

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: **A36-07201**  
Date Received: 9/ 1/1988  
Receipt No: S002014  
Received By: \_\_\_\_\_

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name: THE PROSPECT CO 208-543-4316  
Address: PO BOX 712  
BUHL ID 83316-0000  
AND/OR  
Name: CLEAR SPRINGS FOODS INC 208-543-4316  
Address: PO BOX 712  
BUHL ID 83316

2. Date of Priority: AUG 4, 1971

3. Source: SPRINGS (CLEAR SPRINGS) Trib. to: CLEAR LAKES

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 09S      | 14E   | 2       | SE     | SW     | NE     |     | GOODING |
|          |       |         | SW     | SE     | NE     | 6   | GOODING |
|          |       |         | NE     | NW     | SE     |     | GOODING |

5. Description of diverting works:

CHECK DAM, CONCRETE DITCH TO RACEWAYS & PROCESSING PLANT

6. Water is used for the following purposes:

| Purpose          | From  | To    | C.F.S  | (or) | A.F.A. |
|------------------|-------|-------|--------|------|--------|
| INDUSTRIAL       | 01/01 | 12/31 | 2.000  |      |        |
| FISH PROPAGATION | 01/01 | 12/31 | 10.000 |      |        |
| DOMESTIC         | 01/01 | 12/31 | 0.040  |      |        |

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:

INDUSTRIAL, FISH PROCESSING PLANT

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use    | Acres |
|----------|-------|---------|------------|-----|--------|-------|
| 09S      | 14E   | 2       |            |     | DOMEST |       |
|          |       |         | NW         | SE  | FISH   |       |
|          |       |         |            |     | INDUST |       |

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:  
A36-02708, 07218

14. Remarks:

2 P/D IN SWNE, S2, T9S, R14E. POND VOLUME IS 590,400 CU. FT. THE 2 CFS RUNS THRU THE PROCESSING PLANT 16 HOURS PER DAY ALL YEAR. WHEN THE PLANT IS OFF FOR CLEANING, ETC., THIS WATER GOES INTO THE TWO LOWER SETS OF RACEWAYS FOR FISH PROPAGATION. THE SYSTEM HAS RUN THIS WAY SINCE THE BEGINNING, SO THE LICENSE SHOULD HAVE SHOWN THE FULL 10.0 CFS FOR FISH PROPAGATION AS WELL AS 2.0 CFS FOR INDUSTRIAL USE IN THE PROCESSING PLANT. ALMOST ALL OF THE 2.0 CFS GOES INTO CLEAR LAKES AFTER TREATMENT, SO THERE IS VERY LITTLE CONSUMPTIVE USE OF WATER HERE. PRESSURE TANKS IN THE PLANT PROVIDE OPERATING PRESSURE & SOME STORAGE FOR USE WHEN SPRING FLOW IS SHUT OFF DURING EVENING HOURS. SYSTEM HAS ALWAYS PROVIDED DOMESTIC USE FOR CARETAKER'S HOME, SO THIS USE SHOULD HAVE BEEN COVERED BY THE LICENSE. INDUSTRIAL USE INCLUDES RESTROOM FACILITIES IN PROCESSING PLANT.

15. Basis of Claim: LICENSE

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: \_\_\_\_\_

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 \_\_\_\_\_

LAW OFFICES

**H&N&L**

Chartered

# Hepworth, Nungester & Lezamiz

December 29, 1992

**Twin Falls Office**

John C. Hepworth  
Wm. L. Nungester  
John T. Lezamiz  
Jeffrey E. Rolig  
John C. Hohnhorst  
Jeffrey J. Hepworth  
Penelope Parker\*\*  
Eileen A. McDevitt\*  
Patrick D. Brown

**Boise Office**

J. Charles Hopworth\*  
John J. Janis

\*Member CA Bar  
\*\*Member UT Bar

RECEIVED

JAN 5 1993

Department of Water Resources

Jodi I. Schultz  
Legal Assistant  
Idaho Department of Water Resources  
1301 North Orchard St.  
Statehouse Mail  
Boise, ID 83720-9000

Re: Clear Springs Foods, Inc.

Dear Ms. Schultz:

Enclosed is the Certificate of Amendment of Clear Springs Trout Company and the portion of the articles of amendment which reflect the name change from Clear Springs Trout Company to Clear Springs Foods, Inc. Consistent with those documents, I ask that you revise your records for each water right claimed under the name of Clear Springs Trout Company to reflect the name change.

Thank you for making the change and please forward a letter to me confirming that the change has been made.

Very truly yours,

HEPWORTH, NUNGESTER & LEZAMIZ,  
CHARTERED

By: 

Patrick D. Brown

PDB:bjs  
Enclosures  
cc: Tim Hanifen

(1229SCHU.BJS)

**Twin Falls Office**

Blick Building  
133 Shoshone St. N.  
P.O. Box 389  
Twin Falls, ID  
83303-0389  
(208) 734-7510  
FAX: (208) 734-4115

**Boise Office**

537 West Bannock  
P.O. Box 2582  
Boise, ID 83701-2582  
(208) 343-7510  
FAX: (208) 342-2927

MICROFILMED

FEB 03 1993

# State of Idaho

## Department of State

### CERTIFICATE OF AMENDMENT OF

### CLEAR SPRINGS TROUT COMPANY

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of Articles of Amendment to the Articles of Incorporation of CLEAR SPRINGS FOODS, INC. duly signed and verified pursuant to the provisions of the Idaho Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Amendment to the Articles of Incorporation and attach hereto a duplicate original of the Articles of Amendment.

October 25, 1991



*Pete T. Cenarrusa*

SECRETARY OF STATE

*Loay I Clark*

Corporation Clerk

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FEB 03 1993

ARTICLES OF AMENDMENT  
TO THE  
ARTICLES OF INCORPORATION  
OF  
CLEAR SPRINGS TROUT COMPANY

RECEIVED  
SEC. OF STATE

91 OCT 9 AM 8 49

RECEIVED  
SEC. OF STATE

91 OCT 25 AM 10 19

Pursuant to the provisions of Idaho Code 30-1-59, etc., the undersigned corporation adopts the following Articles of Amendment to its Articles of Incorporation:

FIRST: The name of the corporation is Clear Springs Trout Company.

SECOND: The following amendments of the Articles of Incorporation were adopted by the shareholders of the corporation on September 30, 1991, in the manner prescribed by Idaho Code Section 30-1-59 etc.

1. That ARTICLE I of the Articles of Incorporation of Clear Springs Trout Company be amended to read as follows:

The name of the corporation is and shall be Clear Springs Foods, Inc.

2. That ARTICLE IV(i) of the Articles of Incorporation of Clear Springs Trout Company be amended to read as follows:

(i) The preferential rights and restrictions granted to the corporation and the remaining shareholders shall not apply or pertain where an existing shareholder desires to sell, convey, give or otherwise transfer any or all of his shares to such stockholder's spouse, former spouse, issue or child, or other lineal descendent, or any trust or other institutional recipient established and created for the direct maintenance or benefit of such shareholder, shareholder's spouse, former spouse, issue or child, or lineal descendent. In the event a shareholder shall desire to sell, convey, give or otherwise transfer any or all of his shares as herein provided, such stockholder shall, upon request of the secretary or other duly authorized officer of the corporation present such proof or evidence as the corporation may deem necessary to demonstrate and provide the existence of the relationship described above.

THIRD: The number of shares of the corporation outstanding at the time of such adoption was 1,671,758; and the number of shares entitled to vote thereon was the same.

FOURTH: The corporation only has one type or class of stock. All stockholders were eligible to vote.

FIFTH: At a special meeting of the stockholders held on September 30, 1991, at the corporate headquarters at Buhl, Idaho, after due and legal notice was given, the number of shares voted for such amendment was 1,349,277; and the number of shares voted against such amendment was 3,400. The amendments were therefore duly passed.

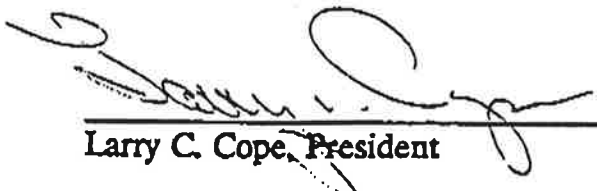
ARTICLES OF AMENDMENT - 1

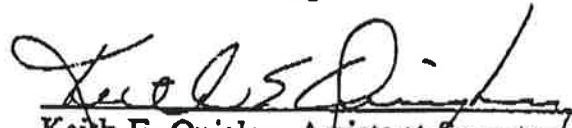
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FEB 03 1993

Dated this 30th day of September, 1991.

CLEAR SPRINGS TROUT COMPANY

  
Larry C. Cope, President

  
Keith E. Quigley, Assistant Secretary

STATE OF IDAHO )  
County of Twin Falls ) ss.

The undersigned, a notary public, does hereby certify that on this 30th day of September, 1991, personally appeared before me Larry W. Cope and Keith E. Quigley who, being first duly sworn by me, declared that they are the President and Assistant Secretary respectively of Clear Springs Trout Company, that they signed the foregoing document as President and Assistant Secretary of the corporation, and that the statements therein contained are true.

  
NOTARY PUBLIC FOR IDAHO

Residing at: 1544

My Commission Expires: 12-22-91

(WLN\81019ART.003)

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: A36-07201

Date Received: 9/ 1/1988

Receipt No: S002014

Received By: \_\_\_\_\_

AMENDED: 2-26-92

77

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: CLEAR SPRINGS TROUT CO. 208-543-4316  
Address: P. O. BOX 712  
BUHL ID 83316  
AND/OR  
Name: THE PROSPECT CO. 208-543-4316  
Address: P.O. BOX 712  
BUHL ID 83316-0000

2. Date of Priority: AUG 4, 1971

3. Source: SPRINGS (CLEAR SPRINGS) Trib. to: CLEAR LAKES

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 09S      | 14E   | 2       | SE     | SW     | NE  |     | GOODING |
|          |       |         | SW     | SE     | NE  | 6   | GOODING |
|          |       |         | NE     | NW     | SE  |     | GOODING |

5. Description of diverting works:

CHECK DAM, CONCRETE DITCH TO RACEWAYS & PROCESSING PLANT

6. Water is used for the following purposes:

| Purpose          | From  | To    | C.F.S  | (or) | A.F.A. |
|------------------|-------|-------|--------|------|--------|
| INDUSTRIAL       | 01/01 | 12/31 | 2.000  |      |        |
| FISH PROPAGATION | 01/01 | 12/31 | 10.000 |      |        |
| DOMESTIC         | 01/01 | 12/31 | 0.040  |      |        |

7. Total Quantity Appropriated is:

10.000 C.F.S. (and/or)

~~970.20 A.F.A.~~ 77

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

INDUSTRIAL, FISH PROCESSING PLANT

MICROFILMED

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use    | Acres |
|----------|-------|---------|------------|-----|--------|-------|
| 09S      | 14E   | 2       |            |     | DOMEST |       |
|          |       |         | NW         | SE  | FISH   |       |
|          |       |         |            |     | INDUST |       |

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:  
A36-02708, 07218

14. Remarks:

2 P/D IN SWNE, S2, T9S, R14E. POND VOLUME IS 590,400 CU. FT. THE 2 CFS RUNS THRU THE PROCESSING PLANT 16 HOURS PER DAY ALL YEAR. WHEN THE PLANT IS OFF FOR CLEANING, ETC., THIS WATER GOES INTO THE TWO LOWER SETS OF RACEWAYS FOR FISH PROPAGATION. THE SYSTEM HAS RUN THIS WAY SINCE THE BEGINNING, SO THE LICENSE SHOULD HAVE SHOWN THE FULL 10.0 CFS FOR FISH PROPAGATION AS WELL AS 2.0 CFS FOR INDUSTRIAL USE IN THE PROCESSING PLANT. ALMOST ALL OF THE 2.0 CFS GOES INTO CLEAR LAKES AFTER TREATMENT, SO THERE IS VERY LITTLE CONSUMPTIVE USE OF WATER HERE. PRESSURE TANKS IN THE PLANT PROVIDE OPERATING PRESSURE & SOME STORAGE FOR USE WHEN SPRING FLOW IS SHUT OFF DURING EVENING HOURS. SYSTEM HAS ALWAYS PROVIDED DOMESTIC USE FOR CARETAKER'S HOME, SO THIS USE SHOULD HAVE BEEN COVERED BY THE LICENSE. INDUSTRIAL USE INCLUDES RESTROOM FACILITIES IN PROCESSING PLANT.

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16. Signature(s)

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

Number of attachments: 1

MICROFILMED

**For Organizations:**

I do solemnly swear or affirm that I am VICE PRESIDENT / OPERATIONS of  
Title  
CLEAR SPRINGS TROUT COMPANY, that I have signed the foregoing  
Organization  
document in the space below as VICE PRESIDENT / OPERATIONS of  
Title  
CLEAR SPRINGS TROUT COMPANY and that the statements contained in the  
Organization  
foregoing document are true and correct.

Timothy J. Hansen  
Signature of Authorized Agent

VICE PRESIDENT / OPERATIONS CLEAR SPRINGS TROUT CO.  
Title and Organization

2-26-92  
Date

State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 26 day  
of February 19 92

Bill R. Partin  
Notary Public

Seal

Residing at Buhl, Idaho

My Commission Expires 2/25/97

**MICROFILMED**

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: A36-07201  
Date Received: 8/24/1988  
Receipt No: \_\_\_\_\_  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: CLEAR SPRINGS TROUT CO. 208-543-4316  
Address: P. O. BOX 712  
BUHL, ID 83316  
AND/OR  
Name: THE PROSPECT CO. 208-543-4316  
Address: P.O. BOX 712  
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|          |       |         | NE     | NW     | SE     |     | GOODING |

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| Purpose          | From  | To    | C.F.S. | (or) | A.F.A. |
|------------------|-------|-------|--------|------|--------|
| INDUSTRIAL       | 01/01 | 12/31 | 2.000  |      |        |
| FISH PROPAGATION | 01/01 | 12/31 | 10.000 |      |        |
| DOMESTIC         | 01/01 | 12/31 | 0.040  |      |        |

7. Total Quantity Appropriated is:  
10.000 C.F.S. (and/or) 970.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
I/FISH PROCESSING PLANT.

A36-07201

Page

1

Date: 08/24/88

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FEB 03 1993

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use    | Acres |
|----------|-------|---------|------------|-----|--------|-------|
| 09S      | 14E   | 2       |            |     | FISH   |       |
|          |       |         | NW         | SE  | DOMEST |       |
|          |       |         |            |     | INDUST |       |

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:  
36-2708, 7218

14. Remarks:

2 P/D IN SWNE, S2, T9S, R14E. POND VOLUME IS 590,400 CU. FT. THE 2 CFS RUNS THRU THE PROCESSING PLANT 16 HOURS PER DAY ALL YEAR. WHEN THE PLANT IS OFF FOR CLEANING, ETC., THIS WATER GOES INTO THE TWO LOWER SETS OF RACEWAYS FOR FISH PROPAGATION. THE SYSTEM HAS RUN THIS WAY SINCE THE BEGINNING, SO THE LICENSE SHOULD HAVE SHOWN THE FULL 10.0 CFS FOR FISH PROPAGATION AS WELL AS 2.0 CFS FOR INDUSTRIAL USE IN THE PROCESSING PLANT. ALMOST ALL OF THE 2.0 CFS GOES INTO CLEAR LAKES AFTER TREATMENT, SO THERE IS VERY LITTLE CONSUMPTIVE USE OF WATER HERE. PRESSURE TANKS IN THE PLANT PROVIDE OPERATING PRESSURE & SOME STORAGE FOR USE WHEN SPRING FLOW IS SHUT OFF DURING EVENING HOURS. SYSTEM HAS ALWAYS PROVIDED DOMESTIC USE FOR CARETAKER'S HOME, SO THIS USE SHOULD HAVE BEEN COVERED BY THE LICENSE. INDUSTRIAL USE INCLUDES RESTROOM FACILITIES IN PROCESSING PLANT.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: 1

**For Organizations:**

I do solemnly swear or affirm that I am President of \_\_\_\_\_ Title

Clear Springs Trout Company, that I have signed the foregoing  
Organization  
document in the space below as President of  
Title

Clear Springs Trout Company and that the statements contained in the  
Organization  
foregoing document are true and correct.

[Signature]  
Signature of Authorized Agent

President Clear Springs Trout Company  
Title and Organization

8/30/88

Date

State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 30<sup>th</sup> day

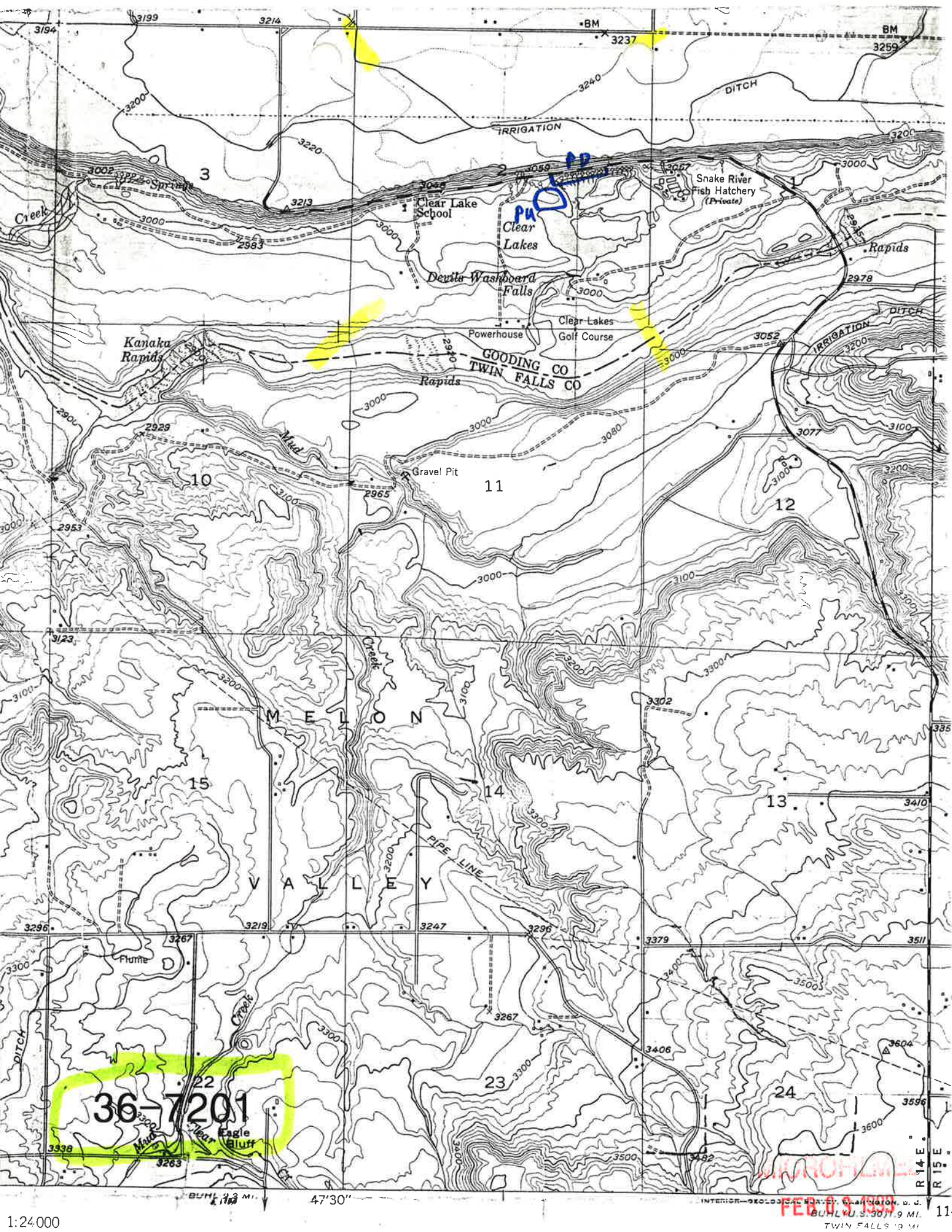
of August 19 88

[Signature]  
Notary Public

Seal

Residing at Buhl ID

My Commission Expires 11-17-92



Water Right Number - R36-07201

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
CLEAR SPRINGS TROUT CO1 - PO BOX 712  
2 -  
3 -  
City- BUHL  
Phone - 208-543-4316  
1 - PO BOX 712  
2 -  
3 -  
City- BUHL  
Phone - 208-543-4316

State- ID Zip- 83316

PROSPECT CO

THE

State- ID Zip- 83316

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +  
08/04/1971 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
SPRINGS CLEAR LAKES+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County  
09S 14E 2 NW NW SE (47) GOODING+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
07 - INDUSTRIAL 01/01 12/31 2.000  
19 - FISH PROPAGATION 01/01 12/31 8.000+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +  
10.000 970.20 0.0+ - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County  
09S 14E 2 NW SE 07 INDUSTRIAL (47) GOODING  
09S 14E 2 NW SE 19 FISH PROPAGATION (47) GOODING

Total Acres:

+ - - Diversion Means - CHECK DAM, CONCRETE DITCH TO RACEWAYS &amp; PROCESSING PLANT

+ - - Non-Irrigation Use - INDUSTRIAL, FISH PROCESSING PLANT; FISH PROP., HOLDING PONDS

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +  
FACILITY VOLUME 0.13 AF.  
USE OF THIS RIGHT WITH RIGHT NO. \_\_\_\_\_ IS LIMITED TO A

FEB 03 1993

MICROFILMED

Water right number - R36-07201

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - +  
TOTAL COMBINED DIVERSION RATE OF 10.00 CFS.  
RIGHT NO. \_\_\_\_\_ IS ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE.

+ - - - - Old Water Right Numbers - - - - +  
No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - +  
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT  
- TO IDAHO CODE 42-1416A.

+ - - - Decree Plaintiff - - - +      + - - - Decree Defendant - - - +      + - Decree Date - +  
00/00/0000

+ - - - - Comments - - - - +  
No Comments Found

+ - - Audit Fields - - +  
02/26/92 GIVENS

+ - - - - Adjudication Rights Dates and Flags Area - - - - +

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 00/00/0000 | Field Inspection Made | - 06/18/1991 | Civil Case Number       | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date  | - 00/00/0000 | Verified Date         | - 00/00/0000 | Old Judicial District   | -       |
| Claim Received Date  | - 09/01/1988 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - S002014    | Water District          | -       |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | - AND/OR     | Presumption Flag        | -       |
|                      |              |                       |              | Notice of Error Flag    | -       |

FEB 03 1993

MICROFILMED

Water Right Number - A36-07201

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
CLEAR SPRINGS TROUT CO.

1 - P. O. BOX 712

2 -

3 -

City- BUHL

State- ID Zip- 83316

Phone - 208-543-4316

PROSPECT CO.

THE

1 - P.O. BOX 712

2 -

3 -

City- BUHL

State- ID Zip- 833160000

Phone - 208-543-4316

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +  
08/04/1971 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
SPRINGS (CLEAR SPRINGS) CLEAR LAKES

| + - - - - Point of Diversion - - - - - + |     |     |          |     |      |         |
|------------------------------------------|-----|-----|----------|-----|------|---------|
| Twn                                      | Rng | Sec | Tract    | Lot | RFlg | County  |
| 09S                                      | 14E | 2   | SE SW NE |     | (47) | GOODING |
|                                          |     |     | SW SE NE | 6   | (47) | GOODING |
|                                          |     |     | NE NW SE |     | (47) | GOODING |

| + - - - - Water Use - - - - - + |             |             |           |                |                  |
|---------------------------------|-------------|-------------|-----------|----------------|------------------|
| Code                            | Description | Period From | Period To | Diversion Rate | Diversion Volume |
| 07 - INDUSTRIAL                 |             | 01/01       | 12/31     | 2.000          |                  |
| 19 - FISH PROPAGATION           |             | 01/01       | 12/31     | 10.000         |                  |
| 43 - DOMESTIC                   |             | 01/01       | 12/31     | 0.040          |                  |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +  
10.000 970.20 0.0

| + - - - - Place of Use - - - - - + |     |     |       |     |       |      |                  |              |
|------------------------------------|-----|-----|-------|-----|-------|------|------------------|--------------|
| Twn                                | Rng | Sec | Tract | Lot | Acres | Code | Description      | County       |
| 09S                                | 14E | 2   | NW SE |     |       | 07   | INDUSTRIAL       | (47) GOODING |
| 09S                                | 14E | 2   |       |     |       | 19   | FISH PROPAGATION | (47) GOODING |
| 09S                                | 14E | 2   |       |     |       | 43   | DOMESTIC         | (47) GOODING |

Total Acres:

+ - - Diversion Means - CHECK DAM, CONCRETE DITCH TO RACEWAYS &amp; PROCESSING PLANT

+ - - Non-Irrigation Use - INDUSTRIAL, FISH PROCESSING PLANT

+ - - Other Rights for Same Use - A36-02708, 07218

MICROFILMED  
FEB 03 1993

Water right number - A36-07201

Prefix Translation: ADJUDICATION CLAIM

+ - - - - - Remarks - - - - - +

2 P/D IN SWNE, S2, T9S, R14E. POND VOLUME IS 590,400 CU. FT.  
THE 2 CFS RUNS THRU THE PROCESSING PLANT 16 HOURS PER DAY ALL  
YEAR. WHEN THE PLANT IS OFF FOR CLEANING, ETC., THIS WATER GOES  
INTO THE TWO LOWER SETS OF RACEWAYS FOR FISH PROPAGATION. THE  
SYSTEM HAS RUN THIS WAY SINCE THE BEGINNING, SO THE LICENSE  
SHOULD HAVE SHOWN THE FULL 10.0 CFS FOR FISH PROPAGATION AS WELL  
AS 2.0 CFS FOR INDUSTRIAL USE IN THE PROCESSING PLANT. ALMOST  
ALL OF THE 2.0 CFS GOES INTO CLEAR LAKES AFTER TREATMENT, SO  
THERE IS VERY LITTLE CONSUMPTIVE USE OF WATER HERE. PRESSURE  
TANKS IN THE PLANT PROVIDE OPERATING PRESSURE & SOME STORAGE FOR  
USE WHEN SPRING FLOW IS SHUT OFF DURING EVENING HOURS. SYSTEM HAS  
ALWAYS PROVIDED DOMESTIC USE FOR CARETAKER'S HOME, SO THIS USE  
SHOULD HAVE BEEN COVERED BY THE LICENSE. INDUSTRIAL USE INCLUDES  
RESTROOM FACILITIES IN PROCESSING PLANT.

+ - - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers Found+ - - - - - Conditions of Approval - - - - - +  
R34 - Use of water under this right is subject to policies set forth in  
- the State of Idaho Water Plan, including Policy No. 32F.+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +  
00/00/0000+ - - - - - Comments - - - - - +  
No Comments Found+ - - Audit Fields - - +  
02/26/92 GIVENS

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number       | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date  | - 00/00/0000 | Verified Date         | - 00/00/0000 | Old Judicial District   | -       |
| Claim Received Date  | - 09/01/1988 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - S002014    | Water District          | -       |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | - AND/OR     | Presumption Flag        | -       |
|                      |              |                       |              | Notice of Error Flag    | -       |

MICROFILMED  
FEB 03 1993

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APR 11 2000

Department of Water Resources

200 APR 10 AM 10:18

DISPATCHED  
TWIN FALLS CO., IDAHO  
FILED

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

In Re SRBA

Case No. 39576

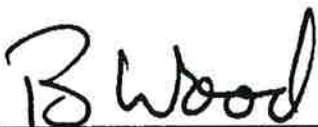
) ORDER OF PARTIAL DECREE

) For Water Right 36-07201

)  
)  
)  
)  
\_\_\_\_\_  
The Notice of Challenge filed in the above subcase having been heard and ruled upon, IT IS  
THEREFORE ORDERED that water right 36-07201 is hereby decreed as set forth in the attached  
*Partial Decree Pursuant to I.R.C.P. 54(b).*

IT IS SO ORDERED.

DATED APR 10 2000

  
\_\_\_\_\_  
BARRY WOOD  
Administrative District Judge and  
Presiding Judge of the  
Snake River Basin Adjudication

RECEIVED

APR 11 2000

Department of Water Resources

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

In Re SRBA  
Case No. 39576

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 36-07201

200 APR 10 AM 10:20  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME & ADDRESS: THE PROSPECT CO  
CLEAR SPRINGS FOODS INC  
PO BOX 712  
BUHL ID 83316

SOURCE: SPRINGS TRIBUTARY: CLEAR LAKES

QUANTITY: 10.00 CFS  
FACILITY VOLUME 5652 CU. FT.

PRIORITY DATE: 08/04/1971

POINT OF DIVERSION: T09S R14E S02 SWSWNE Within GOODING County  
NNWSE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE   | PERIOD OF USE | QUANTITY |
|-------------------------------|------------------|---------------|----------|
|                               | INDUSTRIAL       | 01-01 12-31   | 2.00 CFS |
|                               | FISH PROPAGATION | 01-01 12-31   | 8.00 CFS |

|               |                  |                       |
|---------------|------------------|-----------------------|
| PLACE OF USE: | INDUSTRIAL       | Within GOODING County |
|               | T09S R14E S02    | NWSE                  |
|               | FISH PROPAGATION | Within GOODING County |
|               | T09S R14E S02    | NWSE                  |

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.

THE REMARK ADDRESSING FACILITY VOLUME IS INCLUDED IN THIS  
WATER RIGHT ONLY BECAUSE THE REMARK APPEARED ON THE LICENSE. THE  
REMARK ADDRESSING FACILITY VOLUME DOES NOT DEFINE THE EXTENT OF  
BENEFICIAL USE AND CANNOT BE USED TO LIMIT ANY ELEMENT OF THIS  
WATER RIGHT. THE REMARK SHALL NOT PREVENT THE OWNER OF THE  
LICENSE FROM EXPANDING FACILITY VOLUME.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance  
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a  
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final  
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

  
BARRY WOOD  
Administrative District Judge  
Presiding Judge of the  
Snake River Basin Adjudication

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 36-07201

PAGE 1  
MAR-31-2000

North Snake Ground Water District,  
May Farms, Ltd., and Faulkner Land  
& Livestock Company

RECEIVED

DEC 15 1998

Department of Water Resources

RECEIVED

DEC 22 1998

Department of Water Resources

D. Craig Lewis  
University of Idaho  
College of Law  
Moscow, Idaho 83843  
(208) 885-6422  
Fax: (208) 885-7609

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

In Re SRBA

Case No. 39576

) Subcase Nos. 36-02708, 36-07201,  
) 36-07218, 36-02048, 36-02703,  
) 36-04013A, 36-04013B, 36-04013C,  
) 36-07040, 36-07148, and 36-07568  
) (Clear Springs Foods)

NOTICE OF APPEARANCE

Please take notice that D. Craig Lewis enters his appearance as co-counsel for the North Snake Ground Water District, May Farms, Ltd., and Faulkner Land & Livestock Company. You are requested to serve all future papers and pleadings on him at the address listed below:

D. Craig Lewis  
University of Idaho  
College of Law  
Moscow, Idaho 83843  
(208) 885-6422  
Fax: (208) 885-7609

DATED this 14<sup>th</sup> day of December, 1998.

  
D. Craig Lewis

**CERTIFICATE OF SERVICE**

I hereby certify that on the 14<sup>th</sup> day of December, 1998, I caused to be served copies of the foregoing **Notice of Appearance** by the method indicated below:

Patrick D. Brown  
Parker Warr & Brown  
812 Shoshone St. East  
Twin Falls, Idaho 83301  
☐ U.S. Mail ☐ Fed Ex ☐ Hand ☒ Fax

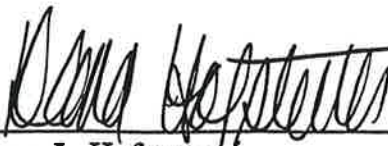
The Prospect Co  
P. O. Box 712  
Buhl, ID 83316  
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Dan Steenson  
Ringert Clark  
P. O. Box 2773  
Boise, Idaho 83701-2773  
☐ U.S. Mail ☐ Fed Ex ☐ Hand ☒ Fax

Idaho Department of Water Resources  
Document Depository  
P. O. Box 83720  
Boise, Idaho 83720-0098  
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Chief, Natural Resources Division  
Office of the Attorney General  
P. O. Box 83720  
Boise, Idaho 83720-0010  
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

United States Department of Justice  
Environment & Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724  
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

  
\_\_\_\_\_  
Dana L. Hofstetter

D:\1780\2b\CFS\2576

RECEIVED

OCT 05 1998

Department of Water Resources  
Southern Region

30 J H  
RECEIVED

SEP 29 1998

Department of Water Resources

North Snake Ground Water District,  
May Farms, Ltd. and Faulkner Land  
& Livestock Company

Josephine P. Beeman  
Dana L. Hofstetter  
BEEMAN & HOFSTETTER, P.C.  
608 West Franklin Street  
P. O. Box 1427  
Boise, ID 83701-1427  
(208) 388-8900  
(208) 388-8400 (Facsimile)  
beehof@micron.net

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

|                |   |                                      |
|----------------|---|--------------------------------------|
| In Re SRBA     | ) | Subcase Nos. 36-02708, 36-07201, and |
|                | ) | 36-07218                             |
| Case No. 39576 | ) | (Clear Springs Foods)                |
|                | ) |                                      |
| _____          | ) | <b>Motion to Alter or Amend</b>      |

The North Snake Ground Water District, on behalf of its members, including May Farms, Ltd. and Faulkner Land & Livestock Company, by and through its counsel of record, Josephine P. Beeman and Dana L. Hofstetter of Beeman & Hofstetter, P.C., hereby moves this Court, pursuant to SRBA Administrative Order No. 1, Section 13a, Rules 7(b)(1) and 7(b)(3), I.R.C.P., and *Idaho Code*, Title 42, Chapter 52, to alter or amend the Special Master's recommendation. This Motion is supported by the

contemporaneously filed Affidavit of David B. Shaw, Affidavit of Brett Rowley, Affidavit of Dana L. Hofstetter, and the record in these subcases. Pursuant to Rule 7(b)(3), I.R.C.P., a brief in support of this Motion will be filed within 14 days. Oral argument is requested.

The grounds for this motion are as follows:

1. The Notices of Claim for certain of these subcases include facility volume designations. The claimant subsequently objected to facility volume designations but never sought to file amended claims. The attempt to delete facility volume remarks through the objection process is improper. Based on SRBA Administrative Order 1, Section 4.d(1)(b) and SRBA Court precedent, the claimant cannot seek to amend its claims without filing a motion to amend.

2. The Special Master's Recommendation does not include a facility volume quantity for fish propagation Water Right No. 36-02708. The absence of a facility volume quantity reflecting the size of the fish propagation facilities could improperly subject other water users to supply or mitigate water demands associated with facility expansion. Where a facility volume limit is designated by the Special Master for Water Right Nos. 36-07201 and 36-07218, it is negated by qualifying remarks.

3. The Special Master's Recommendations for the quantity element, do not adequately take into consideration actual beneficial use, including issues of partial forfeiture, abandonment, adverse possession, estoppel, other legal principles, and seasonal water supply or use fluctuations.

4. Diverted volume quantities reflecting actual beneficial use should be included in the Special Master's recommendations for each of these fish propagation water rights.

DATED this 28<sup>th</sup> day of September, 1998.

BEEMAN & HOFSTETTER, P.C.

By

A handwritten signature in dark ink, appearing to read 'Dana L. Hofstetter', is written over a horizontal line.

Dana L. Hofstetter

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28<sup>th</sup> day of September, 1998, I caused to be served copies of the foregoing **Motion to Alter or Amend** by depositing a copy thereof in the U.S. mail, postage prepaid, upon:

Patrick D. Brown  
Parker Warr & Brown  
812 Shoshone St. East  
Twin Falls, Idaho 83301

Dan Steenson  
Ringert Clark  
P. O. Box 2773  
Boise, Idaho 83701-2773

Idaho Department of Water Resources  
Document Depository  
P. O. Box 83720  
Boise, Idaho 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
P. O. Box 44449  
Boise, Idaho 83711-4449

  
\_\_\_\_\_  
Dana L. Hofstetter

D:\1780\2\ac\2404

RECEIVED  
SEP 29 1998  
Department of Water Resources

RECEIVED  
OCT 05 1998

**MOTION TO ALTER OR AMEND SPECIAL MASTER'S RECOMMENDATIONS - Page 1**

Special Masters' Recommendations for both rights.

## **2. Remarks**

Water Right Numbers 36-02708 and 36-07218 should each contain the following remark:

**THIS WATER RIGHT AND WATER RIGHT NUMBER 36-07004 ARE DIVERTED FROM SEPARATE SOURCES.**

Water Right Number 36-07201 should contain the following remark:

**THIS WATER RIGHT IS DIVERTED FROM A SEPARATE SOURCE THAN THE SOURCE FOR WATER RIGHT NUMBERS 36-02659, 36-02708, AND 36-07218 AND THE SOURCE FOR WATER RIGHT NUMBER 36-07004.**

This *Motion* is made pursuant to procedures set forth in SRBA Administrative Order 1.

## **BACKGROUND**

The claimant of water right numbers 36-02708, 36-07201 and 36-07218 is Clear Springs Foods, Inc. ("Clear Springs"). Clear Lakes filed objections to IDWR's recommendations of these water rights. Clear Lakes' objections were resolved at trial after which the court entered its *Findings of Fact and Conclusions of Law on Involuntary Dismissal* (August 21, 1998). The *Special Master's Reports* entered August 28, 1998, and recommending these water rights for decree are therefore based in part on the *Findings of Fact and Conclusions of Law on Involuntary Dismissal (Dismissal)*. This *Motion to Alter or Amend* is timely as the *Special Master's Reports* were docketed on the September, 1998 SRBA District Court Docket Sheet.

## **GROUND FOR MOTION**

This *Motion* is based on the following errors contained in the *Dismissal*:

1. The *Dismissal* errs in according *prima facie* weight to the portion of the Director's

Report listing the source element of water right numbers 36-02708, 36-07201 and 36-07218 as "springs," and errs in concluding that Clear Lakes failed to meet its burden to identify the different sources from which Clear Springs' and Clear Lakes' water rights were historically and are currently diverted.

2. The *Dismissal* fails to make any findings regarding the source of the water rights at issue: Clear Springs' water right numbers 36-02708, 36-07201 and 36-07218.

3. The *Dismissal* errs in finding that there were not historically and are not currently separate sources for Clear Springs' water right numbers 36-02708 and 36-07218 and Clear Lakes' water right number 36-07004.

4. The *Dismissal* errs in that the presumption under the authorities cited in the *Dismissal* that all water within the Snake River Basin is connected does not constitute, mandate, or imply a presumption that Clear Springs' water rights and Clear Lakes' water rights have the same source.

5. The *Dismissal* fails to find that the source for Clear Springs' water right numbers 36-02708 and 36-07218 is the western stream.

6. The *Dismissal* fails to find that Clear Springs never attempted to divert water from the eastern stream.

7. The *Dismissal* fails to find that water flowing though the former eastern stream did not historically, and can not currently contribute to the source of Clear Springs' water right numbers 36-02708 and 36-07218.

8. The *Dismissal* and the *Special Master's Report* for water right number 36-07201 fail to find, consistent with the evidence, that the source element for water right number

36-07201 is separate from the source for water right numbers 36-02659, 36-02708 and 36-07218, and the source for water right number 36-07004.

9. The *Dismissal* errs in finding that precise location of the “division point” is necessary to demonstrate that there were and are separate sources for Clear Springs’ and Clear Lakes’ water rights.

10. The *Dismissal* errs in concluding that there is no method by which to administer the historic separate sources.

11. The *Dismissal* errs in concluding that Clear Lakes is estopped from claiming two separate sources.

12. The *Dismissal* erroneously identifies and describes the historic and current location and configuration of Clear Lakes’ diversions.

13. The *Dismissal* fails to find, consistent with the evidence, that only one point of diversion exists for water right numbers 36-02708 and 36-07218.

14. The *Dismissal* errs in concluding that Clear Lakes water right numbers 36-02659 and 36-07004 have the same points of diversion because the licenses for each of those water rights describe the points of diversion as being within the same quarter quarter section.

15. The *Dismissal* errs in failing to find that the permit to appropriate water right number 36-07004 entitles Clear Lakes to first priority to the source from which that water right was historically and is currently diverted.

16. The *Dismissal* errs with respect to its conclusions regarding the applicability of Idaho Code Sections 42-212 and 42-213 to Clear Springs’ water rights. The evidence

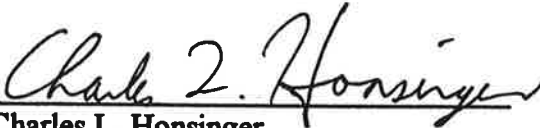
demonstrates that Clear Springs' diversions and water rights were established in the western stream. Under Idaho Code Sections 42-212 and 42-213, Clear Springs could not have established water rights in springs located wholly on another's private land.

Therefore, the source of Clear Springs' water rights can only be the western stream.

Pursuant to I.R.C.P. 7(b)(3), Clear Lakes requests oral argument on this motion and hereby notifies the court and party that it intends to file with the Court its brief in support of this Motion within 14 days of the filing of this motion.

DATED this 28<sup>th</sup> day of September, 1998.

RINGERT CLARK, CHARTERED

  
Charles L. Honsinger  
Attorney for Clear Lakes Trout Farms, Inc.

# **CERTIFICATE OF MAILING**

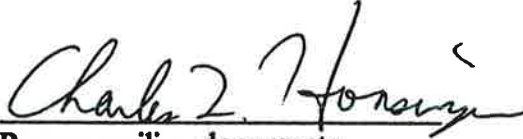
I certify that on September 28, 1998, I served by facsimile copies of this document, including all attachments to the following:

Director, Idaho Department of Water Resources  
1301 N. Orchard  
Boise, ID 83712

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, ID 83711-4449

Patrick D. Brown  
Parker, Warr & Brown, LLP  
812 Shoshone Street East  
Twin Falls, ID 83301

John C. Hepworth  
Hepworth Lezamiz & Hohnhorst  
133 Shoshone St. N.  
P.O. Box 389  
Twin Falls, ID 83303-0389

  
Person mailing documents

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AUG 31 1998

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

Department of Water Resources

In Re SRBA )  
Case No. 39576 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 36-07201

1998 AUG 28 AM 10: 51  
DISTRICT COURT-SRBA  
TWIN FALLS CO. IDAHO  
FILED *DL*

NAME AND ADDRESS: CLEAR SPRINGS FOODS, INC.  
PO BOX 712  
BUHL, ID 83316

SOURCE: SPRINGS TRIBUTARY: CLEAR LAKES

QUANTITY: 10.00 CFS

PRIORITY DATE: 08/04/1971

POINT OF DIVERSION: T09S R14E S02 NWNWSE Within Gooding County  
SWSWNE

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE   | PERIOD OF USE  | QUANTITY |
|----------------------------|------------------|----------------|----------|
|                            | Industrial       | 01-01 TO 12-31 | 2.00 CFS |
|                            | Fish Propagation | 01-01 TO 12-31 | 8.00 CFS |

|               |                  |      |                       |
|---------------|------------------|------|-----------------------|
| PLACE OF USE: | Industrial       |      | Within Gooding County |
|               | T09S R14E S02    | NWSE |                       |
|               | Fish Propagation |      | Within Gooding County |
|               | T09S R14E S02    | NWSE |                       |

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

FACILITY VOLUME 5652 CU. FT.  
THE REMARK ADDRESSING FACILITY VOLUME IS INCLUDED IN THE WATER  
RIGHT ONLY BECAUSE THE REMARK APPEARED ON THE LICENSE. THE REMARK  
ADDRESSING FACILITY VOLUME DOES NOT DEFINE THE EXTENT OF  
BENEFICIAL USE AND CANNOT BE USED TO LIMIT ANY ELEMENT OF THIS  
WATER RIGHT. THE REMARK SHALL NOT PREVENT THE OWNER OF THE  
LICENSE FROM EXPANDING FACILITY VOLUME.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Daniel C. Hurlbutt, JR.  
Presiding Judge  
Snake River Basin Adjudication

RECOMMENDATION

AUG 28 1998

*JA Hurlbutt*  
SPECIAL MASTER

RECEIVED  
SEP 09 1998  
Department of Water Resources  
Southern Region

RECEIVED  
AUG 31 1998  
Department of Water Resources

1998 AUG 28 AM 10:51  
DISTRICT COURT-SRBA  
TWIN FALLS CO. IDAHO  
FILED *PL*

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

|                |   |                                  |
|----------------|---|----------------------------------|
| In Re SRBA     | ) | SPECIAL MASTER'S REPORT          |
|                | ) |                                  |
| Case No. 39576 | ) | FINDINGS OF FACT AND             |
|                | ) | CONCLUSIONS OF LAW               |
|                | ) |                                  |
|                | ) | FOR WATER RIGHT Subcase 36-07201 |
|                | ) |                                  |

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

The Claimant, Clear Springs Foods, Inc., filed two objections. The first objection related to purpose of use. That objection was resolved by stipulation between Clear Springs Foods, Inc. and IDWR. The other objection was to a facility volume remark. That objection was resolved at trial after which the court entered its *Supplemental Findings of Fact and Conclusions of Law (Facility Volume)* (July 31, 1998), incorporated herein by reference.

Another objection was filed by Clear Lake Trout Company as to the source element. That objection was resolved at trial after which the court entered its *Findings of Fact and Conclusions of Law on Involuntary Dismissal* (August 21, 1998), incorporated herein by reference.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements as set forth in the *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 36-07201*.

DATED: *Aug 28, 1998*

  
\_\_\_\_\_  
FRITZ X. HAEMMERLE  
Special Master  
Snake River Basin Adjudication

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AUG 31 1998

Department of Water Resources

1998 AUG 28 AM 10: 51

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED    

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

In Re SRBA

) Subcases 36-02708, 36-07201  
) and 36-07218

Case No. 39576

)  
)  
) CERTIFICATE OF MAILING  
)

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT AND RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 28, 1998, with sufficient first-class postage prepaid to the following:

Chief, Natural Resources Division  
Office of Attorney General  
Box 44449  
Boise, Idaho 83711-4449

Director of IDWR  
Box 83720  
Boise, Idaho 83720-0098

Patrick D. Brown  
812 Shoshone Street East  
Twin Falls, Idaho 83303

John Hepworth  
Hepworth, Lezamiz & Hohnhorst  
Box 389  
Twin Falls, Idaho 83303

  
Debbie Lash  
Deputy Clerk

CERTIFICATE OF MAILING

RECEIVED

AUG 31 1998

Department of Water Resources

1998 AUG 28 AM 10: 51

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO

FILED

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

In Re SRBA

Case No. 39576

) Subcase 36-02708, 36-07201  
) and 36-07218

) NOTICE OF ISSUANCE OF SPECIAL  
) MASTER'S RECOMMENDATIONS

On August 28, 1998, Special Master FRITZ X. HAEMMERLE issued SPECIAL MASTER'S REPORTS AND RECOMMENDATIONS for the above subcases pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATIONS shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED August 28, 1998.

  
Debbie Lash  
Deputy Clerk

March 27, 1998

**NOTE TO FILE**

FROM: V.Hancock

CLAIM NO: A36-02659, -02708, -07004, -07201, -07218

Charlie Honsinger of Ringert & Clark requested entire copies of the above files. They were copied and send to him this date.

# SUBCASE NO. 36-07201

|                    | CLAIM (8/24/88)                               | AMENDED CLAIM (2/26/92)                                                       | RECOMMENDATION                                                                | OBJECTION                                                                                                                                                                                                                                              |
|--------------------|-----------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NAME               | Clear Springs Trout Co. &/or The Prospect Co. | Clear Springs Trout Co. &/Or The Prospect Co.<br>PO Box 712<br>Buhl, ID 83316 | Clear Springs Foods Inc.<br>PO Box 712<br>Buhl, ID 83316<br>(see notes below) | XX Clear Springs Foods Inc.<br>P.O. Box 712<br>Buhl, Idaho 83316<br><br>(+ see notes below)                                                                                                                                                            |
| BASIS OF CLAIM     | License                                       | License                                                                       | License                                                                       |                                                                                                                                                                                                                                                        |
| SOURCE             | Springs (Clear Springs)                       | Springs (Clear Springs)                                                       | Springs                                                                       |                                                                                                                                                                                                                                                        |
| QUANTITY           | 10.00 cfs<br>970.20 afa                       | 10.00 cfs                                                                     | 10.00 cfs (Ind.: 2.0 cfs<br>& F.P.: 8.0cfs)                                   |                                                                                                                                                                                                                                                        |
| PRIORITY DATE      | 08/04/1971                                    | 08/04/1971                                                                    | 08/04/1971                                                                    |                                                                                                                                                                                                                                                        |
| PURPOSE OF USE     | Industrial/<br>Fish Propagation/<br>Domestic  | Industrial/<br>Fish Propagation/<br>Domestic                                  | Industrial/<br>Fish Propagation                                               | XX The quantity of use for fish propagation should be the full 10 cfs, not the recommended 8 cfs for this purpose because the water from the 2 cfs for industrial has always been used for fish propagation before it is used in the industrial plant. |
| PERIOD OF USE      | 1/1 - 12/31                                   | 1/1 - 12/31                                                                   | 1/1 - 12/31                                                                   |                                                                                                                                                                                                                                                        |
| POINT OF DIVERSION | T09S R14E S02                                 | T09S R14E S02                                                                 | T09S R14E S02                                                                 |                                                                                                                                                                                                                                                        |
| PLACE OF USE       | T09S R14E S02                                 | T09S R14E S02                                                                 | T09S R14E S02                                                                 |                                                                                                                                                                                                                                                        |
| REMARKS            |                                               |                                                                               | + see below                                                                   | XX "Facility Volume" is not an element of the water right.                                                                                                                                                                                             |
|                    |                                               |                                                                               |                                                                               |                                                                                                                                                                                                                                                        |

Notes: IDWR, in its response, stated a change of ownership was filed with the department after the filing of the Director's Report and recommended the name and address of the claimant should be changed.

+ Facility volume 5652 cu. ft.

RECEIVED

MAY 01 1998

Department of Water Resources  
Southern Region

RECEIVED

MAR 27 1998

Department of Water Resources

1998 MAR 25 AM 11:39

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

In Re SRBA

Case No. 39576

) Subcases 36-02708, 36-07201,  
) and 36-07218

) AMENDED SCHEDULE ORDER  
)

A Trial is currently scheduled for July 6-7, 1998 in the above listed subcases. The trial dates will remain as scheduled. The amended deadlines are as follows:

Discovery to be complete

Friday, May 1, 1998, by 5:00 p.m.

Dispositive Motions due

Friday, May 15, 1998, by 5:00 p.m.

DATED March 25, 1998.

  
FRITZ X. HAEMMERLE  
Special Master  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the AMENDED SCHEDULE ORDER was mailed on March 25, 1998, with sufficient first-class postage to the following:

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, ID 83711-4449

Patrick Brown  
812 Shoshone Street East  
Twin Falls, Idaho 83303

Director of IDWR  
P O Box 83720  
Boise, Idaho 83720-0098

Daniel Steenson  
P O Box 2773  
Boise, Idaho 83701-2773

  
Deputy Clerk

RECEIVED

MAY 01 1998

Department of Water Resources  
Southern Region

RECEIVED

MAR 27 1998

Department of Water Resources  
Adjudication Bureau

SOUTHERN  
FYI

1998 MAR 25 AM 11:37

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

In Re SRBA

) Subcases See Exhibit A

Case No. 39576

) ORDER PARTIALLY VACATING  
) TRIAL and DEADLINES  
)

Special Master Haemmerle issued *Findings of Fact and Conclusions of Law (Facility Volume)* on February 24, 1998. A *Stipulation* was filed by the claimants and IDWR on February 24, 1998.

All the subcases on Exhibit A are currently set for trial. However, subcases 36-02048, 36-02703, 36-04013A, 36-04013B, 36-04013C, 36-07040, 36-07083, 36-07148, 36-07151, and 36-07568 have all been settled per the *Stipulation* and *Findings of Fact*. Therefore, since the aforementioned subcases are settled the trial and the deadlines are vacated. Trial is still scheduled July 6 and 7, 1998, for subcases 36-02708, 36-07201, and 36-07218.

DATED March 25, 1998.

  
FRITZ X. HAEMMERLE  
Special Master  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

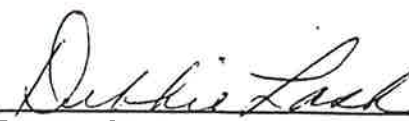
I certify that a true and correct copy of the ORDER PARTIALLY VACATING TRIAL DATE AND DEADLINES was mailed on March 25, 1998, with sufficient first-class postage to the following:

Chief, Natural Resources Division  
Office of the Attorney General  
P O Box 44449  
Boise, Idaho 83711-4449

Patrick D. Brown  
P O Box 389  
Twin Falls, Idaho 83303-0389

Director of IDWR  
P O Box 83720  
Boise, Idaho 83720-0098

Daniel V. Steenson  
P O Box 2773  
Boise, Idaho 83701-2773

  
Deputy Clerk

ORDER PARTIALLY VACATING TRIAL DATE and DEADLINES

**R PROOF**

**CVR**

**MAPS**

**PHOTOS**

**MISC**

**MICROFILMED**

**OCT 19 1994**

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 the Rights to the Use of Water )  
from the Snake River Basin )  
Water System )  
\_\_\_\_\_ )

Case No. 36-07201 -0001

The State of Idaho, ex rel. )  
R. Keith Higginson in his )  
official capacity as Director )  
of the Idaho Department of )  
Water Resources, )

RESPONSE TO OBJECTION

Petitioner, )

vs. )

The United States; the State )  
of Idaho; and all Claimants to )  
the use of water from the Snake )  
River Basin Water System, )  
\_\_\_\_\_ )

Respondents. )  
\_\_\_\_\_ )

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES  
P.O. BOX 44449  
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part  
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

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OCT 19 1994

2. Person who filed objection:

Name: CLEAR SPRINGS FOODS INC  
Address: PO BOX 712  
BUHL ID 83316

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

Attorney Address: DEPUTY ATTORNEY GENERAL(S)  
IDAHO DEPARTMENT OF WATER RESOURCES  
P.O. BOX 44449  
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.
11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
14. ☒ Other: I respond to the objection concerning:  
ALL MATTERS RAISED IN THE CLAIMANT'S ANSWER,  
AFFIRMATIVE DEFENSES, AND PRAYER FOR RELIEF

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 1, and all allegations of the objection regarding this item, IDWR responds as follows:

After the director's report was filed a notice of change in ownership was filed with IDWR. The name and address of the claimant should be changed as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law."

In response to Statement of the Objection item 7 and all allegations of the objection regarding this item, IDWR responds as follows:

This right is based on a license issued by IDWR. The 8 cfs recommended for fish propagation purposes and the 2 cfs recommended for industrial purposes is the same as shown on the license. Issuance of the license was a final administrative action by IDWR and the claimant is bound by the terms of the license. The additional use of the two cfs for fish propagation purposes constitutes an expansion in use that is not properly included in the original right pursuant to either Idaho Code section 42-1416(2) or 42-1416A.

In response to Statement of the Objection item 11 and all allegations of the objection regarding this item, IDWR responds as follows:

Idaho Code section 42-1411(2) provides that the director's report shall include "such other matters as are necessary to define the right." The facility volume correctly describes the current use of water diverted for fish propagation purposes. Description of the current use is necessary to define the right and to prevent future expansions in use of the right. The recommendation of the director to the SRBA court as to how the right should be decreed does not constitute a taking, because it is simply a recommendation and not a final determination by the court; the eventual decree by the SRBA Court of the water right based on the actual beneficial use of the water diverted does not constitute a taking, because a water right is limited to the actual beneficial uses of the water diverted.

In response to Statement of the Objection item 14 and all allegations of the objection regarding this item, IDWR responds as follows:

See attached "IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant."

In response to the sentence listed in Changes to the Director's Report, whereby the claimant attempts to "reserve the right to claim all purposes of use and quantities of use as shown by the evidence at trial", IDWR responds as follows:

Insofar as this purported reservation of rights may constitute an attempt to reserve the right to amend at trial the claimant's notice of claim, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim just as a party must obtain leave of court to file a late claim after the director's report is filed.

(Over)

CHANGES TO THE DIRECTOR'S REPORT

See attached List of Recommended Water Rights Acquired under State Law.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

|                                                                                      | No. of<br>Pages |
|--------------------------------------------------------------------------------------|-----------------|
| Notice of Claim No. A36-07201                                                        | 3               |
| IDWR's Response to Answer, Affirmative Defenses and Prayer<br>for Relief of Claimant | 4               |
| Recommended Water Rights Acquired Under State Law                                    | 1               |

VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

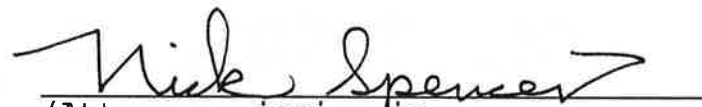
David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



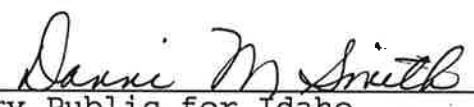
\_\_\_\_\_  
Signature of person filing response

By:



\_\_\_\_\_  
(Attorney signing in  
representative capacity)

Subscribed and sworn to before me this 10<sup>th</sup> day of September, 1993.



\_\_\_\_\_  
Notary Public for Idaho

Residing at: \_\_\_\_\_

My Commission expires: \_\_\_\_\_

**Danni Smith, Notary Public**  
**Residing at Boise, Idaho**  
**My Commission Expires December 5, 1994**

(Over)

001 / 0 000  
MICROFILMED

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of SEPTEMBER, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

See No. 3

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: HEPWORTH NUNGESTER & LEZAMIZ  
Address: PATRICK D BROWN  
PO BOX 389  
TWIN FALLS ID 83303

4. One copy to:

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, Box 33  
Boise, Idaho 83734

  
\_\_\_\_\_  
Signature of Respondent or attorney  
mailing on Respondent's behalf

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: A36-07201  
Date Received: 9/ 1/1988  
Receipt No: S002014  
Received By: \_\_\_\_\_

AMENDED: 2-26-92

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: CLEAR SPRINGS TROUT CO. 208-543-4316  
Address: P. O. BOX 712  
BUHL ID 83316

AND/OR

Name: THE PROSPECT CO. 208-543-4316  
Address: P.O. BOX 712  
BUHL ID 83316-0000

2. Date of Priority: AUG 4, 1971

3. Source: SPRINGS (CLEAR SPRINGS) Trib. to: CLEAR LAKES

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 09S      | 14E   | 2       | SE     | SW     | NE  |     | GOODING |
|          |       |         | SW     | SE     | NE  | 6   | GOODING |
|          |       |         | NE     | NW     | SE  |     | GOODING |

5. Description of diverting works:  
CHECK DAM, CONCRETE DITCH TO RACEWAYS & PROCESSING PLANT

6. Water is used for the following purposes:

| Purpose          | From  | To    | C.F.S  | (or) | A.F.A. |
|------------------|-------|-------|--------|------|--------|
| INDUSTRIAL       | 01/01 | 12/31 | 2.000  |      |        |
| FISH PROPAGATION | 01/01 | 12/31 | 10.000 |      |        |
| DOMESTIC         | 01/01 | 12/31 | 0.040  |      |        |

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

~~970.20 A.F.A.~~

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
INDUSTRIAL, FISH PROCESSING PLANT

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use                      | Acres |
|----------|-------|---------|------------|-----|--------------------------|-------|
| 09S      | 14E   | 2       | NW SE      |     | DOMEST<br>FISH<br>INDUST |       |

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:  
A36-02708, 07218

14. Remarks:

2 P/D IN SWNE, S2, T9S, R14E. POND VOLUME IS 590,400 CU. FT. THE 2 CFS RUNS THRU THE PROCESSING PLANT 16 HOURS PER DAY ALL YEAR. WHEN THE PLANT IS OFF FOR CLEANING, ETC., THIS WATER GOES INTO THE TWO LOWER SETS OF RACEWAYS FOR FISH PROPAGATION. THE SYSTEM HAS RUN THIS WAY SINCE THE BEGINNING, SO THE LICENSE SHOULD HAVE SHOWN THE FULL 10.0 CFS FOR FISH PROPAGATION AS WELL AS 2.0 CFS FOR INDUSTRIAL USE IN THE PROCESSING PLANT. ALMOST ALL OF THE 2.0 CFS GOES INTO CLEAR LAKES AFTER TREATMENT, SO THERE IS VERY LITTLE CONSUMPTIVE USE OF WATER HERE. PRESSURE TANKS IN THE PLANT PROVIDE OPERATING PRESSURE & SOME STORAGE FOR USE WHEN SPRING FLOW IS SHUT OFF DURING EVENING HOURS. SYSTEM HAS ALWAYS PROVIDED DOMESTIC USE FOR CARETAKER'S HOME, SO THIS USE SHOULD HAVE BEEN COVERED BY THE LICENSE. INDUSTRIAL USE INCLUDES RESTROOM FACILITIES IN PROCESSING PLANT.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: 1

MICROFILMED

**For Organizations:**

I do solemnly swear or affirm that I am VICE PRESIDENT / OPERATIONS of  
Title  
CLEAR SPRINGS TROUT COMPANY, that I have signed the foregoing  
Organization  
document in the space below as VICE PRESIDENT / OPERATIONS of  
Title  
CLEAR SPRINGS TROUT COMPANY and that the statements contained in the  
Organization  
foregoing document are true and correct.

Pinachy J. Thompson  
Signature of Authorized Agent

VICE PRESIDENT / OPERATIONS CLEAR SPRINGS TROUT CO,  
Title and Organization

2-26-92  
Date

State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 26 day  
of February 19 92

Bill R. Partin  
Notary Public

Seal

Residing at Buhl, Idaho

My Commission Expires 2/25/97

IDWR'S RESPONSE TO ANSWER, AFFIRMATIVE DEFENSES AND PRAYER FOR  
RELIEF OF CLAIMANT

This portion of the response addresses the multi-page attachment to the objection (hereinafter "the attachment"), wherein the claimant admits or denies all sections of Parts I, II, and III of the director's report, asserts 27 affirmative defenses, and alleges a prayer for relief. The attachment contains the following sections, corresponding to the various sections of the director's report:

- (1) I. GENERAL RESPONSE
- (2) II. DESCRIPTIVE SUMMARY, (first unnumbered page of Part I of the director's report)
- (3) III. TABLE OF CONTENTS (second and third unnumbered pages of Part I of the director's report)
- (4) IV. 1. INSTRUCTIONS FOR USING THIS REPORT PART I (page 1 of Part I of the director's report)
- (5) IV. 2. SCOPE OF THE ADJUDICATION (pages 1-3 of Part I of the director's report)
- (6) IV. 3. PURPOSE OF THIS REPORT PART I (pages 3-4 of Part I of the director's report)
- (7) V. 1. BOUNDARIES OF BASIN (pages 4-6 of Part I of the director's report)
- (8) V. 2. WATER SOURCES (page 6 of Part I of the director's report)
- (9) V. 3. DEVELOPMENT OF WATER USE (pages 6-9 of Part I of the director's report)
- (10) VI. GENERAL PROVISIONS 1-8 APPLY TO ALL WATER RIGHTS IN BASIN 36 (page 9 of Part I of the director's report)
- (11) VI. General Provision 1. EFFECT OF ADJUDICATION (page 9 of Part I of the director's report)
- (12) VI. General Provision 2. GENERAL ADMINISTRATIVE PROVISIONS (pages 9-10 of Part I of the director's report)
- (13) VI. General Provision 3. CONJUNCTIVE ADMINISTRATION (page 10 of Part I of the director's report)
- (13) VI. General Provision 4. ADMINISTRATION OF GROUND WATER RIGHTS (page 10 of Part I of the director's report)
- (14) VI. General Provision 5. ADMINISTRATION OF BASIN 36 RELATIVE TO THE SNAKE RIVER (page 10 of Part I of the director's report)
- (15) VI. General Provision 6. ADMINISTRATION OF SMALL DOMESTIC AND STOCK WATER RIGHTS (page 11 of Part I of the director's report)
- (16) VI. General Provision 7. MEASURING DEVICES AND CONTROL

- WORKS (page 11 of Part I of the director's report)
- (17) VI. General Provision 8. FIRE FIGHTING PURPOSES (page 11 of Part I of the director's report)
  - (18) VI. General Provision 9. CONSUMPTIVE USE (page 12 of Part I of the director's report)
  - (19) VI. GENERAL PROVISION 10 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH DOMESTIC USE AS A PURPOSE OF USE (page 12 of Part I of the director's report)
  - (20) VI. General Provision 10. DOMESTIC USE (page 12 of Part I of the director's report)
  - (21) VI. GENERAL PROVISION 11 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH STOCK WATER USE AS A PURPOSE OF USE (page 13 of Part I of the director's report)
  - (22) VI. General Provision 11. STOCK WATER USE (page 13 of Part I of the director's report)
  - (23) VI. GENERAL PROVISIONS 12-16 APPLY TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH IRRIGATION AS A PURPOSE OF USE (page 13 of Part I of the director's report)
  - (24) VI. General Provision 12. IRRIGATION USE (pages 13-14 of Part I of the director's report)
  - (25) VI. General Provision 13. DIVERSION VOLUME FOR IRRIGATION (page 14 of Part I of the director's report)
  - (26) VI. General Provision 14. CONSUMPTIVE USE FOR IRRIGATION (pages 14-15 of Part I of the director's report)
  - (27) VI. General Provision 15. AMOUNT OF COMBINED WATER RIGHTS FOR IRRIGATION (page 15 of Part I of the director's report)
  - (28) VI. General Provision 16. DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE (pages 15-16 of Part I of the director's report)
  - (30) VI. 17. INSTRUCTIONS FOR USE OF LIST OF RECOMMENDED WATER RIGHTS (pages A-i through A-iii of Part I of the director's report)
  - (31) VI. 18. IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW (pages A-1 through B-25 of Part I of the director's report)
  - (32) DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36), (DIRECTOR'S REPORT PART II)
  - (33) DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36), (DIRECTOR'S REPORT PART III)

The attachment also contains part VIII, AFFIRMATIVE DEFENSES (pp. 20 through 28) and a PRAYER FOR RELIEF (untitled, p. 28).

In response to each of the items enumerated above IDWR responds that pursuant to Section 4 a.(2)(c) of SRBA Administrative Order 1, Rules of Procedure, IDWR generally denies each and every allegation, if any, contained in each enumerated portion of the attachment. IDWR affirmatively responds that neither SRBA Administrative Order 1, Rules of Procedure, nor Title 42, Chapter 14, Idaho Code, make provision for IDWR to affirm, amplify, or otherwise respond to the claimant's admissions, or to deny the claimant's denials, and that IDWR therefore does not believe that it is required to do so. Title 42, Chapter 14, Idaho Code solely defines the content and scope of the director's report. It is to contain a description of the water system and is to provide a recommendation as to each water right claimed and as to those matters necessary for administration of those water rights. Therefore, the content and scope of the objection is limited to those same matters. The attachment to the present objection asserts or otherwise raises matters not directly addressing the elements of the water right as recommended, the description of the water system, or the general provisions. Rather, the attachment raises broad issues as to the constitutional, statutory and administrative efficacy of the entire adjudication process. All such issues should be raised by means of motions to designate basinwide issues and similar procedural vehicles specifically designed to provide for basinwide notice and participation. They should not be permitted to divert the focus of any individual subcase away from the issues directly connected to the elements of the water right and the administration thereof. Therefore, because the attachment to the present objection is not within the scope of the statutory purpose of an objection it should be stricken.

However, in the event that the court should determine that all or part of the attachment is properly within the scope of the objection, IDWR further responds as follows:

IDWR affirmatively responds that all statements within the director's report are properly included therein pursuant to Title 42, Chapter 14, Idaho Code, and in particular pursuant to Idaho Code §§ 42-1411 and 42-1412(8); and that the provisions of the Idaho Rules of Civil Procedure regarding pleadings are inapplicable to the extent that they are in conflict with the statutory requirements. Therefore IDWR denies all allegations directed at the contents of the director's report.

As to the enumerated portions of the attachment addressing the listings of recommended water rights, abstracts of federal reserved water right claims, or negotiated agreements, other than the individual recommendation that is the subject of this objection, IDWR responds that such claims or agreements are not brought before this court by this objection.

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Responding to the 27 affirmative defenses asserted in the attachment, IDWR generally denies each and every affirmative defense asserted. IDWR further responds that affirmative defense numbers 1, 2, 4, 5, 10, 11, 12, 18, and 22, asserting various violations of civil or constitutional rights, fail to comply with the requirements I.R.C.P. 9(b) providing that in all averments of violation of civil or constitutional rights the factual circumstances constituting such violation must be stated with particularity. Accordingly, IDWR asserts that those affirmative defenses should be stricken.

In response to that portion of the multi-page attachment to the objection wherein the claimant asserts a prayer for relief, IDWR responds as follows:

1. IDWR denies that the director's report asserts any claims against the claimant; rather, the director's report contains only the recommendation of the director as to how the claimant's water right should be decreed and administered.
2. IDWR denies that the claimant is entitled to have the water right decreed as claimed unless in the director's report the water right has been recommended as claimed.
3. IDWR denies that any acts upon its part constitute the taking of private property for which just compensation should be allowed and awarded.
4. IDWR denies that the claimant is entitled to recover court costs and reasonable attorney fees.
5. IDWR denies that the claimant by this objection has raised any claims against IDWR entitling such claimant to any relief other than the eventual judicial determination and decree of the various elements of the claimant's water right, if any, and of those related matters necessary to describe and administer that water right.

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-2-1993

PAGE: A-1

| RIGHT<br>NUMBER | NAME & ADDRESS                                                                       | PRIORITY<br>DATE | PURPOSE OF USE         | PERIOD OF USE<br>FROM TO | MAXIMUM<br>QUANTITY | BASIS OF<br>CLAIM |
|-----------------|--------------------------------------------------------------------------------------|------------------|------------------------|--------------------------|---------------------|-------------------|
|                 | SOURCE: SPRINGS                                                                      |                  | TRIBUTARY: CLEAR LAKES |                          |                     |                   |
| 36-07201        | <del>THE PROSPECT CO</del><br>CLEAR SPRINGS FOODS INC<br>PO BOX 712<br>BUHL ID 83316 | 08/04/1971       | INDUSTRIAL             | 01-01 12-31              | 2.00 CFS            | LICENSE           |
|                 |                                                                                      |                  | FISH<br>PROPAGATION    | 01-01 12-31              | 8.00 CFS            |                   |
|                 |                                                                                      |                  | TOTAL QUANTITY:        |                          | 10.00 CFS           |                   |
|                 | NON-IRRIGATION-USES:                                                                 |                  |                        |                          |                     |                   |
|                 | INDUSTRIAL, FISH PROCESSING PLANT; FISH PROP., HOLDING PONDS                         |                  |                        |                          |                     |                   |
|                 | POINT OF DIVERSION:                                                                  |                  |                        |                          |                     |                   |
|                 | T09S R14E S02                                                                        | SWSWNE<br>NWNWSE |                        |                          |                     |                   |
|                 | PLACE OF USE: INDUSTRIAL                                                             |                  |                        |                          |                     |                   |
|                 | T09S R14E S02                                                                        | NWSE             |                        |                          |                     |                   |
|                 | PLACE OF USE: FISH PROPAGATION                                                       |                  |                        |                          |                     |                   |
|                 | T09S R14E S02                                                                        | NWSE             |                        |                          |                     |                   |
|                 | REMARKS: FACILITY VOLUME 5652 CU. FT.                                                |                  |                        |                          |                     |                   |

MICROFILMED  
OCT 19 1994

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 the Rights to the Use of Water )  
from the Snake River Basin )  
Water System )  
\_\_\_\_\_ )

Case No. 36-07201 -0002

The State of Idaho, ex rel. )  
R. Keith Higginson in his )  
official capacity as Director )  
of the Idaho Department of )  
Water Resources, )

RESPONSE TO OBJECTION

Petitioner, )

vs. )

The United States; the State )  
of Idaho; and all Claimants to )  
the use of water from the Snake )  
River Basin Water System, )

Respondents. )  
\_\_\_\_\_ )

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES  
P.O. BOX 44449  
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part  
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

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OCT 19 1994

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

2. Person who filed objection:

Name: CLEAR LAKES TROUT CO  
Address: 1301 VISTA AVENUE  
BOISE ID 83705

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER  
Attorney Address: DEPUTY ATTORNEY GENERAL(S)  
IDAHO DEPARTMENT OF WATER RESOURCES  
P.O. BOX 44449  
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

2. ☒ Source: I respond to the objection concerning the source of water.
5. ☒ Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 2 and 5, and all allegations of the objection regarding these items, IDWR responds as follows.

Right nos. 36-07201, 36-02708, 36-07218, 36-07004, and 36-02659 are all diverted from the same complex of hydrologically-connected springs tributary to Clear Lakes. Two of these rights, nos. 36-02708 and 36-07218, are diverted for use in the Clear Springs Foods facility, by means of a ditch/pond which collects the flow of springs in the center of the spring complex. Two of these rights, nos. 36-07004 and 36-02659, are diverted for use in the Clear Lakes Trout facility, in part by means of the same ditch/pond, and in part through a ditch/pond that collects

the flow of springs in the eastern part of the spring complex. Right no. 36-07201 is diverted for use in the Clear Springs Foods facility, by means of pipes from two springs in the western part of the spring complex. Although the two springs which are the source for right no. 36-07201 are hydrologically connected to the springs which are the source for the other four rights, the two springs which are the source for right no. 36-07201 do not and have not flowed into the springs which are the source for the other four rights.

In response to Statement of the Objection item 14, and all allegations of the objection regarding this item, IDWR responds as follows: IDWR denies this portion of the objection.

The description of this right should be corrected to list the name and address of the owner as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law."

#### CHANGES TO THE DIRECTOR'S REPORT

See attached List of Recommended Water Rights Acquired under State Law.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

No. of  
Pages

The notice of claim is attached to IDWR's response  
to Objection No. 36-07201-0001

Recommended Water Rights Acquired under State Law

1

(Over)

NOT A JURY  
PROCEEDING

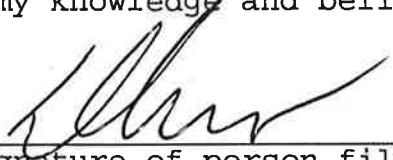
VERIFICATION (Must be Completed)

State of IDAHO

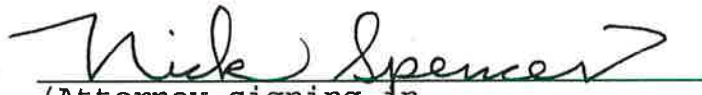
County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



\_\_\_\_\_  
Signature of person filing response

By:   
(Attorney signing in  
representative capacity)

Subscribed and sworn to before me this 10<sup>th</sup> day of September 1993.



\_\_\_\_\_  
Notary Public for Idaho  
Residing at: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

**Danni Smith, Notary Public**  
Residing at Boise, Idaho  
My Commission Expires December 5, 1994

CERTIFICATE OF MAILING

I hereby certify that on the 10<sup>th</sup> day of SEPTEMBER, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: HEPWORTH NUNGESTER & LEZAMIZ  
Address: PATRICK D. BROWN  
PO BOX 389  
TWIN FALLS ID 83303

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: WILLIAM F RINGERT  
Address: PO BOX 2773  
BOISE ID 83701

4. One copy to:

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, Box 33  
Boise, Idaho 83734



Signature of Respondent or attorney  
mailing on Respondent's behalf

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: SEP-2-1993  
PAGE: A-1

| RIGHT<br>NUMBER | NAME & ADDRESS                                                                       | PRIORITY<br>DATE       | PURPOSE OF USE      | PERIOD OF USE<br>FROM TO | MAXIMUM<br>QUANTITY | BASIS OF<br>CLAIM |
|-----------------|--------------------------------------------------------------------------------------|------------------------|---------------------|--------------------------|---------------------|-------------------|
| SOURCE: SPRINGS |                                                                                      | TRIBUTARY: CLEAR LAKES |                     |                          |                     |                   |
| 36-07201        | <del>THE PROSPECT CO</del><br>CLEAR SPRINGS FOODS INC<br>PO BOX 712<br>BUHL ID 83316 | 08/04/1971             | INDUSTRIAL          | 01-01 12-31              | 2.00 CFS            | LICENSE           |
|                 |                                                                                      |                        | FISH<br>PROPAGATION | 01-01 12-31              | 8.00 CFS            |                   |
|                 |                                                                                      |                        | TOTAL QUANTITY:     |                          | 10.00 CFS           |                   |
|                 | NON-IRRIGATION-USES:<br>INDUSTRIAL, FISH PROCESSING PLANT; FISH PROP., HOLDING PONDS |                        |                     |                          |                     |                   |
|                 | POINT OF DIVERSION:<br>T09S R14E S02 SWSWNE<br>NWNWSE                                |                        |                     |                          |                     |                   |
|                 | PLACE OF USE: INDUSTRIAL                                                             |                        |                     |                          |                     |                   |
|                 | T09S R14E S02 NWSE                                                                   |                        |                     |                          |                     |                   |
|                 | PLACE OF USE: FISH PROPAGATION                                                       |                        |                     |                          |                     |                   |
|                 | T09S R14E S02 NWSE                                                                   |                        |                     |                          |                     |                   |
|                 | REMARKS: FACILITY VOLUME 5652 CU. FT.                                                |                        |                     |                          |                     |                   |

MICROFILMED  
OCT 19 1994

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

The State of Idaho, ex rel.  
R. Keith Higginson in his  
official capacity as Director  
of the Idaho Department of  
Water Resources,

Petitioner,

vs.

The United States; the State  
of Idaho; and all Claimants to  
the use of water from the Snake  
River Basin Water System,

Respondents.

Case No. 36-07201  
(The water right number  
you are responding to  
must be inserted)

STANDARD FORM 2

RESPONSE TO OBJECTION

INSTRUCTIONS

This form must be used to file a response to any objection filed against a water right recommended in a Director's Report. You may respond to all objections filed against one water right, using one response form. If you choose this option, your response should cover every issue raised in the objections. To respond to objections filed against more than one water right, you must file a separate response form for each water right. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you do, the text must be on the front and back of each page exactly as it appears here. The response must be received by the court on or before the deadline specified in the Notice of Filing the Director's Report that IDWR mailed to you. Follow the Instructions for Mailing this response (Page 5), or the court will not accept it for filing.

This form has been adopted by the court in SRBA Administrative Order 1 (amended June 21, 1993), Section 4, which may be consulted for further information.

Any party filing 25 (twenty-five) or more responses must make an appointment with the Clerk of the SRBA Court.

(Over)

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NICHOL II WED

By filing a response form, you are certifying that the response is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

**I. GENERAL INFORMATION**

Please fill in the following information:

**1. Party/Claimant responding to objection:**

Name: Clear Springs Foods, Inc.

Address: P. O. Box 712  
Buhl, Idaho 83316

Phone: Work: (208) 543-4316 Home: \_\_\_\_\_

Briefly describe your interest in this water right:

Owner of the water right  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If this response is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungester & Lezamiz  
P.O. Box 389, Twin Falls, ID 83303

Attorney Phone No.: (208) 734-7510; Fax#: (208) 734-4115

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

**2. Party/Claimant who filed objection:**

Name: Clear Lakes Trout Company, Inc.

Address: 1301 Vista Avenue  
Boise, Idaho 83705

## II. STATEMENT OF THE RESPONSE

Please check each "box" which identifies your response.

1. ☐ **Name and Address:** I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☒ **Source:** I respond to the objection concerning the source of water.
3. ☐ **Quantity:** I respond to the objection concerning:
  - a. ☐ the total quantity of water used in cubic feet per second; or
  - b. ☐ the total quantity of water stored in acre-feet per year; or
  - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ **Priority Date:** I respond to the objection concerning the priority date.
5. ☒ **Points of Diversion:** I respond to the objection concerning the legal description of the point(s) of diversion.
6. ☐ **Instream Flow:** I respond to the objection concerning the legal description of the beginning and ending points of the instream flow.
7. ☐ **Purpose(s) of Use:** I respond to the objection concerning the purpose(s) of use.
8. ☐ **Period of Year:** I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☐ **Place of Use:** I respond to the objection concerning:
  - a. ☐ the legal description of the place of use; or
  - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ **Consumptive Use:** I respond to the objection concerning the annual volume of consumptive use.
11. ☒ **Remarks:** I respond to the objection concerning the "remarks" listed with the water right.
12. ☐ **Water Right Recommendation:** I respond to the objection concerning:
  - a. ☐ this water right being recommended at all; or
  - b. ☐ this water right not being recommended.

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13. ☐ **Description of Reservation:** I respond to the objection concerning the legal description of the reservation.

14. ☐ **Other:** I respond to the objection concerning: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

2, 5 and 11. The claimant Clear Springs, Foods, Inc., denies  
that the source of this right ever flowed into the source for  
right no. 36-02659; and that IDWR should show that the two  
rights are part of the same source.

#### CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

See this claimants Objection  
\_\_\_\_\_  
\_\_\_\_\_

Please note that you should attach copies of documents which support your response. Note on each document the "box number" it supports.

☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VERIFICATION (Must be Completed)

State of Idaho

County of Twin Falls

Patrick D. Brown, being first duly  
(Name of person filing objection)  
sworn, upon oath, deposes and says:

That I am the person or entity filing this response (as listed on Page 2, Section 1, "Person responding to objection"), as defined by I.C. Sec 42-1401A(1) and (7), and I have read this response, know its contents and that the statements are true to the best of my knowledge and belief.

\_\_\_\_\_  
Signature of party/claimant  
filing response

By: [Signature]  
(Attorney signing in  
representative capacity)

Subscribed and sworn to before me this 1<sup>st</sup> day of September,  
1993.

[Signature]  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at: [Signature]  
My Commission Expires: 9.20.94

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to all of the parties listed below in the Certificate of Mailing.

**You must sign the Certificate of Mailing to show that you followed these steps.**

CERTIFICATE OF MAILING

I hereby certify that on the 1<sup>ST</sup> day of September, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: Clear Springs Foods, Inc.

Address: P. O. Box 712

Buhl, Idaho 83316

3 One copy to the party who filed the objection, or if represented by an attorney, to their attorney, and you must fill in the following information:

Name: Clear Lakes Trout Co., Inc.

Address: 1301 Vista Avenue

Boise, Idaho 83705

4 One copy to:

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, Idaho 83711-4449

5 One copy to:

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, Box 33  
Boise, ID 83724

  
\_\_\_\_\_  
Signature of party/claimant  
or attorney

RECEIVED

MAY 03 1954

Department of Water Resources  
Adjudication Bureau

W. F. RINGERT  
D. V. STEENSON  
RINGERT CLARK CHARTERED  
455 S. Third St., P.O. Box 2773  
Boise, Idaho 83701-2773  
Telephone: (208) 342-4591

Attorneys for Nampa & Meridian Irrigation District,  
Grindstone Butte Mutual Canal Company, Rim View Trout  
Company and others

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

The State of Idaho, ex rel. R.  
Keith Higginson in his official  
capacity as Director of the Idaho  
Department of Water Resources,

Petitioner,

-vs-

The United States; the State of  
Idaho; and all claimants to the  
use of water from the Snake River  
Basin Water System,

Respondents.

Case No. A36-07201  
(You must insert the  
water right number you  
are objecting to)

OBJECTION

36-07201 -0002/  
93-04-0301

#### INSTRUCTIONS

This form must be used to file an objection to any water  
right recommended in the Director's Report. You may object to  
one water right per objection form. The water right number you

MICROFILMED  
OCT 19 1954

are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection to the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

#### I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: CLEAR LAKES TROUT COMPANY, INC.  
Address: 1301 Vista Avenue  
Boise, ID 83705

Briefly describe your interest in this water right:

Objector has a water right that diverts from the source that supplies this right.

2. Owner of the water right:

Name: CLEAR SPRINGS TROUT CO.  
THE PROSPECT CO.  
Address: P. O. Box 712  
Buhl, ID 83316

3. If this objection is filed by an attorney:

Attorney name: William F. Ringert  
Attorney Address: P. O. Box 2773  
Boise, ID 83701  
Attorney Phone No.: (208) 342-4591

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ Name and address: I object to the name and/or address of the owner of the water right.
2. ☒ Source: I object to the source of water.
3. ☐ Quantity: I object to:
  - a. ☐ the total quantity of water used in cubic feet per second
  - b. ☐ the total quantity of water stored in acre-feet per year; or
  - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☒ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☐ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☐ Place of Use: I object to:
  - a. ☐ the legal description of the place of use; or

MICROFILMED  
OCT 19 1994

- FBI 12 1 30  
FBI 12 1 30
- b. ☒ number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. X Remarks: I object to the "remarks" listed with the water right.
12. ☒ Water Right Recommendation: I object to:
- a. ☒ this water right being recommended at all; or
- b. ☐ this water right not being recommended.
13. ☒ Description of Reservation: I object to the legal description of the reservation.
14. ☒ Other: I object to:

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

2, 5, Report does not show that source for this right  
and 11 originally flowed into source for right No. 36-02659.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

Change items 2, 5 and 11 to show that the source for this right is part of the source for right No. 36-02659.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

VERIFICATION (Must be Completed)

State of Idaho

County of Ada

William F. Ringert, being first duly sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

Clear Lakes Trout Company, Inc.  
Signature of person filing objection

By: W F Ringert  
(Attorney signing in  
representative capacity)

Subscribed and sworn to before me this 30<sup>th</sup> day of April, 1993.

Quita C. McCormick  
Notary Public for Idaho  
Residing at: Boise, Idaho  
My Commission expires: 11-14-93

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

MICROFILMED  
OCT 19 1994

NOTED  
APR 15 1993  
FBI - TNE

CERTIFICATE OF MAILING

I hereby certify that on the 30 day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P. O. Box 2707  
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Owner name: Clear Springs Trout Co.  
The Prospect Co.  
Owner's address: P. O. Box 712  
Buhl, ID 83316

3. One copy to:

Chief, Natural Resources Division  
Office of the Attorney General  
P. O. Box 44449  
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, Box 33  
Boise, Idaho 83724

  
\_\_\_\_\_  
Signature of Objector or Attorney  
mailing on Objector's behalf

RECEIVED

APR 30 1993

Department of Water Resources  
Adjudication Bureau

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

Case No. A36-07201  
(You must insert the  
water right number you  
are objecting to)

The State of Idaho, ex rel.  
R. Keith Higginson in his  
official capacity as Director  
of the Idaho Department of  
Water Resources,

OBJECTION

Petitioner,

36-07201 -0001/  
93-04-0300

vs.

The United States; the State  
of Idaho; and all Claimants to  
the use of water from the Snake  
River Basin Water System,

Respondents.

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

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OCT 19 1994

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Clear Springs Foods, Inc.

Address: P. O. Box 712

Buhl, Idaho 83316

Briefly describe your interest in this water right:

Owner of the water right

2. Owner of the water right:

Name: Clear Springs Foods, Inc.

Address: P. O. Box 712

Buhl, Idaho 83316

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown

Attorney Address: Hepworth, Nungester & Lezamiz

P.O. Box 389, Twin Falls, ID 83303

Attorney Phone No.: (208) 734-7510; Fax: (208) 734-4115

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

## II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☒ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. ☐ Quantity: I object to:
  - a. ☐ the total quantity of water used in cubic feet per second; or
  - b. ☐ the total quantity of water stored in acre-feet per year; or
  - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☐ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☐ Place of Use: I object to:
  - a. ☐ the legal description of the place of use; or
  - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ Consumptive Use: I object to the annual volume of consumptive use.
11. ☒ Remarks: I object to the "remarks" listed with the water right.

(Over)

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12. ☐ Water Right Recommendation: I object to:
- a. ☐ this water right being recommended at all; or
- b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☒ Other: I object to: See attached
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

See page 7

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

See page 7

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

☒

Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. Exhibit "A": January

5, 1993 letter from Jodi I. Schultz to Patrick D. Brown-

1 pages. Exhibit "B": October 2, 1992, letter from Marci

Sterling to Timothy J. Hanifen- 2 pages.

VERIFICATION (Must be Completed)

State of Idaho

County of Twin Falls.

TIMOTHY J. HANIFEN

(Name of person filing objection)

, being first duly sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. Sec 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

Timothy J. Hanifen  
Signature of person filing objection

By: [Signature]  
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 28<sup>th</sup> day of April, 1993.

[Signature]  
Notary Public for Idaho  
Residing at: [Signature]  
My Commission Expires: 9.20.94

(Over)

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 28 day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Owner name: Clear Springs Foods, Inc.

Owner's address: P. O. Box 712

Buhl, Idaho 83316

3. One copy to:

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, Box 33  
Boise, ID 83724

  
\_\_\_\_\_  
Signature of Objector or attorney  
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

Box 1 - See Paragraph 1, page 2, and Exhibit "A" for correct name and/or address.

Box 7 - The quantity of use for fish propagation should be the full 10 cfs, not the recommended 8 cfs for this purpose because the water from the 2 cfs for industrial has always been used for fish propagation before it is used in the industrial plant.

Box 11 - "Facility Volume" is not an element of the water right. There is no basis in law or fact for imposing such a limitations and doing so constitutes a taking.

CHANGES TO DIRECTOR'S REPORT, page 4

The report should be changed to correct the name and to eliminate the restrictions noted in the "Reasons Supporting Each Box Checked."

Objectors reserve the right to claim any additional uses and quantities of use shown by the evidence at trial.

Question 14., page 4, Other

I.

GENERAL RESPONSE

Except as specifically admitted herein, objectors deny each and every allegation contained in the Director's Report, any related or subsidiary pleadings, and/or any attachments thereto.

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

The objectors admit that Part I of the Director's recommendation contains some claims to water rights appropriated under state law from Reporting Area 3. The objectors deny all other averments because the objectors lack sufficient knowledge or information upon which to form a belief as to the truth of the averments.

III.

TABLE OF CONTENTS

(DRP-I at 2nd and 3rd unnumbered pages)

The objectors admit that the Table of Contents reflects the page numbers of the referenced sections and deny all other averments based upon the objectors' lack of sufficient knowledge or information upon which to form a belief as to the truth of the averments and because any averment, expressed or implied, is so

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indefinite that it prevents the objectors from knowing what would be admitted or denied.

#### IV.

##### INTRODUCTION

##### 1. INSTRUCTIONS FOR USING THIS REPORT PART I. (DRP-I at page 1)

The objectors admit that Part I consists of seven sections; that the description of the water system includes a brief description of Reporting Area 3 and an illustration of the boundaries of the reporting area; that the water rights and the list of the recommended rights are grouped alphabetically by source and listed chronologically by priority date; that the rights or claims in the list of claims/rights not recommended are listed numerically by water right number; and that brief instructions are found at the beginning of the applicable sections. The objectors deny that any description or any implication that the description of the water system or the illustrations are true and accurate due to lack of knowledge or information regarding the truth of the averment; deny that the general provisions apply to all water rights or define or limit classes of water rights; and deny that the general provisions "will affect your water right," based upon insufficient knowledge or information upon which to form a belief as to the truth of the averments.

##### 2. SCOPE OF THE ADJUDICATION. (DRP-I at page 1 - 3)

The objectors deny all averments in paragraph a., due to lack of sufficient knowledge or information upon which to form a belief as to the truth of the averments.

Regarding paragraph b., the objectors lack sufficient information or knowledge upon which to form a belief as to whether water rights which are not claimed in the adjudication will or will not exist upon entry of the court's decree and, therefore, deny such averment. The objectors admit that the court entered an order dated January 17, 1989, but presently lack sufficient knowledge to know whether any of the other averments concerning the court's order are true or accurate and, therefore, deny the same. The objectors deny that a right must be adjudicated before water may be distributed by the director. The objectors deny all other averments in paragraph b.

**3. PURPOSE OF THIS REPORT PART I. (DRP-I at page 3 - 4)**

The objectors admit that portion of the first sentence which states "This report contains the Director's recommendations to the SRBA District Court as to the nature and extent of water rights," but deny that such recommendations "are necessary for administration of water rights in Reporting Area 3," and further deny the Director has authority to "administer" such rights.

Regarding the second paragraph, the objectors admit that all water rights remain subject to the applicable law generally, but deny the remainder of the second paragraph.

Regarding the third paragraph of this section, the objectors deny all averments therein based upon lack of knowledge or information upon which to form a belief as to the truthfulness of the averments.

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V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

1. BOUNDARIES OF BASIN. (DRP-I at pages 4 - 6)

Regarding the first paragraph of this section, the objectors deny all averments due to a lack of knowledge or information upon which to admit or deny.

Regarding the second, third and fourth paragraphs of this section, the objectors admit that as broad statements, those paragraphs are generally accurate but the statements are so broad and attenuated from any matter relevant to the objectors' water right that the objectors are unable to know what would be implicitly admitted or denied and therefore, deny the same.

With respect to the fifth paragraph of this section, the objectors lack sufficient knowledge or information upon which to form a belief as to the truth of any matter averred and, therefore, deny the averments.

2. WATER SOURCES. (DRP-I at page 6)

The objectors admit that the Snake River Plain Aquifer is the source of outflows of springs located along the Snake River Canyon Wall in the Hagerman Valley. The objectors presently lack sufficient knowledge or information upon which to form an opinion as to the truth of the other averments set out in this section and, therefore, deny the same.

3. DEVELOPMENT OF WATER USE. (DRP-I at pages 6 - 9)

The objectors admit that numerous factual and historical averments are set out in this section, which may be accurate, but

these objectors have no basis for knowing whether some or all of the averments are intended to relate to the objectors' claims and, thus, are prevented from knowing what would be admitted or denied. Therefore, the averments are denied.

VI.

GENERAL PROVISIONS

GENERAL PROVISIONS 1 - 8 APPLY TO ALL WATER RIGHTS IN BASIN 36.  
(DRP-I at page 9)

The objectors deny that "General Provisions 1 - 8" apply to all water rights in Basin 36 as the statements are so broad and attenuated from any matter relevant to the objectors' water rights, that the objectors are unable to know what would be explicitly admitted or denied. The objectors also specifically deny that general provisions 1-8 apply to the objectors' right.

1. EFFECT OF ADJUDICATION. (DRP-I at page 9)

With respect to paragraph a., the objectors presently have no knowledge or information upon which to form a belief as to the truth of whether a future decree would supersede prior decrees, or whether unclaimed rights would cease to exist and, therefore, deny the same.

Regarding paragraph b., the objectors deny that the Director has any powers to administer water rights other than those specifically delegated by the Legislature of the State of Idaho, and which do not violate the objectors' state and federal constitutional rights, and therefore the averments are denied.

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**2. GENERAL ADMINISTRATIVE PROVISIONS. (DRP-I at pages 9 - 10)**

The objectors admit paragraphs a. and b.

**3. CONJUNCTIVE ADMINISTRATION (DRP-I at page 10)**

The objectors deny the conjunctive administration provisions based upon the objectors' lack of sufficient knowledge or information upon which to form a belief as to the truth of the averments and because any averment expressed or implied is so indefinite that it prevents the objectors from fairly understanding what would be admitted or denied. Additionally, the objectors deny that the Department of Water Resources has any statutory or regulatory authority for the "conjunctive administration" as therein described.

**4. ADMINISTRATION OF GROUND WATER RIGHTS (DRP-I at page 10)**

The objectors deny the averments within this section.

**5. ADMINISTRATION OF BASIN 36 RELATIVE TO THE SNAKE RIVER (DRP-I at page 10)**

The objectors admit that the springs are hydrologically interconnected with the Snake River Aquifer, but deny all other averments based upon the objectors' lack of sufficient information or knowledge upon which to form a belief as to the averments herein. The objectors additionally deny any said averments expressed or implied because the averments are so indefinite and generalized as to prevent the objectors from fairly understanding what would be admitted or denied.

**6. ADMINISTRATION OF SMALL DOMESTIC AND STOCK WATER RIGHTS (DRP-I at page 11)**

The objectors admit that part of the first sentence of subparagraph a. to the effect that "small domestic and stock water rights from surface water are not subject to administration," but deny the balance of said sentence and said paragraph.

The objectors admit the first sentence of paragraph b., and deny the balance of that paragraph because the criteria set forth therein ("if the director determines that administration is necessary") is so ambiguous, indefinite and uncertain that it prevents the objectors from knowing what would be admitted or denied, and by further reason of the fact that no statutory or regulatory authority exists conferring such sweeping and unlimited authority upon the Director or the Department.

The objectors deny the averments in paragraph c. as the averments are inaccurate and because the objectors lack sufficient knowledge or information upon which to form a belief as to the truth of the matters averred.

**7. MEASURING DEVICES AND CONTROL WORKS (DRP-I at page 11)**

The objectors deny all averments contained herein as such averments are based upon an indeterminate subjective standards which are so ambiguous and indefinite as to prevent the objectors from fairly knowing what would be admitted or denied. Additionally, no statutory or regulatory authority exists conferring such sweeping and unlimited authority upon the Director or the Department as is alleged in this paragraph.

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**8. FIRE FIGHTING PURPOSES (DRP-I at page 11)**

The objectors admit that subparagraph a. and subparagraph b. are generally accurate statements of present law, but deny the averments are in any way relevant to defining the objectors' right.

**9. CONSUMPTIVE USE (DRP-I at page 12)**

The objectors admit the averments in this section.

**GENERAL PROVISION 10 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH DOMESTIC USE AS A PURPOSE OF USE (DRP-I at page 12)**

The objectors deny that "General Provision 10" applies to all water rights in Basin 36 shown with domestic use as a purpose of use as the statements are so broad and attenuated from any matter relevant to the objectors' water rights, that the objectors are unable to fairly understand what would be explicitly admitted or denied and, therefore, deny the same.

**10. DOMESTIC USE (DRP-I at page 12)**

The objectors deny that the definition of "domestic use" contained in paragraphs a., b., and c. is consistent or in conformity with the definition of such term for purposes of the Idaho Constitution, or statutory definition contained in I.C. Section 42-111 as now, or as heretofore in effect at relevant times. The objectors further deny that the limitations set forth therein exist, are in force, or apply or serve in any way to limit objectors' rights.

**GENERAL PROVISION 11 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH STOCK WATER USE AS A PURPOSE OF USE. (DRP-I at page 13)**

The objectors deny that "General Provision 11" applies to all water rights in Basin 36 shown with stock water use as a purpose of use as the statements are so broad and attenuated from any matter relevant to the objectors' water right, that the objectors are unable to fairly understand what would be admitted or denied and, therefore, deny the same.

**11. STOCK WATER USE (DRP-I at page 13)**

The objectors deny the averments herein as beyond the scope and applicability of the definition as provided by Idaho law as now, or as heretofore in effect at relevant times. The objectors further deny that the limitations set forth therein limit the objectors' right or are relevant to the right.

**GENERAL PROVISIONS 12 - 16 APPLY TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH IRRIGATION AS A PURPOSE OF USE (DRP-I at page 13)**

The objectors deny that "General Provisions 12 - 16" apply to all water rights in Basin 36 shown with irrigation as a purpose of use as the statements are so broad and attenuated from any matter relevant to the objectors' water right that the objectors are unable to fairly understand what would be admitted or denied.

**12. IRRIGATION USE. (DRP-I at pages 13 - 14)**

The objectors deny all averments based upon the objectors' lack of sufficient knowledge or information upon which to form a belief as to the truth of the averments and because

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averments expressed and implied are so indefinite and vague as to prevent the objectors from fairly knowing what would be admitted or denied; because the standard utilized ("as determined by the director") is ambiguous, subjective and indefinite so as to prevent objectors from knowing what would be admitted or denied; and because it is both expressly and implicitly in excess of the power and authority conferred upon the State of Idaho, the Director or the Department by the Constitutions of the United States and State of Idaho, pertinent provisions of the Idaho Code or valid applicable regulations, if any, adopted by the Department in conformity with law. Therefore, the objectors deny the same.

**13. DIVERSION VOLUME FOR IRRIGATION. (DRP-I at page 14)**

The objectors admit that Figure 1 generally depicts certain lands in Basin 36; however, the objectors deny all other averments as they are so attenuated from any matter relevant to the objector's right.

**14. CONSUMPTIVE USE FOR IRRIGATION. (DRP-I at page 14 and 15)**

The objectors admit that the recommended water rights contained within the Director's Report show only the irrigation use listed unless otherwise indicated in "Remarks." The objectors deny all other averments contained within this section, because the averments are so attenuated from any matter relevant to the objector's rights.

**15. AMOUNT OF COMBINED WATER RIGHTS FOR IRRIGATION. (DRP-I at page 15)**

The specific averments have no relationship to or basis in fact relating to the individual needs or rights of the objectors, and accordingly, objectors deny this section in its entirety. In addition, no statutory or regulatory authority exists conferring upon the Director, or the Department, the power to limit use and ownership of objectors' private property rights as alleged.

**16. DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE. (DRP-I at page 15 - 16)**

The objectors deny the averments contained in this section in its entirety.

**17. INSTRUCTIONS FOR USE OF LIST OF RECOMMENDED WATER RIGHTS. (DRP-I at page A-i, A-ii and A-iii)**

The objectors admit that each water right in the list of recommended water rights includes a description including right number, name and address, source, maximum quantity, consumptive use, priority date, point of diversion, purpose of use, period of use, place of use, basis of right and others. The objectors lack sufficient knowledge or information upon which to form a belief as to the truth of any matter averred in said descriptions other than that the descriptions allegedly include the Director's or Department's version of the facts as they relate to the matters identified. Objectors deny the accuracy of the substantive allegations or information set forth with regard to the objectors' right.

18. IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW. (DRP-I, pages A-1 - B-25)

The objectors lack sufficient knowledge or information upon which to form a belief as to the truth of any matter averred in said recommended water rights other than those specific admissions contained in Questions 1 - 12 of the attached individual objection, and therefore deny the same.

DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36)

(DIRECTOR'S REPORT PART II)

I.

Objectors do not understand the allegations, averments or contents of Part II of the Director's Report for Reporting Area 3 (Basin 36) to pertain or relate to objectors or their claims, and do not believe any response is required. To the extent a response is required, objectors deny the same in its entirety.

DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36)

(DIRECTOR'S REPORT PART III)

I.

No report denominated as Part III of the Director's Report for Reporting Area 3 (Basin 36) has been filed, and accordingly objectors are unable to admit, deny or otherwise response to the same. Objectors do not understand that the contemplated subject matter of such Part III will relate or pertain to objectors or their claims, and no response is required in any case. To the extent any response is required, objectors deny the same in its entirety.

VIII.

AFFIRMATIVE DEFENSES

Pursuant to I.R.C.P. 8(c), objectors herewith state the following matters of affirmative defense or avoidance:

AFFIRMATIVE DEFENSE NO. 1

The objectors' water right is an incorporeal form of real property (as defined by Idaho Code Sections 7-703, 73-114, 55-101, and like statutes) protected by Section 14, Article 1, of the Idaho Constitution, and the Fifth Amendment to the United States Constitution, and allege that the actions of the Director in recommending, limiting and/or regulating said rights is an unconstitutional infringement upon and a taking of private property, without just compensation and violation thereof.

AFFIRMATIVE DEFENSE NO. 2

The adjudication authorization legislation, I.C. Section 42-1401, et seq., on its face and as applied by the Director and the Department constitutes an improper delegation of constitutional power and authority conferred upon the executive, legislative and/or judicial branches of government and as such violate the provisions governing separation of powers set forth in Article 2, Section 1, Idaho Constitution.

AFFIRMATIVE DEFENSE NO. 3

The procedure set forth in the adjudication authorization legislation, statutes, I.C. Section 42-1401, et seq., and any rules, regulations, procedures, policies or standards promulgated by the Director and/or the Department, if any, are vague and so

lacking in reasonable specificity so as to render them impossible of reasonable comprehension, or consistent and meaningful application.

AFFIRMATIVE DEFENSE NO. 4

The procedures, rules, regulations, policies or standards, if any, adopted, implemented and applied by the Department and/or the Director violate the equal protection and due process clauses of the Fourteenth Amendment, United States Constitution, and Article 1, Sections 2 and 13, Idaho Constitution.

AFFIRMATIVE DEFENSE NO. 5

The adjudication authorization legislation, Idaho Code Section 42-1401, et seq., and the actions of the Director and Department in recommending, limiting and/or regulating the objectors' water right constitutes a violation of 42 U.S.C. Section 1983.

AFFIRMATIVE DEFENSE NO. 6

The water right owned by the objectors is the subject of valid existing license issued by the Director and Department, which license is binding upon the State of Idaho, the Department and the Director. As a result, the State of Idaho, the Department and the Director are precluded by the doctrines of res judicata, collateral estoppel, judicial estoppel and the like from relitigating or questioning the validity, existence or priority of such right, and/or from taking any position in the Director's Report, or otherwise, which is inconsistent with such license.

AFFIRMATIVE DEFENSE NO. 7

The Director's recommendations are contrary to decreed rights, historical use and extent licenses and permits issued by the Department. There has been no forfeiture nor abandonment of the objectors' water rights, nor have the objectors' water rights been prescriptively or adversely possessed, nor have such decrees been vacated or such licenses and permits revoked.

AFFIRMATIVE DEFENSE NO. 8

The Directors' Report fails to state a claim to the extent the same asserts a forfeiture, abandonment, prescriptive or adverse acquisition or loss, or loss resulting from estoppel, of the objectors' water right in the absence of any fact upon which forfeiture, abandonment, prescriptive or adverse acquisition for loss, or loss resulting from estoppel, may be based or asserted.

AFFIRMATIVE DEFENSE NO. 9

The objectors' water right is an incorporeal form of real property, as defined by Idaho Code Sections 7-703, 73-114, 55-101, and like statutes, and, as such, pursuant to Idaho Code Section 7-904, et. seq., the actions of the Director in attempting to limit, reduce and/or regulate such rights, and the assertion of some inconsistent proprietary ownership or right to use or control by the State of Idaho, constitutes an unauthorized and invalid taking of private property without the payment of just compensation, or compliance with statutory requirements, all in violation of Title 7, Chapter 7, Idaho Code.

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AFFIRMATIVE DEFENSE NO. 10

The actions of the Director, the Department and their agents, servants and employees in recommending, limiting, reducing and/or regulating objector's water rights, either as alleged in the Director's Report or as in fact applied, violates objectors' rights as secured by Art. 1, Section 1; Art. 15, Sections 3, 4 and/or 5; and/or as otherwise provided in the Constitution of the State of Idaho.

AFFIRMATIVE DEFENSE NO. 11

The various allegations, statements and assertions contained in the Director's Report concerning the Department and/or the Director's position or intentions with regard to the adjudication, as well as the implementation of statutes and/or regulations, as well as the administration of water or management of water rights or claims to the beneficial uses of water, if implemented, constitute a violation of various provisions the United States and Idaho constitutions, and/or a violation of the letter, spirit and/or intent of various statutes enacted by the legislature, and/or constitute an exercise of purported authority or powers either in excess of those conferred by law, or in a manner inconsistent with those conferred by law, or both.

AFFIRMATIVE DEFENSE NO. 12

The individual recommendations relating to the specific water right of the objectors as set forth in the Director's Report are (1) not based upon substantial evidence and/or are not, in fact, the product of any reasonable, complete or accurate

investigation as required by law; (2) are the product of arbitrary and capricious action on the part of the Department or the Director; (3) have been made in excess of the constitutional and statutory authority of the Department and the Director; (4) have been made upon an unlawful and invalid procedure; (5) are affected by various and sundry errors of law; and/or (6) are clearly erroneous in view of the reliable, probative and substantial evidence.

AFFIRMATIVE DEFENSE NO. 13

The Director's Report is a pleading subject to the provisions of the Idaho Rules of Civil Procedure, including, but not limited to the requirement of I.R.C.P. 8(a)(1) that such pleadings contain a clear and plain statement of the facts, demonstrating an entitlement to relief. The Director's Report violates such provision.

AFFIRMATIVE DEFENSE NO. 14

The Director's Report fails to state a claim upon which relief may be granted.

AFFIRMATIVE DEFENSE NO. 15

The Director's Report is subject to, and must comply with, the requirements of Idaho Code Section 42-1411. The Director's Report does not comply with the requirements of the statute.

AFFIRMATIVE DEFENSE NO. 16

In conducting the investigation and compiling the Director's Report, the Department and the Director have not complied with the requirements of Idaho Code Section 42-1410.

AFFIRMATIVE DEFENSE NO. 17

In conducting the investigation and compiling the Director's Report, the Department and the Director have not complied with the requirements of Idaho Code Section 42-1416.

AFFIRMATIVE DEFENSE NO. 18

The procedures specified in the authorizing legislation and procedural rules promulgated in accordance therewith serve to deny objectors due process of law in violation of Amendment Fourteen to the Constitution of the United States and Art. 1, Section 13, Idaho Constitution.

AFFIRMATIVE DEFENSE NO. 19

The "General Provisions" and "Other Statements" contained in the Director's Report, along with the Claims Investigation Manual, Adjudication Memoranda and other materials of a similar nature used or employed by the Department, the Director and/or their agents, servants and/or employees constitute rules and regulations which were required to be proposed, promulgated, adopted and approved in conformity with the Administrative Procedures Act and other applicable statutory provisions. The Department, Director and their agents, servants and employees have failed to comply with such requirements, and accordingly, the

"General Provisions," "Other Statements", Claims Investigation Manual and the like are invalid, void and of no force or effect.

AFFIRMATIVE DEFENSE NO. 20

Neither the "General Conditions," the Claims Adjudication Manual, Adjudication Memoranda or other promulgations, adoptions, policies, or the like have been submitted to or approved by the Legislature as required by Idaho Code Section 67-5217.

AFFIRMATIVE DEFENSE NO. 21

The relief requested by the Department and the Director in the Director's Report are beyond and in excess of the subject matter jurisdiction of the Court.

AFFIRMATIVE DEFENSE NO. 22

The actions of the Legislature, or the Department and the Director to enact, adopt, implement or enforce statutes, regulations, rules or policies subsequent to November 19, 1987, and to apply or enforce the same for the purpose of, or with the effect of recommending, diminishing or altering objectors' water rights, constitute a violation of Amendment Fourteen, United States Constitution; Art. 1, Section 13, Idaho Constitution; the SRBA authorization legislation; and Idaho Code Sections 73-101 and 73-106.

AFFIRMATIVE DEFENSE NO. 23

These proceedings are subject to the requirements and provisions of Idaho Code Sections 12-117, 12-121, 12-123 and I.R.C.P. 11, and the provisions of the private attorney general doctrine, and other related doctrines, and the Department, Director

and State of Idaho are obligated to objectors for the payment and reimbursement of any and all reasonable costs or attorney fees incurred herein.

AFFIRMATIVE DEFENSE NO. 24

The Director's Report asserts what amounts to be a taking of private property by power of eminent domain as governed by Idaho Code Section 7-701 et seq., and as such, venue is therefore improper.

AFFIRMATIVE DEFENSE NO. 25

The Department and the Director are equitably estopped from seeking any reduction in the quantity, quality or priority of objectors' water rights by virtue of prior statements, representations and actions of the Department, Director or their agents, servants and employees.

AFFIRMATIVE DEFENSE NO. 26

The Department and the Director are barred by laches and the applicable statutes of limitation, including, but not limited to, Idaho Code Sections 5-202, 5-203, 5-204, 5-206, 5-207, 5-208, 5-215, 5-218, 5-219(2), 5-224 and/or 5-241.

AFFIRMATIVE DEFENSE NO. 27

Objectors hereby reserve the right to assert any further affirmative defenses not expressly stated herein, but which subsequently become apparent.

WHEREFORE, the objectors pray for judgment as follows:

1. That the State of Idaho take nothing by reason of its Directors' Report, and that this action, and any claims

asserted against objectors, be dismissed.

2. That a decree be entered adjudicating the existence, validity, amount and priority of objectors' water rights in accordance with objectors' claims.

3. That to the extent the acts of the Department or Director constitute a taking of objectors' property for public use, that objectors be allowed and awarded just compensation therefor.

4. That the objectors be allowed all costs of suit and reasonable attorney fees incurred herein.

5. For such further relief to which the Court finds objectors justly entitled.

(WATER\FISH)

RECEIPT  
For Monies Paid  
to the  
IDAHO DEPARTMENT OF WATER RESOURCES

- 07201

Receipt No: S015470

Date: 3/ 9/1993  
Time: 10:40:39

Received  
From: CLEAR SPRINGS FOODS

| Type of Payment  | Program Acct Class | Amount |
|------------------|--------------------|--------|
| COPIES/ADJ FILES | 64100 229 21 1760  | 57.36  |

Total

|       |        |         |
|-------|--------|---------|
| CHECK | 191650 | \$57.36 |
|-------|--------|---------|

Region: SOUTHERN

Signature:

*Janie Robertson*

MICROFILMED

OCT 19 1994

# State of Idaho

## DEPARTMENT OF WATER RESOURCES

**Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033**

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

01-Mar-1993

TIM HANIFEN  
CLEAR SPRINGS FOODS INC  
PO BOX 712  
BUHL ID 83316

RE: Copy of SRBA File(s): 36-02048, 36-02703, 36-02708, 36-04013ABC,  
36-07040, 36-07083, 36-07148, 36-07151,  
36-07201, 36-07218, 36-07568

Dear Mr. Hanifen:

Please find enclosed the copies of documents you recently requested contained in the above referenced SRBA file(s) as of this date. Please note that copies of orthophoto quad maps or NAPP photography or aerial slides which may have been used in the review of your claim(s) have not been included since they are not easily reproduced. These items are however available for your review at our office. Please also note that in some situations some water rights may have other associated files which contain privileged information between IDWR staff and our legal council which has not been copied.

Please remit the following for the cost of the copies and postage:

\$57.36

Sincerely,

Jeanie Robertson  
Records Clerk

Encl:

Clear Spring Pool

78  
59  
74  
90  
69  
69  
62  
64  
123  
56  
56  
57  
63  
920 x 5 =

46.00  
10.90  
46

post.  
amt.

57.36

MICROE

**MICROFILMED**

OCT 19 1994



**CLEAR  
SPRINGS  
FOODS™**

JEANNIE

!!  
Have Fun  
w/ These  
sc

**CLEAR SPRINGS FOODS, INC.**  
Corporate Office P.O. Box 712, Buhl, Idaho 83316

Phone 208 543-4316  
Sales 800 635-8211  
Fax 208 543-5608

February 15, 1993

Mr. Steve Clelland, Water Agent  
Adjudication Bureau  
**DEPARTMENT of WATER RESOURCES**  
222 Shoshone St. East  
Twin Falls, Idaho 83301

**RECEIVED**

FEB 17 1993

Department of Water Resources  
Southern Region Office

Re: Clear Springs Foods Water Filings

Dear Steve:

I am writing to request complete copies of the Clear Springs, Basin 36 water right files listed below.

|           |            |           |
|-----------|------------|-----------|
| 36-02048  | 36-07218   | A36-07148 |
| 36-02703  | 36-07568   | A36-07151 |
| 36-02708  | 36-07151   | A36-07201 |
| 36-04013A | 36-07201   | A36-07218 |
| 36-04013B | A36-02708  | A36-07568 |
| 36-04013C | A36-04013A | A36-07040 |
| 36-07040  | A36-04013B | A36-07083 |
| 36-07083  | A36-04013C | A36-02048 |
| 36-07148  | A36-02703  |           |

Please have the files copied and mailed to my attention at the letterhead address. The cost of reproducing and mailing these files should also be billed to my attention.

Thank you for your attention to this matter.

Sincerely,

**CLEAR SPRINGS FOODS, INC.**

  
Tim Hanifen  
Vice President, Operations

**MICROFILMED**

**OCT 19 1994**



State of Idaho

# DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

January 5, 1993

RECEIVED

JAN 08 1993

Department of Water Resources  
Southern Region Office

Patrick D. Brown  
Hepworth, Nungester and Lezamiz Chtd.  
P.O. Box 389  
Twin Falls, ID 83303-0389

Re: Snake River Basin Adjudication, Twin Falls County Case No. 39576

Dear Mr. Brown:

In response to your request in your letter dated December 29, 1992, I am writing to confirm that our records have been updated to reflect Clear Springs Trout Company's name change to Clear Springs Foods, Inc.

The records for the following claim numbers have been updated to reflect this change:

|           |            |           |
|-----------|------------|-----------|
| 36-02048  | 36-07218   | A36-07148 |
| 36-02703  | 36-07568   | A36-07151 |
| 36-02708  | A36-02048  | A36-07201 |
| 36-04013A | A36-02703  | A36-07218 |
| 36-04013B | A36-02708  | A36-07568 |
| 36-04013C | A36-04013A | A47-13466 |
| 36-07040  | A36-04013B | A47-13467 |
| 36-07083  | A36-04013C | A47-13468 |
| 36-07148  | A36-07040  | A47-13469 |
| 36-07151  | A36-07083  | A47-13470 |
| 36-07201  |            |           |

Thank you for sending a copy of the Certificate of Amendment of Clear Springs Trout Company filed with the Secretary of State. If you have any further questions regarding this matter, please call me at 327-5444.

Sincerely,

*Jodi I. Schultz*  
JODI I. SCHULTZ

Legal Assistant

Idaho Department of Water Resources

MICROFILMED

OCT 19 1994

cc: Judy Givens, IDWR Southern Region Office

A



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

October 2, 1992

Timothy J. Hanifen  
Clear Springs Trout Company  
P.O. Box 712  
Buhl, Idaho 83316

RE: Response to Notices of Error in Snake River Basin  
Adjudication for Rights: 36-02048, 36-02703, 36-02708,  
36-04013A, 36-04013B, 36-04013C, 36-07040, 36-07083,  
36-07148, 36-07218, & 36-07568

Dear Mr. Hanifen:

This letter is in response to the remaining Notices of Error you submitted on your claims in Basin 36. The following will outline our recommendations per item..

Diversion Volume

Claim numbers: 36-07148 & 36-07040

The diversion volumes which were included on both of these rights are being removed from the recommendations. Both of the diversion volumes were added to the rights in error. Diversion volume is not a necessary element of a water right if the source of the water is surface water.

Claim number: 36-02708

The diversion volume is not being removed from this recommendation. This right is based on a license for which a diversion volume was described. Since a diversion volume was included in the original license, it may not be removed at this time.

Facility Volume

Claim numbers: 36-02048, 36-02703, 36-02708, 36-04013A, 36-04013B, 36-04013C, 36-07040, 36-07083, 36-07148, 36-07218, & 36-07568

Based on our understanding of the law, the facility volume associated with the priority date of a water right is an essential element of that right. Any expansion of the facility volume would require the appropriation of a new water right. We have used all available information in an attempt to recommend a facility volume which correctly describes the volume for the date pertaining to each right.

MICROFILMED  
OCT 19 1992  
EXHIBIT B

Diversion Rate

Claim numbers: 36-02048, 36-02703, 36-04013A, 36-04013B, & 36-04013C

The combined diversion rate for these rights was recommended as 116.0 cfs because the highest record of flow rate which you supplied for your Snake River Hatchery was 116.0 cfs. The 1.67 cfs licensed under 36-07148 flows into one of the pipes leading to the hatchery before the measuring device measures the flow through that pipe. Because of this, that 1.67 cfs then becomes a part of the flow for which you have submitted records. Unless evidence of greater flow rates is submitted to us by October 16, 1992, the recommendation will remain the same.

You will be sent notice of the Director's final recommendation to the court and if you disagree with this final recommendation, you may file an objection with the court. The objection process will be explained when you receive your final recommendation.

Sincerely,

*Marci Sterling*

Marci Sterling  
Engineering Specialist (EIT)

MICROFILMED  
MICROFILMED  
JAN 28 1993  
OCT 19 1994



State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000  
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

December 16, 1992

RECEIVED

DEC 18 1992

Department of Water Resources  
Southern Region Office

Patrick D. Brown  
Hepworth, Nungester, Lezamiz, Chtd.  
P.O. Box 389  
Twin Falls, ID 83303-0389

Re: Snake River Basin Adjudication, Twin Falls County Case No. 39576

Dear Mr. Brown:

We received your Notice of Appearance on behalf of Clear Springs Foods, Inc. The records for the following claim numbers have been updated to reflect this change:

|           |            |           |
|-----------|------------|-----------|
| 36-02048  | 36-07218   | A36-07148 |
| 36-02703  | 36-07568   | A36-07151 |
| 36-02708  | A36-02048  | A36-07201 |
| 36-04013A | A36-02703  | A36-07218 |
| 36-04013B | A36-02708  | A36-07568 |
| 36-04013C | A36-04013A | A47-13466 |
| 36-07040  | A36-04013B | A47-13467 |
| 36-07083  | A36-04013C | A47-13468 |
| 36-07148  | A36-07040  | A47-13469 |
| 36-07151  | A36-07083  | A47-13470 |
| 36-07201  |            |           |

The Notice of Appearance indicates that the ownership of the above claims has been changed from Clear Springs Trout Co. to Clear Springs Foods, Inc. However, we have not received the required Notice of Change of Water Right Ownership form. Without authorization from Clear Springs Trout Co. or written proof of the change of ownership (a Deed copy to confirm the reconveyance and legal description), we are not able to change the claimant's name on the claims filed by Clear Springs Trout Co.

Please complete the enclosed Notice of Change of Water Right Ownership form (one form may be used for all of the claims) and return it to our Southern Region office at 222 Shoshone St. East, Twin Falls, ID 83301.

MICROFILMED

FEB 03 1993

MEMORANDUM

To: Judy Givens

From: Helen Harrington-Thornton  
Marci Sterling

Date: February 21, 1992

Subject: Incorrect Entry of Attorney/Notice of Appearance

=====

We are currently in active review of the following SRBA claims filed by Clear Springs Trout Co. These claims identify William Ringert as the attorney acting for the claimant. Upon contacting Mr. Ringert, we discovered that he is not, nor has he ever been, the attorney for Clear Springs Trout Co. We have not been able to locate any reason for Mr. Ringert to have been entered as attorney. We have spoken with Anna Baumhoff, and Jeannie Robertson has checked the original claim files and no documentation has been uncovered. Please, therefore, remove Mr. Ringert from the following claims and attach a copy of this memo to each file for explanation if future questions arise.

|           |            |            |            |
|-----------|------------|------------|------------|
| A36-02048 | A36-02703  | A36-02708  | A36-02734  |
| A36-04011 | A36-04013A | A36-04013B | A36-04013C |
| A36-04014 | A36-07040  | A36-07083  | A36-07148  |
| A36-07151 | A36-07201  | A36-07218  | A36-07568  |

The only suspected reason for Mr. Ringert on these claims is due to his acting as attorney for Clear Lakes Trout Co. and that he was erroneously entered on Clear Springs claims.

The claims listed above are those being acted on in the Boise office. You may wish to check other claims/files in order to determine if Mr. Ringert is identified on other claims in error.

cc: Anna Baumhoff

MICROFILMED

FEB 03 1993

**R PROOF**



**CVR**



**MAPS**



**PHOTOS**



**MISC**



**UNFILMED**

**FEB 03 1993**

| RIGHT<br>NUMBER | NAME & ADDRESS                                                            | PRIORITY<br>DATE | WATER USE                      | USE PERIOD<br>FROM TO      | MAXIMUM<br>DIVERSION    | STAGE     |
|-----------------|---------------------------------------------------------------------------|------------------|--------------------------------|----------------------------|-------------------------|-----------|
| 36-07201        | THE PROSPECT CO<br>CLEAR SPRINGS FOODS INC<br>PO BOX 712<br>BUHL ID 83316 | 08/04/1971       | INDUSTRIAL<br>FISH PROPAGATION | 01-01 12-31<br>01-01 12-31 | 2.00 CFS<br>8.00 CFS    | LICENSE   |
|                 |                                                                           |                  |                                |                            | TOTAL DIVERSION RATE:   | 10.00 CFS |
|                 |                                                                           |                  |                                |                            | TOTAL DIVERSION VOLUME: | 0.00 AFA  |

SOURCE: SPRINGS

TRIBUTARY: CLEAR LAKES

POINT OF DIVERSION:

T09S R14E S02 SWSWNE  
NWNWSE

PLACE OF USE: INDUSTRIAL

T09S R14E S02 NWSE

PLACE OF USE: FISH PROPAGATION

T09S R14E S02 NWSE

CONDITIONS OF APPROVAL:

REMARKS: FACILITY VOLUME 5652 CU. FT.

OTHER RIGHTS:

MICROFILMED

FEB 03 1993

FEB 03 1993

MICROFILMED

VERIFIED  
7/2 6/17/92

Water Right Number - R36-07201

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
CLEAR SPRINGS TROUT CO

1 - PO BOX 712

2 -

3 -

City- BUHL

State- ID Zip- 83316

Phone - 208-543-4316

PROSPECT CO

THE

1 - PO BOX 712

2 -

3 -

City- BUHL

State- ID Zip- 83316

Phone - 208-543-4316

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +  
08/04/1971 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
SPRINGS CLEAR LAKES+ - - - - - Point of Diversion - - - - - +  
TwN Rng Sec Tract Lot RFlg County  
09S 14E 2 SW SW NE (47) GOODING  
NW NW SE (47) GOODING+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
07 - INDUSTRIAL 01/01 12/31 2.000  
19 - FISH PROPAGATION 01/01 12/31 8.000+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +  
10.000 0.0+ - - - - Place of Use - - - - - +  
TwN Rng Sec Tract Lot Acres Code Description County  
09S 14E 2 NW SE 07 INDUSTRIAL (47) GOODING  
09S 14E 2 NW SE 19 FISH PROPAGATION (47) GOODING

Total Acres:

+ - - Diversion Means - CHECK DAM, CONCRETE DITCH TO RACEWAYS &amp; PROCESSING PLANT

+ - - Non-Irrigation Use - INDUSTRIAL, FISH PROCESSING PLANT; FISH PROP., HOLDING PONDS

+ - - Other Rights for Same Use -

MICROFILMED

FEB 03 1993

Water right number - R36-07201

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +  
FACILITY VOLUME 5652 CU. FT.

+ - - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +      + - - - - Decree Defendant - - - +      + - Decree Date - +  
00/00/0000

+ - - - - - Comments - - - - - +

Date: 11/14/1991 User Id: STERLING Subject: COPIED FROM REMARKS  
2 P/D IN SWNE, S2, T9S, R14E. POND VOLUME IS 590,400 CU. FT.  
YEAR. WHEN THE PLANT IS OFF FOR CLEANING, ETC., THIS WATER GOES  
SYSTEM HAS RUN THIS WAY SINCE THE BEGINNING, SO THE LICENSE  
AS 2.0 CFS FOR INDUSTRIAL USE IN THE PROCESSING PLANT. ALMOST  
THERE IS VERY LITTLE CONSUMPTIVE USE OF WATER HERE. PRESSURE  
USE WHEN SPRING FLOW IS SHUT OFF DURING EVENING HOURS. SYSTEM HAS  
SHOULD HAVE BEEN COVERED BY THE LICENSE. INDUSTRIAL USE INCLUDES

THE 2 CFS RUNS THRU THE PROCESSING PLANT 16 HOURS PER DAY ALL  
INTO THE TWO LOWER SETS OF RACEWAYS FOR FISH PROPAGATION. THE  
SHOULD HAVE SHOWN THE FULL 10.0 CFS FOR FISH PROPAGATION AS WELL  
ALL OF THE 2.0 CFS GOES INTO CLEAR LAKES AFTER TREATMENT, SO  
TANKS IN THE PLANT PROVIDE OPERATING PRESSURE & SOME STORAGE FOR  
ALWAYS PROVIDED DOMESTIC USE FOR CARETAKER'S HOME, SO THIS USE  
RESTROOM FACILITIES IN PROCESSING PLANT.

Date: 11/15/1991 User Id: STERLING Subject: REASONS FOR RECOMMENDATION

THE ACTUAL POINT OF DIVERSION IS DIFFERENT THAN BOTH THE CLAIMED  
CHANGE OF THE P/D. THE ADDITIONAL 2 CFS FOR FISH PROPAGATION  
SINCE IT IS NOT A NEW USE. THE DOMESTIC USE CAN'T BE RECOMMENDED  
CLAIM. REQUESTING AN AMENDMENT ON THE DIVERSION VOLUME-IT SEEMS  
\*\*\*\*\*  
NO DIVERSION VOLUME IS REQUIRED SINCE ONE IS NOT BEING CLAIMED &  
DOMESTIC CLAIM, BUT WILL DEFER THE DOMESTIC SINCE MR. HANIFEN  
\*\*\*\*\*  
OF ANOTHER P/D THAT IS STILL BEING USED AT THE FACILITY. BOTH OF  
BUT IT APPEARS THAT AT LEAST ONE OF THE P/DS ON THE LICENSE HAS  
DED. MS

& LICENSED P/DS, SO I AM REQUESTING SOME EVIDENCE OF THE DATE OF  
CANNOT BE RECOMMENDED-IT DOESN'T FALL UNDER THE 2ND PRESUMPTION  
EITHER, BUT CAN BE RECOMMENDED IF CLAIMED UNDER A BENEFICIAL USE  
TOO SMALL AS CLAIMED. 11/15/1991  
2/27/92 CLAIM WAS AMENDED REMOVING THE DIVERSION VOLUME OF 970.2.  
THE SOURCE IS SURFACE WATER. CLAIMANTS WILL NOT CHOOSE TO FILE A  
STATED THAT THE HOME HAS EXISTED SINCE 1966. MS  
5/27/92 DURING OUR VISIT TO CLEAR SPRINGS ON 5/20/92, I LEARNED  
THE P/DS BEING RECOMMENDED WERE INCLUDED ON THE ORIGINAL LICENSE,  
BEEN ABANDONED. ONLY THOSE CURRENTLY IN USE ARE BEING RECOMMEN-

+ - - Audit Fields - - +  
00/00/00

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 00/00/0000 | Field Inspection Made | - 06/18/1991 | Civil Case Number       | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date  | - 00/00/0000 | Verified Date         | - 00/00/0000 | Old Judicial District   | -       |
| Claim Received Date  | - 09/01/1988 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - S002014    | Water District          | -       |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | - AND/OR     | Presumption Flag        | -       |
|                      |              |                       |              | Notice of Error Flag    | -       |

MICROFILMED  
FEB 03 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

10:26:29  
05/27/92

PAGE: 15  
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-07201

| WR ELEMENT                | FIELD EXAM<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | VERIFIED BY<br>CODE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE | VERIFIED<br>DATE<br>WHOM/DATE |
|---------------------------|-------------------|-------------------------------------------------|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE             | N                 |                                                 | mp<br>6/18/92              | N                      |                     | mp<br>5/27/92                    | mp<br>11/14/91                       | mp<br>6/15/92                 |
| POINT OF DIV              | Y                 |                                                 |                            | Y                      | 1,4,5               |                                  |                                      |                               |
| SOURCE                    | Y                 |                                                 |                            | Y                      | 1,6                 |                                  |                                      |                               |
| PLACE OF USE              | Y                 |                                                 |                            | N                      |                     |                                  |                                      |                               |
| DIV. AMOUNT<br>CFS/VOLUME | Y                 |                                                 |                            | Y                      | 6                   |                                  |                                      |                               |
| CONSUMPTIVE USE           | -                 |                                                 |                            |                        |                     | mp<br>5/11/92                    |                                      |                               |
| PURPOSES                  | Y                 |                                                 |                            | Y                      | 6                   | mp<br>5/27/92                    |                                      |                               |
| PERIOD OF USE             | Y                 |                                                 |                            | N                      |                     |                                  |                                      |                               |
| BASIS OF CLAIM            |                   |                                                 |                            | N                      |                     |                                  |                                      |                               |
| REMARKS                   | Y                 |                                                 |                            | Y                      |                     |                                  |                                      |                               |

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1  
ASCS MAP = 2  
WATERMASTER RECORDS = 3  
NAPP PHOTOS = 4  
FIELD EXAM = 5  
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION  
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

MICROFILMED

FEB 03 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

10:26:29  
05/27/92

PAGE: 1  
GENERAL INFORMATION

CLAIM NUMBER: A36-07201

LAST: PROSPECT CO.  
ADDRESS: P.O. BOX 712  
CITY: BUHL  
PHONE NUMBER: 208-543-4316

FIRST: THE  
STATE: ID ZIP: 833160000

OWNER CODE: C

LAST: CLEAR SPRINGS TROUT CO.  
ADDRESS: P. O. BOX 712  
CITY: BUHL  
PHONE NUMBER: 208-543-4316

FIRST:  
STATE: ID ZIP: 83316

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE  
Y

FIELD  
EXAMINER  
Y

CLAIM REMARKS: 2 P/D IN SWNE, S2, T9S, R14E. POND VOLUME IS 590,400 CU. FT. THE 2 CFS RUNS THRU THE PROCESSING PLANT 16 HOURS PER DAY ALL YEAR. WHEN THE PLANT IS OFF FOR CLEANING, ETC., THIS WATER GOES INTO THE TWO LOWER SETS OF RACEWAYS FOR FISH PROPAGATION. THE SYSTEM HAS RUN THIS WAY SINCE THE BEGINNING, SO THE LICENSE SHOULD HAVE SHOWN THE FULL 10.0 CFS FOR FISH PROPAGATION AS WELL AS 2.0 CFS FOR INDUSTRIAL USE IN THE PROCESSING PLANT. ALMOST ALL OF THE 2.0 CFS GOES INTO CLEAR LAKES AFTER TREATMENT, SO THERE IS VERY LITTLE CONSUMPTIVE USE OF WATER HERE. PRESSURE TANKS IN THE PLANT PROVIDE OPERATING PRESSURE & SOME STORAGE FOR USE WHEN SPRING FLOW IS SHUT OFF DURING EVENING HOURS. SYSTEM HAS ALWAYS PROVIDED DOMESTIC USE FOR CARETAKER'S HOME, SO THIS USE SHOULD HAVE BEEN COVERED BY THE LICENSE. INDUSTRIAL USE INCLUDES RESTROOM FACILITIES IN PROCESSING PLANT.

Std. Remark : DOW  $\Rightarrow$  Volume =  $(3 \times 54'' \times 60' \times 3') + (71'' \times 60.5' \times 3' \times 3')$   
= 5652 ft<sup>3</sup>

Approval Condition: 003 PID has not changed, but not all the original PIDs are now being used.

MICROFILMED

FEB 03 1993

CONTACT PERSON: Tim Hanifen

PHONE NUMBER: (~~208~~) 543-4310

DATE OF FIELD EXAM: 6/18/91

APPOINTMENT MADE: Y(X) N(  )

TIME: 8:30 A(M) P(  )

ACCOMPANIED BY: Tim Hanifen

PHONE NUMBER: (  ) 543-4310

RELATIONSHIP TO CLAIMANT: Director of Operations

DIRECTIONS TO PROPERTY / REMARKS:

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---

---

---

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MICROFILMED

FEB 03 1993

A. AJ CLAIM: # A36-07201 PRIORITY DATE: 08-04-1971 STAGE: L

B. WR RECORD: # 36-07201 PRIORITY DATE: 08-04-1971 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE  
N

FIELD  
EXAMINER  
N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y( ) N(X)  
IF YES EXPLAIN.

REMARKS:

=====

RECOMMENDED PRIORITY DATE:  
08-04-1971

REVIEWED BY

ms

DATE

5/27/92

=====

MICROFILMED

FEB 03 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT     | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY    |
|-----------|------|------|------|-----|-----|-----|-----|---------|
| A36-07201 | 09S  | 14E  | 2    | SE  | SW  | NE  |     | GOODING |
| A36-07201 | 09S  | 14E  | 2    | SW  | SE  | NE  | 6   | GOODING |
| A36-07201 | 09S  | 14E  | 2    | NE  | NW  | SE  |     | GOODING |

OTHER AJ CLAIMS WITH SAME AJ POD

| A PREFIX  | R PREFIX  |
|-----------|-----------|
| A36-02708 | R36-02659 |
| A36-07218 | R36-02708 |
|           | R36-07004 |
|           | R36-07218 |

WR RECORDS IN SAME 40 ACRE TRACT

36-02003A  
36-02003B  
36-02708  
36-02710  
36-04019  
36-07218  
36-07790  
36-07798

SOURCE: SPRINGS (CLEAR SPRINGS)

TRIB: CLEAR LAKES

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT    | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY    |
|----------|------|------|------|-----|-----|-----|-----|---------|
| 36-07201 | 09S  | 14E  | 2    |     | NW  | SE  |     | GOODING |
| 36-07201 | 09S  | 14E  | 2    |     | SW  | NE  |     | GOODING |

OTHER WR RECORDS WITH SAME WR POD

36-02003A  
36-02003B  
36-02708  
36-02710  
36-04019  
36-07218  
36-07790  
36-07798

AJ CLAIMS IN SAME 40 ACRE TRACT

| A PREFIX  | R PREFIX |
|-----------|----------|
| A36-02708 | NONE     |
| A36-02710 |          |
| A36-04019 |          |
| A36-07218 |          |

SOURCE: SPRINGS

TRIB: CLEAR LAKES

C. FIELD EXAM REQUIRED?

|  | DUE TO POD DISCREPANCY? (Y/N) | DUE TO SOURCE DISCREPANCY? (Y/N) | DATABASE | FIELD EXAMINER |
|--|-------------------------------|----------------------------------|----------|----------------|
|  | Y                             | Y                                | Y        | Y              |

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REMARKS:

P/D in the SWSWNE is across the highway & piped underneath to supply holding ponds & processing plant. P/D in the NWNWSE supplies only a small amount of water to the facility. Both P/Ds have been in use since the right was licensed.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | COUNTY  |
|------|------|------|-----|-----|-----|-----|---------|
| 09S  | 14E  | 02   | SW  | SW  | NE  | -   | Gooding |
| 09S  | 14E  | 02   | NW  | NW  | SE  | -   | Gooding |

SOURCE: Springs TRIB: Clear Lakes  
REVIEWED BY: [signature] DATE: 5/22/92

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A. ROOT WATER RIGHT NUMBERS: A36-07201  
R36-07201

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME                       | AJ<br>#/ACRES | WR<br>#/ACRES | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|----------------------------|---------------|---------------|-----------------|----------------|------------------|
| 09S | 14E | 2   | NW  | SE  |     | PROSPECT CO. , THE         | A36-07201     | /             | -               | /              |                  |
|     |     |     | SW  | SE  | 7   | CLEAR LAKE COUNTRY CLUB    | A36-10154     | /12.0         | -               | /              |                  |
|     |     |     | SW  | NW  |     | BORCHARD , PAUL L.         | A36-07319     | /40.0         | -               | /              |                  |
|     |     |     | SE  | NW  |     | BORCHARD , PAUL L.         | A36-07454     | /14.0         | -               | /              |                  |
|     |     |     | SE  | SE  | 9   | CLEAR LAKE COUNTRY CLUB    | A36-10155     | /             | -               | /              |                  |
|     |     |     | NE  | NE  | 1   | LOOSLI , MERLIN H.         | A36-10276     | /             | -               | /              |                  |
|     |     |     | NW  | NW  |     | BORCHARD , PAUL L.         | A36-10474     | /             | -               | /              |                  |
|     |     |     | NE  | NW  |     | BORCHARD , PAUL L.         | A36-10475     | /             | -               | /              |                  |
|     |     |     | SE  | SW  |     | WRIGHT , R. GARY           | A36-10663     | /20.0         | -               | /              |                  |
|     |     |     | SW  | SE  |     | ROSHOLT ROBERTSON & TUCKER | A36-02018     | /             | -               | /              |                  |
|     |     |     | SE  | SE  | 9   | CLEAR LAKE COUNTRY CLUB    | R36-10155     | /             | -               | /              |                  |
|     |     |     | SE  | NE  | 5   | CLEAR LAKES TROUT CO. INC. | A36-02659     | /             | -               | /              |                  |
|     |     |     | NW  | SW  |     | WRIGHT , R. GARY           | A36-04019     | /40.0         | -               | /              |                  |
|     |     |     | NW  | SE  |     | STEWART , FRANK R.         | A36-11162     | /             | -               | /              |                  |
|     |     |     | SE  | NE  | 5   | CLEAR LAKES TROUT CO. INC. | A36-07004     | /             | -               | /              |                  |
|     |     |     | NW  | SE  |     | PROSPECT CO. , THE         | A36-02708     | /             | -               | /              |                  |
|     |     |     | NW  | SE  |     | CLEAR SPRINGS TROUT CO.    | A36-07218     | /             | -               | /              |                  |
|     |     |     | NE  | SE  | 8   | CLEAR LAKE COUNTRY CLUB    | A36-04148B    | / 1.9         | -               | /              |                  |
|     |     |     | SW  | NW  |     | BORCHARD , PAUL L.         | R36-07319     | /40.0         | -               | /              |                  |
|     |     |     | NW  | SE  |     | CLEAR SPRINGS TROUT CO     | R36-07201     | /             | -               | /              |                  |
|     |     |     | NE  | SW  |     | WRIGHT , CATHERINE         | A36-07248     | /             | -               | /              |                  |
|     |     |     | NE  | NE  |     | LARGE CLAIM                | A01-0021221   | /40.7         | -               | /              |                  |
|     |     |     | SW  | SE  | 7   | CLEAR LAKE COUNTRY CLUB    | A36-04074     | / 2.0         | -               | /              |                  |
|     |     |     | SW  | SE  | 7   | ROSHOLT ROBERTSON & TUCKER | R36-02018     | /             | -               | /              |                  |
|     |     |     | SW  | SE  | 7   | ROSHOLT ROBERTSON & TUCKER | R36-02710     | / 1.0         | -               | /              |                  |
|     |     |     | NE  | SW  |     | WRIGHT , CATHERINE         | R36-07248     | /             | -               | /              |                  |
|     |     |     | SW  | NW  |     | BORCHARD , PAUL L.         | R36-07454     | /40.0         | -               | /              |                  |
|     |     |     | SE  | SE  | 9   | CLEAR LAKE RANCH INC.      | A36-04148A    | /17.5         | -               | /              |                  |
|     |     |     | NE  | SE  | 6   | CLEAR LAKE RANCH INC.      | A36-04149     | / 3.0         | -               | /              |                  |
|     |     |     | SE  | SE  | 9   | CLEAR LAKE RANCH INC.      | A36-10150     | /             | -               | /              |                  |
|     |     |     | SW  | SE  | 7   | CLEAR LAKE COUNTRY CLUB    | R36-04074     | / 5.6         | -               | /              |                  |
|     |     |     | NE  | NE  | 1   | LOOSLI , BETTY L.          | R36-10276     | /             | -               | /              |                  |
|     |     |     | NW  | NW  |     | BORCHARD , PAUL L.         | R36-10474     | /             | -               | /              |                  |
|     |     |     | NE  | NW  |     | BORCHARD , PAUL L.         | R36-10475     | /             | -               | /              |                  |
|     |     |     | SE  | SE  | 9   | CLEAR LAKE RANCH INC.      | R36-10150     | /             | -               | /              |                  |
|     |     |     | SW  | SE  | 7   | CLEAR LAKE COUNTRY CLUB    | R36-10154     | / 5.6         | -               | /              |                  |
|     |     |     | SE  | NE  | 5   | CLEAR LAKES TROUT CO. INC. | R36-07004     | /             | -               | /              |                  |
|     |     |     | NW  | SE  |     | STEWART , BETTY E.         | R36-11162     | /             | -               | /              |                  |
|     |     |     | SW  | SE  |     | ROSHOLT ROBERTSON & TUCKER | A36-02710     | / 3.0         | -               | /              |                  |
|     |     |     | SE  | NE  | 5   | CLEAR LAKES TROUT CO. INC. | R36-02659     | /             | -               | /              |                  |
|     |     |     | NW  | SE  |     | PROSPECT CO , THE          | R36-07218     | /             | -               | /              |                  |
|     |     |     | NW  | SE  |     | CLEAR SPRINGS TROUT CO     | R36-02708     | /             | -               | /              |                  |

Fish  
Propagation

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| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME                       | AJ<br>#/ACRES   | WR<br>#/ACRES  | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|----------------------------|-----------------|----------------|-----------------|----------------|------------------|
|     |     |     |     |     |     | NORTH SIDE CANAL CO.       |                 | 01-00005 /     |                 |                |                  |
|     |     |     |     |     |     | NORTH SIDE CANAL CO.       |                 | 01-00016 /     |                 |                |                  |
|     |     |     |     |     |     | NORTH SIDE CANAL CO.       |                 | 01-00212 /     |                 |                |                  |
|     |     |     |     |     |     | NORTH SIDE CANAL CO.       |                 | 01-00213 /     |                 |                |                  |
|     |     |     |     |     |     | NORTH SIDE CANAL CO.       |                 | 01-00215 /     |                 |                |                  |
|     |     |     |     |     |     | NORTH SIDE CANAL CO.       |                 | 01-00220 /     |                 |                |                  |
|     |     |     | SW  | SE  |     | IDAHO POWER CO.            |                 | 36-02018 /     |                 |                |                  |
|     |     |     | SE  | NE  |     | CLEAR LAKES TROUT CO. INC. |                 | 36-02659 /     |                 |                |                  |
|     |     |     | NW  | SE  |     | CLEAR SPRINGS TROUT CO.    |                 | 36-02708 /     |                 |                |                  |
|     |     |     | SW  | SE  |     | IDAHO POWER CO.            |                 | 36-02710 / 3.0 |                 |                |                  |
|     |     |     | NE  | SW  |     | FRED BRAILSFORD INC.       |                 | 36-04019 /40.0 |                 |                |                  |
|     |     |     | SW  | SE  | 7   | BUHL COUNTRY CLUB          |                 | 36-04074 / 9.0 |                 |                |                  |
|     |     |     | NE  | SE  | 6   | CLEAR LAKE RANCH INC.      |                 | 36-04149 / 3.0 |                 |                |                  |
|     |     |     | SE  | NE  |     | CLEAR LAKES TROUT CO. INC. |                 | 36-07004 /     |                 |                |                  |
|     |     |     | NW  | SE  |     | CLEAR SPRINGS TROUT CO.    |                 | 36-07201 /     |                 |                |                  |
|     |     |     | NW  | SE  |     | CLEAR SPRINGS TROUT CO.    |                 | 36-07218 /     |                 |                |                  |
|     |     |     | NE  | SW  |     | WRIGHT , CATHERINE         |                 | 36-07248 /     |                 |                |                  |
|     |     |     | SW  | NW  |     | BORCHARD , PAUL L.         |                 | 36-07319 /40.0 |                 |                |                  |
|     |     |     | SE  | NW  |     | BORCHARD , PAUL L.         |                 | 36-07454 /20.0 |                 |                |                  |
|     |     |     | NE  | SE  |     | CLEAR LAKES TROUT CO. INC. |                 | 36-07790 /     |                 |                |                  |
|     |     |     | NW  | SE  |     | CLEAR SPRINGS TROUT CO.    |                 | 36-07798 /     |                 |                |                  |
|     |     |     | SW  | SW  |     | WRIGHT , CATHERINE         |                 | 36-07806 /     |                 |                |                  |
|     |     |     | SW  | SW  |     | WRIGHT , CATHERINE         |                 | 36-07807 /     |                 |                |                  |
|     |     |     | SW  | SW  |     | WRIGHT , CATHERINE         |                 | 36-07859 /     |                 |                |                  |
|     |     |     | SW  | SE  | 7   | CLEAR LAKE COUNTRY CLUB    |                 | L36-08369 /    |                 |                |                  |
|     |     |     | SW  | SE  | 9   | CLEAR LAKE COUNTRY CLUB    |                 | L36-08370 /    |                 |                |                  |
|     |     |     | SW  | SE  | 9   | BUHL COUNTRY CLUB          |                 | 36-08271 /     |                 |                |                  |
|     |     |     | NE  | SE  | 8   | L & M INC                  |                 | 36-08329 /     |                 |                |                  |
|     |     |     | SW  | SE  | 9   | CLEAR LAKE COUNTRY CLUB    |                 | 36-08369 /     |                 |                |                  |
|     |     |     | SW  | SE  | 9   | CLEAR LAKE COUNTRY CLUB    |                 | 36-08370 /     |                 |                |                  |
| 09S | 14E | 2   | NW  | SE  |     | PROSPECT CO. , THE         | A36-07201 /     | - /            |                 |                |                  |
|     |     |     | SW  | SE  | 7   | CLEAR LAKE COUNTRY CLUB    | A36-10154 /12.0 | - /            |                 |                |                  |
|     |     |     | SW  | NW  |     | BORCHARD , PAUL L.         | A36-07319 /40.0 | - /            |                 |                |                  |
|     |     |     | SE  | NW  |     | BORCHARD , PAUL L.         | A36-07454 /14.0 | - /            |                 |                |                  |
|     |     |     | SE  | SE  | 9   | CLEAR LAKE COUNTRY CLUB    | A36-10155 /     | - /            |                 |                |                  |
|     |     |     | NE  | NE  | 1   | LOOSLI , MERLIN H.         | A36-10276 /     | - /            |                 |                |                  |
|     |     |     | NW  | NW  |     | BORCHARD , PAUL L.         | A36-10474 /     | - /            |                 |                |                  |
|     |     |     | NE  | NW  |     | BORCHARD , PAUL L.         | A36-10475 /     | - /            |                 |                |                  |
|     |     |     | SE  | SW  |     | WRIGHT , R. GARY           | A36-10663 /20.0 | - /            |                 |                |                  |
|     |     |     | SW  | SE  |     | ROSHOLT ROBERTSON & TUCKER | A36-02018 /     | - /            |                 |                |                  |
|     |     |     | SE  | SE  | 9   | CLEAR LAKE COUNTRY CLUB    | R36-10155 /     | - /            |                 |                |                  |
|     |     |     | SE  | NE  | 5   | CLEAR LAKES TROUT CO. INC. | A36-02659 /     | - /            |                 |                |                  |
|     |     |     | NW  | SW  |     | WRIGHT , R. GARY           | A36-04019 /40.0 | - /            |                 |                |                  |
|     |     |     | NW  | SE  |     | STEWART , FRANK R.         | A36-11162 /     | - /            |                 |                |                  |
|     |     |     | SE  | NE  | 5   | CLEAR LAKES TROUT CO. INC. | A36-07004 /     | - /            |                 |                |                  |
|     |     |     | NW  | SE  |     | PROSPECT CO. , THE         | A36-02708 /     | - /            |                 |                |                  |
|     |     |     | NW  | SE  |     | CLEAR SPRINGS TROUT CO.    | A36-07218 /     | - /            |                 |                |                  |

Domestic

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| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME                       | AJ<br>#/ACRES    | WR<br>#/ACRES  | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|----------------------------|------------------|----------------|-----------------|----------------|------------------|
|     |     |     | NE  | SE  | 8   | CLEAR LAKE COUNTRY CLUB    | A36-041488 / 1.9 | - /            |                 |                |                  |
|     |     |     | SW  | NW  |     | BORCHARD , PAUL L.         | R36-07319 /40.0  | - /            |                 |                |                  |
|     |     |     | NW  | SE  |     | CLEAR SPRINGS TROUT CO     | R36-07201 /      | - /            |                 |                |                  |
|     |     |     | NE  | SW  |     | WRIGHT , CATHERINE         | A36-07248 /      | - /            |                 |                |                  |
|     |     |     | NE  | NE  |     | LARGE CLAIM                | A01-0021221/40.7 | - /            |                 |                |                  |
|     |     |     | SW  | SE  | 7   | CLEAR LAKE COUNTRY CLUB    | A36-04074 / 2.0  | - /            |                 |                |                  |
|     |     |     | SW  | SE  | 7   | ROSHOLT ROBERTSON & TUCKER | R36-02018 /      | - /            |                 |                |                  |
|     |     |     | SW  | SE  | 7   | ROSHOLT ROBERTSON & TUCKER | R36-02710 / 1.0  | - /            |                 |                |                  |
|     |     |     | NE  | SW  |     | WRIGHT , CATHERINE         | R36-07248 /      | - /            |                 |                |                  |
|     |     |     | SW  | NW  |     | BORCHARD , PAUL L.         | R36-07454 /40.0  | - /            |                 |                |                  |
|     |     |     | SE  | SE  | 9   | CLEAR LAKE RANCH INC.      | A36-04148A /17.5 | - /            |                 |                |                  |
|     |     |     | NE  | SE  | 6   | CLEAR LAKE RANCH INC.      | A36-04149 / 3.0  | - /            |                 |                |                  |
|     |     |     | SE  | SE  | 9   | CLEAR LAKE RANCH INC.      | A36-10150 /      | - /            |                 |                |                  |
|     |     |     | SW  | SE  | 7   | CLEAR LAKE COUNTRY CLUB    | R36-04074 / 5.6  | - /            |                 |                |                  |
|     |     |     | NE  | NE  | 1   | LOOSLI , BETTY L.          | R36-10276 /      | - /            |                 |                |                  |
|     |     |     | NW  | NW  |     | BORCHARD , PAUL L.         | R36-10474 /      | - /            |                 |                |                  |
|     |     |     | NE  | NW  |     | BORCHARD , PAUL L.         | R36-10475 /      | - /            |                 |                |                  |
|     |     |     | SE  | SE  | 9   | CLEAR LAKE RANCH INC.      | R36-10150 /      | - /            |                 |                |                  |
|     |     |     | SW  | SE  | 7   | CLEAR LAKE COUNTRY CLUB    | R36-10154 / 5.6  | - /            |                 |                |                  |
|     |     |     | SE  | NE  | 5   | CLEAR LAKES TROUT CO. INC. | R36-07004 /      | - /            |                 |                |                  |
|     |     |     | NW  | SE  |     | STEWART , BETTY E.         | R36-11162 /      | - /            |                 |                |                  |
|     |     |     | SW  | SE  |     | ROSHOLT ROBERTSON & TUCKER | A36-02710 / 3.0  | - /            |                 |                |                  |
|     |     |     | SE  | NE  | 5   | CLEAR LAKES TROUT CO. INC. | R36-02659 /      | - /            |                 |                |                  |
|     |     |     | NW  | SE  |     | PROSPECT CO , THE          | R36-07218 /      | - /            |                 |                |                  |
|     |     |     | NW  | SE  |     | CLEAR SPRINGS TROUT CO     | R36-02708 /      | - /            |                 |                |                  |
|     |     |     |     |     |     | NORTH SIDE CANAL CO.       |                  | 01-00005 /     |                 |                |                  |
|     |     |     |     |     |     | NORTH SIDE CANAL CO.       |                  | 01-00016 /     |                 |                |                  |
|     |     |     |     |     |     | NORTH SIDE CANAL CO.       |                  | 01-00212 /     |                 |                |                  |
|     |     |     |     |     |     | NORTH SIDE CANAL CO.       |                  | 01-00213 /     |                 |                |                  |
|     |     |     |     |     |     | NORTH SIDE CANAL CO.       |                  | 01-00215 /     |                 |                |                  |
|     |     |     |     |     |     | NORTH SIDE CANAL CO.       |                  | 01-00220 /     |                 |                |                  |
|     |     |     | SW  | SE  |     | IDAHO POWER CO.            |                  | 36-02018 /     |                 |                |                  |
|     |     |     | SE  | NE  |     | CLEAR LAKES TROUT CO. INC. |                  | 36-02659 /     |                 |                |                  |
|     |     |     | NW  | SE  |     | CLEAR SPRINGS TROUT CO.    |                  | 36-02708 /     |                 |                |                  |
|     |     |     | SW  | SE  |     | IDAHO POWER CO.            |                  | 36-02710 / 3.0 |                 |                |                  |
|     |     |     | NE  | SW  |     | FRED BRAILSFORD INC.       |                  | 36-04019 /40.0 |                 |                |                  |
|     |     |     | SW  | SE  | 7   | BUHL COUNTRY CLUB          |                  | 36-04074 / 9.0 |                 |                |                  |
|     |     |     | NE  | SE  | 6   | CLEAR LAKE RANCH INC.      |                  | 36-04149 / 3.0 |                 |                |                  |
|     |     |     | SE  | NE  |     | CLEAR LAKES TROUT CO. INC. |                  | 36-07004 /     |                 |                |                  |
|     |     |     | NW  | SE  |     | CLEAR SPRINGS TROUT CO.    |                  | 36-07201 /     |                 |                |                  |
|     |     |     | NW  | SE  |     | CLEAR SPRINGS TROUT CO.    |                  | 36-07218 /     |                 |                |                  |
|     |     |     | NE  | SW  |     | WRIGHT , CATHERINE         |                  | 36-07248 /     |                 |                |                  |
|     |     |     | SW  | NW  |     | BORCHARD , PAUL L.         |                  | 36-07319 /40.0 |                 |                |                  |
|     |     |     | SE  | NW  |     | BORCHARD , PAUL L.         |                  | 36-07454 /20.0 |                 |                |                  |
|     |     |     | NE  | SE  |     | CLEAR LAKES TROUT CO. INC. |                  | 36-07790 /     |                 |                |                  |
|     |     |     | NW  | SE  |     | CLEAR SPRINGS TROUT CO.    |                  | 36-07798 /     |                 |                |                  |
|     |     |     | SW  | SW  |     | WRIGHT , CATHERINE         |                  | 36-07806 /     |                 |                |                  |
|     |     |     | SW  | SW  |     | WRIGHT , CATHERINE         |                  | 36-07807 /     |                 |                |                  |

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| TWP         | RNG | SEC | 1/4 | 1/4 | LOT | NAME                       | AJ<br>#/ACRES | WR<br>#/ACRES | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-------------|-----|-----|-----|-----|-----|----------------------------|---------------|---------------|-----------------|----------------|------------------|
|             |     |     | SW  | SW  |     | WRIGHT, CATHERINE          |               | 36-07859      | /               |                |                  |
|             |     |     | SW  | SE  | 7   | CLEAR LAKE COUNTRY CLUB    |               | L36-08369     | /               |                |                  |
|             |     |     | SW  | SE  | 9   | CLEAR LAKE COUNTRY CLUB    |               | L36-08370     | /               |                |                  |
|             |     |     | SW  | SE  | 9   | BUHL COUNTRY CLUB          |               | 36-08271      | /               |                |                  |
|             |     |     | NE  | SE  | 8   | L & M INC                  |               | 36-08329      | /               |                |                  |
|             |     |     | SW  | SE  | 9   | CLEAR LAKE COUNTRY CLUB    |               | 36-08369      | /               |                |                  |
|             |     |     | SW  | SE  | 9   | CLEAR LAKE COUNTRY CLUB    |               | 36-08370      | /               |                |                  |
| 09S         | 14E | 2   | NW  | SE  |     | PROSPECT CO., THE          | A36-07201     | /             | 36-07201        | /              | 11.0             |
|             |     |     | NW  | SE  |     | CLEAR LAKES TROUT CO. INC. | A36-02659     | /             | -               | /              |                  |
|             |     |     | NW  | SE  |     | STEWART, FRANK R.          | A36-11162     | /             | -               | /              |                  |
|             |     |     | NW  | SE  |     | PROSPECT CO., THE          | A36-02708     | /             | 36-02708        | /              |                  |
|             |     |     | NW  | SE  |     | CLEAR SPRINGS TROUT CO.    | A36-07218     | /             | 36-07218        | /              |                  |
|             |     |     | NW  | SE  |     | CLEAR SPRINGS TROUT CO     | R36-07201     | /             | -               | /              |                  |
|             |     |     | NW  | SE  | 8   | CLEAR LAKE RANCH INC.      | A36-04149     | /             | 7.0             | /              |                  |
|             |     |     | NW  | SE  |     | STEWART, BETTY E.          | R36-11162     | /             | -               | /              |                  |
|             |     |     | NW  | SE  |     | PROSPECT CO, THE           | R36-07218     | /             | -               | /              |                  |
|             |     |     | NW  | SE  |     | CLEAR SPRINGS TROUT CO     | R36-02708     | /             | -               | /              |                  |
|             |     |     | NW  | SE  |     | CLEAR SPRINGS TROUT CO.    |               |               | 36-07798        | /              |                  |
| TOTAL ACRES |     |     |     |     |     |                            | A36-07201     |               |                 |                | 11.00            |

Industrial

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y( ) N(X)  
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE  
Y

FIELD  
EXAMINER  
N

POU COUNTY: GOODING

PRESUMPTION FLAG:

REMARKS:

Recommend the same Pou as the claimed & licensed Pou. No discrepancy.

RECOMMENDATIONS:

TOTAL ACRES: 11.0

REVIEWED BY: ms

DATE: 5/27/92

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A. AJ CLAIMED USES:

|                                     | PURPOSES         | MONTH/DAY           | DIVERSION QUANTITY |
|-------------------------------------|------------------|---------------------|--------------------|
| A36-07201                           | INDUSTRIAL       | FROM 01-01 TO 12-31 | 2.000 CFS          |
| A36-07201                           | FISH PROPAGATION | FROM 01-01 TO 12-31 | 10.000 CFS         |
| A36-07201                           | DOMESTIC         | FROM 01-01 TO 12-31 | .040 CFS           |
| TOTAL DIVERSION RATE/VOLUME CLAIMED |                  |                     | 10.000 CFS         |

B. WR RECORDED USES:

|                                     | PURPOSES         | MONTH/DAY           | DIVERSION QUANTITY |
|-------------------------------------|------------------|---------------------|--------------------|
| 36-07201                            | INDUSTRIAL       | FROM 01-01 TO 12-31 | 2.000 CFS          |
| 36-07201                            | FISH PROPAGATION | FROM 01-01 TO 12-31 | 8.000 CFS          |
| TOTAL DIVERSION RATE/VOLUME CLAIMED |                  |                     | 10.000 CFS         |

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

|                                          | DATABASE | FIELD EXAMINER |
|------------------------------------------|----------|----------------|
| DUE TO WATER-USE DISCREPANCY? (Y/N)      | Y        | <u>Y</u>       |
| DUE TO DIVERSION RATE DISCREPANCY? (Y/N) | Y        | <u>Y</u>       |
| DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N) | Y        | <u>N</u>       |

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y(X) N( )

RECOMMEND TO WR STANDARDS OR OTHER? Y( ) N( ) Explain in remarks, below.

REMARKS:

Additional 2 cfs for fish propagation cannot be recommended because it doesn't fall under the 2<sup>nd</sup> Presumption category - it's not a new use, but an expansion of an existing use. The domestic use cannot be recommended under this right. The home began using the water in 1966 or 1967, which is before the mandatory permit statute, so a permit is not required. The claimants chose to defer filing the claim on the domestic use during my visit on 3/26/92.

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(X) N( )

AJ TOTAL CLAIMED DIVERSION RATE: 10.000 CFS  
WR ROOT RIGHT TOTAL DIVERSION RATE: 10.000 CFS

\*\*\* IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. \*\*\*  
\*\* If an amount smaller than the original diversion rate is \*\*  
\*\* claimed and an exam is NOT required, explain in remarks. \*\*

FLOW MEASUREMENT REQUIRED?

FIELD  
DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

N

N

B.

FLOW MEASUREMENT

MEASUREMENT METHOD                     , SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y( ) N(X) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: ~~A36-02708, 07218~~

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

*These rights are on a different system than 36-7201. The only right number that should be listed here is the beneficial use domestic right, which was deferred.*

| CLAIM NO.   | SOURCE                              | NAME                       | DIV. RATE   | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-------------|-------------------------------------|----------------------------|-------------|----------------|-----------|----------------|
| A01-0021221 | LARGE CLAIM                         | LARGE CLAIM                | 9999999.000 | 415.354        |           |                |
| A36-02710   | SPRINGS                             | ROSHOLT ROBERTSON & TUCKER | 0.100       | 0.033          |           |                |
| R36-02710   | CLEAR LAKE SPRINGS                  | ROSHOLT ROBERTSON & TUCKER | 0.090       | 0.060          |           |                |
| A36-04019   | CLEAR LAKE SPRINGS (KANAKA SPRINGS) | WRIGHT , R. GARY           | 16.000      | 0.048          | 1341.80   | 4.07           |
| R36-04074   | UNNAMED STREAM (KANAKA CREEK)       |                            |             |                |           |                |
| A36-04074   | CLEAR LAKE STREAM                   | CLEAR LAKE COUNTRY CLUB    | 0.820       | 0.017          |           |                |
| A36-04148A  | CLEAR LAKES STREAM                  | CLEAR LAKE COUNTRY CLUB    | 1.160       | 0.025          | 184.00    | 4.00           |
| A36-04148B  | SPRINGS                             | CLEAR LAKE RANCH INC.      | 1.500       | 0.020          | 328.00    | 4.49           |
| A36-04149   | SPRINGS                             | CLEAR LAKE COUNTRY CLUB    | 1.500       | 0.016          | 360.00    | 4.00           |
| A36-07319   | CLEAR LAKES                         | CLEAR LAKE RANCH INC.      | 1.400       | 0.029          |           |                |
| R36-07319   | GROUNDWATER                         | BORCHARD , PAUL L.         | 1.110       | 0.018          | 240.00    | 4.00           |
| R36-07454   | GROUNDWATER                         | BORCHARD , PAUL L.         | 1.110       | 0.015          |           |                |
| A36-07454   | GROUNDWATER                         | BORCHARD , PAUL L.         | 0.280       | 0.003          |           |                |
| R36-10154   | GROUNDWATER                         | BORCHARD , PAUL L.         | 0.400       | 0.020          | 80.00     | 4.00           |
| A36-10154   | CLEAR LAKE STREAM                   | CLEAR LAKE COUNTRY CLUB    | 0.100       | 0.002          |           |                |
| A36-10154   | CLEAR LAKES STREAM                  | CLEAR LAKE COUNTRY CLUB    | 0.360       | 0.030          |           |                |

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| CLAIM NO. | SOURCE             | NAME             | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-----------|--------------------|------------------|-----------|----------------|-----------|----------------|
| A36-10663 | CLEAR LAKES STREAM | WRIGHT , R. GARY | 1.000     | 0.050          | 80.00     | 4.00           |

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

| CLAIM NO. | PURPOSES | NAME                    | MONTH/DAY           | RATE     | VOLUME |
|-----------|----------|-------------------------|---------------------|----------|--------|
| A36-10155 | DOMESTIC | CLEAR LAKE COUNTRY CLUB | FROM 01-01 TO 12-31 | .050 CFS |        |

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES \_\_\_\_\_ x 0.02 CFS/ACRE = \_\_\_\_\_ CFS  
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y( ) N( )

\*\*\* IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y( ) N( ) \*\*\*

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = \_\_\_\_\_ AF/A  
ACRES \_\_\_\_\_ x CONSUMPTIVE VOL. AF/A FOR AREA \_\_\_\_\_ =  
TOTAL CONSUMPTIVE USE \_\_\_\_\_ AF/A

3. ~~IRRIGATION DIVERSION VOLUME~~

~~CLAIMED DIVERSION VOLUME = \_\_\_\_\_ AF/A  
ACRES \_\_\_\_\_ x DIVERSION VOL. AF/A FOR AREA \_\_\_\_\_ =  
TOTAL DIVERSION VOLUME \_\_\_\_\_ AF/A~~

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y( ) N( ☒ )

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REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

All of the 10 cfs runs 24 hours per day, according to the claim's remarks.  
Consumptive use is so small for evaporation, it will be considered "de minimus".  
The water used in the ponds is routed to neighboring ponds & the water used in the plant travels from the plant to settling ponds to Clear Lake. None of the

RECOMMENDATIONS:

| REC.<br>PURPOSES     | REC. PERIOD<br>FROM TO | REC. DIV<br>RATE CFS |          | REC. DIV<br>VOL. AF/A |          | REC. CONS.<br>USE |          |
|----------------------|------------------------|----------------------|----------|-----------------------|----------|-------------------|----------|
|                      |                        | DATABASE             | EXAMINER | DATABASE              | EXAMINER | DATABASE          | EXAMINER |
| Industrial           | 01/01 12/31            |                      | 2.00     |                       | —        |                   | 0        |
| Fish Propagation     | 01/01 12/31            |                      | 8.00     |                       | —        |                   | 0        |
|                      |                        |                      |          |                       |          |                   |          |
| TOTAL FOR THIS RIGHT |                        |                      | 10.00    |                       | —        |                   | 0        |

REVIEWED BY: ms DATE: 5/27/92

water used in the plant is used consumptively. Assume a total consumptive use of "de minimus".

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

|                              | ACCEPTED<br>AS CLAIMED | NEEDS<br>REVIEW |
|------------------------------|------------------------|-----------------|
| OWNERSHIP _____              | ( )                    | ( )             |
| FORFEIT/ABANDON _____        | ( )                    | ( )             |
| ADDITIONAL DIV. AMOUNT _____ | ( )                    | ( )             |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-07201

|                                   | DATABASE | EXAMINER     |     |
|-----------------------------------|----------|--------------|-----|
| TOTAL DIVERSION RATE OF WR SPLITS | 10.000   | <u>10.00</u> | CFS |

SPLITS:

| OLD RIGHT<br>NUMBERS | CURRENT<br>CLAIM NUMBERS | DIVERSION<br>RATE | CURRENT "R"<br>CLAIM NUM. | "R" DIV.<br>RATE | WR RIGHT<br>NUMBERS | DIVERSION<br>RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| -                    | A36-07201                | 10.000            | R36-07201                 | 10.000           | 36-07201            | 10.000            |
| TOTAL CFS            |                          | 10.000            |                           | 10.000           |                     | 10.000            |

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)  
IF NO, is the written review sheet attached? (Y/N)

DATABASE  
Y

FIELD  
EXAMINER  
Y

REMARKS:

AUTHENTICATION:

SIGNATURE: Marci Sterling  
NAME OF FIELD EXAMINER: Marci Sterling

DATE: 6/17/92  
TITLE: \_\_\_\_\_

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Field Exam for 36-7201 - Additional comments

The commercial portion of this claim is used for fish processing in the processing plant. That water is only used 5 days per week, 254 days a year, according to Tim Hanifen, Director of Operations. About 235,000 gallons per day is treated before being discharged into Clear Lake.

The home which has been claimed under this license has been in existence since 1966 & the water is supplied by the same source as the industrial portion of the right.

T 9 S R 14 E Sect. 2  
A36-07201  
Clear Springs Trout Co.



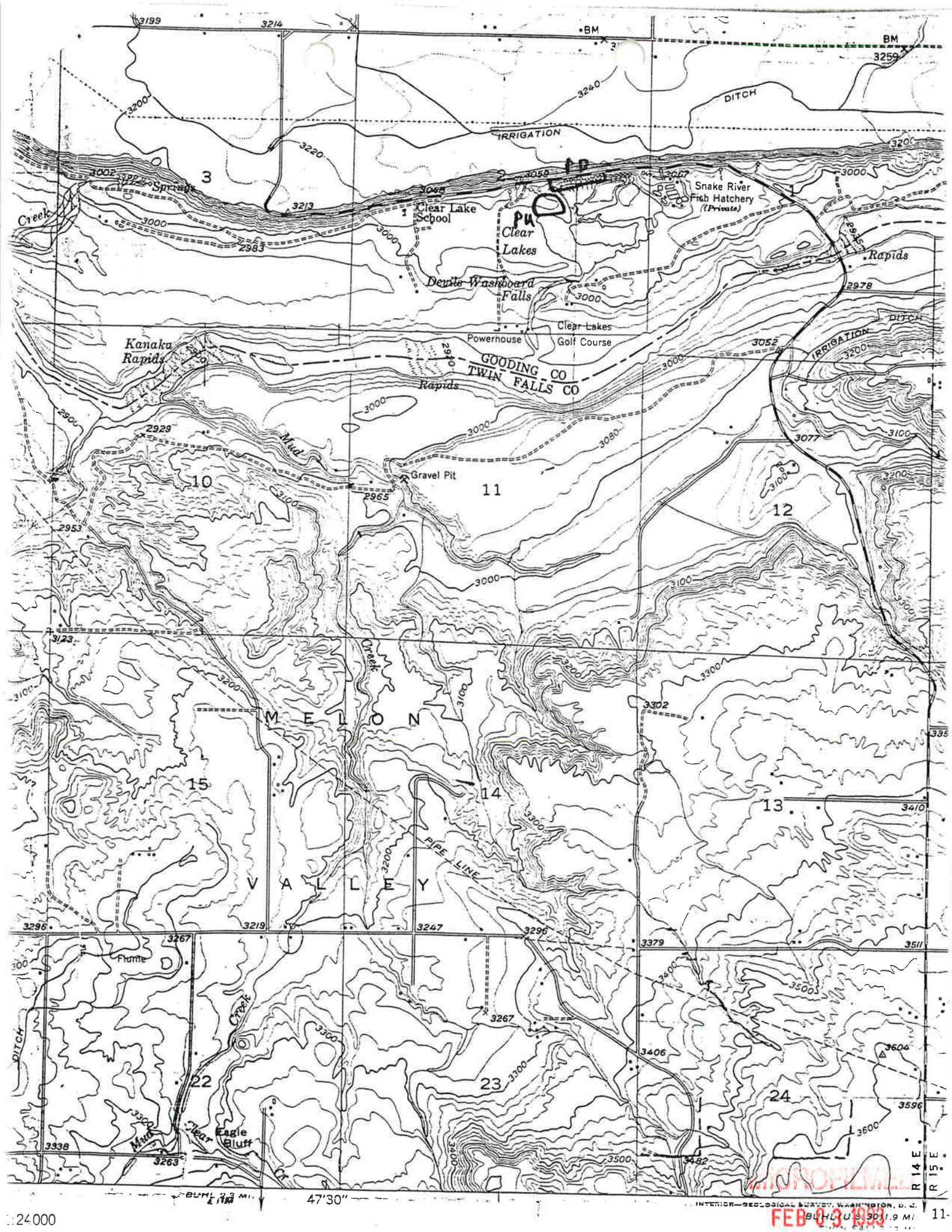
09S14E

|            |            |            |            |            |            |            |            |            |            |            |            |            |            |            |            |            |            |            |            |            |            |
|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| 08<br>LT01 | 08<br>LT02 | 08<br>LT03 | 08<br>LT04 | 05<br>LT04 | 05<br>LT03 | 05<br>LT02 | 05<br>LT01 | 04<br>LT02 | 04<br>LT01 | 03<br>LT04 | 03<br>LT03 | 03<br>LT02 | 03<br>LT01 | 02<br>LT04 | 02<br>LT03 | 02<br>LT02 | 02<br>LT01 | 01<br>LT04 | 01<br>LT03 | 01<br>LT02 | 01<br>LT01 |
| 08<br>LT05 | 08<br>SESW | 08<br>SWNE | 08<br>SENE | 05<br>SWNW | 05<br>SESW | 05<br>SWNE | 05<br>SENE | 04<br>SWNW | 04<br>SESW | 03<br>SWNW | 03<br>SESW | 03<br>SWNE | 03<br>SENE | 02<br>SWNW | 02<br>SESW | 02<br>SWNE | 02<br>SENE | 01<br>LT05 | 01<br>LT06 | 01<br>LT07 | 01<br>LT08 |
| 08<br>LT06 | 08<br>NESW | 08<br>NWSE | 08<br>NESE | 05<br>NWSE | 05<br>NESW | 05<br>NWSE | 05<br>NESE | 04<br>NWSE | 04<br>NESW | 03<br>NWSE | 03<br>NESW | 03<br>NWSE | 03<br>NESE | 02<br>NWSE | 02<br>NESW | 02<br>NWSE | 02<br>NESE | 01<br>LT12 | 01<br>LT13 | 01<br>LT14 | 01<br>LT15 |
| 08<br>LT07 | 08<br>SESW | 08<br>SWSE | 08<br>SESE | 05<br>SESW | 05<br>SESW | 05<br>SWSE | 05<br>SESE | 04<br>SESW | 04<br>SESW | 03<br>SESW | 03<br>SESW | 03<br>SWSE | 03<br>SESE | 02<br>SESW | 02<br>SESW | 02<br>SWSE | 02<br>SESE | 01<br>LT10 | 01<br>SWSE | 01<br>SESE |            |
| 07<br>LT01 | 07<br>NENW | 07<br>NWNE | 07<br>NENE | 08<br>NWNW | 08<br>NENW | 08<br>NWNE | 08<br>NENE | 01<br>NWNW | 01<br>NENW | 01<br>NWNE | 01<br>NENE | 10<br>NWNW | 10<br>NENW | 10<br>NWNE | 10<br>NENE | 11<br>NWNW | 11<br>NENW | 11<br>NWNE | 11<br>NENE | 12<br>NWNW | 12<br>NENW |
| 07<br>LT02 | 07<br>SENW | 07<br>SWNE | 07<br>SENE | 08<br>SENW | 08<br>SESW | 08<br>SWNE | 08<br>SENE | 01<br>SENW | 01<br>SESW | 01<br>SWNE | 01<br>SENE | 10<br>SENW | 10<br>SESW | 10<br>SWNE | 10<br>SENE | 11<br>SENW | 11<br>SESW | 11<br>SWNE | 11<br>SENE | 12<br>SENW | 12<br>SESW |
| 07<br>LT03 | 07<br>NESW | 07<br>NWSE | 07<br>NESE | 08<br>NESW | 08<br>NESW | 08<br>NWSE | 08<br>NESE | 08<br>NESW | 08<br>NESW | 08<br>NWSE | 08<br>NESE | 10<br>NESW | 10<br>NESW | 10<br>NWSE | 10<br>NESE | 11<br>NESW | 11<br>NESW | 11<br>NWSE | 11<br>NESE | 12<br>NESW | 12<br>NESW |
| 07<br>LT04 | 07<br>SESW | 07<br>SWSE | 07<br>SESE | 08<br>SESW | 08<br>SESW | 08<br>SWSE | 08<br>SESE | 08<br>SESW | 08<br>SESW | 08<br>SWSE | 08<br>SESE | 10<br>SESW | 10<br>SESW | 10<br>SWSE | 10<br>SESE | 11<br>SESW | 11<br>SESW | 11<br>SWSE | 11<br>SESE | 12<br>SESW | 12<br>SESW |
| 18<br>LT01 | 18<br>NENW | 18<br>NWNE | 18<br>NENE | 17<br>NWNW | 17<br>NENW | 17<br>NWNE | 17<br>NENE | 18<br>NWNW | 18<br>NENW | 18<br>NWNE | 18<br>NENE | 15<br>NWNW | 15<br>NENW | 15<br>NWNE | 15<br>NENE | 14<br>NWNW | 14<br>NENW | 14<br>NWNE | 14<br>NENE | 13<br>NWNW | 13<br>NENW |
| 18<br>LT02 | 18<br>SENW | 18<br>SWNE | 18<br>SENE | 17<br>SENW | 17<br>SESW | 17<br>SWNE | 17<br>SENE | 18<br>SENW | 18<br>SESW | 18<br>SWNE | 18<br>SENE | 15<br>SENW | 15<br>SESW | 15<br>SWNE | 15<br>SENE | 14<br>SENW | 14<br>SESW | 14<br>SWNE | 14<br>SENE | 13<br>SENW | 13<br>SESW |
| 18<br>LT03 | 18<br>NESW | 18<br>NWSE | 18<br>NESE | 17<br>NESW | 17<br>NESW | 17<br>NWSE | 17<br>NESE | 18<br>NESW | 18<br>NESW | 18<br>NWSE | 18<br>NESE | 15<br>NESW | 15<br>NESW | 15<br>NWSE | 15<br>NESE | 14<br>NESW | 14<br>NESW | 14<br>NWSE | 14<br>NESE | 13<br>NESW | 13<br>NESW |
| 18<br>LT04 | 18<br>SESW | 18<br>SWSE | 18<br>SESE | 17<br>SESW | 17<br>SESW | 17<br>SWSE | 17<br>SESE | 18<br>SESW | 18<br>SESW | 18<br>SWSE | 18<br>SESE | 15<br>SESW | 15<br>SESW | 15<br>SWSE | 15<br>SESE | 14<br>SESW | 14<br>SESW | 14<br>SWSE | 14<br>SESE | 13<br>SESW | 13<br>SESW |
| 19<br>LT01 | 19<br>NENW | 19<br>NWNE | 19<br>NENE | 20<br>NWNW | 20<br>NENW | 20<br>NWNE | 20<br>NENE | 21<br>NWNW | 21<br>NENW | 21<br>NWNE | 21<br>NENE | 22<br>NWNW | 22<br>NENW | 22<br>NWNE | 22<br>NENE | 23<br>NWNW | 23<br>NENW | 23<br>NWNE | 23<br>NENE | 24<br>NWNW | 24<br>NENW |
| 19<br>LT02 | 19<br>SENW | 19<br>SWNE | 19<br>SENE | 20<br>SENW | 20<br>SESW | 20<br>SWNE | 20<br>SENE | 21<br>SENW | 21<br>SESW | 21<br>SWNE | 21<br>SENE | 22<br>SENW | 22<br>SESW | 22<br>SWNE | 22<br>SENE | 23<br>SENW | 23<br>SESW | 23<br>SWNE | 23<br>SENE | 24<br>SENW | 24<br>SESW |
| 19<br>LT03 | 19<br>NESW | 19<br>NWSE | 19<br>NESE | 20<br>NESW | 20<br>NESW | 20<br>NWSE | 20<br>NESE | 21<br>NESW | 21<br>NESW | 21<br>NWSE | 21<br>NESE | 22<br>NESW | 22<br>NESW | 22<br>NWSE | 22<br>NESE | 23<br>NESW | 23<br>NESW | 23<br>NWSE | 23<br>NESE | 24<br>NESW | 24<br>NESW |
| 19<br>LT04 | 19<br>SESW | 19<br>SWSE | 19<br>SESE | 20<br>SESW | 20<br>SESW | 20<br>SWSE | 20<br>SESE | 21<br>SESW | 21<br>SESW | 21<br>SWSE | 21<br>SESE | 22<br>SESW | 22<br>SESW | 22<br>SWSE | 22<br>SESE | 23<br>SESW | 23<br>SESW | 23<br>SWSE | 23<br>SESE | 24<br>SESW | 24<br>SESW |
| 20<br>LT01 | 20<br>NENW | 20<br>NWNE | 20<br>NENE | 28<br>NWNW | 28<br>NENW | 28<br>NWNE | 28<br>NENE | 28<br>NWNW | 28<br>NENW | 28<br>NWNE | 28<br>NENE | 27<br>NWNW | 27<br>NENW | 27<br>NWNE | 27<br>NENE | 28<br>NWNW | 28<br>NENW | 28<br>NWNE | 28<br>NENE | 25<br>NWNW | 25<br>NENW |
| 20<br>LT02 | 20<br>SENW | 20<br>SWNE | 20<br>SENE | 28<br>SENW | 28<br>SESW | 28<br>SWNE | 28<br>SENE | 28<br>SENW | 28<br>SESW | 28<br>SWNE | 28<br>SENE | 27<br>SENW | 27<br>SESW | 27<br>SWNE | 27<br>SENE | 28<br>SENW | 28<br>SESW | 28<br>SWNE | 28<br>SENE | 25<br>SENW | 25<br>SESW |
| 20<br>LT03 | 20<br>NESW | 20<br>NWSE | 20<br>NESE | 28<br>NESW | 28<br>NESW | 28<br>NWSE | 28<br>NESE | 28<br>NESW | 28<br>NESW | 28<br>NWSE | 28<br>NESE | 27<br>NESW | 27<br>NESW | 27<br>NWSE | 27<br>NESE | 28<br>NESW | 28<br>NESW | 28<br>NWSE | 28<br>NESE | 25<br>NESW | 25<br>NESW |
| 20<br>LT04 | 20<br>SESW | 20<br>SWSE | 20<br>SESE | 28<br>SESW | 28<br>SESW | 28<br>SWSE | 28<br>SESE | 28<br>SESW | 28<br>SESW | 28<br>SWSE | 28<br>SESE | 27<br>SESW | 27<br>SESW | 27<br>SWSE | 27<br>SESE | 28<br>SESW | 28<br>SESW | 28<br>SWSE | 28<br>SESE | 25<br>SESW | 25<br>SESW |
| 21<br>LT01 | 21<br>NENW | 21<br>NWNE | 21<br>NENE | 32<br>NWNW | 32<br>NENW | 32<br>NWNE | 32<br>NENE | 33<br>NWNW | 33<br>NENW | 33<br>NWNE | 33<br>NENE | 34<br>NWNW | 34<br>NENW | 34<br>NWNE | 34<br>NENE | 35<br>NWNW | 35<br>NENW | 35<br>NWNE | 35<br>NENE | 36<br>NWNW | 36<br>NENW |
| 21<br>LT02 | 21<br>SENW | 21<br>SWNE | 21<br>SENE | 32<br>SENW | 32<br>SESW | 32<br>SWNE | 32<br>SENE | 33<br>SENW | 33<br>SESW | 33<br>SWNE | 33<br>SENE | 34<br>SENW | 34<br>SESW | 34<br>SWNE | 34<br>SENE | 35<br>SENW | 35<br>SESW | 35<br>SWNE | 35<br>SENE | 36<br>SENW | 36<br>SESW |
| 21<br>LT03 | 21<br>NESW | 21<br>NWSE | 21<br>NESE | 32<br>NESW | 32<br>NESW | 32<br>NWSE | 32<br>NESE | 33<br>NESW | 33<br>NESW | 33<br>NWSE | 33<br>NESE | 34<br>NESW | 34<br>NESW | 34<br>NWSE | 34<br>NESE | 35<br>NESW | 35<br>NESW | 35<br>NWSE | 35<br>NESE | 36<br>NESW | 36<br>NESW |
| 21<br>LT04 | 21<br>SESW | 21<br>SWSE | 21<br>SESE | 32<br>SESW | 32<br>SESW | 32<br>SWSE | 32<br>SESE | 33<br>SESW | 33<br>SESW | 33<br>SWSE | 33<br>SESE | 34<br>SESW | 34<br>SESW | 34<br>SWSE | 34<br>SESE | 35<br>SESW | 35<br>SESW | 35<br>SWSE | 35<br>SESE | 36<br>SESW | 36<br>SESW |

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# Overlap Review for 36-7201

per terminal 8/12/85:

P/D → ~~36-2003B - Clear Lake~~ different source - no  
~~36-2003A - Clear Lake~~ overlap

same system ✓ 36-2708 - Clear Lake Stream

same system ✓ 36-7218 - Clear Lake Stream (springs)

Permit - No

Proof - No Overlap

~~36-7790 - Clear Lake Springs~~

Protested

App. No Overlap ✓ ~~36-7798 - Clear Lake Stream &~~

~~Clear Lake Springs~~

different springs -  
per review of  
exams in files &  
quad map.

~~36-2710 - springs~~

P/U → 36-2708 - 200 cfs, fish prop.

36-7218 - 75 cfs, fish prop.

Protested  
App.

~~36-7798 - 275 cfs, fish prop.~~

36-2708 - Lic., source is shown as  
Clear Lake Stream but is  
actually springs per field  
exam - 200.0 cfs - springs  
for 36-7201 appear to be  
separate from springs  
under 36-2708. no p/d  
overlap -

36-7218 - also being licensed -  
same system as 36-2708 -  
no p/d overlap -

kw

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Claim Identification No. A36-07201

Date: 6/18/91  
Time: approx.  
10:30am.



Pipe running across photo carries water from spring to  
cistern on right edge of photo. 2 cfs is pumped out of  
there to supply the processing plant (yellow building).  
From the plant, the water goes to settling ponds, then  
to Clear Lake.

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FEB 03 1993

State of Idaho  
DEPARTMENT OF WATER RESOURCES  
FIELD REPORT

RECEIVED

MAR 20 1985

36-7201  
Permit No.

CONTACT WITH PERMIT HOLDER

|                                                                               | DATE       | INITIALS | REMARKS |
|-------------------------------------------------------------------------------|------------|----------|---------|
| <input type="checkbox"/> Appointment letter mailed:                           | 12-17-1980 | S.F.     |         |
| <input type="checkbox"/> Telephone call made:<br>(List Telephone No. used)    |            |          |         |
| <input type="checkbox"/> Appointment scheduled for:<br>(Date, time, location) |            |          |         |

EXAMINATION 2:50 PM

Accompanied by TED EASTMAN  
CHUCK BROCKWAY  
TERRY BLAY  
PAUL CASTILIN Total Q measured 16.99 C.F.S.  
If source is surface water, estimate total flow of source ✓  
Methods of measurement AA current meter - Weir Meets Permit requirements? ✓

Measurement calculations: Pipe Measurement was made by Paul Eastman who is with Anderson & Kelly Engineering Firm. (See Memo Attached.) = 2.66 CFS ✓  
5'-6" CONTRACTOR Rectangular Weir  $Q = 3.33(L - 0.2H)H^{3/2}$   $3.33(5'-6" - 0.2(0.92))0.92^{3/2} = 14.33 \text{ C.F.S.}$  ✓  
Hd = 0.92 USE 5.5'  
Holding ponds size  $(3) @ 54" \times 60" \times 3' + (3) @ 71" \times 60.5" \times 3' = 1891 \text{ cubic ft.}$   
 $= (2430) + (3221.6) = 5651.6 \approx 5652 \text{ cubic feet.}$

| WELL/DIVERSION* NO. | HP | MOTOR MAKE | MOTOR SERIAL NO. | PUMP MAKE | PUMP SERIAL NO. | MEASURING DEVICE TYPE | CONDITION OF MEAS. DEV. | REMARKS |
|---------------------|----|------------|------------------|-----------|-----------------|-----------------------|-------------------------|---------|
|                     |    |            |                  |           |                 |                       |                         |         |
|                     |    |            |                  |           |                 |                       |                         |         |
|                     |    |            |                  |           |                 |                       |                         |         |

System Description SPRINGS ARE COLLECTED AT (2) LOCATION A & B. A IS COLLECTED IN A CONCRETE BOX THE DIVERTED THRU (2) PIPES TO CHLORINATION TANK & TO PROCESSING PLANT. B IS COLLECTED & AND RUN TO HOLDING PONDS & LAB. (SEE MAP)

\*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

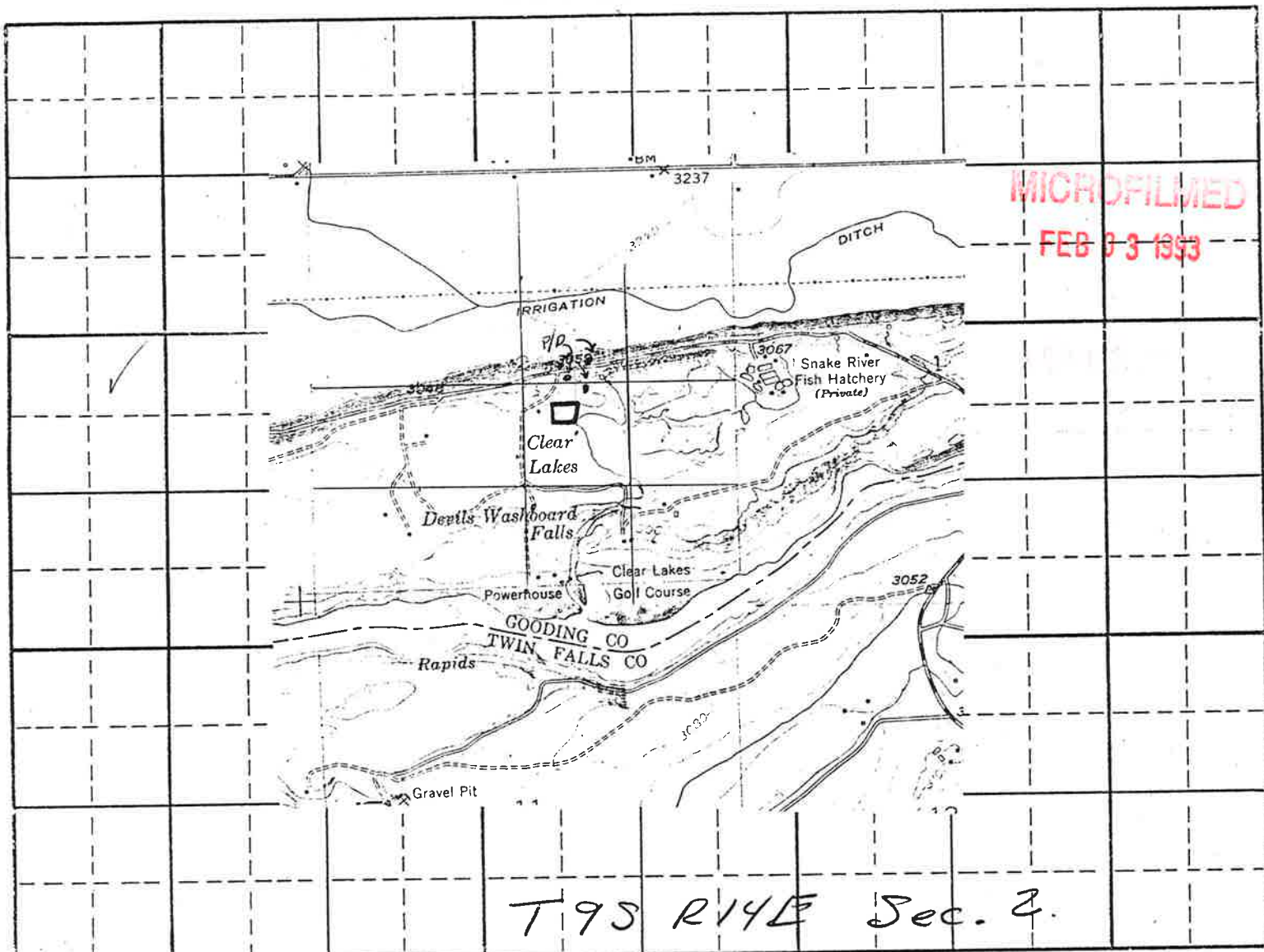
| USE                | Q (cfs)  | V (afa) | FROM    | TO       |
|--------------------|----------|---------|---------|----------|
| FISH PROPAGATION ✓ | 8 ✓      | N/A ✓   | JAN 1 ✓ | DEC 31 ✓ |
| INDUSTRIAL ✓       | 2 ✓      | N/A ✓   | JAN 1 ✓ | DEC 31 ✓ |
|                    |          |         |         |          |
|                    |          |         |         |          |
|                    |          |         |         |          |
| Total              | 10 CFS ✓ | N/A     |         |          |

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Remarks WEIR WAS MEASURED ON 10/20/1982 & PIPE LINE WAS MEASURED ON 10-22-1982  
THE WATER GOING INTO THE PROCESSING PLANT IS FOR INDUSTRIAL AND THE WATER GOING INTO THE HOLDING PONDS ARE FOR FISH PROPAGATION.

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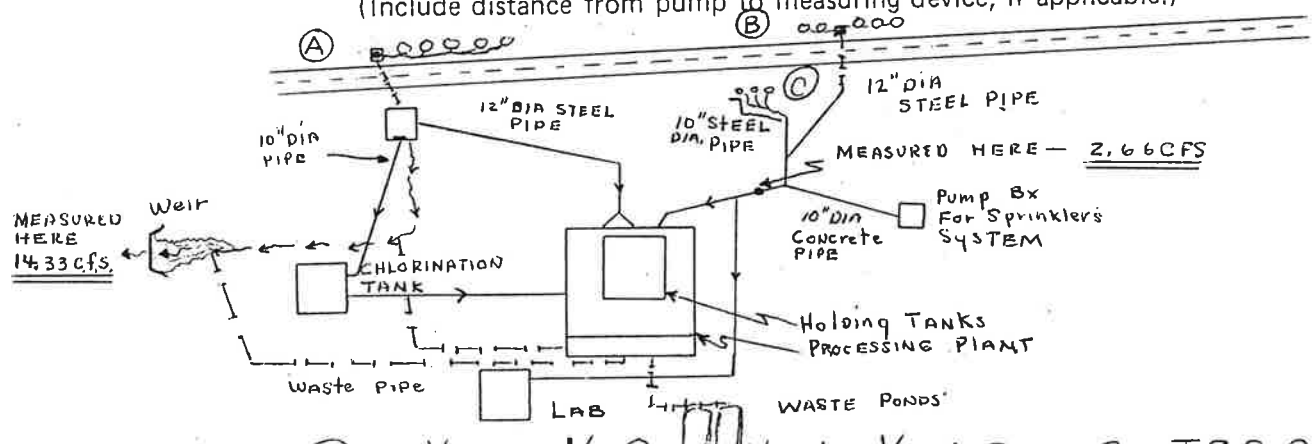
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T9S R14E Sec. 2

SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: © NW 1/4 SE 1/4 © SW 1/4 NE 1/4; Sec 2 T9S R14E  
© SW 1/4 NE 1/4; Sec 2 T9S R14E

Place(s) of Use ☒

| TWP. | RGE. | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 9S   | 14E  | 2    |        |        |        |        |        |        |        |        |        |        |        |        |        | X      |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Recommended Amendments:

- ☐ Change P.D. as reflected above
- ☒ Add P.D. as reflected above
- ☐ None
- ☐ Change P.U. as reflected above
- ☐ Add P.U. as reflected above
- ☐ Other

Examiner's Signature Larry Junderburg

Checked by J.P. Johnston

Approved by Kary Walker

Date 02/10/1983

Date 2-15-83

Date 8-13-85