

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 A36-04032-A
Date Received 9-01-88
Receipt Number C002868
Q 10-07-88

RECEIVED
OCT 07 1988

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 Ave. Boise, Idaho Zip 83705

2. Date of Priority (Only one (1) per claim) 1926

3. Source of water supply (a) Niagra Springs
which is tributary to (b) Sank- 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 10.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 10.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is none 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	15E	10	^H GLa1	^H GL ^H 2	^H GL10	^H GL9													

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 ☒ 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.
Licenses No. 33448/36-2680 and No. 36-7167 are owned by Rim View Trout Co. or None ()
and are used as the same place but for separate uses.

14. Remarks:

JAN 28 1993

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use x Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 36-4032
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 _____

of Rim View Trout Company _____, that I have signed the foregoing
Organization
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 Hansen
Title and Organization Rim View Trout Company -President Date October 7, 1988

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

Subscribed and sworn (or affirmed) before me this 7th day of October 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 P.O. Box 2773, Boise ID 83704

Date 10-7-88

MICROFILMED
JAN 28 1993

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

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: A36-04032A

Date Received: 9/01/1988

Receipt No: C002868 *pat*

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 AVE.
BOISE, ID 83705

2. Date of Priority: DEC 31, 1926

3. Source: NIAGARA SPRING 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	01	GOODING

5. Description of diverting works:
CONCRETE HEADWORKS, FLUMES, DIRT AND ROCK CANAL, 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	10.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
H/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	

A36-04032A

Page 1

Date: 02/13/89

MICROFILMED
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:
36-02680 & 37-7167, DIFFERENT USES

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 7, 1988

RECEIVED

OCT 11 1988

Mr. W. F. Ringert
Ringert, Clark, Harrington, Reid, Christenson & Kaufman
P. O. Box 2773
Boise, ID 83701

Department of Water Resources

Hand-Delivered

RE: Rim View Trout Company

Dear Mr. Ringert:

The enclosed claim and your client's check No. 1789 for \$450.00 are returned. The Notice of Claim referred at Item #12 to Claim to a Water Right No. 36-4032. The "243" claim refers to three (3) priority dates, which is contrary to the rules adopted by the Director (Rule 10,5,2, Date of Priority, Adjudication Rules and Regulations, adopted March 11, 1988). To remedy the problem, I would suggest three claims, setting forth the three dates with the respective amounts of water and the uses described on the "243" claim.

In addition, the claim did not set forth the other water rights (Item #13) used for the same uses.

Further, the fee submitted was insufficient. If the claim is resubmitted as three claims suggested above, the flat fees plus variable fees would be: 1926 - \$150.00; 1951 - \$219; 1962 - \$200.

Returning the completed claim(s) within 30 days of this letter will avoid any late fees. If I may be of any assistance, please feel free to contact me.

Yours Truly,

Donald V. Shaff
Adjudication Section Supervisor

DVS:db

Enclosures

Check #1789

Notice of Claim to a Water Right

✓ CC: Rim View Trout Co.

1301 Vista Avenue

Boise, ID 83705

MICROFILMED

JAN 29 1989

Water Right Number - 36-04032

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

*** C - CURRENT OWNER ***
RIM VIEW TROUT CO. INC.

1 - 2901 IDAHO ST.

2 -

3 -

City- BOISE

State- ID Zip- 83702

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/01/1926 17 S - STATUTORY CLAIM+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
NIAGARA SPRING SNAKE RIVER

TwN	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Stream Index (Blank if no Index Code)
09S	15E	10	NE NE		(47)	GOODING	272.0	598.9

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	0.400	
43 - DOMESTIC		01/01	12/31	0.100	
19 - FISH PROPAGATION		01/01	12/31	39.500	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
40.000

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	15E	10	NE NE		14.0	01	IRRIGATION	(47) GOODING

Total Acres: 14.0

+ - - Diversion Means -

+ - - Non-Irrigation Use - D/3 HOMES.

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +
PRIORITY DATES 6-1-1926 OF 10. CFS; 6-1-1951 OF 15. CFS; &
6-1-1962 OF 15. CFS.+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - Decree Plaintiff - - - + + - Decree Defendant - - - + + - Decree Date - +
00/00/0000MICROFILMED
JAN 28 1993

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

Water right number - 36-04032

Adj. flag translation: Standard Water Right Number

+ - - Microfilm Rolls -

+ - - Audit Fields - 02/11/85

05/28/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 02/11/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

1 JAN 28 1993
MICROFILMED

9/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Rim View

CLAIM IDENT. NO. A36-04032A

DATE RECEIVED 10/07/88

CK # 1804

AMOUNT \$ 150-

YES NO

1. Is the name and address complete with zip code? Atty see #17 ☒ ☐

2. Is a priority date entered? ☒ ☐

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

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? ☒ ☐

(b) Is a tributary to entered? (if required) N/A ☒ ☐

4. Is the legal description of the p.d. sufficient? ☒ ☐

5. Is there a description of the diverting works? ☒ ☐

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ ☐

Is the period of use included? ☒ ☐

Is a quantity claimed for each use? ☒ ☐

7. Is a total quantity claimed entered? ☒ ☐

8. If required is a consumptive use entered? N/A ☒ ☐

Is the consumptive use correct? N/A ☒ ☐

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. ☒ ☐

10. Is (are) the place(s) of use entered? ☒ ☐

11. Is (are) the county(ies) entered? ☒ ☐

12. Is the ownership of p.u. checked? ☒ ☐

13. Are other water rights listed or "none" checked? ☒ ☐

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.) N/A ☒ ☐

15. Is the basis of the claim checked? ☒ ☐

16. Is the claim signed by the claimant, and 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?) ☒ ☐

Has the claim been signed, sealed, and dated by a notary? ☒ ☐

Is the fee enclosed correct? ☒ ☐

If this claim is based on an existing water right, has the identification number been entered? N/A ☒ ☐

Should this claim be receipted and data entered? ☒ ☐

Claim checked by: IAN 28 1993

Comments: _____

8/01/1988.

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Rim Lakes Trout Co., Inc. CL. JENT. NO. A36-04032
DATE RECEIVED 9-1-88 CK # 1789 AMOUNT \$ 450

\$469⁰⁰ required

1. Is the name and address complete with zip code?

YES

NO

2. Is priority date entered?

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

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?

(b) Is a tributary to entered? (if required)

4. Is the legal description of the p.d. complete?

5. Is there a description of the diverting works?

6. Are the water uses appropriate for the form? The short form limited domestic and stockwater. Instream stockwater must use long form.

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

8. Is the consumptive use correct?

If required is a consumptive use entered?

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.

10. Is (are) the place(s) of use entered?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" checked?

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.)

15. Is the basis of the claim checked?

16. Is the claim signed by the claimant?

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?)

Has the claim been signed, sealed, and dated by a notary?

Is the fee enclosed correct?

If this claim is based on an existing water right, has the identification number been entered?

N/A

Should this claim be receipted and data entered?

MICROFILMED

Claim checked by: [Signature]

Comments: _____

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:

Ident. Number

Date Received

Receipt Number

39576

A36-04032

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) 344-7321Mailing Address 1301 Vista Avenue, Boise, Idaho Zip 837052. Date of Priority (Only one (1) per claim) As Shown on Claim No. 36-40323. Source of water supply (a) Niagara Springs
which is tributary to (b) Snake River4. 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 1989

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 39.5 or _____

For Domestic purposes from Jan 1 to Dec. 31 amount 1 or _____

For Irrigation purposes from March 15 to Nov. 15 amount .4 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 40.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 42 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-Domestic-See Remarks below

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	15E	10	GL1	GL2	GL10	GL9													
Irrigation			3 1/2	3 1/2	3 1/2	3 1/2													14
			H&D	H&D	H&D	H&D													

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.
_____ or None ()

14. Remarks:

Item 9 Above: the 1951 priority for .10 domestic use originally covered use for 3 homes. The water use was later changed for use for 2 homes and an employee change room office and shop.

MICROFILMED

JAN 28 1967

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 36-4032
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

Organization

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 Hardy

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

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,

A handwritten signature in cursive script, appearing to read 'Allen Merritt'.

Allen Merritt, P.E.
Water Rights Supervisor

*See Attached Pages for Other Water Rights

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

October 3, 1990

A36-04032A
RIM VIEW TROUT CO.
1301 VISTA AVE.

BOISE

ID 93705

Dear Claimant(s):

In the past you submitted the claim(s) identified with the number(s) shown above your name and address at the top of this letter. You indicated on the claim(s) that the basis for establishing the water right(s) was Beneficial Use, meaning the water right was not previously confirmed by a decree, water right license or permit before you filed the claim(s).

The purpose of this letter is to request evidence supporting the priority date(s) you have claimed. The enclosed pamphlet describes what this means. While I encourage you to read all of the pamphlet, I direct your attention to the right-hand half of the pamphlet after you open it. There you will find two sections: What Kind of Evidence is Required, and Some Examples of Documents which May Be Evidence of the Priority Date. These sections tell you what must be submitted. The other sections tell you why the evidence is necessary and what the consequences of not submitting the evidence could be.

Please submit the requested evidence by November 1, 1990. When returning to the Department please reference all documents with the claim(s) identification number(s) listed above.

If you have questions not addressed by the pamphlet or need other technical assistance, please feel free to contact this office. For advice on your water right(s), please contact your attorney.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosure

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JAN 28 1992

Ringert, Clark, Harrington, Reid, Christenson & Kaufman

CHARTERED
LAWYERS

WILLIAM F. RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
JAMES G. REID
JEFFREY R. CHRISTENSON
JAMES P. KAUFMAN
LAURA E. BURRI
DAVID HAMMERQUIST

SAMUEL KAUFMAN (1921-1986)

599 WEST BANNOCK STREET
P.O. BOX 2773
BOISE, IDAHO 83701
TELEPHONE (208) 342-4591
FAX (208) 342-4857

April 19, 1991

Mr. Allen Merritt, P.E.
Adjudication Section Supervisor
Idaho Department of Water Resources
Southern Region
222 Shoshone St. East
Twin Falls, Idaho 83301

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APR 22 1991

Department of Water Resources
Southern Region Office

Re: Claim No. A36-04032A

Dear Mr. Merritt:

This is in response to your letter of April 8, 1991, regarding proof in support of the claimed priority date for Claim No. A36-04032A.

Insofar as it pertains to Claim No. A-04032A, the affidavit of Earl M. Hardy for Claims Nos. A-04032B, A-04032C and 36-10819, which was forwarded to your office on January 18, 1991, is hereby adopted as part of the proof in support of Claim No. A36-04032A.

Exhibit 2 of the Affidavit is a Complaint in Gooding County Case No. 16326. Exhibit A of the Complaint is an Agreement between Ida Owen Mays and Wayne Schmeckpeper. Paragraph 3 of that Agreement identifies ten second feet of water recently sold to Schmeckpeper by Mays.

Land Title and Escrow, Inc., of Gooding, Idaho, has furnished us a copy of the Warranty Deed from Ida Owen Mays to Wayne Schmeckpeper, dated October 15, 1949, by which the ten c.f.s. of water of Niagra Springs was conveyed to Schmeckpeper. The Deed was recorded in Book 44 of Deeds at page 133, under Recorder's Instrument No. 111497, and a copy of the Warranty Deed is enclosed.

The provision for conveyance of the water right is found on the second page of the Deed and reads as follows:

Together with 10 second feet of the waters of Niagra Spring, being a portion of the water reserved in Deed of Record in Book 2, Page 162 of the records of Deeds of said Gooding County.

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Mr. Allen Merritt
April 19, 1991
Page Two

The reference to Book 2 appears to be in error, because the Deed referred to is actually recorded in Book 22 of Deeds at Page 162. That Deed was made by the executors of the last will and testament of James E. Mays, deceased, to Frank A. Reid. A copy of that Deed is enclosed. The recorder's instrument number appears to be 40439. This copy also was furnished by Land Title and Escrow, Inc.

The specific reservation of the water right appears at page 166 of the Deed Records in the second full paragraph on that page. The total reservation was 26 second feet for irrigation and domestic purposes.

The Deed from the Mays' executors to Reid was dated July 16, 1928, and indicates that 26 c.f.s. of water from Niagra Springs was being used by the Mays estate prior to that time, from which a priority of 1926 readily may be inferred.

If the 10 c.f.s. water right was not used for fish propagation at the time the water right was established, it was converted to fish propagation use in 1950 when Mr. Schmeckpeper acquired the water right from Mrs. Mays, and should be processed under I.C. §42-1416A.

We are continuing our efforts to find additional evidence to support a priority of 1926 or earlier.

Yours very truly,



W. F. Ringert

WFR:am
Enclosures
cc: Earl M. Hardy

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JAN 28 1993

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MINBERT CLARK

44/133

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PROOF READ

No. 111497

WARRANTY DEED

THIS INDENTURE, made this 15th day of October in the year of our Lord, one thousand nine hundred and forty-nine, between IDA OWEN MUXE, a widow, of Twin Falls, Twin Falls County, Idaho, and WAYNE SCHNECKEPPER, whose wife's name is Lavern, the parties of the second part:

WITNESSETH, That the said parties of the first part for and in consideration of the sum of TEN AND NO.100 (\$10.00) DOLLARS and other good and valuable considerations, lawful money of the United States of America to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate situate in Gooding County, State of Idaho, to-wit:

The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and Lots 5 and 6 in Section 2,
Part of Lots 1, 2, 9 and 10 of Section 10 described as follows: Beginning at a point 950.6 feet south and 427.9 feet west from the northeast corner of section 10. (said point of beginning is a lava stone set firmly in the ground and marked with a cross on top thereof. This stone was placed by Idaho Power Co., to mark the west boundary of their Niagara Springs power site.) thence west from stone, 1100 feet; thence south to the channel of Snake River; thence easterly along Snake River channel to a point 427.9 feet west from the east line of section 10; thence north, paralleling the east line of section 10 to the place of beginning.

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lots 1, 2, 3, 8, 9, 10 and 11 of Section 11, except that portion described in a deed by A. S. Hansen and Walter F. Ivy, executors of the last will and testament and of the estate of James H. Hays, deceased, dated July 16, 1928, recorded July 18, 1928 in Book 22 of Deeds, page 162, in the records of Gooding County, Idaho.

lots 1, 2, 3, 4, 11, 12, 13, 14 and 15 of Section 12, except: that portion described in a deed by A. S. Hansen and Walter F. Ivy, executors of the last will and testament and of the estate of James H. Hays, deceased, dated July 16, 1928, recorded July 18, 1928 in Book 22 of Deeds, page 162 in the records of Gooding County, Idaho.

All in Township 9 South, Range 15 East, Boise Meridian.

lots 3, 4, 8 and 9 of Section 7; NW

Lot 11 of Section 18 all in Township 9 South, Range 16 East, Boise Meridian. (Said lot 11 is shown on the map attached and cancelled) with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the reversions and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, rights, title and interest in and to the said property, as well in law as in equity, of said parties of the first part;

Together with 10 second feet of the waters of Niagara Spring, being a portion of the water reserved in deed of record in Book 2, page 162 of the records of deeds of said Gooding County.

Together with right of way across the lands of parties of the first part, such right of way crossing over the grade and rim rock from the north and contacting the above described land at the approximate northwest corner thereof. Such right of way shall be 30 feet in width and shall follow as closely as reasonably possible to the contour of the rim rock in order that as little interference to the farming lands of parties of the first part as possible will result. It shall be above the irrigation canals and ditches serving lands of parties of the first part, and shall cross such canal and ditches at one point only, which shall be at the first point where there is enough room between the rock line and the canal. Parties of the second part agrees to furnish all culverts necessary in crossing such ditches and canals, the culverts to be workable and satisfactory to parties of the first part. It is understood that this roadway may be used by parties of the first part as well as parties of the second part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs, and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

TOGETHER with right of way across lands of parties of the first part extending generally from the above described land so sold to parties of the second part westerly to connect with the Buhl Highway, such right of way to follow the approximate location and be used approximately as the existing road and right of way along said grade.

This conveyance terminates existing hatchery lease between party of the second part and Baseler on the one part and the above named Ida Owen Hays on the other part, the same being dated June 30th, 1947.

Reserving and excepting to party of the first part for the use of herself, her heirs, assigns and personal estate right of way to Niagara Spring, the same to extend across the

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southern end of the land on sold to party of the second part, the same to be not more than thirty feet in width and to be as close to the river as reasonably possible. IS WITNESSED WHEREBY, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

STATE OF IOWA }
COUNTY OF SOUTHWEST } ss.

IDA OWEN MAYE

On this 15th day of October, in the year 1949, before me, the undersigned, a notary public in and for said county and state personally appeared Ida Owen Mays, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.

(My Seal)

FRANCIS KING, Notary Public in and for the State of Iowa, residing at Gooding, Idaho

Filed for record at the request of Security Title Co. at 1:30 P.M. April 10, 1950.

Bert Bowler, Ex-officio Recorder

By Dorothy Mackinder, Deputy

Fees: \$2.00

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East 647.7 feet to a point on the right bank of Snake River in said Section 11; thence continuing South 25° 47' East to the thread of Snake River; thence downstream along and upon the thread of said Snake River to the Section line between said Sections 10 and 11; thence North 8° 44' West upon and along said section line to meander corner on the right bank of Snake River between said Sections 10 and 11; thence North along and upon 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 25.3 acres, more or less.

CRYSTAL SPRINGS Tract No. 3: A tract of land lying within Section 12, Township 9 South, Range 15 E. S. N., Coaling County, Idaho, described as follows:

Beginning at a point from which the section corner common to Sections 1, 2, 11 and 12 of Township 9 South, Range 15 East, Boise Meridian bears north 39° 46' West 1095.5 feet; thence south 79° 27' East, 1731.1 feet to an angle point which is on the northerly line of Lot 12, as shown on the official plat of the U. S. Dependent Resurvey dated April 17, 1918; of Sections 2, 3, 10, 11 and 12 of Township 9 South, Range 15 East, Boise Meridian from which official angle point #3 lies 39° 09' E. 532.7 feet distant and the E. C. to angle point #4 lies 140° 51' E. 257.0 feet distant; thence continuing from said angle point South 66° East 1683.3 feet to an angle point, from which the North Quarter Section corner of said Section 12 bears North 35° 37' West 2223 feet distant; thence South 40° 51' West 1346.3 feet to a point on the right bank of Snake River in Lot 15 of said Section 12; thence continuing South 40° 51' West to the thread of said Snake River; thence downstream upon and along the thread of said Snake River to a point which is South of the real point of beginning; thence North to a point on the right bank of said Snake River; thence continuing North 582.1 feet to the point of beginning, containing 79.5 acres, more or less.

Together with all rights or interest now possessed or owned or acquired by the said Jas. H. Nays estate, or of which the said Jas. H. Nays died seized or possessed, in and to all the springs and in and to all the water or waters rising from, having its or their origin in, or flowing under or over, or being under or on, or which may be developed on the said land or lands. Also together with all rights or interest so possessed or owned or acquired, or of which the said Jas. H. Nays died seized or possessed in water appropriation or water appropriations, in water permit or water license, or permits or licenses, or any application or applications for water permit or water license affecting said springs or waters, or any part of them.

Also together with the real covenant and stipulation running with the land affected, including all those lands hereinafter referred to in Sections 2, 10, 11 and 12, Township 9 S., Range 15 E. S. N., and Sections 7 and 18, Township 9 S., Range 16 E. S. N., Coaling County, Idaho, which covenant and stipulation shall not be construed as a mere personal covenant, that so and, whoever it may be, shall, without written authorization from the party of the second part, or his heirs, representatives, successors or assigns, have any right or privilege or license whatsoever to use, purchase, lease, prospect, develop or appropriate any water or waters rising from and having its or their origin in, or flowing under or over, or being under or on, or which may be developed on any remaining land or lands not included in this deed, sale and purchase, so possessed or owned or acquired, or of which said Jas. H. Nays died seized or possessed, in Sections 2, 10, 11 and 12, Township 9 S., Range 15 E. S. N., and Sections 7 and 18, Township 9 S., Range 16 E. S. N., Coaling County, State of Idaho, nor to use, lease, purchase, prospect, develop, or appropriate said remaining land or lands, nor to make, license, permit, initiate, perfect or authorize any water right or rights on said remaining land or lands.

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Department of Water Resources
Southern Region Office

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22/162

No. 42399

THIS INSTRUMENT, Made the 16th day of July nineteen hundred and twenty-eight at the County of Gooding State of Idaho, by and between A. S. Hanson and Walter C. Day the duly appointed, qualified and acting executors of the last will and testament of Jas. E. Hays, deceased, late of the County of Gooding, State of Idaho, the parties of the first part, and Frank A. Reid of New York City State of New York, the party of the second part, witnesses:

THAT, WHEREAS, On the 6th day of June nineteen hundred and twenty-eight, the Probate Court of the County of Gooding, State of Idaho, made an order of sale authorizing the said parties of the first part to sell certain real estate and rights and interests in real estate of the said estate of Jas. E. Hays, deceased, situated in the County of Gooding, State of Idaho, and specified and particularly described in said order of sale, and which said order of sale, was on file and of record in the said Probate Court, is hereby referred to and made a part of this instrument:

AND WHEREAS, Under and by virtue of said order of sale, and pursuant to legal notice given thereof, the said parties of the first part, on the 25th day of June nineteen hundred and twenty-eight aforesaid, subject to confirmation of said Probate Court, the said real estate,

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Department of Water Resources
Southern Region Office

situated in the said County of Gooding, and specified and described in said order of sale as aforesaid, and at such sale the said party of the second part became the purchaser of the said real estate and rights and interests in real estate hereinafter particularly described for the sum of Sixty-Six Thousand Seven Hundred Dollars lawful money of the United States, he being the highest and best bidder, and that being the highest and best sum bid.

AND, WHEREAS, The said Probate Court, upon the due and legal return of their proceedings under the said order of sale, made by the said parties of the first part on the said 25th day of June nineteen hundred and Twenty-eight, after making the said sale, upon the due and legal return of the proceedings, made by the said parties of the first part on the 2nd day of July, 1928, and after due Notice of Hearing on said Return given, did, on the 16th day of July nineteen hundred and Twenty-eight make an order confirming said sale, and directing conveyances to be executed to the said party of the second part; a certified copy of which order of confirmation was recorded in the office of the County Recorder of said County of Gooding within which the said land is situated, on the 16th day of July nineteen hundred and Twenty-eight and which said order of confirmation now on file and of record in said Recorder's office are hereby referred to and made a part of this Indenture.

NOW, THEREFORE, The said A. E. Henson and Walter T. Ivy, as the Executors of the last will and testament of the estate of Jas. H. Mays, deceased, as aforesaid, the parties of the first part pursuant to the order last aforesaid, of the said Probate Court, for and in consideration of the said sum of Sixty-Six Thousand Seven Hundred and No/100 Dollars lawful money of the United States, to them in hand paid by the said party of the second part, receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said party of the second part, his heirs and assigns forever, all the right, title, interest and estate of the said Jas. H. Mays, deceased, in and to all those certain lots, pieces, or parcels of land, situate, lying and being in said County of Gooding, State of Idaho, and bounded and described as follows, to wit:

NIAGARA SPRINGS Tract No. 1: 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. N. M., as shown on the official plat of the U. S. Department Resurvey dated April 17, 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 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° 45' West 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.

NIAGARA SPRINGS Tract No. 2: A tract of land lying within Section 11, 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 East, Boise Meridian, as shown on the official plat of the U. S. Department Resurvey dated April 17, 1918; thence North 8° 45' East upon and along the North Section line of said Section 11, 364 feet; thence North 8° 45' East 1297.9 feet to the point of beginning, containing 20 acres more or less.

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remaining land or lands, nor to use, permit, license or grant any right of any kind whatsoever in or to the use of said remaining land or lands, or said water or waters for any use or purpose, projected or actual, for hydroelectrical development or uses or purposes, or uses and purposes, nor for any other development or uses or purpose, or uses and purposes, which might jeopardize or impair the rights to the complete and full use or development of the springs, waters, easements, or the lands, or any of them, included in this sale, provided, and it is so stipulated and covenanted, that the parties of the first part reserve the right, subject to and limited by that covenant and stipulation running with the land and in this paragraph first expressed, to use and develop the waters of all springs situate on that portion of said Niagara Falls lying east of the east boundary line of Crystal Springs Tract No. 3, above described, and, further, party of the second part stipulates and covenants that he, his heirs and assigns, shall not use, develop or appropriate the said waters so reserved or do any act thereto which will diminish the present flow of the waters so reserved, and provided further, but subject to and limited by said covenant and stipulation running with the land and in this paragraph first expressed, that said waters rising from or having its or their origin in said portion of Niagara Falls may be used to generate electricity for the sole and exclusive use of, and for no other use, and limited to an amount sufficient for the use at and of, the fish hatchery and buildings used in connection therewith, the above stipulations and covenants in each and every particular to run with the land and they shall be so construed as real covenants running with the lands affected and not as mere personal covenants.

Also together with the following road right of way: Beginning at the section corner common to Sections 2, 3, 10 and 11, Township 9 S., Range 15 E. B. M.; thence South 89° 51' West 427.9 feet; thence south 949.5 feet to the real point of beginning, which is on the west boundary of Tract No. 1 of the Niagara Springs Lands hereinbefore described; thence north 74° 45' West 1208.8 feet; thence North 52° 15' West 472.6 feet; thence North 79° 25' West 418.8 feet; thence North 35° 50' West 353.2 feet; thence North 66° 22' West 3099 feet to a point in the grade at the foot of a bluff of the existing road from the Niagara Springs Ranch to Wendell, provided that when a road is constructed by the party of the second part, or his assigns, over the right of way immediately hereinbefore granted, travel of said party of the second part, or his assigns, shall, insofar as travel over that part of Section 10, Township 9 South, Range 15 E., B. M., now owned or possessed by the estate of Jas. E. Mays, deceased, is concerned, shall be exclusively confined to said road when constructed, except in cases of emergency.

Together with the permanent right to use the private roads now existing across Sections 4, 3, 10, 2, 11 and 12, Township 9 South, Range 15 E. B. M., with the right in party of the second part to straighten or widen such presently existing roads but to a width in no event to exceed Thirty (30) feet.

Also together with such rights of way as are necessary for the development of the waters herein sold and conveyed, through, across, under, over and above all of those portions of Sections 2, 10, 11 and 12, Township 9 S., Range 15 E. B. M., and Sections 7 and 18, Township 9 S., Range 16 E. B. M., Gooding County, State of Idaho, which constitute a part of the estate of Jas. E. Mays, deceased, for the erection and continued maintenance of electric transmission lines of party of the second part, or his representatives, successors or assigns, with the necessary supports for said lines, avoiding in the erection of said transmission lines the orchard tracts as now planted, and for the additional purpose of constructing, installing and permanently maintaining such pipe or flume lines as are necessary for the

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Southern Region Office

development of said waters.

Excepting and reserving also from this sale the right to use the road as now existing across the lands herein sold, and, in the event of the necessity by party of the second part, or his successors or assigns, to abandon said road, then the right to the use of such new road to be constructed by party of the second part, his successors or assigns, across said lands.

And also excepting and reserving from this sale 25 second feet of water from what is known as Niagara Springs, also located on said farms, for irrigation and domestic purposes on the following ranches only, to-wit: Niagara Ranch and Dalquist Ranch, provided, however, that when said excepted and reserved waters are not desired or used for said purposes, that may be used by the party of the second part, or his representatives, successors or assigns, it being expressly understood that said party of the second part, or his representatives, successors or assigns, will not attempt to appropriate or use or apply to a beneficial use said excepted and reserved waters, except subject as hereinbefore otherwise specifically provided, that said excepted and reserved waters in this paragraph referred to may also be used to generate power or electricity for the sole and exclusive domestic uses, and for no other, of the owner, present and future, of said Dalquist ranch, said power or electricity to be used only on said ranch, provided further that when the waters, or any part thereof, herein sold to party of the second part are developed for electrical uses, or purposes, then the right and privilege herein reserved to so generate electricity for domestic uses shall automatically cease. It shall be expressly stipulated in deeds of conveyance to party of the second part that such covenant by party of the second part not to attempt to appropriate or use or apply to a beneficial use said excepted and reserved waters except as hereinbefore otherwise specifically provided shall be and shall be construed and considered as a covenant running with the land and shall not be construed as a mere personal covenant.

Subject to the ordinary property taxes and assessments levied against premises for the year 1928 and subsequent years, together with all the ^{hereditaments} tenements, and appurtenances and covenants whatsoever to the same belonging or in any wise appertaining.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part, the executors of the last will and testament and estate of Jas. E. Hays, deceased, as aforesaid, have hereunto set their hands and seals the day and year first above written.

Signed, Sealed And Delivered In The Presence Of - - -

A. E. Benson

(SEAL)

Walter T. Ivy

(SEAL)

Executors of the last will and testament and Estate of Jas. E. Hays, deceased.

STATE OF IDAHO,
COUNTY OF GOODING

ss.

On this 16th day of July in the year 1928, before me a Notary Public in and for said County, personally appeared A. E. Benson known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as executor of the last will and testament and estate of Jas. E. Hays, deceased.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the

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Department of VETS. & MIL. AFFS.
Southern Region Office

Book 22 Deeds

167

day and year in this certificate first above written.

(NOTARY SEAL)

D. E. Sutphen, Notary Public
in and for the State of Idaho
Residing at Coaling, Idaho.

STATE OF TENNESSEE,

SS.

County of Hamilton.

On this 16th day of July, in the year 1928, before me, Paul J. Pierce, a Notary Public in and for said State, personally appeared Walter T. Ivy, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as an executor of the last will and testament and estate of Jas. H. Hays, deceased.

IN WITNESS WHEREOF, I have hereunto set my hand affixed my official seal, this day and year in this certificate first above written.

(NOTARY SEAL)

Paul J. Pierce, Notary Public
in and for the State of Tennessee,
Residing at Morristown, Tenn.
My Commission Expires April 6th, 1932.

Filed for record at the request of D. E. Sutphen at 4:45 o'clock P. M. July 16th, 1928.

Fees, \$6.60

Myrtle P. Enking, Ex-Officio Recorder.

By S. M. Miller, Deputy.

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Department of Water Resources
Southern Region Office



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

April 8, 1991

MR W RINGERT
P O BOX 2773
BOISE ID 83701

RE: Evidence of Priority - Snake River Basin Adjudication
Claim #A36-04032A

Dear Claimant(s):

Our records indicate that your claim(s) listed above, is based upon either a "Statutory Claim" or "Beneficial Use" of the water. For water rights of this type, the claimed "Priority Date" must be substantiated with supporting evidence. We previously requested this supporting evidence be submitted by November 1, 1990, and to date we have not received the requested documentation.

Before the Department can make a recommendation to the Court to decree the claim(s), some evidence of the priority date must be submitted. Again we are enclosing a brochure outlining the types of evidence you may submit, and a printout of your claim(s) for reference. We request that you submit your evidence of priority as soon as possible. If we do not receive the requested documentation, your claim(s) will be recommended for disallowal due to lack of evidence supporting any priority date.

Please submit the required evidence supporting the priority date(s) by April 23, 1991. Please reference the claim number on your correspondence. If you have questions or need other assistance please contact this office.

Sincerely,

Anna Baum

for.

Allen Merritt, P.E.
Adjudication Section Supv.

Enclosure

cc: RIM VIEW TROUT COMPANY
1301 VISTA AVENUE
BOISE ID 83705

MICROFILMED

JAN 28 1993

COPY

A36-04032A

Ringert, Clark, Harrington, Reid, Christenson & Kaufman

CHARTERED
LAWYERS

WILLIAM F. RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
JAMES G. REID
JEFFREY R. CHRISTENSON
JAMES P. KAUFMAN
LAURA E. BURRI
DAVID HAMMERQUIST

SAMUEL KAUFMAN (1921-1986)

599 WEST BANNOCK STREET
P.O. BOX 2773
BOISE, IDAHO 83701
TELEPHONE (208) 342-4591
FAX (208) 342-4657

January 18, 1991

Mr. Allen Merritt, P.E.
Water Rights Supervisor
Idaho Department of Water Resources
Southern Region
222 Shoshone St. East
Twin Falls, Idaho 83301

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JAN 22 1991

Department of Water Resources
Southern Region Office

Re: Snake River Basin Adjudication
Claims Nos. 04032B, 04032C, 10819

Dear Mr. Merritt:

Enclosed is an Affidavit of Earl M. Hardy for Claims Nos. 04032B, 04032C and 10819, which please file in the Snake River Basin Adjudication and use in your evaluation of the above numbered claims.

We believe the facts stated in the Affidavit, together with the exhibits attached, are sufficient to support the 1951 and 1962 priorities. In fact, the material indicates that the 1951 claim actually should have been for a 1950 priority.

We are still reviewing documents, searching for additional documents, and interviewing prospective witnesses with respect to the 10 cfs claim with 1926 priority. I hope to be able to report further to you on that claim within the next two or three weeks.

Please contact me if you have any questions regarding the material submitted with this letter.

Yours very truly,



W. F. Ringert

WFR:am
Enclosure
cc: Earl M. Hardy

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JAN 28 1993

RECEIVED

JAN 22 1991

Department of Water Resources
Southern Region Office

William F. Ringert
RINGERT, CLARK, HARRINGTON, REID,
CHRISTENSON & KAUFMAN, CHARTERED
599 W. Bannock, P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591

Attorneys for Earl M. Hardy

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 WATER RIGHTS TO THE USE OF)
WATER FROM THE SNAKE RIVER)
BASIN WATER SYSTEM)

THE STATE OF IDAHO, EX REL.)
A. KENNETH DUNN 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,)

Defendants.)

CASE NO. 39576

AFFIDAVIT OF EARL M. HARDY
FOR CLAIMS NOS. 36-04032B,
36-04032C, AND 36-10819

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Earl M. Hardy, being first duly sworn, on oath deposes and
says:

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JAN 28 1993

I am the president and the majority stockholder of Rim View Trout Company (Rim View). I acquired my stock in 1976. Rim View has filed Snake River Basin Adjudication Claims Nos. 36-04032B, 36-04032C and 36-10819, among others.

The above numbered claims cover water rights which are used for trout production, domestic, household and irrigation use at Rim View's production facilities which are located on Government Survey Lots 1, 2, 9 and 10, in Section 10, Township 9 South, Range 15 East, B.M., in Gooding County, Idaho (the "Niagra Springs site").

Although I had seen the production facilities at the Niagra Springs site in 1949, my first detailed observation of those facilities occurred in 1950, when I went there to purchase trout from Harlan Schmeckpeper, who was operating the property and the production facilities at that time. His brother, Wayne Schmeckpeper, worked with him and I believe was Harlan's partner.

Attached to this Affidavit as Exhibit 1 is a photograph of the Niagra Springs site which I received from another brother, Milford Schmeckpeper, sometime after 1976, in an envelope bearing a 1963 postmark. Exhibit 1 shows the facilities that existed in 1950, and other facilities that were constructed some time after 1950.

In the lower left center of the photograph a bridge on the road across Niagra Springs Creek is clearly visible. The point of diversion for the water serving the Rim View facilities in

1950 was just downstream from the bridge, in approximately the same location that it exists today. Water was diverted into an open ditch. That ditch went into a brushy area and apparently divided into two branches not too far from the headworks.

Exhibit 1 shows a pipeline in the left center of the photograph, or maybe two pipelines. I do not recall seeing those pipelines and I do not recall that I ever walked that portion of the water system. The system was changed before I bought my stock in 1976.

I did observe the part of the open ditch that fed the headworks of the trout production ponds shown in the upper left portion of Exhibit 1. A large bank of ponds extends from left to right, approximately parallel with the channel of the Snake River, which appears in the background at the upper portion of Exhibit 1, and the other ponds extend almost at a right angle from the lower end of the first set of ponds, toward the Snake River.

Exhibit 1 also shows fish ponds in the upper right-hand corner of the photograph. There were ponds in that area, but I do not recall those ponds being in the configuration shown in Exhibit 1 when I first saw the facilities in 1950.

Based on my observation of the diversion at the headworks, the flow in the ditches, the size of the ponds and the rate of flow in the ponds, it is my opinion that the amount of water being used for trout production in 1950 at the Niagra Springs facilities was greater than the combined 24.5 cfs flow claimed by

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JAN 28 1993

Rim View for its 1926 priority of 10.0 cfs and its 1951 priority of 14.5 cfs under Claim No. 36-4032 which Rim View filed with the Idaho Department of Water Resources on February 8, 1972.

It is my recollection that between 15 and 20 acres of land were being irrigated at the Niagara Springs site in the 1950's or early 1960's, through an extension of the diversion ditch below the bridge. I do not recall seeing full irrigation use of the water from the diversion ditch since about 1967, when the configuration of the diversion ditch was changed and part of it was lined with concrete.

Some time after 1950 Rim View was organized as a corporation, acquired the property at Niagara Springs and obtained an SBA loan for expansion of the production facilities at the Niagara Springs site. At this time I am uncertain as to whether facilities in addition to those shown in the upper right-hand portion of Exhibit 1 were constructed and placed in operation prior to 1962, but I believe that the additional ponds shown in the upper right-hand portion of Exhibit 1 had been constructed and were in operation by 1962. I observed those additional production facilities on several occasions during or before 1962, and based on those observations it is my opinion that the additional amount of water diverted by Rim View for use in the additional ponds shown in the upper right-hand portion of Exhibit 1 exceeded the 15 cfs claimed by Rim View with priority date of 1962. This opinion is based on my personal observations

of the diversion ditch and the ponds, and on my experience in designing, constructing and operating trout production facilities, many of which incorporate accurate measuring devices so that I have a basis for comparison, and on my knowledge of the volume of water that is required to properly support trout production facilities the size of those shown in Exhibit 1.

In 1975 the State of Idaho, through the Idaho Fish and Game Commission, filed an action in the district court, Gooding County, Case No. 16326. A copy of the Complaint in that law suit is attached to this Affidavit as Exhibit 2. Paragraph VI of that Complaint refers to a previous law suit filed in the same court in 1950 by Ida Owen Mays against Wayne Schmeckpeper. As I stated previously, Wayne Schmeckpeper owned the Niagara Springs site and the Rim View facilities in 1950, individually or in partnership with Harlan Schmeckpeper.

The Complaint in Mays v. Schmeckpeper states that Ida Owen Mays sold Wayne Schmeckpeper 10 cfs of water from Niagara Springs some time prior to the filing of the Complaint. The Mays law suit was resolved by an agreement made March 31, 1950, a copy of which is attached to the Mays Complaint. Paragraphs 3, 4, 5 and 6 of the 1950 agreement show that Schmeckpeper had constructed the Rim View ditch, which is referred to in the exhibit attached to the 1950 agreement as "Niagara Ditch No. 3", within 30 days prior to March 31, 1950, and that the ditch extended to a fish pond in the northwest corner of Schmeckpeper's land. That pond

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JAN 28 1993

extended slightly onto the Mays land immediately west of the Rim View property. In my opinion that pond would be part of the pond complex shown in the upper right-hand corner of Exhibit 1, and was the place of use for the 14.5 cfs claimed by Rim View with a 1951 priority. The statutory claim filed by the previous owners of Rim View in 1972 could be in error, since some of the ponds in the northwest corner at the Niagra Springs site were receiving water in 1950.

With respect to the 10 cfs claimed by Rim View with a 1926 priority, a search of records is being conducted, and additional evidence will be presented as soon as it is available. However, it appears that the 1926 priority claimed by Rim View in the statutory claim filed by the previous owners of the company in 1972 probably was an error and that the 10 cfs actually has a priority of January 1, 1912, because it further appears that the water right obtained by Schmeckpeper from Mays was part of the water right established at the same time and by the same owners as the water right of that priority date claimed by the Idaho Department of Fish and Game, Identification No. A36-04020. Based on this information, I am considering filing an amended notice of claim for Water Rights Nos. 36-04032B and 36-04032C.


Earl M. Hardy

SUBSCRIBED AND SWORN to before me this 18th day of January,
1991.

Mary Anne Johnson

Notary Public for the State of Idaho
Residing at Boise, Idaho
My commission expires: 1-11-92

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JAN 28 1993

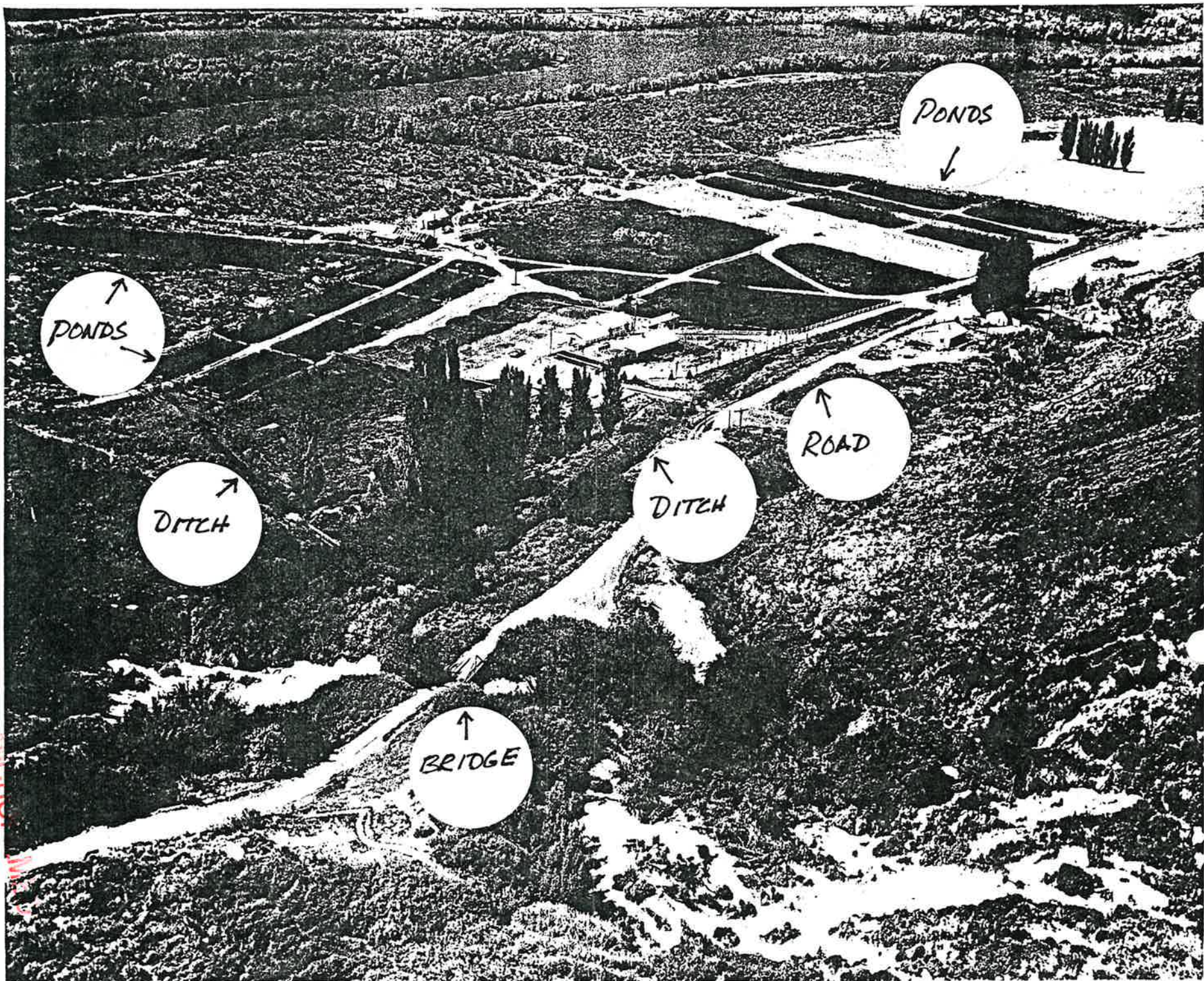


EXHIBIT 1

JAN 28 1993

T. J. Jones, III
JONES & JONES
1611 West Jefferson
P. O. Box 1003
Boise, Idaho 83701
Tel: (208) 344 7676

Attorney for Plaintiff

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

THE STATE OF IDAHO, ex rel.)
ROBERT G. THOMAS, WYNNE M.)
BLAKE, WILLARD H. GODFREY,)
JACK HEMINGWAY and H. JACK)
ALVORD, THE IDAHO FISH AND)
GAME COMMISSION,)
Plaintiff,)
vs.)
RIM VIEW TROUT CO., A)
Corporation,)
Defendant.)

Case No. 16326

COMPLAINT

Fee Category: A-13

Fee: \$ _____

COMES NOW, the Plaintiff and complains and alleges against
the Defendant as follows:

I

That at all times relevant herein Defendant Rim View Trout
Co., A Corporation, was a corporation licensed and authorized to
do business in the State of Idaho and conducting its business of
a trout farm in Gooding County, State of Idaho.

II

That Plaintiff is now, and at all times hereinafter mentioned,
has been, the owner in fee of land situated in the County of

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JAN 28 1993

Gooding, State of Idaho, and more particularly described as follows:

Township 9 South, Range 15 East of the Boise Meridian Section 3: S1/2SW1/4
Section 4: SW1/4NW1/4, Lots 5, 6, 7, 8, 9, 10, and 11
Section 5: SE1/4NE1/4, Lots 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18 and 21
Section 6: Lots 7, 8, 14, 15, 17 and 18
Section 8: Lot 3
Section 9: Lots 1, 6, and 10
Section 10: Lots 3, 4 and 11, and those portions of Lots 1, 2 and 10 lying North of and West of the following lines:

Beginning at a point marked and known as the Idaho Power Company stone, which point is 950.6 feet South of and 427.9 feet West of the NE corner of said Section 10;

thence North 0° 1' 9" West 191.12 feet to a metal pin which pin is the true point of beginning;

thence North 84° 55' West 399.62 feet to a metal pin;

thence North 83° 02' 30" West 704.29 feet to a metal pin;

thence South 0° 30' 51" West 311.89 feet to a pin, which said point is the NW corner of tract described in Deed #6524, recorded December 21, 1962, records of Gooding County, Idaho;

thence South to the Snake River; and excepting from said Lot 1, the East 427.9 feet thereof.

generally known as the Niagara Springs Ranch; that Plaintiff operates such land as a farm and a wildlife management area; that Plaintiff's land is semi-arid in nature and unproductive without irrigation and therefore it requires the artificial application or irrigation waters in order to produce ordinary agricultural crops.

III

That water for the irrigation of Plaintiff's said lands has for many years been had and obtained by the Plaintiff and its predecessors in interest from springs situate approximately one quarter of a mile south of the corner common to Sections 2,

3, 10 and 11 of Township 9 South, Range 15 East of the Boise Meridian; said springs being more commonly known as Niagara Springs.

IV

By subsequent conveyances for valuable consideration, Plaintiff herein has become and is now the successor in interest and owner of the lands described above and of waters and water rights in the amount of thirty-two (32) cubic feet per second of said Niagara Springs. Plaintiff uses such waters and water rights in the amount of thirty-two (32) cubic feet per second from Niagara Springs to irrigate its lands described above, taking and diverting said water from Niagara Springs by means of a certain ditch known as the Thompson-Mays ditch, and conveying said waters in said ditch from Niagara Springs in a westerly and southerly direction to and upon Plaintiff's lands for irrigation purposes.

V

That the Defendant is the owner of certain lands adjoining the Plaintiff's lands described above and the Plaintiff's ditch right-of-way for the Thompson-Mays ditch. That Defendant's said lands are more particularly described as follows:

The SW1/4 of the SE1/4 and Lots 5 and 6 in Section 2;

Part of Lots 1, 2, 9 and 10 of Section 10 described as follows:

Beginning at a point 950.6 feet south and 427.9 feet west from the northeast corner of Section 10. (Said point of beginning is a lava stone set firmly in the ground and marked with a cross on top thereof. This stone was placed by Idaho Power Company to mark the west boundary of their Niagara Springs power site.), thence west from stone, 1100 feet; thence south to the channel of Snake River; thence easterly along Snake River channel to a point 427.9 feet west

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from the east line of Section 10; thence north, paralleling the east line of Section 10 to the place of beginning.

Lots 1, 2, 3, 6, 9, 10 and 11 of Section 11, except that portion described in a deed by A. S. Henson and Walter T. Ivy, executor of the last will and testament and of the estate of James H. Mays, deceased dated July 16, 1928, recorded July 16, 1928 in Book 22 of Deeds, page 162, in the records of Gooding County, Idaho.

Lots 1, 2, 3, 4, 11, 12, 13, 14 and 15 of Section 12, except: that portion described in a deed by A. S. Henson and Walter T. Ivy, executors of the last will and testament and of the estate of James H. Mays, deceased, dated July 16, 1928, recorded July 16, 1928 in Book 22 of Deeds, page 162 in the records of Gooding County, Idaho.

All in Township 9 South, Range 15 East, Boise Meridian.

Lots 3, 4, 8 and 9 of Section 7; and Lot 11 of Section 18 all in Township 9 South, Range 16 East, Boise Meridian.

VI

By an Agreement duly made and entered on the 31st day of March, 1950, and filed on the 1st day of April, 1950, in an action in the District Court of the Fourth (Fifth) Judicial District of the State of Idaho, in and for the County of Gooding, Case No. 5186, entitled Ida Owen Mays, Plaintiff, v. Wayne Schmeckpeper, Defendant, it was ordered and adjudged by agreement that the Defendant therein disclaimed and relinquished any and all rights in or to the Thompson Mays ditch and agreed to take and receive the ten (10) second feet of water sold to him by the Plaintiff from Niagara Springs through a ditch known as the Niagara ditch. That a copy of said Agreement is attached hereto, marked Exhibit "A", and made a part hereof as if set out in full herein.

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JAN 28 1993

VII

That Plaintiff herein is a successor in interest of the Plaintiff in the action identified above. That Plaintiff is informed and believes that Defendant herein is the successor in interest of the Defendant in the action identified above. That pursuant to such Judgment by Agreement entered in the action identified above, Plaintiff and its predecessors in interest are entitled to the sole and exclusive ownership and use of the Thompson-Mays ditch for the carriage of its thirty-two (32) second feet of the waters of Niagara Springs from its point of diversion from Niagara Springs to its lands described above, without interference or use by the Defendant and its predecessors in interest of the Plaintiff's Thompson-Mays ditch and/or ditch right-of-way and waters and water rights.

VIII

That Defendant has since the year 1973, without the prior knowledge, consent, or approval of the Plaintiff, and against its wishes and will, wrongfully and unlawfully entered upon the Plaintiff's said Thompson-Mays ditch and right-of-way and has and is now continuing to trespass upon, and wrongfully divert waters from its Thompson-Mays ditch for use at the Defendant's trout farm located upon the Defendant's lands described above by means of two (2) underground fifteen (15) inch pipelines running from the Plaintiff's Thompson-Mays ditch to the Defendant's trout farm's water supply.

IX

That on or about December 6, 1973, the Plaintiff notified the Defendant that it was trespassing upon its Thompson-Mays

ditch and right-of-way and demanded that the Defendant cease and desist in such trespass and wrongful diversion of the Plaintiff's waters from its Thompson-Mays ditch, but the Defendant failed and neglected to heed such demand, and is continuing and now continues to trespass upon Plaintiff's said ditch and interfere with the Plaintiff's water rights by means of the wrongful diversion as aforesaid, and continues to refuse Plaintiff's demand that Defendant honor the Judgment by Agreement entered in the action identified above.

X

Unless Defendant is restrained it will continue to interfere with Plaintiff's ditch and water rights and deprive Plaintiff of the quantity of water to which it is entitled, thereby causing great and irreparable injury to Plaintiff.

XI

Plaintiff has no plain, speedy, or adequate remedy at law.

WHEREFORE, Plaintiff prays:

1. That Defendant be permanently restrained from acting in such manner as to interfere with and decrease and divert the flow of Plaintiff's water in the Plaintiff's Thompson-Mays ditch at any and all times of the year.
2. That the Court grant a preliminary injunction restraining Defendant from so interfering with, decreasing and diverting the flow of Plaintiff's water in the Plaintiff's Thompson-Mays ditch until a final determination can be made of this matter on its merits.
3. That Plaintiff recover its costs herein and receive such other and further relief as may be proper.

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JAN 28 1993

DATED This 30 day of July, 1975.

/s/ T. J. Jones, III
T. J. Jones, III
Special Counsel for the Idaho
Fish and Game Commission
Attorney for Plaintiff
1611 West Jefferson
P. O. Box 1003
Boise, Idaho 83701

STATE OF IDAHO)
 : ss.
County of Ada)

T. J. JONES, III, being first duly sworn on behalf of the
Plaintiff in the above-entitled action, says:

That he has read the foregoing Complaint, knows the
contents thereof and that he believes the same to be true;
that the Plaintiffs, and each of them, are absent from the
County of Ada where their attorney has his office, and that
the Affiant is their attorney and, therefore, makes this
Affidavit.

/s/ T. J. Jones, III
T. J. Jones, III

SUBSCRIBED AND SWORN To before me this 30 day of July,
1975.

/s/ Thos. J. Jones Jr.
Notary Public for Idaho
Residing at Boise, Idaho

(S E A L)

COMPLAINT, p. 7

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JAN 28 1993

Exhibit "A"

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

Ida Owen Mays,

Plaintiff,

- vs -

Wayne Schmeckpeper,

Defendant.

AGREEMENT

5180

For the purpose of compromising and settling the issues and controversy involved in the above entitled action the plaintiff and defendant and their respective attorneys agree as follows:

1. The defendant agrees that he will immediately repair the ditch known as the Thompson-Mays Ditch, leading from Niagara Springs, and in particular he agrees to replace the soil of the lower bank of said ditch where such bank was cut by the defendant recently. In repairing such bank defendant agrees to utilize recognized engineering practices, so that such bank will be made and repaired satisfactorily. In this connection it is agreed that if any break occurs in such ditch bank as result of the cutting thereof by the defendant or as a result of such bank not being properly repaired, then in either event the defendant will be solely responsible for any resulting damage. This repair work shall be done in sufficient time to permit 1950 irrigation water to be diverted to plaintiff's farm lands to the West.

2. The defendant further agrees to repair all damage done to the ditch lying immediately south of the above mentioned Thompson-Mays ditch, which was referred to during the hearing in the above cause as ditch No. 2. This ditch shall be immediately repaired and placed in as good condition as the same was prior to encroachment thereon by the defendant. Any break or overflow in this ditch which may result from improper repairing thereof or may result from the same having been cut and damaged by the defendant will be borne exclusively by the defendant.

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JAN 28 1993

3. The defendant hereby disclaims and relinquishes any and all rights in or to said Thompson-Mays ditch, referred to in the hearing in this matter as ditch No. 1, and also in the ditch immediately south thereof referred to in the hearing in this matter as ditch No. 2. The defendant agrees to take and receive the ten (10) second feet recently sold to him by the plaintiff from said Niagara Springs through the ditch known as the Niagara Ditch, and referred to in the hearing of this matter as ditch No. 3. In this connection it is agreed that said Niagara Ditch shall continue to divert from Niagara Springs, where the same now diverts, and that the defendant shall reconstruct and repair the ditch leading from such diversion. It is agreed that recently the course of defendant's ditch No. 3 has been located and constructed and is located on portions of plaintiff's land, and that this has been done with the knowledge and consent of plaintiff, and plaintiff agrees that said ditch so known as ditch No. 3 may be maintained by the defendant in the future on the site and location which it now occupies, and for this purpose plaintiff gives defendant an easement for the maintenance and operation of said ditch on its present location.

4. Plaintiff gives and grants to defendant an easement and right of way for the maintenance and operation of a road across plaintiff's lands leading across the south part of plaintiff's lands described as Lots 1 and 2, Sec. 10, T. 9, S. R. 15, E.B.M., such roadway to be north of ditch No. 3 and approximately paralleling the same. Such roadway to extend from a point slightly north of the Northeast corner of defendant's land to a point slightly north of the Northwest corner of defendant's land. It is understood that said roadway is now definitely located on the land on the agreed site. This road shall be kept in repair by defendant, and shall be kept open for and may be used by the plaintiff, her agents, guests and successors in interest.

5. Plaintiff agrees that the defendant may maintain and operate his fish pond in the approximate Southeast corner of said

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JAN 28 1993

Lot 2, as it now exists, the same extending slightly onto the lands of the plaintiff.

6. The plaintiff hereby waives and relinquishes all right and claim in and to the ditch repaired and constructed by defendant within the last thirty days, the same diverting from the Niagara Springs at the point previously referred to as ditch No. 3, and extending thence westerly across the Northeast corner of defendant's said land and thence slightly onto the lands of the plaintiff and terminating in the fish pond situate in the Northwest corner of defendant's said land, said fish pond being in the approximately Southeast portion of Lot 2, Sec. 10, T. 9, S. R. 15, E.B.M.

7. Said ditches 1 and 2 are appurtenant to the lands of the plaintiff, namely, lands situate in Sections 2, 3, 4, 5, 10, 11 and 12, Twp. 9, S. R. 15, E.B.M., and other lands, all of which are generally known as the Niagara Springs Ranch, and now owned by the plaintiff. Ditch No. 3, the Niagara Ditch, so waived to the defendant is appurtenant to lands of the defendant, conveyed to him by plaintiff by deed dated October 15th, 1949, including part of Lots 1, 2, 9 and 10, Sec. 10, T. 9, S. R. 15, E.B.M., and other lands.

8. There is attached hereto and by this reference made a part hereof segment of map showing the Niagara Springs and the diversions of the above mentioned ditches therefrom.

The terms and conditions hereof shall constitute covenants running with the land, and shall be binding upon the successors and assigns of the respective parties hereto.

Dated this 31st day of March, 1950.

Attorneys for Plaintiff

Attorneys for Defendant

John C. Dwyer, Jr.
Plaintiff

James H. Dwyer, Jr.
Defendant.

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JAN 28 1993

STATE OF IDAHO }
COUNTY OF GOODING } ss

On this 31st day of March, 1950, before me, the undersigned, a Notary Public in and for said State, personally appeared Ida Owen Mays and Wayne Schmeckpeper, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

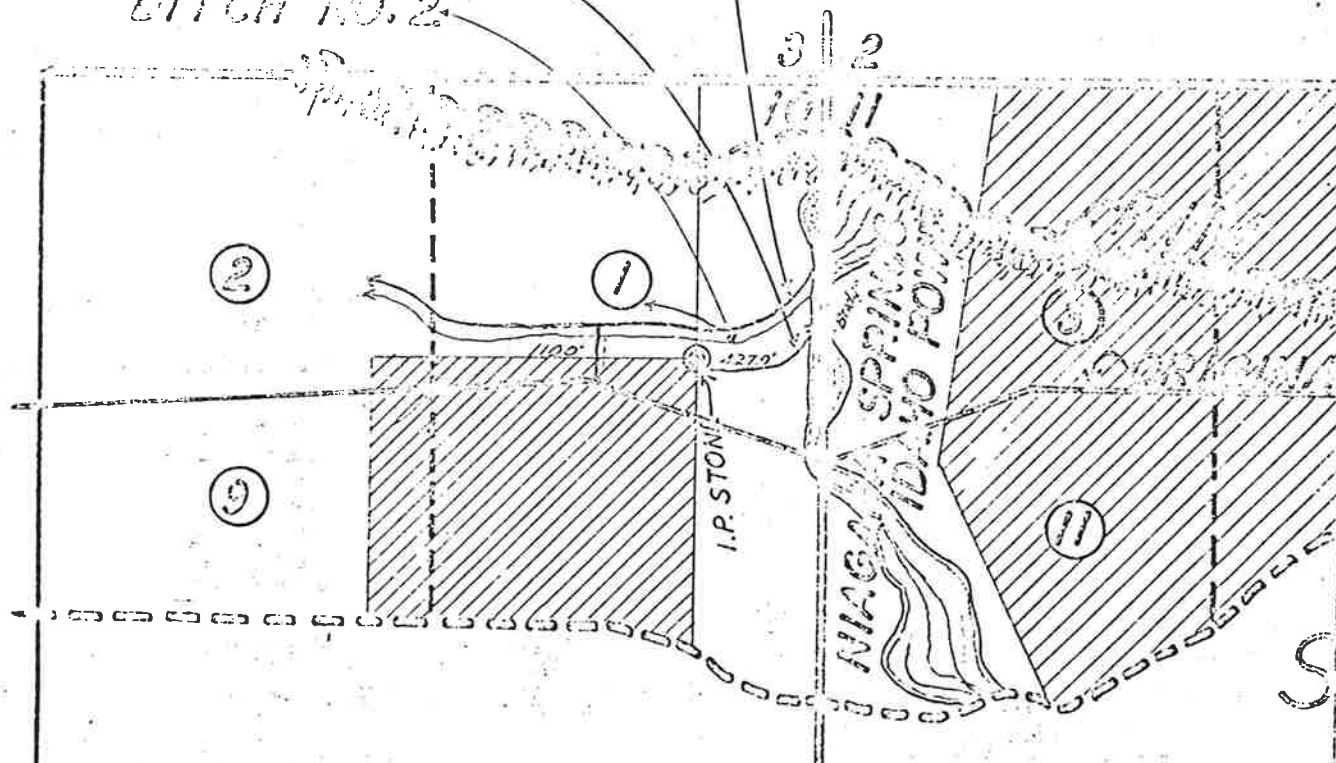
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

My commission expires 1951


Notary Public residing at Gooding,
Idaho.

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JAN 28 1993

- A SVALLEY DITCH
 B THOMPSON-LAYS DITCH NO. 1
 C DANLQUIST DITCH
 D NIAGARA DITCH NO. 3.
 DITCH NO. 2.



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T.9S.R.15 E.

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R PROOF

CVR

MAPS

PHOTOS

MISC

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OCT 18 1994

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

In Re the General Adjudication)
of the Rights to the Use of Water)
from the Snake River Basin)
Water System)

Case No. 36-04032A -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.
4. ☒ Priority Date: I respond to the objection concerning the priority date.
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 and 3.a, and all allegations of the objection regarding these items, IDWR responds as follows:

This right is recommended with a diversion rate of 3.54 cfs, based on measurement data from the United States Geological Survey, which shows diversions of up to 3.54 cfs during the

early 1950's. The U.S.G.S. data shows that the ten cfs diversion rate claimed for this right first occurred in 1959. An additional 7.06 cfs is recommended as right no. 36-04032B with a 1959 priority date, resulting in a total diversion rate under the two rights of 10.6 cfs (the 10.6 cfs total diversion rate confirmed by the U.S.G.S. data for 1959). The documents submitted by Rim View to IDWR as part of the investigation of this claim are not sufficiently specific as to actual diversion and use of 10 cfs prior to 1959 so as to outweigh the U.S.G.S. measurement data.

In response to Statement of the Objection item 4 and all allegations of the objection regarding these items, IDWR responds as follows:

The priority date claimed for this right was 1926. Where the claim does not state a month and day, IDWR assumes a priority date of the last day of the season of use in the year claimed. By asserting a priority date of 1912 in the objection, the claimant improperly seeks to use the objection process to amend its notice of claim. IDWR believes that a claimant must obtain leave of the court to amend a claim after the director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the district court.

Even if a priority date of 1912 had been claimed, IDWR further responds as follows: IDWR incorporates by reference its response to Statement of the Objection items 3 and 3.a above.

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

Idaho Code section 42-1411(2) provides that the director's recommendation shall include "such other matters as are necessary to define the right." The facility volume correctly describes the current use of water diverted pursuant to this right for fish propagation purposes. Description of the current use is necessary to define the right and to prevent future expansions in use of the right.

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

IDWR denies this portion of the objection.

There are errors in the annual diversion volume and remarks in the description of this right and right nos. 36-04032B and 36-02680 in the director's report. The annual diversion volume for this right should be 2562.8 AFY, for 36-04032B should be

(Over)

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5111.2 AFY, and for 36-02680 should be 57,701 AFY, for a total combined annual diversion volume for the three rights of 65,375 AFY. In addition, because claim no. 36-04032C was recommended for disallowal, the reference to claim no. 36-04032C should be deleted from the remarks.

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
Notice of Claim No. A36-04032A	4
Recommended Water Rights Acquired Under State Law	1

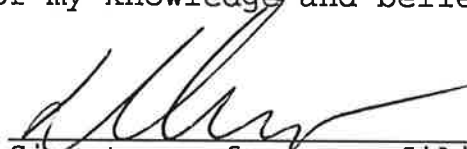
VERIFICATION (Must be Completed)

State of IDAHO

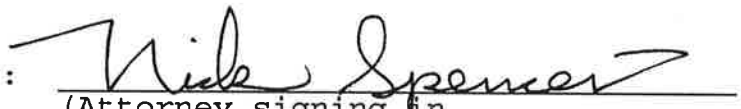
County of ADA

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

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



Signature of person filing response

By: 

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 30th 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)

MICROFILMED

CERTIFICATE OF MAILING

I hereby certify that on the 30th 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

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 A36-04032A
Date Received 9-01-88
Receipt Number C002868
10-07-88

RECEIVED

OCT 07 1988

**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 Ave. Boise, Idaho Zip 83705
2. Date of Priority (Only one (1) per claim) 1926
3. Source of water supply (a) Niagra Springs
which is tributary to (b) Sank- 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

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OCT 18 1994

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 10.0 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 10.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is none 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	15E	10	^H GLa1	^H GL 2	^H GL10	^H GL9													

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 ☒ 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.

Licenses No. 33448/36-2680 and No. 36-7167 are owned by Rim View Trout Co. or None ()
and are used as the same place but for separate uses.

14. Remarks:

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

OCT 18 1994

[illegible]

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JAN 28 1993
OCT 18 1994

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐
Decree ☐
If applicable provide IDWR Water Right Number 36-4032
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 _____

of Rim View Trout Company _____, that I have signed the foregoing
Organization

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 Hansen _____

Title and Organization Rim View Trout Company -President _____ Date October 7, 1988

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

Subscribed and sworn (or affirmed) before me this 7th day of October 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 P.O. Box 2773, Boise ID 83704

Date 10-7-88

Last Name _____ Ident. Number _____

MICROFILMED
JAN 28 1993
OCT 18 1994
Copies White-State, Yellow-Claimant

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

DATE: AUG-26-1993

PAGE: A-1

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				
36-04032A	RIM VIEW TROUT CO 1301 VISTA AVE BOISE ID 83705	12/31/1926	FISH PROPAGATION	01-01 12-31	3.54 CFS ~~7239.8~~ AFY 2562.8 AFY	BENEFICIAL USE
TOTAL QUANTITY:					3.54 CFS ~~7239.8~~ AFY 2562.8 AFY	
NON-IRRIGATION-USES:						
FISH PROPAGATION, COMMERCIAL HATCHERY						
POINT OF DIVERSION:						
T09S R15E S10 LOT 1 (SENE)						
PLACE OF USE: FISH PROPAGATION						
T09S R15E S10 Lot 1 (NENE) Lot 2 (NWNE) Lot 10 (SWNE) Lot 9 (SENE)						
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.						

MICROFILMED
OCT 18 1994

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

In Re the General Adjudication)
of the Rights to the Use of Water)
from the Snake River Basin)
Water System)
_____)

Case No. 36-04032A -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 DEPT OF FISH & GAME
Address: 600 S WALNUT
BOISE ID 83707

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

3. ☒ Quantity: I respond to the objection concerning:
- 3a. ☒ The total quantity of water used in cubic feet per second.
4. ☒ Priority Date: I respond to the objection concerning the priority date.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12a. ☒ This water right being recommended at all.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 3, 3.a, 4, 12 and 12.a, and all allegations of the objection regarding these items, IDWR responds as follows:

The recommended diversion rate is based on measurement data from the United States Geological Survey, which shows diversions of up to 3.54 cfs during the early 1950's. The 1926 priority date recommended by IDWR is based on a copy of a deed submitted by Rim View to IDWR during the investigation of this claim, which

is dated 1928 and makes reference to an existing fish hatchery, thereby providing some support for the claimed 1926 priority date

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. 36-04032A-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 30th 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 30th 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 83705

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: IDAHO DEPT OF FISH & GAME
Address: 600 S WALNUT
BOISE ID 83707

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

DATE: AUG-26-1993

PAGE: A-1

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				
36-04032A	RIM VIEW TROUT CO 1301 VISTA AVE BOISE ID 83705	12/31/1926	FISH PROPAGATION	01-01 12-31	3.54 CFS ~~7239.8~~ APY 2562.8 APY	BENEFICIAL USE
TOTAL QUANTITY:					3.54 CFS ~~7239.8~~ APY 2562.8 APY	
NON-IRRIGATION-USES:						
FISH PROPAGATION, COMMERCIAL HATCHERY						
POINT OF DIVERSION:						
T09S R15E S10 LOT 1 (SENENE)						
PLACE OF USE: FISH PROPAGATION						
T09S R15E S10 Lot 1 (NENE) Lot 2 (NWNE) Lot 10 (SWNE) Lot 9 (SENE)						
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.						

MICROFILMED
OCT 18 1994

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

In Re the General Adjudication)
of the Rights to the Use of Water)
from the Snake River Basin)
Water System)
_____)

Case No. 36-04032A -0003

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. 36-04032A-0001
Recommended Water Rights Acquired Under State Law

1

(Over)

NOT COMPLETED

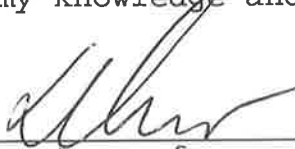
VERIFICATION (Must be Completed)

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 30th 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 30th 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 83705

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 LAWDATE: AUG-26-1993
PAGE: A 1

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				
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TOTAL QUANTITY:					3.54 CFS ~~7239.8~~ AFY ~~2562.8~~ AFY	
NON-IRRIGATION-USES:						
FISH PROPAGATION, COMMERCIAL HATCHERY						
POINT OF DIVERSION:						
T09S R15E S10 LOT 1 (SENENE)						
PLACE OF USE: FISH PROPAGATION						
T09S R15E S10 Lot 1 (NENE) Lot 2 (NWNE) Lot 10 (SWNE) Lot 9 (SENE)						
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.						

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OCT 13 1994

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. 36-04032A
(You must insert the
water right number you
are objecting to)

OBJECTION

36-04032A -0001/
93-04-0260

INSTRUCTIONS

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

MICROFILMED

OCT 18 1994

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 23 1983
REGISTRATION

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.

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OCT 18 1994

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. Documentary evidence submitted to IDWR and other documentary evidence discovered in connection with Subcase No. 36-04020, supports a quantity of water under this water right of 10 cubic feet per second.

4. The documentary evidence previously submitted to IDWR and other documentary evidence discovered in connection with Subcase No. 36-04020 supports a priority date of January 1, 1912 or, at the latest, January 1, 1926.

11. The facility volume is neither required nor authorized by statute. An increase in facility volume does not necessary involve an expansion of use, and any expansion of use resulting from increase in facilities volume for fish production is within the scope of the water right as established by the original facilities volume. Claimant does not know how volume was calculated and challenges the stated volume.

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.

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 to 10 cfs.
2. Change the priority date to January 1, 1912.
3. Delete the remarks pertaining to facility volume.
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.

- 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. _____

Copy of statutory claim, Section 42-225a, Idaho Code,
3 pages.

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.

Rain View Trout Company
Signature of person filing objection

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

Subscribed and sworn to before me this 28th day of April, 1993.

Quinta C Mc Cormick
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 11-14-98

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

OCT 6 1975

Identification No. 56-4832
 Claim No. 42-4016
 Map No. _____

STATE OF IDAHO
 DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT
 Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Rim View Trout Co., Inc.
 post office address 2901 Idaho St., Boise, Idaho, or Wendell, Idaho
 2. The point of diversion is in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 10 Township 9S
 Range 15E B.M. located on Niagara Spring
 (name of source)

tributary to Snake River in Gooding County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

Fish Prop.	- 1926	amount:	10.0	c.f.s. or	acre feet
Fish Prop.	- 1951	amount:	14.5	c.f.s. or	acre feet
Irrigation	- 1951	amount:	0.4	c.f.s. or	acre feet
Domestic	- 1951	amount:	0.1	c.f.s. or	acre feet
Fish Prop.	- 1962	amount:	15.0	c.f.s. or	acre feet
Total claimed				40.0	c.f.s. or acre feet.

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Fish Propagation period of use from Jan. 1 to Dec. 31 (both dates inclusive)
 use Fish Propagation period of use from Jan. 1 to Dec. 31 (both dates inclusive)
 use Domestic period of use from Jan. 1 to Dec. 31 (both dates inclusive)
 use Irrigation period of use from Mar. 15 to Nov. 15 (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material ^{was} ~~is~~ composed of rock and dirt
 _____; length is _____ feet; height is _____ feet;
 width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known Original diversion was by a rock and dirt fill canal. In 1967, a concrete canal was constructed which replaced approximately one-half the original canal.

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
 capacity of pump is _____ g.p.m.; name and address of well driller is _____

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OCT 18 1994

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attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is 300 feet; width of ditch at top is 7 feet; width of bottom of ditch is 7 feet; depth of water is 2-3 feet; grade of ditch per 1000 feet is 25 feet; material through which ditch passes is ditch is concrete through soil & rock; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.
- Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. Ditch was originally rock and dirt of varying dimensions. In 1967 the ditch was reconstructed of concrete.

- d. If water is stored: name of reservoir N/A; total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet; year construction commenced _____; year completed _____; date first used _____; period of storage is from _____ to _____; is reservoir drained each year _____; is reservoir on or off stream _____ explain _____

If feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, If so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres: 0.5 c.f.s. is used for irrigation & domestic use - balance for fish propagation.

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	14																14

Total number of acres to be irrigated 14

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

Irrigation and domestic use has slowly increased.

b. Do you get water through a ditch owned by several users? No If yes give the name of the ditch _____. The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____ N/A

7. Where water is used for domestic or municipal purposes give number of families served approx. 3
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities. Water is used primarily for fish propagation purposes
with minor domestic uses for employees living on property, and irrigation uses
on the premises.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

State of Idaho

County of _____

11.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

W. James Baker Pres

W. Samuel Baker Pres
Claimant

Claimant

Sworn to before me this 25 day of February, 1972

[Signature]
Notary Public

Notary Public

Residing at Bailey Island

My commission expires 1973

For Department Use Only

Received by e1 Date 2-8-77

Exception filed by:

Forwarded to
claimant by:

Date _____

Prelim. check by JEB Date 2-8-72

Fee received by af Date 2-8-72 Fee \$10.00

Approved for publication by De

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OCT 18 1994

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MAY 18 1993

Department of Water Resources

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

In Re 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. 36-4032A
(You must insert the
water right number you
are objecting to)

OBJECTION

To the recommendations of the Idaho
Department of Water Resources for
Water Right No. 36-4032A as Listed
in the Director's Report for
Reporting Area 3 (Basin 36).

36-04032A -0002/
93-04-0261

INSTRUCTIONS

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

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

(Over)

OBJECTION - 1

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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 Department of Fish and Game
Address: 600 South Walnut
Boise, ID 83707

Briefly describe your interest in this water right:
The Idaho Department of Fish and Game is currently
in conflict with Mr. Earl Hardy over water rights
arising from Niagara Springs as to amounts and uses
of water diverted. We are attempting to negotiate
these matters with the parties involved. Until
an agreement can be negotiated, we are reserving
our right to resolve our conflicts through the
Adjudication process.

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: _____
Attorney Address: _____

Attorney Phone No.: _____

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:
- a. ☒ this water right being recommended at all; or
- b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

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

SEE ATTACHED PAGE

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.

We recommend the claim be disallowed entirely because, to our knowledge, there is no documentation of how much water was used for the claimed purposes. Barring a complete disallowal, we would like to see the priority date advanced to October 15, 1949.

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

- 3.a. According to the deposition of Mr. Earl Hardy, taken on December 14, 1992, and relating to water right claims from Niagara Springs, there are no flow measurements or other documentation to support the amount of water either claimed by Mr. Hardy or recommended by Department of Water Resources for use at the Rim View Trout facility (pp. 106-107).
4. The priority date for the claimed use should be no earlier than October 15, 1949. This is the date on which Ida May Owens deeded the lands listed as the place of use to Mr. Wayne Schmeckpeper, Mr. Hardy's predecessor in ownership. According to the above-referenced deposition of Mr. Hardy, he has no knowledge that there was use of the claimed water right for fish propagation prior to the time when the Schmeckpeper family acquired the property (pp. 108-110).

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OCT 18 1994

☒ 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. _____

SEE ATTACHED PAGES

VERIFICATION (Must be Completed)

State of Idaho

County of Ada

Cynthia A. Robertson, being first duly
(Name of person filing objection)
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.

Cynthia A. Robertson
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 22nd day of April,
19993.

James L. Weinhold
Notary Public for Idaho
Residing at: Emmett, Idaho
My Commission expires: 2-15-93

(Over)

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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 28th 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
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

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

Cynthia A. Robertson
Signature of Objector or attorney
mailing on Objector's behalf

**DOCUMENTATION FOR BOX NOS. 3(a) AND 4 OBJECTION
TO IDWR DIRECTOR'S REPORT
FOR CLAIM NO. 36-4032A**

**MICROFILMED
OCT 18 1994**

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

In re the General Adjudication
of Rights to the Use of Water
from the Snake River Basin
Water System.

Civil No. 39576

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,

Defendants.

and related matters.

RECEIVED

DEC 22 1992

Department of Water Resources

DEPOSITION OF EARL HARDY

December 14, 1992

Reported by
Jolise A. Mason
CSR No. 449

COPY

THE COURT REPORTERS
TUCKER
AND ASSOCIATES
TELEPHONE 208-345-3704
1-800-424-2354
FAX 345-3713
605 WEST FORT STREET
POST OFFICE BOX 1625
BOISE, IDAHO 83701

1993

...s. Of course, we have knowledge of that (21) ... of thing but not to the point that we want ... rely (22) on our judgment because we had ... now the water will (23) run right.

Q: Okay. So then other than maybe perhaps ... or 3 c.f.s., plus or minus, above 140.3, then ... far as

Page 103

... you know, Rim View's never diverted much ... other than (2) that amount?

A: I think I said that in that period of time, (4) ... it was up over 150. I think there was discussion ... on (5) that.

Q: That's when the thing was locked?

A: Yes.

Q: So Mr. Foster couldn't change it; right?

A: Right.

Q: Yeah, I meant outside of that period.

A: Yeah. Because we know it would be up in ... there because the later records show it going ... up over (13) 150.

Q: Have you talked to Mr. Brockway recently ... about any measurements of Rim View's diversions or in (16) the diversion ditch itself?

A: No. I haven't had any reason to.

Q: Okay. Now, do you recall the hearing that ... we had on your hydropower application?

A: Uh-huh. Well, I wasn't there, but I recall (21) ... there was a hearing.

Q: That's right. You weren't there, were you?

A: At that hearing you hired a consultant to (24) ... do a study on the measuring device. Do you ... remember (25) him?

Page 104

Q: Uh-huh. Bill Block, J-U-B Engineers.

A: And if I recall, you hired him to do a (3) study ... o putting in a measuring device in your (4) ... diversion ditch; is that correct?

A: Well, we did that before — sometime be- ... fore (6) the hearing. We did that — he come up ... with a design (7) for the rebuilding of the ditch ... which incorporated (8) measuring and also pro- ... vided for the hydro diversion. (9) It was a combi- ... nation study.

Q: Oh, okay. And that was to measure the (11) ... water before it went through the hydro place, is ... that (12) correct, or through hatchery, whichever

A: Yes.

Q: — one you —

A: But that was only part of the purpose. It ... (16) was to rebuild the ditch, which I would prefer ... to have (17) done because of safety. And it was to ... provide for a (18) measuring device. And the third ... reason was for the (19) diversion at the hydro.

Q: Okay. And what was his estimated cost for ... (21) that measuring device? Do you recall?

A: Measuring device? I don't recall. (23) Mr. ... Brockway was in on that earlier. And the reason ... we (24) had Mr. Block come over at this hearing ... is because he (25) had done the engineering on ... the entire flume.

(1) Mr. Brockway testified and was part of a com- ... mittee that (2) ... people set up on that measur- ... ing device.

(3) To me, the costs submitted were (4) unrealistic. ... I remember Fish and Game had a figure (5) there. ... If I could rely on their engineering, I'd like (6) to ... contract it out to them.

(7) Q: Do you recall what those —

MR. RINGERT: Just a minute. I think I'm going ... (9) to object. And I'm going to instruct the witness ... not (10) to answer if we're going to retry the ... measuring device (11) case here. I don't know ... what on earth the cost of the (12) proposed ... measuring device has to do with this (13) lita- ... tion.

MR. GODDARD: No, we're not going to retry ... that (15) case, Bill. I was just going to ask Mr. Hardy ... if he (16) recalled what those cost estimates were.

THE WITNESS: No, I don't.

Q: BY MR. GODDARD: And you don't recall ... what (19) Mr. —

A: Now, when you say "those cost estimates," ... (21) are you talking about Mr. Block, or are you ... talking (22) about —

Q: No. Excuse me. Let me be more specific.

(24) You were talking about the cost estimate by ... (25) Fish and Game. And I was referring to the one ... that

Page 106

(1) they came up with. And then I believe Mr. ... Brockway (2) also had an estimated cost. Do you ... remember either one (3) of these estimates?

A: To me, they're all low. But it seems to me (5) ... on the low side, one of them might be 9,000. It ... seems (6) to me there was one 16. I'm just guess- ... ing. I don't (7) remember. Maybe one 23,000, ... something like that.

Q: What about the guy from JB Engineering — ... (9) JR Block Engineering (sic), do you recall his ... estimate?

A: We don't have any estimate. He just did a ... (11) design.

Q: He did a design, but he didn't come up ... with (13) an estimated —

A: I didn't ask him for an estimate because ... we (15) weren't to that point. What we'll do then ... is we'll bid (16) it when the time comes. And that ... will tell us what the (17) cost is.

Q: Are you familiar with Rim View's statutory ... (19) claims?

A: Generally. I can't recall the detail of (21) ... them.

Q: Can you tell me what you feel is the basis ... (23) for those statutory claims?

A: Well, the records we have and the (25) ... understanding of use.

Page 107

Q: What evidence do you have to support ... those (2) claims?

A: Well, as I've mentioned, this one deed (4) ... where 10 second feet of water was transferred ... from (5) Mrs. Mays to Schmeckpeper's. And there ... was some (6) evidence of some additional use in

[95] I think that [7] original 10 second feed might have been 1926. There's [8] a combination of several flows involved there. We [9] didn't pull them out of the hat.

[10] Q: Oh, okay. And do you have flow [11] measurements to support this claim?

[12] A: Flow measurements?

[13] Q: Yes.

[14] A: Not any more than, probably, any records [15] that anybody had in those days, including Fish and [16] Game. We have a deeded documentation of water [17] transfers. There's probably nobody around to know [18] whether there were any flow measurements taken.

[19] Q: When you say documented transfers, which [20] transfers are you talking about?

[21] A: The one I referred to several times from [22] Mrs. Mays to Schmeckpeper. I think that 10 c.f.s. was [23] recited there or something similar to that.

[24] We know that they were there. We know the [25] Schmeckpepers were there. We know that there was trout

Page 108

[1] produced before then.

[2] Q: And who produced trout before the [3] Schmeckpepers?

[4] A: I don't know.

[5] Q: They didn't — I may be wrong. Excuse me. [6] Didn't Mr. Schmeckpeper say they moved there in '48, or [7] is that —

[8] A: Well, that was their family. Milferd [9] Schmeckpeper was up on the Crystal Springs —

[10] Q: Right.

[11] A: — until about 1952 or 1953. The two [12] brothers came into that site probably 1948, 1949.

[13] Q: And they're the ones that started the Rim [14] View facility, as you know it, or do you know of [15] someone prior to —

[16] A: The Rim View facility was started —

[17] MR. RINGERT: Wait until he finishes his [18] question.

[19] Go ahead. Excuse me.

[20] THE WITNESS: He wanted me to wait to let you [21] finish. So I'm waiting.

[22] Q: BY MR. GODDARD: I'm finished.

[23] A: The Rim View facility was started at [24] Crystal Springs. That's where the name originated. I [25] don't know whether you picked up on this because of the

Page 109

[1] way you've described it, but that's where he was [2] originally. And his brothers were down at Niagara. [3] And they called it Schmeck's Rainbow Ranch.

[4] Q: Okay.

[5] A: As in many of those places down there, you [6] know, there's things that went on prior to that time. [7] And that's what I was told. And there is some [8] documentation that shows that.

[9] But I don't know what — as I see the [10] situation, you attorneys may have a different approach. [11] But to me it wouldn't make much

Lawyer's Notes

difference when it was [12] established. It still would precede the issues we're [13] talking about today.

[14] Q: Do you know whether there were fish ponds [15] where the Rim View facility is now prior to [16] Mr. Schmeckpeper's family acquiring that property from [17] Mrs. Mays?

[18] A: No. Because they acquired that about the [19] time I went into the business. So it wasn't —

[20] Q: Which is around 1948?

[21] A: Uh-huh. And my first contact, you know, I [22] knew of them. And as I testified, I bought some trout [23] from them. And I remember being at the house with his [24] brother, Harlyn, in the 1950s.

[25] Q: Okay.

Page 110

[1] A: But I wasn't around at that time, so I [2] never saw the place at that time.

[3] Q: Okay. Then you don't know, as I understand [4] it, who Schmeckpeper's — I guess it would have been [5] Mrs. Mays would have been their predecessor in title. [6] so I guess we do know that.

[7] Do you have any other documentation to [8] support these statutory claims, other than what we've [9] talked about today?

[10] A: Well, there may be some papers in the files [11] that support it. But I recall this one deed. But [12] there's probably — there may be some other evidence. [13] Mr. Ringert would have it or I'd have it. I didn't [14] come prepared to talk about the details of the claim.

[15] Q: Now, since the hearing that we had in [16] November, since that time frame, have you talked to [17] Mr. Robert Stacey at all?

[18] A: I think I did. I'm trying to think what I [19] called him about. I've known him a long time.

[20] Q: So it was a phone conversation?

[21] A: Yes, uh-huh.

[22] Q: Just one?

[23] A: Yes.

[24] Q: And you don't recall the details of that —

[25] A: I can't recall what I called him about. It

Page 111

[1] may come to my mind. But —

[2] Q: Do you recall talking about the use of [3] water down on the ranch for irrigation?

[4] A: Irrigation?

[5] Q: Uh-huh.

[6] A: No, I don't think so. I don't think that's [7] the reason I called him. Because I knew he had the [8] ranch. I mean, I knew of that, of course.

[9] Q: Why did you call him?

[10] A: That's what I'm trying to recall. There [11] was some question that I wanted to pose to him.

[12] See, I talked to him before the hearing, [13] too.

[14] Q: Oh, okay.

[15] A: He said he didn't know why he was there.

[16] You people had called him and wanted him

*presently in use, the
this Schmeckspaper - put in
signatures - agreement is dated on
July 11th & 12th - 1950 - see 2nd*

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

Ida Owen Mays,

Plaintiff,

- vs -

Wayne Schmeckspaper,

Defendant.

AGREEMENT

5186

July 31, 1950

Handwritten notes and signatures in a box, including "5186" and "JUL 31 1950".

For the purpose of compromising and settling the issues and controversy involved in the above entitled action the plaintiff and defendant and their respective attorneys agree as follows:

1. The defendant agrees that he will immediately repair the ditch known as the Thompson-Mays Ditch, leading from Niagara Springs, and in particular he agrees to replace the soil of the lower bank of said ditch where such bank was cut by the defendant recently. In repairing such bank defendant agrees to utilize recognized engineering practices, so that such bank will be made and repaired satisfactorily. In this connection it is agreed that if any break occurs in such ditch bank as result of the cutting thereof by the defendant or as a result of such bank not being properly repaired, then in either event the defendant will be solely responsible for any resulting damage. (This repair work shall be done in sufficient time to permit 1950 irrigation water to be diverted to plaintiff's farm lands to the West.)

2. The defendant further agrees to repair all damage done to the ditch lying immediately south of the above mentioned Thompson Mays ditch, which was referred to during the hearing in the above cause as ditch No. 2. This ditch shall be immediately repaired and placed in as good condition as the same was prior to encroachment thereon by the defendant. Any break or overflow in this ditch which may result from improper repairing thereof or may result from the same having been cut and damaged by the defendant will be borne exclusively by the defendant.

3. The defendant hereby disclaims and relinquishes any and all rights in or to said Thompson-Mays ditch, referred to in the hearing in this matter as ditch No. 1, and also in the ditch immediately south thereof referred to in the hearing in this matter as ditch No. 2. The defendant agrees to take and receive the ten (10) second feet recently sold to him by the plaintiff from said Niagara Springs through the ditch known as the Niagara Ditch, and referred to in the hearing of this matter as ditch No. 3. In this connection it is agreed that said Niagara Ditch shall continue to divert from Niagara Springs, where the same now diverts, and that the defendant shall reconstruct and repair the ditch leading from such diversion. It is agreed that recently the course of defendant's ditch No. 3 has been located and constructed and is located on portions of plaintiff's land, and that this has been done with the knowledge and consent of plaintiff, and plaintiff agrees that said ditch so known as ditch No. 3 may be maintained by the defendant in the future on the site and location which it now occupies, and for this purpose plaintiff gives defendant an easement for the maintenance and operation of said ditch on its present location.

4. Plaintiff gives and grants to defendant an easement and right of way for the maintenance and operation of a road across plaintiff's lands leading across the south part of plaintiff's lands described as Lots 1 and 2, Sec. 10, T. 9, S. R. 15, E.B.M., such roadway to be north of ditch No. 3 and approximately paralleling the same. Such roadway to extend from a point slightly north of the Northeast corner of defendant's land to a point slightly north of the Northwest corner of defendant's land. It is understood that said roadway is now definitely located on the land on the agreed site. This road shall be kept in repair by defendant, and shall be kept open for and may be used by the plaintiff, her agents, guests and successors in interest.

5. Plaintiff agrees that the defendant may maintain and operate his fish pond in the approximate Southeast corner of said

Lot 2, as it now exists, the same extending slightly onto the lands of the plaintiff.

6. The plaintiff hereby waives and relinquishes all right and claim in and to the ditch repaired and constructed by defendant within the last thirty days, the same diverting from the Niagara Springs at the point previously referred to as ditch No. 3, and extending thence westerly across the Northeast corner of defendant's said land and thence slightly onto the lands of the plaintiff and terminating in the fish pond situate in the Northwest corner of defendant's said land, said fish pond being in the approximately Southeast portion of Lot 2, Sec. 10, T. 9, S. R. 15, E.B.M.

7. Said ditches 1 and 2 are appurtenant to the lands of the plaintiff, namely, lands situate in Sections 2, 3, 4, 5, 10, 11 and 12, Twp. 9, S. R. 15, E.B.M., and other lands, all of which are generally known as the Niagara Springs Ranch, and now owned by the plaintiff. Ditch No. 3, the Niagara Ditch, so waived to the defendant is appurtenant to lands of the defendant, conveyed to him by plaintiff by deed dated October 15th, 1949, including part of Lots 1, 2, 9 and 10, Sec. 10, T. 9, S. R. 15, E.B.M., and other lands.

8. There is attached hereto and by this reference made a part hereof segment of map showing the Niagara Springs and the diversions of the above mentioned ditches therefrom.

The terms and conditions hereof shall constitute covenants running with the land, and shall be binding upon the successors and assigns of the respective parties hereto.

Dated this 31st day of March, 1950.

Attorneys for Plaintiff

Ida Chicago Mayo
Plaintiff

Attorneys for Defendant

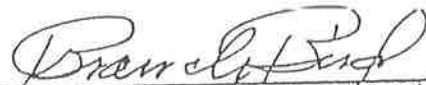
Wm. A. Schmeckesser
Defendant.

STATE OF IDAHO }
COUNTY OF GOODING } ss

On this 31st day of March, 1950, before me, the undersigned, a Notary Public in and for said State, personally appeared Ida Owen Mays and Wayne Schmeckpeper, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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.

My commission expires 1951


Notary Public residing at Gooding,
Idaho.

COPY

RECEIVED

MAY 03 1993

Department of Water Resources
Adjudication Bureau

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

In Re the General Adjudication
of Rights to the Use of Water
from the Snake River Basin
Water System

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. 36-04032A

OBJECTION

36-04032A -0003/
93-04-0262

INSTRUCTIONS

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

(Over)

MICROFILMED

OCT 18 1994

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)

MICROFILMED
OCT 18 1994

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:

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 29th day of APRIL, 1993.



Darla Joyce
Notary Public for Idaho
Residing at: Boise
My commission expires: 4-26-95

(Over)

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OCT 18 1994

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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 29th 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:

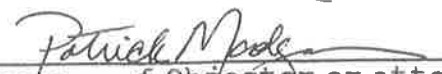
Owner name: RIM VIEW TROUT COMPANY
Owner's address: 1301 Vista Avenue
Boise, Idaho 83705

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

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MICROFILMED
JAN 28 1953

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: 36-04032A

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

RECEIVED
JAN 28 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(Instead of filling 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 -3.54 cfs; total volume 7,239.80 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 10.00 cfs. Total quantity 10.00 cfs. Delete total volume remarks. Delete facility volume and total facility volume.
5. Describe why you disagree with the proposed recommendation:
Evidence supports 10.00 cfs as total quantity. The facility volume is neither required nor authorized by statute.
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

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.

UNRECORDED
JAN 28 1993

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	12/31/1926	FISH PROPAGATION	01-01 12-31	3.54 CFS	7239.8 AFA
TOTAL DIVERSION:					3.54 CFS	7239.8 AFA

Water Source: NIAGARA SPRINGS

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

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	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: 36-02680, 36-07167, 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: 36-02680, 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

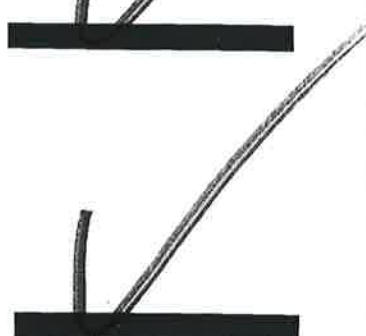
R PROOF

CVR

MAPS

PHOTOS

MISC



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JAN 29 1992

VERIFIED ADM

Water Right Number - R36-04032A

Prefix Translation: RESEARCH

Old (D) Number -

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

*** A - ATTORNEY ***
RINGERT

WF

1 - PO BOX 2773
2 -
3 -
City- BOISE State- ID Zip- 83704
Phone - 208-000-0000*** C - CURRENT OWNER ***
RIM VIEW TROUT CO1 - 1301 VISTA AVE
2 -
3 -
City- BOISE State- ID Zip- 83705
Phone - 208-344-7321+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
12/31/1926 17 SOUTHERN J - BENEFICIAL USE+ - - - - 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 10.000 7239.80+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
10.000 7239.80 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 - 36-02680, 36-07167, 36-04032B & 36-04032C

MICROFILMED

JAN 28 1993

Water right number - R36-04032A

Prefix Translation: RESEARCH

+ - - - - - 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 ABOVE ARE ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE.

+ - - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

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

No Comments Found

+ - - Audit Fields - - +

08/03/92 MERRITT

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 04/30/1991	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/03/1992	Old Judicial District	-
Claim Received Date	- 10/11/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C002868	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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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: A36-04032A

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	Y	4-22-1991 RINGER	4-30-91 SCC	N			SCC 5-15-91	KKC 9/25/91
POINT OF DIV	Y			(Y) 1A.C.	1, 5	2nd by KKC		R.V. 2/26/92
SOURCE	Y			N				3/30/92
PLACE OF USE	Y			N				
DIV. AMOUNT CFS/VOLUME	Y			(Y) vol	1 2 4 5 6 6. calc. -7167			
CONSUMPTIVE USE	-			N				
PURPOSES	Y			N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM	Y			N				
REMARKS				(Y)	6.			

"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.

RECEIVED
JAN 28 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:38:23
07/24/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-04032A

LAST: RIM VIEW TROUT CO.
ADDRESS: 1301 VISTA AVE.
CITY: BOISE
PHONE NUMBER: 208-344-7321

FIRST:

STATE: ID ZIP: 83705

OWNER CODE: C

LAST: RINGERT
ADDRESS: P.O. BOX 2773
CITY: BOISE
PHONE NUMBER: 208-000-0000

FIRST: W.F.

STATE: ID ZIP: 83704

OWNER CODE: A

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

MICROFILMED

JAN 28 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED

JAN 28 1993

A. AJ CLAIM: # A36-04032A PRIORITY DATE: 12-31-1926 STAGE: J
B. WR RECORD: # 36-04032 PRIORITY DATE: 06-01-1926 STAGE: S

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE Y FIELD EXAMINER Y

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

REMARKS:

proof of priority? ✓ 4-22-1991 - evidence of priority received.

RECOMMENDED PRIORITY DATE:

12-31-1926

REVIEWED BY

Sc

DATE

5-15-91

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JAN 28 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-04032A	09S	15E	10	SE	NE	NE	1	GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX

A36-04032B NONE

A36-04032C

A36-02704

A36-07167

A36-10819

A36-02680

WR RECORDS IN SAME 40 ACRE TRACT

36-02001

36-02680

36-02704

36-07167

36-07200

36-07628

36-07789

36-07791

36-07983

36-08347

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
36-04032	09S	15E	10		NE	NE		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX R PREFIX

36-04020

NONE

NONE

SOURCE: NIAGARA SPRING

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
Y

FIELD
EXAMINER

W
W

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JAN 28 1993

REMARKS:

REPROFILMED
JAN 28 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
—	—	—	SE	—	—	—	—

SOURCE:

REVIEWED BY:

TRIB:

DATE:

5-15-91

A. ROOT WATER RIGHT NUMBERS: A36-04032A
A36-04032B
A36-04032C

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.	A36-04032A /	- /			
						RIM VIEW TROUT CO.	A36-02680 /	36-02680 /			
						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 /			
						STATE OF IDAHO		36-08347 /			
						RIM VIEW TROUT CO. INC.		36-07789 /			
09S	15E	10	NW	NE	2	RIM VIEW TROUT CO.	A36-04032A /	- /			
						RIM VIEW TROUT CO.	A36-02680 /	- /			
						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 /	- /			
						RIM VIEW TROUT CO.	A36-02680 /	- /			
						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 /	- /			
						RIM VIEW TROUT CO.	A36-02680 /	- /			
						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 /			
						STATE OF IDAHO		36-08347 /			
						RIM VIEW TROUT CO. INC.		36-07789 /			
TOTAL ACRES						A36-04032A					

FISH

FISH

FISH

FISH

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JAN 28 1993

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
~~N~~

PRESUMPTION FLAG:

REMARKS:

FISH USE ONLY

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JAN 28 1993

RECOMMENDATIONS:

TOTAL ACRES: ~~0~~ FISH

REVIEWED BY: SC

DATE: 5-15-91

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-04032A FISH PROPAGATION	FROM 01-01 TO 12-31	10.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		10.000 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-04032 IRRIGATION	FROM 03-15 TO 11-15	.400 CFS
36-04032 DOMESTIC	FROM 01-01 TO 12-31	.100 CFS
36-04032 FISH PROPAGATION	FROM 01-01 TO 12-31	39.500 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		40.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(X) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(X) Explain in remarks, below.

REMARKS:

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JAN 28 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 10.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 40.000 CFS

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

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER
Y

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

B.

FLOW MEASUREMENT

MEASUREMENT METHOD see also: part B 4032 this page, SEE ATTACHED CALCULATIONS.

see memo 4-8-1991 Louie Holmes
= 124.17 cfs

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

OTHER RIGHTS LISTED IN CLAIM: ~~A36-02680, A36-07167, DIFFERENT USES, A36-04032B, A36-04032C~~

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
A36-04032A	FISH PROPAGATION	RIM VIEW TROUT CO.	FROM 01-01 TO 12-31	10.000 CFS	
A36-02680	FISH PROPAGATION	RIM VIEW TROUT CO.	FROM 01-01 TO 12-31	90.300 CFS	
A36-04032B	DOMESTIC	RINGERT, W.F.	FROM 01-01 TO 12-31	.100 CFS	
A36-04032B	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()

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

Capacity & Diversion exists for this right.

1b. CALCULATIONS

Diversion Volume:

10.0 cfs x 1.9835 x 365 = 7239.775

= 7240 AF

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JAN 28 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
(19) <u>Fish Prop.</u>	<u>1-1 12-31</u>	<u>10.0</u>	<u>7240</u>	
TOTAL FOR THIS RIGHT		<u>10.0</u>	<u>7240</u>	

REVIEWED BY:

SC

DATE:

5-15-91

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JAN 28 1993

Remarks:

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

" use of this right ... " (see A36-2680)

COA

R09

See Memo from Krogh-Hamper 6/10/90

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-04032

	DATABASE	EXAMINER	CFS
TOTAL DIVERSION RATE OF WR SPLITS	40.000	_____	

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-04032	A36-04032A	10.000	-		36-04032	40.000
A36-04032	A36-04032B	15.000	-		36-04032	40.000
A36-04032	A36-04032C	15.000			36-04032	40.000
TOTAL CFS		40.000	(OK)			40.000

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER
Y

REMARKS:

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

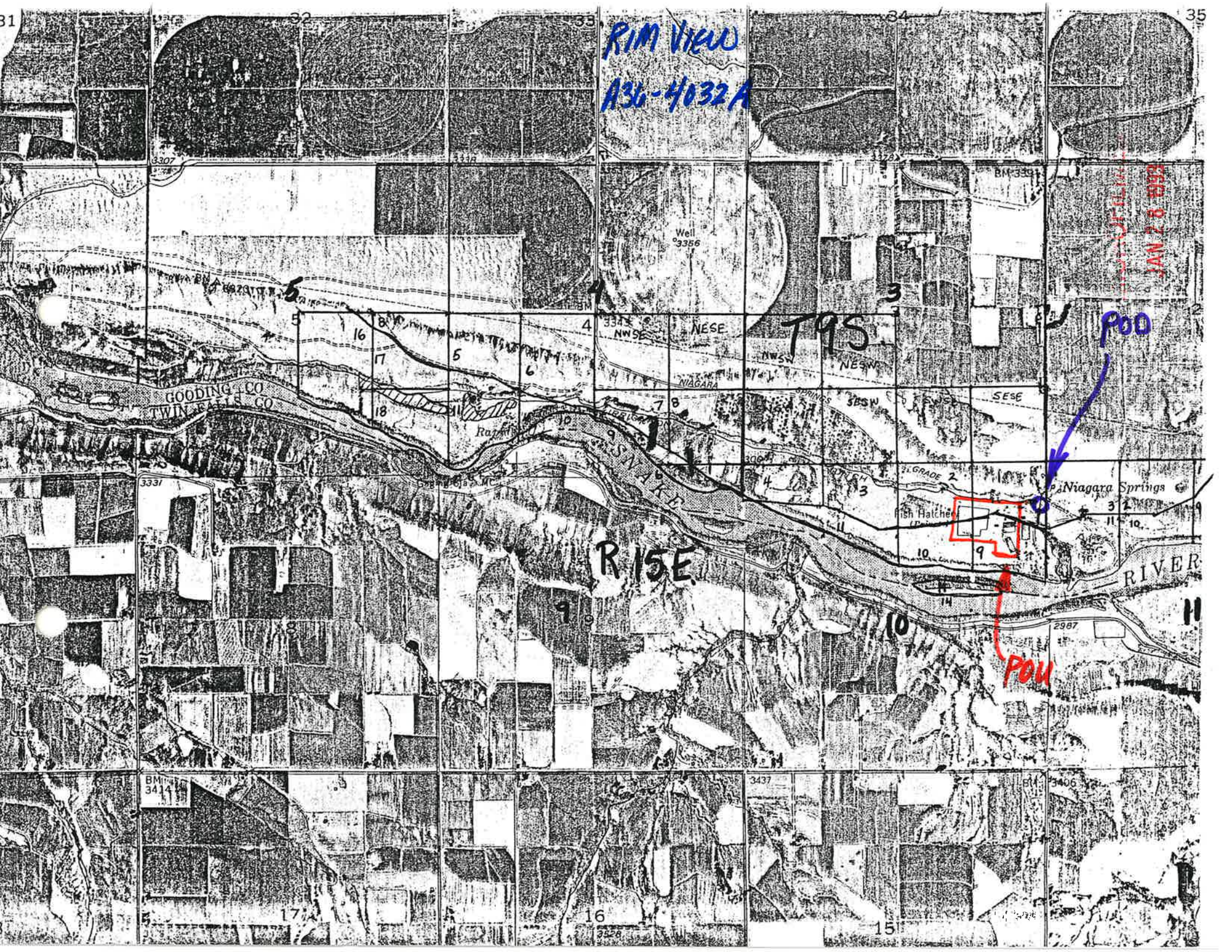
NAME OF FIELD EXAMINER: _____

TITLE: _____

3/30/92

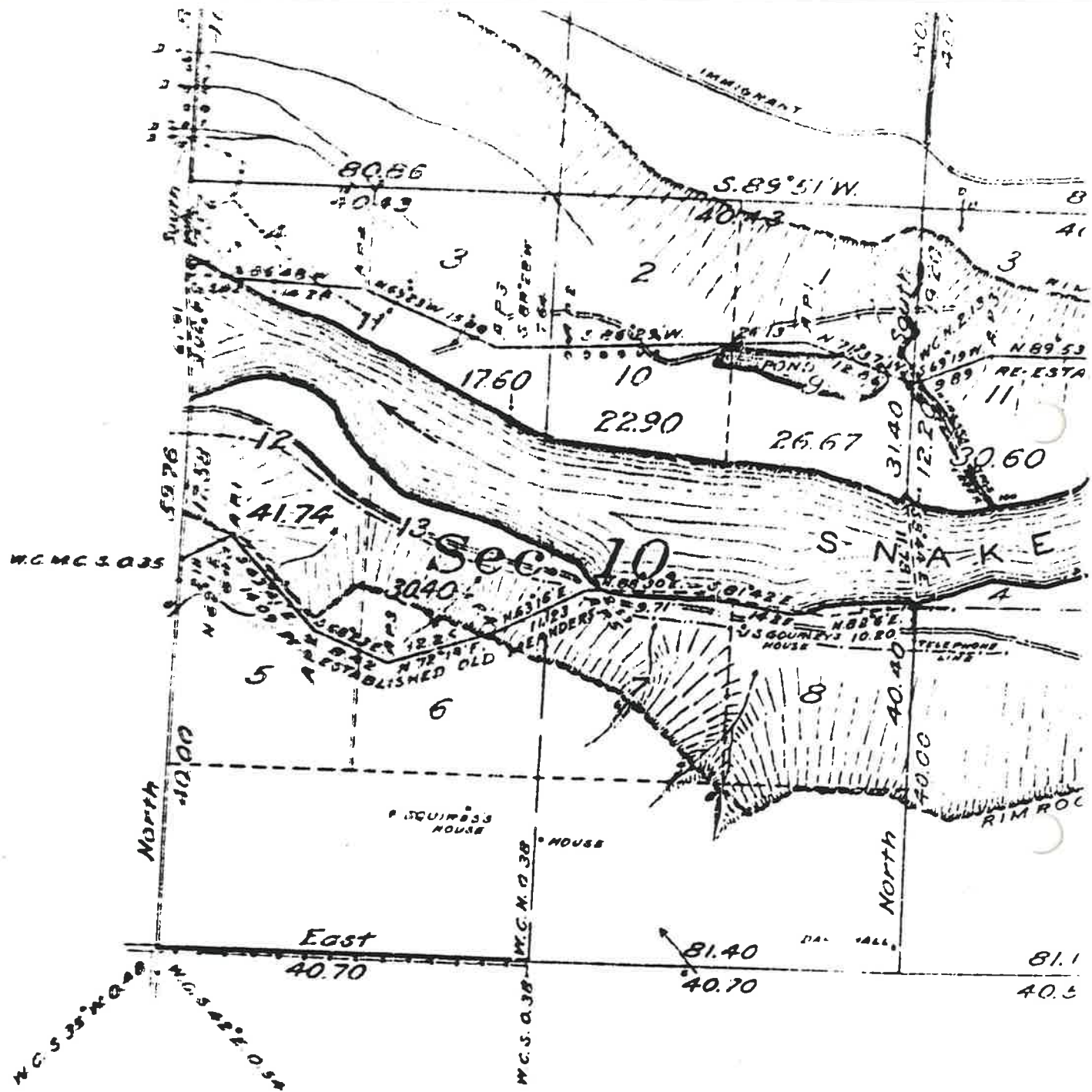
PHOTOFILMED

JAN 28 1993



Sec 10

1920 Survey.



Proof of Priority Review

5-15-91
SCC

-4032 A

10 cfs

12/31/1926

FISH

- supported by 3/31/1950 maps vs. Schmucke paper agreement. Recognizes sale of 10 cfs of water to Schmucke paper. Unclear if it is part of 436-04020.

-4032 B

15 CFS

12/31/1951

14.5 0.4 0.1
FISH, IBR, DOM

- photo supports about 5 acres irr. (with help of ASCS photo)
- opinion of Earl Hardy for fish uses. (?)
photo Date is after 1950; postmark indicates 1963

-4032 C

15 cfs

12/31/1962

FISH

- opinion of Earl Hardy for fish uses. (?)

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JAN 28 1993

NIAGARA SPRINGS

5-15-91 SCC

A36-04032

SPLIT REVIEW

TIME LINE

1900

1910

1912 CLAIMED BY A36-04020 F&G 1/1/1912 36-4020

20 cfs - ~~frank~~
233 ac. Irrig
Dory.

F&G

1920

-4032 A 1926 (10 CFS)

1930

1940

* MAYS VS. Schmeckpeper / Agreement SOLD 10 cfs

Schmeckpeper OWNER

EXPANSION OF PONDS
date?

36-02711

10/23/56

F&G 12 cfs

1950 E. HARDY OBSERVATION OF FACILITIES / PHOTO EX. 1

-4032 B 1951 (15 CFS)

* POSSIBLY 1963 date

1960

-4032 C 1962 (15 CFS)

36-2704

1/31/1966

IPCO 132 cfs

6/6/1966 -2680 50.72 cfs

1967 - DIVERSION DITCH CHANGED, CONCRETE LINING, IRRIGATION REDUCED

36-07234

lib

Err. 80 ac.

1970

2-15" pipes in T-mays Ditch

6/8/1972
Named in
#16326

1971

-7167 50. cfs

1972 - STATUTORY CLAIM FILED 36-4032

1975 - F&G COURT CASE #16326 VS. RIM VIEW COMPLAINT

1976 - HARDY PURCHASED STOCK

1980

1990

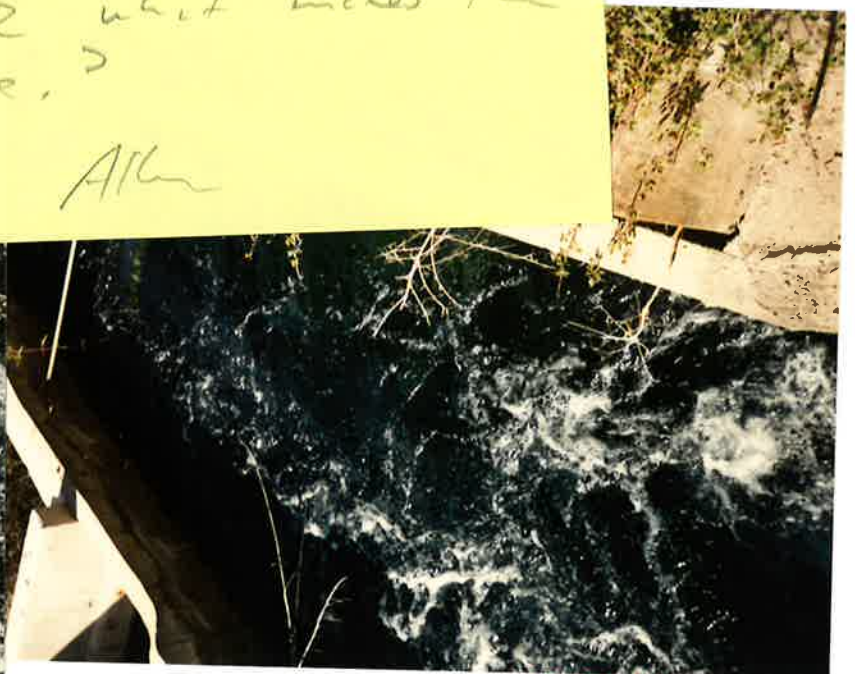
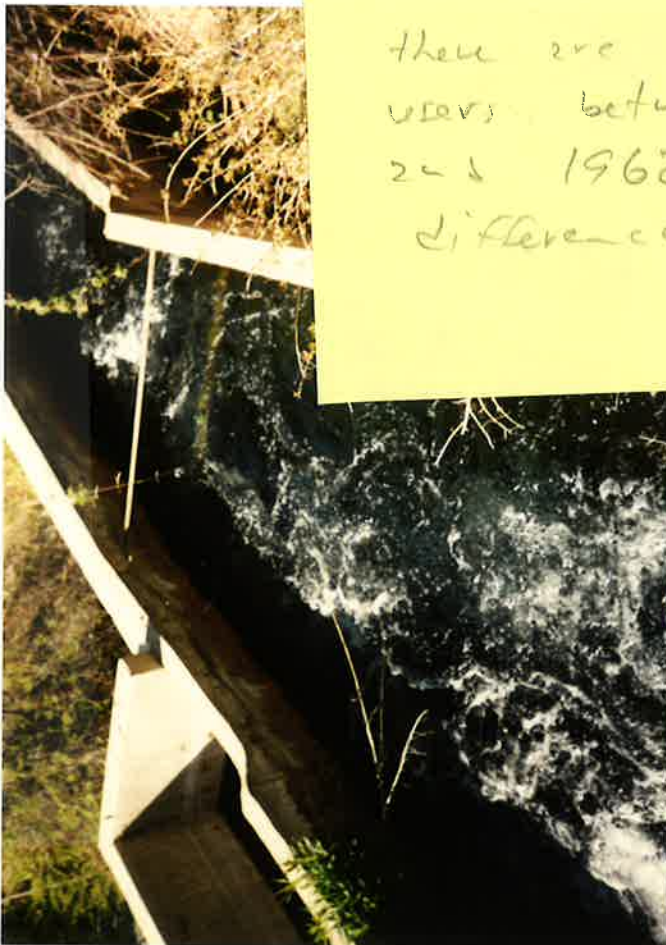
MICROFILMED

JAN 28 1993



2
2
If the priority of
uses is such that
there are no intervening
uses between 1926
and 1962 what makes the
difference?

Allen



MICROFILMED

JAN 28 1993

MEMORANDUM

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

Water Right Number - R36-04032A

Prefix Translation: RESEARCH

Old (D) Number -

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

*** A - ATTORNEY ***

RINGERT

WF

1 - PO BOX 2773

2 -

3 -

City- BOISE

State- ID Zip- 83704

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 - - - +
12/31/1926 17 SOUTHERN J - BENEFICIAL USE+ - - - - 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 3.540 7239.80+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
3.540 7239.80 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 - 36-02680, 36-07167, 36-04032B & 36-04032C

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JAN 28 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - R36-04032A

Prefix Translation: RESEARCH

+ - - - - - 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.

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

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

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

+ - - - - - Comments - - - - - +
Date: 08/11/1992 User Id: THORNTON Subject: DATA ENTRY STANDARDS
Date: 08/27/1992 User Id: SHAFF Subject: CHANGES
REVIEWED USGS DIVERSION MEASUREMENTS TO DETERMINE DIVERSION AMOUNT.

+ - - Audit Fields - - +
08/27/92 SHAFF

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 04/30/1991	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 10/11/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C002868	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

Verified
8/27/92

MICROFILMED
JAN 28 1993

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 $\frac{1}{2}$ Rim View west weir:	1.17	30.91*	7' Supp. Rect
East $\frac{1}{2}$ 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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JAN 28 1993

MEMO

TO: File A36-4032A, 4032B, 4032C
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. Diversion volume was changed to show diversion volume to nearest tenth.
3. 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.
4. Basis of claim changed from statutory claim to beneficial use. Statutory claim is not a basis for a water right; it only designates a type of document in the water right database.

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JAN 28 1993

TABLE 1
HISTORIC FLOWS OF NIAGARA SPRINGS IN CFS

Year*	Monthly Mean												Annual Mean	Annual Var**
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept		
1959	351	331	322	308	297	289	268	258	270	280	294	313	298	93
1960	326	308	294	291	279	266	253	245	263	276	274	294	281	81
1961	298	286	279	271	262	256	233	224	228	232	239	250	255	74
1962	260	258	253	244	236	232	218	217	227	249	271	280	245	63
1963	290	302	283	265	257	246	238	235	244	257	263	271	263	67
1964	289	290	278	258	246	243	243	214	215	241	245	259	252	76
1965	272	268	263	260	265	256	244	233	256	277	292	309	266	76
1966	307	307	290	276	267	259	242	234	245	257	266	277	269	73
1967	300	283	270	259	257	241	218	223	230	223	239	268	251	82
1968	316	305	276	257	237	234	235	226	234	234	257	294	259	90
1969	311	289	284	260	246	247	241	232	246	264	267	280	264	79
1970	270	253	259	249	240	233	225	220	223	231	264	303	248	83
1971	294	278	266	250	241	228	204	194	199	215	236	255	238	100
1972	252	235	220	217	208	198	197	192	203	214	242	252	219	60
Ave.	295	285	274	262	253	245	233	225	235	246	261	279	258	78

* The water year begins in October of the previous year and ends in September of the year listed.

** Annual Var is the difference between the highest monthly mean and the lowest monthly mean.

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TABLE 2

ESTIMATED FLOWS IN CFS IN VARIOUS STRETCHES OF NIAGARA SPRINGS CREEK

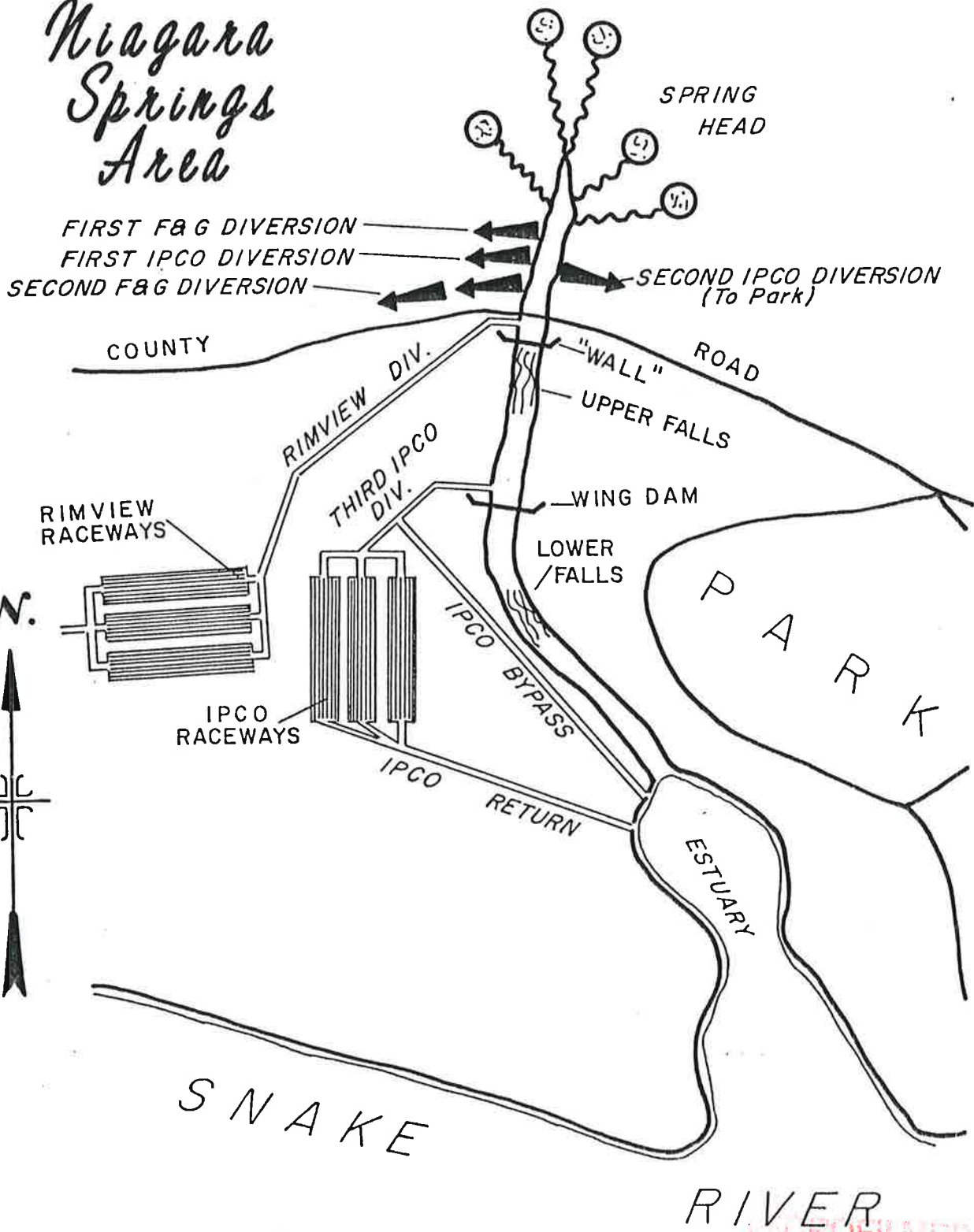
1 Month	2 Average Monthly Mean Flow	3 Historic Diversions Above Rim View Diversion	4 Estimated Average Flow above Rim View Diversion	5 Historic Diversions by Rim View	6 Estimated Average Flow Below Rim View Diversion	7 Maximum Historic Diversions by IPCo	8 Estimated Average Flow Below Third IPCo Diversion
Jan	262	.51	261	140.9	120	100	21
Feb	253	.51	252	140.9	111	105	7
Mar	245	1.31	244	140.9	103	103	0
Apr	233	11.01	222	140.9	81	100	0*
May	225	11.01	214	140.9	73	75	0*
Jun	235	11.01	224	140.9	83	28	55
Jul	246	11.01	235	140.9	94	50	44
Aug	261	11.01	250	140.9	109	65	44
Sep	279	11.01	268	140.9	127	97	30
Oct	295	11.01	284	140.9	143	105	38
Nov	285	1.31	284	140.9	143	103	40
Dec	274	.51	273	140.9	132	110	23

* Note that if the number in column seven is subtracted from the number in column six, the result is a negative number in column 8. The reason for this is that the numbers in column 1 are based on average flows over a twelve year period, while the numbers in column 7 are based upon the maximum historical diversion by IPCo.

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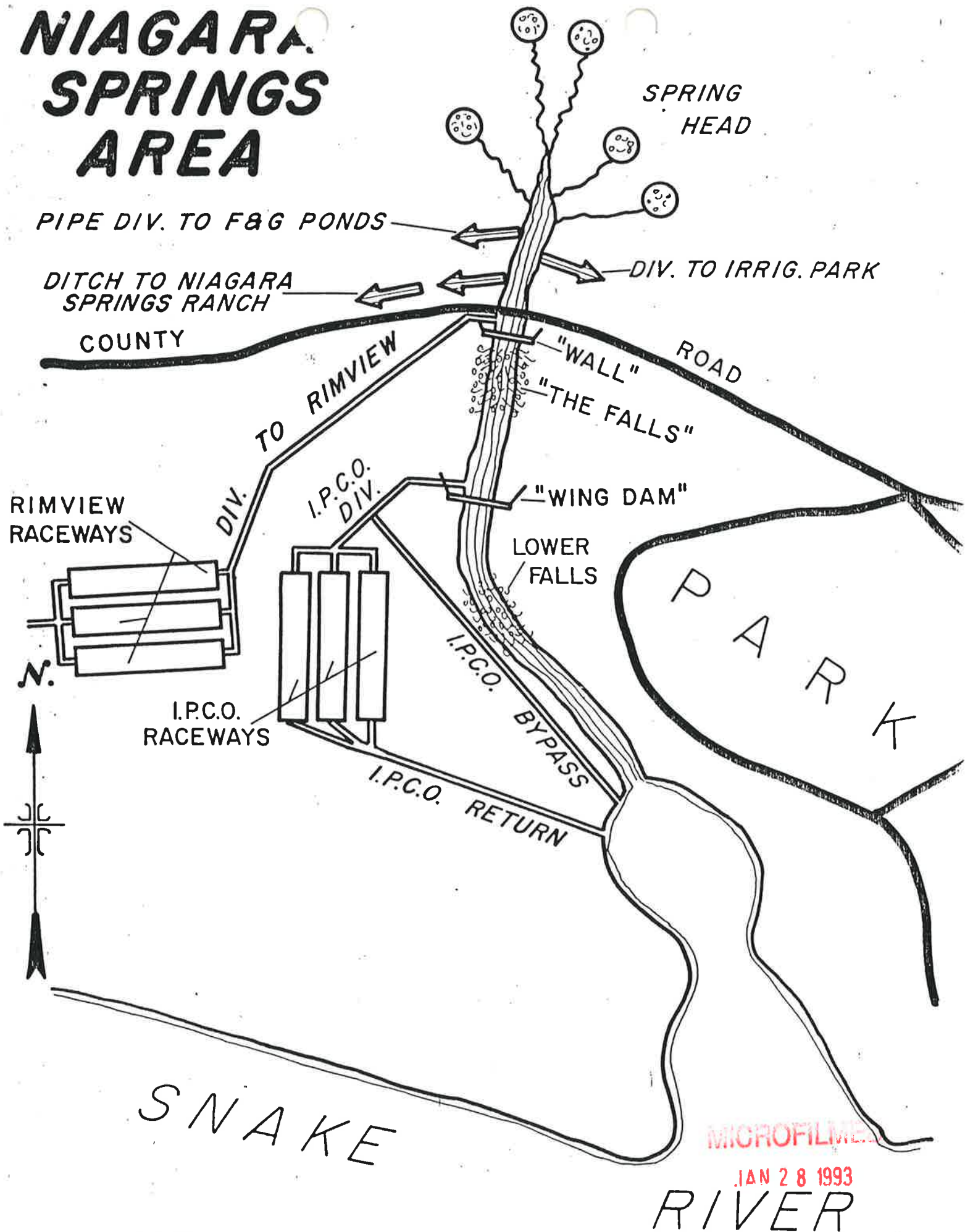
Niagara Springs Area

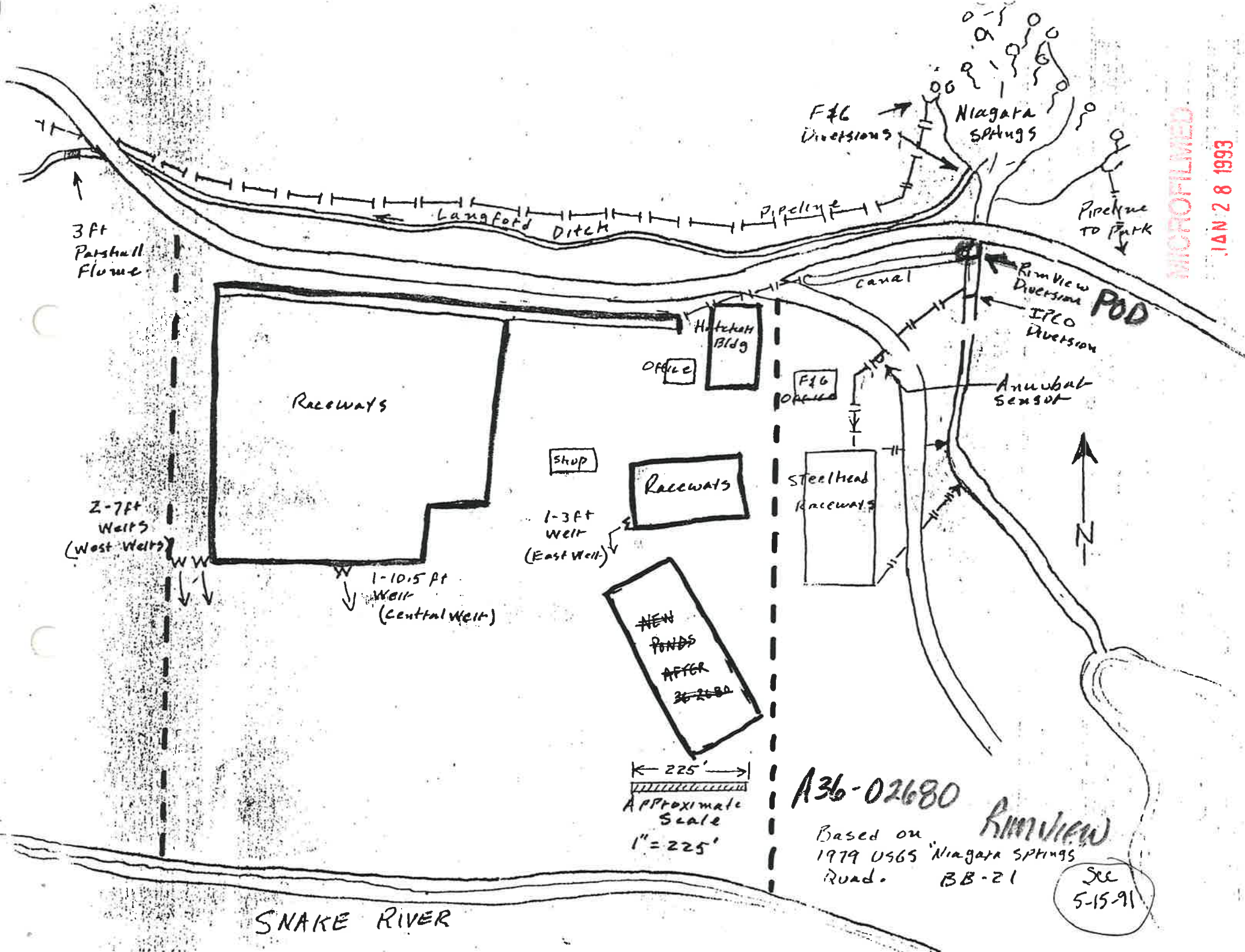


Not to Scale

JAN 28 1993

NIAGARA SPRINGS AREA





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JAN 28 1993

A36-02680

Rim View

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

See
5-15-91

SNAKE RIVER

January 28, 1988

Attn: Steve Goddard

U.S. GEOLOGICAL SURVEY
Water Resources Division
230 Collins Road
Boise, ID 83702

Diversion #1 - went ^{South} ~~West~~ to ~~test~~ ^{test} ~~day~~
Diversion #2 Rim View
Diversion #3 Thomson-Mays Litch
Sprinkler pipe to the NS WMA.

This informational material

is being sent in reply to
your recent request.



Edward T. Young

Chief, Hydrologic Records Unit

FEB 1 1988

Post-It™ brand fax transmittal memo 7571

of pages 5

To <i>Steve C</i>	From <i>D. Shatt</i>
Co.	Co.
Dept.	Phone #
Fax #	Fax #

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JAN 28 1993



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)

SIGNATURE: Robert E. LewisTITLE: Acting District Chief, WRD, IDOFFICE: U.S. Geological Survey, BoiseDATE: 01-28-88

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JAN 28 1993

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	DIVERSION #2	DIVERSION #3	SPRINKLER PIPE	TOTAL CFS
03-24-50	293	8.51	(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	3.0	273.88
04-03-57	269	22.6	4.50	4.40	-	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	7.70	6.15	6.20	-	369.65
01-16-59	303	8.35	5.22	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	3.0	293.06
04-23-59	263	6.61	8.11	18.2	2.5	298.92
05-30-59	235	5.70	12.2	18.4	3.0	273.80
06-24-59	267	4.14	12.1	20.2	2.0	306.44
07-30-59	293	6.07	12.3	17.5	3.0	330.87
09-03-59	308	6.99	13.4	20.1	-	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	3.0	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	352.22
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	14.6	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	3.6	278.57
05-03-61	221	6.94	7.09	12.8	-	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	-	300.80
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	15.3	4.29	-	263.79
03-21-62	235	9.67	14.2	4.87	-	264.44
05-01-62	211	9.34	11.1	9.26	3.2	244.00
05-30-62	220	12.1	13.1	17.7	0.2	263.00
07-11-62	239	12.8	1.1	21.6	3.1	287.60
08-22-62	276	13.9	10.0	13.6	3.2	321.90

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	18.2	22.6	1.25	305.85
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	16.9	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	21.1	48.0	0.1	327.22
09-25-64	285	7.76	20.9	45.0	0.1	369.16
11-02-64	255	6.47	20.8	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	11.3	2.0	287.25
06-18-65	256	9.51	10.0	11.7	1.6	310.81
07-16-65	271	9.78	11.1	13.5	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	-	21.6	19.2	-	289.00
03-21-67	229	-	38.1	16.2	0.2	283.60
04-25-67	214	-	49.5	23.0	0.2	281.70
05-23-67	213	-	27.0	44.8	1.1	285.90
06-13-67	236	-	51.0	8.8	0.6	296.40
07-18-67	246	-	49.4	41.2	-	336.60
08-17-67	246	-	50.0	39.4	0.3	335.70
09-27-67	287	-	41.0	28.0	0.3	356.30
11-02-67	322	-	32.7	7.18	-	361.88

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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	7.38		297.78
03-20-68	235		57.4	9.47		301.87
05-28-68	218		48.8	27.8		294.40
06-20-68	240		54.5	27.8	0.5	322.30
07-29-68	228		42.3	25.5	0.1	316.30
08-28-68	277		54.4	31.7		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		438.52
04-25-69	233		52.1	23.9	1.7	309.00
05-22-69	193		51.7	23.8		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		29.0	22.0		378.00
09-10-69	269		30.3	29.6	0.3	379.20 ✓
10-16-69	223		93.7	17.1		333.30
11-08-69	258		77.0	7.89		339.89
12-02-69	264		87.7	8.40		360.10
01-11-70	192		69.3	10.4		271.60
02-12-70	239		61.1	9.96		310.06
04-06-70	201		59.4	7.88	0.2	268.49
04-12-70	196		63.3	7		267.03
05-08-70	186		72.1	19.6		327.70
06-02-70	328		72.3	22.4	1.8	324.50
07-11-70	185		69.8	15.9		270.07
08-07-70	324		61.3	36.3	2.1	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		60.6	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		344.40
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		97.7	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		102.	21.2		377.20

June 14, 1973

JDF

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.

36-4032

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

36 2680

36-04032

Identification No. 36-4032Claim No. 47-4014

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Rim View Trout Co., Inc.
post office address 2901 Idaho St., Boise, Idaho, or Wendell, Idaho
2. The point of diversion is in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 10 Township 9S
Range 15E B.M. located on Niagara Spring
(name of source)
tributary to Snake River in Gooding County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:	Fish Prop.	- 1926	10.0	
	Fish Prop.	- 1951	amount: 14.5	c.f.s. or _____ acre feet
	Irrigation	- 1951	0.4	
	Domestic	- 1951	amount: 0.1	c.f.s. or _____ acre feet
	Fish Prop.	- 1962	amount: 15.0	c.f.s. or _____ acre feet
	Total claimed			40.0 c.f.s. or _____ acre feet.
- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use <u>Fish Propagation</u>	period of use from	<u>Jan. 1</u>	to	<u>Dec. 31</u>	(both dates inclusive)
use <u>Fish Propagation</u>	period of use from	<u>Jan. 1</u>	to	<u>Dec. 31</u>	(both dates inclusive)
use <u>Domestic</u>	period of use from	<u>Jan. 1</u>	to	<u>Dec. 31</u>	(both dates inclusive)
use <u>Irrigation</u>	period of use from	<u>Mar. 15</u>	to	<u>Nov. 15</u>	(both dates inclusive).
4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material ^{was} ~~is~~ composed of rock and dirt
_____; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known Original diversion was by a rock and dirt fill canal. In 1967, a concrete canal was constructed which replaced approximately one-half the original canal.

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

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JAN 28 1993

36 4032

36-04032

JAN 28 1993

- b. Do you get water through a ditch owned by several users? No If no, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____
6. Where water is used for stock watering, give number of each kind of stock watered N/A
7. Where water is used for domestic or municipal purposes give number of families served approx. 3 name of town supplied _____
8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities Water is used primarily for fish propagation purposes with minor domestic uses for employees living on property, and irrigation uses on the premises.
9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

State of Idaho }
County of _____ } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

W. Samuel Baker Pres
Claimant

Sworn to before me this 25 day of February, 1972

John C. Ward
Notary Public
Residing at Boise, Idaho

My commission expires 1973

For Department Use Only

Received by <u>e1</u> Date <u>2-8-72</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>JEB</u> Date <u>2-8-72</u>	_____	_____	_____
Fee received by <u>e1</u> Date <u>2-8-72</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>De</u>	_____	_____	_____
Published in <u>Gooding County Leader</u> Dates <u>3-9 & 3-16</u>	_____	_____	_____

35 32
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JAN 28 1993

36-04032

Identification No. _____

Claim No. _____

Map No. 36-4032

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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1. Name of claimant Rim View Trout Co., Inc.
post office address 2901 Idaho St., Boise, Idaho, or Wendell, Idaho
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Range 15 East B.M. located on Niagara Spring
(name of source)
tributary to Snake River in Gooding County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:

Fish propagation - 1926	amount: <u>approx. 10</u>	c.f.s. or	acre feet
Fish propagation (14.5 cfs) & irrig. & dom. (.5 cfs) - 1951	amount: "	<u>15</u>	c.f.s. or acre feet
Fish propagation - 1962	amount: "	<u>15</u>	c.f.s. or acre feet
Total claimed		<u>40</u>	c.f.s. or acre feet
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use <u>fish propagation</u>	period of use from	<u>Jan. 1</u>	to	<u>Dec. 31</u>	(both dates inclusive)
use " "	period of use from	<u>Jan. 1</u>	to	<u>Dec. 31</u>	(both dates inclusive)
use " "	period of use from	<u>Jan. 1</u>	to	<u>Dec. 31</u>	(both dates inclusive)
use _____	period of use from _____	to _____	(both dates inclusive).		
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material ^{was} ~~is~~ composed of rock and dirt
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known Original diversion was by a rock and dirt fill canal. In 1967, a concrete canal was constructed which replaced approximately one half the original canal.
 - b. Underground water diverting works: is well flowing or pumped _____ ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

36-4032

JAN 28 1967

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is 300 feet; width of ditch at top is 7 feet; width of bottom of ditch is 7 feet; depth of water is 2-3 feet; grade of ditch per 1000 feet is 25 feet; material through which ditch passes is ditch is concrete-thru soil & rock; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. ditch was originally rock and dirt of
varying dimensions. In 1967 the ditch was reconstructed of concrete.

d. If water is stored: name of reservoir Not applicable. ;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; Is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

has there been any enlargement of the reservoir since it was first built_____, if so, give dates and describe_____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:
 .5 a/c is used for irrigation & domestic use-balance for fish propagation

[illegible]

Total number of acres to be irrigated _____

Explain any significant increase in area irrigated since first use, give dates and acreages if known
Irrigation and domestic use has slowly increased.

MICROFILMS

b. Do you get water through a ditch owned by several users? No. If yes, give the name of the ditch _____
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered Not applicable

7. Where water is used for domestic or municipal purposes give number of families served approx. 3
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities. Water is used primarily for fish propagation
purposes with minor domestic uses for employees living on pro-
perty, and irrigation uses on the premises.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

State of Idaho }
County of Ada } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

RIM VIEW TROUT CO., INC.

By H. Russell Baker
President Claimant

Sworn to before me this 1st day of December, 19 71

Notary Public
Residing at **Boise, Idaho**

My commission expires _____

For Department Use Only

Received by _____ Date 11/11/11

Exception filed by:

Forwarded to _____ Date _____
claimant by: _____

Prelim. check by RP Date 8 Feb 72

Fee received by _____ Date _____ Fee \$ 10.00

Approved for publication by_____

Published in _____ Dates _____

36-4032

Identification No. 36-4032
Claim No. 47-4014
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Rim View Trout Co., Inc.
post office address 2901 Idaho St., Boise, Idaho, or Wendell, Idaho
2. The point of diversion is in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 10 Township 9S
Range 15E B.M. located on Niagara Spring
(name of source)
tributary to Snake River in Gooding County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

Fish Prop.	- 1926	10.0		
Fish Prop.	- 1951	amount: 14.5	c.f.s. or	acre feet
Irrigation	- 1951	0.4		
Domestic	- 1951	amount: 0.1	c.f.s. or	acre feet
Fish Prop.	- 1962	amount: 15.0	c.f.s. or	acre feet
Total claimed		40.0	c.f.s. or	acre feet.

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Fish Propagation period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use Fish Propagation period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use Domestic period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use Irrigation period of use from Mar. 15 to Nov. 15 (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material ^{was} ~~is~~ composed of rock and dirt
; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known Original diversion was by a rock and dirt fill canal. In 1967, a concrete canal was constructed which replaced approximately one-half the original canal.

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

36 4032

MICROFILMED

JAN 28 1993

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is 300 feet; width of ditch at top is 7 feet; width of bottom of ditch is 7 feet; depth of water is 2-3 feet; grade of ditch per 1000 feet is 25 feet; material through which ditch passes is ditch is concrete-through soil & rock maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. Ditch was originally rock and dirt of varying dimensions. In 1967 the ditch was reconstructed of concrete.

d. If water is stored: name of reservoir N/A ;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:
0.5 c.fs. is used for irrigation & domestic use - balance for fish propagation.

[illegible]

Total number of acres to be irrigated

Explain any significant increase in area irrigated since first use, give dates and acreages if known

Irrigation and domestic use has slowly increased.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

County of _____

SS.

Sworn to before me this 25 day of February, 1972

W Samuel Baker Pres
Claimant

Claimant


Notary Public

Notary Public

Residing at Boise, Idaho

My commission expires 1973

Received by ej Date 2-8-72

Exception filed by:

Forwarded to
claimant by:

Date _____

Prelim. check by JEB Date 2-8-72

Fee received by ej Date 2-8-72 Fee \$10.00

Approved for publication by De

* Published in Gooding County Dates 3-9 & 3-16
Leader

35-432
MICROFILMED
JAN 28 1993

Identification No. _____

Claim No. _____

Map No. 36-4032

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Rim View Trout Co., Inc.

post office address 2901 Idaho St., Boise, Idaho, or Wendell, Idaho

2. The point of diversion is in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 10 Township 9 South

Range 15 East B.M. located on Niagara Spring

(name of source)

tributary to Snake River in Gooding County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

Fish propagation - 1926 amount: approx. 10 c.f.s. or _____ acre feet

Fish propagation (14.5 cfs) & irrig. 1951 amount: " 15 c.f.s. or _____ acre feet

& dom. (.5 cfs) Fish propagation - 1962 amount: " 15 c.f.s. or _____ acre feet

Total claimed 40 c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use fish propagation period of use from Jan. 1 to Dec. 31 (both dates inclusive)

use " " period of use from Jan. 1 to Dec. 31 (both dates inclusive)

use " " period of use from Jan. 1 to Dec. 31 (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material ^{was} ~~is~~ composed of rock and dirt

_____ ; length is _____ feet; height is _____ feet;

width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known Original diversion

was by a rock and dirt fill canal. In 1967, a concrete canal was

constructed which replaced approximately one half the original

canal.

b. Underground water diverting works: is well flowing or pumped _____ ; depth of well is _____

_____ feet; diameter of well is _____ inches; type of pump is _____

capacity of pump is _____ g.p.m.; name and address of well driller is _____

35 4032

MICROFILMED

JAN 28 1993

JAN 28 1993

b. Do you get water through a ditch owned by several users? No. If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered Not applicable

7. Where water is used for domestic or municipal purposes give number of families served approx. 3
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities. Water is used primarily for fish propagation purposes with minor domestic uses for employees living on property, and irrigation uses on the premises.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

State of Idaho }
County of Ada } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

RIM VIEW TROUT CO., INC.

By B. H. Howell Baker
President Claimant

Sworn to before me this 1st day of December, 1971.

Notary Public
Residing at Boise, Idaho

My commission expires _____

For Department Use Only

Received by _____ Date 1/1/72 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by RB Date 8 Feb 72 _____
Fee received by _____ Date _____ Fee \$ 10.00 _____
Approved for publication by _____
Published in _____ Dates _____

36 4032

1 JAN 28 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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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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

IAN 28 1993

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 7th 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

April 6, 1988

138489
CERTIFIED MAIL

Robert O'Connor, Chairman
Idaho Power Company
P. O. Box 70
Boise, ID 83707

Dear Mr. O'Connor:

RE: MEASURING DEVICE INSTALLATION ORDER - NIAGARA SPRINGS AND
NIAGARA SPRINGS CREEK

Enclosed is an order which requires the installation and maintenance of a measuring device for each diversion from Niagara Springs and Niagara Springs Creek. Requests for a waiver of this requirement will be considered upon receipt of written request if the capacity of the diversion creates an insufficient effect on stream flows.

Please note the measuring device is to be installed and operable on or before May 1, 1988. The department has information available upon request relative to typical types of measuring devices which are acceptable. Department approval of the device and installation plans is required prior to beginning construction.

You have the right to an administrative hearing and judicial review of this order under the provisions of Sec. 42-1701A, Idaho Code. Any request for hearing must be received by the department in writing within 21 days after receipt of this order.

If you have questions relative to specific location of the measuring device, please feel free to contact our Southern Regional office in Twin Falls (phone 734-3578).

Sincerely,

NORMAN C. YOUNG
Administrator, Resources Administration Division

c: S. Region
Robert Stahman
Steve Goddard
Rinda Ray Just
William Ringert

MICROFILMED
JAN 28 1993

April 6, 1988

138490
CERTIFIED MAIL

Jerry Conley
Idaho Dept. of Fish and Game
600 S. Walnut
Boise, ID 83707

Dear Mr. Conley:

RE: MEASURING DEVICE INSTALLATION ORDER - NIAGARA SPRINGS AND
NIAGARA SPRINGS CREEK

Enclosed is an order which requires the installation and maintenance of a measuring device for each diversion from Niagara Springs and Niagara Springs Creek. Requests for a waiver of this requirement will be considered upon receipt of written request if the capacity of the diversion creates an insufficient effect on stream flows.

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Sincerely,

NORMAN C. YOUNG
Administrator, Resources Administration Division

c: S. Region
Robert Stahman
Steve Goddard
Rinda Ray Just
William Ringert

MICROFILMED

JAN 28 1993

April 6, 1988

138491
CERTIFIED MAIL

Earl Hardy
Rim View Trout Co.
1301 Vista Avenue
Boise, ID 83705

Dear Mr. Hardy:

RE: MEASURING DEVICE INSTALLATION ORDER - NIAGARA SPRINGS AND
NIAGARA SPRINGS CREEK

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Please note the measuring device is to be installed and operable on or before May 1, 1988. The department has information available upon request relative to typical types of measuring devices which are acceptable. Department approval of the device and installation plans is required prior to beginning construction.

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Sincerely,

NORMAN C. YOUNG
Administrator, Resources Administration Division

c: S. Region
Robert Stahman
Steve Goddard
Rinda Ray Just
William Ringert

MICROFILMED

JAN 28 1988

Ringert, Clark, Harrington, Reid, Christenson & Kaufman

CHARTERED
LAWYERS

WILLIAM F. RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
JAMES G. REID
JEFFREY R. CHRISTENSON
JAMES P. KAUFMAN
MICHAEL J. GAFFNEY
LAURA E. BURRI
LEA C. ADAMS

599 WEST BANNOCK STREET
P.O. BOX 2773
BOISE, IDAHO 83701
TELEPHONE (208) 342-4891

SAMUEL KAUFMAN (1921-1988)

APR 01 1988

March 31, 1988

Department of Water Resources

Mr. Stephen V. Goddard
Deputy Attorney General
Idaho Department of Fish & Game
600 South Walnut, P. O. Box 25
Boise, ID 83707

Ms. Rinda Ray Just
Deputy Attorney General
Idaho Department of Parks
and Recreation
Statehouse Mail
Boise, ID 83720

Re: Petition for Installation and Maintenance
of Measuring Devices on Niagra Springs Creek

Dear Mr. Goddard and Ms. Just:

A copy of your joint Petition for Installation of Measuring Devices, directed to the Idaho Department of Water Resources, was received in my office on March 17, 1988. Since the mailing list did not name Rim View Trout Company, I assume that the mailing was intended to effect service on Rim View Trout Company through me, as its attorney.

I have not been authorized to accept service on behalf of Rim View Trout Company in this matter. If you want me to request such authorization, I will be glad to do so.

Please advise.

Yours very truly,



W. F. Ringert

WFR:am

cc: R. Keith Higginson✓
Rim View Trout Company

PROFILMED

28 1988

JIM JONES
ATTORNEY GENERAL
STATE OF IDAHO

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

STEPHEN V. GODDARD
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut, P.O. Box 25
Boise, ID 83707
Telephone (208) 334-3715

RINDA RAY JUST
Deputy Attorney General
Idaho Department of Parks and Recreation
STATEHOUSE MAIL
Boise, ID 83720
Telephone (208) 334-2154

Attorneys for Petitioners

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IDAHO DEPARTMENT	)	
OF PARKS AND RECREATION	)	PETITION FOR INSTALLATION
AND IDAHO DEPARTMENT	)	AND MAINTENCE OF MEASURING
OF FISH AND GAME,	)	DEVICES
	)	
Petitioners	)	SOURCE: NIAGRA SPRINGS
	)	COUNTY: GOODING

Come now the petitioners herein, the Idaho Department of Fish and Game (Fish and Game) and the Idaho Department of Parks and Recreation (Parks) and request that the director of the department of water resources (IDWR) exercise the authority granted the department in Idaho Code §42-701 to require appropriators of water from Niagra Springs and Niagra Springs Creek to locate, install, and maintain such suitable measuring devices and regulating works as are determined by IDWR engineers to be necessary to assure proper distribution of the waters of Niagra Springs.

PETITION - Page 1 of 3

RECEIVED
MAR 17 1992

Department of Water Resources
Department of Water Resources

MICROFILMED

IAN 28 1992

Idaho Code §42-701 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 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.

This request is based on evidence contained in the record in the case of In The Matter of Application For Permit To Appropriate Water No. 36-7200. Flow records submitted into the record in that proceeding suggest two things: First, that record keeping by some appropriators is non-existent, or sporadic, or when available, unverifiable; and second, that over-appropriation is not uncommon.

The Idaho Department of Parks and Recreation is holder of permit no. 36-7200 for all unappropriated water up to 264 cfs. in Niagra Springs and Niagra Springs Creek from the headwaters of the spring to and including the lowermost Idaho Power Company diversion. Memorandum Decision and Order on Rehearing, p. 24, January 29, 1988. Parks can only receive its permitted water if prior upstream appropriators do not over-appropriate. Since only one of the several upstream appropriators (Idaho Power Company) currently maintains a verifiable measuring device on its diversion, Parks has no way of knowing if it is receiving the water to which it is entitled. Parks will never be able to determine if it is receiving the water to which it is entitled until appropriate measuring devices are placed on the existing diversions in easily accessible locations and until readings are taken on a regular basis. Both the obligation and authority to assure the distribution of waters from Niagra Springs in accordance with rights of prior appropriation rest with the department of water resources. Idaho Code §42-602, 42-701.

Petitioners respectfully request that the director of the department assume the obligations imposed upon him by statute by ordering the location, installation, and maintenance of such suitable measuring devices and regulating works as are determined by IDWR engineers to be necessary to assure proper distribution of the waters of Niagra Springs.

DATED this 14th day of March, 1988.



Linda Ray Just
Deputy Attorney General
Idaho Department of
Parks and Recreation



Stephen V. Goddard
Deputy Attorney General
Idaho Department of
Fish and Game

CERTIFICATE OF MAILING

I hereby certify that I served true and correct copies of the following document on the persons listed below by mailing in the U.S. mail, first class, with correct postage affixed thereto on this 16th day of March, 1988.

DOCUMENT SERVED: PETITION FOR INSTALLATION OF MEASURING DEVICES

PERSONS SERVED:

Robert Stahman
Idaho Power Co.
P.O. Box 70
Boise, Idaho 83707

William F. Ringert
P.O. Box 2773
Boise, Idaho 83704

Steve Goddard
Idaho Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

A. Lynne Krogh-Hampe
Deputy Attorney General
Idaho Department of Water
Resources
Statehouse Mail
Boise, ID 83720

Rinda Ray Just
Deputy Attorney General

MICROFILMED

JAN 28 1989

Identification No. _____
Claim No. 47-4014
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Rim View Trout Co., Inc.
post office address 2901 Idaho St., Boise, Idaho, or Wendell, Idaho
2. The point of diversion is in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 10 Township 9 South
Range 15 East B.M. located on Niagara Spring
(name of source)
tributary to Snake River in Gooding County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

Fish propagation -	1926	amount: approx. 10 c.f.s. or	acre feet
Fish propagation	-1951	" 15 c.f.s. or	acre feet
(14.5 cfs) & Irrig.		" 15 c.f.s. or	acre feet
& dom. (.5 cfs)	-1962	amount: " 15 c.f.s. or	acre feet
Fish propagation -		Total claimed 40 c.f.s. or	acre feet.

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use <u>fish propagation</u>	period of use from <u>Jan. 1</u> to <u>Dec. 31</u>	(both dates inclusive)
use " "	period of use from <u>Jan. 1</u> to <u>Dec. 31</u>	(both dates inclusive)
use " "	period of use from <u>Jan. 1</u> to <u>Dec. 31</u>	(both dates inclusive)
use <u>irrigation and</u>	period of use from <u>Jan. 1</u> to <u>Dec. 31</u>	(both dates inclusive)
use <u>domestic</u>	period of use from <u>Jan. 1</u> to <u>Dec. 31</u>	(both dates inclusive)

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material ^{was} composed of rock and dirt
length is _____ feet, height is _____ feet
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known Original diversion was by a rock and dirt fill canal. In 1967, a concrete canal was constructed which replaced approximately one half the original canal.

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

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Conveying works: length of ditch to place of use is 300 feet; width of ditch at top is 7 feet; width of bottom of ditch is 7 feet; depth of water is 2-3 feet; grade of ditch per 1000 feet is 25 feet; material through which ditch passes is ditch is concrete-thru soil; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. ditch was originally rock and dirt of varying dimensions. In 1967 the ditch was reconstructed of concrete

2
POOK

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:
 .5 cfs is used for irrigation & domestic use-balance for fish propagation

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known

Irrigation and domestic use has slowly increased.

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b. Do you get water through a ditch owned by several users? 110. if yes, give the name of the ditch
The owners and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered. Not applicable

7. Where water is used for domestic or municipal purposes give number of families served APPROX. 3
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities. Water is used primarily for fish propagation
purposes with minor domestic uses for employees living on pro-
perty, and irrigation uses on the premises.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

State of Idaho

County of Ada

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the
foregoing claim to a water right, together with all attached information, and that the matters and facts therein are
true to the best of the affiants knowledge.

RIM VIEW TROUT CO., INC.

By: [Signature]
President Claimant

Sworn to before me this 1st day of December 1971.

[Signature]
Notary Public
Residing at Boise, Idaho

My commission expires 6/23/72

For Department Use Only

Received by [Signature] Date 3-8-72

Exception filed by _____ Forwarded to _____ Date _____
element by: _____

Prelim. check by ALB Date 8 Feb 72

Fee received by [Signature] Date 2-9-72 \$ 10.00

Approved for publication by [Signature]

Published in _____ Dates _____

36-4032

36-4032

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186 28 1993

Identification No. 36-4032
Claim No. 47-4014
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Rim View Trout Co., Inc.
post office address 2901 Idaho St., Boise, Idaho, or Wendell, Idaho
2. The point of diversion is in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 10 Township 9S
Range 15E B.M. located on Niagara Spring
(name of source)
tributary to Snake River in Gooding County

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:	Fish Prop.	- 1926	10.0	
	Fish Prop.	- 1951	amount 14.5	c.f.s. or _____ acre feet
	Irrigation	- 1951	0.4	
	Domestic	- 1951	amount 0.1	c.f.s. or _____ acre feet
	Fish Prop.	- 1962	amount 15.0	c.f.s. or _____ acre feet
	Total claimed		40.0	c.f.s. or _____ acre feet

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Fish Propagation	period of use from	Jan. 1	to	Dec. 31	(both dates inclusive)
use Fish Propagation	period of use from	Jan. 1	to	Dec. 31	(both dates inclusive)
use Domestic	period of use from	Jan. 1	to	Dec. 31	(both dates inclusive)
use Irrigation	period of use from	Mar. 15	to	Nov. 15	(both dates inclusive)

4. Description of diverting works:

a. Surface water diversion: dam and/or headgate: ~~material~~ ^{was} ~~xxxx~~ ^{rock and dirt}
length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built: giving dates and estimated capacities if known. Original diversion was by a rock and dirt fill canal. In 1967, a concrete canal was constructed which replaced approximately one-half the original canal.

b. Underground water diverting works: is well tapping or pumped? _____ depth of well is _____
fully charged as well as _____ and type of pump is _____
capacity of pump is _____ gallon, name and address of well drill is _____

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JAN 28 1993

c. Conveying works: length of ditch to place of use is 300 feet; width of ditch at top is 7 feet; width of bottom of ditch is 7 feet; depth of water is 2-3 feet; grade of ditch per 1000 feet is 25 feet; material through which ditch passes is ditch is concrete-through soil & rock maximum length of pipe line to first place of use is feet; diameter of pipe line is inches; type of pipe grade of pipe per 1000 feet is. Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. Ditch was originally rock and dirt of varying dimensions. In 1967 the ditch was reconstructed of concrete.

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40 acre subdivisions and give total acres: 0.5 c.f.s. is used for irrigation & domestic use - balance for fish propagation.

[illegible]

Explain any significant increase in area irrigated (see last use, if available) and any type of known irrigation and domestic use has slowly increased.

33 4 32

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IAN 28 1993

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch
The users and their respective
interests in the ditch are (if known)

6. Where water is used for stock watering, give number of each kind of stock watered N/A

7. Where water is used for domestic or municipal purposes give number of families served approx. 3
name of town supplied

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities. Water is used primarily for fish propagation purposes
with minor domestic uses for employees living on property, and irrigation uses
on the premises.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

State of Idaho

County of } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the
foregoing claim to a water right, together with all attached information, and that the matters and facts therein are
true to the best of the affiants knowledge.

Sworn to before me this 25 day of February, 1972

W. H. Baker, Pres.
Claimant
John C. Ward
Notary Public
Residing at Boise, Idaho

My commission expires 1973

For Department Use Only

Received by <u>EJ</u>	Date <u>2-8-72</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JEB</u>	Date <u>2-8-72</u>		claimant by	
Fee received by <u>EJ</u>	Date <u>2-8-72</u>	Fee <u>\$10.00</u>		
Approved for publication by <u>De</u>				
Published in Gooding County	Dates <u>3-9 & 3-16</u>			
Leader				

36 4032

FILED
JAN 28 1993

IDENT. NO. 36-4032

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

December 11, 1975

Rimview Trout Company
2903 West Idaho Street
Boise, Idaho 83702

Gentlemen:

Enclosed are copies of Permit No's 36-7167, License No. 36-~~2~~680 and Claim No. 36-4032.

If you need anything further, please contact this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JFR

Enclosure

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JAN 28 1993

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

April 17, 1972

Re: Claim to a Water Right No. ³⁶⁻⁴⁰³²~~47-4014~~

Rim View Trout Company, Inc.
2901 Idaho Street
Boise, Idaho

Gentlemen:

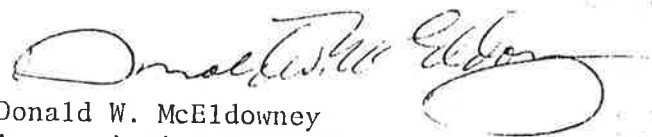
The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Very truly yours,


Donald W. McEldowney
Appropriation Supervisor

DWM:bb

Enclosure: Copy of Claim

36 4032

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JAN 28 1993

NOTICE OF CLAIM TO A WATER RIGHT

No. 47-4014 36-4032

Notice is hereby given that Rim View Trout Co., Inc., 2901 Idaho Street, Boise, Idaho or Wendell, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 40.0 cubic feet per second of water from Niagara Spring, tributary to the Snake River with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 9S, R. 15E, B.M., Gooding County.

The water is claimed to be used from Jan. 1 to Dec. 31 for fish propagation and domestic purposes; and from March 15 to Nov. 15 for the irrigation of 14 acres, with a priority of 1926 (Fish Prop. - 10.0 cfs), 1951 (Fish Prop. - 14.5 cfs), 1951 (Irrigation - 0.4 cfs), 1951 (Domestic - 0.1 cfs), 1962 (Fish Prop. - 15.0 cfs); the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 9S, R. 15E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON

Director

Published in the Gooding County Leader on March 9 and March 16, 1972.

35 4032

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.16 28 1993

RECEIVED

MAY 2 1972

February 29, 1972

Department of Water Administration

State of Idaho Department of Water Administration
State House - Annex 2
Boise, Idaho

ATTENTION: Fred Eisenbarth, Examiner

RE: Claim to a Water Right No. 47-4014
Rim View Trout Co.

36-4032

Dear Mr. Eisenbarth:

Enclosed is the corrected Claim to a Water Right filed by Rim View Trout Co. which replaces the application which was returned by your office by letter of February 16, 1972.

If there are any other matters which need to be taken care of regarding this claim, please advise.

Yours very truly,

W. Lowell Bakes, Jr.

W. Lowell Bakes, President
Rim View Trout Co.
2901 Idaho Street
Boise, Idaho

Enclosure

36 4032

MICROFILMED

JAN 28 1993

February 16, 1972

36-4032
Re: Claim to a Water Right No. ~~47-4014~~ - Rim View Trout Co.

C
Rim View Trout Company
2901 Idaho Street
Boise, Idaho

ATTENTION: Lowell Bakes, President

O
Dear Mr. Bakes:

In reviewing the claim to a water right that you have submitted in behalf of Rim View Trout Company, Incorporated, we find that you have not listed a separate quantity under item #3a for domestic and irrigation uses. We have, therefore, taken the liberty of re-typing the claim, listing 0.4 cubic feet per second for irrigation use and 0.1 cubic feet per second for domestic for your convenience.

P
As you will note, we have left the irrigation season under item #3b blank. The normal irrigation season for your area is from March 15 to November 15, instead of from January 1, to December 31, as indicated under your original claim. If you find this period of use acceptable, please enter it as the irrigation season under item #3b.

Y
Please review the claim carefully. If you are in agreement with its contents, please return it properly signed and we shall continue with its processing. If you should have any questions in reference to this matter, please contact us.

Very truly yours,

Fred Eisenbarth
Appropriation Examiner

FE:cs

Enc: re-typed claim
original claim

36 4032 MICROFILMED
JAN 28 1993