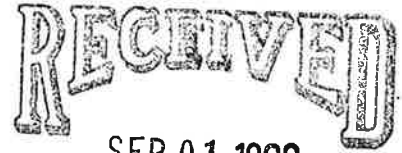


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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 A36-02680  
Date Received 9-1-88  
Receipt Number C002453

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW



Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Rim View Trout Company Phone (208 ) 344-7321

Mailing Address 1301 Vista Avenue, Boise, Idaho Zip 83705

2. Date of Priority (Only one (1) per claim) June 6, 1966

3. Source of water supply (a) Niagara Springs  
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 9S Range 15E Section 10,  
NE 1/4 of NE 1/4 of 1/4, Govt. Lot, 1 B.M., County of Gooding

Additional points of diversion if any: \_\_\_\_\_

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

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

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

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

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

Concrete Headworks and Flumes, Dirt and rock canal and pipes  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

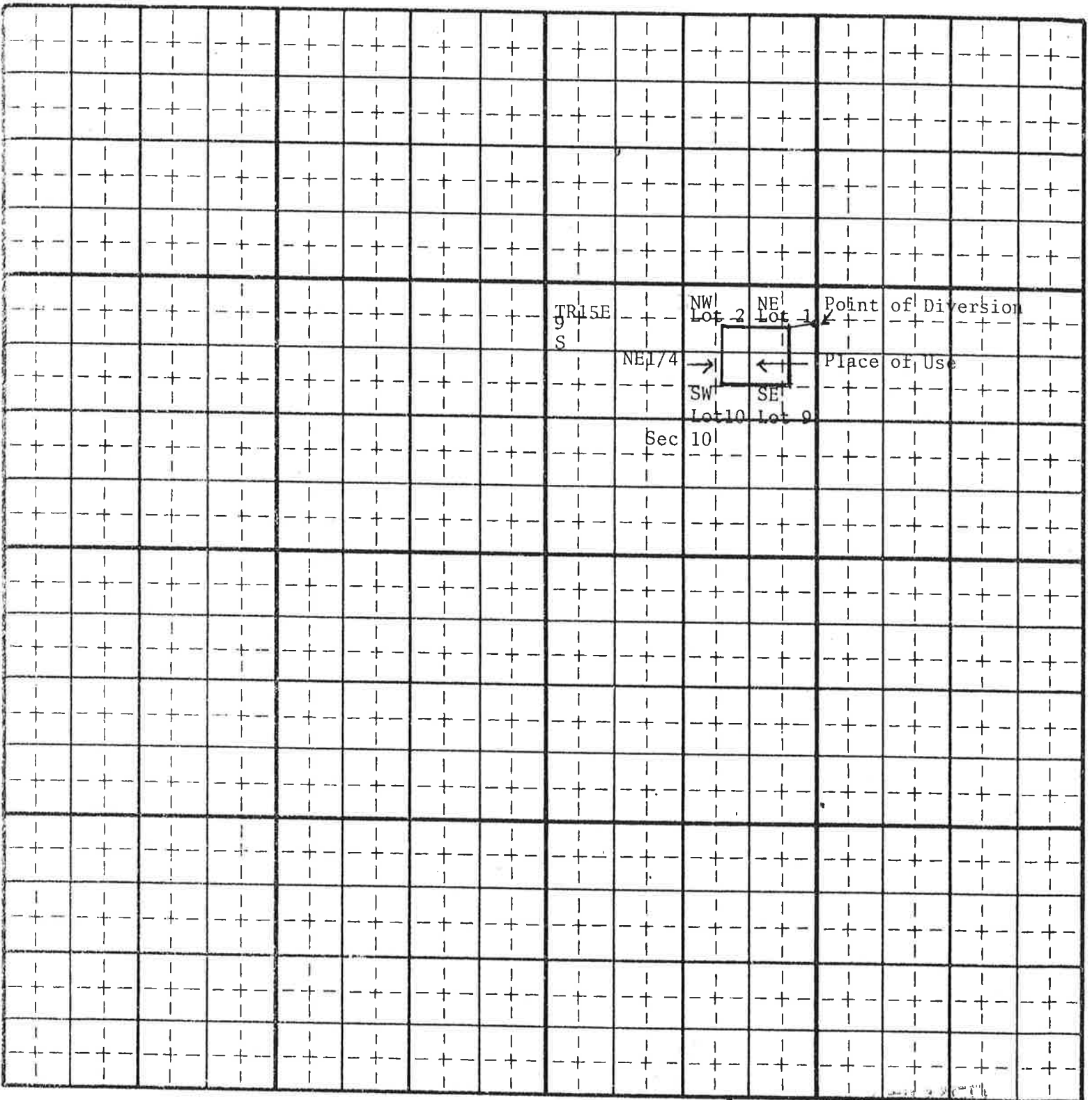
MICROFILMED

JAN 28 1993



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

Scale: 2 inches equals 1 mile



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JAN 28 1993

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License X Permit \_\_\_\_\_  
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number 33448/36-2680  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_

16. Signature (s)  
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.  
Number of attachments \_\_\_\_\_  
**For Individuals:** I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.  
Signature of Claimant (s) \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm that I am President \_\_\_\_\_ Title \_\_\_\_\_  
of Rim View Trout Company \_\_\_\_\_, that I have signed the foregoing  
document in the space below as President \_\_\_\_\_ of Rim View Trout Company \_\_\_\_\_  
Title \_\_\_\_\_ Organization \_\_\_\_\_  
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Eileen Huray \_\_\_\_\_  
Title and Organization President, Rim View Trout Company \_\_\_\_\_ Date September 1, 1988

State of Idaho/or Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 1st day of September 19 88

SEAL Notary Public Mary Anne Johnson  
Residing at Boise, Idaho  
My Commission Expires 1-11-92

Please Print Name  
17. Notice of Appearance:  
Notice is hereby given that I, W.F. RINGERT will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.  
Signature W.F. Ringert  
Address Box 2773, Boise, ID 83701  
Date 9-1-88

Last Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

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JAN 28 1993

Copies White-State, Yellow-Claimant

CA

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: A36-02680  
Date Received: 9/01/1988  
Receipt No: C002453  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: RIM VIEW TROUT CO. 208-344-7321  
Address: 1301 VISTA AVENUE  
BOISE, ID 83705

2. Date of Priority: JUN 06, 1966

3. Source: NIAGARA SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	15E	10	NE	NE	NE	1	GOODING

5. Description of diverting works:  
CONCRETE HEADWORKS AND FLUMES, DIRT AND ROCK CANAL AND PIPES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	90.300		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
FISH PROPAGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	15E	10	NE	NE	1	FISH	
			NW	NE	2	FISH	
			SW	NE	10	FISH	

MICROFILMED  
Date: 10/04/88  
JAN 28 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	15E	10	SE NE	9	FISH	

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:

36-04032, 36-07167

14. Remarks:

\*\*\*\*\* MEMO TO FILE \*\*\*\*\*  
USE OF WATER UNDER THIS LICENSE IS AFFECTED BY AN AGREEMENT AND  
STIPULATION BETWEEN IDAHO POWER COMPANY AND RIM VIEW TROUT  
COMPANY INC. DATED OCTOBER 5, 1966.  
\*\*\*\*\*

15. Basis of Claim: LICENSE

Water Right Number: 33448

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Organizations:**

I do solemnly swear or affirm that I am \_\_\_\_\_ of \_\_\_\_\_ Title \_\_\_\_\_, that I have signed the foregoing Organization \_\_\_\_\_ document in the space below as \_\_\_\_\_ of Title \_\_\_\_\_ and that the statements contained in the Organization \_\_\_\_\_ foregoing document are true and correct.

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Title and Organization

\_\_\_\_\_  
Date

State of Idaho )  
County of \_\_\_\_\_ ) SS.

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

\_\_\_\_\_  
Notary Public

Seal

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

My Commission Expires \_\_\_\_\_

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JAN 28 1993

8/01/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Rim Vie Trout Co., Inc CLAIM ENT. NO. A34-02680  
DATE RECEIVED 9-1-88 CK # 1787 AMOUNT \$ 953.00

- |  | YES                                 | NO                       |
|--|-------------------------------------|--------------------------|
| 1. Is the name and address complete with zip code?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is priority date entered?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?<br>A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS. |                                     |                          |
| 3. (a) Is a source entered?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) Is a tributary to entered? (if required)   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Is the legal description of the p.d. complete?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Is there a description of the diverting works?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Are the water uses appropriate for the form? The short form limited domestic and stockwater. Instream stockwater must use long form.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Is the period of use included?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Is a quantity claimed for each use?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Is a total quantity claimed entered?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. Is the consumptive use correct?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If required is a consumptive use entered?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 10. Is (are) the place(s) of use entered?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 11. Is (are) the county(ies) entered?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 12. Is the ownership of p.u. checked?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 13. Are other water rights listed or "none" checked?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 15. Is the basis of the claim checked?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 16. Is the claim signed by the claimant?<br>Is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Has the claim been signed, sealed, and dated by a notary?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Is the fee enclosed correct?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If this claim is based on an existing water right, has the identification number been entered?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Should this claim be receipted and data entered?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Claim checked by: [Signature]  
MICROFILMED  
JAN 28 1993

Comments: \_\_\_\_\_

A36-04032B  
W.F. RINGERT  
P.O. BOX 2773

BOISE ID 83704

A36-07167  
W.F. RINGERT  
P.O. BOX 2773

BOISE ID 83701

A36-02680  
W.F. RINGERT  
P.O. BOX 2773

BOISE ID 83701

A36-04032A  
W.F. RINGERT  
P.O. BOX 2773

BOISE ID 83704

A36-04032C  
W.F. RINGERT  
P.O. BOX 2773

BOISE ID 83704

A36-07725  
W.F. RINGERT  
P.O. BOX 2773

BOISE ID 83701

A36-02659  
W.F. RINGERT  
P.O. BOX 2773

BOISE ID 83701

A36-07004  
W.F. RINGERT  
P.O. BOX 2773

BOISE ID 83701

A36-10855  
W. F. RINGERT  
P.O. BOX 2773

BOISE ID 83701

A36-07800  
W. F. RINGERT  
P.O. BOX 2773

BOISE ID 83701

A36-07731  
W.F. RINGERT  
P.O. BOX 2773

BOISE ID 83701

MICROFILMED

JAN 28 1993



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

18-Jul-1990 13:51

A36-07080 \*  
W.F. RINGERT  
P.O. BOX 2773

BOISE

ID 83701

RE: Field examination of a water right claimed  
in the Snake River Basin Adjudication

Dear Counselor,

The field staff of this agency may need to conduct water right field examinations of your client's water right claim(s) during the coming season. The field examiner may be visiting your client's property to obtain information necessary to verify the water use.

If a field exam is necessary your client will be contacted directly about the examination unless you contact us otherwise. If you wish to accompany your client at the time of any field examination, or if you have any questions regarding the field examination, you may contact this office.

Sincerely,

Allen Merritt, P.E.  
Water Rights Supervisor

\*See Attached Pages for Other Water Rights

MICROFILMED  
JAN 28 1993

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:  
Include address and phone no.  
in case follow-up is needed.

SHARON STRICKLAND  
(OF ROSHOLT'S)  
734-0700

2. SUBJECT OF INQUIRY:

called on questions for:

36-4032C : why Disallowed?

36-10819 : Referred to 36-4032C?

36-02704 : IPCO claim; Why the staggered season and variable flow rates.  
she said this info was left off her NOE print out.

They may be objecting to this Remark.

3. RESPONSE TO INQUIRY:

36-04032C → Recommended as part of 36-02680.

36-10819 → Recommended as part of 36-02680

36-02704 → Represents actual use based on USGS measurements of Steelhead cyclic use of water rates on this site.

4. IDWR STAFF AND DATE:

Steve Clelland 10-29-92

Print name and initial

STEVE CLELLAND

MICROFILMED

WATER RIGHT CLAIM (Nos.):

A36-04032C A36-10819 A36-02704

JAN 28 1993

\* copy to A36-02680

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. 36-02680 -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)

2. Person who filed objection:

Name: RIM VIEW TROUT CO  
Address: 1301 VISTA AVE  
BOISE ID 83705

3. If this response is filed by an attorney:

Attorney Name(s): NICHLOAS 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

3. || Quantity: I respond to the objection concerning:
- 3a. || The total quantity of water used in cubic feet per second.
11. || Remarks: I respond to the objection concerning the "remarks" listed with the water right.
14. || Other: I respond to the objection concerning:  
GENERAL PROVISIONS 5 & 7

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 3, 3.a, and 11.1, and all allegations of the objection regarding these items, IDWR responds as follows:

In addition to this right, the claimant has also claimed three rights (nos. 36-04032A, 36-04032B and 36-04032C, for a claimed total diversion under the three rights of 40 cfs) based on beneficial use with priority dates earlier than the priority date of this right, used through the same diversion system. The licensing field exam for this right showed the total diversion

capacity of the system at that time to be 90.3 cfs. Therefore, the total amount of water that could be beneficially used under all four rights at that time was 90.3 cfs. Because 10.6 cfs is already recommended under prior rights, the total beneficial use pursuant to this right is the 79.7 cfs recommended in the director's report.

License No. 36-2680 expressly provides, "Use of water under this license is affected by an agreement and stipulation between Idaho Power Company and Rim View Trout Company, Inc. dated October 5, 1966." The agreement resolved a protest filed by Idaho Power Company to application for permit no. 36-2680. The agreement expressly provides that the application is "including therein the 40 cfs which it has been diverting and using for fish propagation purposes for several years."

In response to Statement of the Objection item 11.2 and all allegations of the objection regarding this item, IDWR responds as follows:

There are errors in the annual diversion volume and remarks in the description of this right and right nos. 36-04032A and 36-04032B in the director's report. The annual diversion volume for this right should be 57,701 AFY, for 36-04032A should be 2562.8 AFY, and for 36-04032B should be 5111.2, for a total combined annual diversion volume under the three rights of 65,375 AFY. Also, because claim no. 36-04032C was recommended for disallowal, the reference to claim no. 36-04032C should be deleted from the remarks.

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

Ada County Civil No. 94822 is currently pending, in regard to enforcement of an order of IDWR to install and maintain a measuring device on the Rim View diversion system. IDWR denies this portion of the objection and any allegations of this portion of the objection not expressly admitted herein.

#### 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:

(Over)

No. of  
Pages

Notice of Claim No. A36-02680  
Recommended Water Rights Acquired Under State Law

4  
1

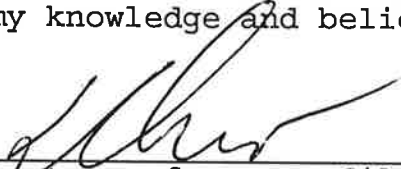
VERIFICATION (Must be Completed)

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 30<sup>th</sup> day of August,  
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)

CERTIFICATE OF MAILING

I hereby certify that on the 30<sup>th</sup> day of AUGUST, 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: 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

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: Rim View Trout Company  
Owner's address: 1301 Vista Avenue  
Boise, ID 83705

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

State of Idaho  
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 33448/36-2680 Priority June 6, 1966 Amount 90.30 cfs

THIS IS TO CERTIFY, that COMMERCIAL STATE BANK  
of Boise, Idaho, has complied with the terms and conditions of Permit  
No. 33448/36-2680 issued pursuant to Application for Permit dated June 6, 1966  
and has submitted proof to the Department of Water Administration on February 8, 1972  
that he has applied water to a beneficial use; an examination by the Department indicates that the  
works have a capacity of 90.30 cfs, and that the water has in fact been applied to a  
beneficial use; a right to the use of water from Niagara Springs  
tributary of the Snake River, is hereby confirmed in the following amounts:

Amount 90.30 cfs for Fish Propagation from Jan. 1 to Dec. 31 (both dates inclusive)

Amount \_\_\_\_\_ for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

Amount \_\_\_\_\_ for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

Subject, however, to the condition that no more than 90.30 cfs of water be diverted at  
any one time, said waters to be diverted within the \_\_\_\_\_

NE 1/4 (Lot #1) of Sec. 10, Twp. 9 S, Rge. 15 E, B.M.

in the county of Gooding; and that the amount of water so diverted and to which such  
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can  
actually be beneficially used and shall not exceed 65,919 acre feet per year ~~or~~

Description and location of place of use:

TWP.	RANGE	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	
9 S	15 E	10	X																

Total number of acres irrigated \_\_\_\_\_

Use of water under this license is affected by an agreement and stipulation between  
Idaho Power Company and Rim View Trout Company, Inc., dated October 5, 1966.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19 day of

June, 19 73

  
Director

36 2680



Any party physically filing 25 (twenty-five) or more objections must make an appointment with a 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: IDAHO POWER COMPANY  
Address: P.O. Box 70  
Boise, Idaho 83707-0070

Briefly describe your interest in this water right:

The diversion associated with this right is from the same source and in close proximity to a right claimed by the objector.

2. Owner of the water right:

Name: RIM VIEW TROUT COMPANY  
Address: 1301 Vista Avenue  
Boise, Idaho 83705

3. If this objection is filed by an attorney:

Attorney Name: James C. Tucker  
Attorney Address: P.O. Box 2139  
Boise, Idaho 83701-2139  
Attorney Phone No.: (208) 336-0700

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)

12.  Water Right Recommendation: I object to:
- this water right being recommended at all; or
- this water right not being recommended.
13.  Description of Reservation: I object to the legal description of the reservation.
14.  Other: I object to:

This right being decreed as recommended, or as claimed, until all issues pending, or subsequently raised, before the Court in *Rim View Trout Co., Inc. v. Idaho Department of Fish & Game and Idaho Department of Water Resources*, a subcase(s) in Civil No. 39576, are resolved either through litigation or negotiation.

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.

Box 14: Litigation between Rim View Trout Company and Idaho Department of Fish and Game has not been concluded.

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.

Recommendation of this right should be withheld until the completion of litigation involving this right.

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

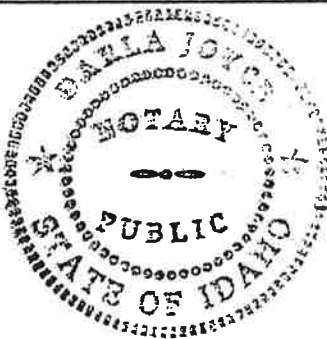
Patrick D. Madigan, being first duly sworn, upon oath, deposes and says: O

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.

\_\_\_\_\_  
Signature of person filing objection

By: Patrick Madigan  
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 20<sup>th</sup> day of APRIL, 1993.



Daria Jones  
Notary Public for Idaho  
Residing at: False  
My commission expires: 4-76-95

(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 29<sup>th</sup> 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:

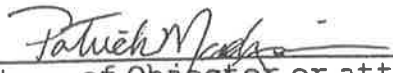
Owner name: RIM VIEW TROUT COMPANY  
Owner's address: 1301 Vista Avenue  
Boise, Idaho 83705

3. One copy to:

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

4. One copy to:

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

  
\_\_\_\_\_  
Signature of Objector or attorney  
mailing on Objector'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 A36-02680  
Date Received 9-1-88  
Receipt Number C002453

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

RECEIVED  
SEP 01 1988

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Rim View Trout Company Phone (208 ) 344-7321  
Mailing Address 1301 Vista Avenue, Boise, Idaho Zip 83705

2. Date of Priority (Only one (1) per claim) June 6, 1966

3. Source of water supply (a) Niagara Springs  
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 9S Range 15E Section 10,  
NE 1/4 of NE 1/4 of        1/4, Govt. Lot, 1 B.M., County of Gooding

Additional points of diversion if any: \_\_\_\_\_

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

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_  
\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

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

MICROFILMED

JAN 28 1993

6. Water is claimed for the following purposes: (both dates are inclusive) (cfs) (acre feet)
- For Fish propagation purposes from Jan. 1 to Dec. 31 amount 90.3 or \_\_\_\_\_
- For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_
- For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_
- For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_
7. Total quantity claimed (a) 90.3 (cfs) and/or (b) \_\_\_\_\_ (acre feet)
8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.
9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Fish propagation
10. Description of place of use:  
 a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.  
 b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals				
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4					
9S	15 E	10	GL1 H	GL2 H	GL10 H	GL9 H	Place of use was not completely described on the license.																

Total number of acres irrigated \_\_\_\_\_

11. In which county (ies) are lands listed above as place of use located? Gooding
12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_  
 If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.  
Claim No. 36-4032 is owned by Rim View Trout Co. Also License No. 36-7167 or None ( )  
 which is used at the same place but for separate use from 33448/36-2680 herein described.
14. Remarks:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MICROFILMED

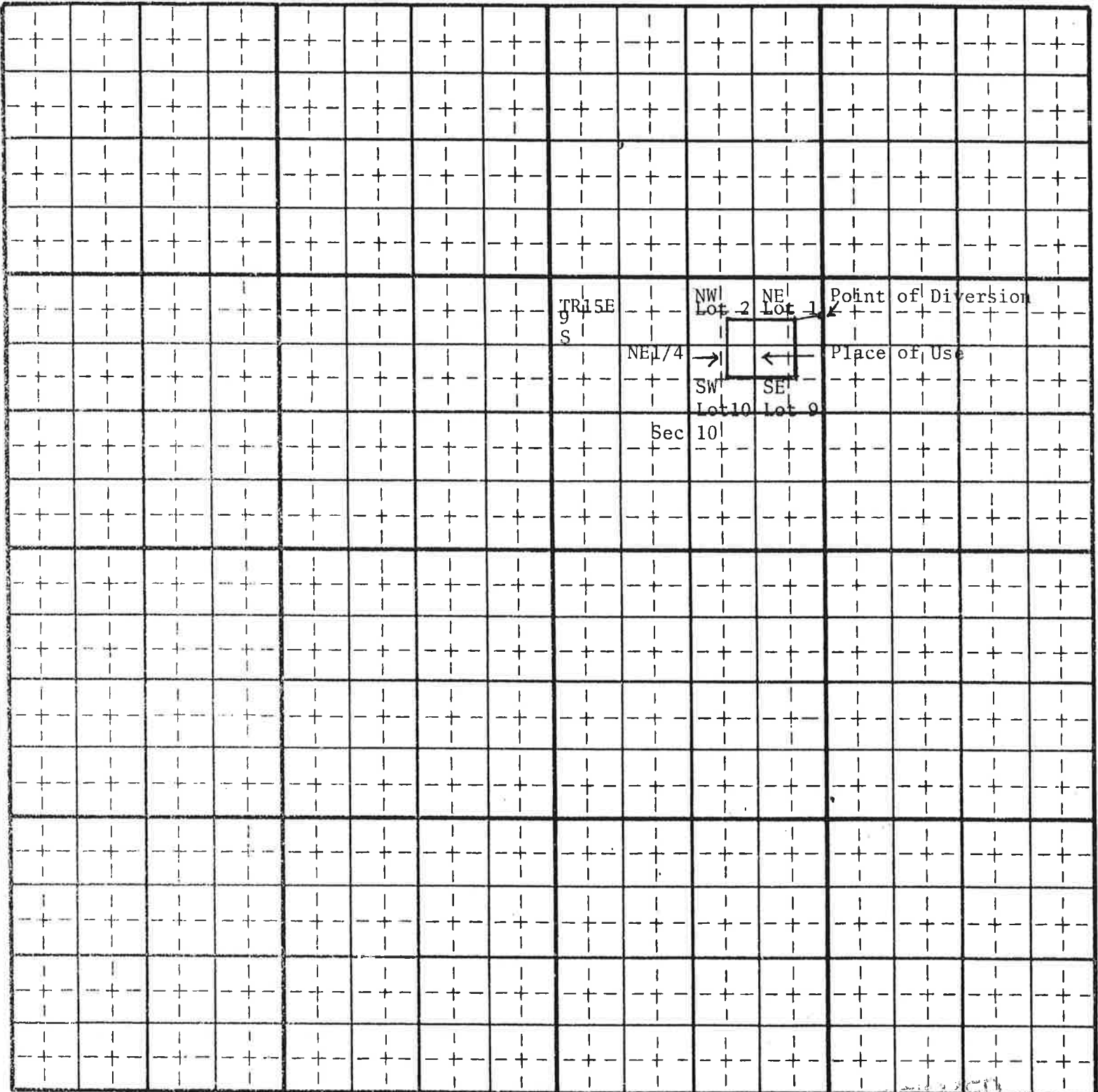
JAN 28 1993

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



MICROFILMED

JAN 28 1993

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one)  Official Use  Posted Notice  License  Permit   
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number 33448/36-2680  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_

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

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

Signature of Claimant (s) \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm that I am President Title \_\_\_\_\_

of Rim View Trout Company Organization \_\_\_\_\_, that I have signed the foregoing document in the space below as President Title \_\_\_\_\_ of Rim View Trout Company Organization \_\_\_\_\_

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

Signature of Authorized Agent Eileen Harty  
Title and Organization President, Rim View Trout Company Date September 1, 1988

State of Idaho/or Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 1st day of September 19 88

SEAL

Notary Public Mary Anne Johnson  
Residing at Boise, Idaho  
My Commission Expires 1-11-92

Please Print Name

17. Notice of Appearance:  
Notice is hereby given that I, W.F. RINGERT will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature W.F. Ringert  
Address Box 2773, Boise, ID 83701  
Date 9-1-88

MICROFILMED  
JAN 28 1993

Last Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant

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

DATE: AUG-26-1993

PAGE: A-3

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: NIAGARA SPRINGS		TRIBUTARY: SNAKE RIVER				
36-02680	RIM VIEW TROUT CO 1301 VISTA AVE BOISE ID 83705	06/06/1966	FISH PROPAGATION	01-01 12-3	79.7 CFS	LICENSE
					<del>36720.1</del> AFY	
					<del>57701</del> AFY	
				TOTAL QUANTITY:	79.7 CFS	
					<del>36720.1</del> AFY	
					<del>57701</del> AFY	

## NON-IRRIGATION-USES:

FISH PROPAGATION/COMMERCIAL HATCHERY

## POINT OF DIVERSION:

T09S R15E S10 LOT 1 (SENENE)

PLACE OF USE: FISH PROPAGATION

REMARKS: T09S R15E S10 Lot 1 (NENE) Lot 2 (NWNE) Lot 10 (SWNE) Lot 9 (SENE)  
FACILITY VOLUME = 696,960 CU. FT.  
USE OF THIS RIGHT WITH COMBINED RIGHTS LISTED BELOW IS LIMITED TO A TOTAL FACILITY VOLUME OF 696,960 CU. FT.  
COMBINED RIGHTS: 36-04032A, 36-04032B, ~~36-04032C~~ & 36-07167.  
THE COMBINED RIGHTS LISTED ABOVE ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

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. 36-02680 -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)

2. Person who filed objection:

Name: IDAHO POWER CO  
Address: PO BOX 70  
BOISE ID 83707-0070

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

14.  Other: I respond to the objection concerning:

PENDING SUB-CASE REGARDING NIAGARA SPRINGS  
BETWEEN RIM VIEW TROUT COMPANY AND IDAHO  
DEPARTMENT OF FISH AND GAME.

REASONS SUPPORTING EACH BOX CHECKED

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

The objection fails to allege any errors in the director's report or any portions of the director's report that should be changed, and therefore should be dismissed.

In the alternative, IDWR responds as follows: Idaho Power Company, Rim View Trout Company, and the Idaho Department of Fish and Game are the only claimants of rights to water from Niagara Springs; each of IDWR's recommendations of claims to water from Niagara Springs are contested by one or more of these three claimants; the use of water from Niagara Springs is a source of long-standing dispute among these three claimants; and Idaho Power Company has made the same objection to each right recommended to Rim View Trout Company and the Idaho Department of

Fish and Game. If this objection is not dismissed, then IDWR concurs that all issues as to the description of the water rights from Niagara Springs raised by the objections should be determined at the same time, by consolidation into a single sub-case.

There are errors in the diversion volume and remarks in the description of this right in the director's report. The recommendation should be corrected 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. 36-02680-0001	
Recommended Water Rights Acquired Under State Law	1

(Over)

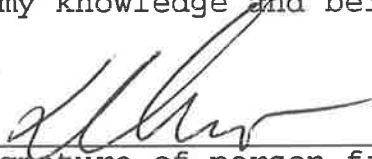
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

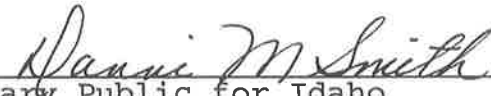
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director 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 30<sup>th</sup> day of August, 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 30<sup>th</sup> day of AUGUST, 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: WILLIAM F RINGERT  
Address: PO BOX 2773  
BOISE ID 83701

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: JAMES C TUCKER  
Address: PO BOX 2139  
BOISE ID 83701-2139

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 LAW

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: NIAGARA SPRINGS		TRIBUTARY: SNAKE RIVER				
36-02680	RIM VIEW TROUT CO 1301 VISTA AVE BOISE ID 83705	06/06/1966	FISH PROPAGATION	01-01 12-3	79.7 CFS	LICENSE
					<del>36720.1</del> AFY	
					<del>57701</del> AFY	
TOTAL QUANTITY:					79.7 CFS	
					<del>36720.1</del> AFY	
					<del>57701</del> AFY	

NON-IRRIGATION-USES:

FISH PROPAGATION/COMMERCIAL HATCHERY

POINT OF DIVERSION:

T09S R15E S10 LOT 1 (SENENE)

PLACE OF USE: FISH PROPAGATION

REMARKS: T09S R15E S10 Lot 1 (NENE) Lot 2 (NWNE) Lot 10 (SWNE) Lot 9 (SENE)  
 FACILITY VOLUME = 696,960 CU. FT.  
 USE OF THIS RIGHT WITH COMBINED RIGHTS LISTED BELOW IS LIMITED TO A TOTAL FACILITY VOLUME OF 696,960 CU. FT.  
 COMBINED RIGHTS: 36-04032A, 36-04032B, ~~36-04032C~~ & 36-07167.  
 THE COMBINED RIGHTS LISTED ABOVE ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

RECEIVED

APR 29 1993

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. 36-02680  
(You must insert the  
water right number you  
are objecting to)

OBJECTION

36-02680 -0001/  
93-04-0236

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 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: RIM VIEW TROUT COMPANY  
Address: 1301 Vista Avenue  
Boise, ID 83705

Briefly describe your interest in this water right:  
OWNER

2. Owner of the water right:

Name: RIM VIEW TROUT COMPANY  
Address: 1301 Vista Avenue  
Boise, ID 83705

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

RECEIVED  
JUL 10 1983

JUL 10 1983

RECEIVED

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
  - 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. X Other: I object to: General Provision No. 5; General Provision No. 7.

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.

- 3a. The evidence supports a finding that the system capacity at time of licensing was sufficient to show beneficial use of 90.3 cfs under Permit No. 36-2680, in addition to the 40 cfs previously established under Water Rights No. 36-04032A, No. 36-04032b and No. 36-04032C. License No. 36-2680 was issued by the Director for 90.3 cfs and is prima facie evidence of the quantity of water appropriated under Permit No. 36-2680. There is no evidence of forfeiture or abandonment of any portion of Right No. 36-02680, and the license did not state that any portion of the water rights established by diversion and application to beneficial use under Claims Nos. 36-04032A, 36-04032B and 36-04032C, were included in the amount licensed under License No. 36-02680.
11. 1. No portion of the right has been abandoned or forfeited.
2. If total volume is an element to be considered, it is erroneously calculated for this water right and should be based on 90.3 cfs, which yields a total annual of 65,918 acre feet. If the court ultimately determines that the water right is 79.7 cfs, then the total quantity is 58,181 acre feet per year.
14. 1. Idaho Code § 42-1410 requires the Director to continue his examination of the water system covered by

the Snake River Basin Adjudication "for such a period of time as is necessary to evaluate the extent and nature of each water right for which a notice of claim has been filed. The director may conduct any fact-finding hearing necessary for a full and adequate disclosure of the fact." General Provision No. 5 violates this statutory requirement and claimants whose water rights are in springs fed by the Snake Plain aquifer should not be required to file objections against any ground water rights recommended in Basin 36 until such time as the Director has determined the hydraulic connection between the ground water within the Snake Plain aquifer and the springs that are fed by the Snake Plain aquifer.

2. The Director has no authority under the adjudication statutes to require installation of measuring devices and control works with respect to vested water rights or to include General Provision No. 7 in his report. Any authority the Director has in those areas is contained in Idaho Code § 42-701, and there is neither need nor authority for incorporating the provisions of that statute into the adjudication process or into the decree. The measuring device involved in this diversion is the subject of a pending action, Ada County Case No. 94822.

#### 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.

1. Change the quantity for fish propagation to 90.3 cfs.
2. Delete total volume reference.
3. Delete facility volume and total facility volume references.
4. Delete General Provision 5. The Director's Report should be held in abeyance until such time as the necessary investigations have been completed, and the report then should be supplemented or amended, and an additional period of time should be allowed for filing objections to ground water claims in Basin 36.
5. Delete General Provision 7.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports. The description of the water system in Basin 36, which the Director is required to include in his report (Idaho Code § 42-1411(1), is not adequate or sufficient to enable this claimant to determine whether there is sufficient connection between ground water rights in Basin 36 and this claimant's water rights in the springs fed by the Snake River aquifer, to warrant investigations to determine whether grounds exist for objections to any of such ground water rights on the basis of abandonment, forfeiture, unauthorized expansion, or any other facts or legal theories upon which any ground water right recommended by the Director in Basin 36 could be challenged.

X 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.

License of Water Right No. 36-2680. - 1 page.

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.

Rim View Trout Company  
Signature of person filing objection

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

1993.  
Subscribed and sworn to before me this 26<sup>th</sup> day of April,

Quita C. M<sup>c</sup> Cormick  
Notary Public for Idaho  
Residing at: Boise Idaho  
My Commission expires: 11-14-98



William F. Ringert  
D. Blair Clark  
Andrew M. Harrington  
James G. Reid  
Jeffrey R. Christenson  
James P. Kautman  
Patrick D. Porey  
Laura E. Burri  
David Hammerquist  
Daniel V. Steenson  
Steven C. Mahaffy

Samuel Kautman (1921-1986)

FACSIMILE COVER SHEET

DATE: July 30, 1993

The transmission that follows totals 9 pages, including this coversheet. Please immediately deliver the following pages to:

NAME: David Shaw  
FIRM: Idaho Department of Water Resources  
CITY: Boise  
FAX NO: 327-7866

This transmission is being sent by:

NAME: Bill Ringert  
FIRM: Ringert Clark Chartered  
455 South Third Street, P.O. Box 2773  
Boise, Idaho 83701-2773

FAX NO: (208) 342-4657

Please call the facsimile operator indicated below if there is a problem in transmission.

OPERATOR: Anita McCormick  
TELEPHONE NUMBER: (208) 342-4591

MESSAGE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MICROFILMED  
DEC 04 1996

REG

Notes of Conference with Milford Schmeckeger on July 26, 1996

# 2

Wayne Schme. bought the ranch in 1949 from Ida Owen Mayer -

The prop. was being used as a fish farm then there were about 12 or 13 ponds operating in 1949

Wayne had been leasing it for 2 years - 1946 or 1947

the hatchery operation was started in 1946 or 1947. they were using the canal initially, plus the pipeline & open ditch

Wayne bought in Jan - Feb, 1949 - from Mrs. Mayer Mrs. Mayer was using 10 sec. ft. at time of sale -

Bought it for cash \$40,000  
Copy of deed shows 10 sec ft. of water -

Wayne put in the original <sup>water</sup> works as leasee - Mrs. Mayer ~~was~~ told Wayne where to put the facilities in - never told Wayne it was Idaho Power

in Robertson way know where this is Mrs. Mayer lives in Calif.

POOR ORIGINAL

Wayne first knew of this after he purchased the prop. Idaho Power sent a man out from Twin Falls - C Square 1949 - he said not to put any more works on I.P. 3

MICROFILMED  
JUL 4 1996

Mrs. Mayer sold Tract 1 - D. - 11 - 11

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Mrs. Mayer sold Tract 1 plus the ones over to the A's

where Mays was when she bought it in Calif.

MICROFILMED  
DEC 4 1996

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prop. Sachs got 10 sec. ft. of the 20 which Mayer reserved from I.P.

there were two other ditches above - one still running water to the Niagra Springs Ranch - one other

Robert Mayer  
know where they  
was in Calif

MICROFILMED  
POOR ORIGINAL  
DEC 04 1996

... ..  
city to Idaho Power in 1926 -

They reserved 26 sec. ft. of Niagara Springs for the Mayer

... ..  
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there were two other ditches above - one still running water to the Niagara Springs Ranch + one other -

POOR ORIGINAL

MICROFILMED  
DEC 04 1996

In <sup>1949</sup> ~~1945~~ the filed app -  
 In 1950, as a result of I.P.'s objection, they negotiated  
 a lease with I.P. It was written lease -  
 either Rangan or Walker has orig. lease -  
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they began expanding facilities in 1951 and  
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again in 1952. they put in 3 more ponds and a  
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In 1962-63 they put in 3 more ponds - which brought  
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 Jim Bruce O.K. ed this over the telephone to Lloyd Walker -  
 They never had the money - so never put it in  
 the facility was to carry 80 Sec. ft. -

POOR ORIGINAL

Idaho Power came down in Dec., 1966 - Mr. Mame  
 and some one else -

Mame Shovid Schwisch gave the plans - said that  
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MICROFILMED  
 DEC 4 1996

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POOR ORIGINAL  
MICROFILMED  
JUL 24 1996

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POOR ORIGINAL  
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DEC 04 1996  
- Mr. Mame

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Moore should Smith give the plans - said that the I.P. would redo their facilities so that 14 Sec. ft. would go. So + 26 ft. work.

The reason that Smith gave didn't exist on the alignment was because they had agreed to it - both in 1963 & Dec, 1966 that's why the word "sidings" was used -

They put in new facilities based on the promise of Jim B

POOR ORIGINAL

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DEC 04 1996

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POOR ORIGINAL

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POOR ORIGINAL

MICROFILMED  
DEC 04 1996

~~Wayne Schucheppe~~

Quinn v Stone 75-I-243

where an easement for a ditch granted is indefinite,  
the court can determine the location -

28961

Geo.

Wayne Schucheppe

10. Sec. 91.

Nov. 3, 1949

28962

Milford

20 Sec 91.

Nov. 3, 1949

never went to permit -

POOR ORIGINAL

MICROFILMED  
DEC 04 1996

~~Quinn v. Stone~~

Quinn v. Stone 75-I-243

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POOR ORIGINAL

MICROFILMED  
DEC 04 1996

REC  
Notes of Conference with Milford Schmeckgeer on July 26<sup>26</sup>

# ~~1-13~~

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SEP 14 1996

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POOR ORIGINAL

MICROFILMED  
DEC 04 1996

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POOR ORIGINAL

MICROFILMED  
 Mr. Moore  
 DEC 04 1996



## 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

July 30, 1993

Mr. W.F. Ringert  
P.O. Box 2773  
Boise, ID 83701

Dear Bill:

As requested in our meeting this morning we have reviewed our files for the beneficial use field examination information for water right license numbers 36-02680 and 36-07167. Copies of that information is attached to this cover letter.

In addition I have attached a copy of Mr. Shaff's August 27, 1992 Memorandum and a copy of the U.S.G.S. data referred to in Mr. Shaff's Memorandum.

Two complete sets of copies are included. If there is additional information from the claim files you would like copies of please let me know.

Yours truly,

David B. Shaw  
Adjudication Bureau Chief

**MICROFILMED**  
**DEC 04 1996**

M E M O R A N D U M

DATE: August 27, 1992  
TO: File #A36-04032A, A36-04032B, A36-04032C & A36-02680  
FROM: Don Shaff *DS*  
RE: USGS Measurement Records/36-8597

U.S. Geological Survey measurement records found in application file 36-8597 prove noteworthy. The measurements contradicted the amounts and, in some cases, priorities, made by the claimant. A copy of these measurement records are in the file. Although this file shows some development occurred with the 1926 appropriation, the measurement records noted herein show a diversion not exceeding 10 cfs during the period from March, 1950 through December, 1958. For this reason, the amount of water for the 1926 appropriation under A36-04032A is recommended as 3.54 cfs, the largest recorded measurement thus far shown earlier than April 11, 1955.

The first diversion to exceed 10 cfs was recorded on January 16, 1959. To acknowledge this appropriation, claim 36-04032B is recommended with a January 16, 1959 priority date and a diversion amount of 7.06 cfs.

The USGS measurement records do not show 40 cfs being diverted until after the application for permit in 1966 was filed. Consequently, claim 36-04032C is recommended for disallowal in deference to the balance of the 40 cfs being appropriated with 36-02680. The field examination confirming the beneficial use of water under 36-02680 showed a total diversion rate of 90.3 cfs. Although the License was issued for this amount, this claim is recommended for 79.7 cfs for a total appropriation under this right and the two earlier rights of 90.3 cfs. Correspondingly, no change is recommended today for 36-07167 that culminated the total appropriation of 140 cfs to that date.

The measurement records from the USGS were a part of the folder 36-8597 in a file jacket titled, "Exhibits, Hearing Notes, Hearing Tapes, Roster of Attendance".

MICROFILMED  
JAN 28 1993  
DEC 04 1996



# United States Department of the Interior

GEOLOGICAL SURVEY

WATER RESOURCES DIVISION

230 Collins Road

Boise, Idaho 83702

Pursuant to 43 U.S.C. 1460, I hereby certify that the official records identified below are in the legal custody of the United States Geological Survey and attest that each annexed record is a true copy of data comprising part of the official records of the United States Geological Survey:

Results of discharge measurements, in cubic feet per second (cfs), made at Niagara Springs nr Buhl, Idaho.  
(03-24-50 through 09-28-72)  
(see attachment)

Amended from 01-28-88 to include names on diversions.

SIGNATURE: \_\_\_\_\_

TITLE: District Chief, WRD, ID

OFFICE: U.S. Geological Survey, Boise

DATE: 5-16-88

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JAN 27 1993

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MAY 18 1988  
DEC 04 1996

Amended 5/16/88 adding names to Diversions

HERE ARE RESULTS OF MEASUREMENTS, IN CUBIC FEET PER SECOND (CFS), MADE AT NIAGARA SPRINGS AND DIVERSIONS FROM THE SPRINGS:

DATE MM-DD-YY	MAIN CHANNEL	DIVERSION #1	Rim View	Thompson Mays (Langford)	SPRINKLER PIPE	TOTAL CFS
			DIVERSION S. of Road To Hatchery	DIVERSION N. of road Ice to W		
03-24-50	293	8.51 <i>Below pipes along RB</i>	(UNDER CONSTR)	1.70	-	303.20
03-26-51	297	7.74	3.24	5.06	-	313.04
04-15-52	278	7.91	3.54	7.25	-	296.70
04-09-53	296	6.58	3.49	3.22	-	309.29
04-11-54	311	4.72	2.06	3.45	-	321.23
04-11-55	323	5.05	2.18	3.94	-	334.17
04-04-56	255	28.2	4.53	6.15	-	273.88
04-03-57	269	22.6	4.50	4.40	3.0	303.50
04-03-58	270	13.6	7.60	4.16	-	295.36
11-20-58	328	8.00	4.46	5.45	-	345.91
12-10-58	350	7.30	6.15	6.20	-	369.65
01-16-59	303	6.56	10.6	3.78	-	323.94
02-11-59	296	5.37	10.4	2.53	-	314.30
03-23-59	295	6.88	9.06	DRY	-	310.94
04-08-59	268	5.43	8.83	10.8	-	293.06
04-23-59	263	6.61	8.11	18.2	3.0	298.92
05-30-59	235	5.70	12.2	18.4	2.5	273.80
06-24-59	267	4.14	12.1	20.2	3.0	306.44
07-30-59	293	6.07	12.3	17.5	2.0	330.87
09-03-59	308	6.99	13.4	20.1	3.0	351.49
10-08-59	331	7.40	13.2	8.84	-	360.44
11-03-59	302	6.99	11.5	9.13	-	329.62
12-08-59	292	5.18	12.4	9.45	-	319.03
01-12-60	287	5.93	8.85	11.2	-	312.98
02-24-60	269	6.07	12.1	5.85	-	347.65
03-31-60	259	6.77	9.45	10.6	3.0	288.82
05-03-60	244	6.20	10.3	11.0	3.0	274.50
06-07-60	253	7.69	11.0	22.9	3.0	297.59
07-13-60	275	8.57	13.0	30.6	-	327.17
08-16-60	273	8.44	14.7	23.9	4.0	320.44
09-21-60	302	10.6	15.3	24.3	0.2	352.27
10-26-60	292	12.0	15.2	24.6	0.5	343.85
12-16-60	278	8.71	13.9	9.1	-	309.71
01-19-61	270	7.42	14.0	6.17	-	297.59
02-22-61	260	8.80	10.5	5.16	-	283.66
03-29-61	251	7.52	9.25	10.8	-	278.57
05-03-61	221	6.94	7.09	12.8	3.6	251.43
06-05-61	229	9.52	12.7	29.5	0.7	281.42
07-06-61	231	11.0	10.6	27.5	3.2	283.30
08-08-61	241	11.0	10.3	27.9	3.0	293.20
09-13-61	253	8.4	15.7	25.7	-	302.80
10-25-61	258	11.8	14.5	5.63	-	289.93
11-28-61	260	10.2	13.9	2.60	-	286.70
01-10-62	241	10.7	17.3	4.70	-	273.70
02-21-62	233	11.2	15.7	4.29	-	263.79
03-21-62	235	9.67	11.8	11.87	-	264.44
05-01-62	211	9.34	11.6	12.26	-	264.40
05-30-62	220	12.1	13.0	17.7	0.2	263.00
07-11-62	239	12.8	11.1	21.6	3.1	287.60
08-22-62	276	13.9	15.0	13.8	3.2	321.90

MICROFILMED  
 JAN 27 1993  
 FEB 04 1996

10-03-62	278	14.1	8.2	30.9	0.2	331.40
11-06-62	302	12.7	15.0	2.36	0.4	332.43
12-05-62	289	9.93	19.6	1.59	-	320.12
02-19-63	252	10.7	20.1	0.5	-	283.30
03-20-63	249	9.96	15.3	DRY	2.0	276.30
04-24-63	238	10.4	17.6	4.26	1.0	271.26
06-03-63	229	11.3	16.8	DRY	0.3	257.40
06-11-63	245	13.0	21.6	9.99	0.9	289.68
07-15-63	251	12.3	18.7	22.6	1.25	305.65
08-20-63	259	12.7	17.1	26.3	0.5	315.60
09-30-63	284	12.7	18.4	30.0	0.5	345.60
11-03-63	304	12.4	20.2	17.9	0.4	345.90
12-09-63	272	10.8	17.8	9.61	0.3	310.51
01-12-64	264	10.6	19.1	8.93	0.4	303.03
02-20-64	232	9.54	19.0	8.47	0.3	269.31
03-23-64	243	13.3	19.9	9.20	3.0	208.40
04-09-64	240	11.8	18.9	6.64	1.8	279.14
04-27-64	244	10.0	17.7	6.64	0.4	278.74
05-27-64	204	11.5	19.6	34.5	1.4	271.00
06-23-64	214	11.1	17.2	30.9	-	273.20
07-14-64	242	14.0	19.5	23.5	2.4	301.40
08-18-64	239	8.82	31.1	48.2	0.1	327.22
09-25-64	285	7.76	30.9	45.4	0.1	369.16
11-02-64	255	6.47	30.8	39.2	-	331.47
12-07-64	270	9.90	28.5	10.3	0.5	319.20
01-11-65	260	7.09	27.8	0.50	0.1	295.49
02-15-65	271	10.8	12.2	0.2	0.3	294.50
03-22-65	252	10.8	9.25	0.8	-	272.85
04-27-65	231	9.90	10.7	12.5	2.5	266.60
06-02-65	247	9.59	7.36	21.3	2.0	287.25
06-18-65	256	9.51	10.0	33.7	1.6	310.81
07-16-65	271	9.78	11.1	33.5	2.4	327.78
08-17-65	298	10.4	9.09	22.3	3.1	342.89
09-20-65	321	15.7	12.1	13.4	-	362.20
10-26-65	314	12.6	9.12	19.4	-	355.12
12-01-65	300	10.6	8.61	13.3	-	332.51
01-08-66	278	11.4	8.1	10.7	-	308.20
02-16-66	267	12.7	7.21	5.57	-	292.48
03-28-66	248	10.4	-	19.3	-	277.70
04-26-66	242	- *	20.0	15.9	0.1	278.00
06-08-66	238	-	29.9	27.0	0.2	295.10
07-25-66	257	-	19.8	24.5	0.5	301.80
08-21-66	264	-	27.3	22.0	1.0	314.30
09-29-66	290	-	30.9	26.8	1.1	348.80
11-01-66	296	-	9.0	41.0	-	346.00
12-07-66	270	-	23.8	21.6	-	315.40
01-10-67	259	-	25.3	18.4	-	302.70
02-07-67	248	-	21.8	19.2	-	289.00
03-21-67	229	-	38.2	16.2	0.2	283.60
04-25-67	214	-	44.5	23.0	0.2	281.70
05-23-67	213	-	27.0	44.8	1.1	285.90
06-13-67	236	-	47.4	47.8	0.6	296.40
07-18-67	246	-	47.4	47.2	-	336.60
08-17-67	246	-	50.0	39.4	0.3	333.70
09-27-67	287	-	41.0	28.0	0.2	356.30
11-02-67	322	-	32.7	7.18	-	361.88

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\* Diversion destroyed during construction of Idaho Power Co. Hatchery

12-05-67	280	-	53.4	10.0	-	343.40
01-10-68	257	-	48.0	8.0	-	313.00
02-18-68	240	-	50.4	7.36	-	297.78
03-20-68	235	-	57.4	9.47	-	301.87
05-28-68	218	-	48.8	27.6	-	294.40
06-20-68	240	-	54.5	27.8	-	322.30
07-29-68	228	-	62.3	25.5	0.5	316.30
08-28-68	277	-	54.4	31.7	0.1	363.20
10-03-68	312	-	73.7	15.0	-	400.70
11-06-68	291	-	23.9	18.0	-	332.90
12-12-68	287	-	43.0	10.1	-	340.10
01-27-69	250	-	44.1	8.49	-	302.30
03-12-69	277	-	52.8	8.72	-	338.52
04-25-69	233	-	52.1	23.9	-	309.00
05-22-69	193	-	51.7	23.8	1.7	270.20
06-21-69	232	-	63.0	26.0	-	321.00
07-19-69	204	-	52.5	19.0	-	275.50
08-20-69	277	-	79.0	22.0	-	378.00
09-10-69	269	-	80.3	29.6	0.3	379.20
10-16-69	223	-	93.2	17.1	-	333.30
11-08-69	255	-	77.0	7.89	-	339.89
12-02-69	264	-	87.7	8.40	-	360.10
01-11-70	192	-	69.2	10.4	-	271.60
02-12-70	239	-	61.1	9.96	-	310.06
04-06-70	201	-	59.4	7.89	0.2	268.49
04-12-70	196	-	63.3	7.73	-	267.03
05-08-70	186	-	72.1	19.6	-	277.70
06-02-70	228	-	72.3	22.4	1.8	324.50
07-11-70	185	-	69.8	15.9	-	270.07
08-07-70	324	-	61.3	16.3	0.1	401.70
09-16-70	304	-	48.4	5.5	0.2	358.10
10-08-70	320	-	4.29	42.2	-	366.49
11-16-70	269	-	65.4	3.5	0.02	337.92
12-18-70	249	-	68.7	3.4	-	321.10
01-27-71	258	-	72.4	4.46	-	334.86
02-26-71	262	-	65.5	3.0	-	330.50
03-25-71	215	-	64.3	3.0	-	282.30
04-30-71	190	-	60.8	14.4	-	265.20
06-03-71	190	-	83.1	25.1	-	298.20
06-24-71	199	-	77.5	25.7	-	302.20
07-29-71	233	-	80.5	28.4	0.4	342.30
09-03-71	247	-	70.0	23.9	-	300.90
09-29-71	250	-	95.9	17.0	-	362.90
10-22-71	231	-	75.1	8.0	-	314.10
12-02-71	238	-	89.7	16.7	-	344.49
01-05-72	215	-	94.0	2.0	-	311.00
02-16-72	209	0.8	85.2	-	-	295.00
04-25-72	200	-	90.0	6.26	-	296.26
04-25-72	189	-	93.3	15.0	-	297.30
05-31-72	199	-	87.7	17.9	-	304.60
06-27-72	204	-	97.2	21.7	2.2	325.10
07-19-72	198	-	94.0	23.5	1.9	317.40
08-25-72	266	-	92.5	20.8	0.3	379.60
09-28-72	254	-	92.5	21.2	-	377.20

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License # 7167

Rating charts for reconstructed weirs - received 6-20-88 from Chuck Brockway Ralph Mellin

RIM VIEW TROUT COMPANY C.E. BROCKWAY  
10.5 FOOT RECTANGULAR SUPPRESSED WEIR-CENTRAL  
WIDTH 10.50 FT  
WEIR HT 2.33 FT  
GAGE ZERO READ 0.00 FT  
MAX GAGE READ 1.50 FT  
 $Q=3.33*L*(H+h)^{1.5}-h^{1.5}$  h= VELOCITY HEAD  
DISCHARGE IN CFS

REVISED 3/29/1988

		D I S C H A R G E C F S									
GAGE											
READING		0	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09
0.3	5.75	6.03	6.33	6.63	6.93	7.24	7.55	7.87	8.19	8.52	
0.4	8.85	9.18	9.52	9.86	10.20	10.55	10.91	11.27	11.63	11.99	
0.5	12.36	12.73	13.11	13.49	13.87	14.26	14.65	15.05	15.44	15.85	
0.6	16.25	16.66	17.07	17.48	17.90	18.32	18.75	19.18	19.61	20.04	
0.7	20.48	20.92	21.36	21.81	22.26	22.71	23.17	23.62	24.09	24.55	
0.8	25.02	25.49	25.96	26.44	26.92	27.40	27.89	28.37	28.86	29.36	
0.9	29.85	30.35	30.85	31.36	31.87	32.38	32.89	33.40	33.92	34.44	
1.0	34.97	35.49	36.02	36.55	37.08	37.62	38.16	38.70	39.24	39.79	
1.1	40.34	40.89	41.44	42.00	42.56	43.12	43.68	44.25	44.82	45.39	
1.2	45.96	46.54	47.12	47.70	48.28	48.87	49.45	50.04	50.63	51.23	
1.3	51.83	52.43	53.03	53.63	54.24	54.84	55.46	56.07	56.68	57.30	
1.4	57.92	58.54	59.17	59.79	60.42	61.05	61.68	62.32	62.95	63.59	
1.5	64.23	64.88	65.52	66.17	66.82	67.47	68.13	68.78	69.44	70.10	
1.6	70.76	71.43	72.10	72.76	73.43	74.11	74.78	75.46	76.14	76.82	
1.7	77.50	78.19	78.87	79.56	80.25	80.95	81.64	82.34	83.04	83.74	

		D I S C H A R G E C F S									
		C O R R E C T E D F O R V E L O C I T Y O F A P P R O A C H									
GAGE											
READING		0	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09
0.3	5.76	6.06	6.35	6.65	6.96	7.27	7.59	7.91	8.23	8.56	
0.4	8.89	9.23	9.57	9.92	10.27	10.62	10.98	11.35	11.71	12.08	
0.5	12.46	12.84	13.22	13.61	14.00	14.39	14.79	15.19	15.60	16.01	
0.6	16.42	16.84	17.26	17.68	18.11	18.54	18.97	19.41	19.85	20.30	
0.7	20.75	21.20	21.66	22.12	22.58	23.04	23.51	23.99	24.46	24.94	
0.8	25.42	25.91	26.40	26.89	27.39	27.89	28.39	28.89	29.40	29.91	
0.9	30.43	30.94	31.47	31.99	32.52	33.05	33.58	34.12	34.66	35.20	
1.0	35.74	36.29	36.84	37.40	37.96	38.52	39.08	39.65	40.22	40.79	
1.1	41.36	41.94	42.52	43.11	43.69	44.28	44.88	45.47	46.07	46.67	
1.2	47.28	47.88	48.49	49.10	49.72	50.34	50.96	51.58	52.21	52.84	
1.3	53.47	54.10	54.74	55.38	56.02	56.67	57.32	57.97	58.62	59.28	
1.4	59.94	60.60	61.26	61.93	62.60	63.27	63.95	64.62	65.30	65.99	
1.5	66.67	67.36	68.05	68.74	69.44	70.14	70.84	71.54	72.25	72.96	
1.6	73.67	74.38	75.10	75.82	76.54	77.26	77.99	78.72	79.45	80.18	
1.7	80.92	81.66	82.40	83.14	83.89	84.64	85.39	86.14	86.90	87.66	

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DEC 04 1996

RIM VIEW TROUT COMPANY REVISED FROM 1/4/88 CONFIGURATION C.E. BROCKWAY  
 7 FOOT RECTANGULAR SUPPRESSED WEIRS-WEST SIDE - *Two side-by-side at this site*

WIDTH 7.00 FT  
 WEIR HT 1.50 FT  
 GAGE ZERO READ 0.00 FT  
 MAX GAGE READ 1.50 FT

3/29/1988 *Ralph Meller*

$Q=3.33*L*((H+h)^{1.5}-h^{1.5})$  h= VELOCITY HEAD  
 DISCHARGE IN CFS

		D I S C H A R G E C F S									
GAGE	READING	0	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09
	0.3	3.83	4.02	4.22	4.42	4.62	4.83	5.03	5.25	5.46	5.68
	0.4	5.90	6.12	6.34	6.57	6.80	7.04	7.27	7.51	7.75	8.00
	0.5	8.24	8.49	8.74	8.99	9.25	9.51	9.77	10.03	10.30	10.56
	0.6	10.83	11.11	11.38	11.66	11.93	12.22	12.50	12.78	13.07	13.36
	0.7	13.65	13.95	14.24	14.54	14.84	15.14	15.44	15.75	16.06	16.37
	0.8	16.68	16.99	17.31	17.63	17.95	18.27	18.59	18.92	19.24	19.57
	0.9	19.90	20.24	20.57	20.91	21.24	21.58	21.93	22.27	22.61	22.96
	1.0	23.31	23.66	24.01	24.37	24.72	25.08	25.44	25.80	26.16	26.53
	1.1	26.89	27.26	27.63	28.00	28.37	28.75	29.12	29.50	29.88	30.26
	1.2	30.64	31.03	31.41	31.80	32.19	32.58	32.97	33.36	33.76	34.15
	1.3	34.55	34.95	35.35	35.75	36.16	36.56	36.97	37.38	37.79	38.20
	1.4	38.61	39.03	39.44	39.86	40.28	40.70	41.12	41.54	41.97	42.40
	1.5	42.82	43.25	43.68	44.11	44.55	44.98	45.42	45.86	46.29	46.73

		D I S C H A R G E C F S									
		C O R R E C T E D F O R V E L O C I T Y O F A P P R O A C H									
GAGE	READING	0	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09
	0.3	3.86	4.05	4.25	4.45	4.66	4.87	5.08	5.30	5.52	5.74
	0.4	5.96	6.19	6.42	6.65	6.89	7.13	7.37	7.62	7.86	8.12
	0.5	8.37	8.63	8.88	9.15	9.41	9.68	9.95	10.22	10.49	10.77
	0.6	11.05	11.34	11.62	11.91	12.20	12.49	12.79	13.09	13.39	13.69
	0.7	13.99	14.30	14.61	14.92	15.24	15.56	15.88	16.20	16.52	16.85
	0.8	17.18	17.51	17.84	18.18	18.52	18.86	19.20	19.55	19.89	20.24
	0.9	20.60	20.95	21.31	21.66	22.03	22.39	22.75	23.12	23.49	23.86
	1.0	24.23	24.61	24.99	25.37	25.75	26.13	26.52	26.91	27.30	27.69
	1.1	28.09	28.48	28.88	29.28	29.69	30.09	30.50	30.91	31.32	31.73
	1.2	32.15	32.56	32.98	33.40	33.83	34.25	34.68	35.11	35.54	35.97
	1.3	36.40	36.84	37.28	37.72	38.16	38.61	39.05	39.50	39.95	40.40
	1.4	40.86	41.31	41.77	42.23	42.69	43.15	43.62	44.08	44.55	45.02
	1.5	45.49	45.97	46.44	46.92	47.40	47.88	48.37	48.85	49.34	49.83

56  
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RIM VIEW TROUT COMPANY  
 EAST POND TAILRACE WEIR  
 Discharge Rating Table\*

STAFF GAGE FT	.00	.01	.02	.03	.04	.05	.06	.07	.08	.09
3.5	3.0	3.1	3.2	3.3	3.4	3.5	3.6	3.7	3.9	4.0
3.6	4.1	4.2	4.3	4.4	4.6	4.7	4.8	4.9	5.0	5.2
3.7	5.3	5.4	5.5	5.7	5.8	5.9	6.1	6.2	6.3	6.5
3.8	6.6	6.7	6.9	7.0	7.1	7.3	7.4	7.6	7.7	7.9
3.9	8.0	8.1	8.3	8.4	8.6	8.7	8.9	9.0	9.2	9.3
4.0	9.5	9.7	9.8	10.0	10.1	10.3	10.4	10.6	10.8	10.9
4.1	11.1	11.2	11.4	11.6	11.7	11.9	12.1	12.2	12.4	12.6
4.2	12.8	12.9	13.1	13.3	13.5	13.6	13.8	14.0	14.2	14.3
4.3	14.5	14.7	14.9	15.1	15.2	15.4	15.6	15.8	16.0	16.2
4.4	16.4	16.5	16.7	16.9	17.1	17.3	17.5	17.7	17.9	18.1
4.5	18.3	18.5	18.7	18.9	19.1	19.3	19.5	19.7	19.9	20.1
4.6	20.3	20.5	20.7	20.9	21.1	21.3	21.5	21.7	21.9	22.1
4.7	22.3	22.5	22.8	23.0	23.2	23.4	23.6	23.8	24.0	29.3
4.8	24.5	24.7	24.9	25.1	25.3	25.6	25.8	26.0	26.2	26.5
4.9	26.7	26.9	27.1	27.4	27.6	27.8	28.0	28.3	28.5	28.7
5.0	29.0	29.2	29.4	29.6	29.9	30.1	30.4	30.6	30.8	31.1

\*Weir length 3.06 ft  
 Rectangular suppressed  
 Discharge corrected for velocity of approach  
 Zero of weir = 3.06 ft. on staff gage

C. E. Brockway, P.E.  
 September 19, 1981

**MICROFILMED**  
**DEC 04 1996**

# Overlap Review for 36-7167

License 36-2704 Niagara Springs

Note: This right is for a different fish propagation operation. Aerial photo shows that Idaho Power (36-2704) & Rim View Trout (36-2680 & 36-~~2704~~<sup>7167</sup>) are neighbors. No Overlap

License 36-2680 Niagara Springs P/O G/L I (NENE)  
Sec 10 T95 R15E  
(same)

P/O see attached license copy

Q = Capacity 140.9 cfs  
- 90.3 cfs L 36-2680  
50.6 cfs ✓ ← permit limits to 50.0 cfs

✓ = see attached page "Calculations"

POOR ORIGINAL

RC 3/3/83

MICROFILMED  
DEC 04 1995

# Calculations

#	L	W	D	cubic feet
46	x 1.5	x 16	x 4	= 4416
28	x 4	x 55	x 4	= 24640
20	x 12	x 75	x 4	= 72000
12	x 6	x 75	x 4	= 21,600
18	x 12	x 100	x 4	= 86,400
15	x 10	x 161	x 4	= 96,600
10	x 16	x 161	x 4	= 103040
14	x 32	x 161	x 4	= 288,512

697,208 cubic ft

$$\frac{697208}{43560} = 16.0 \text{ Af - facility Volume}$$

$$\begin{aligned}
 V = \text{Capacity } 140.9 \text{ cfs} \times 1.9835 \times 365 &= 102,008.4 \\
 &- 65,919.0 \\
 \hline
 &36,089.4
 \end{aligned}$$

POOR ORIGINAL

MICROFILMED  
DEC 04 1990

State of Idaho  
DEPARTMENT OF WATER RESOURCES  
FIELD REPORT

RECEIVED

DEC 13 1981

Department of Water Resources 36-7167

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
<input type="checkbox"/> Appointment letter mailed:	July 8, 1981		
<input type="checkbox"/> Telephone call made: (List Telephone No. used)			
<input type="checkbox"/> Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date Oct 1, 1981 Accompanied by CHUCK BROCKWAY Total Q measured 140.9 C.F.S.  
 If source is surface water, estimate total flow of source ✓  
 Methods of measurement WEIR - READINGS Meets Permit requirements? yes-

Measurement calculations: See CHUCK BROCKWAYS CERTIFIED MEASUREMENT.  
 $140.9 \text{ C.F.S.} - 90.30 \text{ C.F.S. (Lic 36-2680)} = \overset{50.6}{\underline{\underline{49.70 \text{ C.F.S.}}}}$   
 $\text{SIZE OF PONDS} \div \overset{\text{ft}^2/\text{ac}}{43560} = \overset{1135128 \text{ ft}^3}{\underline{\underline{16.0 \text{ AC.FT.}}}}$   
~~26.06 acft~~ *see attached calculations*

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

System Description Spring water is collected in a concrete ditch (HEAD DITCH) and diverted water to THE concrete Raceways.

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

RECOMMENDED AMOUNTS	USE	Irrigation requirement = <u>L</u> AFA/Acre		FROM	TO
		Q (cfs)	V (acre-ft)		
	<u>Fish Propagation</u>	<u>49.70 C.F.S.</u>	<u>16.0 ACFT</u>	<u>JAN. 1</u>	<u>Dec 31</u>
		<u>50.6 cfs ✓</u>	<u>26.04</u>		
		<u>50.0</u>	<u>36,089.4</u>		
		<u>50.0</u>	<u>36,089.4</u>		
		<u>50.6 ✓</u>	<u>26.04</u>		
	Total	<u>49.70 C.F.S.</u>	<u>16.0 ACFT</u>		

Remarks THERE IS ANOTHER Lic# 36-2680 TO COVER THESE SAME PONDS.

Overlap Review attached

Rim View

36-1161

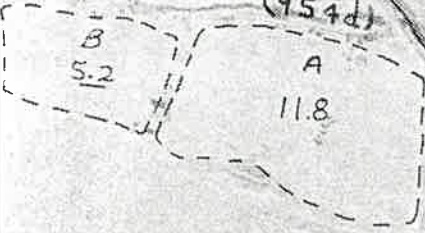
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DEC 18 1981

Department of Water Resources

D459  
(954d)



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DEC 04 1996

"NOT TO SCALE"



RIM VIEW TROUT FARM

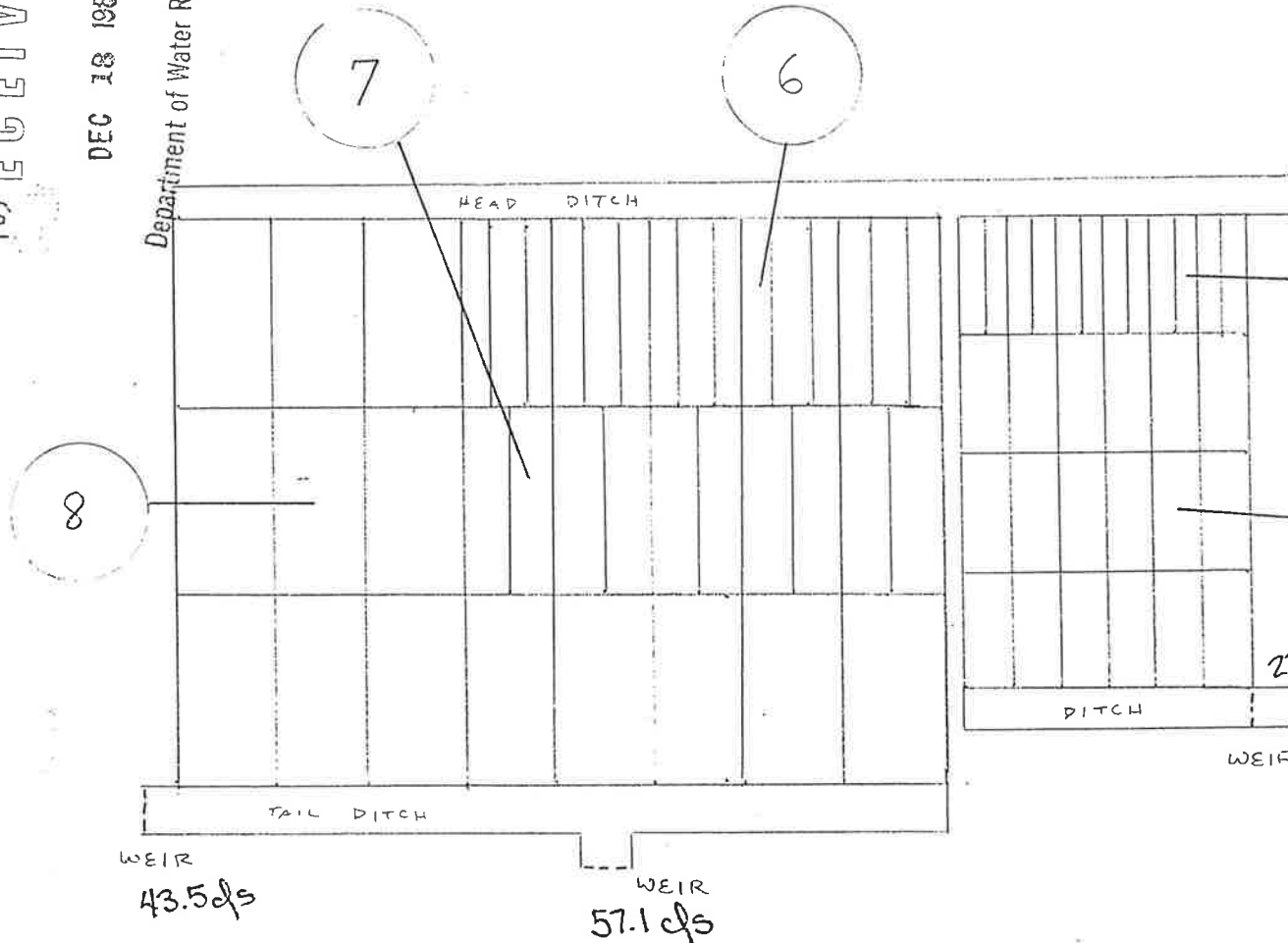
POND LAY-OUT

(NOT TO SCALE)

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SPRING

HOUSE

OFFICE

SHOP

WEIR  
17.3 cfs

- ① 46 STEEL FRY TANKS: 1.5' x 16' x 4'
- ② 28 PONDS: 4' x 55' x 4'
- ③ 20 PONDS: 12' x 75' x 4'
- ④ 12 PONDS: 6' x 75' x 4'
- ⑤ 18 PONDS: 12' x 100' x 4'
- ⑥ 15 PONDS: 10' x 161' x 4'
- ⑦ 10 PONDS: 16' x 161' x 21'
- ⑧ 14 PONDS: 32' x 161' x 4'

RECEIVED

OCT 18 1981

Department of Water Resources  
Southern District Office

POOR ORIGINAL

MICROFILMED

M. Connelly 10-9-81



C. E. BROCKWAY, P.E.  
706 Sunrise Blvd. N.  
Twin Falls, ID 83301

October 1, 1981

RECEIVED

DEC 18 1981

Department of Water Resources

Mr. Gary Funderburg  
Idaho Department of Water Resources  
1041 Blue Lakes Blvd. N.  
Twin Falls, ID 83301

Re: Rim View Trout Co. License 36-2680 on Permit 36-7167.

Dear Gary:

The weir installations (4) at Rim View Trout Company have been completed in compliance with the waiver of the inlet measuring device. The four installations are standard rectangular suppressed weirs with permanent staff gages. I inspected all of the weirs on September 18, 1981 and all are constructed according to standards which will allow application of the Francis formula for calibration (See pg 23, USBR Water Measurement Manual).

I am enclosing rating tables prepared for each installation considering velocity of approach and correction to staff gage for zero shift.

On September 30, 1981, I inspected the facilities and observed discharges being utilized in the hatchery and ponds as measured by the four weirs. Discharges were as follows:

East tailrace weir	Reading 4.45'	Discharge	17.3
12 ft ponds tailrace weir	Reading 4.27'	Discharge	23.0
Central weir 16 ft ponds	Reading 4.43'	Discharge	57.1
West weir 16 ft ponds	Reading 4.19'	Discharge	43.5
Total			140.9 cfs

These discharges are valid measurements of the total water being used at the facility and being diverted from Niagara Springs to the Rim View Trout Company facilities on this date.

Sincerely,

C. E. Brockway, P.E.

enc.

cc: Earl Hardy

MICROFILMED

DEC 04 1996

RIM VIEW TROUT COMPANY

EAST POND TAILRACE WEIR

Discharge Rating Table\*

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Department of Water Resources

STAFF  
GAGE

FT	.00	.01	.02	.03	.04	.05	.06	.07	.08	.09
3.5	3.0	3.1	3.2	3.3	3.4	3.5	3.6	3.7	3.9	4.0
3.6	4.1	4.2	4.3	4.4	4.6	4.7	4.8	4.9	5.0	5.2
3.7	5.3	5.4	5.5	5.7	5.8	5.9	6.1	6.2	6.3	6.5
3.8	6.6	6.7	6.9	7.0	7.1	7.3	7.4	7.6	7.7	7.9
3.9	8.0	8.1	8.3	8.4	8.6	8.7	8.9	9.0	9.2	9.3
4.0	9.5	9.7	9.8	10.0	10.1	10.3	10.4	10.6	10.8	10.9
4.1	11.1	11.2	11.4	11.6	11.7	11.9	12.1	12.2	12.4	12.6
4.2	12.8	12.9	13.1	13.3	13.5	13.6	13.8	14.0	14.2	14.3
4.3	14.5	14.7	14.9	15.1	15.2	15.4	15.6	15.8	16.0	16.2
4.4	16.4	16.5	16.7	16.9	17.1	17.3	17.5	17.7	17.9	18.1
4.5	18.3	18.5	18.7	18.9	19.1	19.3	19.5	19.7	19.9	20.1
4.6	20.3	20.5	20.7	20.9	21.1	21.3	21.5	21.7	21.9	22.1
4.7	22.3	22.5	22.8	23.0	23.2	23.4	23.6	23.8	24.0	29.3
4.8	24.5	24.7	24.9	25.1	25.3	25.6	25.8	26.0	26.2	26.5
4.9	26.7	26.9	27.1	27.4	27.6	27.8	28.0	28.3	28.5	28.7
5.0	29.0	29.2	29.4	29.6	29.9	30.1	30.4	30.6	30.8	31.1

\*Weir length 3.06 ft  
 Rectangular suppressed  
 Discharge corrected for velocity of approach  
 Zero of weir = 3.06 ft. on staff gage

C. E. Brockway, P.E.  
 September 19, 1981

Charles E. Brockway  
 10/11/81

**MICROFILMED**  
**DEC 04 1996**

RIM VIEW TROUT COMPANY  
 CENTRAL WEIR 16 FT PONDS  
 Discharge Rating Table\*

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DEC 18 1981

Department of Water Resources

STAFF GAGE FT	.00	.01	.02	.03	.04	.05	.06	.07	.08	.09
3.5	9.9	10.3	10.6	11.0	11.3	11.7	12.1	12.4	12.8	13.2
3.6	13.6	14.0	14.4	14.8	15.2	15.6	16.0	16.4	16.8	17.2
3.7	17.7	18.1	18.5	18.9	19.4	19.8	20.3	20.7	21.2	21.6
3.8	22.1	22.5	23.0	23.5	23.9	24.4	24.9	25.4	25.9	26.3
3.9	26.8	27.3	27.8	28.3	28.8	29.3	29.8	30.3	30.9	31.4
4.0	31.9	32.4	33.0	33.5	34.0	34.6	35.1	35.6	36.2	36.7
4.1	37.3	37.8	38.4	39.0	39.5	40.1	40.7	41.2	41.8	42.4
4.2	43.0	43.5	44.1	44.7	45.3	45.9	46.5	47.1	47.7	48.3
4.3	48.9	49.5	50.1	50.7	51.4	52.0	52.6	53.2	53.9	54.5
4.4	55.1	55.8	56.4	57.1	57.7	58.3	59.0	59.6	60.3	61.0
4.5	61.6	62.3	63.0	63.6	64.3	65.0	65.6	66.3	67.0	67.7
4.6	68.4	69.1	69.8	70.4	71.1	71.8	72.5	73.2	73.9	74.7
4.7	75.4	76.1	76.8	77.5	78.2	79.0	79.7	80.4	81.1	81.9
4.8	82.6	83.3	84.1	84.8	85.6	86.3	87.1	87.8	88.6	89.3
4.9	90.1	90.8	91.6	92.4	93.1	93.9	94.7	95.5	96.2	97.0
5.0	97.8	98.6	99.4	100.2	100.9	101.7	102.5	103.3	104.1	104.9

\*Weir length 10.5 ft  
 Rectangular suppressed  
 Discharge corrected for velocity of approach  
 Zero of weir = 3.07 ft. on staff gage

C. E. Brockway, P.E.  
 September 19, 1981

C. E. Brockway  
 10/1/81

MICROFILMED  
 DEC 04 1996

RIM VIEW TROUT COMPANY  
 WEST WEIR 16 FT. PONDS

RECEIVED

DEC 18 1981

Discharge Rating Table\*

Department of Water Resources

STAFF GAGE FT	.00	.01	.02	.03	.04	.05	.06	.07	.08	.09
3.5	10.1	10.4	10.8	11.2	11.5	11.9	12.3	12.7	13.1	13.5
3.6	13.9	14.3	14.7	15.1	15.5	15.9	16.3	16.7	17.2	17.6
3.7	18.0	18.5	18.9	19.3	19.8	20.3	20.7	21.2	21.6	22.1
3.8	22.6	23.0	23.5	24.0	24.5	25.0	25.5	26.0	26.5	27.0
3.9	27.5	28.0	28.5	29.0	29.5	30.1	30.6	31.1	31.6	32.2
4.0	32.7	33.3	33.8	34.4	34.9	35.5	36.0	36.6	37.1	37.7
4.1	38.3	38.9	39.4	40.0	40.6	41.2	41.8	42.4	43.0	43.5
4.2	44.2	44.8	45.4	46.0	46.6	47.2	47.8	48.4	49.0	49.7
4.3	50.3	51.0	51.6	52.2	52.9	53.5	54.2	54.8	55.5	56.1
4.4	56.8	57.4	58.1	58.8	59.4	60.1	60.8	61.5	62.1	62.8
4.5	63.5	64.2	64.9	65.6	66.3	67.0	67.7	68.4	69.1	69.8
4.6	70.5	71.2	72.0	72.7	73.4	74.1	74.9	76.6	76.3	77.1
4.7	77.8	78.5	79.3	80.0	80.8	81.5	82.3	83.0	83.8	84.5
4.8	85.3	86.1	86.8	87.6	88.4	89.2	89.9	90.7	91.5	92.3
4.9	93.1	93.9	94.7	95.5	96.3	97.1	97.9	98.7	99.5	100.3
5.0	101.1	101.9	102.7	103.5	104.4	105.2	106.0	106.8	107.7	108.5

\*Weir length 10.63 ft.  
 Rectangular suppressed  
 Discharge corrected for velocity of approach  
 Zero of weir = 3.07 ft, on staff gage

C. E. Brockway, P.E.  
 September 19, 1981

*Charles E. Brockway*  
 10/1/81

MICROFILMED  
 DEC 04 1996

RIM VIEW TROUT COMPANY ( )  
 WEIR IN TAILRACE OF 12 FT. PONDS  
 Discharge Rating Table\*

RECEIVED

DEC 18 1981

Department of Water Resources

STAFF GAGE FT	.00	.01	.02	.03	.04	.05	.06	.07	.08	.09
3.5	4.9	5.1	5.2	5.4	5.6	5.8	6.0	6.1	6.3	6.5
3.6	6.7	6.9	7.1	7.3	7.5	7.7	7.9	8.1	8.3	8.5
3.7	8.7	8.9	9.1	9.3	9.5	9.7	9.9	10.2	10.4	10.6
3.8	10.8	11.0	11.3	11.5	11.7	12.0	12.2	12.4	12.6	12.9
3.9	13.1	13.4	13.6	13.9	14.1	14.3	14.6	14.8	15.1	15.3
4.0	15.6	15.9	16.1	16.4	16.6	16.9	17.2	17.4	17.7	18.0
4.1	18.2	18.5	18.8	19.0	19.3	19.6	19.9	20.1	20.4	20.7
4.2	21.0	21.3	21.6	21.9	22.1	22.4	22.7	23.0	23.3	23.6
4.3	23.9	24.2	24.5	24.8	25.1	25.4	25.7	26.0	26.3	26.6
4.4	26.9	27.3	27.6	27.9	28.2	28.5	28.8	29.2	29.5	29.8
4.5	30.1	30.4	30.8	31.1	31.4	31.7	32.1	32.4	32.7	33.1
4.6	33.4	33.7	34.1	34.4	34.8	35.1	35.4	35.8	36.1	36.5
4.7	36.8	37.2	37.5	37.9	38.2	38.6	38.9	39.3	39.7	40.0
4.8	40.4	40.7	41.1	41.5	41.8	42.2	42.6	42.9	43.3	43.7
4.9	44.0	44.4	44.8	45.1	45.5	45.9	46.3	46.7	47.0	47.4
5.0	47.8	48.2	48.6	48.9	49.3	49.7	50.1	50.5	50.9	51.3

\*Weir length 4.99 ft  
 Rectangular suppressed  
 Discharge corrected for velocity of approach  
 Zero of weir = 3.06 ft on staff gage

C. E. Brockway, P.E.  
 September 19, 1981

MICROFILMED  
 DEC 04 1996

11/11/81

MICROFILMED  
DEC 04 1996

INTER-DEPARTMENT MEMO — 1

FROM Mike Steele

TO Bob Fleenor

SUBJECT

DATE

RECEIVED  
MAY 9 1973

Department of Water Management

These are the supplemental waters as per our conversation:

1. 200 Rev. 30 sec.  
16" pipe 4½" full

$$R = \frac{200}{30} = 6.67$$

$$Area = C_a \cdot d^2 = 0.18 \cdot 1.33^2 = 0.32 \text{ ft}^2$$

$$V = 0.98 \cdot 6.67 + .04 = 6.58 \text{ ft/sec}$$

$$Q = VA = 6.58 \cdot 0.32 = 2.10 \text{ cfs}$$

2. 100 Rev. 30 sec.  
16" pipe full pipe  
 $Area = \pi \cdot 0.67^2 = 1.40$

$$R = \frac{100}{30} = 3.33$$

$$V_{zmax} = 0.98 \cdot 3.33 + .04 = 3.30 \text{ ft/sec}$$

Pipe is made of corrugated steel.  $V_{zAve} = \frac{V_{zmax}}{2} = 1.65 \text{ ft/sec}$

$$Q = VA = 1.65 \cdot 1.40 = 2.31 \text{ cfs}$$

Pygmy

$$V = 0.980R + .04$$

Calc BDF 5/19/73

Mike

SIGNATURE

36 2680

**DEPARTMENT OF WATER ADMINISTRATION**  
FIELD REPORT

1. Name of permit holder Commercial State Bank  
 Post office address 117 North 8th St., Boise, Idaho Phone ~~336-5711~~  
 Person to contact Lowell Bakes Phone 343-1981

2. Source of water supply: Groundwater  Surface water  Niagara Springs  
 (name spring, stream, etc.)  
 Tributary to Snake River

3. Water will be used for the following purposes:

Amount 100 c.f.s. for Fish propagation  
 \_\_\_\_\_ AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31  
 (mo.-day) inclusive (mo.-day)

Amount \_\_\_\_\_ c.f.s. for \_\_\_\_\_  
 \_\_\_\_\_ AF/Annum (nature of use)

Period of Use: from \_\_\_\_\_ to \_\_\_\_\_  
 (mo.-day) inclusive (mo.-day)

Amount \_\_\_\_\_ c.f.s. for \_\_\_\_\_  
 \_\_\_\_\_ AF/Annum (nature of use)

Period of Use: from \_\_\_\_\_ to \_\_\_\_\_  
 (mo.-day) inclusive (mo.-day)

Other uses: \_\_\_\_\_

Permit No. 33448/36-2680  
 Examination for QUANTITY ONLY

4. Total amount to be appropriated:

Max Rate of Diversion 100 cubic feet per second and annual volume \_\_\_\_\_ AF/Annum.

5. Location of Point(s) of Diversion:

(Lot 1)

Township 9S N/S, Range 15E E/W, B.M., Section 10, Subdivision NE 1/4 NE 1/4, Gooding County  
 Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4, \_\_\_\_\_ County  
 Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4, \_\_\_\_\_ County

Other Points of Diversions: \_\_\_\_\_

Description of diverting works: \_\_\_\_\_

Measuring device required: yes  no

6. Lands to be irrigated or place of use.

TWP.	RANGE	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		

86 0000 TOTAL ACREAGE \_\_\_\_\_



DATE OF EXAM 9-21-72

ACREAGE  
Found \_\_\_\_\_  
Recommended \_\_\_\_\_

Irrigation Requirement \_\_\_\_\_ Ac Ft/Ac

USE ~~Irrigation~~ <sup>Fish Prop</sup> Q = 85.89 c.f.s. V = 62050 AF/Ann. from JAN-1 to Dec 31  
Domestic Q = \_\_\_\_\_ c.f.s. V = \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_  
Livestock Q = \_\_\_\_\_ c.f.s. V = \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_

Is water co-mingled? yes \_\_\_\_\_ no X

Name source: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Exchange? yes \_\_\_\_\_ no \_\_\_\_\_

Name source exchanged with: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Point of injection:  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Point of exchange:  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Total Q measured 85.89 Method of measurement A. Meter

Total Q recommended \_\_\_\_\_ Meter No. R-624 Type A-meter Condition Good

Total V recommended \_\_\_\_\_

Recommended Amendments:

P.D. \_\_\_\_\_  
Place of Use \_\_\_\_\_  
Other \_\_\_\_\_  
None \_\_\_\_\_

MEASUREMENT CALCULATION:

- Attached.  
Add Q from two additional pipes Q<sub>1</sub> = 2.10 cfs Q<sub>2</sub> = 2.31 cfs  
Q<sub>Total</sub> = 85.89 + 2.10 + 2.31 = 90.30 cfs  
AF calo. 90.3(2)365 = 65,919 AF.

SYSTEM DESCRIPTION: Concrete ditch into Maggie Springs  
leading to rock lined ditch to Rosewood.

REMARKS: GARY Olson was present during measurement.

Examiner's Signature Michael Steele Date 9-21-72

Checked by Bob Haynes Date 12-6-72

Approved by \_\_\_\_\_ Date 20 2000

**DEPARTMENT OF WATER ADMINISTRATION**  
FIELD REPORT

1. Name of permit holder Commercial State Bank  
 Post office address 117 North 8th St., Boise, Idaho Phone \_\_\_\_\_  
 Person to contact "Gary", Manager of the Ranch (in the house next to the processing building) Phone \_\_\_\_\_  
 2. Source of water supply: Groundwater  Surface water  Niagara Springs  
 (name spring, stream, etc.)  
 Tributary to Snake River

3. Water will be used for the following purposes:

Amount 100.0 c.f.s. for Fish Propagation  
 \_\_\_\_\_ AF/Annum (nature of use)

Period of Use: from January 1 to December 31  
 (mo.-day) inclusive (mo.-day)

Amount 0.03 c.f.s. for Domestic  
 \_\_\_\_\_ AF/Annum (nature of use)

Period of Use: from January 1 to December 31  
 (mo.-day) inclusive (mo.-day)

Amount 0.06 c.f.s. for Irrigation  
 \_\_\_\_\_ AF/Annum (nature of use)

Period of Use: from March 15 to November 15  
 (mo.-day) inclusive (mo.-day)

Other uses: Beneficial use affidavit listed 0.5 c.f.s. for domestic and irrigation purposes

Permit No. 33448/36-2680  
 Examination for Commercial State Bank

4. Total amount to be appropriated:

Max Rate of Diversion 100 cubic feet per second and annual volume \_\_\_\_\_ AF/Annum.

5. Location of Point(s) of Diversion:

Township 9 N/S, Range 15 E/W, B.M., Section 10, Subdivision NE 1/4 NE 1/4, Gooding County  
 Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4, \_\_\_\_\_ County  
 Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4, \_\_\_\_\_ County

Other Points of Diversions: \_\_\_\_\_

Description of diverting works: Niagara Springs into concrete diversion channel, into rock dirt ditch, then to various points for roadways and domestic use.

Measuring device required: yes  no

6. Lands to be irrigated or place of use.

TWP.	RANGE	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	15E	10	X																3

TOTAL ACREAGE 3



DATE OF EXAM August 3, 1972

ACREAGE  
Found 3  
Recommended 3

Irrigation Requirement 4.0 Ac Ft/Ac

USE  
Irrigation Q = .06 c.f.s. V = 12.0 AF/Ann. from March 15 to Nov 15  
Domestic Q = .03 c.f.s. V = 4.0 AF/Ann. from Jan 1 to Dec 31  
~~Livestock Q = 20.04 c.f.s. V = AF/Ann. from Jan 1 to Dec 31~~  
Fish Propagation

Is water co-mingled? yes  no

Name source: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Exchange? yes  no

Name source exchanged with: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Point of injection:  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Point of exchange:  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Total Q measured 70.07 c.f.s. Method of measurement "A" meter

Total Q recommended 70.07 Meter No. R-624 Type Currents Condition Good

Total V recommended \_\_\_\_\_

Recommended Amendments:

P.D. \_\_\_\_\_  
Place of Use \_\_\_\_\_  
Other \_\_\_\_\_  
None

MEASUREMENT CALCULATION:

See attached A meter readings

SYSTEM DESCRIPTION:

Niagara Springs into concrete diversion canal, into rock dirt ditch then to various points for roadways and domestic use

REMARKS:

Irrigation water is used after the water is used for fish propagation

Examiner's Signature Kenneth Fluender Date 8/3/72

Checked by \_\_\_\_\_ Date \_\_\_\_\_

Approved by \_\_\_\_\_ Date \_\_\_\_\_



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

February 25, 1993

VIA HAND DELIVERY

Robert W. Stahman  
Vice President and General Counsel  
Idaho Power Company  
1221 West Idaho Street  
Boise, Idaho

William F. Ringert, Esq.  
RINGERT CLARK, CTD.  
455 South Third Street  
Boise, Idaho

Re: Rim View Trout Company v. Idaho Department of Fish &  
Game and Idaho Department of Water Resources

Gentlemen:

Enclosed please find a copy of a discussion draft of the proposed settlement agreement addressing the claims of Idaho Power Company, Rim View Trout Company, and the State of Idaho to the use of water from Niagara Springs.

In reviewing this document I am sure you will note that the process of committing to paper the various concepts discussed in prior negotiation sessions has itself raised questions meriting further discussion. In particular I believe that section 9, regarding the procedure for obtaining public input, deserves additional consideration.

I understand that Mr. Hardy and both of you gentlemen have agreed to meet with Clive Strong and Dave Shaw to discuss the draft agreement on Friday, February 26th, at 10:00 a.m. I have reserved the use of a conference room here at the Department of Water Resources for that purpose.

Very truly yours,

NICHOLAS B. SPENCER  
Deputy Attorney General

Enclosure

MICROFILMED  
DEC 04 1996

DRAFT

S E T T L E M E N T     A G R E E M E N T

THIS AGREEMENT is made and entered into the \_\_\_\_\_ day of \_\_\_\_\_, 1993, between and among IDAHO POWER COMPANY ("IPCo"), a corporation, organized and existing under and by virtue of the laws of the State of Maine, duly qualified and doing business in the State of Idaho; RIM VIEW TROUT COMPANY, INC. ("Rim View"), a corporation organized and existing under the laws of the State of Idaho; the IDAHO DEPARTMENT OF FISH & GAME ("IDF&G"), an agency of state government of the State of Idaho; the IDAHO DEPARTMENT OF PARKS & RECREATION ("IDP&R"), an agency of state government of the State of Idaho; and the IDAHO DEPARTMENT OF WATER RESOURCES ("IDWR"), an agency of state government of the State of Idaho. These parties are hereinafter collectively referred to as "the Parties."

IN CONSIDERATION OF THE PROMISES AND MUTUAL COVENANTS AND CONDITIONS HEREIN CONTAINED, AND FOR OTHER GOOD AND VALUABLE CONSIDERATION, THE PARTIES HEREBY AGREE AS FOLLOWS:

1. Intent of the Parties

1.1 IPCo, Rim View, and IDF&G, each claim rights to beneficially use the waters of Niagara Springs and Niagara Springs Creek by virtue of various licenses and permits issued by IDWR, and also by virtue of claims of diversion and appropriation of water to beneficial use. These three are the only claimants asserting presently vested water rights to Niagara Springs and Niagara Springs Creek and hence constitute all the users of the waters of that source. IDP&R is in the process of obtaining a permit for the appropriation of certain waters in Niagara Springs as in-stream

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flow for recreation and aesthetic purposes. IDWR's prior issuance of that permit was appealed to the Idaho Supreme Court, and, pursuant to the decision entered by that Court, the permit must now be subjected to further action by IDWR; accordingly, this permit is presently classified by IDWR as being in the application stage of its internal review and issuance procedures.

1.2 By entering into this Settlement Agreement it is the intent of IPCo, Rim View, and IDF&G, as constituting the universe of vested water right holders of Niagara Springs and Niagara Springs Creek, to equitably allocate among themselves the use of the waters subject to those recommended water rights, permits, and applications identified in sections 2, 3, and 4, below. Recognizing that the in-stream flow applications of the Idaho Water Resource Board, identified in section 6, below, if and when approved by IDWR, will be junior not only to the vested rights of IPCo, Rim View, and IDG&G, but also to two permits held by Rim View, and to certain applications filed by Rim View, IPCo, and IDP&R, should such permits and applications ultimately be licensed by IDWR--and recognizing that the public interest will be served if they make provision among themselves to subordinate their vested senior rights to in-stream flow rights in the manner hereinafter provided--it is the further intent of IPCo, Rim View, and IDF&G, to contractually allocate among themselves those waters of Niagara Springs and Niagara Springs Creek for which they possess vested water rights in such a manner as to set aside portions of such waters for the creation and continuance of the minimum in-stream

flows described in section 7, below. It is further the intent of IPCo and Rim View to subordinate any future water rights which may become vested by the licensing by IDWR of the permits and applications described in paragraphs 2.3, 3.5, 3.6, and 3.8, below, to those minimum in-stream flows. By entering into this Settlement Agreement is also is the intent of the Parties to resolve among themselves disputed claims concerning their various rights to the waters of Niagara Springs and Niagara Springs Creek, and to settle the action for injunctive relief and mandamus presently being prosecuted by Rim View against IDF&G and IDWR in the Snake River Basin Adjudication ("SRBA") under the style and caption of Rim View Trout Company, Inc. v. Idaho Department of Water Resources and Idaho Department of Fish and Game.

2. IPCo Recommended Water Rights and Application  
Subject to this Settlement Agreement

2.1 Except as provided below, IPCo, Rim View, IDF&G, and IDP&R hereby agree to be bound to the provisions of Recommended Water Right No. 36-15221, as described in the Director's Report for Reporting Area 3 (Basin 36), filed in the SRBA ("Director's Report"), which water right provides water for domestic use at IPCo's Niagara Springs Hatchery. This recommended water right is described in Appendix A, attached hereto and incorporated herein by reference.

2.2. Except as provided below, IPCo, Rim View, IDF&G, and IDP&R hereby agree to be bound to the provisions of Recommended Water Right No. 36-02704, as described in the Director's Report,

which right provides water for irrigation, domestic use, fire protection, and fish propagation at IPCo's Niagara Springs Hatchery. This recommended water right is described in Appendix B, attached hereto and incorporated herein by reference. Provided, however, that as among IPCo, Rim View, IDF&G, and IDP&R, the remark contained in the description of that right establishing a monthly schedule of maximum diversion rates shall be deemed to be superceded by the following schedule of maximum diversion rates:

May	50 cfs	November	70 cfs
June	50 cfs	December	90 cfs
July	50 cfs	January	100 cfs
August	50 cfs	February	110 cfs
September	50 cfs	March	120 cfs
October	60 cfs	April	120 cfs

And provided further that as among IPCo, Rim View, IDF&G, and IDP&R, this recommended water right, as modified above, shall be deemed subordinated to the minimum in-stream flows established by section 7, below.

2.3 IPCo has pending before IDWR Application Number 36-07983, for the appropriation of certain waters from Niagara Springs for hydropower generation purposes. This application is described in Appendix C, attached hereto and incorporated herein by reference. This application has been protested by IDF&G, IDP&R, and Rim View. The right of IPCo to proceed with the application, and the rights of any of the Parties to support or oppose it are not otherwise affected by the provisions of this Settlement Agreement. Provided, however, that should the application ultimately be approved, any water right resulting therefrom, as among the Parties, will be subordinated to the in-stream flow rights established in section 7,

below.

3. Rim View Recommended Water Rights, Disallowed Claims, Permits, and Applications Subject to this Settlement Agreement

3.1 The Director's Report recommends four rights to Rim View for the diversion and beneficial use of water from Niagara Springs: Recommended Water Right Nos. 36-04032A, 36-04032B, 36-02680, and 36-07167. Recommended Water Right Nos. 36-04032A and 36-04032B are beneficial use rights; the other two are licensed rights. Together the four recommended water rights would allow Rim View to divert a maximum of 140.3 cfs from Niagara Springs for fish propagation and other purposes. The four recommended water rights are described in Appendix D, attached hereto and incorporated herein by reference. The Parties hereby acknowledge that the facts underlying IDWR's recommendations of Rim View's four recommended water rights are in dispute; that Rim View has claimed larger quantities of water pursuant to these rights than the quantities recommended by IDWR; and that Rim View believes it has in its possession evidence that may be sufficient to establish at trial its entitlement to a somewhat larger quantity of water under these rights than has been recommended by IDWR. Therefore, in the spirit of compromise and for purpose of equitably and efficiently resolving disputed factual issues short of trial, and for purpose of achieving early resolution of the present action prosecuted by Rim View against IDF&G and IDWR, the Parties stipulate that Rim View will be entitled to divert from Niagara Springs through its diversion

works, and, if necessary, by augmenting that flow with IPCo hatchery discharge water as provided for in paragraphs 3.7 and 3.8, below, a total amount of water under Recommended Water Right Nos. 36-02680, 36-07167, 36-04032A and 36-04032B, of up to 150.0 cfs as measured by the in-flow measuring device provided for in paragraph 3.2.

3.2 Rim View shall install a measuring device of a type, and in a location, satisfactory to IDWR, as close as feasible to the mouth of its diversion from Niagara Springs within \_\_\_\_\_ from the date this Settlement Agreement is entered into.

3.3 IPCo, Rim View, IDF&G, and IDP&R, hereby agree to be bound by the provisions of Recommended Water Right Nos. 36-02680, 36-07167, 36-04032A, and 36-04032B, as these rights are modified by the provisions of paragraphs 3.1 and 3.2, above. And provided further that these four rights as modified by the provisions of this Settlement Agreement will be deemed to be subordinated to the minimum in-stream flows established in section 7, below.

3.4 Rim View has filed two claims, Claim Nos. 36-04032C and 36-10819, in the SRBA, which in the Director's Report IDWR has recommended be disallowed. These disallowed claims are described in Appendix E, attached hereto and incorporated herein by reference. The Parties hereby stipulate that this Settlement Agreement resolves any dispute regarding the disallowal of these two claims, and that no Party will object to, or in any other manner contest or oppose, the Director's recommendations for disallowal of them.

3.5 Rim View has been granted two water right permits by IDWR, Permit Nos. 36-07789 and 36-08597, which permits are described in Appendix F, attached hereto and incorporated herein by reference. As among IPCo, Rim View, IDF&G, and IDP&R, the permits, and any rights created by the granting by IDWR of licenses for the permitted rights, are and shall be subordinated to the in-stream flow rights established in section 7, below. However, the right of Rim View to satisfy the requirements of said permits for purpose of obtaining licenses for the rights thereunder are not otherwise affected by the provisions of this Settlement Agreement.

3.6 Rim View has pending before IDWR Application No. 36-07628, for the appropriation of certain waters from Niagara Springs, which application has been protested by IDF&G, IDP&R, and IPCo. This application is described in Appendix G, attached hereto and incorporated herein by reference. The rights of Rim View to proceed with this application, and the rights of any of the Parties to support or oppose it are not affected by the provisions of this Settlement Agreement. Provided, however, that should the application ultimately be approved, any water right resulting from such approval, will, as among IPCo, Rim View, IDF&G, and IDP&R, be deemed subordinated to the in-stream flow rights established in section 7, below.

3.7 The Parties acknowledge that implementation of the terms of this Settlement Agreement, other provisions of the Parties' recommended rights which are not modified by the terms of this Settlement Agreement, and the natural fluctuations in the flow from

Niagara Springs, make it likely that there will be times when Rim View will be unable to divert 150.0 cfs from Niagara Springs as provided for in paragraph 3.1, above. Accordingly, IPCo, Rim View, and IDF&G hereby mutually agree that upon and following approval of the application specified in paragraph 3.8, below, at such times as Rim View is unable to divert 150.0 cfs from Niagara Springs, it may divert the difference between 150.0 cfs and what it actually can divert from Niagara Springs out of the discharge water from IPCo's Niagara Springs hatchery to the full extent that such discharge water is available at the time; provided, however, that whatever quantity of IPCo hatchery discharge water is needed at any given time to augment the natural flow of Niagara Springs Creek below the hatchery discharge point in order to maintain the minimum in-stream flow provided for in section 7, below, shall not be deemed available to Rim View.

3.8 Rim View presently has pending before IDWR Application No. 36-07791, which application is for the use by Rim View of IPCo's discharge water. This application is described in Appendix H, attached hereto and incorporated herein by reference. This application has been protested by IDF&F, IPCo, and an individual who is not a party to this Settlement Agreement. IDF&G and IPCo hereby agree to withdraw their protests. In the event that IDWR should approve this application, to the extent that any water right established thereunder conflicts with the provisions of this Settlement Agreement, as to IPCo, Rim View, IDF&G, and IDP&R, the provisions of this Settlement Agreement shall control. Provided,

further, that should the application ultimately be approved, any water right resulting from such approval, as among IPCo, Rim View, IDF&G, and IDP&R, shall be deemed subordinated to the minimum in-stream flows established in section 7, below.

4. IDF&G Recommended Water Rights Subject to this Settlement Agreement

4.1 IPCo, Rim View, IDP&R, and IDF&G hereby agree to be bound to the provisions of Recommended Water Right No. 36-02711, as described in the Director's Report, which water right provides irrigation and domestic water to Pugmire Park. This recommended water right is described in Appendix I, attached hereto and incorporated by reference herein.

4.2 IPCo, Rim View, IDP&R, and IDF&G hereby agree to be bound to the provisions of Recommended Water Right Nos. 36-04020A, 36-04020B, and 36-04020C, as described in the Supplemental Recommendations to the Director's Report filed in the SRBA on January 8, 1993, which recommended rights provide water through the Thompson-Mays ditch and a 14-inch pipeline to the Niagara Springs Wildlife Management Area. These recommended water rights are described in Appendix J, attached hereto and incorporated herein by reference. However, as among IPCo, Rim View, IDP&R, and IDF&G, the recommended rights shall be deemed to impose the following annual schedule of maximum diversion rates which may be made pursuant to them:

May	10 cfs	November	7 cfs
June	10 cfs	December	7 cfs
July	10 cfs	January	7 cfs
August	10 cfs	February	7 cfs

September 10 cfs  
October 10 cfs

March 10 cfs  
April 10 cfs

Provided, further, that this recommended water right, as so modified, will, as among IPCo, Rim View, IDF&G, and IDP&R, be deemed to be subordinated to the minimum in-stream flows established in section 7, below.

5. IDP&R Pending Application Subject to this Settlement Agreement

5.1 IDP&R has pending before IDWR Permit No. 36-07200 for the appropriation of certain waters within Niagara Springs for in-stream flow for recreation and aesthetic use. The issuance of this permit by IDWR was appealed to the Idaho Supreme Court, and the permit is now again before IDWR pursuant to the determination of that appeal. The permit is described in Appendix K, attached hereto and incorporated herein by reference. The rights of IDP&R to proceed with the permit application are not otherwise affected by the provisions of this Settlement Agreement.

6. Idaho Water Resource Board Applications Subject to this Settlement Agreement

6.1 The Idaho Water Resource Board has filed with IDWR Application Nos. 36-08347 and 36-08670, which are two applications for the appropriation of waters within Niagara Springs and Niagara Springs Creek for the purpose of maintaining certain minimum in-stream flows in Niagara Springs Creek. These applications are presently pending before IDWR. They are described in Appendix L, attached hereto and incorporated herein by reference. IPCo, Rim View, IDF&G, and IDP&R hereby agree not to protest or otherwise

oppose Application Nos. 36-08374 or 36-08670 of the Idaho Water Resource Board before IDWR.

7. Minimum In-Stream Flows

7.1 IPCo, Rim View, IDF&G, and IDP&R, hereby contractually obligate themselves to create and maintain minimum in-stream flows within Niagara Springs Creek in the manner provided for in paragraphs 7.2, 7.3, 7.4, 7.5, and 7.6, below.

7.2 In the event that IDWR should approve the two applications for minimum in-stream flows submitted by the Idaho Water Resources Board, described in section 6, above, the Parties hereby acknowledge that the provisions of the minimum in-stream flow permits and the licenses which ultimately may be issued pursuant thereto, as exercised in accordance with law, shall govern the rights and obligations of the Parties with respect thereto, and that said in-stream flow rights shall be filled in accordance with those provisions at all times, and to the full extent possible, that said rights can be filled without causing injury to the senior rights of IPCo, Rim View, IDF&G, and IDP&R, as modified by this Settlement Agreement. However, at all such times as said minimum in-stream flow rights cannot be filled without injury to senior rights, the in-stream flow provisions of this Settlement Agreement shall govern the rights and responsibilities of IPCo, Rim View, IDF&G, and IDP&R, as among themselves.

7.3 There shall be maintained at all times within Niagara Springs Creek a minimum in-stream flow of sufficient quantity to provide, over what is commonly known as the "Lower Falls," below

the IPCo diversion work commonly known as "the Wing Dam," a flow rate in accordance with the following schedule:

May	15 cfs	November	5 cfs
June	15 cfs	December	5 cfs
July	15 cfs	January	5 cfs
August	15 cfs	February	5 cfs
September	15 cfs	March	10 cfs
October	5 cfs	April	10 cfs

7.4 There shall be maintained at all times within that portion of Niagara Springs Creek below the IPCo hatchery discharge point a minimum in-stream flow of sufficient quantity to provide a flow rate in accordance with the following schedule:

May	70 cfs	November	60 cfs
June	70 cfs	December	60 cfs
July	70 cfs	January	60 cfs
August	70 cfs	February	60 cfs
September	70 cfs	March	60 cfs
October	60 cfs	April	60 cfs

This minimum in-stream flow shall consist of the water coming over the Lower Falls, as augmented by seepage below the falls, if any, and by IPCo hatchery discharge water in sufficient quantity to make up the difference between the flow over the Lower Falls and the required minimum in-stream flow rate.

7.5 In the event that at any time the flow rate over the Lower Falls drops below the minimum called for in the schedule enumerated in paragraph 7.3, above, IPCo Water Right No. 36-02704, Rim View Water Right Nos. 36-04032A, 36-02032B, 36-02680, and 36-07167, and IDF&G Water Right Nos. 36-04020A, 36-04020B, and 36-04020C, shall each be cut back pro rata in the proportion by which the diversion rates as modified by the Settlement Agreement constitute a percentage of the total of all the diversion rates

under all the rights as modified by the Settlement Agreement--in sufficient amount to return the flow rate to said required minimum in-stream flow.

7.6 In the event that at any time the flow rate in Niagara Springs Creek below the IPCo discharge point, consisting of natural flow over the Lower Falls, seepage, if any, and as augmented by IPCo hatchery discharge water, drops below the minimum called for in the schedule enumerated in paragraph 7.4, above, IPCo Water Right No. 36-02704, Rim View Water Right Nos. 36-04032A, 36-04032B, 36-02680, and 36-07167, and IDF&G Water Right Nos. 36-04020A, 36-04020B, and 36-04020C, shall each be cut back pro rata in the proportion by which the diversion rates as modified by the Settlement Agreement constitute a percentage of the total of all the diversion rates under all the rights as modified by the Settlement Agreement--in sufficient amount to return the flow rate to said required minimum in-stream flow.

7.7 Appendix M, attached hereto, contains an example of how the pro rata reduction provisions contained in paragraphs 7.5 and 7.6 shall operate. Appendix M is for illustrative purposes only and does not itself constitute a part of this Settlement Agreement.

8. Relationship of Settlement Agreement to SRBA

8.1 Unless expressly provided in this Settlement Agreement, no party waives any of its administrative or legal remedies for redress of injuries to its own rights caused by any attempted expansion of another right, or any other use of the water thereunder, which use is at variance with the provisions of the

right as recommended. The Parties further acknowledge that this Settlement Agreement does not in any manner limit the right of any nonparty to object in the SRBA to any of the recommended water rights in question; nor does it in any manner limit the right of the SRBA Court to decree any of the rights in question differently from how they are recommended in the Director's Report. Nonetheless, IPCo, Rim View, IDF&G, and IDP&R agree that as among themselves where there may be any variance between the rights as recommended in the Director's Report and the rights as agreed to in this Settlement Agreement, the provisions of the Settlement Agreement shall control.

9. Favorable Public Comment a Condition Precedent

9.1 Because this Settlement Agreement changes certain of IDWR's recommendations in the Director's Report with regard to IPCo's Water Right No. 36-02704 and Rim View's Recommended Water Right No. 36-02680, because the implementation of this Settlement Agreement requires expeditious administrative action on Rim View's pending application to divert and use IPCo's discharge water, and because this Settlement Agreement otherwise significantly impacts the existing pattern of water diversions from Niagara Springs and Niagara Springs Creek, the Parties hereby agree that IDWR shall obtain public comment regarding the terms of this Settlement as a condition precedent to its implementation. Accordingly, IDWR shall hold at the earliest practical time one or more public information meetings in the Magic Valley, and in such other places as it may deem appropriate, to publicly describe the terms of this Settlement

Agreement, its impact on existing water rights and uses, and its potential impact on future water rights to, and uses of, the waters of Niagara Springs and Niagara Springs Creek.

9.2 Following the public information meeting or meetings described in paragraph 9.1, above, IDWR will determine whether there is general public acceptance of this Settlement Agreement. It will notify the other parties of this determination in writing. In the event that IDWR notifies the other parties that it has determined there is general public acceptance of the provisions of this Settlement Agreement, the Settlement Agreement will become operational, and all of its terms and provisions will at that point have full legal force and effect. In the event that IDWR notifies the other parties that it has determined there is not a general public acceptance of the provisions of this Settlement Agreement, the Settlement Agreement will at that point terminate, and all duties and obligations of the Parties thereunder shall cease and no longer be of any force and effect.

10. Stipulation for Dismissal

10.1 In the event that IDWR notifies the other parties pursuant to paragraph 9.2, above, that there is general public acceptance of the provisions of this Settlement Agreement, the Parties hereby agree to thereupon enter into a stipulation for dismissal of Rim View Trout Company, Inc. v. Idaho Department of Water Resources and Idaho Department of Fish and Game. The stipulation shall include whatever portions of this Settlement Agreement the Parties deem necessary in order to fully resolve the

action in question. The stipulation shall then be submitted to the SRBA Court for review, approval, and the entry of an order dismissing with prejudice the action in question.

11. Niagara Springs Creek Estuary Clean-up

11.1 IPCo, Rim View, and IDF&G hereby agree to remove accumulated sediment and other pollutants, if any, from the portion of Niagara Springs Creek lying between the base of the Lower Falls and the Snake River pursuant to a cost sharing agreement. The cost sharing agreement shall be as follows:

[INSERT AGREEMENT]

12. Waiver, Modification or Amendment

12.1 No waiver, modification or amendment of this Settlement Agreement or any covenants, conditions, or limitations herein contained shall be valid unless in writing duly executed by the Parties.

13. Successors

13.1 The provisions of this Settlement Agreement shall bind and inure to the benefit of the respective successors and assigns of the Parties.

14. Governing Law

14.1 The Parties agree that this Settlement Agreement shall be governed by, and construed in accordance with, the laws of the State of Idaho.

15. Merger Clause

15.1 This Settlement Agreement sets forth all the covenants,

promises, provisions, agreements, conditions, and understandings between the Parties, and there are no covenants, provisions, promises, agreements, conditions, or understandings, either oral or written, between them other than as are set forth herein.

16. Effect of Section Headings

16.1 The section headings appearing in this Settlement Agreement are not to be construed as interpretations of the text, but are inserted for convenience and reference only.

17. Quintuplicate Originals

17.1 This Settlement Agreement is executed in quintuplicate. Each of the five Settlement Agreements with an original signature of each party shall be an original.

IN WITNESS WHEREOF, the Parties have hereunto caused their names to be subscribed, the corporate parties by their officers first thereunto duly authorized by resolution of their respective boards of directors, and the state agencies by their respective directors or other administrative officials first thereunto duly authorized by law, as of the day and year first above written.

IDAHO POWER COMPANY

By \_\_\_\_\_  
Chairman of the Board and  
Chief Executive Officer

(CORPORATE SEAL)

ATTEST:

\_\_\_\_\_  
Secretary

RIM VIEW TROUT COMPANY, INC.

By \_\_\_\_\_  
President

(CORPORATE SEAL)

ATTEST:

\_\_\_\_\_  
Secretary

IDAHO DEPARTMENT OF FISH & GAME

By \_\_\_\_\_  
Director

IDAHO DEPARTMENT OF PARKS & RECREATION

By \_\_\_\_\_  
Director

IDAHO DEPARTMENT OF WATER RESOURCES

By \_\_\_\_\_  
Director

APPENDIX A

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
36-15221	IDAHO POWER CO PO BOX 70 BOISE ID 83707	03/03/1982	DOMESTIC	01-01 12-31	0.04 CFS	BENEFICIAL USE
					TOTAL DIVERSION RATE:	0.04 CFS
					TOTAL DIVERSION VOLUME:	0.60 AFA

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:  
T09S R15E S10 LOT 1 (NENENE)

PLACE OF USE: DOMESTIC  
T09S R15E S10 Lot 9 (SENE)

CONDITIONS OF APPROVAL:

REMARKS: THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02704 PURSUANT TO IDAHO CODE 42-1416(2).  
RIGHT NO. 36-02704 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.  
USE OF THIS RIGHT WITH RIGHT NO. 36-02704 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 132.0 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 48180 AF.

OTHER RIGHTS: NONE

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APPENDIX B

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
36-02704	IDAHO POWER CO PO BOX 70 BOISE ID 83707	01/31/1966	IRRIGATION FISH PROPAGATION DOMESTIC FIRE PROTECTION	03-15 11-15 01-01 12-31 01-01 12-31 01-01 12-31	0.04 CFS 130.00 CFS 0.04 CFS 130.00 CFS	LICENSE
				TOTAL DIVERSION RATE:	130.00 CFS	
				TOTAL DIVERSION VOLUME:	48180.00 AFA	
				CONSUMPTIVE USE:	6.0 AFA	

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:

T09S R15E S10 Lot 1 (NENENE)  
Lot 1 (SENE)

PLACE OF USE: IRRIGATION

T09S R15E S10 Lot 9 (SENE) 2.0  
2.0 ACRES TOTAL

PLACE OF USE: FISH PROPAGATION

T09S R15E S10 Lot 1 (NENE) Lot 9 (SENE)

PLACE OF USE: DOMESTIC

T09S R15E S10 Lot 1 (NENE) Lot 9 (SENE)

PLACE OF USE: FIRE PROTECTION

T09S R15E S10 Lot 1 (NENE) Lot 9 (SENE)

CONDITIONS OF APPROVAL:

REMARKS: RIGHT NO. 36-15221 IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416(2).

RIGHT NO. 36-15221 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NO. 36-15221 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 130 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 48180 AF. FACILITY VOLUME 168,000 CU. FT.

A MINIMUM FLOW OF 50 CFS SHALL BE MAINTAINED IN NIAGARA SPRINGS CREEK BELOW THE APPROPRIATOR'S HATCHERY DISCHARGE POINT.

THE RATE OF DIVERSION PURSUANT TO THIS RIGHT IS LIMITED TO THE FOLLOWING AMOUNTS DURING THE FOLLOWING PERIODS OF USE:

FROM	TO	AMOUNT (CFS)
5/01	9/30	50.0
10/01	10/31	60.0
11/01	11/30	70.0
12/01	12/31	90.0
1/01	1/31	100.0
2/01	2/28, 2/29	110.0
3/01	3/31	120.0
4/01	4/30	130.0

OTHER RIGHTS: SEE REMARKS

APPENDIX C

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
36-07983	IDAHO POWER CO.	05/05/1981	POWER	01-01 12-31	290.00 CFS	APPLICATION

290.00 CFS TOTAL  
0.00 AFA TOTAL

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:

T09S R15E S10 LOT 1 ( NENE)  
S11 LOT 3 ( NWNW)

PLACE OF USE: POWER

T09S R15E S10 Lot 9 (NENE)

CONDITIONS OF APPROVAL:

REMARKS: HEAD = 110 FT

PROTESTANTS: CONSULTING ASSOCIATES, INC., I D F G,  
ID. DEPT. PARKS & RECREATION, RIM VIEW TROUT CO.

OTHER RIGHTS:

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APPENDIX D

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
36-04032A	RIM VIEW TROUT CO 1301 VISTA AVE BOISE ID 83705	12/31/1926	FISH PROPAGATION	01-01 12-31	3.54 CFS	BENEFICIAL USE

TOTAL DIVERSION RATE: 3.54 CFS  
TOTAL DIVERSION VOLUME: 7239.80 AFA

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:  
T09S R15E S10 LOT 1 (SENE)

PLACE OF USE: FISH PROPAGATION  
T09S R15E S10 Lot 1 (NENE) Lot 2 (NWNE) Lot 1 (SWNE) Lot 9 (SENE)

CONDITIONS OF APPROVAL:

REMARKS: FACILITY VOLUME 696,960 CU. FT.  
USE OF THIS RIGHT WITH COMBINED RIGHTS LISTED BELOW IS LIMITED TO A TOTAL FACILITY VOLUME OF 696,960 CU. FT.  
COMBINED RIGHTS: 36-02680, 36-04032B, 36-04032C & 36-07167.  
THE COMBINED RIGHTS LISTED ABOVE ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

OTHER RIGHTS: 36-02680, 36-07167, 36-04032B & 36-04032C

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
36-04032B	RIM VIEW TROUT CO 1301 VISTA AVE BOISE ID 83705	01/16/1959	FISH PROPAGATION DOMESTIC	01-01 12-31 01-01 12-31	7.06 CFS 0.08 CFS	BENEFICIAL USE
					TOTAL DIVERSION RATE:	7.06 CFS
					TOTAL DIVERSION VOLUME:	10497.70 AFA

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:

T09S R15E S10 LOT 1 (SENE)

PLACE OF USE: FISH PROPAGATION

T09S R15E S10 Lot 1 (NENE) Lot 2 (NWNE) Lot 1 (SWNE) Lot 9 (SENE)

PLACE OF USE: DOMESTIC

T09S R15E S10 Lot 1 (NENE) Lot 9 (SENE)

CONDITIONS OF APPROVAL:

C09 - PORTION OF RIGHT FORFEITED/ABANDONED.

REMARKS: FACILITY VOLUME 696,960 CU. FT.

USE OF THIS RIGHT WITH COMBINED RIGHTS LISTED BELOW IS LIMITED TO A TOTAL FACILITY VOLUME OF 696,960 CU. FT.

COMBINED RIGHTS: 36-04032A, 36-02680, 36-04032C & 36-07167.

THE COMBINED RIGHTS LISTED ABOVE ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

OTHER RIGHTS: 36-02680, 36-07167, 36-04032A & 36-04032C

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
36-02680	RIM VIEW TROUT CO 1301 VISTA AVE BOISE ID 83705	06/06/1966	FISH PROPAGATION	01-01 12-31	79.70 CFS	LICENSE
					TOTAL DIVERSION RATE:	79.70 CFS
					TOTAL DIVERSION VOLUME:	36720.10 AFA

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:

T09S R15E S10 LOT 1 (SENE)

PLACE OF USE: FISH PROPAGATION

T09S R15E S10 Lot 1 (NENE) Lot 2 (NWNE) Lot 1 (SWNE) Lot 9 (SENE)

CONDITIONS OF APPROVAL:

REMARKS: FACILITY VOLUME = 696,960 CU. FT.  
USE OF THIS RIGHT WITH COMBINED RIGHTS LISTED BELOW IS LIMITED  
TO A TOTAL FACILITY VOLUME OF 696,960 CU. FT.  
COMBINED RIGHTS: 36-04032A, 36-04032B, 36-04032C & 36-07167.  
THE COMBINED RIGHTS LISTED ABOVE ARE ALSO DIVERTED THROUGH THE  
POINT OF DIVERSION DESCRIBED ABOVE.

OTHER RIGHTS: 36-07167, 36-04032A, 36-04032B & 36-04032C

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
36-07167	RIM VIEW TROUT CO 1301 VISTA AVE BOISE ID 83705	03/18/1971	FISH PROPAGATION	01-01 12-31	50.00 CFS	LICENSE

TOTAL DIVERSION RATE: 50.00 CFS  
TOTAL DIVERSION VOLUME: 36198.90 AFA

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:  
T09S R15E S10 LOT 1 (SENE)

PLACE OF USE: FISH PROPAGATION  
T09S R15E S10 Lot 1 (NENE) Lot 2 (NWNE) Lot 1 (SWNE) Lot 9 (SENE)

CONDITIONS OF APPROVAL:

- M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.
- L09 - RETURN FLOW SHALL BE TREATED TO INSURE THAT THE EFFLUENT MEETS
- IDAHO WATER QUALITY STANDARDS.

REMARKS: FACILITY VOLUME = 696,960 CU. FT.  
USE OF THIS RIGHT WITH COMBINED RIGHTS LISTED BELOW IS LIMITED  
TO A TOTAL FACILITY VOLUME OF 696,960 CU. FT.  
COMBINED RIGHTS: 36-04032A, 36-04032B, 36-04032C & 36-02680.  
THE COMBINED RIGHTS ABOVE ARE ALSO DIVERTED THROUGH THE POINT OF  
DIVERSION DESCRIBED ABOVE.

OTHER RIGHTS: 36-02680, 36-04032A, 36-04032B & 36-04032C

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APPENDIX E

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
36-04032C	RIM VIEW TROUT CO 1301 VISTA AVE BOISE ID 83705	04/25/1967	FISH PROPAGATION	01-01 12-31	29.40 CFS	
					TOTAL DIVERSION RATE:	29.40 CFS
					TOTAL DIVERSION VOLUME:	0.00 AFA

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:  
T09S R15E S10 LOT 1 (SENE)

PLACE OF USE: FISH PROPAGATION  
T09S R15E S10 Lot 1 (NENE) Lot 2 (NWNE) Lot 1 (SWNE) Lot 9 (SENE)

CONDITIONS OF APPROVAL:

REMARKS: SEE NO. 36-02680.

OTHER RIGHTS: 36-02680, 36-07167, 36-04032A & 36-04032B

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
36-10819	RIM VIEW TROUT CO 1301 VISTA AVE BOISE ID 83705	12/31/1962	FISH PROPAGATION	01-01 12-31	0.25 CFS	

TOTAL DIVERSION RATE: 0.25 CFS  
TOTAL DIVERSION VOLUME: 0.00 AFA

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:  
T09S R15E S10 LOT 1 ( NENE)

PLACE OF USE: FISH PROPAGATION  
T09S R15E S10 Lot 1 (NENE)

CONDITIONS OF APPROVAL:

- P06 - RECOMMENDED AS RIGHT NO. \_\_\_\_\_: This is included for a
- claim that is PROPOSED to be disallowed because the right claimed
  - is recommended pursuant to another right. The remark indicates
  - the water right number of the OTHER right that is proposed to be
  - recommended. If you are not mailed a notice of the recommendation
  - of the OTHER right, then the OTHER right is recommended in
  - another claimant's name.

REMARKS: RECOMMENDED AS WATER RIGHT 36-02680.

OTHER RIGHTS: NONE

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APPENDIX F

MICROFILMED  
DEC 04 1996

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD		MAXIMUM DIVERSION	STAGE
				FROM	TO		
36-07789	RIM VIEW TROUT CO. INC.	03/15/1978	FISH PROPAGATION	01-01	12-31	90.30 CFS	PERMIT

90.30 CFS TOTAL  
0.00 AFA TOTAL

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:

T09S R15E S10 LOT 1 ( NENE)  
S11 LOT 3 ( NWNW)

PLACE OF USE: FISH PROPAGATION

T09S R15E S10 Lot 1 (NENE) Lot 2 (NWNW) Lot 1 (SWNE) Lot 9 (SENE)

CONDITIONS OF APPROVAL:

- 004 - The issuance of this right in no way grants any right-of-way or easement across the land of another.
- 002 - Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
- 07A - Assignment or sale of this right is subject to a determination by the Department that the right holder has proceeded to develop the right with due diligence and without speculation.
- 09D - Water used under this right if discharged into a natural channel shall meet Idaho Water Quality Standards.
- 027 - Use of water under this right shall be non-consumptive.
- 042 - The right holder shall be required to provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
- 044 - Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
- 016 - See remarks for additional conditions of approval.

REMARKS: THIS PERMIT AUTHORIZES RE-USE OF WATER ORIGINALLY DIVERTED FROM NIAGARA SPRINGS UNDER RIM VIEW'S LICENSE NO. 36-2680, & NO WATER IN EXCESS OF THE TRADITIONAL FLOWS DIVERTED FROM NIAGARA SPRINGS UNDER LICENSE 36-2680 MAY BE DIVERTED UNDER THIS PERMIT. ALL WATER USED PURSUANT TO THIS PERMIT SHALL BE DISCHARGED INTO THE SNAKE RIVER & SHALL NOT DISCHARGED INTO NIAGARA SPRINGS CREEK.

OTHER RIGHTS:

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD		MAXIMUM DIVERSION	STAGE
				FROM	TO		
36-08597	RIM VIEW TROUT CO	08/12/1991	POWER	01-01	12-31	150.00 CFS	PERMIT

150.00 CFS TOTAL  
0.00 AFA TOTAL

SOURCE: NIAGARA SPRINGS CREEK      TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:  
T09S R15E S10    LOT 1 ( NENE)

PLACE OF USE: POWER  
T09S R15E S10    Lot 1 (NENE)      Lot 9 (SENE)

CONDITIONS OF APPROVAL:

- 17K - The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- 08A - This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.

REMARKS: The use of water under Permit No. 36-08597 shall be nonconsumptive and shall only be an additional use of water validly diverted under other water rights held by Rim View or its successors. Diversion and use of water under Permit No. 36-08597 is not authorized unless the water is also being used in accordance with Rim View's other existing rights. Diversions from Niagara Springs Creek under this permit and under any license issued pursuant to the permit shall not exceed the lesser of 150 cfs or such aggregate quantity of water as the holder or its successors in interest are entitled to divert from Niagara Springs Creek under License Nos. 36-02680 and 36-07167, and Beneficial Use Claims Nos. 36-04032A, B, and C, and 36-10819, as that aggregate quantity is determined in any interim order and ultimately in the final decree in the Snake River Basin Adjudication now pending in the Fifth District Court, Twin Falls County, Case No. 39576. Use of water for hydroelectric generation in the second powerhouse located in Lot 9 (SE1/4NE1/4) S10, T09S, R15E, shall not increase the rate of flow approved and placed to beneficial use for fish propagation purposes under Permit No. 36-07789 and any license issued thereunder. Construction of the project shall not result in any alteration of the channel of Niagara Springs Creek, any change in the existing Rim View diversion structure from Niagara Springs Creek unless approved in advance by the Department, or any increase in the elevation of the water surface at the Rim View diversion structure.

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
	<p>Any work to be done below the mean high water mark of Snake River required for the construction of the second powerhouse shall be accomplished in accordance with an approved permit issued under Chapter 38, Title 42, Idaho Code.</p> <p>The powerhouses shall be designed, constructed and operated so as to be inaudible to a human listener with normal hearing at 200 feet away from a powerhouse.</p> <p>Water released after use under Permit No. 36-08597 to a public waterway shall meet state water quality requirements.</p> <p>Prior to diversion and beneficial use of water under Permit No. 36-08597, a measuring device shall be installed in the diversion channel leading to the first powerhouse. The measuring device shall provide for a continuous recording of flows and volumes diverted under this permit. Prior to construction, the location and design of the device shall be approved by the Director of Idaho Department of Water Resources. Records of diversions shall be submitted to the Department or to a future watermaster upon request.</p> <p>The project shall be constructed in accordance with plans and specifications prepared by a competent engineer licensed in the State of Idaho. An engineer's certification that the project complies with the plans and specifications shall be submitted along with a set of the plans and specifications upon completion of the project.</p> <p>The diversion and use of water under this right and any license subsequently issued is subject to review by the Director thirty-five (35) years from the date of issuance of this right. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.</p> <p>The protests of the parties identified in Table 2 are hereby dismissed.</p>					

OTHER RIGHTS:

MICROFILMED  
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APPENDIX G

**MICROFILMED**  
**DEC 04 1996**

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
36-07628	RIM VIEW TROUT CO. INC.	06/15/1976	FISH PROPAGATION	01-01 12-31	115.00 CFS	APPLICATION

115.00 CFS TOTAL  
0.00 AFA TOTAL

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:

T09S R15E S10 LOT 1 ( NENE)  
S11 LOT 3 ( NWNW)

PLACE OF USE: FISH PROPAGATION

T09S R15E S10 Lot 1 ( ) Lot 2 ( ) Lot 9 ( ) Lot 1 ( )

CONDITIONS OF APPROVAL:

REMARKS: PROTESTANTS: ID. DEPT. PARKS & RECREATION, IDAHO POWER,  
ID. FISH & GAME  
AGREEMENT PENDING

OTHER RIGHTS:

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APPENDIX H

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
36-07791	RIM VIEW TROUT CO. INC.	03/17/1978	FISH PROPAGATION	01-01 12-31	90.00 CFS	APPLICATION

90.00 CFS TOTAL  
0.00 AFA TOTAL

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:  
T09S R15E S10 LOT 1 ( NENE)

PLACE OF USE: FISH PROPAGATION  
SAME AS: FISH PROPAGATION

CONDITIONS OF APPROVAL:

REMARKS: PROTESTANTS: ID DEPT. OF F & G, BOB BURKS, IDAHO POWER  
AGREEMENT PENDING

OTHER RIGHTS:

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APPENDIX I

MICROFILMED  
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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
36-02711	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE ID 83707	10/23/1956	IRRIGATION DOMESTIC	03-15 11-15 01-01 12-31	0.24 CFS 0.02 CFS	LICENSE

TOTAL DIVERSION RATE: 0.24 CFS  
TOTAL DIVERSION VOLUME: 48.60 AFA  
CONSUMPTIVE USE: 36.0 AFA

SOURCE: NIAGARA SPRINGS                      TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:  
T09S R15E S11    LOT 3 (NWNWNW)

PLACE OF USE: IRRIGATION  
T09S R15E S11    Lot 1 (NENW) 2.0    Lot 11 (SNNW) 10.0  
12.0 ACRES TOTAL

PLACE OF USE: DOMESTIC  
T09S R15E S11    Lot 11 (SNNW)

CONDITIONS OF APPROVAL:

REMARKS: PLACE OF USE IS ALSO KNOWN AS PUGMIRE PARK.

OTHER RIGHTS: NONE

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APPENDIX J

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
R36-04020A	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE ID 83707	03/15/1912	IRRIGATION WILDLIFE WILDLIFE DOMESTIC	03-15 11-15 03-15 11-15 11-16 03-14 01-01 12-31	5.46 CFS 2.13 CFS 4.94 CFS 0.02 CFS	BENEFICIAL USE
					TOTAL DIVERSION RATE:	7.61 CFS
					TOTAL DIVERSION VOLUME:	4092.90 AFA
					CONSUMPTIVE USE:	189.0 AFA

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:

T09S R15E S10 LOT 1 (NENENE)

PLACE OF USE: IRRIGATION

T09S R15E S04 Lot 7 (SWSE) 6.0 Lot 9 (SWSE) 3.0 Lot 8 (SESE) 8.0  
 S05 Lot 15 (NESW) 7.0 Lot 16 (NWSE) 15.0 Lot 18 (SESE) 8.0  
 S09 Lot 1 (NENE) 3.0  
 S10 Lot 2 (NWNE) 9.0 Lot 1 (SWNE) 1.0 Lot 4 (NWNW) 3.0  
 63.0 ACRES TOTAL

PLACE OF USE: WILDLIFE

T09S R15E S03 SWSW  
 S04 Lot 11 (SWSW) Lot 1 (SESW) Lot 7 (SWSE) Lot 8 (SESE)  
 S05 Lot 15 (NESW) Lot 17 (NESE) Lot 16 (NWSE) Lot 18 (SESE)  
 S10 Lot 1 (NENE) Lot 2 (NWNE) Lot 3 (NENW)

PLACE OF USE: WILDLIFE

T09S R15E S03 SWSW  
 S04 Lot 11 (SWSW) Lot 1 (SESW) Lot 7 (SWSE) Lot 8 (SESE)  
 S05 Lot 15 (NESW) Lot 17 (NESE) Lot 16 (NWSE) Lot 18 (SESE)  
 S10 Lot 1 (NENE) Lot 2 (NWNE) Lot 3 (NENW)

PLACE OF USE: DOMESTIC

SAME AS: WILDLIFE

CONDITIONS OF APPROVAL:

REMARKS: 2 POINTS OF DIVERSION LOCATED IN LOT 1(NENENE), S10, T9S, R15E.  
 WATER FOR DOMESTIC USE IS DELIVERED THROUGH A 14" PIPELINE.  
 WATER FOR IRRIGATION USE IS DELIVERED THROUGH LANGFORD DITCH  
 (ALSO KNOWN AS THOMPSON-MAYS DITCH).  
 RIGHT NO. 36-04020C IS AN EXPANSION OF THIS RIGHT PURSUANT  
 TO IDAHO CODE 42-1416 (2).  
 THIS RIGHT IS LIMITED TO A TOTAL DIVERSION RATE OF 4.96 CFS  
 DURING THE NON-IRRIGATION SEASON.  
 USE OF THIS RIGHT WITH 36-04020C IS LIMITED FROM 3/15-11/15  
 TO A TOTAL COMBINED DIVERSION RATE OF 7.61 CFS, FROM 11/16-3/14  
 TO A TOTAL COMBINED DIVERSION RATE OF 4.96 CFS, AND A TOTAL  
 COMBINED ANNUAL DIVERSION VOLUME OF 4504.6 AFY.  
 THIS RIGHT INCLUDES AN ACCOMPLISHED CHANGE IN PURPOSE OF USE  
 FROM STOCKWATER USE TO WILDLIFE USE DURING THE NON-IRRIGATION  
 PERIOD OF USE, AND A PARTIAL CHANGE FROM IRRIGATION USE TO  
 WILDLIFE USE DURING THE IRRIGATION PERIOD OF USE, PURSUANT TO

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RIGHT  
NUMBER

NAME & ADDRESS

PRIORITY  
DATE

WATER USE

USE PERIOD  
FROM TO

MAXIMUM  
DIVERSION

STAGE

-----  
IDAHO CODE 42-1416A.

OTHER RIGHTS: NONE

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
R36-04020B	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE ID 83707	03/15/1959	IRRIGATION	03-15 11-15	1.28 CFS	BENEFICIAL USE

TOTAL DIVERSION RATE: 1.28 CFS  
TOTAL DIVERSION VOLUME: 256.00 AFA  
CONSUMPTIVE USE: 192.0 AFA

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:  
T09S R15E S10 LOT 1 (NENENE)

PLACE OF USE: IRRIGATION  
T09S R15E S03 SWSW 23.0 SESW 14.0  
S04 Lot 7 (SWSE) 3.0 Lot 8 (SESE) 19.0  
S10 Lot 2 (NWNE) 2.0 Lot 3 (NENW) 3.0  
64.0 ACRES TOTAL

CONDITIONS OF APPROVAL:

REMARKS: WATER IS DELIVERED THROUGH A 14" PIPELINE.

OTHER RIGHTS: NONE

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
R36-04020C	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE ID 83707	06/07/1983	WILDLIFE WILDLIFE STORAGE WILDLIFE STORAGE	03-15 11-15 03-15 11-15 11-16 03-14	5.46 CFS 2.13 CFS 4.94 CFS	BENEFICIAL USE
					TOTAL DIVERSION RATE:	7.59 CFS
					TOTAL DIVERSION VOLUME:	4504.00 AFA

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:

T09S R15E S10 LOT 1 (NENENE)

PLACE OF USE: WILDLIFE

T09S R15E S03 SWSW  
S04 Lot 11 (SWSW)  
S05 Lot 15 (NESW)  
S10 Lot 1 (NENE)

Lot 1 (SESW) Lot 7 (SWSE) Lot 8 (SESE)  
Lot 17 (NESE) Lot 16 (NWSE) Lot 18 (SESE)  
Lot 2 (NWNE) Lot 3 (NENW)

PLACE OF USE: WILDLIFE STORAGE

T09S R15E S04 Lot 11 (SWSW)  
S05 Lot 17 (NESE)

Lot 16 (NWSE) Lot 18 (SESE)

PLACE OF USE: WILDLIFE STORAGE

T09S R15E S04 Lot 11 (SWSW)  
S05 Lot 17 (NESE)

Lot 16 (NWSE) Lot 18 (SESE)

CONDITIONS OF APPROVAL:

REMARKS: WATER IS DELIVERED THROUGH LANGFORD DITCH (ALSO KNOWN AS THOMPSON-MAYS DITCH).

TOTAL DIVERSION RATE DURING THE NON-IRRIGATION SEASON IS 4.94 CFS.

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-04020A PURSUANT TO IDAHO CODE 42-1416(2).

USE OF THIS RIGHT WITH 36-04020A IS LIMITED FROM 3/15-11/15 TO A TOTAL COMBINED DIVERSION RATE OF 7.61 CFS, FROM 11/16-3/14 TO A TOTAL COMBINED DIVERSION RATE OF 4.96 CFS, A TOTAL COMBINED DIVERSION VOLUME OF 4504.6 AFA.

STORAGE CAPACITY OF THE PONDS IS LIMITED TO 28 AF.

OTHER RIGHTS: NONE

APPENDIX K

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
36-07200	STATE OF IDAHO	07/12/1971	RECREATION AESTHETIC	01-01 12-31 01-01 12-31	264.00 CFS 264.00 CFS 264.00 CFS 0.00 AFA TOTAL	APPLICATION

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:

T09S R15E S10 LOT 1 ( NENE)

PLACE OF USE: RECREATION

T09S R15E S10 Lot 1 ( )  
S11 Lot 3 ( )

PLACE OF USE: AESTHETIC

SAME AS: RECREATION

CONDITIONS OF APPROVAL:

REMARKS: WTR. NOT DIVERTED. FILED IN CONNECTION W/HB69.  
PROTESTANTS: RIM VIEW TROUT CO., ID. RECLAMATION ASSOC.,  
AL DAISS, MTN. VIEW IRR. CO., EDNA WERTH, EARL M. HARDY,  
RICHARD KASTER, DEL KOHTZ, ID WATERUSERS ASSOC.

OTHER RIGHTS:

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MICROFILMED

APPENDIX L

MICROFILMED  
DEC 04 1996

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD		MAXIMUM DIVERSION	STAGE
				FROM	TO		
36-08347	STATE OF IDAHO	01/29/1988	MINIMUM INSTREAM FLOW	01-01	12-31	45.00 CFS	APPLICATION
			MINIMUM INSTREAM FLOW	01-01	12-31	110.00 CFS	
						110.00 CFS	TOTAL
						0.00 AFA	TOTAL

SOURCE: NIAGARA SPRINGS CREEK      TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:

T09S R15E S10    LOT 1 ( NENE)  
                  S11    LOT 11 ( SWNW)

PLACE OF USE: MINIMUM INSTREAM FLOW

T09S R15E S10    Lot 1 (NENE)      Lot 9 (SENE)  
                  S11    Lot 11 (NWNW)    Lot 11 (SWNW)

PLACE OF USE: MINIMUM INSTREAM FLOW

T09S R15E S10    Lot 1 (NENE)      Lot 9 (SENE)  
                  S11    Lot 11 (NWNW)    Lot 11 (SWNW)

CONDITIONS OF APPROVAL:

REMARKS: REACH A=45 CFS FROM IPCO DIVERSION TO IPCO DISCHARGE  
          REACH B=110 CFS FROM IPCO DISCHARGE TO SNAKE RIVER

OTHER RIGHTS:

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
36-08670	STATE OF IDAHO	03/24/1992	MINIMUM INSTREAM FLOW	01-01 12-31	264.00 CFS	APPLICATION

264.00 CFS TOTAL  
0.00 AFA TOTAL

SOURCE: NIAGARA SPRINGS  
NIAGARA CREEK

TRIBUTARY: SNAKE RIVER  
SNAKE RIVER

POINT OF DIVERSION:

T09S R15E S10 LOT 1 ( NENE)  
S11 LOT 3 ( NWNW)

PLACE OF USE: MINIMUM INSTREAM FLOW  
T09S R15E S10 Lot 1 (NENE)

CONDITIONS OF APPROVAL:

REMARKS: Reach from head of springs to Rimview Diversion in Lot 1, S10,  
T09S, R15E.  
Springs emerge on Idaho Power Company property.  
Appears that both the beginning and ending of reach are located  
within Lot 1, S10, T09S, R15E.

OTHER RIGHTS:

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APPENDIX M

MICROFILMED

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## NIAGARA SPRINGS FLOW ANALYSIS

Inflow below wing dam = 5 cfs

Month	Spring Flow	IDFG WMA	IPCo	Rimview fresh	Rimview IPCo/Dis	Rimview Total	Min Flow Falls	Min Flow Blw Hchr	Actual Falls	Availbl Water
MAY	185	7.5	50.0	112.5	.0	112.5	15	70	15	.0
JUN	202	8.6	50.0	128.4	.0	128.4	15	70	15	.0
JUL	207	8.9	50.0	133.1	.0	133.1	15	70	15	.0
AUG	229	10.0	50.0	150.0	.0	150.0	15	70	15	4.0
SEP	236	10.0	50.0	150.0	.0	150.0	15	70	15	11.0
OCT	230	10.0	60.0	150.0	.0	150.0	5	60	5	5.0
NOV	225	7.0	70.0	143.0	7.0	150.0	5	60	5	.0
DEC	222	7.0	90.0	120.0	30.0	150.0	5	60	5	.0
JAN	204	6.8	96.9	95.3	46.9	142.2	5	60	5	.0
FEB	200	6.7	105.1	83.3	55.1	138.3	5	60	5	.0
MAR	189	9.1	108.9	61.1	63.9	124.9	10	60	10	.0
APR	188	9.0	108.4	60.5	63.4	124.0	10	60	10	.0

Spring flow is based upon 67% of average monthly flow computed from available data for the period 11/58 - 9/72. This percentage reduction was determined by computing the percentage to be applied to reduce the December average flow to the '92 measured December flow. This same percentage reduction was then applied to all months.

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# 2<sup>ND</sup> DRAFT

## S E T T L E M E N T   A G R E E M E N T

THIS AGREEMENT is made and entered into the \_\_\_\_ day of \_\_\_\_\_, 1993, between and among IDAHO POWER COMPANY ("IPCo"), a corporation, organized and existing under and by virtue of the laws of the State of Maine, duly qualified and doing business in the State of Idaho; RIM VIEW TROUT COMPANY, INC. ("Rim View"), a corporation organized and existing under the laws of the State of Idaho; the IDAHO DEPARTMENT OF FISH & GAME ("IDF&G"), an agency of state government of the State of Idaho; the IDAHO DEPARTMENT OF PARKS & RECREATION ("IDP&R"), an agency of state government of the State of Idaho; and the IDAHO DEPARTMENT OF WATER RESOURCES ("IDWR"), an agency of state government of the State of Idaho. These parties are hereinafter collectively referred to as "the Parties."

IN CONSIDERATION OF THE PROMISES AND MUTUAL COVENANTS AND CONDITIONS HEREIN CONTAINED, AND FOR OTHER GOOD AND VALUABLE CONSIDERATION, THE PARTIES HEREBY AGREE AS FOLLOWS:

1. Intent of the Parties

1.1 IPCo, Rim View, and IDF&G, each claim rights to beneficially use the waters of Niagara Springs and Niagara Springs Creek by virtue of various licenses and permits issued by IDWR, and also by virtue of claims of diversion and appropriation of water to beneficial use. These three are the only claimants asserting presently vested water rights to Niagara Springs and Niagara Springs Creek and hence constitute all the users of the waters of that source. IDP&R <sup>IS IN THE PROCESS OF OBTAINING</sup> ~~holds~~ a permit for the appropriation of certain waters in Niagara Spring as in-stream flow for recreation and

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aesthetic purposes. IDWR's <sup>PRIOR</sup> issuance of that permit was appealed to the Idaho Supreme Court, and pursuant to the decision entered by that Court the permit must now be subjected to further action by IDWR; accordingly, this permit is presently classified by IDWR as being in the application stage of its internal review and issuance procedures.

1.2 By entering into this Settlement Agreement it is the intent of IPCo, Rim View, and IDF&G, as constituting the universe of vested water right holders of Niagara Springs and Niagara Springs Creek, to equitably allocate among themselves the use of the waters subject to those recommended water rights, permits, and applications identified in ~~paragraphs~~ <sup>SECTIONS 2, 3, 4, 5 AND 4</sup> ~~\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_,~~ below. Recognizing that the in-stream flow applications of the Idaho Water Resource Board, identified in ~~paragraph~~ <sup>SECTION</sup> 6, below, if and when approved by IDWR, will be junior not only to the vested rights of IPCo, Rim View, and IDG&G, but also to two permits held by Rim View, and to certain applications filed by Rim View, IPCo, and IDP&R, should such permits and applications ultimately be licensed by IDWR--and recognizing that the public interest will be served if they make provision among themselves to contractually recognize said in-stream flows, and to subordinate their vested senior rights to those in-stream flow rights in the manner hereinafter provided--<sup>IT</sup> ~~is~~ <sup>is</sup> the further intent of IPCo, Rim View, and IDF&G, to contractually allocate among themselves those waters of Niagara Springs and Niagara Springs Creek for which they possess vested water rights in such a manner as to set aside portions of

such waters for the creation and continuance of the minimum in-stream flows described in paragraphs \_\_\_ and \_\_\_ hereinbelow. It is further the intent of IPCo, Rim View, and IDP&R, to subordinate any future water rights which may become vested by the licensing by IDWR of the permits and applications described in paragraphs \_\_\_, \_\_\_, \_\_\_, and \_\_\_ below, to those minimum in-stream flows. By entering into the present agreement is also is the intent of the Parties to resolve among themselves disputed claims concerning their various rights to the waters of Niagara Springs and Niagara Springs Creek, and to settle the action for injunctive relief and mandamus presently being prosecuted by Rim View against IDF&G and IDWR in the Snake River Basin Adjudication ("SRBA") under the style and caption of Rim View Trout Company, Inc. v. Idaho Department of Water Resources and Idaho Department of Fish and Game.

2. IPCo Recommended Water Rights and Application  
Subject to this Settlement Agreement

2.1 IPCo, Rim View, IDF&G, and IDP&R hereby agree to be bound to the provisions of Recommended Water Right No. 36-15221, as described in the Director's Report, which water right provides water for domestic use at IPCo's Niagara Springs Hatchery. <sup>( "Director's Report" )</sup> <sup>FOR REPORTING AREA 3 (Basin 36), FILED IN THE SRBA;</sup> <sup>RWR NO. 36-15221</sup> <sup>THIS RWR IS DESCRIBED IN APPENDIX A, ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.</sup>

EXCEPT AS PROVIDED BELOW;

2.2. IPCo, Rim View, IDF&G, and IDP&R hereby agree to be bound to the provisions of Recommended Water Right No. 36-02704, as described in the Director's Report, which right provides water for irrigation, domestic use, fire protection, and fish propagation at IPCo's Niagara Springs Hatchery. <sup>THIS RWR IS DESCRIBED IN APPENDIX B ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.</sup> <sup>PROVIDED, HOWEVER,</sup> <sup>EXCEPT</sup> that as among IPCo, Rim View, IDF&G, and IDP&R, the remark contained in the description of

that right establishing a minimum in-stream flow of 50 cfs in Niagara Springs Creek below the hatchery discharge point shall be deemed to be superceded by the minimum in-stream flow provisions of the Settlement Agreement, contained in ~~paragraphs~~ <sup>SECTION 7B, BELOW</sup> and ~~\_\_\_\_\_~~, below; and except for the remark contained in the description of that right establishing a monthly schedule of maximum diversion rates, which schedule will be deemed to be superceded by the following schedule of maximum diversion rates:

May	50 cfs	November	70 cfs
June	50 cfs	December	90 cfs
July	50 cfs	January	40 ← 100 cfs
August	50 cfs	February	110 cfs
September	50 cfs	March	120 cfs
October	60 cfs	April	120 cfs

~~[THE ONLY CHANGE IN THIS SCHEDULE IS DROPPING THE APRIL MAXIMUM DOWN FROM 130 CFS TO 120 CFS. WHAT IMPACT WILL THIS HAVE ON OTHER PROVISIONS OF THE RIGHT AS RECOMMENDED?]~~

2.3 IPCo has pending before IDWR an application <sup>(NUMBER 36-07983.)</sup> for the appropriation of certain waters from Niagara Springs for hydropower generation purposes. <sup>THIS APP IS DESCRIBED IN APP 'C', ATTACHED ETC</sup> This application has been protested by IDF&G, IDP&R, and Rim View. The right of IPCo to proceed with the application, and the rights of any of the Parties to support <sup>OR OPPOSE</sup> it are <sup>NOT OTHERWISE</sup> ~~in no way~~ affected by the provisions of <sup>THIS</sup> the Settlement Agreement. Provided, however, that should the application be ultimately approved, any water right resulting therefrom will, as among the Parties, be subordinated to the in-stream flow rights described in paragraphs \_\_\_\_\_ and \_\_\_\_\_ below.

3. Rim View Recommended Water Rights, Disallowed Claims, Permits, and Applications Subject to this Settlement

Agreement

3.1 The Director's Report recommends four rights to Rim View for the diversion and beneficial use of water from Niagara Springs: Recommended Water Right Nos. 36-04032A, 36-04032B, 36-02680, and 36-07167. ~~The first two of these~~ <sup>WATER NUMBERS 36-04032A AND 36-04032B</sup> recommended rights are beneficial use rights; the latter two of them are licensed rights. Together they ~~permit~~ <sup>ALLOW</sup> Rim View to divert a maximum of 140.3 cfs from Niagara Springs for fish propagation and other purposes. <sup>THE FOUR RWR ARE DESCRIBED IN APPENDIX D ETC</sup> The Parties hereby acknowledge that the facts underlying IDWR's recommendations of Rim View's <sup>TWO</sup> beneficial use rights, <sup>RWR NUMBERS 36-04032A AND 36-04032B</sup> are in dispute, <sup>HAS</sup> that Rim View claimed larger quantities of water pursuant to these rights than the quantities recommended by IDWR; and that Rim View believes it has in its possession ~~sufficient~~ <sup>THAT MAY BE SUFFICIENT</sup> evidence to establish at trial its entitlement to a <sup>SOMEWHAT</sup> larger quantity of water under these two rights than has been recommended by IDWR. Therefore, in the spirit of compromise and for purpose of equitably and efficiently resolving disputed factual issues short of trial, and for purpose of achieving early resolution of the present action prosecuted by Rim View against IDF&G and IDWR, the Parties agree that IDWR will amend its recommendations regarding <sup>RWR NUMBERS 36-04032A AND 36-04032B</sup> ~~Rim View's two beneficial use rights~~ in such a way as to increase the total maximum diversion volume of Rim View's four recommended rights from 140.3 cfs to 150.0 cfs.

3.2 Rim View hereby agrees to install a measuring device of a type, <sup>IN A</sup> and <sup>location</sup>, satisfactory to IDWR, ~~to be located~~ as close as feasible to the mouth of its diversion from Niagara Springs. ~~The calibration of this measuring device will be synchronized with the~~

3.5 RV HAS FILED TWO CLAIMS IN THE SRBA, WHICH IDWR DISALLOWED IN THE DR. THIS SETTLEMENT AGREEMENT DOES NOT IN ANY WAY LIMIT RIM VIEW'S RTS TO OBJECT TO THE DISALLOWAL OF THESE CLAIMS ~~AS~~ IN THE MANNER PROVIDED FOR BY THE SRBA; NOR DOES IT LIMIT THE RTS OF ~~THE SRBA, OR IDWR~~ THE OTHER PARTIES TO SUPPORT OR OPPOSE THOSE OBJECTIONS AS PROVIDED FOR BY THE SRBA. PROVIDED, HOWEVER, THAT ANY RTS THAT RM MAY

~~calibration of Rim View's existing outflow measuring devices.~~

F.C. SUBORD

3.3 The Parties hereby agree that pursuant to paragraph 4.1, above, Rim View will be entitled to divert from Niagara Springs through its diversion works, and, if necessary, by augmenting that flow with IPCo hatchery discharge water as provided for in paragraph 4.4, below, ~~such total quantity of water as is necessary to cause Rim View's outflow measuring devices to measure a total outflow of 140.3 cfs; provided, however, that the total amount of water which may be diverted from Niagara Springs shall not exceed 150.0 cfs as measured by the in-flow measuring device provided for in paragraph 4.2 above.~~

3.8 AND 3.9

A TOTAL AMOUNT

UNDER RECOMMENDED

Water Right Notices 36-04032A AND 36-04032B AND UNDER RWRs 36-02690 36-07102 AS TO BE AMENDED PURSUANT TO 4.3.1 ABOVE

3.4. IPCo, Rim View, IDF&G, AND IDPR HEREBY AGREE TO BE BOUND BY THE PROVISIONS OF RECOMMENDED WATER RIGHT Nos 36-07102, AND RWR Nos 36-02690, 36-07102, AS TO BE AMENDED AS PROVIDED FOR IN 4.3.1, 3.2, AND 3.3, ABOVE.

3.6 Rim View has been granted two water right permits by IDWR, which permits are described in Appendix E, attached hereto and incorporated herein by reference.

The rights of Rim View to satisfy the requirements of said permits for purpose of obtaining licenses for the rights thereunder are ~~in no way~~ affected by the provisions of ~~the~~ Settlement Agreement. Provided, however, that

NOT OTHERWISE

~~the~~ unvested water rights identified by the permits, and any vested rights created by the granting by IDWR of licenses for the permitted rights, are subordinated to the in-stream flow rights described in paragraphs \_\_\_ and \_\_\_ below, to the full extent that such rights might otherwise be determined to be senior to those in-stream flow rights.

3.7 Rim View has pending before IDWR ~~two~~ applications for the appropriation of certain waters from Niagara Springs. ~~One of the applications is for the re-use of water Rim View already diverts~~

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~~and beneficially uses pursuant to another water right.~~ It has been protested by IDF&G, IDP&R, and IPCo. ~~The second is an application for the appropriation of additional water from Niagara Springs. It has been protested by IDF&G and IPCo.~~ These applications <sup>IS</sup> are described in Appendix <sup>F</sup>, attached hereto and incorporated herein by reference. The rights of Rim View to proceed with these applications, and the rights of any of the Parties to support or oppose <sup>IT</sup> them are ~~in no way~~ <sup>NOT</sup> affected by the provisions of <sup>THIS</sup> the Settlement Agreement. Provided, however, that should ~~either or both of the applications~~ <sup>b</sup> be ultimately approved, any water rights resulting from such approval, will, as among the Parties, be subordinated to the in-stream flow rights described in paragraphs \_\_\_ and \_\_\_, below.

3.6<sup>8</sup> The Parties acknowledge that implementation of the terms of <sup>THIS</sup> the Settlement Agreement; other provisions of the Parties' recommended rights which are not modified by the terms of the Settlement Agreement, and the natural fluctuations in the flow from Niagara Springs, make it very likely that there will be times when Rim View will be unable to divert 150.0 cfs from Niagara Springs as provided for in paragraphs <sup>31</sup> 4.1, ~~4.2~~, and 4.3, above. Accordingly, IPCo, Rim View, IDF&G, and IDWR, hereby mutually agree that at such times as Rim View is unable to divert 150.0 cfs from <sup>Niagara</sup> ~~the~~ springs, it will be entitled to make up the difference between 150.0 cfs and what it actually can divert from Niagara Springs out of the discharge water from IPCo's Niagara Springs hatchery to the full extent that such discharge water is available at the time. In the

3.9. Rim View PRESENTLY HAS PENDING BEFORE IDWR APP # 36-07791. THIS APP IS DESCRIBED IN APPENDIX G, ATTACHED HERETO ETC. THIS APP HAS BEEN PROTECTED BY IDF&G, IPCO, AND AN INDIVIDUAL WHO IS NOT A PARTY TO THIS SETTLEMENT AGREEMENT. IDF&G AND IPCO HEREBY AGREE TO WITHDRAW THEIR PROTESTS. IN THE EVENT THAT IDWR SHOULD APPROVE THIS APP, ~~THE WATER RIGHT ESTABLISHED THEREUNDER~~ <sup>AS TO THE WATER RIGHT ESTABLISHED THEREUNDER</sup> CONFLICT WITH THE PROVISIONS OF THIS SETTLEMENT AGREEMENT, AS TO ~~THE~~ <sup>THE</sup> IPCO, RV, IDF&G AND IDP&R, THE PROVISIONS OF THIS SETTLEMENT AGREEMENT WILL

event that the available quantity of discharge water is not sufficient to make up the entire difference, Rim View will be entitled to divert the entire quantity of discharge water that is available; provided, however, that whatever quantity of IPCO hatchery discharge water is needed at any given time to augment the natural flow of Niagara Springs Creek below the hatchery discharge point in order to maintain the minimum in-stream flow provided for in paragraph \_\_\_\_, below, shall not be deemed available to Rim View.

CONTROL PROVIDED FURTHER, THAT ANY WATER RIGHT THAT ULTIMATELY MAY BE APPROVED ANY WATER RT. RESULTING FROM SUCH APPROVAL WILL BE DEEMED SUBORDINATED TO THE MINIMUM IN-STREAM FLOWS ESTABLISHED IN SECTION 7, BELOW

~~The Parties further agree that each of them will take whatever action is necessary on its part to facilitate the timely and expedient securement by Rim View of all governmental and other approvals necessary for it to acquire a water right to the IPCO hatchery discharge water.~~

4. IDF&G Recommended Water Rights Subject to this Settlement Agreement

~~4.1 IPCO, Rim View, IDP&R, and IDF&G hereby agree as follows as to the two Niagara Springs water rights of IDF&G as recommended in the Director's Report.~~

4.2<sup>1</sup> IPCO, Rim View, IDP&R, and IDF&G hereby agree to be bound to the provisions of Recommended Water Right No. 36-02711, as described in the Director's Report, which water right provides irrigation and domestic water to Pugmire Park. *PROVIDED, HOWEVER*

APP H

4.3<sup>2</sup> IPCO, Rim View, IDP&R, and IDF&G hereby agree to be bound to the provisions of Recommended Water Right No. 36-04020, as described in the Director's Report and the Supplemental Recommendations filed in the SRBA with regard to that recommended

APP I

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right, which provides water through the Thompson-Mays ditch and a 14-inch pipeline to the Niagara Springs Wildlife Management Area; except that as among IPCo, Rim View, IDP&R, and IDF&G, the recommended right shall be deemed to impose the following annual schedule of maximum diversion rates which may be made pursuant to it:

May	10 cfs	November	7 cfs
June	10 cfs	December	7 cfs
July	10 cfs	January	7 cfs
August	10 cfs	February	7 cfs
September	10 cfs	March	10 cfs
October	10 cfs	April	10 cfs

~~[WHAT WILL THIS DO TO VOLUMES AND OTHER ASPECTS OF THE RIGHT AS RECOMMENDED?]~~

5. IDP&R Pending Application Subject to this Settlement Agreement

5.1 IDP&R has pending before IDWR ~~an application~~ <sup>PERMIT No. 36-07200</sup> for the undiverted appropriation of certain waters within Niagara Springs for recreation and aesthetic use. ~~This application has been protested by Rim View.~~ <sup>THE ISSUANCE OF THIS PERMIT BY IDWR</sup> The application is described in Appendix G, attached hereto and incorporated herein by reference. The rights of IDP&R to proceed with the application, and the rights of any of ~~the Parties to support or oppose it~~ <sup>NOT OTHERWISE</sup> are ~~in no way~~ affected by the provisions of the Settlement Agreement. ~~Provided, however, that~~ should the application be ultimately approved, any water right resulting therefrom will, as among the ~~Parties~~ <sup>IPCo, RIM VIEW, IDF&G, AND IDP&R,</sup>, be subordinated to the in-stream flow rights ~~described in paragraphs \_\_\_ and \_\_\_~~ <sup>ESTABLISHED IN SECTION 7, TO THE EXTENT THAT THERE IS CONFLICT BETWEEN THEM</sup> below. ~~[SINCE THIS IS ALSO AN IN-STREAM RIGHT, SUBORDINATION OF IT SERVES NO PURPOSE.]~~

WAS HAS BEEN APPEALED TO THE IDAHO SUPREME COURT, AND THE PERMIT IS NOW AGAIN BEFORE IDWR PURSUANT TO THE DETERMINATION OF THAT APPEAL.

6. Idaho Water Resource Board Applications Subject to this Settlement Agreement

6.1 The Idaho Water Resource Board has filed with IDWR application nos. 36-08347 and 36-08670, which are two applications for the appropriation of waters within Niagara Springs and Niagara Springs Creek for the purpose of maintaining certain minimum in-stream flows in Niagara Springs Creek. These applications are presently pending before IDWR. They are described in Appendix K, attached hereto and incorporated herein by reference.

~~6.2~~ <sup>AGREE</sup> IPCo, Rim View, IDF&G, and IDP&R hereby ~~not~~ to protest or otherwise oppose application nos. 36-08374 or 36-08670 of the Idaho Water Resource Board before IDWR.

7. Minimum In-Stream Flows

<sup>IPCo, Rim View, IDF&G, AND IDP&R</sup>  
7.1 ~~The Parties~~ hereby contractually obligate themselves to create and maintain minimum in-stream flows within Niagara Springs Creek in the manner provided for in paragraphs ~~7.2 and 7.4~~ <sup>7.2, 7.3, 7.4, 7.5, AND 7.6</sup>, below.

7.2 In the event that IDWR should approve the two applications for minimum in-stream flows submitted by the Idaho Water Resources Board, <sup>DESCRIBED IN SECTION 6, ABOVE,</sup> ~~a summary description of said applications being attached hereto as Appendix \_\_\_ and incorporated herein by reference,~~ the Parties hereby acknowledge that the provisions of the minimum in-stream flow permits and the licenses which ultimately may be issued pursuant thereto, as exercised in accordance with law, shall govern the rights and obligations of the Parties with respect thereto, and that said in-stream flow rights shall be filled in accordance with those provisions at all

times, and to the full extent possible, that said rights can be filled without infringing upon the senior rights of ~~the Parties~~ as <sup>IPCO, Riv View, IDPEG, and IDPE'R</sup> modified by <sup>THIS</sup> ~~the~~ Settlement Agreement. However, at all such times as said minimum in-stream flow rights cannot be filled without injury to ~~said~~ senior rights, the in-stream flow provisions of the Settlement Agreement shall govern the rights and responsibilities of <sup>IPCO, RV, IDPEG, AND IDPE'R, AS AMONG THEMSELVES.</sup> ~~the Parties.~~

7.2<sup>3</sup> There shall be maintained at all times within Niagara Springs Creek a minimum in-stream flow of sufficient quantity to provide, over what is commonly known as the "Lower Falls," below the IPCo diversion work commonly known as "the Wing Dam," a flow rate in accordance with the following schedule:

May	15 cfs	November	5 cfs
June	15 cfs	December	5 cfs
July	15 cfs	January	5 cfs
August	15 cfs	February	5 cfs
September	15 cfs	March	10 cfs
October	5 cfs	April	10 cfs

7.3<sup>4</sup> There shall be maintained at all times within that portion of Niagara Springs Creek below the IPCo hatchery discharge point a minimum in-stream flow of sufficient quantity to provide a flow rate in accordance with the following schedule:

May	70 cfs	November	60 cfs
June	70 cfs	December	60 cfs
July	70 cfs	January	60 cfs
August	70 cfs	February	60 cfs
September	70 cfs	March	60 cfs
October	60 cfs	April	60 cfs

This minimum in-stream flow shall consist of the water coming over the Lower Falls, as augmented by seepage below the falls, if any, and by IPCo hatchery discharge water in sufficient quantity to make

up the difference between the flow over the lower falls and the required minimum in-stream flow rate.

7.4<sup>5</sup> In the event that at any time the flow rate over the Lower Falls drops below the minimum called for in the schedule enumerated in paragraph ~~5.2~~<sup>7.3</sup> above, IPCo, Rim View, and IDF&G, shall each cut back pro rata its respective diversions from Niagara Springs--in the proportion by which its diversion rates under its respective rights as modified by the Settlement Agreement constitutes a percentage of the total of all the diversion rates under all the rights as modified by the Settlement Agreement--in sufficient amount to return the flow rate to said required minimum in-stream flow.

7.5<sup>6</sup> In the event that at any time the flow rate in Niagara Springs Creek below the IPCo discharge point, consisting of natural flow over the Lower Falls, seepage, if any, and as augmented by IPCo hatchery discharge water, drops below the minimum called for in the schedule enumerated in paragraph ~~5.3~~<sup>7.4</sup> above, IPCo, Rim View, and IDF&G, shall each cut back pro rata its respective diversions from Niagara Springs--in the proportion by which its diversion rates under its respective rights as modified by the Settlement Agreement constitutes a percentage of the total of all the diversion rates under all the rights as modified by the Settlement Agreement--in sufficient amount to return the flow rate to said required minimum in-stream flow.

#### 8. Rim View Discharge Water

8.1 No water discharged from Rim View's facilities will be

diverted into Niagara Springs or Niagara Springs Creek for purpose of augmenting the flow of Niagara Springs Creek in order to satisfy the minimum in-stream flow requirements provided for in section ~~5~~<sup>7</sup> of ~~the Settlement Agreement~~<sup>THIS</sup>, above.

8.2 No water discharged from Rim View's facilities will be diverted into Niagara Springs or Niagara Springs Creek for any other purpose whatsoever.

9. Relationship of Settlement Agreement to SRBA

9.1 In part ~~3~~<sup>SECTIONS 2 AND 4</sup> of the Settlement Agreement, above, IPCo and IDF&G have contractually obligated themselves to reduce the diversion rates for certain of their water rights below the rates recommended by IDWR in the Director's Report and in its Supplemental Recommendations regarding the IDF&G water right for the Niagara Springs Wildlife Management Area. The parties have also agreed to settle disputed issues of fact regarding Rim View's claims for beneficial use rights in such a manner as to require IDWR to amend its recommendations regarding those two rights so as to increase Rim View's total diversion rate from 140.3 cfs to 150.0 cfs. ~~They~~<sup>IPCO, RIMVIEW, AND IDF&G</sup> also have agreed to contractually modify as among themselves certain other aspects of their rights as recommended in the Director's Report. IPCo, Rim View, and IDF&G have also agreed to subordinate their water rights to the minimum in-stream flows established in section 5 of the Settlement Agreement. IPCo, Rim View, IDF&G, and IDP&R, have also agreed to subordinate certain future rights, which ultimately may become vested pursuant to certain existing permits or applications presently pending before

IDWR, to those minimum in-stream flows. In furtherance of all these matters, IPCo, Rim View, IDP&R, and IDF&G expressly waive their right to object to the recommended rights in question, as reported, and to otherwise challenge said rights or any aspect of them in any applicable administrative or judicial proceeding. However, this waiver does not constitute a waiver of any of the ~~Parties~~ <sup>IR</sup> administrative or legal remedies for redress of injuries to ~~its~~ <sup>THEIR</sup> own rights caused by any attempted expansion of ~~said~~ <sup>ANOTHER</sup> right, or any other use of the water granted thereunder, which use is at variance with the provisions of the right as recommended. The Parties further acknowledge that ~~the~~ <sup>THIS</sup> Settlement Agreement does not in any manner limit the right of any nonparty to it to object in the SRBA to any of the recommended water rights in question; nor does it in any manner limit the right of the SRBA Court to decree any of the rights in question differently from how they are recommended in the Director's Report. Nonetheless, IPCo, Rim View, IDF&G, and IDP&R agree that as among themselves where there may be any variance between the rights as recommended in the Director's Report or as decreed by the SRBA Court, and the rights as agreed to in ~~the~~ <sup>THIS</sup> Settlement Agreement, the provisions of ~~the~~ <sup>THIS</sup> Settlement Agreement shall control.

9.2 Because the Settlement Agreement obligates IDWR to amend certain of its recommendations in the Director's Report with regard to ~~certain~~ of Rim View's ~~claimed~~ <sup>RECOMMENDED WATER RIGHT NOS. 36-04032A AND 36-04032B,</sup> rights, and because the Settlement Agreement ~~requires~~ <sup>WILL BE FURTHERED BY</sup> expeditious action on Rim View's pending application <sup>No. 36-07791</sup> to divert and use IPCo's discharge water, IDWR <sup>HAS DETERMINED IT</sup> must

AND BECAUSE THIS SETTLEMENT AGREEMENT ~~HURTS~~ OTHERWISE SIGNIFICANTLY IMPACTS THE EXISTING ~~PERMANENT~~ <sup>SRBA HIERARCHY OF WATER USES BY</sup> DIVERSIONS FROM NIAGARA SPRINGS ~~CREEK~~ AND NS CREEK,

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REGARDING THE TERMS OF THIS SETTLEMENT AGREE 9.

obtain public comment ~~in the manner specified in paragraphs 7.3 and 7.4,~~ below, as a condition precedent to <sup>ITS</sup> implementation of ~~the~~ ~~provisions of the Settlement Agreement.~~ ~~ACCORDINGLY, IDWR WILL HOLD AT THE EARLIEST PRACTICAL TIME ONE OR MORE PUBLIC MEETINGS IN THE MAGIC VALLEY, AND IN OTHER AREAS, IF IT DEEMS SUCH OTHER~~

MEETINGS TO BE PRACTICAL AND APPROPRIATE, TO DEFINE THE TERMS OF THIS SETTLEMENT AGREEMENT, ITS IMPACT ON EXISTING WATER RIGHTS AND USES, AND ITS POTENTIAL IMPACT ON FUTURE WATER RIGHTS AND USES.

~~9.3 Application No. 36-07791, presently pending before IDWR, is Rim View's application for the re-use of IPCo's hatchery discharge water. The application has been protested by IPCo, IDF&G, and Mr. Bob Burks. Pursuant to paragraph \_\_\_\_, above, IPCo and IDF&G hereby agree to withdraw their protests. If Mr. Burks will not agree to withdraw his protest, IDWR will forthwith act within the statutory and regularly provisions governing its processing of applications, and in accordance with those provisions will hold a public hearing on the application. To the full extent permitted by the governing laws and regulations it will, at the public hearing, seek not only testimony on the pending application, but public comment on the provisions of the Settlement Agreement as well.~~

~~9.4 In the event that Mr. Burks should withdraw his protest, thereby obviating the necessity of holding a public hearing on Application No. 36-07791, IDWR will hold one or more public meetings for purpose of soliciting public comment on the terms of the Settlement Agreement.~~

~~9.5~~ <sup>3</sup> Following the ~~occurrence of the events described in either~~ ~~paragraph 7.3, or 7.4, above,~~ IDWR will determine whether there is general public acceptance of ~~the~~ <sup>THIS</sup> Settlement Agreement. It will notify the other parties of this determination in writing. In the event that IDWR notifies the other parties that it has determined

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there is general public acceptance of the provisions of ~~the~~ <sup>THIS</sup> Settlement Agreement, the Settlement Agreement will become operational, and all of its terms and provisions will at that point have full legal force and effect. In the event that IDWR notifies the other parties that it has determined there is not a general public acceptance of the provisions of ~~the~~ <sup>THIS</sup> Settlement Agreement, the Settlement Agreement will at that point terminate, and all ~~remaining~~ <sup>THEREUNDER</sup> duties and obligations of the Parties ~~or any of them~~ shall cease ~~and shall~~ <sup>AND</sup> no longer be of any force and effect.

#### 10. Stipulation for Dismissal

10.1 In the event that IDWR notifies the other ~~parties that~~ <sup>PURSUANT TO PARAGRAPH 9.3, ABOVE,</sup> ~~pursuant to the provisions of either paragraph 7.3 or 7.4, above,~~ that there is general public acceptance of the provisions of ~~the~~ <sup>THIS</sup> Settlement Agreement, the Parties hereby agree to thereupon enter into a Stipulation for dismissal <sup>(WITH PREJUDICE OF)</sup> ~~of Rim View's~~ <sup>TROUT COMPANY, INC. v. IDWR AND</sup> ~~action for mandamus~~ <sup>IDF&G</sup> ~~and injunctive relief against IDWR and IDF&G.~~ Said stipulation shall include whatever portions of ~~the~~ <sup>THIS</sup> Settlement Agreement the Parties deem necessary in order to fully resolve the action in question. Said stipulation shall then be submitted to the SRBA Court for review, approval, and the entry of an order dismissing the action in question.

#### 11. Niagara Springs Creek Estuary Clean-up

11.1 IPCo, Rim View, and IDF&G hereby agree to continue negotiations among themselves, and including any other entities or individuals who may wish to participate, with regard to entering into a cost-sharing agreement to remove accumulated sediment and

other pollutants, if any, from the portion of Niagara Springs Creek lying between the IPCo hatchery discharge point and the Snake River.

12. Waiver, Modification or Amendment

12.1 No waiver, modification or amendment of this Settlement Agreement or any covenants, conditions, or limitations herein contained shall be valid unless in writing duly executed by the Parties.

13. Successors

13.1 The provisions of this Settlement Agreement shall bind and inure to the benefit of the respective successors and assigns of the Parties.

14. Governing Law

14.1 The Parties agree that this Settlement Agreement shall be governed by, and construed in accordance with, the laws of the State of Idaho.

15. Merger Clause

15.1 This Settlement Agreement sets forth all the covenants, promises, provisions, agreements, conditions, and understandings between the Parties, and there are no covenants, provisions, promises, agreements, conditions, or understandings, either oral or written, between them other than as are set forth herein.

16. Effect of Section Headings

16.1 The section headings appearing in this Settlement Agreement are not to be construed as interpretations of the text, but are inserted for convenience and reference only.

17. Quintuplicate Originals

17.1 This Settlement Agreement is executed in quintuplicate. Each of the five Settlement Agreements with an original signature of each party shall be an original.

IN WITNESS WHEREOF, the Parties have hereunto caused their names to be subscribed, the corporate parties by their officers first thereunto duly authorized by resolution of their respective boards of directors, and the state agencies by their respective directors or other administrative officials first thereunto duly authorized by law, as of the day and year first above written.

IDAHO POWER COMPANY

By \_\_\_\_\_  
Chairman of the Board and  
Chief Executive Officer

(CORPORATE SEAL)

ATTEST:

\_\_\_\_\_  
Secretary

RIM VIEW TROUT COMPANY, INC.

By \_\_\_\_\_  
President

(CORPORATE SEAL)

ATTEST:

\_\_\_\_\_  
Secretary

IDAHO DEPARTMENT OF FISH & GAME

By \_\_\_\_\_  
Director

IDAHO DEPARTMENT OF PARKS & RECREATION

By \_\_\_\_\_  
Director

IDAHO DEPARTMENT OF WATER RESOURCES

By \_\_\_\_\_  
Director

			Ints.	Wild Life
1/1/1912	36-04020 DS	F#6	2.48	11.0
			<u>12.14</u>	
12/31/1926	36-04032A	Rim View	Fish	3.54
10/23/1956	36-02711	F#6		Penguin Pool
			<u>Ints. 124</u>	<u>Down 104</u>
			124	
1/10/1959	36-04032B	Rim View	<u>Down 08</u>	<u>Fish 7.06</u>
			7.06	
1/31/1966	36-02704	Idle Power	Fish	130.0
6/6/1966	36-02680	Rim View	Fish	79.7
3/18/71	36-07167	Rim View	Fish	50
2/3/1982	36-15221	Idle Power		.04
	36-04032C	Rim View		Disallowed
	36-10819	Rim View		Disallowed
	36-07234	F#0	Waste water	
				<u>270</u>

Rim View 140.3

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JAN 28 1993

**NOTICE OF ERROR**

**RESPONSE**

**CORRECTED R PROOF**

**MICROFILMED**  
**JAN 28 1993**

AUG-24-1992

# NOTICE OF ERROR FORM

RECEIVED

SEP 23 1992

Department of Water Resources

Please type or print clearly, fill out completely, and return to:

**Idaho Department of Water Resources**

**Statehouse Mail**

**Boise, Idaho 83720-9000**

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

## YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS:

SEP-24-1992

1. Water right number: 36-02680

2. Name: Rim View Trout Co.

Address: 1301 Vista Avenue, Boise, ID 83705

Attorney: W. F. Ringert

Address: P.O. Box 2773, Boise, ID 83701

Weekday Telephone Number: Rim View Trout Co. - 344-7321

W. F. Ringert - 342-4591

RECEIVED

SEP 28 1992

Department of Water Resources  
Southern Region Office

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JAN 28 1993

**TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE**

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on the copy.)

3. Describe the portion of proposed recommendation with which you disagree:

Total quantity - 79.70 cfs. Total volume - 36,720.10 AFY.

Remarks: Facility volume - 696,960 cu. ft. and total facility volume of 696,960 cu. ft.

4. Describe the changes you wish to have made in the proposed recommendation:

Maximum quantity - 90.3 cfs; delete total volume, delete facility volume, and total facility volume.

Remarks - duplicates Rights Nos. 36-04032C (as to 5.3 cfs), 36-04032A (10.0 cfs) and 36-04032B (15.0 cfs).

5. Describe why you disagree with the proposed recommendation:

The Director has no authority to impose a total volume requirement on this type of water right. The facility volume is neither required nor authorized by statute. If total volume is a proper item, it is incorrectly calculated in the proposed recommendation. Claimant held rights aggregating 40 cfs before the additional 60 cfs was developed

~~6. Date:~~ under Permit No. 36-2680.

6. Date: September 17, 1992.

SIGNATURE \_\_\_\_\_





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

20-Oct-1992

Mr. W. F. Ringert, Attorney  
PO Box 2773  
Boise, ID 83701

RE: Snake River Basin Adjudication (SRBA)  
Notices of Error

Hardy - A36-07510  
Clear Lakes Trout Co., Inc - A36-07800, A36-07731,  
A36-07725, A36-07080, A36-07004, A36-02659,  
Rim View Trout Co. - A36-07167, A36-02680, A36-10819,  
A36-04032A, A36-04032B, A36-04032C

Dear Mr. Ringert:

We are in receipt of the Notices of Error on the above referenced claims. Each Notice of Error will be addressed below.

Hardy - A36-07510

No changes have been made to the recommendation. The recommendation is based on a field examination of the place of use which identified the actual acres under irrigation and other IDWR information. The diversion rates and volumes and consumptive use volume are based in IDWR standards for beneficial use and crop requirements.

Clear Lakes Trout Co., Inc. - A36-07800, A36-07731, A36-07725

As to the completion of licensing process remarks, these remarks shown in the recommendations on the above referenced claims are based on Idaho Code 42-1421(3). No change will be made to the recommendation.

Clear Lakes Trout Co., Inc. - A36-07080

Regarding the measuring device condition, this remark is based on Idaho Code 42-701 and conditions set forth in the license. Regarding the effluent standards remark, this remark is carried over to the recommendation as a condition is set forth in the license. As to facility volume, this remark is based on Idaho Code 42-1411(2)(j) which provides that Director's Report

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JAN 28 1993

of water right appropriated under state law shall include such other matters necessary to define the right; facility volume is necessary to prevent future expansion in use of the right. No changes will be made to the recommendation.

Clear Lakes Trout Co., Inc. - A36-02659, A36-07004

Regarding facility volume remarks, see discussion in paragraph immediately above. Regarding the other rights diverted at the recommended points of diversion, the points of diversion recommended for both rights included the same three 10-acre tracts. As you stated in your Amended Notice of Error, a portion of A36-02659 is diverted through the same diversion structure as this right. Both claims referenced above described the same facility system with co-mingled water. Therefore, with the same points of diversion and facility, it is appropriate to include the remarks on both recommendations. Also, the remarks describing rights owned by Clear Springs Trout Co. specifically identify only two of the 10-acre tracts, thereby clearly showing that only a portion of the points of diversion are shared. No changes will be made to the recommendations.

Rim View Trout Co. - A36-02680

See paragraph under A36-07080 for discussion on facility volumes. The total volume is calculated based on the diversion rate over 365-day period. The diversion rate recommended is based on IDWR records and documents relating to this and associated rights. No changes will be made to the recommendation.

Rim View Trout Co. - A36-04032A, A36-04032B

The recommendations are based on measurement data available for the diversion rates corresponding to the dates of priority recommended. See A36-07080 above for facility volume discussion. No changes will be made to the recommendations.

Rim View Trout Co. - A36-04032C

The recommendation is based on measurements and records reflecting the balance of diversion rate put to beneficial use was diverted under development described in 36-02680. No changes will be made to the recommendation.

Rim View Trout Co. - A36-10819

The remarks have been changed to identify recommendation for 36-02680 as the right under which this water use is described.

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This recommendation is based on measurements and records supporting the development of the water use at the priority date recommended. No other changes will be made to the recommendation.

Rim View Trout Co. - A36-07167

See paragraph under A36-07080 for discussion of measuring devices, effluent standards and facility volumes. For clarification the total diversion volume of the system based on the season of use and diversion rate. The facility volume described in the remarks is a description of the facility dimensions. No changes will be made to the recommendation.

If you still do not agree with the proposed IDWR recommendation to the court, you may file an objection with the court after you receive the final recommendation of your water right. The objection process will be explained when you receive your final recommendation of your water right.

Sincerely,



Helen Harrington-Thornton  
Water Resource Agent

HHT

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JAN 28 1993

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RIM VIEW TROUT CO 1301 VISTA AVE BOISE ID 83705 (208) 344-7321	06/06/1966	FISH PROPAGATION	01-01 12-31	79.70 CFS	36720.1 AFA
TOTAL DIVERSION:					79.70 CFS	36720.1 AFA

Water Source: NIAGARA SPRINGS

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion: T09S R15E S10 Lot01(SENENE)

GOODING County

Place of use Legal Description for: FISH PROPAGATION

NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
09S	15E	10	:	01-F	02-F	10-F	09-F	:									

POU County: GOODING

Non-Irrigation Uses: FISH PROPAGATION/COMMERCIAL HATCHERY

Other Rights: 36-07167, 36-04032A, 36-04032B & 36-04032C

Remarks: FACILITY VOLUME = 696,960 CU. FT.  
USE OF THIS RIGHT WITH COMBINED RIGHTS LISTED BELOW IS LIMITED  
TO A TOTAL FACILITY VOLUME OF 696,960 CU. FT.  
COMBINED RIGHTS: 36-04032A, 36-04032B, 36-04032C & 36-07167.  
THE COMBINED RIGHTS LISTED ABOVE ARE ALSO DIVERTED THROUGH THE  
POINT OF DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: 04/30/1991 Verified Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

Audit: 10/20/92 THORNTON

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JAN 28 1993

**R PROOF**



**CVR**



**MAPS**



**PHOTOS**



**MISC**



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JAN 28 1993

Water Right Number - R36-02680 Prefix Translation: RESEARCH Old (D) Number - 33448

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

\*\*\* A - ATTORNEY \*\*\*  
RINGERT

WF

1 - PO BOX 2773  
2 -  
3 -  
City- BOISE  
Phone - 208-000-0000

State- ID Zip- 83701

\*\*\* C - CURRENT OWNER \*\*\*  
RIM VIEW TROUT CO

1 - 1301 VISTA AVE  
2 -  
3 -  
City- BOISE  
Phone - 208-344-7321

State- ID Zip- 83705

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +  
06/06/1966 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
NIAGARA SPRINGS SNAKE RIVER

+ - - - - Point of Diversion - - - - - +

Twn	Rng	Sec	Tract	Lot	RFlg	County
09S	15E	10	SE NE NE	1	(47)	GOODING

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
19	FISH PROPAGATION	01/01	12/31		50.720	36720.10

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +  
50.720 36720.10 0.0

+ - - - - Place of Use - - - - - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	15E	10	NE NE	1		19	FISH PROPAGATION	(47) GOODING
09S	15E	10	NW NE	2		19	FISH PROPAGATION	(47) GOODING
09S	15E	10	SW NE	10		19	FISH PROPAGATION	(47) GOODING
09S	15E	10	SE NE	9		19	FISH PROPAGATION	(47) GOODING

Total Acres:

+ - - Diversion Means - CONCRETE HEADWORKS, TWO 42" HEADGATES, 7'X 4' CONCRETE CHANNEL

+ - - Non-Irrigation Use - FISH PROPAGATION/COMMERCIAL HATCHERY

+ - - Other Rights for Same Use - 36-07167, 36-04032A, 36-04032B & 36-04032C

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JAN 28 1993



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

15:38:23  
07/24/90

PAGE: 13  
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-02680

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE	
PRIORITY DATE	N		4-30-91 SCC	N	61/13/90		See 5-13-91	KRG 9/25/91 RWD 3/20/92	
POINT OF DIV	Y		↓	(Y) 10AC	1,6	2nd review by KKC 9-25-91		J.A.	
SOURCE				N					
PLACE OF USE	Y			N		1,4,6			
DIV. AMOUNT CFS/VOLUME				(Y) (Y)		6.	SCC 5-15-90	5-15-91 SCC	
CONSUMPTIVE USE				N					
PURPOSES				N					
PERIOD OF USE				N					
BASIS OF CLAIM				N					
REMARKS	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.

added  
condition  
C 69

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

15:38:23  
07/24/90

PAGE: 1  
GENERAL INFORMATION

CLAIM NUMBER: A36-02680

LAST: RIM VIEW TROUT CO. FIRST:  
ADDRESS: 1301 VISTA AVE.  
CITY: BOISE STATE: ID ZIP: 83705  
PHONE NUMBER: 208-344-7321  
OWNER CODE: C

*del*  
~~LAST: COMMERCIAL STATE BANK FIRST:  
ADDRESS:  
CITY: BOISE STATE: ID ZIP: 00000  
PHONE NUMBER: 208-000-0000  
OWNER CODE: O~~

LAST: RINGERT FIRST: W.F.  
ADDRESS: P.O. BOX 2773  
CITY: BOISE STATE: ID ZIP: 83701  
PHONE NUMBER: 208-000-0000  
OWNER CODE: A

FIELD EXAM REQUIRED? FIELD  
EXAMINER  
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE  
Y

CLAIM REMARKS: \*\*\*\*\* MEMO TO FILE \*\*\*\*\*  
USE OF WATER UNDER THIS LICENSE IS AFFECTED BY AN AGREEMENT AND  
STIPULATION BETWEEN IDAHO POWER COMPANY AND RIM VIEW TROUT  
COMPANY INC. DATED OCTOBER 5, 1966.  
\*\*\*\*\*

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JAN 28 1993

CONTACT PERSON: \_\_\_\_\_

PHONE NUMBER: (\_\_\_\_) \_\_\_\_ - \_\_\_\_

DATE OF FIELD EXAM: 4/30/91

APPOINTMENT MADE: Y(\_\_\_\_) N(\_\_\_\_)

TIME: \_\_\_\_:\_\_\_\_ A(\_\_\_\_) P(\_\_\_\_)

ACCOMPANIED BY: \_\_\_\_\_

PHONE NUMBER: (\_\_\_\_) \_\_\_\_ - \_\_\_\_

RELATIONSHIP TO CLAIMANT: \_\_\_\_\_

DIRECTIONS TO PROPERTY / REMARKS:

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

— per stipulation dated October 5, 1966 and statements of Beneficial Use by Rim View, the 40 cfs under the claims A36-04032 A, B+C are included in the flows listed in this license. (see 5-13-91)

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JAN 28 1993

A. AJ CLAIM: # A36-02680 PRIORITY DATE: 06-06-1966 STAGE: L  
B. WR RECORD: # 36-02680 PRIORITY DATE: 06-06-1966 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE  
N

FIELD  
EXAMINER

~~OK~~ \* 11/13/90

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

REMARKS: \* CLAIMED AS LICENSED

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JAN 28 1993

RECOMMENDED PRIORITY DATE:  
06-06-1966

OK ~~OK~~ 11/13/90

REVIEWED BY

SW

DATE 4-18-91

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-02680	09S	15E	10		NE	NE	1	GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A36-04032B	NONE
A36-04032C	
A36-02704	36-02001
A36-07167	36-02704
A36-10819	36-07167
A36-04032A	36-07200
	36-07628
	36-07789
	36-07791
	36-07983
	36-08347

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 JAN 28 1993

SOURCE: NIAGARA SPRINGS

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-02680	09S	15E	10		NE	NE	1	GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
36-02001	A36-04032B
36-02704	A36-04032C
36-07167	A36-02704
36-07200	A36-07167
36-07628	A36-10819
36-07789	A36-04032A
36-07791	
36-07983	
36-08347	

SOURCE: NIAGARA SPRINGS

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY? (Y/N)	Y	<u>N</u>
DUE TO SOURCE DISCREPANCY? (Y/N)	N	<u>N</u>

REMARKS:

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

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JAN 28 1991

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
_____	_____	<u>10</u>	<u>SE</u>	<u>NE</u>	<u>NE</u>	<u>1</u>	_____

SOURCE: NIAGARA SPRINGS

TRIB: SNAKE RIVER

REVIEWED BY: SCC

DATE: 4-18-91

=====

A. ROOT WATER RIGHT NUMBERS: A36-02680

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09S	15E	10	NE	NE	1	RIM VIEW TROUT CO.	A36-02680 /	- /			
						RIM VIEW TROUT CO.	A36-04032A /	- /			
						RINGERT, W.F.	A36-04032B / 3.5	- /			
						RIM VIEW TROUT CO.	A36-04032C /	- /			
						RIM VIEW TROUT CO. INC.	A36-10819 /	- /			
						RIM VIEW TROUT CO.	A36-07167 /	36-07167 /			
						RIM VIEW TROUT CO. INC.		36-07791 /			
						RIM VIEW TROUT CO. INC.		36-07789 /			
09S	15E	10	NW	NE	2	RIM VIEW TROUT CO.	A36-02680 /	- /			
						RIM VIEW TROUT CO.	A36-04032A /	- /			
						RINGERT, W.F.	A36-04032B / 3.5	- /			
						RIM VIEW TROUT CO.	A36-07167 /	36-07167 /			
						RIM VIEW TROUT CO.	A36-04032C /	- /			
						RIM VIEW TROUT CO. INC.		36-07791 /			
						RIM VIEW TROUT CO. INC.		36-07789 /			
						09S	15E	10	SW	NE	10
RIM VIEW TROUT CO.	A36-04032A /	- /									
RINGERT, W.F.	A36-04032B / 3.5	- /									
RIM VIEW TROUT CO.	A36-07167 /	36-07167 /									
RIM VIEW TROUT CO.	A36-04032C /	- /									
RIM VIEW TROUT CO. INC.		36-07791 /									
RIM VIEW TROUT CO. INC.		36-07789 /									
09S	15E	10	SE	NE	9						
						RIM VIEW TROUT CO.	A36-04032A /	- /			
						RINGERT, W.F.	A36-04032B / 3.5	- /			
						RIM VIEW TROUT CO.	A36-04032C /	- /			
						RIM VIEW TROUT CO.	A36-07167 /	36-07167 /			
						IDAHO POWER CO.	A36-02704 / 2.0	36-02704 /			
						RIM VIEW TROUT CO. INC.		36-07791 /			
						RIM VIEW TROUT CO. INC.		36-07789 /			
TOTAL ACRES							A36-02680				

FISH

FISH

FISH

FISH

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APR 9 7 1981

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE  
Y

FIELD  
EXAMINER  
4

PRESUMPTION FLAG:

REMARKS:

DIVERSION CAPACITY FOR FISH + OTHERS = 65,932.2 AcFt.

(update) minus other uses = 65,919 AcFt.

RECEIVED  
JAN 19 1991

RECOMMENDATIONS:

TOTAL ACRES: 0

REVIEWED BY: SCU

DATE: 5-13-91

A. AJ CLAIMED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-02680	FISH PROPAGATION	FROM 01-01 TO 12-31	90.300 CFS
	TOTAL DIVERSION RATE/VOLUME CLAIMED		90.300 CFS

B. WR RECORDED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-02680	FISH PROPAGATION	FROM 01-01 TO 12-31	90.300 CFS
	TOTAL DIVERSION RATE/VOLUME CLAIMED		90.300 CFS

65919.00 AF/A  
65919.00 AF/A

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JAN 28 1993

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y(~~X~~) N( )

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

REMARKS:

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---

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y( X ) N(     )

AJ TOTAL CLAIMED DIVERSION RATE: 90.300 CFS  
 WR ROOT RIGHT TOTAL DIVERSION RATE: 90.300 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  
 DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) DATABASE EXAMINER  
 N    N   

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B. FLOW MEASUREMENT  
 MEASUREMENT METHOD \_\_\_\_\_, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: ~~A36-07167, DIFFERENT USES, A36-04032A,B,C~~

*← change claim*

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-04032B	NIAGARA SPRINGS	RINGERT , W.F.	15.000	1.071		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-02680	FISH PROPAGATION	RIM VIEW TROUT CO.	FROM 01-01 TO 12-31	90.300 CFS	
A36-04032A	FISH PROPAGATION	RIM VIEW TROUT CO.	FROM 01-01 TO 12-31	10.000 CFS	
A36-04032B	DOMESTIC	RINGERT , W.F.	FROM 01-01 TO 12-31	.100 CFS	
A36-04032C	FISH PROPAGATION	RINGERT , W.F.	FROM 01-01 TO 12-31	14.500 CFS	
A36-04032C	FISH PROPAGATION	RIM VIEW TROUT CO.	FROM 01-01 TO 12-31	15.000 CFS	
A36-10819	FISH PROPAGATION	RIM VIEW TROUT CO. INC.	FROM 01-01 TO 12-31	.250 CFS	
A36-07167	FISH PROPAGATION	RIM VIEW TROUT CO.	FROM 01-01 TO 12-31	50.000 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE  
ACRES \_\_\_\_\_ x 0.02 CFS/ACRE = \_\_\_\_\_ CFS  
(Taken from p/u review)

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( )

*per license*

1b. CALCULATIONS

5-15-91  
REVISION:

36-2680  
(1966 License) 90.3 cfs  
MINUS: 36-4032  
(1926, 51, 62 claim) 40.0 cfs  
50.3

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

All elements of these Rights will appear identical. To eliminate overlap the 40 cfs has been removed since it is recognized under an earlier priority date.  
Diversion Volume = 50.3 cfs x 1.9835 x 365 =  
36,416 AF

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
FISH PROPAGATION	01-01 12-31	DATABASE EXAMINER <del>90.300</del> <u>50.3</u>	DATABASE EXAMINER <del>65,919.0</del> <u>36,416</u>	DATABASE EXAMINER 0.0
TOTAL FOR THIS RIGHT		<del>90.300</del> <u>50.72</u>	<del>36,416</del> <u>36,720.1</u>	0.0
REVIEWED BY:	<u>SCC</u>	DATE: <u>4-18-91</u>		
	<u>Revised SCC</u>	<u>5-15-91</u>		

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 See memo from Krogh-Hampe 6/10/90

Remarks: " Use of this right with right No. 36-04032 A, B, C is limited to a total combined annual diversion volume of 65,919 AF, and a total combined Diversion Rate of 90.3 CFS. Deleted by memo from Krogh-Hampe 6/10/90

Facility Volume = 16.0 AF.  
 = 696,960 cu.ft.

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____	ACCEPTED AS CLAIMED	NEEDS REVIEW
FORFEIT/ABANDON _____	( )	( )
ADDITIONAL DIV. AMOUNT _____	( )	( )

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B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-02680

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 90.300	EXAMINER _____	CFS
-----------------------------------	--------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-02680	90.300	-		36-02680	90.300
	TOTAL CFS	90.300				90.300

*n/a*

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	FIELD EXAMINER
Y	_____

REMARKS:

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

AUTHENTICATION:

SIGNATURE:

*Steve Chelland*

DATE:

*4-18-91*

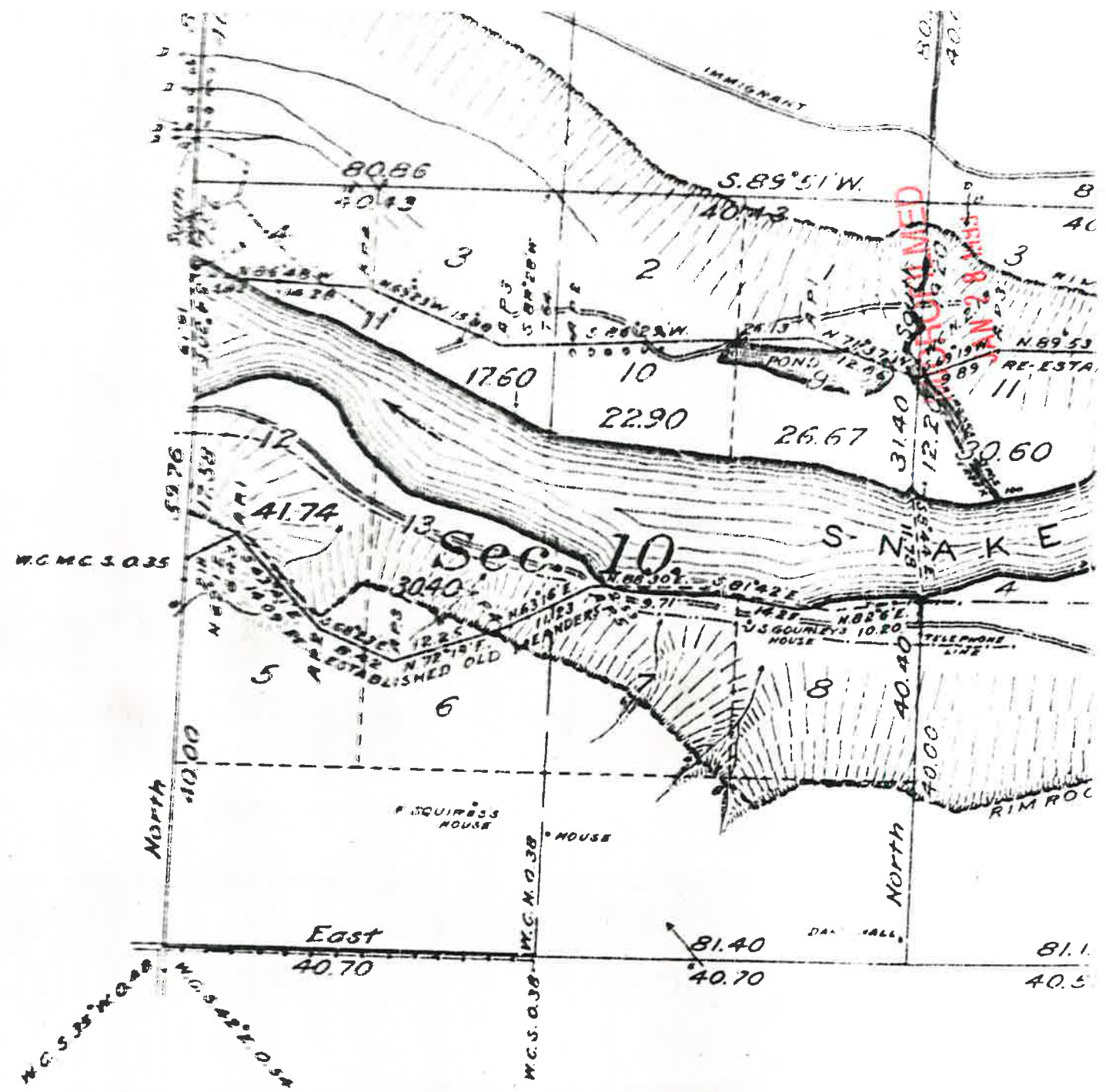
NAME OF FIELD EXAMINER:

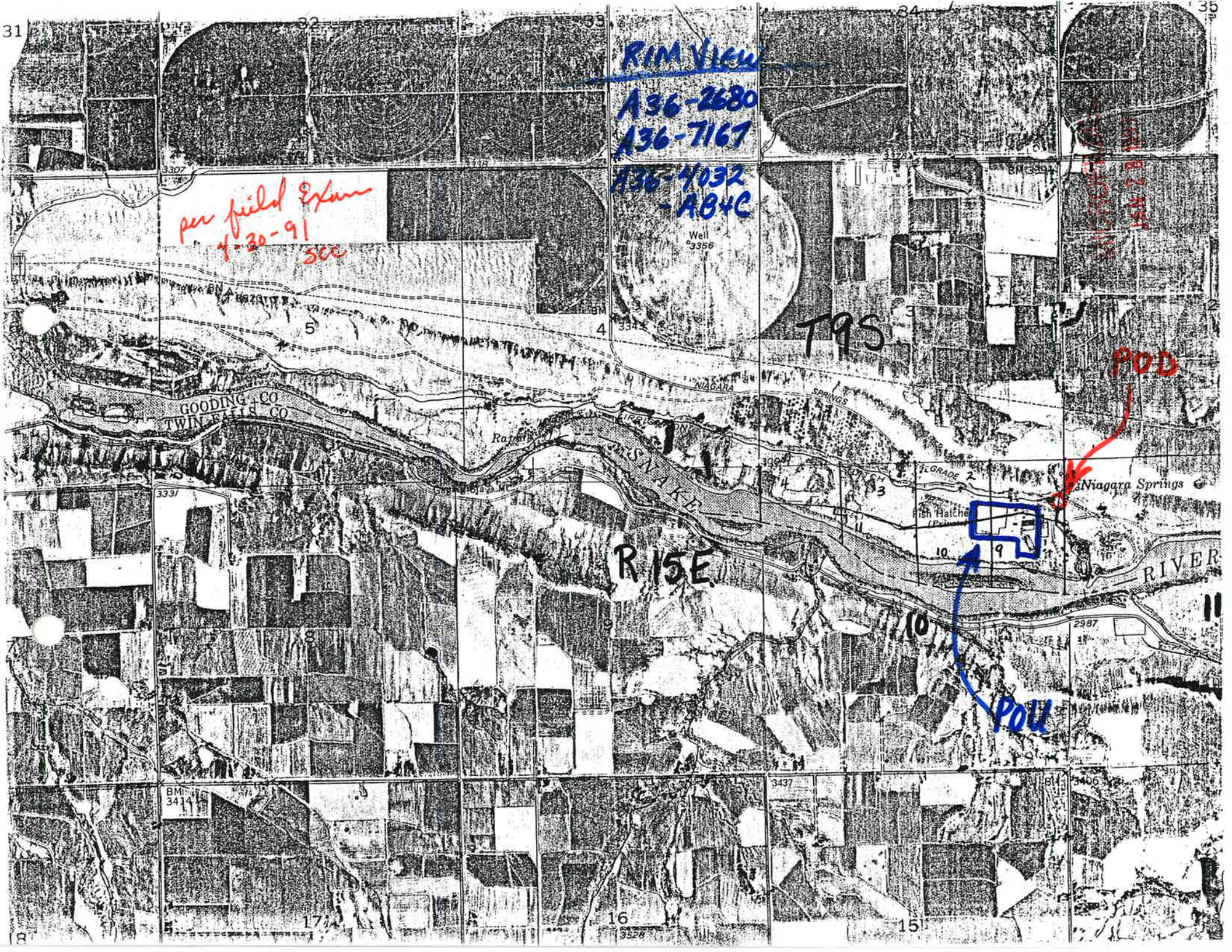
TITLE:

*R.V.W.  
3/30/92*

T 9 S  
R 15 E  
Sec 10

1920 Survey





RIM VIEW

A36-2680

A36-7167

A36-4032

-AB+C

per field Exam  
4-30-91  
see

Well  
3356

T95

POD

GOODING CO  
TWIN FALLS CO

RISE

Niagara Springs

Fish Hatchery

RIVER

POU

BM  
3414

3437

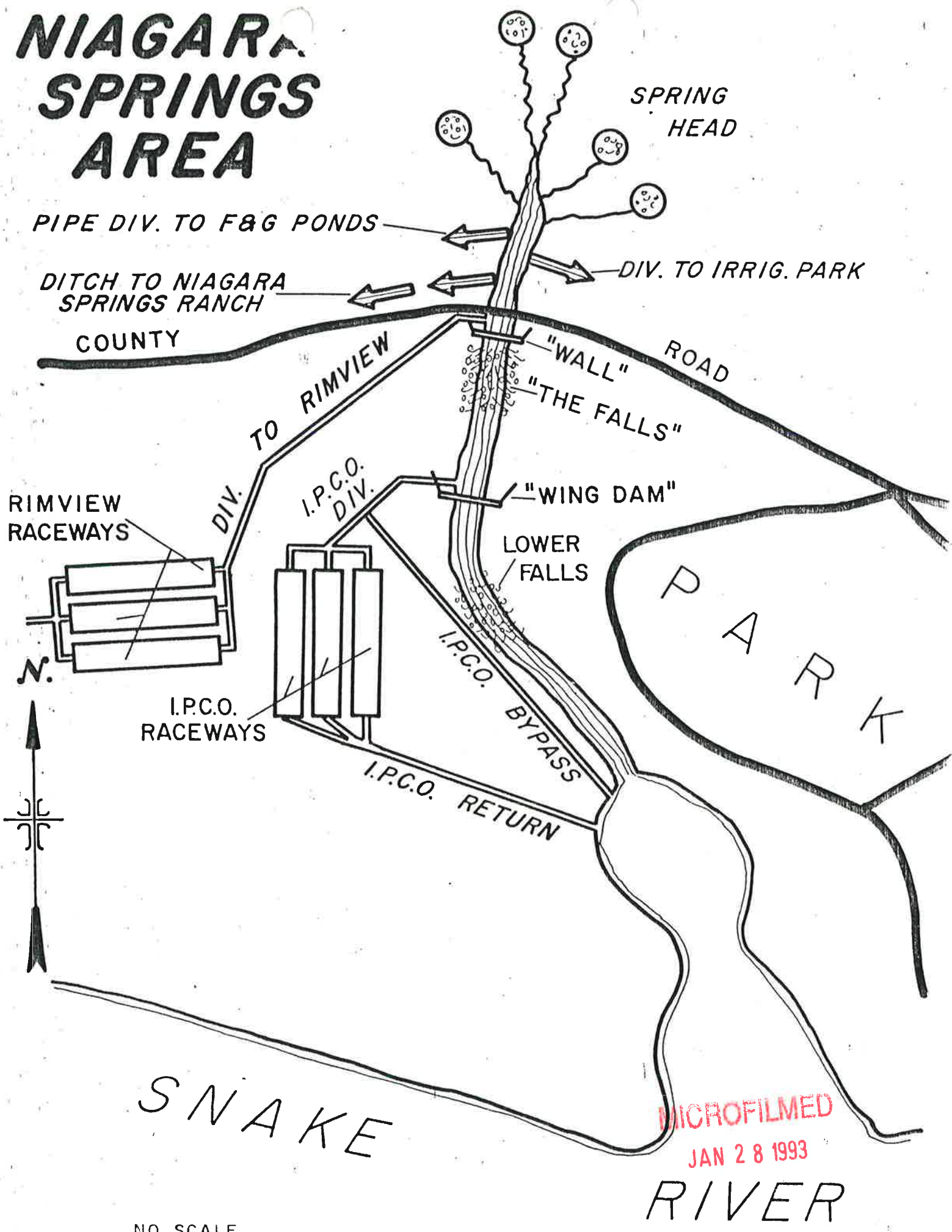
3406

17

16

15

# NIAGARA SPRINGS AREA



SPRING HEAD

PIPE DIV. TO F&G PONDS

DITCH TO NIAGARA SPRINGS RANCH

DIV. TO IRRIG. PARK

COUNTY

DIV. TO RIMVIEW

"WALL" ROAD

"THE FALLS"

RIMVIEW RACEWAYS

I.P.C.O. DIV.

"WING DAM"

LOWER FALLS

P  
A  
R  
K

N.

I.P.C.O. RACEWAYS

I.P.C.O. BYPASS

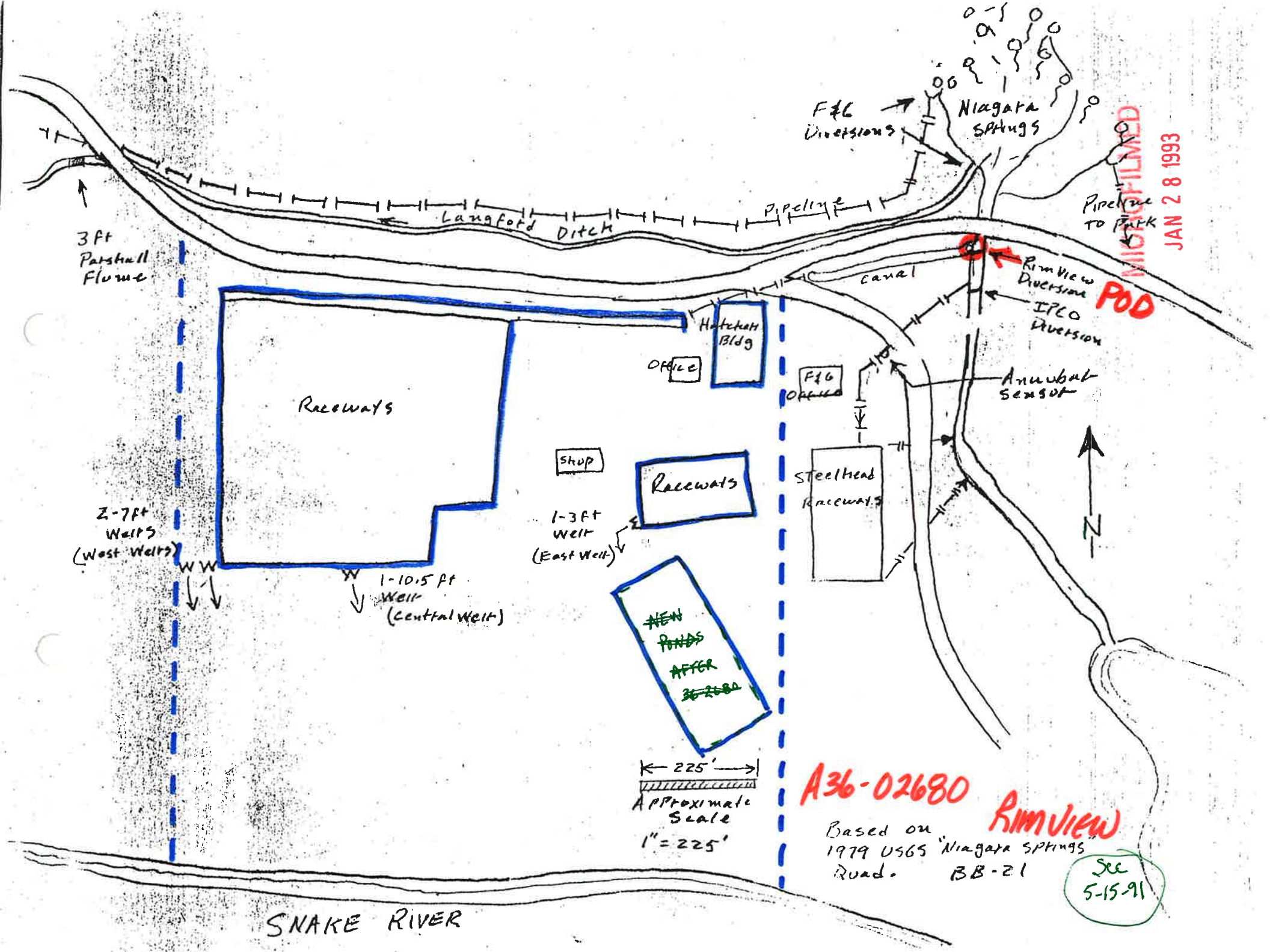
I.P.C.O. RETURN

SNAKE

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RIVER

NO SCALE



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**POD**



225'  
 Approximate  
 Scale  
 1" = 225'

**A36-02680**

**Rim View**

Based on 1979 USGS "Niagara Springs" Road. BB-21

See  
 5-15-91

Snake River

4/5/91

MEMORANDUM

DATE: 08-Apr-1991

FROM: Loren Holmes *LH*

TO: Norm Young

SUBJECT: Measurement of Niagara Springs diversions, 4/5/91

On April 5, 1991, at 3:45 PM, I made an unannounced visit to Niagara Springs to read measuring devices.

Based on the corrected rating tables for the Rim View hatchery, the discharge from the hatchery was 124.17 cfs.

The Fish & Game/Langdon ditch diversion was 10.9 cfs.

The Fish & Game/IPCO hatchery diversion was 108 cfs.

Both the Rim View and IPCO regulating headgates at "the Wall" were full open and clear of the water surface. All water going through the wall headgate was being diverted at the wing dam to the IPCO hatchery.

Fish & Game employees at the hatchery indicated that their determination of flows over Rim View's weirs had been based on USBR standard weir tables.

Summary of measurements:

LOCATION	H	Q(cfs)	MD TYPE
West 1/2 Rim View west weir:	1.17	30.91*	7' Supp. Rect
East 1/2 Rim View west weir	0.97	23.12*	7' Supp. Rect
Rim View center weir:	1.55	70.14*	10.5' Supp. Rect
Fish & Game/Langdon ditch:	0.87	10.90	4' Cipp. Weir
Fish & Game/IPCO hatchery		108.0	Annubar/recorder

\* Q values from 3/29/88 rating table corrected for approach velocity.

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MEMO

3/12/92 ?

TO: File A36-2680  
FROM: A. Lynne Krogh-Hampe  
DATE: June 10, 1990  
RE: Changes in "R" record

The following changes were made from the "R" records dated 5/29/91 based on the state office review:


1. Condition R09 was deleted; this will be covered by a general conclusion in the preamble of the report.

2. Combined use remark was deleted; the rights are not supplemental, and the diversion volume for each right is based solely on the diversion rate for each right.

3. Diversion rate changed from 50.3 to 50.72, and diversion volume changed to volume produced by 50.72 cfs (from 36416 to 36720.1). Diversion rate should be rate originally licensed less rate recommended under A36-4032A, B, and C.

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M E M O R A N D U M

DATE: August 27, 1992  
TO: File #A36-04032A, A36-04032B, A36-04032C & A36-02680  
FROM: Don Shaff   
RE: USGS Measurement Records/36-8597

U.S. Geological Survey measurement records found in application file 36-8597 prove noteworthy. The measurements contradicted the amounts and, in some cases, priorities, made by the claimant. A copy of these measurement records are in the file. Although this file shows some development occurred with the 1926 appropriation, the measurement records noted herein show a diversion not exceeding 10 cfs during the period from March, 1950 through December, 1958. For this reason, the amount of water for the 1926 appropriation under A36-04032A is recommended as 3.54 cfs, the largest recorded measurement thus far shown earlier than April 11, 1955.

The first diversion to exceed 10 cfs was recorded on January 16, 1959. To acknowledge this appropriation, claim 36-04032B is recommended with a January 16, 1959 priority date and a diversion amount of 7.06 cfs.

The USGS measurement records do not show 40 cfs being diverted until after the application for permit in 1966 was filed. Consequently, claim 36-04032C is recommended for disallowal in deference to the balance of the 40 cfs being appropriated with 36-02680. The field examination confirming the beneficial use of water under 36-02680 showed a total diversion rate of 90.3 cfs. Although the License was issued for this amount, this claim is recommended for 79.7 cfs for a total appropriation under this right and the two earlier rights of 90.3 cfs. Correspondingly, no change is recommended today for 36-07167 that culminated the total appropriation of 140 cfs to that date.

The measurement records from the USGS were a part of the folder 36-8597 in a file jacket titled, "Exhibits, Hearing Notes, Hearing Tapes, Roster of Attendance".

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Water Right Number - R36-02680      Prefix Translation: RESEARCH      Old (D) Number - 33448

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

\*\*\* A - ATTORNEY \*\*\*  
RINGERT      WF      1 - PO BOX 2773  
2 -  
3 -  
City- BOISE      State- ID Zip- 83701  
Phone - 208-000-0000

\*\*\* C - CURRENT OWNER \*\*\*  
RIM VIEW TROUT CO      1 - 1301 VISTA AVE  
2 -  
3 -  
City- BOISE      State- ID Zip- 83705  
Phone - 208-344-7321

+ - - Priority Date - - +      + - - Region - - - +      + - - Stage - - - +      + - - Status - - - +  
06/06/1966      17 SOUTHERN      L - LICENSE

+ - - Source - - - - - +      + - - Tributary - - - - - +  
NIAGARA SPRINGS      SNAKE RIVER

+ - - - - Point of Diversion - - - - - +

Twn	Rng	Sec	Tract	Lot	RFlg	County
09S	15E	10	SE NE NE	1	(47)	GOODING

+ - - - - Water Use - - - - - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
19	FISH PROPAGATION	01/01	12/31	79.700	36720.10

+ - Total Div. Rate - +      + - Total Div. Volume - +      + - Total Consumptive Use - +      + - KW Usage - +  
79.700      36720.10      0.0

+ - - - - Place of Use - - - - - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	15E	10	NE NE	1		19	FISH PROPAGATION	(47) GOODING
09S	15E	10	NW NE	2		19	FISH PROPAGATION	(47) GOODING
09S	15E	10	SW NE	10		19	FISH PROPAGATION	(47) GOODING
09S	15E	10	SE NE	9		19	FISH PROPAGATION	(47) GOODING

Total Acres:

+ - - Diversion Means - CONCRETE HEADWORKS, TWO 42" HEADGATES, 7'X 4' CONCRETE CHANNEL

+ - - Non-Irrigation Use - FISH PROPAGATION/COMMERCIAL HATCHERY

+ - - Other Rights for Same Use - 36-07167, 36-04032A, 36-04032B & 36-04032C

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

4/7/88

In the Matter of Requiring )  
Measuring Devices on Diversions )  
of Water From Niagara Springs and )  
Niagara Springs Creek )  
\_\_\_\_\_ )

ORDER

The Director of IDWR makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. The public has demonstrated a concern as to the depletion of flows in Niagara Springs and Niagara Springs Creek. The department has been requested by concerned right holders and citizens to determine rates of diversion from the stream, and a petition has been received requesting the department to require measuring devices. Department staff has been unable to obtain accurate measurements of the rates of flow at all diversions.

2. There are six (6) existing diversions from Niagara Springs (the springs) and Niagara Springs Creek (the creek).

3. Not all of the diversions from the springs and creek presently have adequate measuring devices.

4. Diversion rights on the springs and creek consist of licenses and beneficial use claims.

5. The maximum permissible rates of diversion under the licensed rights are known and the uses under the claimed rights are well enough

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defined to determine a maximum permissible rate of diversion.

CONCLUSIONS OF LAW

1. Section 42-602, Idaho Code, provides in relevant part:

It shall be the duty of the department of water resources to have immediate direction and control of the distribution of water from all of the streams to the canals and ditches diverting therefrom. The department must execute the laws relative to the distribution of water in accordance with rights of prior appropriation.

2. Section 42-701, Idaho Code, provides in relevant part:

The appropriators or users of any public waters of the state of Idaho shall ... construct and maintain, when required by the department, a rating flume or other measuring device at such point as is the most practical in such canal or ditch for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted into said ditch from the stream.

3. The Director of IDWR has the authority and duty to order the installation and maintenance of measuring devices for diversions from Niagara Springs and Niagara Springs Creek. The Director has the authority on his own motion to initiate a proceeding to require measuring devices.

4. There is a need for installation of measuring devices to properly determine the amount of water diverted from Niagara Springs and Niagara Springs Creek, and to insure that water is diverted in accordance with rights of prior appropriation.

ORDER

THEREFORE, THE DIRECTOR ON HIS OWN MOTION PURSUANT TO SECTIONS 42-602 AND 42-701, IDAHO CODE, HEREBY ORDERS THAT:

1. Each holder of a water right for diversion of water from Niagara Springs or Niagara Springs Creek shall install and maintain at

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the point(s) of diversion a measuring device with provision for continuously recording and monitoring the diverted flows in a manner acceptable to IDWR. The Director may waive this requirement upon written request and his determination that the diversion capacity has a significant effect on stream flow.


2. The installation shall also be readily accessible to IDWR personnel.

3. The water right holder shall provide to IDWR a description of the device to be installed and plans for its construction for review and approval prior to the start of construction.

4. All diversion rate data collected shall be submitted to the department within 30 days of collection or as otherwise requested by the Director.

IT IS FURTHER hereby ORDERED that the measuring devices be installed and operable by May 1, 1988.

Dated this 7<sup>th</sup> day of April, 1988.

  
R. KEITH HIGGINSON  
Director

RECEIVED  
OCT 5 1966

10/5/66

Department of Reclamation

DEPARTMENT OF RECLAMATION OF THE STATE OF IDAHO  
STATE RECLAMATION ENGINEER  
BOISE, IDAHO

IN THE MATTER OF APPLICATION NO )  
41095 FOR PERMIT BY RIMVIEW )  
TROUT COMPANY, INC. TO APPROPRIATE ) AGREEMENT AND STIPULATION  
100 CFS OF WATER FROM NIAGARA SPRINGS )  
)

WHEREAS, Rimview Trout Company, Inc., has heretofore filed Application No. 41095 for 100 cfs of water from Niagara Springs to be used for fish propagation purposes; and

WHEREAS, the Idaho Power Company has filed a protest with the State Reclamation Engineer against the allowing of said Application; and

WHEREAS, the Idaho Power Company is the owner of the land upon which Niagara Springs is located, and Idaho Power Company has heretofore filed Application No. 40874 for 152 cfs of water from Niagara Springs for use in the fish hatchery that it has constructed; and

WHEREAS, Rimview Trout Company, Inc., now and for several years past has diverted and used approximately 40 cfs of water from Niagara Springs, and in making its Application No. 41095, Rimview Trout Company, Inc., is seeking to increase its water right to a total of 100 cfs, including therein the 40 cfs which it has been diverting and using for fish propagation purposes for several years; and

WHEREAS, certain differences have arisen between the Idaho Power Company and the Rimview Trout Company, Inc., concerning the right of the Rimview Trout Company, Inc., to expand its canal presently crossing the Idaho Power Company property, and also concerning the relative priorities to water rights between the Rimview Application and the Idaho Power Company Application; and

The parties hereto having compromised their differences

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regarding these and all other issues over which they are now in dispute, and the parties intending to be legally bound hereby;

NOW, THEREFORE, it is hereby stipulated and agreed between the parties that:

I

The Rimview Trout Company, Inc., in filing its Application No. 41095 for 100 cfs of water from Niagara Springs, is seeking a total appropriation of not to exceed 100 cfs of water from Niagara Springs, which 100 cfs includes therein the 40 cfs which Rimview is now, and has for some time been, diverting and using in conjunction with its trout hatchery operation, and Rimview agrees that the additional water appropriation herein sought over and above the 40 cfs now being diverted and used by said Rimview will be limited by the amount of such additional appropriation which Rimview can actually put to beneficial use pursuant to its Application No. 41095.

II.

That the parties hereto agree between themselves, for the purposes of their proceedings now before the State Reclamation Engineer upon Rimview Application No. 41095, and upon Idaho Power Company Application No. 40874, that the following priorities shall exist between the parties concerning their applications and appropriations of water from Niagara Springs:

1. First priority shall be to the 40 cfs now being diverted and used by Rimview Trout Company, Inc.
2. Second priority shall be to Idaho Power Company for 110 cfs, that being the approximate amount of water which Idaho Power is now putting to beneficial use pursuant to its Application No. 40874.
3. Third priority shall be to Rimview Trout Company, Inc. for not to exceed 60 cfs of water based upon its Application No. 41095, limited by the actual amount of said 60 cfs which Rimview shall actually put to beneficial use.

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4. Fourth priority shall be to Idaho Power Company for the 42 cfs which represents the balance of the water sought by the Idaho Power Company under its Application No. 40874.

III.

Concurrently with the execution of this agreement, the Idaho Power Company agrees to execute a canal easement granting to the Rimview Trout Company, Inc., an easement for a canal to conduct up to 100 cfs of water over a strip of land 10 feet on either side of the center line of the existing Rimview canal across the Idaho Power Company property, together with such additional area as is reasonably necessary for the movement of equipment and personnel in performing any construction work and maintenance upon the canal to be maintained and constructed within said 20 foot strip.

IV.

Based upon the foregoing agreements, Idaho Power hereby withdraws its protest filed against the Application of Rimview, No. 41095, and consents to the granting of a permit based upon said Application, subject to the conditions set out in this agreement.

V.

This agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto.

Dated this 5th day of October, 1966.

IDAHO POWER COMPANY

By HR Moore  
Vice President

ATTEST:

JV Rodgers  
Assistant Secretary

RIMVIEW TROUT COMPANY, INC.

By W. Lowell Baker  
President

ATTEST:

Alvan Ganel  
Secretary

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5/1/84

DRAFT FINAL  
DEVELOPMENT OF EFFLUENT LIMITATIONS  
FOR IDAHO FISH HATCHERIES

May 1, 1984

Submitted to:

U.S. Environmental Protection Agency  
Office of Water Enforcement  
401 M Street, S.W.  
Washington, D.C.

Submitted by:

JRB Associates  
A Company of Science Applications, Inc.  
13400-B Northup Way, Suite 38  
Bellevue, Washington 98005

EPA Contract No. 68-01-6514, Work Assignment No. 6, Task 8  
JRB Project No. 2-834-03-438-08

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effluent prior to its discharge into the Snake River. The 24-hour composite samples obtained from this site were analyzed for total suspended solids in a laboratory, while settleable solids were measured in the field.

Since cleaning and vacuuming activities were usually ongoing, grab samples were taken at the influent and effluent points of the settling pond on May 20, May 23, and May 24, 1983. In addition, three complete individual raceway cleaning events were sampled on May 22, June 8, and June 9, 1983 to characterize an entire raceway's contribution of solids to the settling basin. Samples were collected every 30 seconds in 250 ml aliquots, then composited for field analysis of settleable solids and delivery to a laboratory for analysis for total suspended solids. Finally, a single grab sample of the settling basin discharge was collected during each of these three cleaning events surveys to estimate settling basin solids removal efficiencies.

During the course of this study, routine hatchery maintenance practices were observed which included grading fish, feeding using automatic rail-fed and self-feed feeders, moving and harvesting fish, raceway cleaning by vacuuming and sweeping. At the close of this field study, Crystal Springs was also experimenting with a new cleaning system.<sup>7</sup> This system uses an eight-inch PVC pipe routed through the dam boards and reduced to accept a four-inch flexible hose. When a siphon is created, the hose vacuums raceway solids which are shunted through the pipeline to the settling basin. It is unclear at this time how practicable and effective this siphon vacuum will be for Crystal Springs. Hatchery personnel will need time to evaluate and compare it to their existing vacuum/pump system.

### 3.1.3 Rim View

Rim View is a large hatchery with over 100 concrete raceways and 46 tanks for egg incubation and juvenile rearing. Most raceways are extremely large, 32 ft wide by 183 ft long, and they are arranged in three or four descending tiers for reuse of water. Figure 4 depicts the Rim View Hatchery arrangement and the JRB sampling point.

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Niagra Springs is the source of all influent water. The Rim View hatchery currently uses approximately 130 cfs (84 MGD) of water, although their water appropriation permits a greater flow rate. Expansion and development plans for the hatchery will utilize the total appropriation. Raceway effluent discharges flow out of the hatchery over three weirs into ditches that enter the Snake River. One weir site was used to sample combined raceway discharges. A 24-hour composite sampler provided samples to be laboratory analyzed for total suspended solids and field analyzed for settleable solids.

Raceway cleaning at Rim View is accomplished by standpipe sweeping. The frequency of cleaning is determined by the hatchery manager and is performed when fish are removed. Each raceway, however, is screened at its lower or downstream end in order to segregate fish from the overflow weir. Fish activities generally keep raceway solids in suspension. Water flow moves this matter through the screens into the lower quiescent zone of the raceway where the solids settle. This section of the raceway is cleaned more frequently, approximately every other week, with a flexible hose that is inserted into a PVC elbow fitting that is mounted on each standpipe. When the elbow is rotated and submerged, a siphon is created that is used to suction the settled solids. A hatchery employee stands in the quiescent zone of the raceway and removes waste matter by vacuuming the bottom. This siphoned material is then piped to a concrete waste treatment pond. There are three such treatment ponds at Rim View, all of them former raceways (39 ft x 250 ft size) which are used to hold solid wastes. Only two ponds were being used at the time of this study (June 1 through June 9, 1983; nine sampling days) and neither was actively discharging into the Snake River. A small amount of leakage between the upper dam boards is continuous, however, and a single sample of this leakage was collected on June 1, 1983 for waste water characterization. The supernatant in the sludge holding basin either evaporates or is held for ultimate removal with the sludge. When the ponds are filled, the solids are removed and either applied to land as a soil conditioner and fertilizer, or stockpiled on adjacent land. Local gardeners are reported to use the dried sludge material.<sup>8</sup> One cleaning event was sampled during the study. Samples

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were collected every 30 seconds in 250 ml aliquots, composited, and analyzed for total suspended solids and settleable solids.

Routine hatchery activities including feeding (self-feed), grading, fish transfers and removal, and screen and raceway cleaning occurred during our field visit.

#### 3.1.4 Pisces

Pisces Hatchery is basically a small flow-through hatchery with intake waters coming from Cedar Draw Creek. This creek is a stream heavily impacted by agricultural activities. Figure 5 depicts the hatchery layout and all JRB sampling points. Incoming hatchery water is sometimes passed through a settling basin before it reaches the seven 300 ft raceways due to the high sediment content of the influent waters. The raceways are concrete and are each divided into three 100-foot long and 20-foot wide sections or ponds. Depending on the time of year (if Cedar Draw is being used for irrigation) and the amount of solids loading, the flow may or may not be settled before entering the raceways. Maximum flow is approximately 50 cfs (32 MGD). Once the water has passed through a downstream earthen settling basin it is discharged back to Cedar Draw. The dimensions of both the upstream and downstream settling basins are approximately 200 feet long, 40 feet wide, and eight feet deep.

Both settling basins are drained once a year during which time the solids are removed. Large quantities of these solids were observed stockpiled adjacent to the settling ponds. Due to the settling of influent waters, as many as four major sampling points were established. A composite sampler was installed at the effluent of the first settling pond, at the combined effluent of the raceways, and at the effluent of the final downstream settling basin. One additional sampler was installed at the influent stream of Cedar Draw to characterize this stream's sediment loading to the hatchery. All samples collected were 24-hour composites that were analyzed for total suspended solids and settleable solids.

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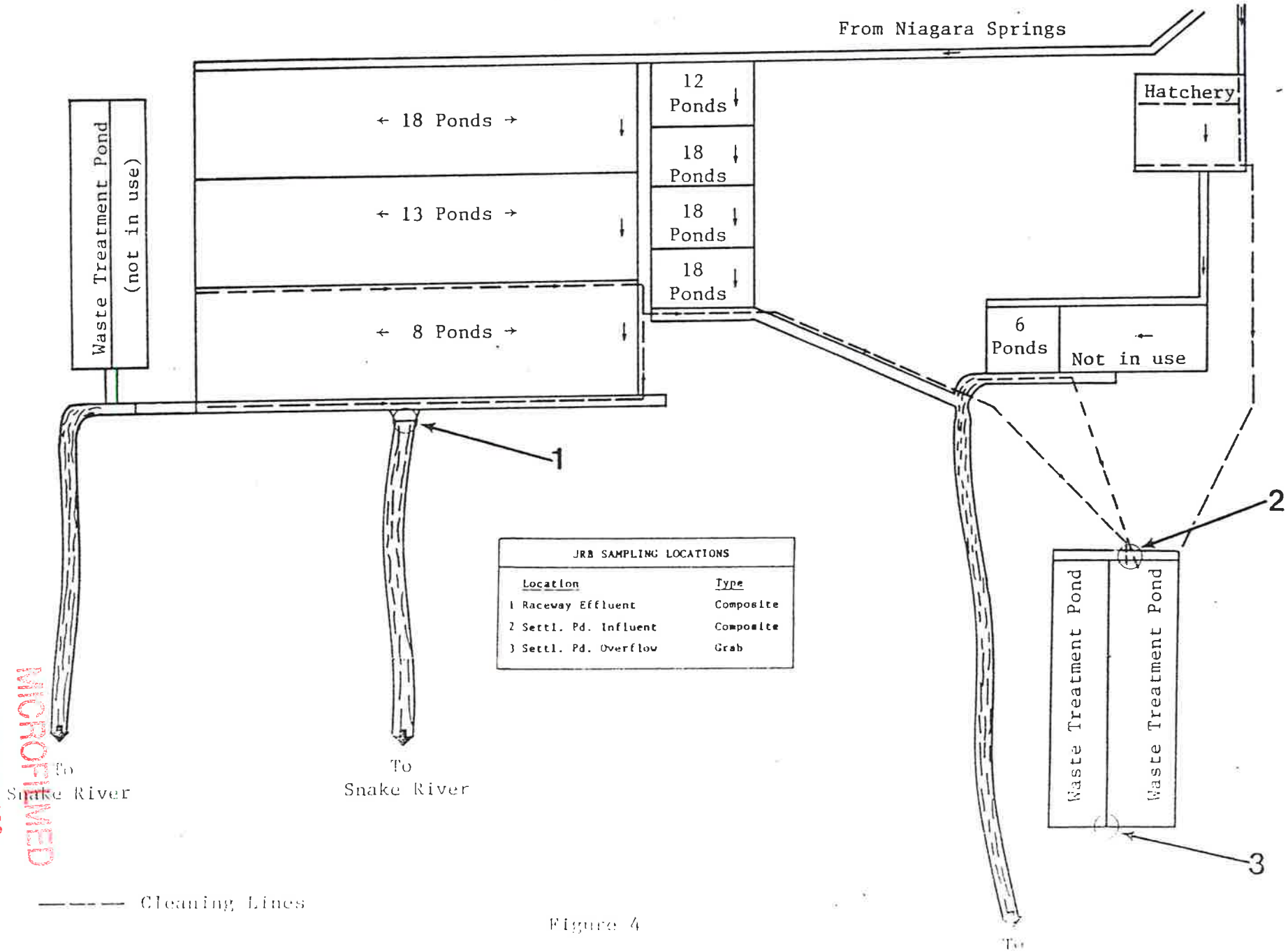


Figure 4

## RIM VIEW HATCHERY

## JRB Station 1

## Raceway Discharge

Date	Flow (cfs)	Flow (MGD)	Temp °C	TSS (mg/l)	TSS (lb/day)	TSS (kg/day)	TVS (mg/l)	Set. Slds. (ml/l)	pH	D.O. <sup>c</sup> (mg/l)	NH <sub>3</sub> <sup>c</sup> (mg/l)
6/01/83	56.4	36.43	15	54 <sup>a</sup>	16400 <sup>a</sup>	7460 <sup>a</sup>	--	0.4	--	--	--
6/02/83	56.4	36.43	16	98 <sup>a</sup>	29780 <sup>a</sup>	13500 <sup>a</sup>	57	1.0	--	--	--
6/03/83	56.4	36.43	15	43 <sup>a</sup>	13100 <sup>a</sup>	6000	30	0.5	7.5	7.0	0.9
6/04/83	56.4	36.43	15.5	5	1520	690	--	Trace	7.6	8.0	0.6
6/05/83	56.4	36.43	16	22	6700	3000	11	0.1	--	7.0	0.8
6/06/83	56.4	36.43	16	8	2400	1100	--	Trace	7.3	9.0	0.7
6/07/83	56.4	36.43	16	8	2400	1100	--	Trace	--	--	--
6/08/83	56.4	36.43	15	3	910	410	--	Trace	--	--	--
6/09/83	56.4	36.43	16	3	910	410	--	Trace	--	--	--

TSS (mg/l): n = 9,6  
 $\bar{x}$  = 8.16;  $\ln \bar{x}$  = 1.84 (transformed back = 6.30)  
s = 7.13;  $s^2$  = 50.83;  $\ln s$  = 0.75;

## JRB Stations 2 &amp; 3

## Cleaning Waste Treatment System

Date	Inf. TSS (mg/l)	TVS (mg/l)	Eff. TSS (mg/l)	%Δ	Inf. Set. Slds. (ml/l)	Eff. Set. Slds. (ml/l)	%Δ	NH <sub>3</sub> (mg/l)	TKN (mg/l)
6/01/83	724	540	42	94	20	Trace	95	8.65	13.48
6/07/83	3885	3075	(b)	(b)	110	(b)	--	--	--

Discarded due to procedural sampling error.

Settling Pond not discharging on 6/07/83.

High turbidity, color and solids concentrations precluded the use of colorimetric techniques for dissolved oxygen and NH<sub>3</sub>.

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JAN 28 1993

RE: 36-02680  
36-02711  
36-02704  
36-04032  
36-04020  
36-07167

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

4/7/88

In the Matter of Requiring )  
Measuring Devices on Diversions )  
of Water From Niagara Springs and )  
Niagara Springs Creek )  
\_\_\_\_\_ )

ORDER

The Director of IDWR makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. The public has demonstrated a concern as to the depletion of flows in Niagara Springs and Niagara Springs Creek. The department has been requested by concerned right holders and citizens to determine rates of diversion from the stream, and a petition has been received requesting the department to require measuring devices. Department staff has been unable to obtain accurate measurements of the rates of flow at all diversions.

2. There are six (6) existing diversions from Niagara Springs (the springs) and Niagara Springs Creek (the creek).

3. Not all of the diversions from the springs and creek presently have adequate measuring devices.

4. Diversion rights on the springs and creek consist of licenses and beneficial use claims.

5. The maximum permissible rates of diversion under the licensed rights are known and the uses under the claimed rights are well enough

MICROFILMED

JAN 28 1993

defined to determine a maximum permissible rate of diversion.

#### CONCLUSIONS OF LAW

1. Section 42-602, Idaho Code, provides in relevant part:

It shall be the duty of the department of water resources to have immediate direction and control of the distribution of water from all of the streams to the canals and ditches diverting therefrom. The department must execute the laws relative to the distribution of water in accordance with rights of prior appropriation.

2. Section 42-701, Idaho Code, provides in relevant part:

The appropriators or users of any public waters of the state of Idaho shall ... construct and maintain, when required by the department, a rating flume or other measuring device at such point as is the most practical in such canal or ditch for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted into said ditch from the stream.

3. The Director of IDWR has the authority and duty to order the installation and maintenance of measuring devices for diversions from Niagara Springs and Niagara Springs Creek. The Director has the authority on his own motion to initiate a proceeding to require measuring devices.

4. There is a need for installation of measuring devices to properly determine the amount of water diverted from Niagara Springs and Niagara Springs Creek, and to insure that water is diverted in accordance with rights of prior appropriation.

#### ORDER

THEREFORE, THE DIRECTOR ON HIS OWN MOTION PURSUANT TO SECTIONS 42-602 AND 42-701, IDAHO CODE, HEREBY ORDERS THAT:

1. Each holder of a water right for diversion of water from Niagara Springs or Niagara Springs Creek shall install and maintain at

the point(s) of diversion a measuring device with provision for continuously recording and monitoring the diverted flows in a manner acceptable to IDWR. The Director may waive this requirement upon written request and his determination that the diversion capacity has a significant effect on stream flow.


2. The installation shall also be readily accessible to IDWR personnel.

3. The water right holder shall provide to IDWR a description of the device to be installed and plans for its construction for review and approval prior to the start of construction.

4. All diversion rate data collected shall be submitted to the department within 30 days of collection or as otherwise requested by the Director.

IT IS FURTHER hereby ORDERED that the measuring devices be installed and operable by May 1, 1988.

Dated this 7<sup>th</sup> day of April, 1988.

  
R. KEITH HIGGINSON  
Director


CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 7<sup>th</sup> day of April, 1988, a true and correct copy of the foregoing MEASURING DEVICE INSTALLATION ORDER was mailed, postage prepaid to:

Earl Hardy  
Rim View Trout Co.  
1301 Vista Avenue  
Boise, ID 83705

Jerry Conley  
Idaho Dept. of Fish and Game  
600 S. Walnut  
Boise, ID 83707

Robert O'Connor, Chairman  
Idaho Power Co.  
P. O. Box 70  
Boise, ID 83707

  
ANITA WARNIJES  
Idaho Department of Water Resources

MICROFILMED

JAN 28 1993

36-02680

6/19/73

State of Idaho  
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 33448/36-2680 Priority June 6, 1966 Amount 90.30 cfs

THIS IS TO CERTIFY, that COMMERCIAL STATE BANK  
of Boise, Idaho, has complied with the terms and conditions of Permit  
No. 33448/36-2680 issued pursuant to Application for Permit dated June 6, 1966  
and has submitted proof to the Department of Water Administration on February 8, 1972  
that he has applied water to a beneficial use; an examination by the Department indicates that the  
works have a capacity of 90.30 cfs, and that the water has in fact been applied to a  
beneficial use; a right to the use of water from Niagara Springs  
tributary of the Snake River, is hereby confirmed in the following amounts:

Amount 90.30 cfs for Fish Propagation from Jan. 1 to Dec. 31 (both dates inclusive)

Amount \_\_\_\_\_ for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

Amount \_\_\_\_\_ for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

Subject, however, to the condition that no more than 90.30 cfs of water be diverted at  
any one time, said waters to be diverted within the \_\_\_\_\_

NE $\frac{1}{4}$ NE $\frac{1}{4}$  (Lot #1) of Sec. 10, Twp. 9 S, Rge. 15 E, B. M.

in the county of Gooding; and that the amount of water so diverted and to which such  
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can  
actually be beneficially used and shall not exceed 65,919 acre feet per year ~~xx~~

~~XXXXXXXXXXXXXX~~

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9 S	15 E	10	X																

Total number of acres irrigated \_\_\_\_\_

Use of water under this license is affected by an agreement and stipulation between  
Idaho Power Company and Rim View Trout Company, Inc., dated October 5, 1966.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19 day of  
June, 19 73.

*[Signature]*  
Director

MICROFILMED  
36-2680  
JAN 28 1973

June 14, 1973

Department of Water Administration

5DF

Department of Water Administration  
State House Annex  
Boise, Idaho

ATTENTION: Bobby D. Fleenor, Assistant Director

RE: Rim View Permit #33448/36-2680

Dear Mr. Fleenor:

Regarding your letter of May 15, 1973, to Commercial State Bank regarding Rim View Permit No. 33448/36-2680, we have reviewed our file and find that the domestic and irrigation use referred to in your letter was part of our constitutional use right established many years prior to the filing of Permit No. 33448. As you know, Rim View Trout Farm has been in operation to varying degrees for many years, and the use rights have developed over a long period of time. We have documented the constitutional use right by filing a Claim To Water Right, No. 47-4014, which was originally filed on February 8, 1972. That filing lists the domestic and irrigation use. Therefore, it is our view that the domestic and irrigation use is documented and it will not be necessary to amend Permit No. 33448, which is our filing for an additional subsequent water right.

Therefore, would you please go ahead and issue the water license.

Yours very truly,

RIM VIEW TROUT CO., INC.

By W. Lowell Bakes  
W. Lowell Bakes  
Vice President

38 2680

MICROFILMED

JAN 28 1993

RECEIVED

MAY 27 1973

Department of Water Administration

451 West State Street  
Boise, Idaho  
May 25, 1973

State of Idaho  
Department of Water Administration  
Statehouse - Annex 2  
Boise, Idaho 83720

ATTENTION: Bobby D. Fleenor, Assistant Director

RE: Permit No. 33448/36-2680

Dear Sir:

I finally received a copy of your letter dated May 15, 1973, to Commercial State Bank regarding the above entitled permit, a copy of which letter is attached. It was my distinct impression that domestic and irrigation uses were listed under the permit and therefore no amendment was necessary. Therefore I would like to ask that the matter be stayed and the water license not be issued without listing the domestic and irrigation uses until I can review the matter with you.

Yours very truly,

  
Robert E. Bakes

REB:bh

Enclosure

MICROFILMED

JAN 28 1983  
36 2680

36-02680

5/15/73

May 15, 1973

Commercial State Bank  
117 North 8th Street  
Boise, Idaho 83702

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 33448/36-2680 and has found the following:

Quantity of water diverted: 90.30 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 90.30 cfs

The maximum quantity diverted shall not exceed 65,932.2 acre feet per year.

Beneficial use: Fish propagation purposes, domestic use and the irrigation of 3 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 10, Twp. 9S, Rge. 15E, B.M.

Point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$  (Lot #1), Sec. 10, Twp. 9S, Rge. 15E, B.M.

Priority date established: June 6, 1966

Domestic and irrigation use was not listed under the original permit, therefore, it will be necessary to amend the permit to include these uses before a water license can be issued. We have enclosed a partially completed application for amendment for your use in this matter. Please sign the amendment application and return it to this office with a \$10.00 filing fee within 10 days of the date of this letter in order that we may issue the water license as set forth above.

If you do not concur with these findings, or have any questions, please contact us within the 10 day period.

Sincerely,

BOBBY D. FLEENOR  
Assistant Director

BDF:DR

Enc: Amendment form

cc: Mr. W. Lowell Bakes  
2212 Norcrest, Boise, Idaho

MICROFILMED  
36-2680  
JAN 2 1993



LJ-200  
1-63

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

Date \_\_\_\_\_, 19\_\_ DISCHARGE MEASUREMENT NOTES

River at \_\_\_\_\_

Angle coef. to out	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
2.6.5			23		150	50	6.62			1.15	
8.6.5					100	46	4.81	5.78		1.15	<del>6.57</del>
		E.W.									6.57
											8589

No. \_\_\_\_\_ of \_\_\_\_\_ Sheets. Comp. by 36 2680 Chk. by M.S.

LJ-200  
1-63

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

Date 9-21, 1972 DISCHARGE MEASUREMENT NOTES

SNAKE River at NAGIA Springs

Angle coef. to out	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
	E.W.		2.3							1.15	
2.5					100	48	4.61			1.15	4.50
8.5					60	41	3.23	3.92		1.15	
2.10					150	56	5.92			1.15	5.57
8.0					80	47	3.78	4.85		1.15	
2.15					150	52	6.37			1.15	5.92
8.15					80	45	3.94	5.15		1.15	
2.20					150	51	6.49			1.15	6.44
8.20					100	47	4.71	5.60		1.15	
2.25					150	50	6.62			1.15	6.76
8.25					100	43	5.14	5.82		1.15	
2.30					150	49	6.75			1.15	6.98
8.30					100	41	5.39	6.07		1.15	
2.35					150	49	6.75			1.15	7.10
8.35					150	59	5.62	6.18		1.15	
2.40					150	49	6.75			1.15	7.33
8.40					150	55	6.02	6.38		1.15	
2.45					50	47	7.04			1.15	
8.45					150	59	5.62	6.33		1.15	7.28
2.50					150	41	8.03			1.15	
8.50					150	59	5.62	6.52		1.15	7.49
2.55					150	44	7.52			1.15	
8.55					100	45	4.94	6.24		1.15	7.15
2.60					150	46	7.19			1.15	
8.60					100	47	4.71	5.82		1.15	6.80

No. \_\_\_\_\_ of \_\_\_\_\_ Sheets. Comp. by 36 2680 Chk. by M.S.

36-02680

GARY OLSON  
MGR.

MICROFILMED  
JAN 27 1999

36-02680

INTER-DEPARTMENT MEMO — 1

FROM Mike Steele

TO Bob Fleenor

SUBJECT

DATE

REC'D  
5-8-73

MAY 8 1973

Department of Environmental Services

These are the supplemental waters as per our conversation:

- 1. 200 Rev. 30 sec.  
16" pipe 4 1/2" full

$$R = \frac{200}{30} = 6.67$$

$$Area = C_d \cdot d^2 = 0.18 \cdot 1.33^2 = 0.32 \text{ ft}^2$$

$$V_{Ave} = 0.98 \cdot 6.67 + 0.04 = 6.58 \text{ ft/sec}$$

$$Q = VA = 6.58 \cdot 0.32 = 2.10 \text{ cfs}$$

- 2. 100 Rev. 30 sec.  
16" pipe full pipe  
 $Area = \pi \cdot 0.67^2 = 1.40$

$$R = \frac{100}{30} = 3.33$$

$$V_{max} = 0.98 \cdot 3.33 + 0.04 = 3.30 \text{ ft/sec}$$

Pipe is made of corrugated steel.  $V_{Ave} = \frac{V_{max}}{2} = 1.65 \text{ ft/sec}$

$$Q = VA = 1.65 \cdot 1.40 = 2.31 \text{ cfs}$$

Pygmy

Calc BDF 5/19/73

Mike

SIGNATURE

$$V = 0.980R + .04$$

36 2680

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JAN 28 1993

36-02680

DATE OF EXAM 9-21-72

ACREAGE  
Found \_\_\_\_\_  
Recommended \_\_\_\_\_

Irrigation Requirement \_\_\_\_\_ Ac Ft/Ac

USE Fish Prop 85.89 c.f.s. V = 62050. AF/Ann. from JAN-1 to Dec 31  
~~Irrigation~~ Q = \_\_\_\_\_ c.f.s. V = \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_  
Domestic Q = \_\_\_\_\_ c.f.s. V = \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_  
Livestock Q = \_\_\_\_\_ c.f.s. V = \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_

Is water co-mingled? yes \_\_\_\_\_ no X

Name source: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Exchange? yes \_\_\_\_\_ no \_\_\_\_\_

Name source exchanged with: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Point of injection:  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Point of exchange:  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Total Q measured 85.89 Method of measurement A. Meter

Total Q recommended \_\_\_\_\_ Meter No. R-624 Type A-meter Condition Good

Total V recommended \_\_\_\_\_

Recommended Amendments:

P.D. \_\_\_\_\_  
Place of Use \_\_\_\_\_  
Other \_\_\_\_\_  
None \_\_\_\_\_

MEASUREMENT CALCULATION:  
- Attached.  
Add Q from two additional pipes Q<sub>1</sub> = 2.10 cfs Q<sub>2</sub> = 2.31 cfs  
Q<sub>Total</sub> = 85.89 + 2.10 + 2.31 = 90.30 cfs  
AF calo. 90.3(2)365 = 65,919 AF

SYSTEM DESCRIPTION: Concrete ditch into riprap spring  
leading to rock lined ditch to lake west.

REMARKS: Gary Olson was present during measurement.

Examiner's Signature Michael Steele Date 9-21-72

Checked by Bob Haynes Date 12-6-72

Approved by \_\_\_\_\_ Date \_\_\_\_\_

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JAN 28 1993

FROM **Bob Fleenor**

TO **Bob Haynes**

SUBJECT **Permit # 36-2680**

DATE **Sept. 14, 1972**

Rim View has requested a re-examination of the quantity on Thursday, September 21st at 2:00 pm.

At the time of the original exam, they had not dispersed the fry to the ponds and, therefore, were not diverting the maximum required quantity.

We need to determine also whether they wish to amend the permit to include the domestic and irrigation uses.

If you want to change the time of the exam call Lowell Bakes at 343-1981.

BDF:dr

Attached: Exam report

SIGNATURE

36 2680

MICROFILMED

JAN 28 1984

**DEPARTMENT OF WATER ADMINISTRATION**  
FIELD REPORT

36-02680

1. Name of permit holder Commercial State Bank  
 Postoffice address 117 North 8th St., Boise, Idaho Phone \_\_\_\_\_  
 Person to contact "Gary", Manager of the Ranch (in the house Phone \_\_\_\_\_  
next to the processing building)  
 2. Source of water supply: Groundwater  Surface water  Niagara Springs  
 (name spring, stream, etc.)  
 Tributary to Snake River

3. Water will be used for the following purposes:  
 Amount 100.0 c.f.s. for Fish Propagation  
 \_\_\_\_\_ AF/Annum (nature of use)  
 Period of Use: from January 1 to December 31  
 (mo.-day) inclusive (mo.-day)  
 Amount 0.03 c.f.s. for Domestic  
 \_\_\_\_\_ AF/Annum (nature of use)  
 Period of Use: from January 1 to December 31  
 (mo.-day) inclusive (mo.-day)  
 Amount 0.06 c.f.s. for Irrigation  
 \_\_\_\_\_ AF/Annum (nature of use)  
 Period of Use: from March 15 to November 15  
 (mo.-day) inclusive (mo.-day)  
 Other uses: Beneficial use affidavit listed 0.5 c.f.s. for domestic  
and irrigation purposes

Permit No. 33448/36-2680  
 Examination for Commercial State Bank

4. Total amount to be appropriated:  
 Max Rate of Diversion 100 cubic feet per second and annual volume \_\_\_\_\_ AF/Annum.

5. Location of Point(s) of Diversion:  
 Township 9 N/S, Range 15 E/W, B.M., Section 10, Subdivision NE 1/4 NE 1/4, Gooding  
 County \_\_\_\_\_  
 Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4,  
 County \_\_\_\_\_  
 Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4,  
 County \_\_\_\_\_  
 Other Points of Diversions: \_\_\_\_\_

Description of diverting works: Niagara Springs into concrete diversion  
channel, into rock dirt ditch, then to various points for  
roadways and domestic use.

Measuring device required: yes  no

6. Lands to be irrigated or place of use.

TWP.	RANGE	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	15E	10	3																3
			X																

TOTAL ACREAGE 3

MICROFILMED  
 JAN 28 1993

36 2680

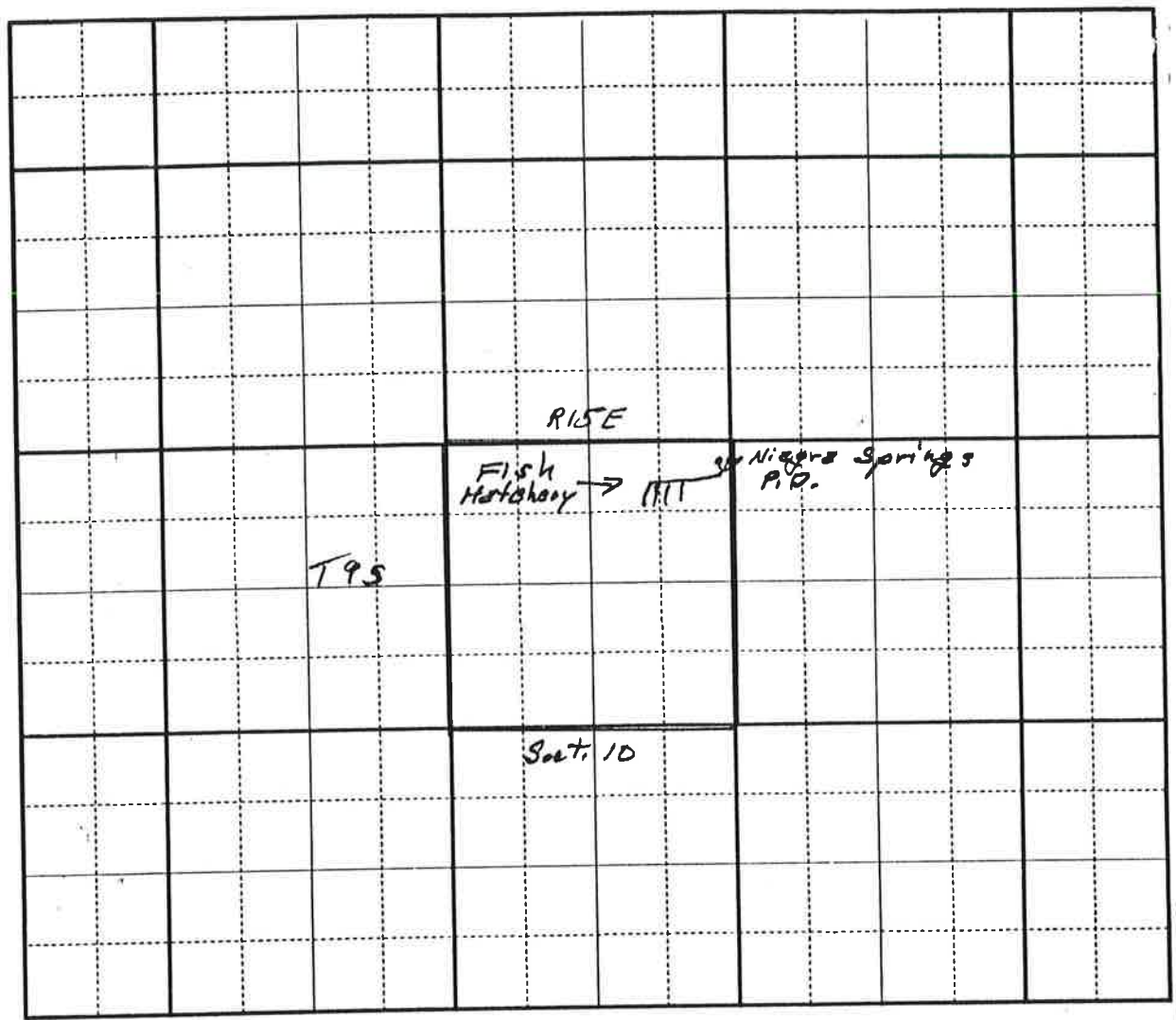
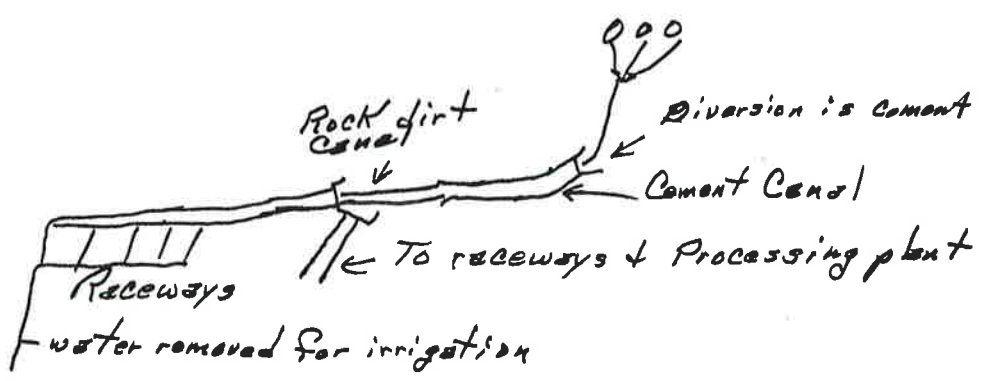


Diagram of System



MICROFILMED  
JAN 28 1993



36-02680

DATE OF EXAM August 3, 1972

ACREAGE Found 3  
Recommended 3

Irrigation Requirement 4.0 Ac Ft/Ac

USE  
Irrigation Q = 1.06 c.f.s. V = 12.0 AF/Ann. from March 15 to Nov 15  
Domestic Q = 1.03 c.f.s. V = 4.0 AF/Ann. from Jan 1 to Dec 31  
~~Livestock Q = 20.04 c.f.s. V = AF/Ann. from Jan 1 to Dec 31~~  
Fish Propagation

Is water co-mingled? yes \_\_\_\_\_ no X

Name source: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County \_\_\_\_\_

Exchange? yes \_\_\_\_\_ no X

Name source exchanged with: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County \_\_\_\_\_

Point of injection: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County \_\_\_\_\_

Point of exchange: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County \_\_\_\_\_

Total Q measured 70.07 c.f.s. Method of measurement "A" meter

Total Q recommended 70.07 Meter No. W-624 Type Current Condition Good

Total V recommended \_\_\_\_\_

Recommended Amendments:

P.D. \_\_\_\_\_  
Place of Use \_\_\_\_\_  
Other \_\_\_\_\_  
None

MEASUREMENT CALCULATION:  
See attached A meter readings

SYSTEM DESCRIPTION:  
Niagra Springs into concrete diversion canal, into rock dirt ditch then to various points for roadways and domestic use

REMARKS:  
Irrigation water is used after the water is used for fish propagation.

Examiner's Signature Kenneth F. Howard Date 8/3/72  
Checked by \_\_\_\_\_ Date \_\_\_\_\_  
Approved by \_\_\_\_\_ Date \_\_\_\_\_

MICROFILMED  
JAN 28 1993

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

01-28-1993

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1972 ✓

Department of Water Administration

1. a) Name of Permit Holder Rim View Trout Co.  
b) Post Office Address 2901 Idaho St., Boise, Idaho, or Wendell, Idaho  
2. Permit Number 33448/36-2680  
3. Date of Priority that you are prepared to establish \*(See explanation below)  
4. a) Source from which water was appropriated Niagara Spring  
b) Location of the point of diversion: N.E. ¼ N.E. ¼, Section 10  
Township 9 South, Range 15 East Boise Meridian, Other points of diversion:

5. a) The amount of water and use to which the water has been applied:  
amount 39.5 cfs \* for fish propagation purposes from Jan. 1 to Dec. 31 incl.  
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)  
amount 60.0 cfs \* for " " purposes from Jan. 1 to Dec. 31 incl.  
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)  
amount .5 cfs for Domestic & irrigation purposes from Jan. 1 to Dec. 31 incl.  
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)  
b) Total amount appropriated 100 cfs and/or acre feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: 99 sec. ft. was measured by George Lemmon of Hagerman, Idaho. Method-cross section and rate of flow.

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:  
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: The means of diversion and conveyance are owned by Permit-holder, upon an easement across Idaho Power property.  
b) Describe the agreement or understanding by which you take water from the works: Permit holder owns the works.

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Concrete head works and concrete canal. The dimensions are approximately 7 feet wide and 4 feet deep.  
b) Describe the type and size of measuring device which you have installed at your point of diversion: None. At the time the application was filed no measuring device was required.  
c) Give well drillers name and address and date the well was completed Not applicable

\*Rim View Trout Co. claims a use right for the first 40 cfs with a priority dating from 1939. The balance of 60 cfs in the application is based upon a June 6, 1966, priority date. (See the Stipulation between Rim View Trout Co. and Idaho Power Co. on file in this file and in the Idaho Power Co. application, Permit Jan 28 1993). The domestic and irrigation right is part of the use right in the first 40 cfs. The balance of the application, i.e. 60.0 cfs, is entirely for fish propagation purposes.

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use fish propagation (non-consumptive) primarily.  
.5 cfs is used for irrigation and domestic use.

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
			9S	15E	10	14													

Total number of acres irrigated approx. 10

10. Remarks:

The above information is a true statement of the extent to which the above numbered permit has been developed.

December 1, 1971 (Date) W. Lowell Baker (Signature)

State of IDAHO )  
 County of Ada ) ss.

On this 1st day of December, 19 71, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]  
 Notary Public residing at Boise

My commission expires 6/23/72

**NOTARIES**  
**JAN 28 1972**

RECEIVED

OCT 5 1966

Department of Reclamation

DEPARTMENT OF RECLAMATION OF THE STATE OF IDAHO  
STATE RECLAMATION ENGINEER  
BOISE, IDAHO

10/5/66

IN THE MATTER OF APPLICATION NO	)	
41095 FOR PERMIT BY RIMVIEW	)	
TROUT COMPANY, INC. TO APPROPRIATE	)	AGREEMENT AND STIPULATION
100 CFS OF WATER FROM NIAGARA SPRINGS	)	

WHEREAS, Rimview Trout Company, Inc., has heretofore filed Application No. 41095 for 100 cfs of water from Niagara Springs to be used for fish propagation purposes; and

WHEREAS, the Idaho Power Company has filed a protest with the State Reclamation Engineer against the allowing of said Application; and

WHEREAS, the Idaho Power Company is the owner of the land upon which Niagara Springs is located, and Idaho Power Company has heretofore filed Application No. 40874 for 152 cfs of water from Niagara Springs for use in the fish hatchery that it has constructed; and

WHEREAS, Rimview Trout Company, Inc., now and for several years past has diverted and used approximately 40 cfs of water from Niagara Springs, and in making its Application No. 41095, Rimview Trout Company, Inc., is seeking to increase its water right to a total of 100 cfs, including therein the 40 cfs which it has been diverting and using for fish propagation purposes for several years; and

WHEREAS, certain differences have arisen between the Idaho Power Company and the Rimview Trout Company, Inc., concerning the right of the Rimview Trout Company, Inc., to expand its canal presently crossing the Idaho Power Company property, and also concerning the relative priorities to water rights between the Rimview Application and the Idaho Power Company Application; and

The parties hereto having compromised their differences

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JAN 28 1963

regarding these and all other issues over which they are now in dispute, and the parties intending to be legally bound hereby;

NOW, THEREFORE, it is hereby stipulated and agreed between the parties that:

I

The Rimview Trout Company, Inc., in filing its Application No. 41095 for 100 cfs of water from Niagara Springs, is seeking a total appropriation of not to exceed 100 cfs of water from Niagara Springs, which 100 cfs includes therein the 40 cfs which Rimview is now, and has for some time been, diverting and using in conjunction with its trout hatchery operation, and Rimview agrees that the additional water appropriation herein sought over and above the 40 cfs now being diverted and used by said Rimview will be limited by the amount of such additional appropriation which Rimview can actually put to beneficial use pursuant to its Application No. 41095.

II.

That the parties hereto agree between themselves, for the purposes of their proceedings now before the State Reclamation Engineer upon Rimview Application No. 41095, and upon Idaho Power Company Application No. 40874, that the following priorities shall exist between the parties concerning their applications and appropriations of water from Niagara Springs:

1. First priority shall be to the 40 cfs now being diverted and used by Rimview Trout Company, Inc.
2. Second priority shall be to Idaho Power Company for 110 cfs, that being the approximate amount of water which Idaho Power is now putting to beneficial use pursuant to its Application No. 40874.
3. Third priority shall be to Rimview Trout Company, Inc. for not to exceed 60 cfs of water based upon its Application No. 41095, limited by the actual amount of said 60 cfs which Rimview shall actually put to beneficial use.

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JAN 28 1993

4. Fourth priority shall be to Idaho Power Company for the 42 cfs which represents the balance of the water sought by the Idaho Power Company under its Application No. 40874.

III.

Concurrently with the execution of this agreement, the Idaho Power Company agrees to execute a canal easement granting to the Rimview Trout Company, Inc., an easement for a canal to conduct up to 100 cfs of water over a strip of land 10 feet on either side of the center line of the existing Rimview canal across the Idaho Power Company property, together with such additional area as is reasonably necessary for the movement of equipment and personnel in performing any construction work and maintenance upon the canal to be maintained and constructed within said 20 foot strip.

IV.

Based upon the foregoing agreements, Idaho Power hereby withdraws its protest filed against the Application of Rimview, No. 41095, and consents to the granting of a permit based upon said Application, subject to the conditions set out in this agreement.

V.

This agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto.

Dated this 5th day of October, 1966.

IDAHO POWER COMPANY

By NR Moore  
Vice President

ATTEST:

J. H. Rogers  
Assistant Secretary

RIMVIEW TROUT COMPANY, INC.

By W. Lawrence Bales  
President

ATTEST:

Maud Gannell  
Secretary

33448

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JAN 28 1993

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OCT 5 1966

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10/5/66

Department of Reclamation

CANAL EASEMENT

THIS INDENTURE, Made this 3rd day of October, 1966, by and between IDAHO POWER COMPANY, a corporation, with its principal place of business in Boise, Idaho, as party of the first part, and RIMVIEW TROUT COMPANY, a corporation, of Wendell, Idaho, as party of the second part:

WITNESSETH: That for ONE DOLLAR (\$1) and other valuable consideration, receipt of which is hereby acknowledged, the party of the first part does hereby convey and grant a canal right-of-way unto the Rimview Trout Company, its successors or assigns for the purpose of maintaining, reconstructing and enlarging a canal presently existing between the property of the second party across the property of the first party to Niagara Springs located in Gooding County, Idaho, more particularly described as follows, to-wit:

A strip of land twenty (20) feet in width extending ten (10) feet on either side of the center line of the existing Rimview Canal described as follows:

Beginning at a common corner to Sections 3, 2, 10 & 11, Township 9 South, Range 15 East, Boise Meridian; thence S. 89°51' W., 427.9 feet to a point, which point is the northwest property corner of Niagara Springs Tract No. 1; thence south along west boundary of Niagara Springs Tract No. 1 832.0 feet to a point more or less in center line of Rim View Ditch; thence N. 78°30' E., 139 feet to a point; thence East, 122 feet to a point; thence N. 77°30' E., 80 feet to a point; thence N. 59° E., 43 feet to a point, which is on the west edge of the main body of water of Niagara Springs, the point of diversion.

Also a strip of land five (5) feet in width beginning at a point along the center line of the existing Rimview canal approximately twelve (12) feet N. 78°30' E. of the west boundary line of the Niagara Springs Tract No. 1, where the existing 24" pipe enters said Rimview canal, said 5 foot strip extending southwesterly approximately Thirty (30) feet to the intersection of the west line of Niagara Springs Tract No. 1, and to generally follow the course of said existing 24" pipe from its inlet on the Rimview canal, to its outlet on the Rimview property.

For the purpose of performing construction work and maintenance, the second party shall have the use of such additional land adjacent to said canal as is reasonably necessary for the movement of equipment and personnel.

Executed this 5<sup>TH</sup> day of October, 1966.

ATTEST:

J. Rogers  
Asst. Secretary

IDAHO POWER COMPANY

By

H. M. Moom  
Vice President

3344 P  
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JAN 28 1963

STATE OF IDAHO )  
                  ) SS.  
COUNTY OF ADA )

On this 5th day of October, 1966, before me, the undersigned, a Notary Public, personally appeared H. R. Moore, and J. H. Rogers, known to me to be the Vice President and Assistant Secretary of Idaho Power Company, and the persons executing the foregoing instrument on its behalf, and acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I Have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

May L. Martin  
Notary Public for Idaho  
Residing at Boise, Idaho

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JAN 28 1993

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OCT 5 1966

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Department of Reclamation DEPARTMENT OF RECLAMATION OF THE STATE OF IDAHO  
STATE RECLAMATION ENGINEER  
BOISE, IDAHO

IN THE MATTER OF APPLICATION NO )  
41095 FOR PERMIT BY RIMVIEW )  
TROUT COMPANY, INC. TO APPROPRIATE ) WITHDRAWAL OF PROTEST  
100 CFS OF WATER FROM NIAGARA SPRINGS )

WHEREAS, Rimview Trout Company, Inc., has heretofore filed an application for 100 cfs of water from Niagara Springs to be used for fish propagation purposes; and

WHEREAS, the Idaho Fish and Game Department has filed an objection to the Application of Rimview; and

WHEREAS, the State of Idaho Fish and Game Department is satisfied with the agreement and stipulation concluded between the Idaho Power Company and the Rimview Trout Company, Inc.;

NOW, THEREFORE, the Idaho Fish and Game Department hereby withdraws its objections to the Application No 41095 filed by the Rimview Trout Company, Inc., and consents that a water permit be issued to said Rimview on Application 41095.

Dated this \_\_\_\_\_ day of October, 1966.

STATE OF IDAHO FISH AND GAME DEPARTMENT

By J. J. Jones III

33448

MICROFILMED  
JAN 28 1993

SEPT '66

APOL 41095 - RIM VIEW TROUT COMPANY

100 CFS - NIAGARA SPRINGS

BOB BAKES - PROPOSE TO APPROP APPROPRIATE WATER FROM SPRINGS  
AND CHANGE IN POINT OF DIVERSION

EXISTING RIGHT TO 40 CFS - WHICH WAS INCREASED FROM  
1949 TO 1962  
ARE LOSING CONSIDERABLE WATER.

TOTAL OF 100 CFS NOT 100 CFS INCREASE  
INTAKE MOVE UPSTREAM ACROSS ROAD - APPROVED BY  
I.P. Co. - LETTER OF CONSENT TO 40 CFS ONLY -  
NOT AGREEMENT TO DIVERT 100 CFS -

JAMES E. BRUCE - I.P.

I.P. HAS NOT CONCLUDED WHAT POSITION IT IS GOING TO  
TAKE. - CONTEND THAT UNDER EXISTING STATUTE - I.P. MUST  
CONSENT TO QUANTITY OF WATER TO BE APPROPRIATED. ORIGINAL  
USE RIGHT OF SCHWELK PEPPER WAS INITIATED IN TRESPASS.  
AGREEMENT IN 1952 GRANTING PERMISSIVE USE RIGHT - THIS  
WAS TERMINATED IN 1966 BY NEW AGREEMENT UP TO 26 CFS.

APPLICANTS CONTEND THIS IS PUBLIC WATER. - LICENSES ISSUED BY  
DEPARTMENT AND FILING BY POWER COMPANY ITSELF.

JAMES SIMPSON - F & G.

PUBLIC INTEREST IN NIAGARA SPRINGS. WOULD NOT WANT  
WATER DIVERTED TO DECREASE AESTHETIC BEAUTY. MINIMUM STREAMFLOW

MICROFILMED 3548

JAN 28 1993

OF 50 CFS REQUIRED <sup>249</sup>  
 Minimum flow ~~249~~ CFS 198 CFS 1967 NOT WARRANTED  
 AVE DISCHARGE - 40 CFS - May 65

Wayne Travis - U.S.G.S.

Records show considerable change in flow of springs  
 due to changes in water of Snake River plain

Blue Lanes  
 Box Canyon  
 Niagara Springs

) THESE EXISTING LONG-TERM  
 GAGING STATIONS.

1902 - 107 CFS

1917 - 250-260 CFS

1924 - 270 CFS

1950 - 300 CFS

1955 - 320 CFS

1959 - 300 CFS

GAGE INSTALLED -

1965 - 300 CFS

TAKEN UNDER ADVICE. - SET FOR  
 FORMAL HEARING -

33448  
 MICROFILMED  
 JAN 28 1993



8/15/66

S T A T E O F I D A H O  
D E P A R T M E N T O F R E C L A M A T I O N

IN THE MATTER OF PERMIT	)	RESCINDING PREVIOUS ACTION
	)	IN GRANTING PERMIT
No. 32711	)	<u>ORDER</u>
	)	
	)	

APPLICATION FOR PERMIT NO. 40874 was filed by the Idaho Power Company on January 31, 1966, and sought 152 second feet of water from Niagara Springs for operation of fish hatchery, domestic, fire protection and fish rearing. Said application was subject to the provisions of Section 42-203, Idaho Code, which requires that notice be prepared by this department and published in a newspaper printed in the county wherein the point of diversion lies, which notice should advise that any protest against the approval of the application may be filed with the Department of Reclamation. However, such notice was not prepared nor published and no opportunity was given for filing of protests, and therefore, the subsequent action of this office in granting Permit No. 32711 on said application is invalid by reason thereof.

IT IS THEREFORE ORDERED, and action of this office in granting Permit No. 32711 is hereby vacated, rescinded and set aside and said permit is held in suspense until such time as notice can be published and all other required action is taken. No proof of completion of works or beneficial use of the water will be received and no certificate or license will be issued by this office until such time as said permit is reinstated.

DATED THIS 15th day of August, 1966

  
 Deputy State Reclamation Engineer

MICROFILMED  
 JAN 28 1983



IN REPLY REFER TO:

UNITED STATES  
DEPARTMENT OF THE INTERIOR

RECEIVED  
JUL 26 1966

GEOLOGICAL SURVEY  
Water Resources Division  
Room 215, 914 Jefferson Street, Boise, Idaho 83702  
Department of Reclamation

July 22, 1966

Mr. Carl E. Tappan  
State Reclamation Engineer  
Statehouse  
Boise, Idaho 83702

33448

Dear Mr. Tappan:

Subject: Application of the Rimview Trout Co. for diversion from  
Niagara Springs, sec.10, T.9 S., R.15 E.

Reference is made to the application of the Rimview Trout Co. for  
permit to divert 100 cubic feet per second of the flow of Niagara  
Springs for use in a commercial fish hatchery. It is understood  
that a hearing on this matter is scheduled for 2 p.m. on August 3,  
1966.

The Geological Survey, in cooperation with the State of Idaho, has  
been operating a recording gaging station on the outflow from  
Niagara Springs since October 1958. This is one of three gaging  
stations on spring outlets which are being operated to monitor the  
outflow from the Snake Plain aquifer in relation to irrigation  
development on the Snake River plain. It is extremely important  
that conditions be maintained which will permit the continued opera-  
tion of the Niagara Springs gaging station.

Recently the station facilities were moved under our direction by  
the Idaho Power Co. to accommodate the construction of the fish  
hatchery by that company which is to be used in transferring the  
anadromous fish runs from the Snake River to the Salmon River. The  
proposed diversion by the Rimview Trout Co. will require the in-  
stallation of additional gaging facilities to maintain the Niagara  
Springs record. Therefore, it is requested that if a permit for  
the diversion is granted the company be required to construct and  
maintain facilities for continuously recording the flow in the  
diversion and to pay for the additional cost of record collection  
incurred by the Geological Survey. The design of gaging facilities  
should be subject to the approval of the Idaho Department of Recla-  
mation and the Geological Survey.

33 448  
MICROFILMED

JAN 28 1993

C. E. Tappan - 7-22-66

RECEIVED  
JUL 26 1966

Department of Reclamation  
It will be appreciated if your office will enter this request at the hearing on August 3. A representative from this office can appear at the hearing if you determine this to be necessary.

Sincerely yours,

*W L Burnham*

W. L. Burnham  
District Chief

In duplicate

33 448  
MICROFILMED  
JAN 28 1993

33448

ROBERT E. SMYLYE, Governor  
COMMISSION  
GLENN STANGER, Idaho Falls  
R. J. HOLMES, Twin Falls  
ARLIE JOHNSON, Boise  
WILLIAM B. DURBON, Moscow  
FRANK CULLEN, Coeur d'Alene

JOHN R. WOODWORTH, Director  
POST OFFICE BOX 25  
600 SOUTH WALNUT STREET  
BOISE, IDAHO, 83707

# IDAHO FISH AND GAME DEPARTMENT

July 20, 1966

**RECEIVED**  
JUL 21 1966

**Department of Reclamation**

The State Reclamation Engineer  
Statehouse  
Boise, Idaho

Dear Sir:

Reference is made to Permit Application 41095 by the Rimview Trout Company, Incorporated, for the diversion of 100 second feet of water from Niagara Springs. It is our understanding that Idaho Power Company currently has application on 120 second feet which will be used in the operation of the Niagara Springs Hatchery.

A review of the U. S. Geological Survey records on discharge from the Springs shows that minimum flows as low as 198 second feet (1964) can occur. Further review shows flows consistently below 250 second feet for several months each year. Niagara Springs Falls and the Creek have long been one of the scenic attractions in Magic Valley and is heavily used by fishermen year-round. Withdrawal of additional water will certainly detract from the recreational qualities of the area.

The Idaho Fish and Game Department will offer no protest to this application providing a minimum flow of 170 second feet or more is maintained below the diversion point of Rimview Trout Company for fishing and fish cultural purposes; and providing the diversion of Rimview Trout Company is not extended upstream; and providing that during any construction, proper precautions are taken to preclude release of silt or extraneous material into the water intake for the Niagara Springs Hatchery operated by the Idaho Fish and Game Department.

Sincerely,

IDAHO FISH AND GAME DEPARTMENT  
John R. Woodworth, Director

*James C. Simpson*  
James C. Simpson  
Acting Director

cc: Idaho Power Company

**MICROFILMED**  
33  
JAN 28 1993

SNAKE RIVER



HYDRO POWER

# IDAHO POWER COMPANY

BOX 770 • BOISE, IDAHO 83701

July 20, 1966

33448

State of Idaho  
Department of Reclamation  
Boise, Idaho

Gentlemen:

I am filing herewith original plus two copies of Protest by Idaho Power Company to Application No 41095. This protest is made upon the grounds of failure to comply with the provisions of 42-212 and 213, Idaho Code.

Very truly yours,

James E Bruce  
Secretary

JEB:mlm

Encls



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**RECEIVED**  
MICROFILMED  
JUL 20 1966  
Department of Reclamation

DEPARTMENT OF RECLAMATION OF THE STATE OF IDAHO  
STATE RECLAMATION ENGINEER  
BOISE, IDAHO

RECEIVED  
JUL 20 1966  
Department of Reclamation

IN THE MATTER OF APPLICATION NO )  
41095 FOR PERMIT BY RIM VIEW )  
TROUT COMPANY TO APPROPRIATE )  
100 CFS OF WATER FROM NIAGARA )  
SPRINGS )

PROTEST

33448

COMES NOW, Idaho Power Company and protests the Application No 41095 filed by Rim View Trout Company for the appropriation of 100 cfs of water from Niagara Springs, on the following grounds:

I

Exhibit B of Applicant's application shows that the diversion will be from Niagara Springs and that the point of diversion will be located on property that does not belong to the Applicant, but does belong to Idaho Power Company.

II

That the application is deficient in that it fails to contain the affidavit of permission to file on springs and the information required in accordance with the provisions of 42-213, Idaho Code.

III

That failure to contain the information required by 42-213, Idaho Code, and particularly the failure to show that written permission has been obtained from Idaho Power Company, the owner of the land upon which the Niagara Springs is situated, renders the application defective and the Department of Reclamation cannot under the provisions of 42-212, Idaho Code, issue a permit for the appropriation of the waters of Niagara Springs by Rim View Trout Company.

WHEREFORE, it is hereby respectfully requested that the Department of Reclamation, acting by and through the State Reclamation Engineer, reject and deny the application of Applicant and require the Applicant to obtain the written consent or permission of Idaho Power Company to its filing for the appropriation of waters of Niagara Springs, all in accordance with the provisions of 42-212 and 213, Idaho Code.

MICROFILMED  
JAN 28 1968

DATED at Boise, Idaho, this 19th day of July, 1966.

IDAHO POWER COMPANY  
1220 Idaho Street  
Boise, Idaho

33448

By James E. Bower  
Secretary & General Counsel

STATE OF IDAHO    )  
                          ) ss  
County of Ada     )

J F Emery, being first duly sworn, deposes and says:

That he is Vice President and General Manager of Idaho Power Company, protestant in the above entitled matter; that he has read the foregoing Protest and knows the contents thereof; that the statements made therein are true to the best of his knowledge and belief.

J F Emery

Subscribed and sworn to before me this 19th day of July, 1966.

Mary J. ...  
Notary Public  
Residing at Boise, Idaho

(NOTARIAL SEAL)

MICROFILMED  
33448  
JAN 28 1993

33448

6/7/66

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 42-203, IDAHO CODE

NOTICE IS HEREBY GIVEN, That W. L. Bakes, President, Rim View Trout Company, Inc. of Wendell, County of Gooding, and State of Idaho, has made application No. 41095 on the 6th day of June, 1966, to appropriate 100 c.f.s. of water from Niagara Springs, tributary of Snake River for Fish Propagation purposes (non consumptive.)

That the point of diversion is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 10, T. 9 S., R. 15 E., B.M., Gooding County.

The place of use of said water is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 10, T. 9 S., R. 15 E., B.M. and the water is to be returned to Snake River at a point in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 10, T. 9 S., R. 15 E., B.M.

That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said application.

Dated this 7th day of June, 1966

*R. Keith Higginson*  
R. KEITH HIGGINSON  
Deputy State Reclamation Engineer

Date of First Publication June 26, 1966

Date of Last Publication June 30, 1966

Last Date for Protest July 17, 1966

SERVICE OF THE FOREGOING, by copy, is hereby acknowledged this \_\_\_\_\_ day of \_\_\_\_\_, 1966.

W. L. Bakes  
Applicant

By June 13, 1966

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JAN 23 1968  
33448

36-02680

Address all communications to

Form No. 1  
SM 1-65

M. L. Baker  
P. O. 2002 Lemhi Street, Boise, Idaho 83702

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

RECEIVED  
JAN 6 1986  
11:55 AM  
Department of Reclamation

Application No. 41127  
Permit No. 33448  
District No. \_\_\_\_\_

1. Name of Applicant: Ria View Trout Company, Inc.  
Post Office address: Wendell County Gooding State Idaho

If applicant is a corporation, give:

(a) Date and place of incorporation: Sept. 10, 1952 Boise, Idaho  
(b) Amount of Capital stock: \$ 100,000.00 (c) Amount paid in: \$ 100,000.00  
(d) Names and addresses of directors: M. L. Baker, 2002 Lemhi St., Boise, Idaho  
Robert Teachout, 3027 Grover St., Boise, Idaho  
Thurlief Rangen, 115 1/2 Ave., South, Burli, Idaho

The financial resources of the applicant are: (a) Cash on hand: \$ 120,000.00  
(b) Treasury stock: \_\_\_\_\_ (c) Bonds to be issued: \_\_\_\_\_  
(d) Other resources: \_\_\_\_\_

2. Quantity of water claimed: 100 cubic feet per second

3. Source of water supply: Hiasara Springs  
which is tributary of Snake River

4. Location of point of diversion: 580 Bearing S 12 degrees West feet distant from the Northeast corner of Section 10, Twp. 9 S, Rge. 15 E, B. M., and is in the NE 1/4 NE 1/4 (1st) of Section 10, Twp. 9 S, Rge. 15 E, B. M., County of Gooding

5. Water is to be used for: Fish Propagation (Non-consumptive)

6. If for any non-irrigation purpose, give:  
(a) Point of use of water: \_\_\_\_\_ feet distant from NE corner of Section 10, Twp. 9 S, Rge. 15 E, B. M., in the NE 1/4 NE 1/4 of Section 10, Twp. 9 S, Rge. 15 E, B. M.  
(b) Amount of power generated: None H. P., under \_\_\_\_\_ feet head.  
(c) Water is to be returned to Snake River at a point \_\_\_\_\_ feet distant from the NE 1/4 NE 1/4 corner of Section 10, Twp. 9 S, Rge. 15 E, B. M., in the \_\_\_\_\_ of Section 10, Twp. 9 S, Rge. 15 E, B. M.

7. Estimated cost of works: \$ \_\_\_\_\_

8. Kind of works: See Exhibit A and Explanation  
(Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam \_\_\_\_\_ feet; length of dam at top \_\_\_\_\_ feet; length of dam at bottom \_\_\_\_\_ feet; material used in dam \_\_\_\_\_  
(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for regulations.)

10. Size of headgate: Width None feet; Height \_\_\_\_\_ feet

11. Ditch: Width at bottom 8 feet; Width at water line 10.5 feet; Depth of water 30 inches

Dimensions of flume -0-; Diameter of pipe -0- inches;  
Length of conduit -0- miles. Average grade per mile 45 feet.

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- 16. (a) Is reservoir to be used? Yes - See remarks (If so, fill in (b) and (c) below.)
- (b) Name of reservoir and number of Storage Permit: N. A.
- (c) Date of filing of Application for Storage Permit and Name of Applicant: \_\_\_\_\_

Remarks: Water is not to be impounded. The natural flow will be slowed in the ponds and raceways, but all the water will be returned to the Snake River.

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

Riv View Trout Company, Inc. Applicant.  
 By W. Baker Pres. r, Agent

### Affidavit of Permission to File on Springs \*

(Not to be used when spring is situated on lands owned by applicant.)

I, \_\_\_\_\_, of \_\_\_\_\_, County of \_\_\_\_\_, State of \_\_\_\_\_, do hereby certify that I am the owner of the land on which the spring mentioned in the application of \_\_\_\_\_ is located, to-wit: \_\_\_\_\_ and that I do hereby grant unto the said \_\_\_\_\_ permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO )  
 County of \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, a Notary Public for the State of Idaho, residing at \_\_\_\_\_, personally appeared \_\_\_\_\_ known to me to be the person... whose name... subscribed to the foregoing certificate, and acknowledged to me that ...he... executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

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

\* See Exhibit B.

Notary Public.

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EXHIBIT A

Explanation of Item 8 - Listing of existing works and planned works.

1. EXISTING WORKS

- a. Canal - Capable of carrying approximately 40 cubic feet per second from Niagara Springs to Rim View property.
- b. Water Supply Facilities - See attached drawings.
- c. Hatchery Facilities - At present there are:
  1. 19 Raceways and rearing ponds
  2. 4 Nursery raceways
  3. Hatchery space for approximately 350,000 eggs.
- d. Processing Plant - Packaging and freezing facilities.

2. PLANNED WORKS - To be placed within 5 years.

- a. Canal - Relocation present canal by moving head of the ditch approximately 40 feet upstream and placing a 54 inch pipe, 100 cubic feet per second, can be readily transported to the Rim View property.
- b. Hatchery Facilities
  1. Placing of 20 to 30 more raceways and rearing ponds.
  2. 5 nursery raceways
  3. Hatchery facilities to meet the requirements of increased production.
- c. Processing Plant - For cleaning, deboning, packaging and freezing of fish for the market.

RECEIVED  
JUN 8 1966

Department of Reclamation

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EXHIBIT B

Attached is a copy of a notarized agreement between Idaho Power, owner of land surrounding Niagara Springs and Rim View Trout Company. On page 3, paragraph II (a) Rim View is granted an easement for water across Idaho Power property.

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RECORDED  
JUN 6 1966

Department of Reclamation

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JUN 28 1968

AGREEMENT

AGREEMENT, Made this 18th day of February, 1966, between IDAHO POWER COMPANY, a corporation, hereinafter called "Company", and RIM VIEW TROUT COMPANY, a corporation, hereinafter called "Rim View",

33448

WHEREAS, Company and Rim View have heretofore entered into a license agreement for the utilization by Rim View of certain property belonging to Company; and

WHEREAS, Company is now required by the Federal Power Commission, pursuant to its license FPC No 1971, to construct a fish hatchery, which hatchery will be constructed on the Company's Niagara Springs property and will require the utilization of the area of Company's land now used by Rim View,

NOW, THEREFORE, in consideration of the terms, covenants and conditions hereinafter set forth, it is agreed between the parties hereto:

I

Company will:

(a) Install a culvert with a capacity designed to carry a flow of 26 cfs, which culvert will be installed in the existing ditch which presently serves the Rim View trout facilities. The culvert will be approximately 60 feet in length with approximately 10 feet of this length being situated on Niagara Springs Tract #1, as said tract is described hereinafter, and 50 feet situated on property owned by Rim View. This culvert will serve to transport a maximum flow of 26 cfs under proposed access road to the Niagara Springs fish hatchery to be constructed by Company. Copy of a drawing showing the location of the culvert and access road are attached hereto as Exhibit A, and by reference made a part hereof,

(b) Construct a water supply facility designed to supply 14 cfs to the rearing ponds located on Rim View property and to the hatching facility located on said property. Said facilities to be constructed are as follows:

Beginning at a point in the existing ditch serving the Rim View rearing facilities, said point located approximately 12 feet East of the

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West boundary of the Niagara Springs Tract #1, install a conduit sized to transport a maximum capacity of 15 cfs, which conduit will connect with a distribution structure (denominated Structure #1) to be located approximately 65 feet South of the center line of the existing road to the Niagara Springs property and approximately 25 feet West of the East boundary of Rim View property. From this distribution structure a conduit of a size to transport 14 cfs will be installed extending Southward approximately 280 feet to an energy dissipating structure (denominated Structure #2) located near the Northeast corner of the Northeasterly rearing pond presently located on Rim View property. This conduit, its supports, and the structures located at either end of the conduit will occupy a strip of land designated as the East 5 feet of Lots 1 and 9 for a distance of approximately 280 feet between structures #1 and #2. From structure #2, an additional conduit of a size to transport 14 cfs will be installed approximately 140 feet in length and extending to a point near the Southeast corner of the Southeasterly rearing pond on Rim View property. This conduit will serve as a distribution facility to the three extra rearing ponds and will be provided with a total of five (5) outlets equipped with slide gate or other suitable flow controls.

Extending from structure #1 a second outlet conduit will be provided to transport 1 cfs of water to the existing flume serving the Rim View facility. This conduit will be approximately 65 feet in length and will occupy a strip of land 5 feet in width extending 2½' on either side of a center line which will begin at structure #1 and extend South 66° West 65' to the existing flume.

The existing domestic and sprinkler system water supply will be interconnected in the water distribution system in order to supply water to the house and packing sheds.

All of said water supply facility will be installed as shown on the drawing attached hereto as Exhibit A, and by reference made a part hereof.

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II

Rim View agrees:

(a) To immediately vacate and cease to use and remove its movable property from the Company's premises, which use has been made in accordance with a license agreement between the parties. Such vacation of use will not extend, however, to the existing canal across the Company's premises for which the Company will grant to Rim View an easement of water from Niagara Springs for the purpose of aiding appropriation.

(b) To grant to Company an easement across the following described property belonging to Rim View for the construction of an access road:

A strip of land twenty (20) feet in width extending ten (10) feet on either side of the following described centerline:

Beginning at the common corner of Sections 3, 2, 10, and 11, Township 9 South, Range 15 East, Boise Meridian; thence S 89°51' W, 427.9 feet to a point, which point is the north-west property corner of Niagara Springs Tract No 1; thence south along the west boundary of Niagara Springs Tract No 1, 949.5 feet, more or less, to a point, which point is the intersection of said west boundary with an existing roadway; thence south 45.0 feet along said west boundary of said Niagara Springs Tract No 1 to the true Point of Beginning of said centerline; thence N 76°00' W, 132.0 feet to a point on the centerline of an existing road, excepting that portion of the above described strip of land which may lie on an existing road right of way.

III

It is understood and agreed that the license agreement between the parties originally dated as of December 18, 1952, will no longer be of any force or effect and is hereby declared to be terminated.

IV

For the purposes of this agreement Niagara Springs Tract No 1 is described as follows:

A tract of land lying within Section 10, Township 9 South, Range 15 East, Boise Meridian, Gooding County, Idaho, described as follows:

Beginning at the section corner common to Sections 2, 3, 10 and 11 of Township 9 South, Range 15 E, BM, as shown on the official plat of the U S Dependent Resurvey dated April 7, 1918; thence South 89°51' West upon and along the North section line of said Section 10 a distance of 427.9 feet; thence South a distance of 1863.8 feet to a point on the

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right bank of Snake River in the said Section 10; thence continuing South to the thread of Snake River; thence upstream along the thread of said Snake River to the Section line between said Sections 10 and 11; thence North 8°44' W along and upon said Section line to the meander corner on right bank of Snake River between said Sections 10 and 11; thence North upon and along the Section line between said Sections 10 and 11 a distance of 2073.1 feet to the section corner common to said Sections 2, 3, 10 and 11, the point of beginning, containing 20 acres, more or less.

v

This agreement and all the provisions thereof shall be binding upon the heirs, representatives, successors and assigns of the parties hereto and the respective easements granted to the parties shall be covenants running with the land.

IN WITNESS WHEREOF, The parties hereto have executed this agreement on the day and year first above written.

IDAHO POWER COMPANY

By HR Moore  
Vice President

ATTEST:

James E. Bonner  
Assistant Secretary

RIM VIEW TROUT COMPANY

By M.J. Schneck  
President

ATTEST:

Elsie L. Schneck  
Secretary

33448  
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JAN 28 1993

STATE OF IDAHO )  
                  ) ss  
County of Ada )

On this 18th day of February, 1966, before me, Mary J. Morton  
\_\_\_\_\_, a Notary Public in and for said County and State, personally  
appeared H R MOORE and JAMES E BRUCE, known to me to be the Vice President and  
the Assistant Secretary of Idaho Power Company, and the persons executing the  
foregoing instrument on its behalf, and acknowledged to me that said corporation  
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my  
official seal, the day and year in this certificate first above written.

(NOTARIAL SEAL)

Mary J. Morton  
Notary Public for the State of Idaho  
Residing at: Boise, Idaho  
My Commission expires: April 1, 1968

STATE OF IDAHO )  
                  ) ss  
County of Ada )

On this \_\_\_\_\_ day of February, 1966, before me, Mary J. Morton  
\_\_\_\_\_, a Notary Public in and for said County and State, personally  
appeared M J SCHMECKPEPER and ELSIE I SCHMECKPEPER, known to me to be the  
President and Secretary of Rim View Trout Company, and the persons executing  
the foregoing instrument on its behalf, and acknowledged to me that said corp-  
oration executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my  
official seal, the day and year in this certificate first above written.

(NOTARIAL SEAL)

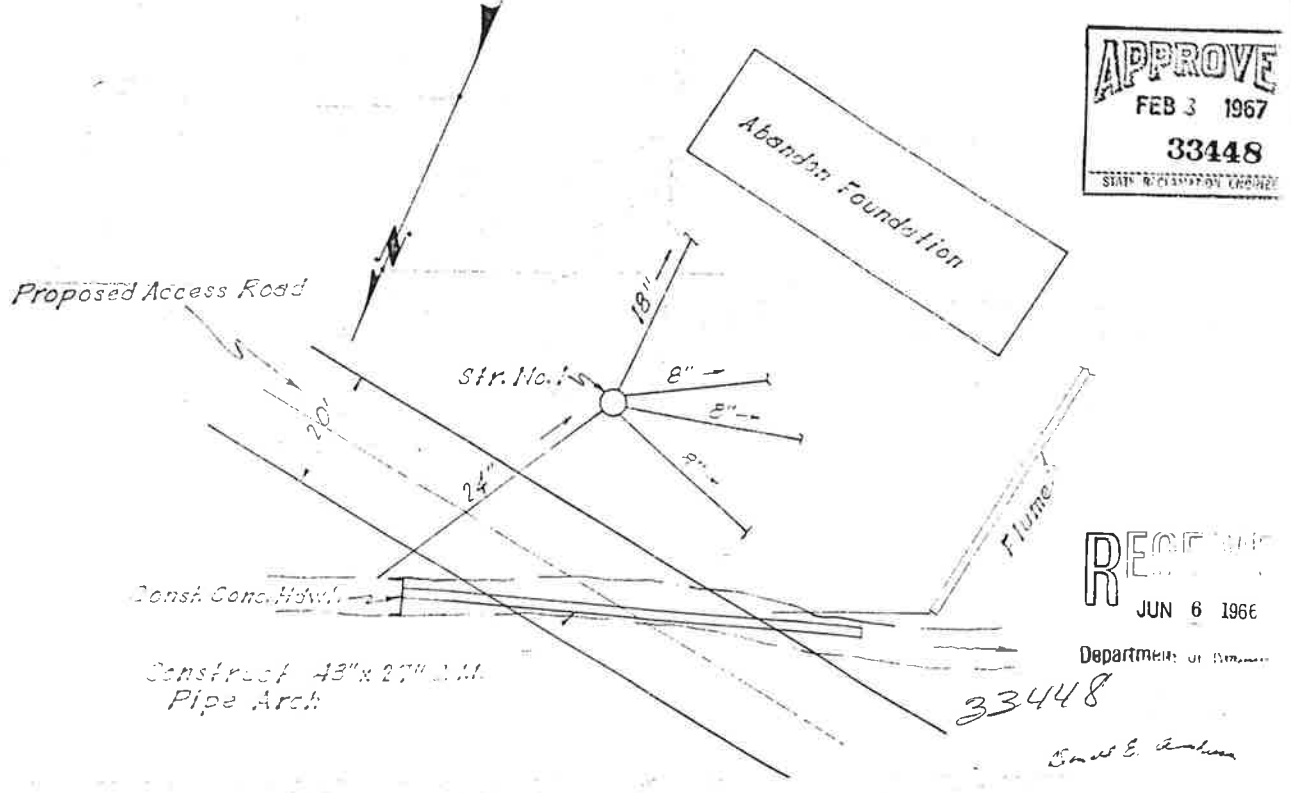
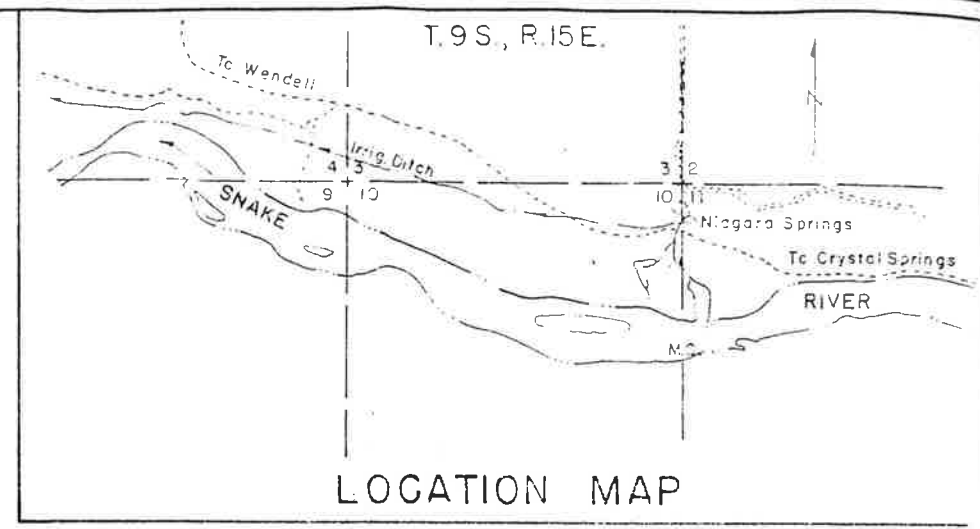
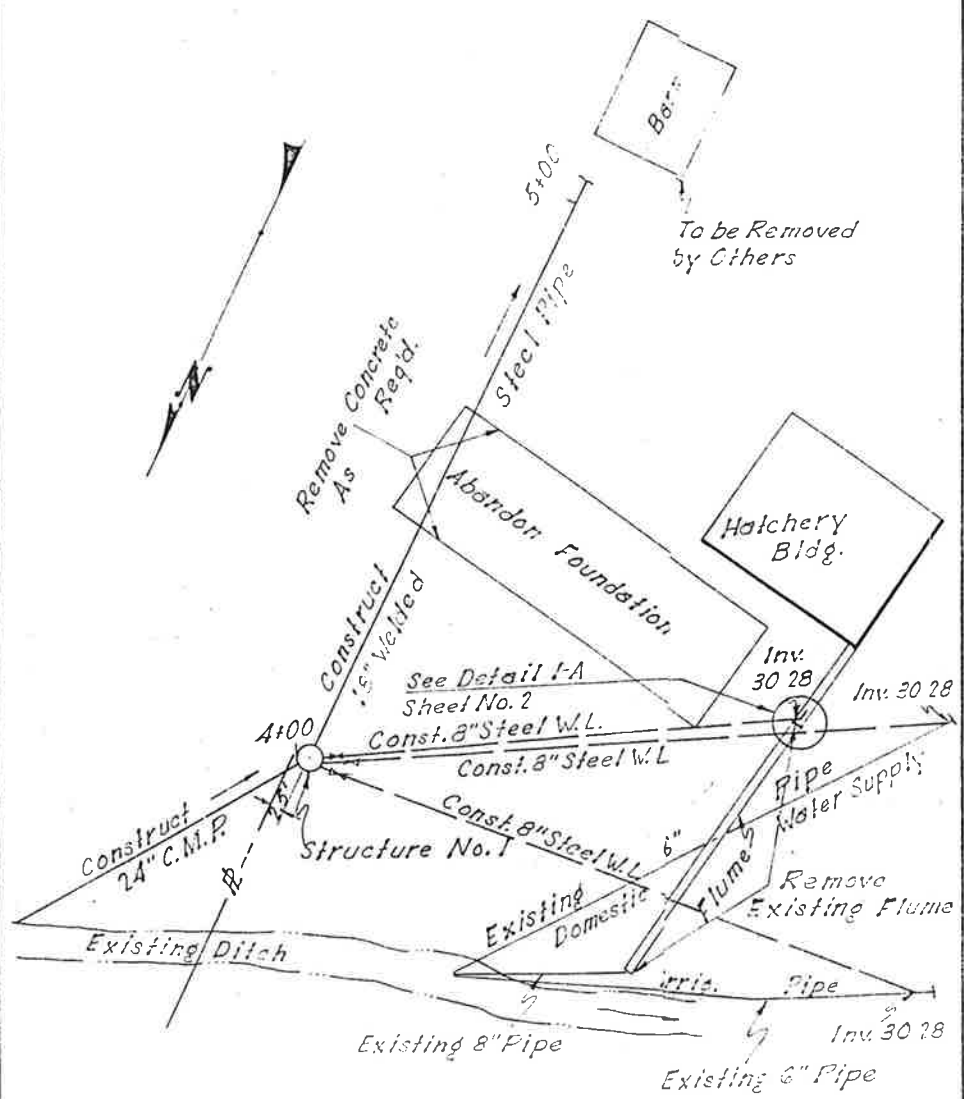
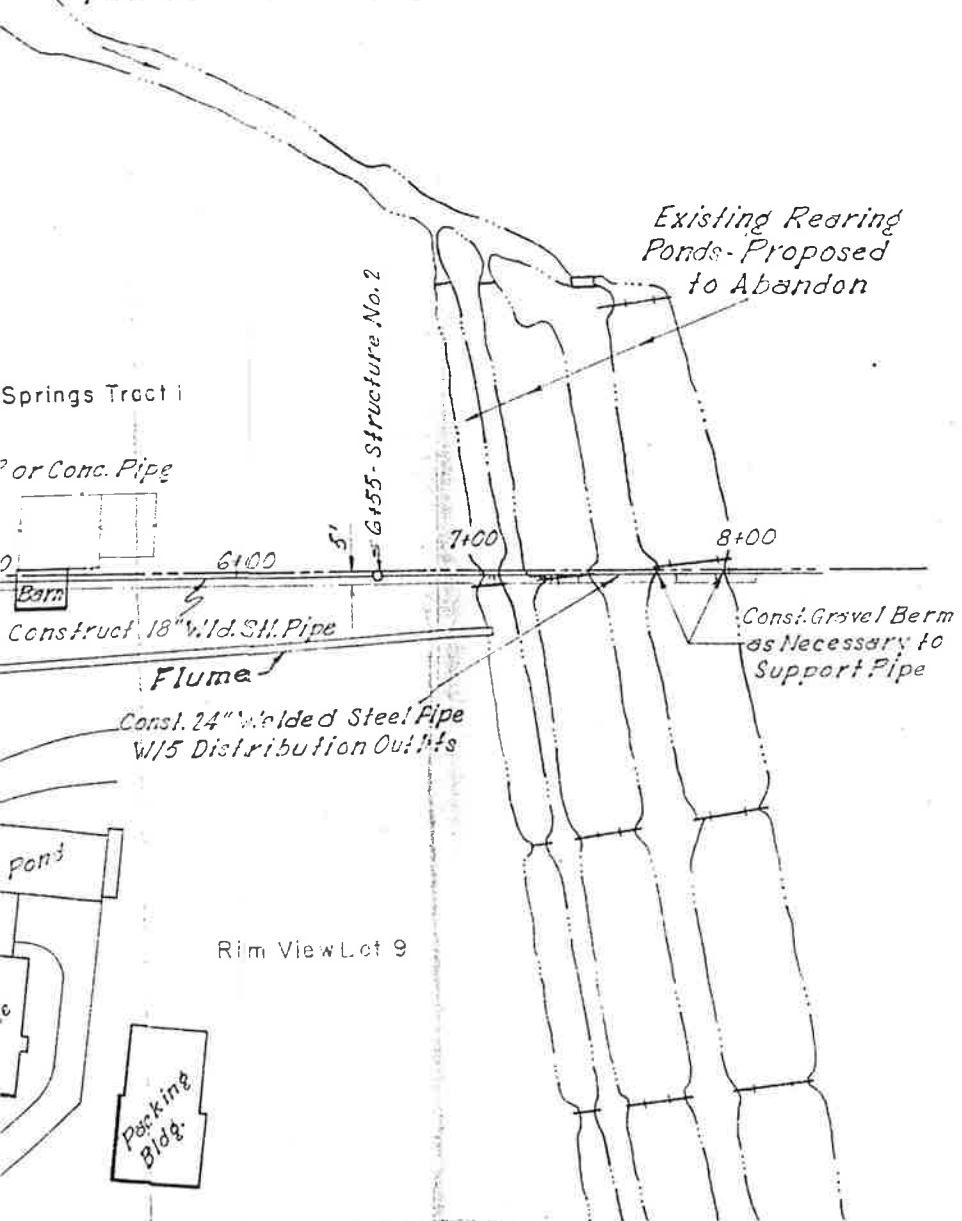
Mary J. Morton  
Notary Public for the State of Idaho  
Residing at: Boise, Idaho  
My Commission expires: April 1, 1968

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Abandon Existing Rearing Pond Water Supply Lines, Salvage Existing Pipe, & Repair Intake at Ditch as Necessary



APPROVE  
FEB 3 1967  
33448  
STATE OF OREGON

RECEIVED  
JUN 6 1966  
Department of Transportation

