

09/22/2005

**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: 21-2099

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707
Telephone Number: (208)334-3700

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: December 13, 2005 SIGNATURE: Cynthia A. Robertson, Staff Biologist

Please print your name: Cynthia A. Robertson

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

12/06/2005

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

RIGHT NUMBER: 21-2099

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: BLACK SPRING

TRIBUTARY: HENRYS FORK

QUANTITY: 10.000 CFS

PRIORITY DATE: 01/26/1948

POINT OF DIVERSION:

T09N R42E S34 SWSESW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	01/01 12/31	10.000 CFS

PLACE OF USE: FISH PROPAGATION Within FREMONT County

T08N R42E S03	NENW	T08N R42E S03	NWNW
T09N R42E S34	SESW		

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

Claim No. 21-2099

Document Checklist

☒ Copy License/Decree

☐ Copy Transfer

☒ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

☐ Generate, mail and file "Evidence of Priority" letter

☐ Generate Arcview Map

not irrigation

Claim no. _____

Claimant Contact Log

Date _____

Remarks

Agent initials

Claim Number: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Reviewer: _____ Date: _____

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

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

11

Reviewer: _____

Date: _____

Water Right No(s). _____

GPS DATA:

Tag # _____ Location: _____

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

Field Exam Date: _____ Agent: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

Reviewer: _____ Date: _____

Claim Number: _____

Recommended Place of Use					County	Lot Num	Acres	Purpose of Use
Twp	Rge	Sec	QQ	Q				
					Total acres _____			

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POJ was verified:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Reviewer: _____ Date: _____

Claim Number: _____

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

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

[illegible]

Reviewer: _____

Date: _____

State of Idaho
License and Certificate of Water Right

Water License No. 20270

Amount 10 second feet

Water District No. _____

Priority January 26, 1948

THIS IS TO CERTIFY that STATE OF IDAHO, DEPARTMENT OF FISH AND GAME
of Boise, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 26, 1948; that Permit No. 20270
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
10 second feet, was issued thereunder on February 11, 1949, showing that said works
were completed on the 5th day of May, 1948; and that on the 5th
day of May, 1948,

STATE OF IDAHO, DEPARTMENT OF FISH AND GAME
of Boise, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Black Springs
a tributary of Henry's Fork Snake River, for the purpose of fish culture,
under Use Permit No. 20270 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at page 4439, on the 11th day of February, 1949;
The right hereby confirmed dates from January 26, 1948;

The Point of Diversion is located
in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34, Tp. 9 N., R. 42 E., B. M. (Fremont)
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 10 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Ashton State Fish Hatchery, in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, TWP. 9 North, Range 42 East, B.M., and NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, Twp. 8 North, Range 42 East, B.M.		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
11th day of February, 1949.

(SEAL)

MARK R. KILP

State Reclamation Engineer

21-2099

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 20270

This proof is for Completion of works and Beneficial use In Water District No. _____

1. Name of applicant State Fish & Game Department, Boise, Idaho

2. Source of water supply: Black Springs

3. Location of point of diversion: Is in the SE 1/4 SW 1/4 of Section 34

T. 9 N. R. 48 E. County of Fremont

4. Describe works as they exist, giving dimensions and capacities of same: A large spring confined by 600 feet of dikes, Max height 12 feet; A 400 foot line of 20 inch wire wound wood stave pipe, under valve control leads to a system of developed rearing ponds; 28 concrete hatching tanks, and a battery of concrete rearing ponds of 120 feet length X 8 foot width, and 3 foot depth.

5. Water is used for: Fish cultural purposes

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

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

Place of use- SW 1/4 SW 1/4 Section 34, Twp. 9 N., Range 48 E., R. M.

77" NE", 71E" NW" Sec. 3

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

8. What large stream would the water here appropriated finally reach? South Fork of Snake River

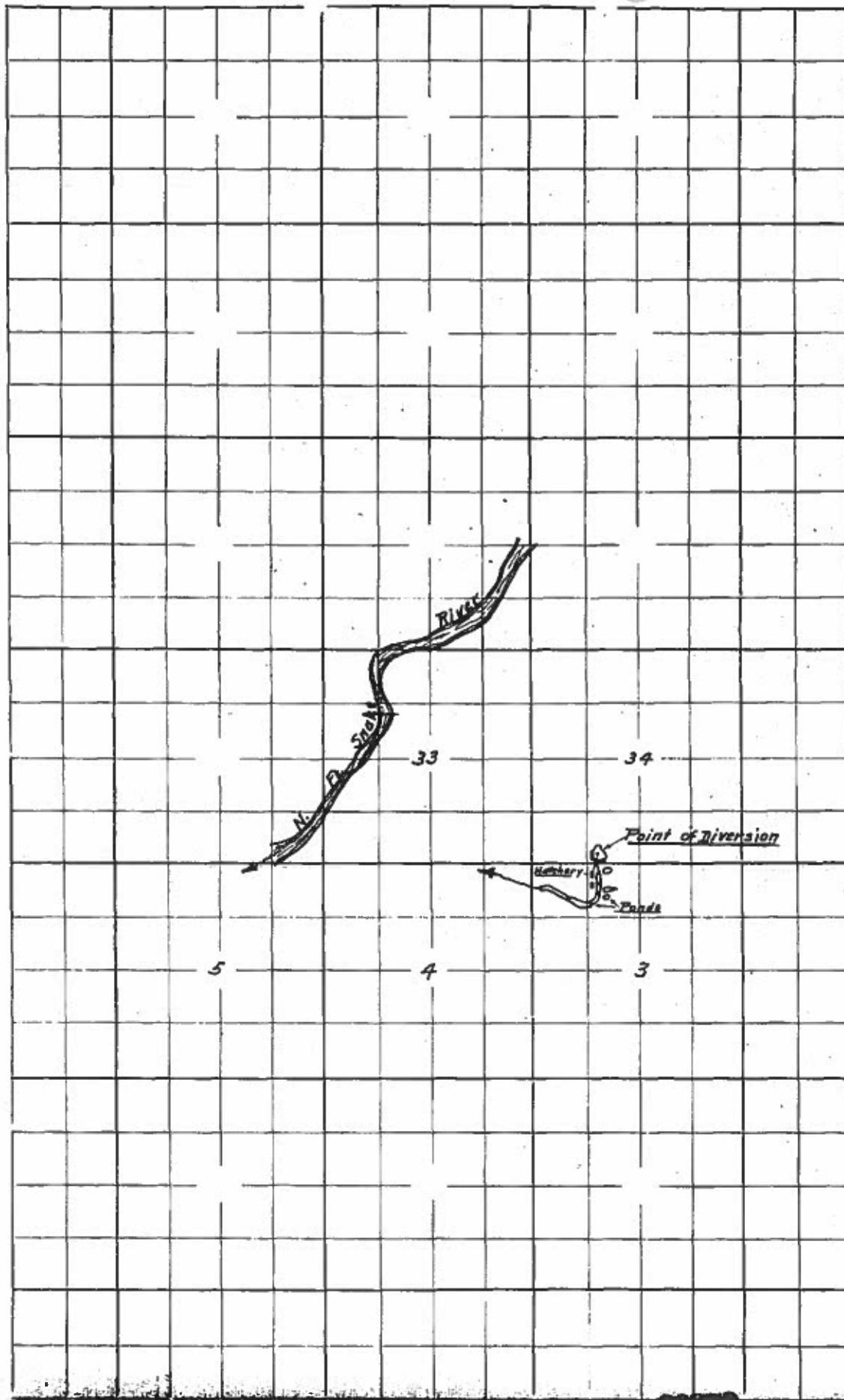
Remarks: Yearly output of installation, 1,900,000 Trout.

This examination was made on the 27th day of July 1948

(Signed) _____

Examiner.

20270



AUG 10 2001

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: A21-02099

Date Received:

Receipt No: CO 18457

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID

83707

2. Date of Priority: JAN 26, 1948

3. Source: BLACK SPRINGS Trib. to: SNAKE RIVER, HENRYS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	42E	34		SE	SW		FREMONT

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	10.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
FISH/10 VATS 3'X3'X10', 30 INCUBATORS, 16 RACEWAYS 3'X7'X80'

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	42E	3	NW	NE		FISH	
			NE	SW		FISH	
09N	42E	34	SE	SW		FISH	

A21-02099

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Date: 07/16/90

MICROFILMED
OCT 20 1994



11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:
NONE

14. Remarks:

ASHTON STATE FISH HATCHERY.

DIVERTING WORKS: SPRING ENCLOSED WITH BURIED TILE AND ROCK
COBBLE WITH COLLECTOR PIPE SYSTEM TO RACEWAYS.

15. Basis of Claim: LICENSE

Water Right Number: 20270

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A21-02099
Date Received: 2/15/1989
Receipt No: _____
Received By: _____
CA 2-15-89

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID

83707

2. Date of Priority: JAN 26, 1948

3. Source: BLACK SPRINGS Trib. to: SNAKE RIVER, HENRYS FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	42E	34	SE	SW			FREMONT

5. Description of diverting works: *Spring enclosed with buried tile and rock cobble with collector pipe system to raceways.*

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	1/1	12/31	10.000		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses: *Fish propagation 10 Vats 3'x3'x10'*

10. Place of Use: *30 Incubators 16 Raceways 3'x7'x80'*

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	42E	3	NW	NE		FISH	
			NE	SW		FISH	
09N	42E	34	SE	SW		FISH	

A21-02099

Page 1

Date: 02/15/89

MICROFILMED
OCT 20 1992

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:

14. Remarks:

ASHTON STATE FISH HATCHERY.

15. Basis of Claim: LICENSE

Water Right Number: 20270

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

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

For Organizations:

I do solemnly swear or affirm that I am Director of
IDAHO DEPT. OF FISH & GAME Title

_____, that I have signed the foregoing
Organization
document in the space below as Director of
IDAHO DEPT. OF FISH & GAME Title

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

Director

Signature of Authorized Agent
IDAHO DEPT. OF FISH & GAME

Title and Organization

June 20, 1990
Date

State of Idaho)

County of Ada)

SS.

Subscribed and sworn (or affirmed) before me this

20th day

of

June

19

90

Marathy Baker
Notary Public

Seal

Residing at

Emmett Idaho

My Commission Expires

October 31, 1991