

24-2038

Scott Carlisle

No Layout Needed

Fish Propagation

12/01/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 24-2038

NAME AND ADDRESS: SCOTT CARLISLE
STAR VALLEY TROUT RANCH
PO BOX 1266
AFTON WY 83110

SOURCE: SPRING CREEK

TRIBUTARY: TYGEE CREEK

QUANTITY: 3.000 CFS

PRIORITY DATE: 03/23/1946

POINT OF DIVERSION:

T07S R46E S32 SENE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	1/01 12/31	3.000 CFS

PLACE OF USE: FISH PROPAGATION Within CARIBOU County

T07S R46E S32 SENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SCANNED

AUG 05 2001

hat

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: A24-02038
Date Received: 2/15/1990
Receipt No: E012073
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SCOTT CARLISLE
Address: STAR VALLEY TROUT RANCH
C/O CRAIG P. ORROCK
433 SOUTH 400 EAST
SALT LAKE CITY, UT 84111

801-322-0471



2. Date of Priority: MAR 23, 1946

3. Source: SPRING CREEK Trib. to: TYGEE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	46E	32	SE	NE			CARIBOU

5. Description of diverting works:
NONE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	3.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
FISH PROPAGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	46E	32	SE	NE		FISH	

A24-02038

Page 1

Date: 02/16/90

MICROFILMED

NOV 06 1992

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
NONE

14. Remarks:

ADDRESS OF STAR VALLEY TROUT RANCH: P.O. BOX 1266, AFTON, WY
(208) 225-3543.

ACQUIRED TITLE TO THE PROPERTY FROM JAMES AND MARYBELLE GRASSE
9-28-88.

15. Basis of Claim: LICENSE
Water Right Number: 19791

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

A24-02038

Date Received

2-15-90

Receipt Number

E01207A

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

FEB 18 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Scott Carlisle (208) 225-3543 Phone (801) 322-0471
Mailing Address Star Valley Trout Ranch, P.O. Box 1266, Afton, WY 83110
c/o Craig P. Orrock, 433 South 400 East, SLC, UT Zip 84111

2. Date of Priority (Only one (1) per claim) 3/23/46

3. Source of water supply (a) Spring Creek, Tributary of Tygee Creek
which is tributary to (b) STUMP CREEK

4. a. Location of existing point of diversion is: Township 7S Range 46E Section 32,
SE 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Caribou

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. None

MICROFILMED

NOV 6 1992

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 3CFS or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 0 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

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	
7	46	32				H													

Total number of acres irrigated N/A

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

12. Do you own the property listed above as place of use? Yes X 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.
Domestic and Irrigation or None ()

14. Remarks: Acquired title to the property from James and Marybelle Grasse 9-28-88.

MICROFILMED

NOV 06 1992

Last Name Carlisle Ident No. _____

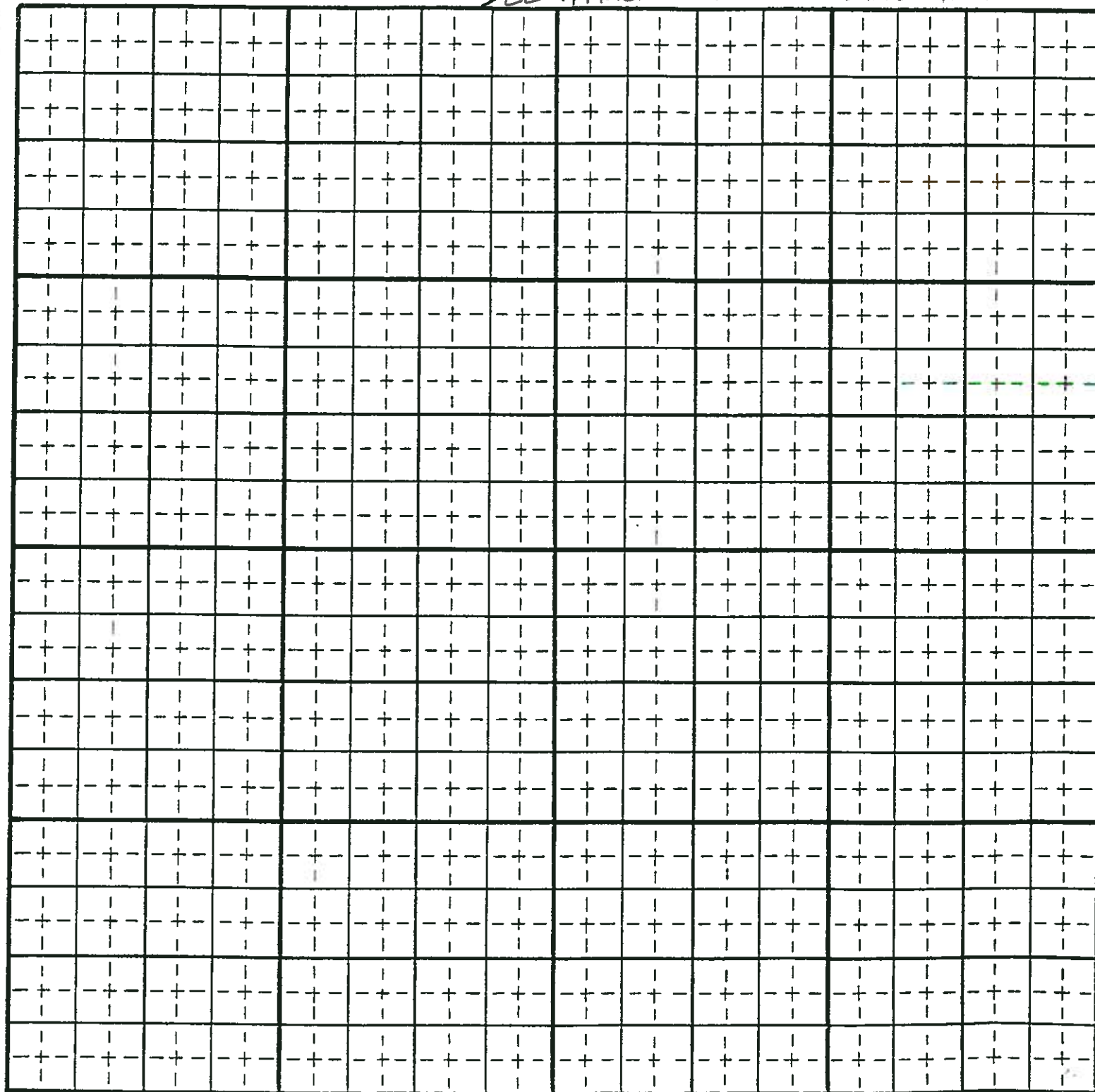
Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

32 7S 46E

Scale: 2 inches equals 1 mile

SEE ATTACHED GEOLOGICAL SURVEY MAP



MICROFILMED

NOV 6 1952

Last Name Carlisle Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 24-02038 Priority Date _____
Court _____ Case Number _____ Decree Date 3-27-46
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 X 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) Scott Spaulst

Date 2-13-90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title _____

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Scott Spaulst

Title and Organization _____

Date 2-13-90

State of Idaho/or Utah)
County of Summit) SS.

Subscribed and sworn (or affirmed) before me this 13th day of Feb. 19 90

SEAL

Notary Public June R. Wilkes

Residing at Afton, Utah

My Commission Expires _____

JUNE R. WILKES, NOTARY PUBLIC

My Commission Expires July 16, 1993

Residing in Afton Wyoming

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Craig P. Orrock 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 Craig P. Orrock

Address 433 South 400 East, Salt Lake City, UT 84111

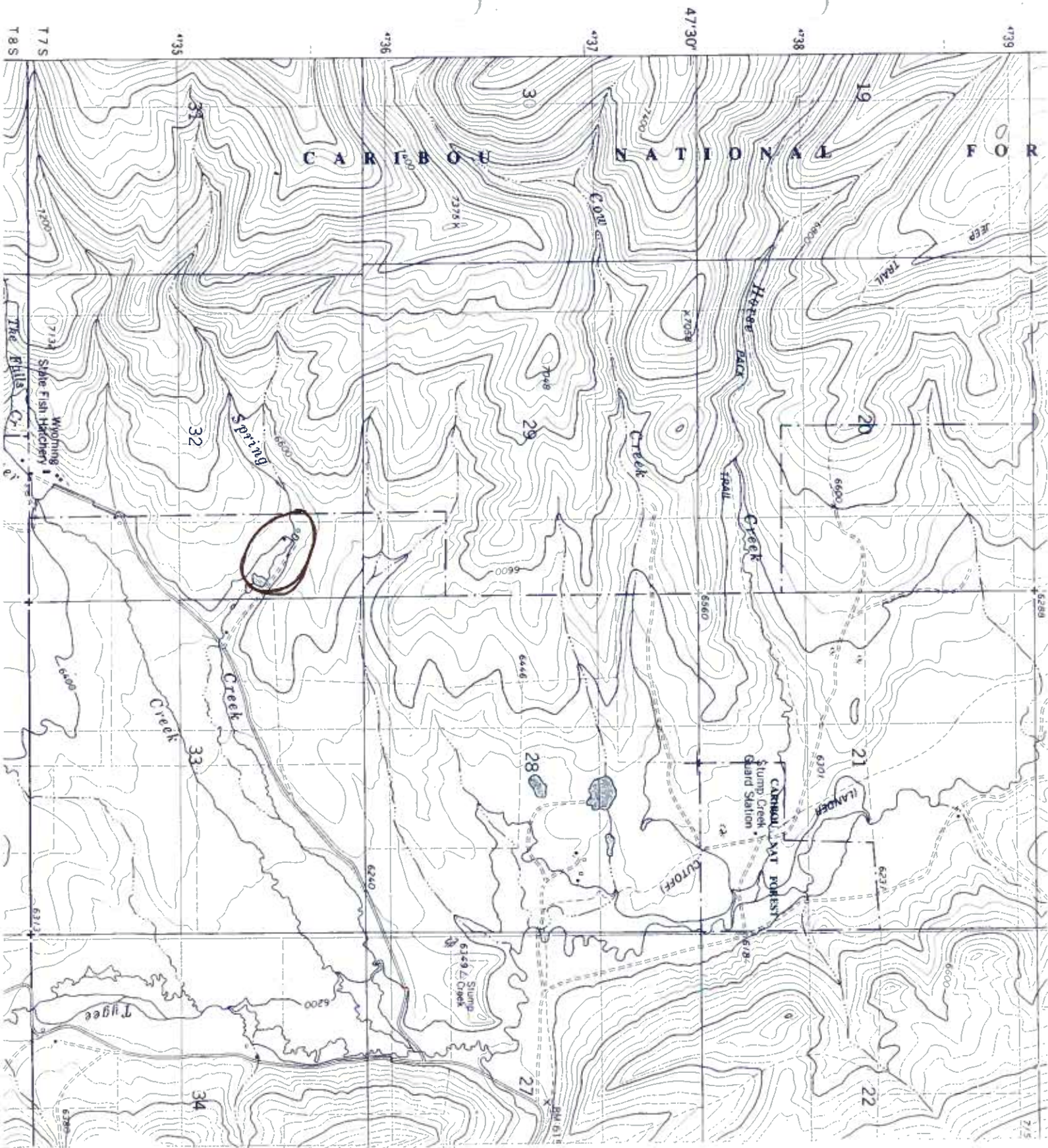
Date 2-10-90

MICROFILMED

NOV 6 1992

Last Name Carlisle Ident Number _____

Copies White-State, Yellow-Claimant



12/01/2005

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 24-2038

SCOTT CARLISLE
STAR VALLEY TROUT RANCH
PO BOX 1266
AFTON WY 83110
Telephone Number: (208)225-3543

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11/20/06

SIGNATURE: *Scott Carlisle*

Please print your name.

SCOTT CARLISLE

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

Notes

7/11/06 rec'd application for permit for
4" pipe & 10" pipe. (no W/R #'s assigned)

1:42pm 7/11/06 sent Tim Luke an email that ~~that~~
scott has made application for permit.
1:46pm also sent Sharla Cox an email to see if
they received the applications yet.

7/17/06 Letter from Shelley Kurn on 24-600673

7/25/06 Rec'd NOV, Cease + Desist Order & fine from
Tim Luke. CB

8/2/06 10AM. Conference call on Compliance
with Tim Luke, Scott Carlisle, Cindy Bird & Roger Warner
— filed applications on domestic, driveway &
ponds.

— no protests have been filed

— $\$20/\text{hr} * 24\text{hrs} = \$480$ civil penalty

— Make application to IDWR to cross the creek.

— willing to cooperate with the Dept. Ron Carlson, 3/4/1997

8/25/06 Consent Order & Agreement from Tim
Luke. CB

Notes

6/20/06. Sent Roger Warner, Tim Luke & Shelly Keen GPS points + description of GPS points.

6/21/06 Tim Luke emailed me back with several questions on the system. (7:53 Am)

8:59 Am I responded to Tim's questions.

6/19/06 Scott Carlisle called - identified POP + PCN for house? Will call back.

6/20/06 10:05 Am : 11 Am Scott Carlisle will call back.

6/21/06 Tim Luke sent Email to Roger Warner, Lyle Swank, who wants to send out NOV?

6/23/06 Tim Luke will send out the letter NOV.

His on vacation next week. CB

Recommendation ~~was~~ stands, no changes. all changes were made post 1987. CB

6/26/06. letter from Tim Luke on unauthorized water use.

6-28-06 24-10740 added a application for permit for domestic .04 CFS ^(POD) 75 46 E SEC 32 SE NW 80

Notes

10-28-04 County Recorder.

Star Valley Trout Ranch

Scott Carlisle

PO Box 1266

Afton, WY 83110

RTD

5-19-20 Doc, POD, source and date matches the license
Parcel # 15690

20 Aug 05 Claim matches license Bae

6 Sept 05 8:28 PM 801-322-0471 disconnected

801-685-0552 new no.

6 Sept 05 801-685-0552 msg on machine Bae

9 Sept 2005 Field inspection w/ Scott Carlisle Bae

4/24/06 recommendation complete, no layout
needed. CB

6/9/06 Scott called and made an appointment for
Monday @ 10am.

according to Darren Olsen POD should be SENEW of Sec 32

Bryce found the pod in: SESENEW of Sec. 32.

licensed POD: SENE Sec. 32 (private land)

claimed POD: SENE Sec. 32

6/10/06 3pm meeting with Darren & Steve @ Soda Range District

6/13/06 Conducted field exam with Darren & Olsen
Soda Range District, Steve Spencer, adjudicator
Bore Forest Service

6/14/06 Darren Olsen thought the POD should be
SENEW of Sec. 32, according to special use permit.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 10, 2006

Scott Carlisle
PO Box 1266
Afton, WY 83110

Re: Completed Consent Order and Agreement
Notice of Violation Dated July 14, 2006

Dear Mr. Carlisle,

I am in receipt of the Consent Order and Agreement that you executed on October 30, 2006 regarding the Notice of Violation dated July 14, 2006. Please find attached a copy of the agreement that I have executed on behalf of the Idaho Department of Water Resources. The Department appreciates your continued cooperation in this matter. Please note that I did remove the language in Finding of Fact number 3 of the agreement regarding the Department's previous representation that there was no US Forest Service special use permit for the 1-1/2 inch domestic water line. The documentation you submitted clearly shows that the Forest Service authorized the domestic line in 1996. We either did not have this documentation before or there was some misunderstanding of that fact. We apologize for that prior misrepresentation.

Please contact me directly at 208-327-7864 if you have any further concerns or questions regarding this matter.

Respectfully,

Tim Luke
Water Distribution Section

Enclosure: Carlisle Consent Order and Agreement

Cc: Cindy Bird, IDWR Soda Springs Field Office
Roger Warner, IDWR Eastern Region
John Homan, Idaho Attorney General's Office
Darren Olson, US Forest Service, Soda Springs Ranger District

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO
CONSENT ORDER AND AGREEMENT

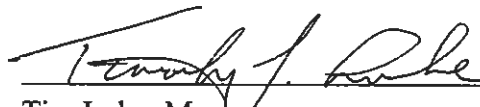
In the matter of Notice of Violation and Cease and Desist Order dated July 14, 2006, issued to Scott Carlisle, pursuant to Section 42-1701B, Idaho Code.

Findings of Fact

- 1) Scott Carlisle (Carlisle) is the owner of property situated in the E1/2NE1/4, Section 32, Township 7S, R46 East in Caribou County. Carlisle owns a fish hatchery on this property and owns a water right for existing earthen ponds that impound water on Spring Creek. The existing right is 24-2038. Carlisle expanded the existing fish hatchery facility by adding two separate pipeline diversions from Spring Creek, including a ten-inch pipeline diversion and a four-inch pipeline diversion both located within the SENW of Section 32, Township 7 South, Range 46 East. The points of diversion are located on land owned by the US Forest Service (USFS).
- 2) Evidence available to the Idaho Department of Water Resources (Department) from the USFS indicates the USFS issued special use permits for the ten and four inch pipelines in 1996. IDWR staff visited these diversions and the expanded fish propagation uses on June 20, 2006. IDWR confirmed at the time of the visit that the ten inch pipeline provides water to six fish rearing concrete ponds or tanks that are approximately 30 feet in diameter each, and that the four inch pipeline provides water to a fish hatchery facility consisting of 16 large incubation raceways and four small incubation raceways. Review of aerial photographs taken in 2004 confirms the existence of the six concrete fish rearing tanks and a separate building that includes the incubation raceways. The additional points of diversion are not recorded points of diversion on right 24-2038 or any other rights on record with the Department. The additional fish propagation tanks, raceways and rearing buildings are expanded uses that also are not recorded or documented under right 24-2038 or any other rights on record with the Department.
- 3) During its site visit on June 20, 2006, the Department also found a 1-1/2 inch pipeline diversion that diverts water from the head of Spring Creek (located next to the four inch pipeline that goes to the hatchery) used for commercial purposes pursuant to IDWR permit number 24-10673. The 1-1/2 inch pipe also provides water to a domestic use that is not included as a beneficial use under permit 24-10673. The domestic use from Spring Creek therefore is not a legal use of water.
- 4) Carlisle requested a compliance conference with the Department pursuant to the July 14, 2006 Notice of Violation. A compliance conference was held on August 2, 2006, between Carlisle and the Department. During the conference, Carlisle confirmed that

- 3) The Department suspends payment of nine thousand, five-hundred and twenty dollars (\$9,520) of the civil penalty proposed by the Notice of Violation dated July 14, 2006. This penalty or any portion may be re-imposed for Carlisle's failure to fully comply with this agreement, including continuing unauthorized use of the pipelines diverting water from Spring Creek located within E1/2NE1/4, Section 32, Township 7S, R46 East, Caribou County.
- 4) This agreement does not limit the Department to seek future compliance or regulation of said water use for other issues not directly related to the unauthorized uses that occurred this year.

Dated this 13th day of November, 2006.

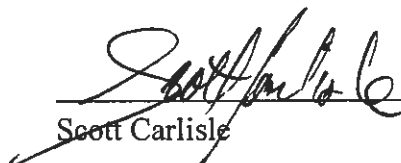


Tim Luke, Manager
Water Distribution Section
Idaho Department of Water Resources

CONSENT

Respondent Carlisle acknowledges, in general, the facts set forth during the conference and accepts fully the terms and conditions of this Order. These terms shall become effective upon execution by the parties. Respondent waives any right to contest this Order and consents to the issue hereof. *WITH EXCEPT TO PARAGRAPH (3) OF FINDINGS OF FACT, WHICH WILL BE TAKEN OUT OF THIS DOCUMENT*

Signed this 30th day of OCTOBER, 2006.



Scott Carlisle

the added points of diversion, pipelines and expansions of use had occurred without obtaining new or additional water rights. However, Carlisle explained that he believed no additional rights were required and/or that his existing fish propagation right covered the additional diversions and expanded use. Carlisle further explained that The Department had provided him written authorization to cross Spring Creek with his ten-inch pipeline in 1997 and did not mention or condition its approval with any specific reference to the need for additional water rights. Carlisle faxed to the Department a copy of Approval of Joint Application for Permit No 24-8-18 dated March 4, 1997. This is an approved stream channel authorization permit that was issued jointly by the Department and the US Army Corps of Engineers. Review of the approved permit and records of the Department confirm that the Department did not specifically find or advise Carlisle of the need to obtain a new water right for the diversion and the expanded use, although condition number 4 of the stream channel permit does state that the approval does not constitute a permit to appropriate water. Additionally, Carlisle indicated at the compliance conference that the USFS had made some review of water rights as it pertains to their granting of the special use permit for the pipelines. The USFS did not express any concern to Carlisle regarding insufficiency or lack of water rights associated with the pipeline diversions and special use permits.

- 5) Carlisle has filed three new water right applications with the Department to cover the unauthorized uses. Applications for Permit 24-10747 and 24-10748 were filed with the Department on July 11, 2006 and cover the ten and four-inch pipeline diversions for the expanded fish hatchery uses. These applications have been advertised and subject to further review and processing by the Department. Application for Permit No. 24-10740 was filed on June 23, 2006 for the domestic use from the 1-1/2 inch pipeline diversion from Spring Creek. The latter application was approved to permit on August 9, 2006.

The Department held a compliance conference with Carlisle on August 2, 2006. It is hereby ordered and agreed that:

Terms of Agreement

- 1) Carlisle shall continue the process of obtaining water right permits for the ten and four-inch pipeline diversions from Spring Creek that serve the expanded fish propagation uses.
- 2) Payment of an agreed civil penalty in the amount of four hundred and eighty dollars (\$480) is payable to the Idaho Department of Water Resources within thirty days (30) days of the execution of this agreement for the violation identified in the Notice of Violation dated July 14, 2006. The amount of this penalty essentially compensates the Department for time and resources spent bringing this matter to compliance.

file
24-2038

<u>Basin</u>	<u>Sequence</u>	<u>Basis</u>	<u>Priority D</u>	<u>Rate(cfs)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
24	2035	License	12/1/1941	2.25	TERRACE SPRINGS	FISH PROPAGATION	STATE OF WYOMING (Current)	wrAdjudicationClaim
24	2038	License	3/23/1946	3	SPRING CREEK	FISH PROPAGATION	CARLISLE, SCOTT (Current)	wrAdjudicationClaim
24	2039	License	2/4/1948	0.04	SPRING CREEK	DOMESTIC, IRRIGATION	CARLISLE, SCOTT (Current)	wrAdjudicationClaim
24	4044	Statutory Claim	10/1/1960	1.64	TERRACE SPRINGS	DOMESTIC, FISH PROPAGATION,	STATE OF WYOMING (Current)	wrAdjudicationClaim
24	10000	Beneficial Use	8/1/1959	5	WEBSTER CREEK	FISH PROPAGATION	STATE OF WYOMING (Current)	wrAdjudicationClaim
24	10001	Beneficial Use	7/1/1972	0.02	TERRACE SPRINGS	DOMESTIC	STATE OF WYOMING (Current)	wrAdjudicationClaim
24	10486	Beneficial Use	1880-06-0	0.02	SPRING	STOCKWATER	UNITED STATES OF AMERICA /	wrAdjudicationClaim
24	2035	License	12/1/1941	2.25	TERRACE SPRINGS	FISH PROPAGATION	STATE OF WYOMING (Current)	wrAdjudicationRecommendation
24	2038	License	3/23/1946	3	SPRING CREEK	FISH PROPAGATION	CARLISLE, SCOTT (Current)	wrAdjudicationRecommendation
24	10000	Beneficial Use	8/1/1959	3	WEBSTER CREEK	FISH PROPAGATION	STATE OF WYOMING (Current)	wrAdjudicationRecommendation
24	10486	Beneficial Use	1880-06-0	0.02	SPRING	STOCKWATER	UNITED STATES OF AMERICA /	wrAdjudicationRecommendation
24	2035	License	12/1/1941	2.25	TERRACE SPRINGS	FISH PROPAGATION	STATE OF WYOMING (Current)	wrWaterRight
24	2038	License	3/23/1946	3	SPRING CREEK	FISH PROPAGATION	GRASSE, JAMES E (Current)	wrWaterRight
24	2039	License	2/4/1948	0.04	SPRING	DOMESTIC, IRRIGATION	GRASSE, JAMES E (Current)	wrWaterRight
24	4044	Statutory Claim	4/1/1942	2.15	TERRACE SPRINGS	FISH PROPAGATION	STATE OF WYOMING (Current)	wrWaterRight
24	4045	Statutory Claim	8/1/1959	1	WEBSTER CREEK	FISH PROPAGATION	STATE OF WYOMING (Current)	wrWaterRight
24	4086	Statutory Claim	8/1/1959	4	WEBSTER CREEK	FISH PROPAGATION	STATE OF WYOMING (Current)	wrWaterRight
24	7037	Decreed	5/15/1980	0.02	SPRING	DOMESTIC	STATE OF WYOMING (Current)	wrWaterRight
24	7185	License	5/6/1997	0.04	GROUND WATER	DOMESTIC	STATE OF WYOMING (Current)	wrWaterRight
24	10118	Decreed	1880-06-0	0.02	SPRING CREEK	STOCKWATER	UNITED STATES OF AMERICA /	wrWaterRight
24	10673		4/19/2005	0.11	UNNAMED STREAM	COMMERCIAL	CARLISLE, SCOTT (Current)	wrWaterPermit

SEARCH INCLUDES BOTH THE POD AND POU FOR T7S R46E SECTION 32. TED CARLISLE DOESN'T APPEAR TO HAVE A WATER RIGHT FROM THE SPRING TO 2 HOMES NOW ON THE PROPERTY.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

August 21, 2006

Scott Carlisle
PO Box 1266
Afton, WY 83110

CERTIFIED MAIL

Re: Consent Order and Agreement
Notice of Violation Dated July 14, 2006

Dear Mr. Carlisle,

Pursuant to the phone conference that I held on August 2, 2006 with you and other representatives of the Idaho Department of Water Resources ("Department"), please find enclosed a Consent Order and Agreement regarding the Notice of Violation dated July 14, 2006 that the sent to you ("Guardian"). Note the terms of the agreement and all compliance dates and fees or civil penalties stipulated in the attached order.

Please carefully review and consider the terms and conditions of this proposed order and agreement. If you agree with the terms and conditions, please sign the document and return it directly to me as soon as possible. Upon your execution and the Department's receipt of the agreement, I will sign the original and return a copy to you. If you have concerns or questions about the proposed order and agreement, or if you wish to propose revisions or provide other input, call me directly or submit written comments to me at the office listed on this letterhead.

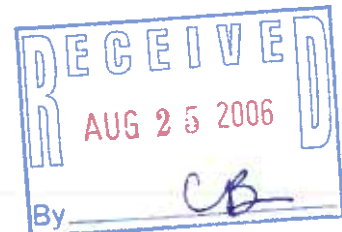
I look forward to your prompt reply and a final resolution of this matter.

Respectfully,

Tim Luke
Water Distribution Section

Enclosure: Carlisle Consent Order and Agreement

Cc: ☒ Cindy Bird, IDWR Soda Springs Field Office
Roger Warner, IDWR Eastern Region
John Homan, Idaho Attorney General's Office



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO
CONSENT ORDER AND AGREEMENT

In the matter of Notice of Violation and Cease and Desist Order dated July 14, 2006, issued to Scott Carlisle, pursuant to Section 42-1701B, Idaho Code.

Findings of Fact

- 1) Scott Carlisle (Carlisle) is the owner of property situated in the E1/2NE1/4, Section 32, Township 7S, R46 East in Caribou County. Carlisle owns a fish hatchery on this property and owns a water right for existing earthen ponds that impound water on Spring Creek. The existing right is 24-2038. Carlisle expanded the existing fish hatchery facility by adding two separate pipeline diversions from Spring Creek, including a ten-inch pipeline diversion and a four-inch pipeline diversion both located within the SENW of Section 32, Township 7 South, Range 46 East. The points of diversion are located on land owned by the US Forest Service (USFS).
- 2) Evidence available to the Idaho Department of Water Resources (Department) from the USFS indicates the USFS issued special use permits for the ten and four inch pipelines in 1996. IDWR staff visited these diversions and the expanded fish propagation uses on June 20, 2006. IDWR confirmed at the time of the visit that the ten inch pipeline provides water to six fish rearing concrete ponds or tanks that are approximately 30 feet in diameter each, and that the four inch pipeline provides water to a fish hatchery facility consisting of 16 large incubation raceways and four small incubation raceways. Review of aerial photographs taken in 2004 confirms the existence of the six concrete fish rearing tanks and a separate building that includes the incubation raceways. The additional points of diversion are not recorded points of diversion on right 24-2038 or any other rights on record with the Department. The additional fish propagation tanks, raceways and rearing buildings are expanded uses that also are not recorded or documented under right 24-2038 or any other rights on record with the Department.
- 3) During its site visit on June 20, 2006, the Department also found a 1-1/2 inch pipeline diversion that diverts water from the head of Spring Creek (located next to the four inch pipeline that goes to the hatchery) used for commercial purposes pursuant to IDWR permit number 24-10673. The 1-1/2 inch pipe also provides water to a domestic use that is not included as a beneficial use under permit 24-10673. The domestic use from Spring Creek therefore is not a legal use of water. Moreover, IDWR has information indicating that there is no special use permit from the US Forest Service that authorized the use of the 1-1/2 inch pipeline diversion on or across Forest Service property. The lack of this authorization places permit 24-10673 at risk and may jeopardize the ability of IDWR to ultimately license the permit.

- 4) Carlisle requested a compliance conference with the Department pursuant to the July 14, 2006 Notice of Violation. A compliance conference was held on August 2, 2006, between Carlisle and the Department. During the conference, Carlisle confirmed that the added points of diversion, pipelines and expansions of use had occurred without obtaining new or additional water rights. However, Carlisle explained that he believed no additional rights were required and/or that his existing fish propagation right covered the additional diversions and expanded use. Carlisle further explained that The Department had provided him written authorization to cross Spring Creek with his ten-inch pipeline in 1997 and did not mention or condition its approval with any specific reference to the need for additional water rights. Carlisle faxed to the Department a copy of Approval of Joint Application for Permit No 24-8-18 dated March 4, 1997. This is an approved stream channel authorization permit that was issued jointly by the Department and the US Army Corps of Engineers. Review of the approved permit and records of the Department confirm that the Department did not specifically find or advise Carlisle of the need to obtain a new water right for the diversion and the expanded use, although condition number 4 of the stream channel permit does state that the approval does not constitute a permit to appropriate water. Additionally, Carlisle indicated at the compliance conference that the USFS had made some review of water rights as it pertains to their granting of the special use permit for the pipelines. The USFS did not express any concern to Carlisle regarding insufficiency or lack of water rights associated with the pipeline diversions and special use permits.
- 5) Carlisle has filed three new water right applications with the Department to cover the unauthorized uses. Applications for Permit 24-10747 and 24-10748 were filed with the Department on July 11, 2006 and cover the ten and four-inch pipeline diversions for the expanded fish hatchery uses. These applications have been advertised and subject to further review and processing by the Department. Application for Permit No. 24-10740 was filed on June 23, 2006 for the domestic use from the 1-1/2 inch pipeline diversion from Spring Creek. The latter application was approved to permit on August 9, 2006.

The Department held a compliance conference with Carlisle on August 2, 2006. It is hereby ordered and agreed that:

Terms of Agreement

- 1) Carlisle shall continue the process of obtaining water right permits for the ten and four-inch pipeline diversions from Spring Creek that serve the expanded fish propagation uses.
- 2) Payment of an agreed civil penalty in the amount of four hundred and eighty dollars (\$480) is payable to the Idaho Department of Water Resources within thirty days (30) days of the execution of this agreement for the violation identified in the Notice of

Violation dated July 14, 2006. The amount of this penalty essentially compensates the Department for time and resources spent bringing this matter to compliance.

- 3) The Department suspends payment of nine thousand, five-hundred and twenty dollars (\$9,520) of the civil penalty proposed by the Notice of Violation dated July 14, 2006. This penalty or any portion may be re-imposed for Carlisle's failure to fully comply with this agreement, including continuing unauthorized use of the pipelines diverting water from Spring Creek located within E1/2NE1/4, Section 32, Township 7S, R46 East, Caribou County.
- 4) This agreement does not limit the Department to seek future compliance or regulation of said water use for other issues not directly related to the unauthorized uses that occurred this year.

Dated this _____ day of _____, 2006.

Tim Luke, Manager
Water Distribution Section
Idaho Department of Water Resources

CONSENT

Respondent Carlisle acknowledges, in general, the facts set forth during the conference and accepts fully the terms and conditions of this Order. These terms shall become effective upon execution by the parties. Respondent waives any right to contest this Order and consents to the issue hereof.

Signed this _____ day of _____, 2006.

Scott Carlisle



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 14, 2006

Scott Carlisle
PO Box 1266
Afton, WY 83110

CERTIFIED MAIL

**RE: Notice of Violation
Order to Cease and Desist Diversion of Water
Violation of Idaho Code Section 42-351**



Dear Mr. Carlisle:

The Idaho Department of Water Resources (IDWR) has determined that you are in violation of Idaho Code Section 42-351. The violation is associated with two illegal diversions of water from Spring Creek, tributary to Webster Creek, for use in expanded fish propagation facilities located in the NENE and SENE of Section 32, T7S, R46E. The new or expanded facilities receive water from two separate pipeline diversions from Spring Creek, including a ten inch pipeline diversion and a four inch pipeline diversion both located within the SENW of Section 32, Township 7 South, Range 46 East. The points of diversion are located on land owned by the US Forest Service (USFS). Evidence available to IDWR from the USFS indicates the USFS issued special use permits for the ten and four inch pipelines in 1996. IDWR staff visited these diversions and the expanded fish propagation uses on June 20, 2006. IDWR confirmed at the time of the visit that the ten inch pipeline provides water to six fish rearing concrete ponds or tanks that are approximately 30 feet in diameter each, and that the four inch pipeline provides water to a fish hatchery facility consisting of 16 large incubation raceways and four small incubation raceways. Review of aerial photographs taken in 2004 confirms the existence of the six concrete fish rearing tanks and a separate building that includes the incubation raceways.

Additionally, there is a 1-1/2 inch pipeline diversion that diverts water from the head of Spring Creek (located next to the four inch pipeline that goes to the hatchery) used for commercial purposes pursuant to IDWR permit number 24-10673. The 1-1/2 inch pipe also provides water to a domestic use that is not included as a beneficial use under permit 24-10673. The domestic use from Spring Creek therefore is not a legal use of water. Moreover, IDWR has information indicating that there is no special use permit from the US Forest Service that authorized the use of the 1-1/2 inch pipeline diversion on or across Forest Service property. The lack of this authorization places permit 24-10673 at risk and may jeopardize the ability of IDWR to ultimately license the permit.

Under Idaho Code, Section 42-1701B, the director of IDWR may commence an administrative enforcement action to obtain a remedy for a violation and seek a civil penalty for irrigation use equal to \$50 per one-tenth cubic foot per second of water diverted per calendar day, or \$50 per two-tenths of an acre-foot of water diverted to storage, up to \$50,000 per year for water illegally used or diverted, in whole or in part, for water illegally used or diverted.

Pursuant to Idaho Code, Section 42-1701B, IDWR requires that the following action be taken:

1. **CEASE and DESIST** any further diversion of water from Spring Creek through the ten and four inch diameter pipelines for fish propagation uses unless authorized by valid water rights. Applications for a water right permit do not constitute valid water rights. Diversion of water from Spring Creek to the expanded hatchery facilities and using the ten and four inch pipelines shall not be resumed until authorization is received from the Department.
2. **Pay** an agreed civil penalty in the amount of **ten thousand dollars (\$ 10,000)**, which is the maximum penalty authorized by law for an illegal diversion of water of this magnitude. The civil penalty shall be due and payable to IDWR no later than August 15, 2006.

If you object to any provision in this notice, you have the opportunity to schedule a compliance conference to discuss the violation with IDWR. Your written request must be received at this office within 14 days of receipt of this notice. Failure to comply with the requirements of this notice will be cause for IDWR to initiate a civil enforcement action through the Attorney General in district court.

Respectfully,



Tim Luke

Manager, Water Distribution Section

cc: Cindy Bird, IDWR Soda Springs Field Office
IDWR Eastern Region
John Homan, Idaho Deputy Attorney General
Darren G Olson, US Forest Service, Soda Ranger District



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

July 3, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

SCOTT CARLISLE
PO BOX 1266
AFTON WY 83110

RE: Water source for Permit 24-10673

Dear Mr. Carlisle:

Thank you for your letter clarifying the source of water you intend to develop in connection with Permit 24-10673. While your application stated "unnamed stream/spring" as the intended source, the map submitted with your application appears to show Spring Creek as the intended source. If you submit proof of beneficial use in connection with your permit, IDWR will evaluate your source of water during the required field inspection. IDWR cannot authorize a change in source, but if the location of your point of diversion matches the permitted location and the map submitted in connection with your permit, IDWR can clarify the name of the source when issuing a water right license.

If you have changed the source of water you intend to appropriate, then you should file an application for a new permit.

If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

Cc: Cindy Bird, IDWR Soda Springs

Bird, Cindy

From: Cox, Sharla
Sent: Wednesday, July 12, 2006 10:52 AM
To: Bird, Cindy
Subject: RE: SCOTT CARLISLE

The one for .5 cfs (4 inch pipe) is 24-10748 and the one for 3.0 cfs (10 inch pipe) is 24-10747. They will advertise July 20 and 27, with the final protest on August 7 at 5:00 pm.

Sharla

-----Original Message-----

From: Bird, Cindy
Sent: Tuesday, July 11, 2006 1:46 PM
To: Cox, Sharla
Subject: SCOTT CARLISLE

good afternoon Sharla,

Have you received two applications for permit from Scott Carlisle for a 10 inch pipe and a 4 inch pipe? Do they have water right numbers yet?

Thanks,
Cindy



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 27, 2006

Scott Carlisle
PO Box 1266
Afton, WY 83110

CERTIFIED MAIL

**RE: Pending Notice of Violation
Potential Unauthorized Use of Water**



Dear Mr. Carlisle,

The Idaho Department of Water Resources (Department) has become aware of several water developments or uses for which there are no water rights and/or exceeds the amount of water and use allowed under any existing valid water rights. The developments in question are:

- 1) Diversion of water to a ten-inch pipeline from Spring Creek, tributary to Webster Creek for six concrete ponds that are approximately 30 feet in diameter each. The diversion point is located in the SENW of Section 32, Township 7 South, Range 46 East.
- 2) Diversion of water to a four-inch pipeline from Spring Creek, tributary to Webster Creek to a fish hatchery consisting of 16 large raceways and four small raceways. This diversion point is also located in the SENW of Section 32, Township 7 South, Range 46 East, but it is a separate diversion from where the 10 inch pipe is located;
- 3) Diversion of water to a 1-1/2 inch pipeline for domestic use from Spring Creek, tributary to Webster Creek (pipe is diverted from the same spring and location as the four inch pipe). This pipe also conveys water to a restaurant and lodge authorized by water right permit 24-10673.

Based on research of water right records, Department staff cannot find any valid water rights that authorize the uses described above. The pipelines described above all originate on land owned by the US Forest Service. The Department has found that the Forest Service has not granted a special use permit for the 1-1/2 inch pipe under permit 24-10673. Therefore, the ability to continue use of water under permit number 24-10673 is also at risk.

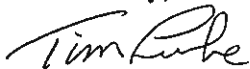
The Department is aware that water right 24-2038 does authorize diversion of water from Spring Creek for fish propagation but it is our understanding that this water right covers the existing earthen ponds along Spring Creek and just southeast of the large raceways and 6 concrete ponds. Since there do not appear to be water rights authorizing the uses described above, I request your immediate cooperation in:

- Identifying what water right covers your developments if our records are not correct.
- Cease the diversion of water to the hatchery raceways, the 6 concrete ponds, and the domestic use, if you do not have rights to do so.
- And/or obtain valid water rights for the uses or enlargement of uses in question.

Please respond to our office within 10 days of the date of this letter as to the status of your projects. Please note that to divert water in Idaho without a valid water right is illegal pursuant to §42-351, Idaho Code, and that pursuant to §42-1701B, Idaho Code, civil penalties for illegal non-irrigation uses may be \$50 per one-tenth cubic foot per second of water diverted per calendar day, or \$50 per two-tenths of an acre-foot of water diverted to storage, up to \$50,000 per year for water illegally used or diverted.

If you have questions regarding this matter please contact me directly at 287-4959. You may also contact either Roger Warner, Water Rights Supervisor, Idaho Falls regional office (525-7161), or Cindy Bird, Soda Springs Field Office (547-3993). I will be away from the office between June 28th and July 11th, so it may be best to contact either Mr. Warner or Ms. Bird.

Sincerely,



Tim Luke
Manager, Water Distribution Section

CC: Roger Warner, IDWR Eastern Region
✓Cindy Bird, IDWR Soda Springs Field Office
Darren G. Olson, US Forest Service, Soda Ranger District

Ident. No. 24-10740

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of Applicant Scott Carlisle Phone (208) 225-3543
Mailing address P.O. Box 1266 Afton, Wyoming 83110

2. Source of water supply Spring Creek which is a tributary of Snake River

3. Location of point of diversion is Township 7 S Range 46 E Sec. 32, in the SE $\frac{1}{4}$,
NW $\frac{1}{4}$, $\frac{1}{4}$, Govt. Lot _____, B.M., Caribou County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .04 cfs for Domestic purposes from 1/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .04 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source collection pipe
and cut-off wall (size TBD), Spring box (size TBD) 1 1/2" pipe

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought? _____

e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. One household
e. Other; describe fully. _____

COPY

RECEIVED

JUN 23 2006

Department of Water Resources
Eastern Region

Jun. 26. 2006 11:46AM Idaho Dept. of Water Resources

No. 7783 P. 1

2. 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 the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	46E	32																	
7S	46E	32				D													

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? USDA-Forest Serviceb. Who owns the land to be irrigated or place of use? Scott Carlisle

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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



Signature of Applicant (and title, if applicable)
Received by SeDate 6/23/06 Time 11:30Preliminary check by ED 3801ADate 6/23/06Fee \$ 100Received by SeDate 6/27/06Published in Caribou Co SunPublication prepared by Se

Date _____

Publication approved _____

FS-2700-4 (7/93)
OMB No. 0596-0082
Expires: 6/30/96

U. S. DEPARTMENT OF AGRICULTURE Forest Service SPECIAL-USE PERMIT Authority: Federal Land Policy and Management Act, as amended October 21, 1976	Holder No.	Issue Date	Expir. Date
	5 3 9 7-0 1	0 6 / 1 8 / 9 6	1 2 / 3 1 / 1 5
	Type Site(s)	Authority	Auth. Type
	2 1 5	6 7 6	2 0
	Region/Forest/District	State/County	
	0 4 / 0 5 / 0 2	1 6 / 0 2 9	
	Cong. Dist.	Latitude	Longitude
	0 2	4 2-4 6-1 8	1 1 1-0 6-1 8

Star Valley Trout Ranch
(Holder Name)

of c/o Scott Carlisle
(Billing Address - 1)

P. O. Box 1266

Afton

WY

83110

(Billing Address - 2)

(City)

(State)

(Zip Code)

(hereinafter called the Holder) is hereby authorized to use or occupy National Forest System lands, to use subject to the conditions set out below, on the Caribou National Forest

This permit covers .25 acre and is located in N1/2 of Section 32, T7S, R46E, B.M. and is described as shown on the location map attached to and made a part of this permit, and is issued for the purpose of: Installing and fencing a water collection system, 2500' of buried 4" PVC pipe to transport water for Hatchery use also 2500' of 1 1/2" PVC pipe to transport water for culinary use. (Area used will be 4' by 2500')

The above described or defined area shall be referred to herein as the "permit area".

TERMS AND CONDITIONS

I. AUTHORITY AND GENERAL TERMS OF THE PERMIT

A. Authority. This permit is issued pursuant to the authorities enumerated at Title 36, Code of Federal Regulations, Section 251 Subpart B, as amended. This permit, and the activities or use authorized, shall be subject to the terms and conditions of the Secretary's regulations and any subsequent amendment to them.

B. Authorized Officer. The authorized officer is the Forest Supervisor or a delegated subordinate officer.

C. License. This permit is a license for the use of federally owned land and does not grant any permanent, possessory interest in real property, nor shall this permit constitute a contract for purposes of the Contract Disputes Act of 1978 (41 U.S.C. 611). Loss of the privileges granted by this permit by revocation, termination, or suspension is not compensable to the holder.

D. Amendment. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms, conditions, and stipulations as may be required by law, regulation, land management plans, or other management decisions.

Received Time May. 11. 2:53PM



SCALE:
1"=500'

2

A R I B O U

POINT OF DIVERSION
T 7S, R 46E, SEC. 32

Spring

POINT OF USE
HOUSE ± 1/2 ACRE

The Falls

Fish Hatchery

Webster

Webster

TRAIL
Canyon



Bird, Cindy

From: Luke, Tim
Sent: Wednesday, June 21, 2006 9:10 AM
To: Warner, Roger
Cc: Bird, Cindy; Swank, Lyle
Subject: FW: Scott Carlisle

Roger,

Do you want to handle sending a Pending NOV letter or shall I do that? I'm happy and willing to do it. Please advise.
Tim

-----Original Message-----

From: Bird, Cindy
Sent: Wednesday, June 21, 2006 8:59 AM
To: Luke, Tim
Subject: RE: Scott Carlisle

-----Original Message-----

From: Luke, Tim
Sent: Wednesday, June 21, 2006 7:53 AM
To: Bird, Cindy
Subject: RE: Scott Carlisle

Cindy,

I looked at your word doc and plotted out your GPS info. It is not entirely clear to me from your descriptions which developments are expansions or made without authorization. I suspect that the 6-30' concrete ponds is the new or expanded use on the hatchery, and there is no water right for the 10 inch pipe or the concrete ponds, correct?. **[Bird, Cindy]** There is no water right for the 10-inch pipe or the 4-inch pipe or the 1-1/2 inch pipe. The Hatchy or Hathyery point with the 4 small raceways and 16 large raceways I suspect is the valid use covered by right 24-2038? **[Bird, Cindy]** No. He needs to either stop using the earth ponds and no longer divert water into the earth ponds and transfer 24-2038 or get a new right. If you look at the examiners report under 24-2038, he's still diverting water on private land into the earth ponds and he has added the points of diversion of Forest Service ground. The POD's were added in 1996 and no transfer has been filed to either add those points or change the POD. You mention a 4 inch pipe to the hatchery but there is no GPS point for that. **[Bird, Cindy]** T **[Bird, Cindy]** The 1 1/2" and 4" pipes are diverted from the same location. So the GPS point would be the same for both pipes. You also mention that the raceways for the hatchery were built about ten years ago, but 24-2038 has a 1946 priority. I see what look like one or more earthen/man-made ponds to the east of the hatchery raceways. **[Bird, Cindy]** Those earthen/man-made ponds are covered under 24-2038, Did the owner change from ponds to raceways under 24-2038 at some point in time? **[Bird, Cindy]** The concrete ponds were built 5 years ago and the raceways were done about 10 years ago. No transfer has been filed to change from the earthen ponds to the concrete structures. And the earthen ponds still have thousands of fish in them. According to Scott he doesn't sell them but he is still raising fish in the earth ponds under 24-2038. Are the earthen ponds to the east of the hatchery raceways used at all for fish prop or under 24-2038? **[Bird, Cindy]** Yes. Also, are there two houses on the 1-1/2 inch line or just the one? **[Bird, Cindy]** One home and the lodge. It would appear that 24-10673 covers at least the lodge and restaurant. **[Bird, Cindy]** Yes and no. Scott has not access to F. S. ground to install the covered structure required by DEQ and Health & Welfare. I assume you are maintaining there are no rights for the domestic use or uses? **[Bird, Cindy]** Correct I will have to talk to Shelley or Jeff about the issue over the FS special use permit for the 1-1/2 inch line - that may just have to be an issue between Carlisle and FS. **[Bird, Cindy]** The only approval that Scott has for the 1-1/2 inch pipe is for the house.

[Bird, Cindy] I hope this answers your questions.

Cindy

Please respond to my questions.
Thanks, Tim

-----Original Message-----

From: Bird, Cindy
Sent: Tuesday, June 20, 2006 8:36 AM
To: Warner, Roger; Luke, Tim; Keen, Shelley
Subject: Scott Carlisle

hi,

While out doing field work with the Forest Service on claim 24-2038 last week we ran across several additional diversions and added structures for Scott Carlisle (Star Valley Fish Hatchery). I've attached the GPS file and descriptions of the points.

Cindy

<< File: scott carlisle.dbf >> << File: scott carlisle.shp >> << File: scott carlisle.shx >> << File: Scott Carlisle GPS files.doc >>

Ident. No. 24-10673

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Scott Carlisle Phone (208) 225-3543
Mailing address P.O. Box 1266 Afton, Wyoming 83110
2. Source of water supply unnamed stream/spring which is a tributary of Snake River
3. Location of point of diversion is Township 7 S Range 46 E Sec. 32 in the SE $\frac{1}{4}$,
NW $\frac{1}{4}$, Govt. Lot _____, B.M., Caribou County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.11 cfs for Commercial purposes from 1/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.11 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Collection pipe and cut-off wall (size TBD), spring box (size TBD), 10-inch PVC transmission pipe.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
8. Description of proposed uses (If irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. Water for use in a lodge/restaurant. Water will be used for cooking and other typical household uses. No proposed irrigation use.

RECEIVED

APR 19 2005

Department of Water Resources
Eastern Region

3. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	46E	32	C			C													

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. N/A

- Who owns the property at the point of diversion? USDA - Forest Service
- Who owns the land to be irrigated or place of use? Scott Carlisle
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Remarks: _____

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Scott Carlisle
 Signature of Applicant (and title, if applicable)

Received by _____ Date 4/19/05 Time _____ Preliminary check by _____
 Fee \$ 100 Received by Dennis Dunn # ED 30848 Date 6 May 2005
 Publication prepared by SC Date 4/14/2005 Published in Caribou County, ID
 Publication approved _____ Date _____

RECEIVED

APR 19 2005

Department of Water Resources
 Eastern Region

Dear Dennis,

Here is a copy of our special use permit from the Forest Service. If you have any questions you can contact me. Scott Carlisle, Star Valley Trout Ranch, 208-225-3543.

Star Valley Trout Ranch

SCOTT CARLISLE

P.O. Box 1266
Afton, Wyoming 83110

Phone: (208) 225-3543



Received Time May. 11. 2:53PM

FS-2700-4 (7/93)
OMB No. 0596-0082
Expires: 6/30/96

U. S. DEPARTMENT OF AGRICULTURE Forest Service SPECIAL-USE PERMIT Authority: Federal Land Policy and Management Act, as amended October 21, 1976	Holder No. <u>5 3 9 7-0 1</u>	Issue Date <u>06/18/96</u>	Expir. Date <u>1 2/3 1/1 5</u>
	Type Site(s) <u>--- 9 1 5</u>	Authority <u>6 7 6</u>	Auth. Type <u>--- 2 0</u>
	Region/Forest/District <u>0 4/ 0 5 / 0 2</u>		State/County <u>1 6/ 0 2 9</u>
	Cong. Dist. <u>0 2</u>	Latitude <u>4 2-4 6-1 8</u>	Longitude <u>1 1 1-0 6-1 8</u>

Star Valley Trout Ranch
(Holder Name)

of

c/o Scott Carlisle
(Billing Address - 1)

P. O. Box 1266

Afton

WY

83110

(Billing Address - 2)

(City)

(State)

(Zip Code)

(hereinafter called the Holder) is hereby authorized to use or occupy National Forest System lands, to use subject to the conditions set out below, on the Caribou National Forest

This permit covers .25 acre and is located in N1/2 of Section 32, T7S, R46E, B.M. and is described as shown on the location map attached to and made a part of this permit, and is issued for the purpose of: Installing and fencing a water collection system, 2500' of buried 4" PVC pipe to transport water for Hatchery use also 2500' of 1 1/2" PVC pipe to transport water for culinary use. (Area used will be 4' by 2500')

The above described or defined area shall be referred to herein as the "permit area".

TERMS AND CONDITIONS

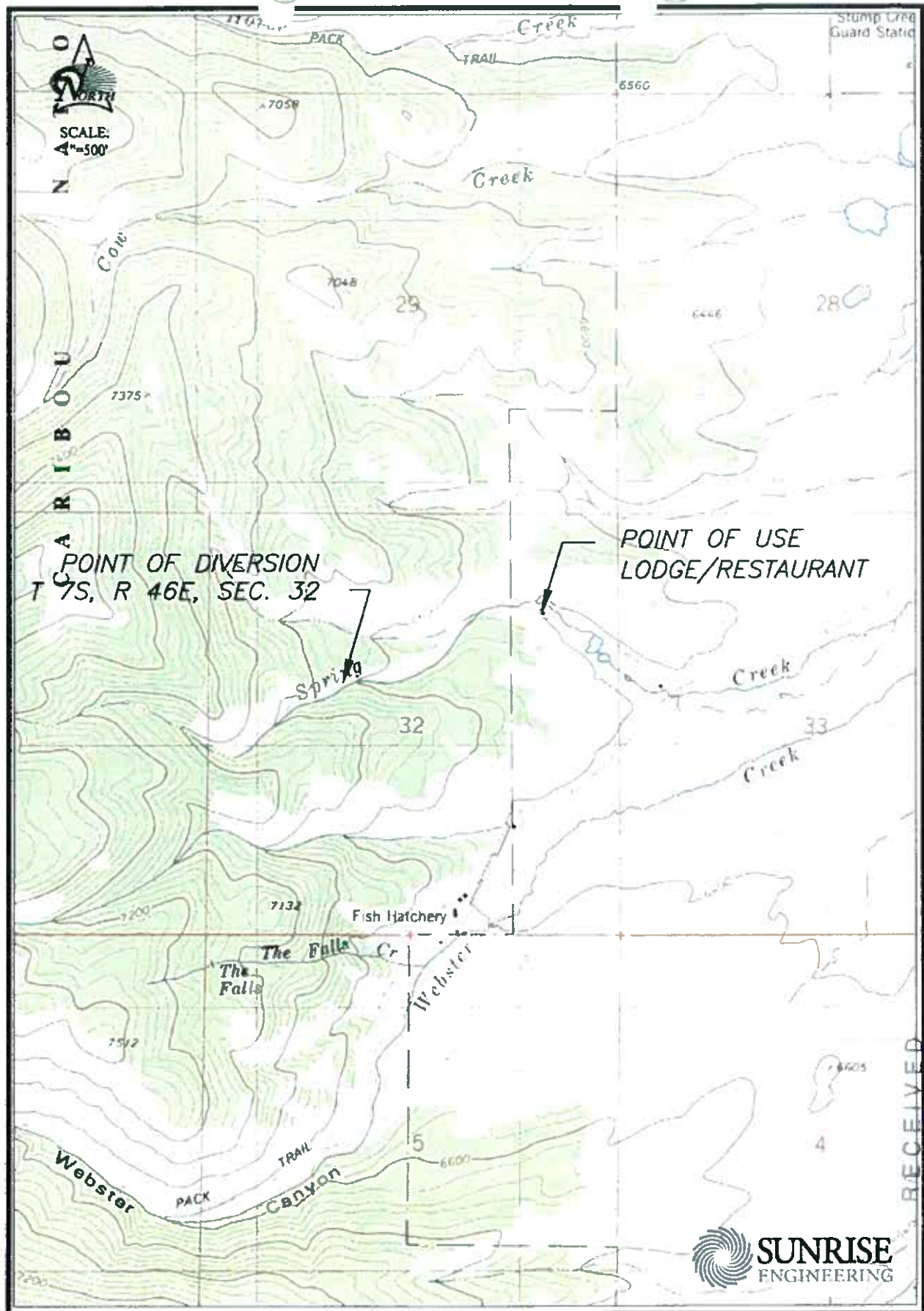
I. AUTHORITY AND GENERAL TERMS OF THE PERMIT

A. Authority. This permit is issued pursuant to the authorities enumerated at Title 36, Code of Federal Regulations, Section 251 Subpart B, as amended. This permit, and the activities or use authorized, shall be subject to the terms and conditions of the Secretary's regulations and any subsequent amendment to them.

B. Authorized Officer. The authorized officer is the Forest Supervisor or a delegated subordinate officer.

C. License. This permit is a license for the use of federally owned land and does not grant any permanent, possessory interest in real property, nor shall this permit constitute a contract for purposes of the Contract Disputes Act of 1978 (41 U.S.C. 611). Loss of the privileges granted by this permit by revocation, termination, or suspension is not compensable to the holder.

D. Amendment. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms, conditions, and stipulations as may be required by law, regulation, land management plans, or other management decisions.



RECEIVED

APR 19 2005

Department of Water Resources
Eastern Region



Scott Carlisle (Star Valley Fish Hatchery)

June 19, 2006

Collected by: C. Bird (6/13/06)

Accompanied by: Scott Carlisle, Darren G. Olsen (Soda Ranger District) & Steve Spencer (Boise Adjudication-F.S.)

<u>GPS FILENAME</u>	<u>DESCRIPTION</u>
DOMHCH	Domestic and hatchery POD on Forest Service ground. Domestic POD is a 1 ½-inch pipe. This pipe is also connected to the lodge/restaurant under permit 24-10673. No authorization has been given by the Forest Service to develop permit 24-10673. Pipe to the hatchery is a 4-inch line. Authorized by Forest Service under 6/18/96 Special Use permit; FS-2700-4 (7/93) Lat: 42.77135253 Long: -111.10414633 10:23am POD Legal Description: SESENW Sec. 32 T7S R46E
10INPL	POD (10 inch pipe) for 6 concrete ponds. Authorized by Forest Service under 6/18/96 Special Use permit; FS-2700-4 (7/93) Lat: 42.77176559 Long: -111.10356697 10:39am POD Legal Description: SESENW Sec. 32 T7S R46E
POU4IN	POU for the 10-inch pipe. 6-30' diameter concrete ponds. Built about 5 years ago. Lat: 42.77374506 Long: -111.09869071 10:58am POU Legal Description: NENE & SENE of Sec. 32 T7S R46E
PTOFIJ	Point of injection. This is the point where the water from the 6 concrete ponds is returned to Spring Creek. Lat: 42.77399182 Long: -111.09874972 11:02am Legal Description: SWNENE of Sec. 32 T7S R46E
HATCHY	Hatchery. Containing 4 small raceways (30"X20'X18") and 16 large raceways (30"X35'X18"). The 4" pipe supplies water to the hatchery. Built about 10 years ago. Lat: 42.77374506 Long: -111.09766074 11:27am POU Legal Description: NENE & SENE of Sec. 32 T7S R46E

LODGE

POU: Lodge/restaurant under permit 24-10673. 1 ½-inch supply line. Diversion on Forest Service ground from Spring Creek.

Lat: 42.7731888 Long: -111.09830984 11:45am

POU Legal Description: NESENE of Sec. 32 T7S R46E

HOUSE

Domestic house uses the 1 ½-inch supply line. Diversion on Forest Service ground from Spring Creek.

Lat: 42.77091265 Long: -111.09432408 11:53am

POU Legal Description: SESENE of Sec. 32 T7S R46E

SHAPE FILE: g:\basin 24\gps points\scott carlisle.shp

6/13/05

pg 1.

Scott Carlisle. Star Valley Fish Hatchery

4" Hatchery pipe.

AA100- Contour Intervals = 40'

1 1/2" domestic pipe.

10"-ponds

Domestic
POD

GPS PT.

DOM HCH

Domestic/hatchery

6-13-06. 10:23 AM.

N 42° 46.281' W 111° 06.249'

Lat. 42.77135253

Long. -111.10414633

10:23 AM

6/13/05. Img - 1376 10:56 AM.

10:30 AM. Looking at Spring head were. photo 1

4" & 1 1/2" pipe are buried in the hill side. Looking

POD: T75 R46E Sec. 32 SESE NW. Swirly direction.

10:37 AM 10" pipe that goes to the 6 ponds.

11:03 AM Img 1377

valves on race 4" PVC pipe to each pool.

Looking at stream head at 10" pipe - photo 2
6 - 30" diameter 30" deep - looking south.

10" pipe POD.

GPS PT.: 10 IN PL

10 inch pipe to pools (6 ponds)

N 42° 46.306'

POD 10" pipe.

W 111° 06.214'

10:39 AM.

Lat 42.77176559

Long. -111.10356697

49° temp of Spg. Crk.

POD: T75 R46E Sec. 32 SESE NW

10:39 AM

50' of fall - down to the ponds.

7 ft/sec.

4" Nozzle (10 cfs) .61 cfs

1.985 * 50' = 99. psi

.349

10" pipe POD: 10:58 AM Looking East at hatchery ponds. photo 3.

GPS: "Douyin" 11:23 AM Img - 1378.

POD for 10" pipe. (POD for 10" pipe).

10:58 AM 6-13-06

N 42° 46.425'

6-30' ponds

W 111° 05.921'

POD: T75 R46E Sec. 32

NENE, SENE

Lat 42.77274511

Long -111.10291222

4/13/06

pg 2 Scot Carlisle

11:02 AM GPS file "PTOF-IJ"

Point of injection -

where pond drain back into Spring Crk.

Injection.

N 42° 46.440'

W 111° 05.925'

Lat 42.77399182

Long. -111.09874972

11:02 AM

#1379 photo 4 Looking SW @ 2 10" pipe

11:07 Coming from 6-pools.

Img-1379 11:32 AM.

#1380 11:07 photo 5 Looking Northerly at Spring Crk and water flowing back to Crk.

forest boundary next to the ponds to the

West.

Img-1380 11:33 AM.

T7S R46E Sec 32 SWNE NE

Hatchery - Raceways. (POU - 4" pipe).

Hatchery

1" - 3 ml 30" wide. x 20' x 18" x 18" deep.

2 small NOT working

2" - 16 - 30" wide. x 35'

T7S R46E Sec. 32

POU
NENE, SENE

4" line - also feeds @ 1" pipe to a pond above the hatchery.

#1381 - photo 6 11:26 AM Looking West into hatchery raceways. 2 1/2" pipe comes into raceway off

Img-1381 11:51 AM.

#1382 photo 7 closeup in raceway with hatchery fish.

Img-1382 11:52 AM.

11:27 GPS File "HATCHY" hatchery/raceway

N 42° 46.425'

W 111° 05.860'

Lat 42.77374506

Long. -111.097661370

11:27 AM

993

6/13/06

Scott Carls - Star Valley

11:27 AM

#1382 photo 8. Looking S @ water coming into
8m. raceways. 1/2" pvc pipe to trough then
flows into raceway.

Im9-1382 11:58 AM.

hatchery cont'd

#1384 photo 9. Looking at 2" pvc pipe coming into
lg raceways. Looking S.

Im9-1384 11:58 AM.

Lodge/Restaurant (rm) 24-10673.
New permit.

11:45 AM. LODGE

T75 R46E Sec. 32 NESENE

N42°46.388' W 111°05.899'

#1385. photo 10 Looking West @ Lodge/restaurant.
11:49 AM. Im9-1385 12:14 PM

Lat 42.7731888

Long -111.09830984 11:45 AM

11:53 AM 6-13-06 GPS file "HOUSE"

Domestic house T75 R46E Sec. 32 SESENE

N42°46.255' W 111°05.659'

House.

1 1/2 pipe -

Lat 42.77091265'

Long -111.09432408 11:53.

#1386 photo 11 Looking NE @ home. 11:56 AM
Im9-1386 12:22 PM.

#1387 photo 12 - Looking NE @ ponds from home

Im9-1387 12:23 PM

#1388 photo 13 - Looking NW @ ponds on
Spring crk.

Im9-1388 12:24 PM.

#1389

photo 14 - Looking @ cabins on the hill overlooking

Spring crk & westerly direction of cabins

Im9-1389 12:24 PM.

22-139 100 sheets

LODGE.

CAMPAD

p2/4

Scott Carlisle.

Star Valley Trout Farm.

hatchery - 10 years ago (smaller building at)

5 years ago added concrete pools

Tom Bassista - stream channel alteration. ~~FAWR~~
Eastern Region.

Scott Carlisle
(Star Valley Trout Farm)
6/20/2006
Prepared by: C. Bird
Field exam done on 6/13/2006



Photo 1376
10:56 am

Photo 1. Looking in a southwesterly direction at the head of Spring Crk where the 4" and 1½" pipe is buried. 4" pipe goes to the hatchery and the 1½-inch pipe goes to the home and lodge. Pipes were installed in 1996. This is also the proposed site to install covered structure for permit 24-10673. GPS filename: DOMHCH



Photo 1377
11:03 am

Photo 2. Looking south at 10-inch pipe in Spring Crk. This pipe supplies water to 6 concrete ponds. Pipe was installed in 1996 after getting approval from the Forest Service under Special Use Permit FS 2700-4 (7/93) GPS filename: 10INPL



Photo 1378
11:23 am

Photo 3. Looking east at 3 of the 6 concrete fishponds. Water supplied to the ponds by the 10-inch pipe in Spring Creek. These structures were built about 5 years ago according to Scott Carlisle. The diameter of each structure is about 30 ft X 30 inches deep and all 6 ponds were operating at the time of my visit. Inlet pipe is a 4-inch PVC pipe going into each pond. GPS filename: POU4IN



Photo 1379
11:32 am

Photo 4. Looking in a southwesterly direction at 2-10" pipes that dumps water from the concrete ponds into a sediment pool before going back into Spring Creek. GPS filename: PTOFIJ



Photo 1380
11:33 am

Photo 5. Looking in a northeasterly direction at Spring Creek and the water from the settling pond as it flows back into Spring Creek.



Photo 1381
11:51 am

Photo 6. Looking in a westerly direction into the hatchery at the large raceways. GPS FILENAME: HATCHY



Photo 1382
11:52 am

Photo 7. Looking into one of the large raceways at the hatchery.



Photo 1383
11:58 am

Photo 8. Looking in a southerly direction at the water coming into the small raceways. The supply line is 1-inch PVC pipe that dumps water into the trough then it flows into the small raceways. A 4-inch pipe from Spring Creek supplies the hatchery water.



Photo 1384
11:58 am

Photo 9. Looking at the 2-inch PVC pipe coming into the large raceways in the hatchery.



Photo 1385
12:14 pm

Photo 10. Looking west at the lodge/restaurant. Scott Carlisle is talking with Steve Spencer from the Forest Service. GPS FILENAME: LODGE



Photo 1386
12:22 pm

Photo 11. Looking north at Scott Carlisle's home. GPS FILENAME: HOUSE



Photo 1387
12:23 pm

Photo 12. Looking in a northeasterly direction from Scott's house at earth ponds described under 24-2038.



Photo 1388
12:24 pm

Photo 13. Looking in a northwesterly direction from Scott's house at earth ponds under 24-2038.



Photo 1389
12:24 pm

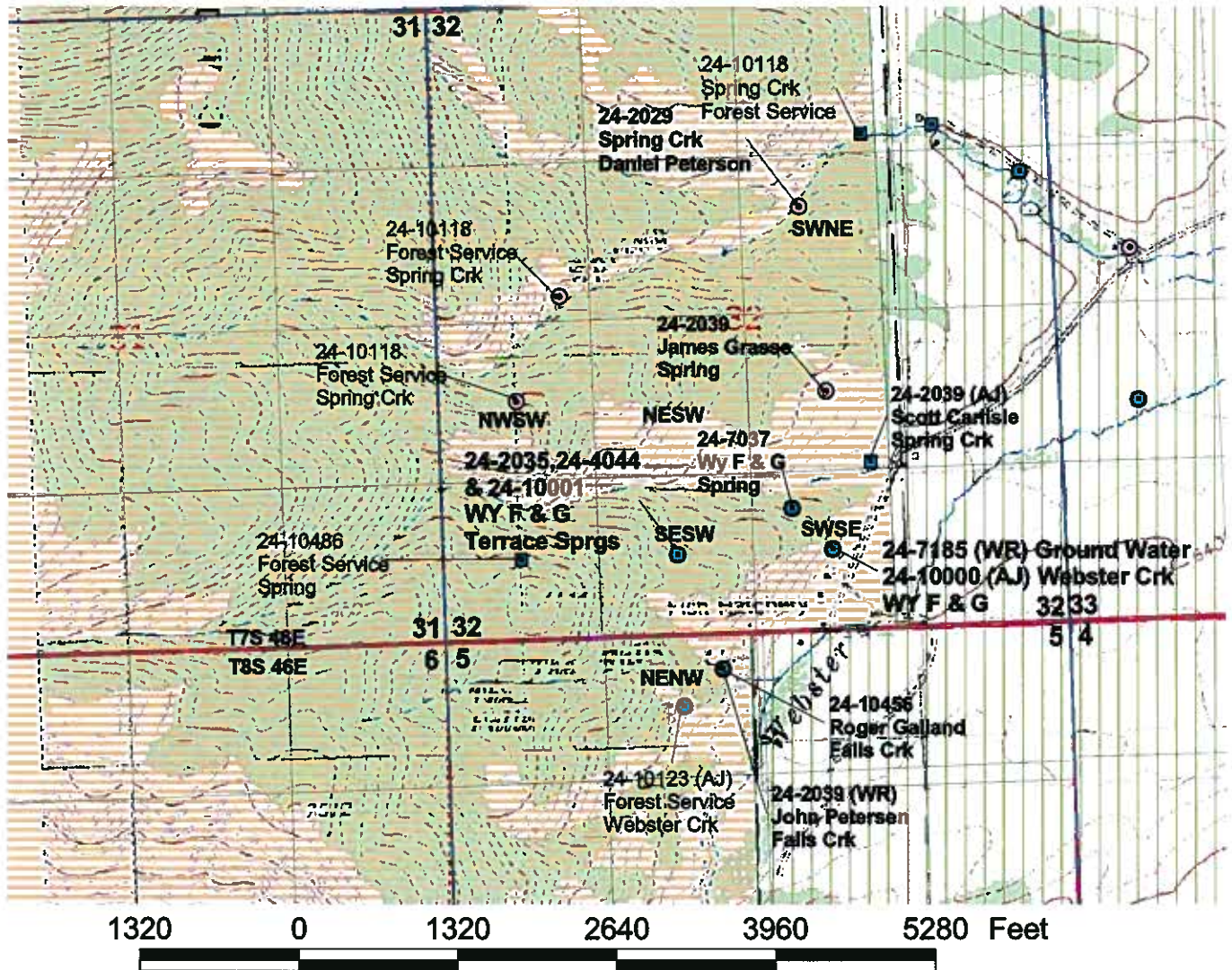
Photo 14. Looking in a northwesterly direction from the house at the 4 cabins on the hill that overlooks the earth ponds. According to Scott Carlisle there is no water used in the cabins.



DIVERSIONS ON FOREST SERVICE LANDS



T7S R46E Sec. 32
T8S R46E Sec. 5



LEGEND

- Township/Range
- Sections
- Quarter-quarter lines
- Claim POD
- Right POD
- B.L.M.
- Bureau of Indian Affairs
- Forest Service
- Private
- Recommended POU

RIGHTS INVOLVED:

24-2026, 24-2029, 24-2035,
24-2038, 24-2039, 24-4044,
24-10000, 24-10001, 24-10456



GIS POINTS OF DIVERSION PRESENTATION
PREPARED BY C. BIRD
JUNE, 2006

6/12/06 5:30pm calling Scott Carlisle

Cabin Reservation 307-885-3843

Order for fish leave your #.

- left a message that I will be out there tomorrow
around 10 am.

Receipt Details for ID E012073

Carlisle
24-2039

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/16/1990 9:31:56 AM	2/16/1990	Eastern	\$192.00	Check
Payer		STAR VALLEY TROUT RANCH		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2033			
Card Expiration Date	Credit Card Transaction #		

Comment OVERPAYMENT

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$131.00	ADJUDICATION FEE - SCOTT CARLISLE	410162	9337	00		6490
\$61.00	OVERPAYMENT	410162	9337	00		6490

Refund(s):

Amount	Payee	Date	Document Number
\$192.00	STAR VALLEY TROUT RANCH	12/17/1990	

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
24	2038		\$80.00	Claim
24	2039		\$51.00	Claim

5/22/06

Scott Carlisle :
Sec. 32 SWSE domestic

James Grouse

11-10-1966. exp. 1993.

1500'

T7S.

- Ted N. Carlisle (purchased from James Grouse)

SWSW Sec. 32

- 2 homes.

1997- Stream channel permit

Line 2-SE NE Sec. 32. T7S R46E

1997 pipe line 18" dia 1600' 5' corridor

Permit 1996:

June 18, 1996: 4" pvc - 2500' Hatching

2500' - 1 1/2" Culinary use.

N 1/2 Sec. 32.

3 separate pipes

547-4856 = Darren Olson.
Scott Carlisle.

unrained stream

24-10673 4/19/2005 0.11 commercial

Contacts Data Entry Form

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____
Current Owner Star Valley Trout Ranch % Scott Carlisle
Name connector: and _____ or _____ and/or _____
Current Owner PO Box 1266, Afton, WY 83110
Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: Scott Carlisle Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: 9-9-05 Time: _____

Directions to Property (if different from above) and/or update owner information:

field exam done by Bryce Contreras

Reviewer: CB

Date: 12/1/05

Contacts Data Entry Form

Priority Date Data Entry Form

Claim Number: A24-2038

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

License appears to match claim, Mar 23 1946. BAC.

Reviewer: CBDate: 12/1/05

1. Should this water use have been included in a later court decree of the water rights from this source? Yes () No (X)
If Yes, go to 2
If No, go to 4
2. Was the owner or the owner's predecessor in interest of the place of use joined in the later decree? Yes () No ()
If Yes, go to 3a
If No, go to 4
- 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? Yes () No ()
If Yes, consult the attorney assigned to the Basin. Go to 3b
If No, go to 4
- 3b. Do the facts support disallowing the claim, or recommending the claim as an enlargement or an expansion? Yes () No ()
If Yes, go to 11
If No, go to 4
4. Is the basis of claim a decree or license? Yes (X) No ()
If Yes, go to 5
If No, go to 7
5. Does the decree or license have a Priority Date? Yes (X) No ()
If Yes, go to 6
If No, Consult the attorney assigned to the Basin, go to 15
6. Did the Claimant claim the decreed or licensed Priority Date? Yes (X) No ()
If Yes, recommend the Priority Date claimed. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
If No, Obtain an amended claim if necessary. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
7. Is the basis of claim a Permit or Application? Yes () No ()
If Yes, go to 10e
If No, go to 8
8. Is the basis of claim a posted notice? Yes () No ()
If Yes, consult the attorney assigned to the Basin, go to 15
If No, go to 9
9. Is the Priority Date claimed after the date a permit is required for the source and the water use? Yes () No ()
If Yes, go to 11
If No, go to 12
- 10e. Will the license be issued prior to filing the Director's Report? Yes () No ()
If Yes, recommend the Priority Date shown on the license, go to 15
If No, recommend the Priority Date shown on the Permit. All other elements should be recommended as shown on the Permit.
Add Condition Code A01 to the Recommendation, go to 15
11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426? Yes () No ()
If Yes, go to 12
If No, disallow with condition P01.
12. Does the claim file contain sufficient evidence of Priority Date? Yes () No ()
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, Request additional evidence of Priority Date, go to 13
13. Has additional evidence of priority date been submitted? Yes () No ()
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, recommend a Priority Date based on available evidence if possible. If some of the claimed water uses can be recommended with the Priority Date supported by the evidence, then do so, go to 14
14. Can any portion of the claim be recommended as a valid water right? Yes () No ()
If Yes, go to 15
If No, disallow with condition P01.
15. Is the basis of claim coded correctly? Yes (X) No ()
If Yes, go to 16
If No, Enter the appropriate basis of claim.
16. Is a Priority Date remark and/or condition required? Yes () No (X)
If Yes, Enter the appropriate basis of claim. Priority Date review is complete.
If No, Priority Date review is complete.

Priority Date

Claim No. A24 - 2038

Point of Diversion and Source Data Entry Form

Claim Number: A24-2038

Water Right Point of Diversion: T____, R____, Sec.____, County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T____, R____, Sec.____, County:_____

Source:_____ Tributary:_____

Recommended Point of Diversion: T 7S, R 46E, Sec. 32, SE, NE, County: CaribouSource: Spring Creek Tributary: Tyger Creek

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>7S</u>	<u>46E</u>	<u>32</u>		<u>SESE NW</u>	<u>Caribou</u>	<u>Spring Creek</u>
GPS Coordinates: <u>12 89746 N</u>					<u>2736956 E</u>	<u>IDM 83</u>
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

GPS & field inspection. This may be an accomplished change or it may be simply a difference in methods. Mr. Carlisle has owned place since 1987 or 1988 he says so change (if any) likely pre-dates adjudication.
Wac 28 Sept 2005

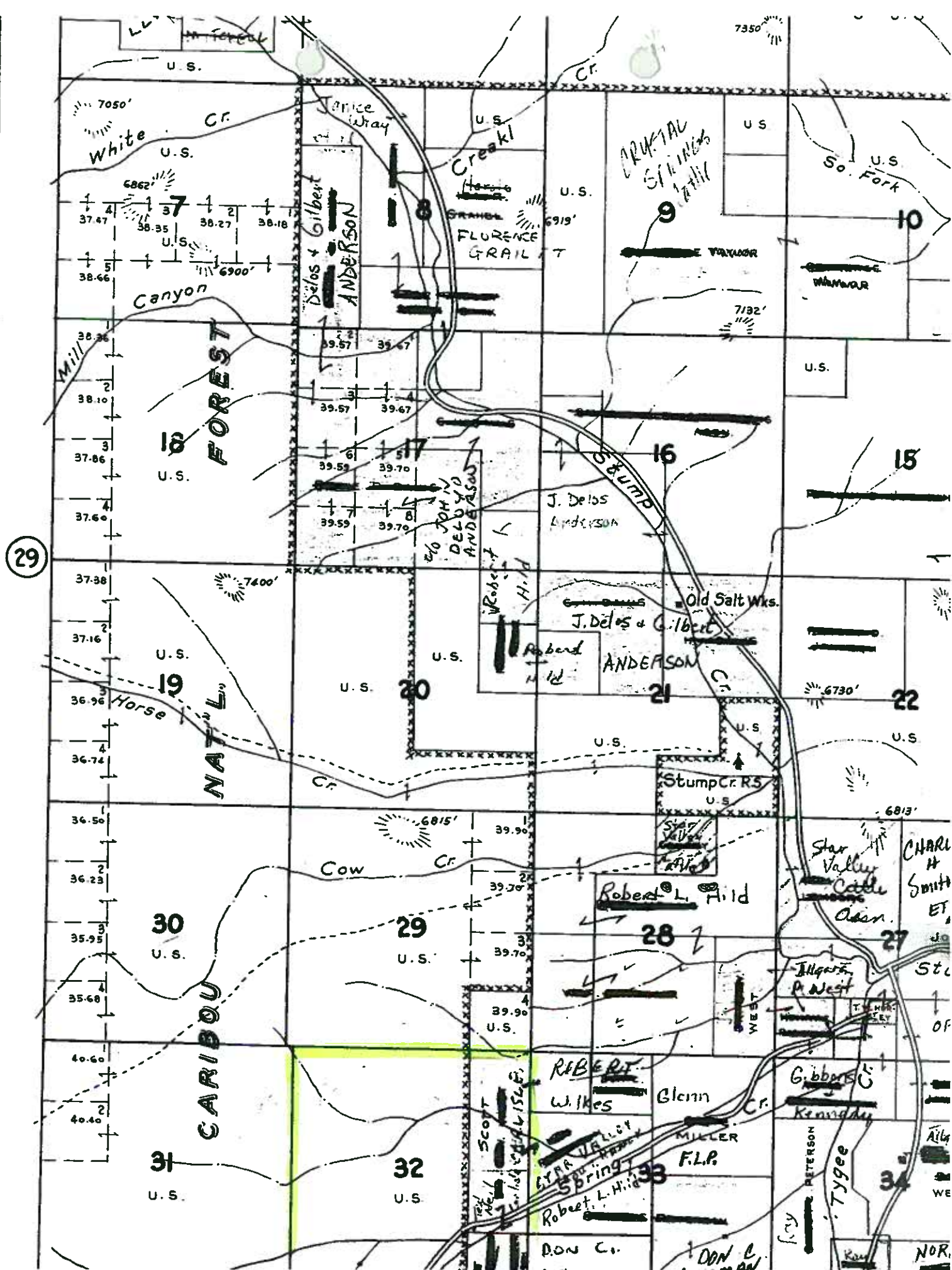
Transfers Changing POD NOReviewer: CBDate: 12/1/05

Notes

12/1/05 The pod that Bruce Contour found is on forest service ground.

There is no evidence in the file that the POD was moved prior to 1987. Also there is no agreement with the forest service for the POD. Recommending the claimed POD, which matches the licensed POD.

Scott will need to either file a transfer to change the POD or provide evidence to support the change. CB



Point of Diversion

Claim No. A241 - 2038

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
Yes ☒ No ☐
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
Yes ☐ No ☐
3. Has the License been issued?
If Yes, go to 5
If No, recommend the POD as shown on the Permit. Go to 10
Yes ☐ No ☐
4. Does the parent right have a POD?
If Yes, go to 5
If No, go to 6
Yes ☒ No ☐
5. Can the claimed POD be verified using the water right file?
If Yes, recommend the POD as shown in the water right file. Go to 10
If No, go to 6
Yes ☒ No ☐
6. Is there evidence that there has been a change in the POD?
If Yes, go to 7
If No, go to 9
Yes ☐ No ☐
7. Can the change be verified as an accomplished transfer?
If Yes, add condition C03, go to 9
If No, Notify claimant that a transfer is necessary before the claimed POD can be recommended. Go to 8
Yes ☐ No ☐
8. Was a transfer filed?
If Yes, recommend the POD as shown on the approved transfer. Go to 10
If No, go to 9
Yes ☐ No ☐
9. Does the file contain all of the necessary information to verify the POD?
If Yes, recommend the POD as it existed on 11-19-1987. Describe how the POD was verified. Go to 10
If No, collect the necessary information. Conduct field exam if necessary. Recommend the POD as it existed on 11-19-1987. Go to 10
Yes ☐ No ☐
10. Is a POD remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. POD review is complete
If No, POD review is complete.
Yes ☐ No ☒

Point of Diversion

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes (☒) No (☐)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes (☐) No (☐)

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Source as shown on the Permit. Go to 11

Yes (☐) No (☐)

4. Does the parent right have a Source?

If Yes, go to 5
If No, go to 7

Yes (☒) No (☐)

5. Can the claimed Source be verified using the water right file?

If Yes, recommend the Source as shown in the water right file. Go to 11
If No, go to 7

Yes (☒) No (☐)

6. Is the basis of claim a Posted Notice?

If Yes, consult the attorney assigned to the basin. Go to 7
If No, go to 7

Yes (☐) No (☐)

7. Is there evidence that there has been a change in the Source?

If Yes, go to 8
If No, go to 10

Yes (☐) No (☐)

8. Can the change be verified as an accomplished transfer?

If Yes, add condition C02, go to 10
If No, Notify claimant that a transfer is necessary before the claimed Source can be recommended. Go to 9

Yes (☐) No (☐)

9. Did the claimant file a transfer?

If Yes, recommend the Source as shown in the transfer. Go to 11
If No, go to 10

Yes (☐) No (☐)

10. Does the file contain all of the necessary information to verify the Source?

If Yes, recommend the Source as it existed on 11-19-1987. Go to 11
If No, collect the necessary information. Recommend the Source as it existed on 11-19-1987. Go to 11

Yes (☐) No (☐)

11. Is a Source remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Source review is complete.
If No, Source review is complete.

Yes (☐) No (☒)

Source

Claim No. A24 - 2038

Purpose of Use Data Entry Form

Claim Number: A24-2038☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

Inspection. DAC 28 Sept 2005

Transfers Changing Purpose of Use _____

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes (X) No ()

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes () No ()

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Purpose(s) of Use as shown on the Permit. Go to 13

Yes () No ()

4. Does the parent right have a Purpose of Use?

If Yes, go to 5
If No, go to 6

Yes (X) No ()

5. Can the claimed Purpose of Use be verified using the water right file?

If Yes, recommend the Purpose(s) of Use that is (are) claimed and shown in the water right file. Go to 13
If No, go to 6

Yes (X) No ()

6. Is there evidence that there has been a change in the Purpose of Use?

If Yes, go to 7
If No, go to 11

Yes () No ()

7. Can the change be verified as an accomplished transfer?

If Yes, add condition C04, go to 11
If No, go to 8

Yes () No ()

8. Does the change include an enlargement of the Purpose of Use?

If Yes, describe the evidence that supports that there has been an enlargement in the Purpose of Use. Go to 9
If No, Describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed Purpose(s) of Use can be recommended. Go to 12

Yes () No ()

9. Was an enlargement claim filed?

If Yes, go to 11
If No, Notify claimant that an enlargement claim is necessary. Go to 10

Yes () No ()

10. Did the claimant file an enlargement claim?

If Yes, go to 11
If No, recommend only the Purpose(s) of Use that existed on the date established as the priority date of this right. Go to 13

Yes () No ()

11. Does the file contain all of the necessary information to verify the Water Use?

If Yes, recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13
If No, collect the necessary information. Conduct field exam if necessary. Recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13

Yes () No ()

12. Did the claimant file a transfer?

If Yes, recommend the Purpose(s) of Use shown on the approved transfer. Go to 13
If No, recommend only the Purpose(s) of Use in existence on 11-19-1987. Go to 13

Yes () No ()

13. Is a Purpose of Use remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Purpose of Use review is complete.
If No, purpose of Use review is complete.

Yes () No (X)

Purpose of Use

Claim No. 24 - 2038

Place Of Use Data Entry Form

Claim Number: A 24-2038☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

See sketch map in A24-02039. Licensed/claimed POU
 7S 46E 32 SENE appears to generally capture
 location of major fish ponds though Carlisle states
 smaller ponds in willows may not show in aerial
 photo. Doc 08 Sept 2005.

Transfers Changing POU _____

Reviewer: _____

Date: _____

1. Is the basis of claim a Decree or License?

If Yes, go to 2a
If No, go to 2b

Yes (X) No ()

2a. Is a POU required?

If Yes, go to 5
If No, go to 14

Yes (X) No ()

2b. Is a POU required?

If Yes, go to 3
If No, go to 14

Yes () No ()

3. Is the basis of claim a Permit or Application?

If Yes, go to 4
If No, go to 7

Yes () No ()

4. Has the License been issued?

If Yes, go to 6
If No, recommend the POU as shown on the Permit. Go to 14

Yes () No ()

5. Does the parent right have a POU?

If Yes, go to 6
If No, go to 7

Yes (X) No ()

6. Can the claimed POU be verified using the water right file?

If Yes, recommend the POU as shown in the water right file. Go to 14
If No, go to 7

Yes (X) No ()

7. Is there evidence that there has been a change in the POU?

If Yes, go to 8
If No, go to 13

Yes () No ()

8. Can the change be verified as an accomplished transfer?

If Yes, add condition C05, go to 13
If No, go to 9

Yes () No ()

9. Does the change include an enlargement of the POU?

If Yes, describe the evidence that supports that there has been an enlargement in the POU. Go to 10
If No, describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed POU can be recommended. Go to 12

Yes () No ()

10. Was an enlargement claim filed?

If Yes, go to 13
If No, notify claimant that an enlargement claim is necessary. Go to 11

Yes () No ()

11. Did the claimant file an enlargement claim?

If Yes, go to 13
If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes () No ()

12. Was a transfer filed?

If Yes, recommend the POU as shown on the approved transfer. Go to 14
If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes () No ()

13. Does the file contain all of the necessary information to verify the POU?

If Yes, go to 14
If No, collect the necessary information. Conduct field exam if necessary. Go to 14

Yes () No ()

14. Is a POU remark and/or condition required?

If Yes, enter the appropriate remark and/ or condition. POU review is complete.
If No, POU review is complete.

Yes () No (X)

Place of Use

Claim No. A24 - 2038

Period of Use and Quantity Data Entry Form

Claim Number: 24-2038

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Visual inspection suggests claimed capacity of 3.00
gfs (which matches license) is reasonable for cement
diversion works. Current pipe is 10" diameter (radius
0.417 ft). Assuming max velocity 7 ft/s, $Q = AV$
 $= \pi(0.417^2) \text{ ft}^2 \times 7 \text{ ft/s} = 3.8 \text{ ft}^3/\text{s}$. Bac 28 Sept 05

Reviewer: _____

Date: _____

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes (X) No ()

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes () No ()

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Period of Use as shown on the Permit. Go to 18

Yes () No ()

4. Does the parent right have a Period of Use?

If Yes, go to 5
If No, go to 6

Yes (X) No ()

5. Can the claimed Period of Use be verified using the water right file?

If Yes, go to 14
If No, go to 6

Yes (X) No ()

6. Is there evidence that there has been a change in the Period of Use?

If Yes, go to 7
If No, go to 12

Yes () No ()

7. Does the change include an enlargement in the Period of Use?

If Yes, go to 9
If No, go to 8

Yes () No ()

8. Can the change be recommended as an accomplished transfer?

If Yes, add Condition C10. Describe the evidence that supports the change occurred after 11-19-1987. Go to 12
If No, notify claimant that a transfer is necessary. Go to 11

Yes () No ()

9. Was an enlargement claim filed?

If Yes, go to 12
If No, notify claimant that an enlargement claim is necessary. Go to 10

Yes () No ()

10. Did the claimant file an enlargement claim?

If Yes, go to 12
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12

Yes () No ()

11. Was a transfer filed?

If Yes, go to 14
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12

Yes () No ()

12. Does the file contain all of the necessary information to verify the Period of Use?

If Yes, go to 13
If No, collect the necessary information. Conduct field exam if necessary. Go to 13

Yes () No ()

13. Is the basis of claim a decree, license or a transferred beneficial use right that has had the Period of Use administratively determined?

If Yes, go to 14
If No, go to 15

Yes () No ()

14. Is irrigation claimed as a purpose of use?

If Yes, go to 16
If No, recommend the Period of Use of the parent right. Go to 18

Yes () No (X)

15. Is irrigation claimed as a purpose of use?

If Yes, recommend the "standard" Period of Use for the location of the POU. Go to 18
If No, the Period of Use is usually recommended as claimed. Go to 18

Yes () No ()

16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?

If Yes, go to 17
If No, recommend the Period of Use of the parent right. Go to 18

Yes () No ()

17. Was the Period of Use shortened by a Transfer to a "standard" Period of Use that is shorter than the current standard Period of Use?

If Yes, recommend the current standard Period of Use if the Period of Use of the parent right prior to the transfer was not established, equal to, or longer than the current standard. If the Period of Use of the parent right prior to the transfer was shorter than the current standard, recommend the Period of Use of the parent right and add the appropriate shoulder remark. Consult attorney assigned to the Basin if the Period of Use was an element transferred. Go to 18
If No, recommend the Period of Use of the parent right. Add appropriate shoulder remark. Go to 18

Yes () No ()

18. Is a Period of Use remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Period of Use review is complete.
If No, Period of Use review is complete.

Yes () No (X)

Period of Use

Claim No. 24 - 2038

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes ☒ No ☐

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes ☐ No ☐

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Quantity shown on the Permit. Go to 11

Yes ☐ No ☐

4. Does the parent right have a diversion rate and/or volume?

If Yes, go to 5
If No, go to 7

Yes ☒ No ☐

5. Can the claimed diversion rate and/or volume be verified using the water right file?

If Yes, go to 8
If No, go to 7

Yes ☒ No ☐

6. Is the basis of claim a posted notice?

If Yes, consult the attorney assigned to the Basin. Go to 7
If No, go to 7

Yes ☐ No ☐

7. Is a flow measurement required?

If Yes, attach all related measurement documents. Describe the flow measurement that was made. Go to 9
If No, describe why a flow measurement is not required. Go to 9

Yes ☐ No ☐

8. Does the parent right have an annual diversion volume limit?

If Yes, go to 10
If No, go to 9

Yes ☐ No ☒

9. Is the source Ground Water and does the purpose of use require a diversion volume limit?

If Yes, go to 10
If No, go to 11

Yes ☐ No ☒

10. Is irrigation a purpose of use?

If Yes, view the map of field irrigation requirements. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12

Yes ☐ No ☐

11. Has a diversion volume limit for this water use been established by a decree, license or transfer?

If Yes, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, go to 12

Yes ☒ No ☐

12. Is a Quantity remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Quantity review is complete.
If No, quantity review is complete.

Yes ☐ No ☒

Quantity

Claim No. A24 - 2038

1. Is the basis of claim a Decree, License, Permit, Application or Posted Notice?

If Yes, go to 2
If No, go to 3

Yes (X) No ()

2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?

If Yes, consult the attorney assigned to the Basin. Document the period of time the right or portion of the right was not used. Go to 4
If No, status will be set as Active. Go to 5

Yes () No (X)

3. Is the water being used for all of the purposes claimed and to the extent claimed?

If Yes, status will be set as Active. Go to 5
If No, consult the attorney assigned to the Basin. Recommend only the uses found and limit the elements of those uses to the extent of the beneficial use found. Go to 4

Yes () No ()

4. Is any portion of the claim being recommended?

If Yes, status will be set as Active. Go to 5
If No, claim will be disallowed. Enter the appropriate condition code. Status will be set as Disallowed. Go to 5

Yes () No ()

5. Does this right have any combined used limits with other rights?

If Yes, go to 6
If No, go to 6

Yes () No (X)

6. Is an additional remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Go to 7
If No, go to 7

Yes (X) No ()

7. Would you like to view the recommended right?

If Yes, go to 8
If No, the review is incomplete. The recommendation must be viewed to complete the review.

Yes (X) No ()

8. Is this a "split" or "combined" right?

If Yes, go to the Update Pedigree Process in Workflow when the review is complete. Do any necessary data entry. Go to 9
If No, go to 9

Yes () No (X)

9. Do you have documents you would like to attach or link to the file?

If Yes, go to PowerDOCS and profile the documents. Go to 10
If No, go to 10

Yes () No (X)

10. Would you like to set the verification date?

If Yes, the review is complete.
If No, the review is incomplete. The recommendation must be verified to complete the review.

Yes (X) No ()

Summary

Claim No. 124 - 2038

Claim No.: _____

This image shows a single page of white paper with horizontal black ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears slightly aged or off-white. There is no handwriting or other markings on the page.

change of address (1), photos (1), postcard (1). Bae 28 Sept 05

Reviewer _____ Date _____

IDAHO DEPARTMENT OF WATER RESOURCES
EASTERN REGION
10 N SKYLINE DR SUITE A
IDAHO FALLS, ID 83402



GREETINGS FROM
IDAHO FALLS, ID

RETURN SERVICE REQUESTED

RECEIVED
APR 14 2005

Department of Water Resources
Eastern Region

Scott Carlisle
Star Valley Trout Ranch
Clo Craig Orrock
433 S 100 E
SALT LAKE CITY UT

NIXIE

841

1

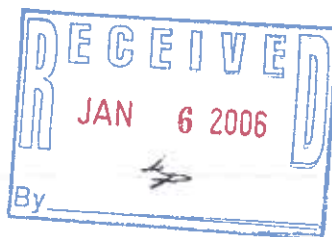
01 04/12/05

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 83402170073

*1836-18779-07-42

4111-331



IDAHO DEPT OF WATER RESOURCES
EASTERN REGION
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): A24-02038, A24-02039

[] Name(s):

SCOTT CARLISLE
STAR VALLEY TROUT RANCH

[] Old Mailing Address:

[] New Mailing Address:

P.O. BOX 1266
AFTON WYOMING 83110

Telephone Number:

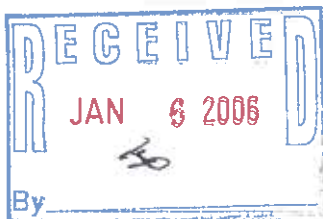
(208) 225 - 3543

[] Signature(s) of Owner(s)

Scott Carlisle

(Include your title if on behalf of company or organization)

Date: SEPT 9, 2005



29NESW

07S46E29NWSE

07S46E29NESE

NSW

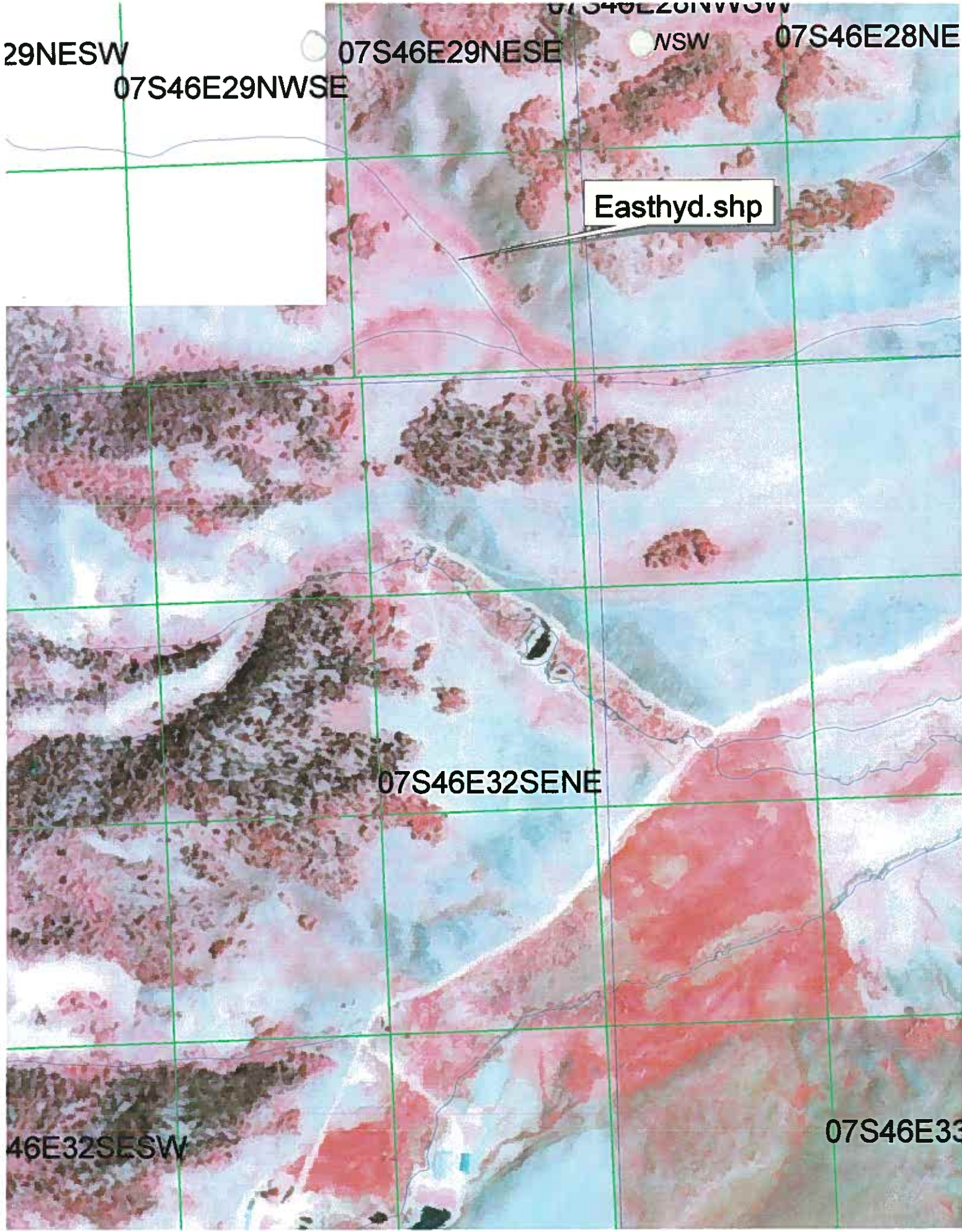
07S46E28NE

Easthyd.shp

07S46E32SENE

46E32SESW

07S46E33



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): A24-02038, A24-02039

[] Name(s): SCOTT CARLISLE

STAR VALLEY TROUT RANCH

[] Old Mailing Address:

[] New Mailing Address: P.O. Box 1266

AFTON WYOMING 83110

Telephone Number: (208) 225 - 3543

[] Signature(s) of Owner(s) [Signature]

(Include your title if on behalf of company or organization)

Date: SEPT 9, 2005

A24-02039 2038

Pole and enclosure
9 Sept 05
Waypoint 18,
IS note GPS accuracy
BAC



Arrow points to
submerged inlet
screen



**Water Resources Fld Svcs
PO Box 94
Iona, ID 83427-0094
(208) 681-9100**



Scott Carlisle
Star Valley Trout Ranch
PO Box 1766
Afton WY 83110

© USPS 2002 recycled

Dear Mr. Carlisle -

3 Sept 05

Idaho Department of Water Resources has asked me to do a field inspection of your water rights in Carbon County. This is so the Department may make recommendations to the court in the Snake River Basin Adjudication.

I will try to contact you at 801-322-0471. Please call me at 208 681 9100 if I am unable to reach you.

Thank you, Bryce A. Connor

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 24-2038

Priority Date: 03/23/1946

Origin: Adjudication Claim

Basis: License

Status: Active

Source: SPRING CREEK

Tributary to: TYGEE CREEK

Beneficial Use	From To	Diversion Rate	Volume	Subuse Code
FISH PROPAGATION	1/01 12/31	3.00 CFS		
Total Diversion		3.00 CFS		

Source and Point(s) of Diversion:

SPRING CREEK SENE 07S 46E 32 CARIBOU

PLACE OF USE: FISH PROPAGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 46E 32				X													

Conditions/Remarks:

1. ADDRESS OF STAR VALLEY TROUT RANCH: P.O. BOX 1266, AFTON, WY (208) 225-3543.
ACQUIRED TITLE TO THE PROPERTY FROM JAMES AND MARYBELLE GRASSE 9-28-88.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?