department for fish without proper facilities for caring for them. It is not always pleasant to have to refuse such requests and very often a misunderstanding arises regarding the reasons for such action; but whenever it is possible for the Department to thoroughly investigate the conditions before such rearing ponds are established, little difficulty is experienced in convincing the sportsmen in regard to the suitability or unsuitability of the contemplated location. The following list gives the number of such ponds in operation together with the number and varieties of fish supplied during the biennium:

Association	Pond Location	Variety	Amount
Fremont County	Henry's Lake	Cut-throat	411,250
Jefferson County	Rigby	Rainbow	197,050
Bonneville County	Swan Valley	Rainbow	116,650
Bonneville County	Swan Valley	Cut-throat	153,000
Bingham County	Blackfoot	Rainbow	96,000
Bannock County	Pocatello	Rainbow	427,000
Southern Idaho	Twin Falls	Rainbow	446,000
Cassia County	Burley	Rainbow	

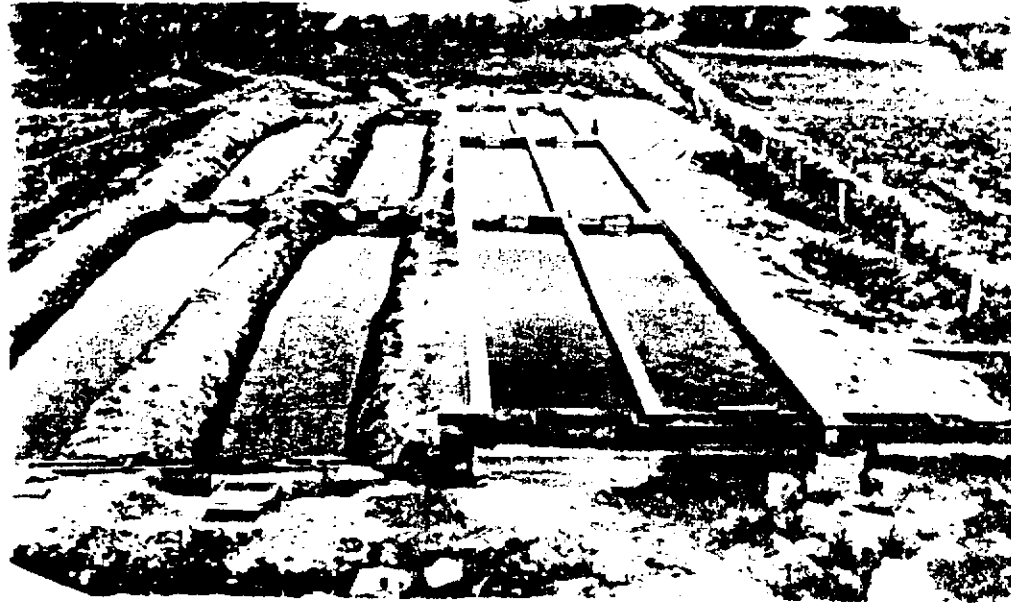
MICROFILMED
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1928



1928



Features taken
in 1928

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NOV 24 1996



Walter R. Priebe was a long-time conservationist

Pioneer jeweler dies at age 106

By LORAYNE O. SMITH
Times-News writer

Obituary — B2

TWIN FALLS — He was the grand old man of wildlife conservation in southern Idaho.

Walter R. Priebe, who died Thursday at age 106, also was Twin Falls' oldest resident and a pioneer jeweler, coming here in 1908 when the town was in its infancy.

Housing was so scarce he first slept in the aisle of his store since the town's only hotel, the Perrine, had guests sleeping in the lobby.

In a *Times-News* interview with O.A. "Gus" Kelker in 1973, Priebe recalled the dust was so deep on Twin Falls streets he kept a damp cloth handy to wipe off his showcase.

"After a good rain, we had to use the coal shovel to scoop out the mud the customers would bring in on the bare floor," Priebe said.

Les Hazen, former president of the Twin Falls Wildlife Federation, described Priebe as "the first conservationist of Idaho" who "did a lot of things so that sportsmen today can continue to fish and hunt."

Priebe helped organize sportsmen associations on local, state and national levels and was involved in the initiative which created the Idaho Fish and Game Department.

His action to form the town's first sportsmen's club, known for many years as the Southern Idaho Fish and Game Association, now the Twin Falls Wildlife Federation, was typical of his concern for wildlife conservation.

Priebe's indignation was aroused the fall of 1909 when he and a hunting companion found three sacks of old, decomposed sagehens on the Salmon Butte. "We were so mad we came home and the next day gave out word up and down Main Street we were calling a meeting to organize a sportsmen's club," Priebe related in a *Times-News* Magic Valley Portrait in 1958.

To advertise the meeting, he picked up the least smelly sack and

• See PRIEBE on Page A2

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Priebe

• Continued from Page A1
put it in front of the Chamber of Commerce office which was then upstairs next to the Twin Falls Bank and Trust building.

He was the first commercial breeder of pheasants in this area, producing up to 300 birds a year in his back yard, stocking the east end of Jerome and Minidoka and Cassia counties. He served five years as an official U.S. bird bander and donated many hours to banding migratory fowl.

Priebe was one of two Idaho citizens invited to Washington, D.C., in 1936 to a wildlife conference where the National Wildlife Federation was formed. He came home convinced of the need for local sportsmen to organize on district and state levels. He served as first president of the Fourth District Associated Sportsmen's Club and was an active leader for many years in the Idaho Wildlife Federation. He has been honored by both groups for his many years of service.

When the federation observed its 50th anniversary in 1986, the Twin Falls sportsman, though unable to attend, was given a special citation.

He is credited with almost single handedly starting the fish hatchery in Rock Creek now operated by the College of Southern Idaho.

In a previous *Times-News* story, Priebe said he "started it in ignorance" and if he had known all the complexities involved he "would not have had the guts to start it."

Priebe basically began the hatchery "with a washtub," says his longtime friend and fellow sportsman, Lud Drexler, Twin

Falls, who assisted in the construction of the first buildings.

While learning all he could about fish biology from state fish and game officials, Priebe would take ground liver from a local butcher shop and, despite his professed lack of knowledge, the fish flourished.

After working in his downtown jewelry store during the day, he spent nights and weekends caring for the fish. It took him four hours each Sunday to sanitize the ponds.

He finally persuaded the sportsmen's group to buy the property and the hatchery was built by club members in 1925 with much public support.

The State Fish and Game Department managed the facility from 1931 until CSI took it over 10 years ago.

In about 1912, Priebe built his home on Seventh Avenue East where he had resided since, and operated a watch repair business there for many years before retiring.

It is believed to be one of the very few houses in Twin Falls still occupied by the family who built it.

He was a charter member of both the Twin Falls Elks Lodge and Rotary Club, as well as the Commercial Club, forerunner of the Twin Falls Chamber of Commerce.

He played in the Twin Falls Municipal band from 1908 until about 1917 and worked on liberty loan drives during World War I.

In 1980 he was honored as one of the Fathers of the Year in conjunction with Twin Falls' 75th anniversary celebration.

In June 1985, the Twin Falls sportsmen's group planted a tree at Shoshone Falls Park in his honor.

Obituary

Walter R. Priebe

TWIN FALLS — Walter R. Priebe, 106, Twin Falls, died Thursday morning, Oct. 29, 1987, at his home.

He was born May 23, 1881, near Rochester, Minn., and attended St. Louis Watchmaking School. In 1905 he came West to Waterville, Wash., where he was employed by Antoine Guibert.

In 1905 he married Kathryn Melcher, who died the following year. Guibert and Priebe came to Twin Falls May 12, 1908, and opened a jewelry store in the 100 block of Main Avenue South May 15.

On Aug. 18, 1909, Mr. Priebe married Marie L. Anderson in Seattle. She died Sept. 26, 1960.

In 1909 Priebe bought out Guibert and became sole proprietor of the business which was moved to the Shoshone Street side of the Twin Falls Bank and Trust building. His jewelry store was in several downtown locations and he later maintained a watch repair business in his home for many years.

Mr. Priebe belonged to the Commercial Club, an early day businessmen's organization. He was a charter member of both the Elks Lodge and Rotary Club in Twin Falls. He was an assistant director for saving stamps and liberty loan drives in 1918 and was an early-day member of the Twin Falls City band.

He was instrumental in forming the first local sportsmen's group and also active in district and state wildlife groups, serving as the first president of the Fourth District Associated Sportsmen's Club.

He was instrumental in construction of the fish hatchery in Rock Creek now operated by College of Southern Idaho.

He served as a delegate from Idaho in 1936 to Washington, D.C., when the National Wildlife Federation was formed, and in 1986 received a special citation from the organization at its 50th anniversary.

Surviving are: one daughter, Mary W. Priebe, Seattle; two sons, Melcher W. Priebe, Lake Stevens, Wash., and James A. Priebe, Twin Falls; two grandsons; and seven great-grandchildren.

A graveside service will be held at 2 p.m. Saturday at Twin Falls Cemetery, with the Rev. Howard Kunkel officiating.

Friends may call at the White Mortuary today from 3 to 8 p.m.

The family suggests memorial contributions to a favorite charity, which may be left at White Mortuary.

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NOV 29 1995

Nº 18406

47-2208

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 25697

Permit No. 18406

District No.

1. Name of Applicant: SOUTHERN IDAHO FISH & GAME ASSOCIATION

Postoffice address: Twin Falls County: Twin Falls State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: January 28th, 1929 Twin Falls, Idaho

(b) Amount of capital stock: None

(c) Amount paid in: None

(d) Names and addresses of directors: Nathan White; Claude S. Stewart; I. E. Appell; Robert Whitzel; Larry Bassett; W. R. Priebe; Harry Severns; Lee Logan; Pat Daly; all residing at Twin Falls, Idaho

II. The financial resources of the applicant are:

(a) Cash on hand:

(c) Bonds to be issued: None

(b) Treasury stock: None
(d) Other resources: Buildings, Rearing Ponds and Hatching Equipment, with lands on which same are located of the value of \$5000.00

2. Quantity of water claimed: 3.08 cubic feet per second.

3. Source of water supply: Tunnel (see plat attached) which is a tributary of Rock Creek

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B. M., and is in the SE 1/4 NE 1/4

of Section 21 , T. 10 S. , R. 17 E. , B. M., County of Twin Falls

5. Water is to be used for: Fish Hatchery Purposes Only

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B. M., in the of Section , T. , R. , B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B. M., in the

of Section , T. , R. , B. M.

7. Estimated cost of works: \$ 5000.00

8. Kind of works: Tunnel and pipe

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water

feet; dimensions of flume:

Diameter of pipe 8 inches; length of conduit 100' miles

Average grade per mile feet.

12. The time required for the completion of such work is 1 years

13. The time required for the complete application of the water to the proposed use is
Water from tunnel has been used for hatchery purposes since 1926 continually additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

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15. (a) Is reservoir to be used? No If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

SOUTHERN IDAHO FISH & GAME ASSOCIATION Applicant.

By N. H. White, Pres. Agent.

Date of first receipt at Department of Reclamation: 3:00 P. M., January 12, 1937

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 18406

Recorded in Book 67 Page 18406 Approved February 5, 1937

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 April 6, 1937

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before August 5, 1937

The whole of said work to be completed on or before February 5, 1938

Beneficial use of water appropriated in accordance herewith, to be made on or before February 5, 1938

Witness my hand this 5th day of February, 1937

R. J. FARIS

Commissioner of Reclamation.

Remarks:

14.

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 $\frac{1}{4}$		
			KNOW ALL MEN BY THESE PRESENTS, That,																	
			WHEREAS, The Southern Idaho Fish & Game Association, a Corporation, of Twin Falls, Twin Falls County, State of Idaho, is the owner and holder of Water Permit No. 18406, for the appropriation of the public waters of the State of Idaho, for Fish Hatchery purposes only, said Permit having heretofore and on the 5th day of February, 1937, been approved by the Commissioner of Reclamation of the State of Idaho, and																	
			THEREAS, At a regular meeting of the Board of Directors of the Southern Idaho Fish & Game Association, a Corporation, held at Twin Falls, Idaho, on the 20 day of April, 1937, the following resolution was made, adopted and ordered spread upon the minutes of said Association Corporation, to-wit-																	
			"Be it resolved that the President and Secretary of this Association, be, and they are hereby authorized and directed to execute and deliver to the Fish & Game Department of the State of Idaho, an assignment and transfer of all the right, title and interest of the Association in and to Water Permit No. 18406"																	
			NOW THEREFORE, pursuant to such resolution, the Southern Idaho Fish & Game Association, A Corporation, of Twin Falls, Twin Falls County, State of Idaho, the party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to it in hand paid by, and received from, the Fish & Game Department of the State of Idaho, the party of the second part, do by these presents, assign, transfer and set-over unto the said second party, all the right, title and interest of said first party, in and to that certain Water Permit as evidenced by Application No. 25497-Permit No. 18406, as approved by the Commissioner of Reclamation of the State of Idaho, on the 5th day of February, 1937, and recorded in Book 67 at page 18406, Records of said Department.																	
			IN WITNESS WHEREOF, The said Southern Idaho Fish & Game Association, a Corporation, has caused its corporate name to be hereunto subscribed and its corporate seal to be hereto affixed, by its President and attest by its Secretary, this 20th day of April, 1937,																	
			SOUTHERN IDAHO FISH & GAME ASSOCIATION A Corporation,																	
			By IRWIN A. APPELL President Attest LARRY BASSETT Secretary																	
		(SEAL)																		

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C. S. I. HATCHERY WATER FLOWS 1985-1995

YEAR	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
1995	2.23	1.90	1.54									
1994	2.18	2.08	1.61	1.24	1.71		4.42	5.95	6.76	7.04	5.98	3.62
1993	2.15	1.85	1.30	1.22	1.66	2.60	4.25		6.09	7.45	6.36	4.81
1992	2.28	2.20	1.63	1.28	1.89		3.67	4.46	5.01		3.86	3.19
1991	2.80	1.70	1.61	1.49	1.74	2.78		4.76	5.54	7.73	6.67	
1990	2.19	1.98	1.70	1.59			3.86	4.92		8.02	6.39	
1989	1.95	1.89	1.54	1.32	1.08	2.01	3.49	6.75	7.10	7.48	6.56	3.97
1988	1.98	1.87	1.48	1.30	1.48	2.73		4.85	5.48		4.48	3.08
1987	2.46	1.85	1.42	1.24	1.45	2.07	3.21	4.18	5.24	6.65		3.10
1986	1.96	1.84	1.53	1.04	1.23		3.45		5.76	6.89		
1985	1.71	1.21	1.28		1.81	3.36	3.45		5.21			3.62
AVERAGE	1.7	1.85	1.51	1.30	1.56	2.59	3.73	5.12	5.80	7.32	5.76	3.63

AVERAGE

MICROFILMED
MAY 29 1996

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
GARY L. QUIGLEY
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO
ERIK P. SMITH

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

April 4, 1995

Douglas Jones, P.E.
Water Rights Supervisor
Idaho Dept. of Water Resources
Southern Region
222 Shoshone St. East
Twin Falls, Idaho 83301

RECEIVED

APR 05 1995

Department of Water Resources
Southern Region

RE: LICENSE #47-02208/LATE SRBA CLAIM
STATUTORY CLAIM #47-04203/AMENDED CLAIM

Dear Doug:

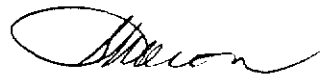
Enclosed herewith, please find the following:

Amended Claim #A47-04203, together with our check in the amount of \$10.20 to cover the additional filing fee for 1.02 additional c/f/s on the claim, and together with the Hatchery Flows Report for 1985-1995; and together with evidence of priority in the form of copies of the Fish & Game Biennial Report for 1927-28, copies of file photos showing the hatchery in 1928, copies of various newspaper articles, and a copy of the application for permit for the licensed right (see question #13).

Late Claim for License #47-02208, together with our check in the amount of \$130.80 to cover the filing fee of \$50.00, late fee of \$50.00, and c/f/s fee of \$30.80.

Please return copies for our files, and as always, thanks for your help.

Sincerely,



SHARON HART STRICKLAND
Certified Legal Assistant

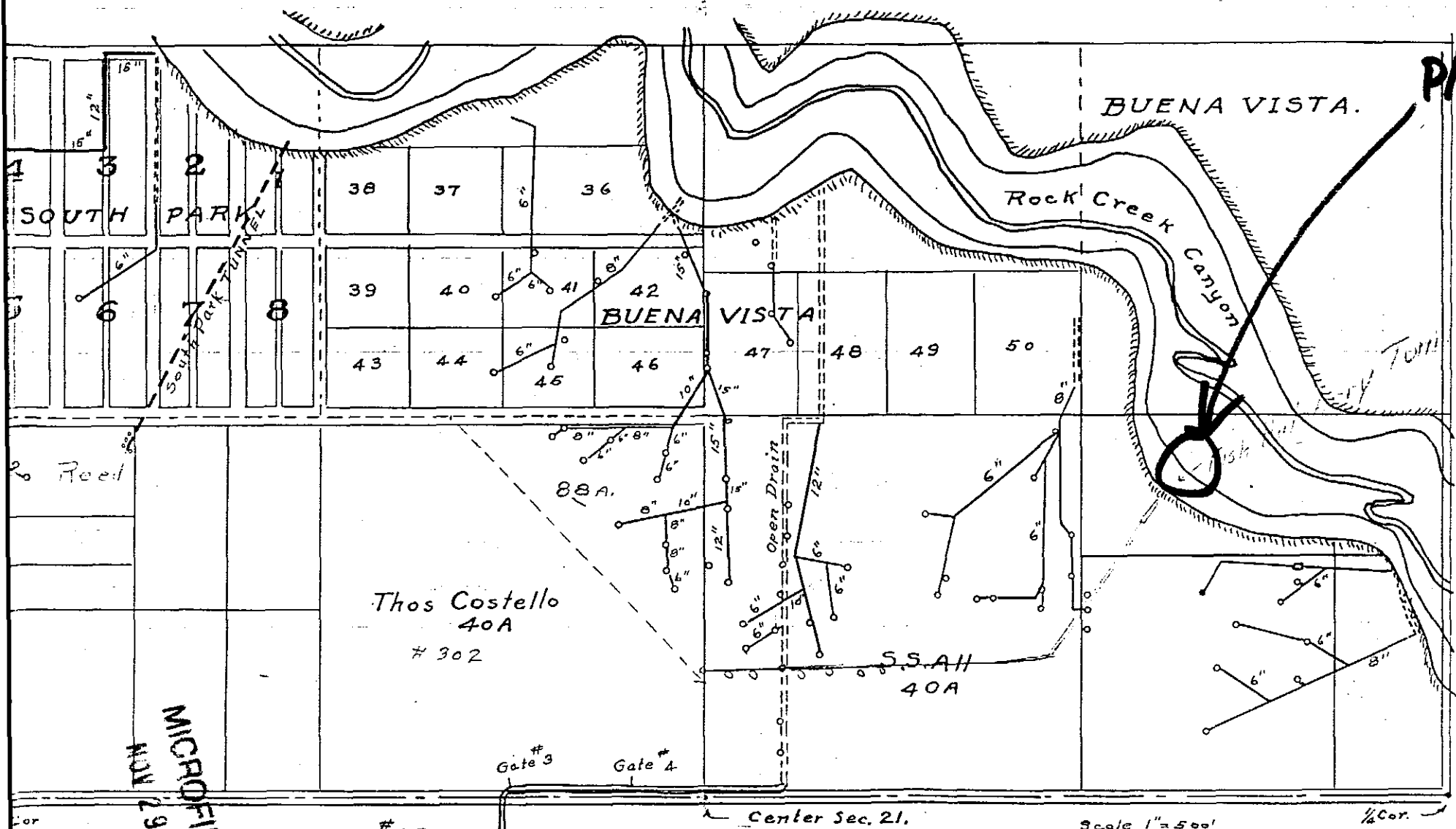
Encls.
04049501.shs

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NOV 29 1996

Section **21**
T.10S. R. 17 E.

21-10-17

4C-19



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NOV 29 1985

LAT. #18

Center Sec. 21.

Scale 1" = 500'

1/4 Cor.

21-10-17

4C-19

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
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Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED

MAR 14 1995

Department of Water Resources
Southern Region

March 13, 1995

Douglas Jones, P.E.
Water Rights Supervisor
Idaho Dept. of Water Resources
Southern Region
222 Shoshone St. East
Twin Falls, ID 83301

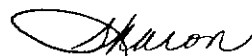
RE: A47-04203/EVIDENCE OF PRIORITY

Dear Doug:

This is just a note for your file in follow-up to our recent telephone conversation concerning the above-referenced adjudication claim. This firm is representing CSI, the lessee of the fish hatchery which uses this water right. We are working with CSI and the owner of the facilities in an effort to provide the evidence of priority you have requested.

Should you require any information in the meantime, please feel free to give us a call. As always, thanks for your assistance.

Sincerely,



SHARON HART STRICKLAND
Certified Legal Assistant

cc: Terry Patterson
CSI Fish Hatchery

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NOV 29 1996



Governor PHILIP E. BATT

R. KEITH HIGGINSON
Director

January 10, 1995

A47-04203

TWIN FALLS WILDLIFE FEDERATION

P.O. BOX 785

TWIN FALLS

ID 83303-0000

RE: Evidence of Priority

Dear Claimant:

* RESPONSE DEADLINE *
* MARCH 15, 1995 *

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Please find enclosed a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

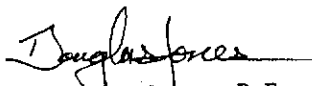
SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a

January 10, 1995
page 2

notarized affidavit.

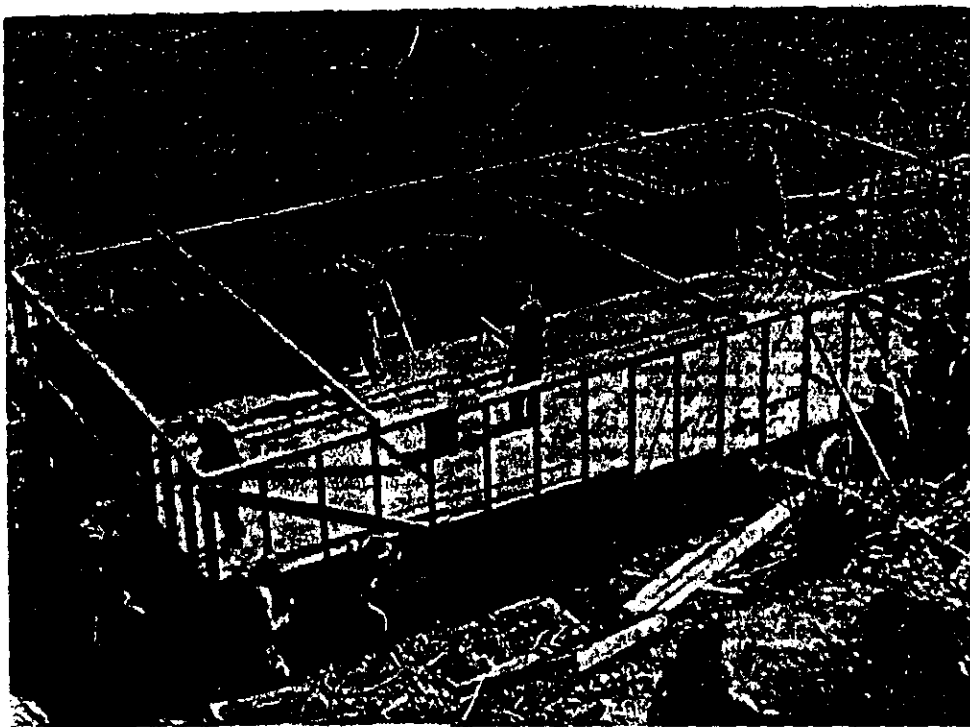
Please submit the required evidence supporting the priority date by March 15, 1995, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

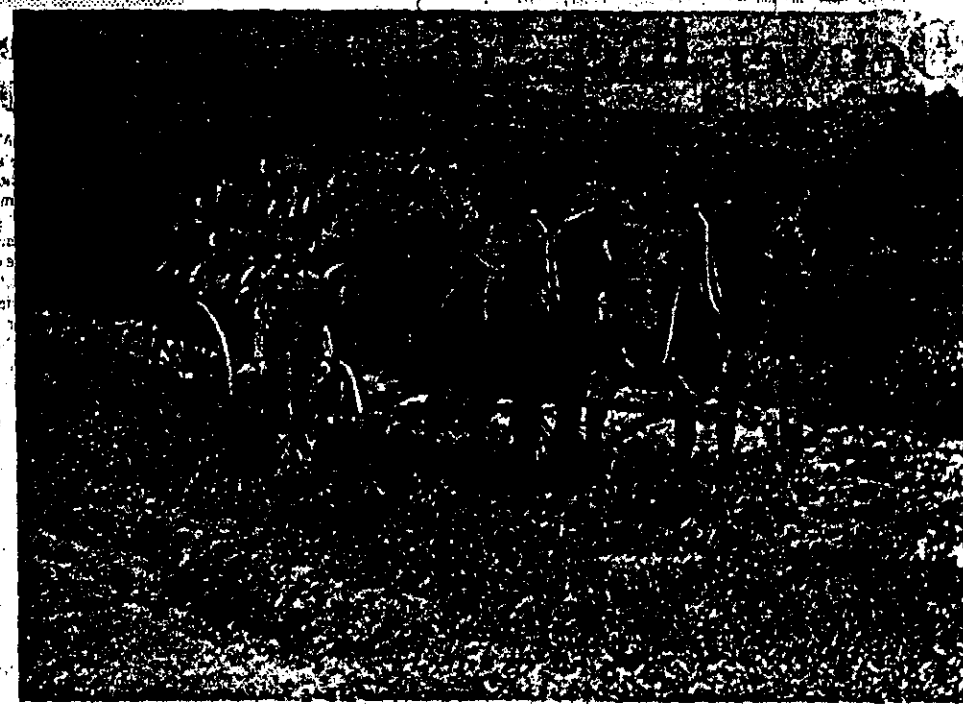

Douglas Jones, P.E.
Water Rights Supervisor

Enc.

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NOV 29 1996



READY FOR WORK, the hatchery prepares for its first load of trout and proudly proclaims it is owned and operated by a sportsman's club. This picture was taken in 1930 by Walt Priebe, Twin Falls, a sportsman who handled the operation after hours in his jewelry store.



FIRST LOAD of trout for the new Twin Falls hatchery was hauled in by horse and in milk cans. The fish arrived before the building in 1927 when a 30x6 dirt pond was constructed and fish introduced to see whether they could survive and grow in the Rock Creek water.

Volunteer labor

First arrivals

TF hatchery founder happy with new phase

By LORAYNE SMITH
Times-News writer

TWIN FALLS — When the College of Southern Idaho assumed management of the sportsman-owned fish hatchery in Rock Creek canyon last month it was a personal milestone for its founder.

Walt Priebe, now 55, retired Twin Falls jeweler and ardent sportsman, expressed personal gratification that his "baby" now will receive even wider use not only in fish production but in training of students in this field.

"I started the hatchery in ignorance," Priebe said in a recent interview. "I didn't know then what I know now about all the complexities involved. I don't have had the guts to start it."

Back in the early 1920's when Priebe started "working" on the old Southern Idaho Fish and Game Association, forerunner of the present Twin Falls Fish and Wildlife Conservation Corp., to

establish a hatchery, all the streams were running clear. Fish came up from the Snake River to spawn in the creeks such as Rock Creek and Salmon Falls. Priebe said his original goal was simply to replenish the fish taken out by enthusiastic early-day fishermen.

He envisioned production of perhaps from 200,000 to 300,000 fish a year at the new hatchery, but since the State Fish and Game Department took over management of the facility in 1931 many tons of legal-sized fish have been produced there.

Priebe said it took him three years to "sell" the proposition of a fish hatchery to the directors of the sportsmen's group. But at the same time he was conferring with state fish and game officials asking many questions," Priebe said.

His perseverance paid off and property was purchased by the club in about 1922 or 1923. State fish and game officials sent Priebe some eggs which he hatched in the water for practical

tests. The hatch proved satisfactory and he was then sent some three-quarter inch size.

The oldtimer, who still fishes whenever he has the chance, recalls the first dirt pond was 30 by six feet and carried 18 inches of water, for which he was sent one and one-half inch fingerlings to feed experimentally.

Modern day fish biologists may smile at the haphazard methods, but Priebe said he obtained ground beef liver from a local butcher shop and "the condition and growth of the fish was beyond our fondest expectations."

The hatchery has proved most sufficient and productive, producing fish at less cost per pound than many others, Priebe said.

The construction and subsequent improvements at the hatchery have mostly been a labor of love, not only for Priebe, but with many hours of donated labor by association members over the years.

Lumber firms donated materials and the sportsmen received \$600 in public subscription back in 1925 when the hatchery was built by club members. The property was purchased for \$650, he recalls.

Two more earth ponds were built, each carrying some 20 inches of water and the first shipment of fish was brought in by team and wagon.

During the early years, Priebe cared for the fish and served as

"It's a wonder my family didn't disown me," he chuckles, for every night and weekend found him caring for the fish. It took four hours each Sunday to sanitize the ponds.

He paid tribute to George Booth, who was the area representative on the State Fish and Game Commission, for his help.

"He worked hand in hand with me and without his assistance, and persistence with personnel of the Fish and Game Department I never could have accomplished the project," Priebe said.

Booth was railroad agent in Burley at that time and Priebe said he understands he is still living.

Priebe came to Twin Falls in 1908 and says the Southern Idaho Fish and Game Association was organized the next fall.

He said what precipitated the need for formation of a sportsmen's club was his finding three sacks of old, decomposed sageshens on the Salmon butte, on the other side of the present Twin Falls airport.

"We picked up the least smelly sack and put it in front of the Chamber of Commerce office which was then upstairs next to the Twin Falls Bank and Trust. In the building now being remodeled," he said.

"That evening," Priebe said, the old sack told the story and citizens turned out to organize a sportsmen's club because they saw the necessity of protecting the fish.

Sportsmen Build Pipeline to Boost Output of Rock Creek Hatchery

A handful of members from the Southern Idaho Fish and Game association have recently put the finishing touches on a project which will boost and stabilize the production of fish at the Rock creek hatchery.

The hatchery is owned by the association and is operated by the Idaho fish and game department under an agreement dating back to 1941.

Since the construction of the hatchery back in the early 1920's members of the association have

worked to improve facilities at the plant. The latest is the installation of a pump and pipeline to recirculate water used in the hatchery.

The main source of water for the hatchery comes from a tunnel dug by the Twin Falls Canal company to drain sub-surface water from the land.

The tunnel is roughly a quarter of a mile long and collects a sizeable stream of water which gushes from the side of the canyon above the hatchery. This

water was tapped as a source for the hatchery and has worked out very well. The only drawback comes during the spring of the year, before the farmers begin to irrigate, at the low flow period. After the end of the irrigation season and after the water has been turned out of the canals the flow of water into the hatchery is slowed.

The slow flow period occurs when the hatchery needs water the most. Fish for planting in many Idaho streams and lakes

are in the process of growing and becoming legal size during this same period. Growth is limited because of the volume of water available. The fish gain adequate growth, but growth of numbers is limited.

Now, with a new recirculating system installed, much of the problem has been eliminated.

Where the water spills from the hatchery and flows into Rock creek is where members of the association went to work.

A new settling pond was con-

structed and a new stream bed to the creek was prepared. Some 150 feet of 10-inch iron pipe was laid from the pond back to the head end of the concrete fish ponds.

This pipeline will carry the water back to the fish ponds for reuse. A seven and half horsepower motor was installed and is used to pump the water back to the head of the fish runs.

Vernon Smith, chairman, board of directors, Southern Idaho Fish and Game association, estimates that over 200 hours of voluntary labor was used in the construction of the pipeline.

In addition, the association spent an estimated \$1,250 for material to construct the line and make it operational. The association had to do some bargain hunting and secured the good second-hand motor to pump the water. The bargain was that the motor was guaranteed.

In addition to laying the main pipeline, the association had to cover an existing drainline. All this necessitated considerable expense and time.

The volunteers didn't have the best of working conditions. Changing a stream bed and digging a pipeline means only one thing—there was a lot of mud involved and the volunteers were often knee deep in mud and water as they worked to improve the Rock creek facility.

The association has the right to say where 25 per cent of the fish are planted in the area served by the hatchery. According to Smith, the association has never had to enforce this right as the fish and game department has worked closely with the group and there have been few difficulties.

The hatchery serves an area starting in east Cassia county and extending westward into Owyhee county. The north boundary is Snake river and the southern boundary is the Nevada line.

While the project is beneficial to the southern Idaho sportsman, it has created one problem. The association spent all of its money on the project and the membership drive is still a few days away.

One answer to the association's problem is increased membership. Increased membership means more money to finance projects beneficial to the Idaho fisherman.

Lud Drexler, association secretary, pointed out that the association can handle a lot of projects and participate in many worthwhile programs with the support of the ordinary Idaho fisherman—the fisherman interested in preserving and continuing Idaho fishing.

The new pipeline is in use now and will benefit Idaho fishermen this year.

Frank Thietten served as chairman of the project to construct the new pipeline and spent many hours down in the mud building the line and rerouting

the ditch. This spring, when the water level begins to drop, the hatchery superintendent will flip the switch on the pump and the result might well be another foot long fish for someone this summer.



KNEE DEEP IN MUD and water are Frank Thietten, near mouth of pipe, and Vernon Smith, as they install a 10-inch pipeline which will carry water back to the head of the fish runs at the Rock creek hatchery. Thietten was chairman of the project to install the new line and Smith is chairman of the board

of directors, Southern Idaho Fish and Game association. The project depleted the association's funds, but will boost the capacity of the hatchery, which is used to supply many lakes and streams in Magic Valley with trout. Fish are distributed south of Snake river. (Times-News photo)



INSPECTING NEW PUMPING facilities at the Rock creek fish and game hatchery is Lud Drexler, secretary, Southern Idaho Fish and Game association. The pump will aid in the recovery of water for reuse in the hatchery. During the spring of the year the flow of water utilized by the hatchery is low and this is the time adequate water is needed. The association constructed a pipeline and installed the pump to boost the capacity of the hatchery at no expense to the state of Idaho. (Times-News photo)

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NOV 29 1986

Twin Falls, Idaho
November 7, 1991

Dear Betty,

Thanks so much for the copies of the November issue of The Falls Street Journal in which the article and pictures appeared about the dedication ceremony to my father of the hatchery in Rock Creek. Of course, I was disappointed the local media, especially The Times-News, did not think this event important enough to send a reporter. My disappointment is not so much for the lack of publicity for my father but for Les Hazen, who worked so long and hard to get this event accomplished. I thank you for your thoughtfulness in sending me your publication and especially for the extra copies. My father and mother had many friends while living in Twin, and some of these friends had kept in touch with my father these many long years after they had left Twin Falls. When I came back to Twin Falls, I took over answering this correspondence. So, this article will certainly come in handy to enclose in letters and Christmas cards. My life is so dull I really do not have too much to write about except the weather, etc.

It was nice for me to see once again my father's friends--you & Don, Vern & Lorayne Smith, Les & Shirley Hazen, & Lud Drexler. My father was, indeed, fortunate to have had such good friends, as all of you. Thanks much for coming to the dedication ceremony. Also, would you thank Don for me for all the things he did for my father.

Best regards,

Tim

155 7th Avenue East
Twin Falls, Idaho . 83301



BETTY ZUCK
c/o Twin Falls Chamber of Commerce
858 Blue Lakes Boulevard
Twin Falls, Idaho . 83301

10-11-91 TN
**CSI fish hatchery dedicated
to late conservationist**

TWIN FALLS — The College of Southern Idaho fish hatchery was formally dedicated this week to the late Twin Falls conservationist and businessman Walter R. Priebe.

Priebe, a retired jeweler who died at the age of 106 in 1987, was responsible for establishing the hatchery in Rock Creek Canyon in 1925.

The Idaho Department of Fish and Game managed the facility from 1931 through 1977 and CSI's aquaculture program has run it since.

A Twin Falls sportsmen's club bought the property where the hatchery stands at Priebe's behest, said Les Hazen, a Twin Falls businessman and former president of the Idaho Wildlife Federation. Priebe sanitized the ponds and spent nights and weekends caring for the fish, Hazen said.

The facility raises sturgeon, among other fish, and educates 10 to 12 students a year, almost all of whom find employment at Magic Valley commercial hatcheries, according to Rick Parker, director of the CSI aquaculture program.

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NOV 23 1996



The Falls Street Journal

Volume 7 Number 11

858 Blue Lakes Blvd. North • Twin Falls, Idaho • 733-3974

November 1991

Walter R. Priebe Fish Hatchery Dedicated

by Lorayne O. Smith

The vision of a pioneer Twin Falls sportsman, augmented by the vocational expertise of the College of Southern Idaho, has given Twin Falls a facility of which to be proud, Mayor Tom Condie said Tuesday of the Walter R. Priebe Fish Hatchery in Rock Creek Canyon.

The hatchery, which the CSI Aquaculture Department has operated since 1977, was officially dedicated to the longtime Twin Falls jeweler during a brief program attended by sportsmen, civic leaders, and college officials.

The Mayor congratulated both the local sportsmen and CSI for working together to achieve the fine facility.

Mr. Priebe, who died at age 106 in 1987, started the hatchery almost singlehandedly, according to Les Hazen, Twin Falls businessman and immediate past president of the Idaho Wildlife Federation. He said Priebe claimed he began the hatchery "with a washtub" and in ignorance. But he took ground liver from a local butcher and despite lack of any professional knowledge about fish culture, the fish flourished.

It took Priebe, whom Hazen described as "the first conservationist of Idaho," four hours each Sunday to sanitize the ponds. He spent nights and weekends caring for the fish. After he persuaded the local sportsmen's club to buy the property, the hatchery was built by club members in 1925. The State Fish and Game Department managed the facility from 1931 until 1977.

CSI President, Gerald Meyerhoeffer, said the aquaculture program won the State Vocational Education Program of the Year award in Idaho three years ago. Terry Patterson, instructor, described efforts in raising sturgeon from the few remaining in the Snake River. Hatchery-produced sturgeon now have been planted in the river where they were once so plentiful.

Between 10 and 12 students are enrolled yearly, and nearly all of them find employment in local hatcheries, according to Dr. Rick Parker, director of the college program. He termed the operation an "education/business-industry partnership."

Tim Priebe, Twin Falls, son of the founder of the hatchery, thanked the sportsmen and college officials for making his father's dream of providing fish for area streams a reality. Lud Drexler, another longtime sportsman who also was involved in the hatchery in the early days, recalled transporting fish from Rock Creek in milk cans to Salmon Dam.



Tim Priebe stands near monument honoring his father, Walter R. Priebe, at recently dedicated Walter R. Priebe Fish Hatchery in Rock Creek Canyon.



Left to right: Les Hazen, Lud Drexler, CSI President Gerry Meyerhoeffer, and Tim Priebe, son of Walter R. Priebe.

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MED NOV 29 1996

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A47-04203
Date Received: 11/14/1988
Receipt No: 5003752
Received By: ADH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TWIN FALLS WILDLIFE FEDERATION 208-423-4044
Address: P.O. BOX 785
TWIN FALLS, ID 83303-0000

2. Date of Priority: JAN 01, 1928

3. Source: UNNAMED STREAM (SEEP TUNNEL Trib. to: ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	17E	21	NW	SE	NE		TWIN FALLS

5. Description of diverting works:
CHECK DAM & DITCH TO HATCHERY & CONC. RACEWAYS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	7.000		

7. Total Quantity Appropriated is:
7.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
H/STUDENT TRAINING FACILITY OPERATED BY COLLEGE OF SOUTHERN IDAHO

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	17E	21	SE	NE		FISH	

11. Place of use in counties: TWIN FALLS

A47-04203

Page 1

Date: 11/14/88

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MAR 11 1993

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

THERE ARE 7 CONCRETE RACEWAYS WITH HATCHERY BUILDING CONTAINING
10 TROUGHS AND A WETLAB RESEARCH FACILITY. THE FACILITY IS A
NON-PROFIT EDUCATIONAL FACILITY.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and
understand the form entitled "How you will receive notice in the Snake River
Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay
a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am President of _____ Title

Twain Falls Wildlife Production, Inc. , that I have signed the foregoing
Organization

document in the space below as President of _____ Title

Twain Falls Wildlife Production, Inc. and that the statements contained in the
Organization

foregoing document are true and correct.

Robert A. Cuthbert
Signature of Authorized Agent

President, Twain Falls Wildlife Production, Inc.
Title and Organization

Nov. 19, 1988
Date

State of Idaho

County of

Twin Falls

)
) SS.

Subscribed and sworn (or affirmed) before me this

14th

day

of

Nov.

19

88

Lee S. Warrick
Notary Public

Seal

Residing at

Kimberly, Id.

My Commission Expires

6/30/99