

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 A-36-04032c
Date Received 9-01-88
Receipt Number 0002870
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) 1962

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

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

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

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

_____ 1/4, Govt. Lot _____ B.M., County of _____

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

Concrete Headworks and Flumes, Dirt and rock canal and pipes

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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 15.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 15.0 (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 GL1	H GL2	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 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.

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

14. Remarks:

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JAN 28 1993

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

2025 RELEASE UNDER E.O. 14176

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 _____ 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 [Signature] _____

Title and Organization President - Rim View Trout Company _____ 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

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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: A36-04032C
Date Received: 9/01/1988
Receipt No: C002870 *rat*
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, 1962

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	1	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	15.000		

7. Total Quantity Appropriated is:
15.000 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	

A36-04032C

Page 1

Date: 02/13/89

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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, 36-07167, 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 _____

Water Right Number - 36-04032

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

C - CURRENT OWNER ***

RIN 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	Stream Index (Blank if no Index Code)
09S	15E	10	NE NE		(47)	GOODING	272.0

598.9

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15		0.400	
13 - 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 - - - - -
00/00/0000

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				

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JAN 28 1993

9/22/1988

STATE CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Rim View

CLAIM IDENT. NO.

A36-04032C

DATE RECEIVED

10/07/88

CK #

1806

AMOUNT \$

200

YES

NO

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

Atty. in #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:

MICROFILMED
JAN 28 1993

Comments:

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

BOISE ID 83704

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

BOISE ID 83701

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

BOISE ID 83701

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

BOISE ID 83704

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

BOISE ID 83704

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

BOISE ID 83701

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

BOISE ID 83701

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

BOISE ID 83701

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

BOISE ID 83701

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

BOISE ID 83701

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

BOISE ID 83701

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JAN 28 1994



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

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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

A36-040320
RIM VIEW TROUT CO.
1701 VISTA AVE.

NOTE

ID 30205

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 1993

INTER-DEPARTMENT MEMO — 1

FROM Loten Holmes

DATE 12/31/40

TO Files A 34-04032 B, C, ~~ABG-10819~~ Earl Haddy

SUBJECT

Bill Ringer, Attorney Requested till Dec 1. to
Respond to the Request for info.

SIGNATURE

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JAN 28 1941

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

October 31, 1990

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NOV 1 1990

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

Department of Water Resources
Southern Region Office

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

Dear Mr. Merritt:

This is in response to your letter of October 3, 1990, regarding the above mentioned claims in the Snake River Basin adjudication. A copy of your letter is attached to facilitate identification.

I spoke by telephone with Loren Holmes this morning and indicated that other pressing matters had made it impossible for me to accumulate the necessary information to respond to your request. I have discussed briefly with the claimant, Mr. Earl Hardy, the type of information we will need, but some additional time will be required.

Mr. Holmes indicated that we could have until December 1, 1990, to submit the requested evidence. Unless I hear from you to the contrary, I will assume that evidence furnished by that date will be considered timely.

Yours very truly,



W. F. Ringert

WFR:am
Enclosure
cc: Earl M. Hardy

MICROFILMED

JAN 28 1993

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

November 30, 1990

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DEC - 3 1990

Department of Water Resources
Southern Region Office

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

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

Dear Mr. Merritt:

Mr. Hardy advises me that he has personal knowledge of the water usage supporting the 1951 and 1962 priority dates under the above mentioned claims. I am preparing an affidavit for Mr. Hardy and hope to have it ready for filing with your office late next week.

Finding evidence to support the 1926 priority date will require the examination of some of Mr. Hardy's old business records, and we have not had time to make that examination.

The one item that we have located thus far is an Agreement and Stipulation between Rim View Trout Company, Inc., and Idaho Power Company, made in 1966, in which Idaho Power acknowledges the priority of 40 c.f.s. of water of Niagra Springs as being vested in Rim View. A copy of that Agreement and Stipulation is enclosed.

We are attempting to locate witnesses who have knowledge of the facts establishing the 1926 priority, and will furnish you additional information as soon as we can obtain it.

Yours very truly,


W. F. Ringert

WFR:am
Enclosure
cc: Earl M. Hardy

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JAN 28 1993

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DEC - 3 1990

Department of Reclamation

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

104 81 623

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

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

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

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

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

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

The parties hereto having compromised their differences

RECORDED

JAN 28 1936

RV 21

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

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

I

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

II.

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

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

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33445
JAN 28 1993

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

III.

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

IV.

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

V.

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

Dated this 5th day of October, 1966.

IDAHO POWER COMPANY

By N. M. Miron
Vice President

ATTEST:

J. V. Rogers
Assistant Secretary

RIMVIEW TROUT COMPANY, INC.

By W. Laurence Bales
President

ATTEST:

Maude G. Bales
Secretary

MICROFILMED 33448

JAN 28 1967

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) 342-4691
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

MICROFILMED
JAN 28 1993

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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:

AFFIDAVIT OF EARL M. HARDY FOR CLAIMS NOS.
36-04032B, 36-04032C AND 36-10819 - Page 1

MICROFILMED
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

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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 Niagara Springs facilities was greater than the combined 24.5 cfs flow claimed by

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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

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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.

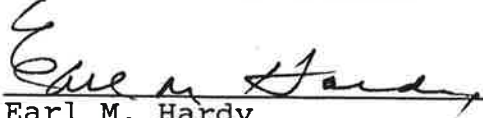
In 1975 the State of Idaho, through the Idaho Fish and Game Commission, filed an action in the district court, Gooding County, Case No. 16326. A copy of the Complaint in that law suit is attached to this Affidavit as Exhibit 2. Paragraph VI of that Complaint refers to a previous law suit filed in the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

NOT FILMED
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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

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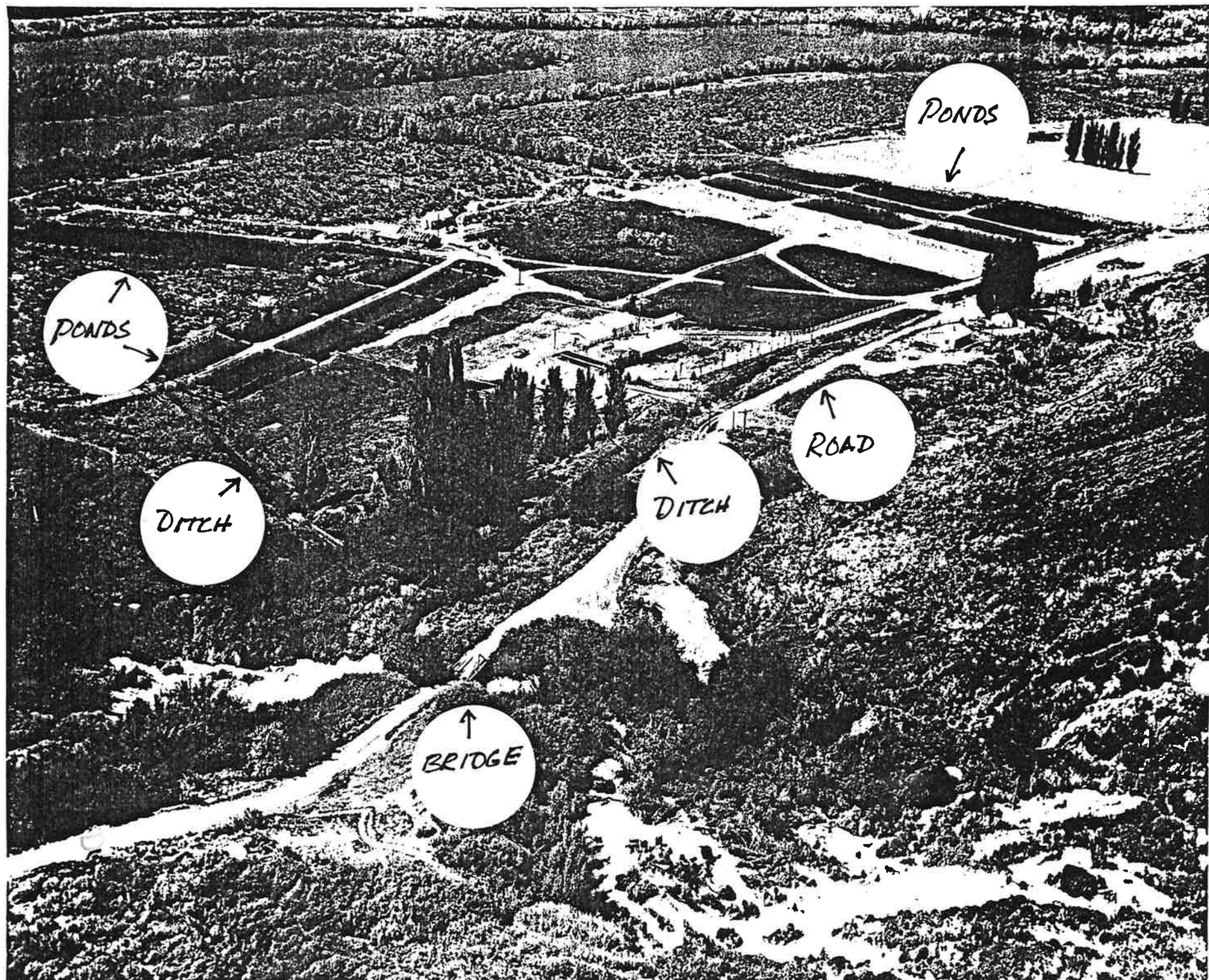
SUBSCRIBED AND SWORN to before me this 18th day of January,
1991.

Mary Anne Johnson

Notary Public for the State of Idaho
Residing at Boise, Idaho

My commission expires: 1-11-92

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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 Catagory: 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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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.

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)

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

5186

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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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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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

Al. O. M.
Plaintiff

James H. M.
Defendant.

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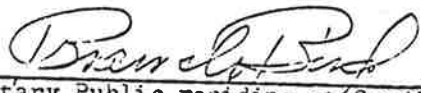
JAN 28 1993

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

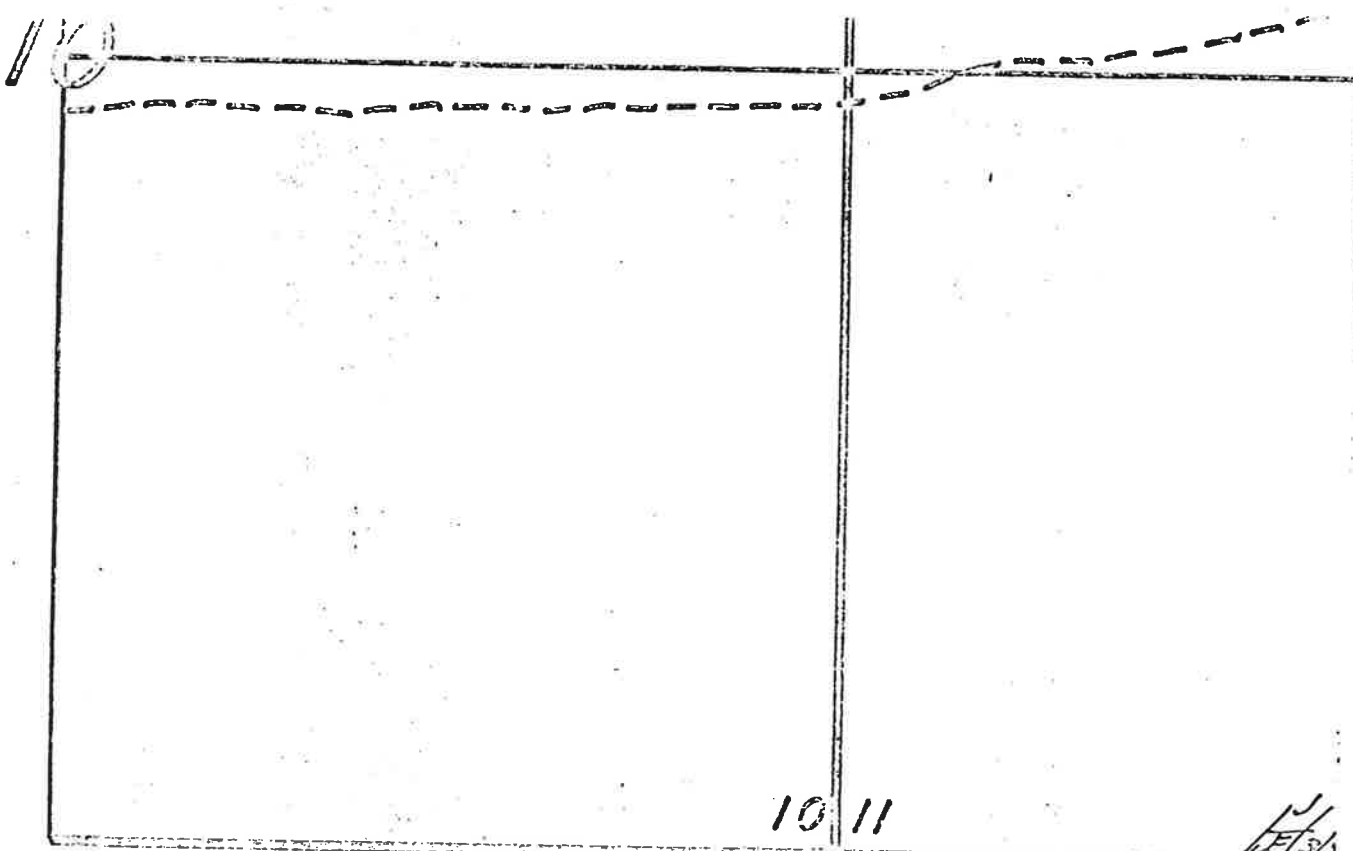

Notary Public residing at Gooding,
Idaho.

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T.9S.R.15 E.

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JAN 28 1983

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.
in case follow-up is needed.

SHARON STRICKLAND
(OF ROSHOLT'S)
734-0700

2. SUBJECT OF INQUIRY:

called on questions for:

36-4032C: Why Disallowed?

36-10819: Referred to 36-4032C?

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

They may be objecting to this Remark.

3. RESPONSE TO INQUIRY:

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

36-10819 → Recommended as part of 36-02680

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

4. IDWR STAFF AND DATE:

Steve Chelland 10-29-92

Print name and initial

STEVE CHELLAND

WATER RIGHT CLAIM (Nos.):

A36-04032C A36-10819 A36-02704

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* copy to A36-02680

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

39576

Ident. Number

Date Received

Receipt Number

A-36-04032c

9-01-88

0002870

10-07-88

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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 837052. Date of Priority (Only one (1) per claim) 19623. Source of water supply (a) Niagra 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

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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 15.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 15.0 (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 GL1	H GL2	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 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.
Licenses No 33448/36-2680 and No. 36-7167 are owned by Rim View Trout Co. or None ()
and are used at the same place but for separate uses.

14. Remarks:

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MICROFILMED

OCT 18 1994

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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 OCT 18 1994
 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 _____ 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 Gray*

Title and Organization President - Rim View Trout Company 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 _____

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JAN 28 1993
OCT 18 1994

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

Case No. 36-04032C -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.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12b. ☒ This water right not being recommended.
14. ☒ Other: I respond to the objection concerning:
GENERAL PROVISIONS 5 & 7

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the objection items 3, 3.a, 4, 11, 12, and 12.b, and all allegations of the objection regarding these items, IDWR responds as follows:

The claimant filed multiple claims to rights for use through the same diversion system. Three claims are based on beneficial use for a combined total diversion rate of 40 cfs; these include claim no. 36-04032A, for a diversion rate of 10 cfs and with a priority date of 1926; claim no. 36-04032B, for a diversion rate of 15 cfs and with a priority date of 1951, and this claim, no. 36-04032C for a diversion rate of 15 cfs and with a priority date of 1962. One claim is based on a license issued by IDWR, for 90.3 cfs and with a priority date of 1966. Measurement data from the United States Geological Survey shows diversions of a maximum of 3.54 cfs in the early 1950's; IDWR therefore recommended claim no. 36-04032A with a diversion rate of 3.54 cfs (with the claimed priority date). The U.S.G.S. data shows diversions of a maximum of 10.6 cfs in the late 1950's; IDWR therefore recommended claim no. 36-04032B with a diversion rate of 7.06 cfs and a priority date of 1/16/1959, resulting in a total diversion rate of 10.6 cfs under the two rights, which is the diversion rate measured by the U.S.G.S. on 1/16/1959. The U.S.G.S shows that the 40 cfs total diversion rate claimed under the three beneficial use rights did not occur until 1967, after the application for right no. 34-02680 was filed.

Application for permit no. 34-02680 was protested by Idaho Power Company. The protest was resolved by an agreement and stipulation between Idaho Power Company and the claimant, which expressly provides that the application for permit "is including therein the 40 cfs which [the claimant] has been diverting and using for fish propagation purposes for several years." The licensing field exam for permit no. 36-2680 showed the total diversion capacity of the system at that time to be 90.3 cfs. IDWR therefore recommended claim no. 36-2680 with a diversion rate of 79.7 cfs, resulting in total diversion rate of 90.3 cfs under rights 34-04032A, 34-04032B, and 36-2680. Because the 90.3 cfs was recommended under other rights, claim 36-04032C was recommended for disallowal.

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

Ada County Civil No. 94822 is currently pending, in regard to enforcement of an order of IDWR to install and maintain a measuring device on the Rim View diversion system. IDWR denies

(Over)

this portion of the objection and any allegations regarding this portion of the objection not expressly admitted herein.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ 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. A36-04032C

4

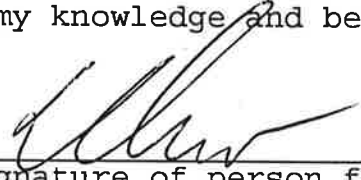
VERIFICATION (Must be Completed)

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.

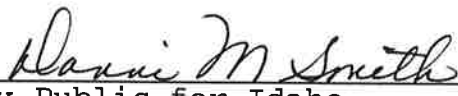


Signature of person filing response

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 M. Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994

(Over)

NOT BOLD WED

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:

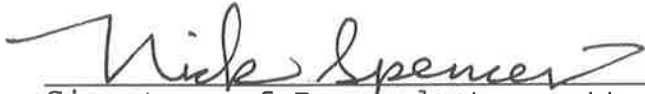
See No. 3

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

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

OBJECTION

36-04032C -0001/
93-04-0266

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

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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

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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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11. X Remarks: I object to the "remarks" listed with the water right.
12. X Water Right Recommendation: I object to:
- a. ☒ this water right being recommended at all; or
 - b. X this water right not being recommended.
13. ☒ Description of Reservation: I object to the legal description of the reservation.
14. X Other: I object to: General Provision No. 5; General Provision No. 7.

REASONS SUPPORTING EACH BOX CHECKED

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

3a. The total quantity of water for fish propagation should be 15.0 cfs.

4. The priority date should be December 31, 1962.

11. 1. No portion of the right has been abandoned or forfeited.

2. 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.

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

CHANGES TO THE DIRECTOR'S REPORT

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

1. Change the quantity for fish propagation to 15 cfs.
2. Change the priority date to December 31, 1962.
3. Change total quantity to 15 cfs.
4. Delete statement disallowing the claim.
5. 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.
6. Delete General Provision 7.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports. The description of the water system in Basin 36, which the Director is required to include in his report (Idaho Code § 42-1411(1), is not adequate or sufficient to enable this claimant to determine whether there is sufficient connection between ground water rights in Basin 36 and this claimant's water rights in the springs

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OCT 18 1994

fed by the Snake River aquifer, to warrant investigations to determine whether grounds exist for objections to any of such ground water rights on the basis of abandonment, forfeiture, unauthorized expansion, or any other facts or legal theories upon which any ground water right recommended by the Director in Basin 36 could be challenged.

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

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

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 26th day of April, 1993.

Quita 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:

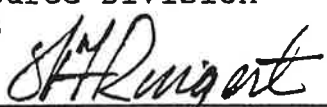
Owner name: Rim View Trout Company
Owner's address: 1301 Vista Avenue
Boise, ID 83705

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

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OCT 18 1994

OCT 6 1975

Identification No. 36-4832
 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	14.5	c.f.s. or _____ acre feet
Irrigation	- 1951	0.4	
Domestic	- 1951	0.1	c.f.s. or _____ acre feet
Fish Prop.	- 1962	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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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 _____

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 affiant's knowledge.

W. Laurence Baker Pres
 Claimant

Sworn to before me this 25 day of February, 1972

John C. Ward
 Notary Public

Residing at Bailey, Idaho

My commission expires 1973

For Department Use Only

Received by e1 Date 2-8-72

Exception filed by: _____

Forwarded to
 claimant by: _____

Date _____

Prelim. check by JEB Date 2-8-72

Fee received by e1 Date 2-8-72 Fee \$10.00

Approved for publication by De

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OCT 18 1974

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MIC [REDACTED] MED

JAN 28 1993

AUG-24-1992

NOTICE OF ERROR FORM

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

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

RECEIVED

SEP 23 1992

Department of Water Resources

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: 36-04032C

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SEP 28 1992

2. Name: Rim View Trout Co.

Department of Water Resources
Southern Region Office

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

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JAN 28 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(Instead of filling in items 3 and 4 below you must 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:

Disallowed.

Remarks: See No. 36-02680.

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

Allow the water right in accordance with the Notice of Claim with change in priority to 1962 and delete the remark identified in item 3, above.

5. Describe why you disagree with the proposed recommendation:

The evidence supports a beneficial use claim of 15.00 cfs for fish propagation, with priority of April 25, 1962, or earlier. The reason for disallowal is not adequately explained and is not supported by evidence.

6. Date: September 17, 1992.

SIGNATURE



Water Right Number - R36-04032C

Prefix Translation: RESEARCH

Old (D) Number -

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

*** A - ATTORNEY ***
RINGERT

WF

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

State- ID Zip- 83704

*** C - CURRENT OWNER ***
RIM VIEW TROUT CO1 - 1301 VISTA AVE
2 -
3 -
City- BOISE
Phone - 208-344-7321

State- ID Zip- 83705

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/25/1967 17 SOUTHERN I - DISALLOWED+ - - - - 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 29.400+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
29.400 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, 36-04032A & 36-04032B

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JAN 28 1993

Water right number - R36-04032C Prefix Translation: RESEARCH

+ - - - - Remarks - - - - -
SEE NO. 36-02680.

+ - - - - 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: 08/27/1992 User Id: SHAFF Subject: CHANGE TO DISALLOWED
REVIEWED USGS DIVERSION MEASUREMENTS TO DETERMINE PART OF 40 CFS WAS DIVERTED UNDER PERMIT APPROPRIATION 36-02680.
Date: 08/27/1992 User Id: SHAFF Subject: COPIED FROM REMARKS
FACILITY VOLUME 696,960 CU. FT.
TO A TOTAL FACILITY VOLUME OF 696,960 CU. FT.
THE COMBINED RIGHTS LISTED ABOVE ARE ALSO DIVERTED THROUGH THE
Date: 09/24/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/23/92. CHANGED NOE FLAG FROM BLANK TO A.
Date: 10/20/1992 User Id: THORNTON Subject: NOTICE OF ERROR RECONCILIATION
CHANGED FLAG FROM A TO B - NO CHANGE.
USE OF THIS RIGHT WITH COMBINED RIGHTS LISTED BELOW IS LIMITED
COMBINED RIGHTS: 36-04032A, 36-04032B, 36-02680 & 36-07167.
POINT OF DIVERSION DESCRIBED ABOVE.
CLAIM VERIFIED 8/27/92. DID NOT REVERIFY ANY PART OF CLAIM.
SENT LETTER TO RINGERT.

+ - - Audit Fields - - +
10/20/92 THORNTON

+ - - - - 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 | - C002870 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - |
| | | | | Notice of Error Flag | - B |

MICROFILMED
JAN 28 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

20-Oct-1992

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

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

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

Dear Mr. Ringert:

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

Hardy - A36-07510

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

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

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

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

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

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JAN 28 1993

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

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

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

Rim View Trout Co. - A36-02680

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

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

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

Rim View Trout Co. - A36-04032C

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

Rim View Trout Co. - A36-10819

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

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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

R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILMED

JAN 28 1993

VERIFIED BY HHT

Water Right Number - R36-04032C

Prefix Translation: RESEARCH

Old (D) Number -

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

*** A - ATTORNEY ***
RINGERT

WF

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

State- ID Zip- 83704

*** C - CURRENT OWNER ***
RIM VIEW TROUT CO1 - 1301 VISTA AVE
2 -
3 -
City- BOISE
Phone - 208-344-7321

State- ID Zip- 83705

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
12/31/1962 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 15.000+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
15.000 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, 36-04032A & 36-04032B

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JAN 28 1993

Water right number - R36-04032C

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: 36-04032A, 36-04032B, 36-02680 & 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 - - - - - +

No Comments Found

+ - - Audit Fields - - +

08/11/92 THORNTON

+ - - - - - 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 | - 08/11/1992 | Old Judicial District | - |
| Claim Received Date | - 10/11/1988 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - C002870 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

MICROFILMED

JAN 28 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:12:45
07/26/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-04032C

| 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 | | 4-30-91
SCC | N | | R.V. 3/31/92 | SCC
5-17-91 | R.V. 3/31/92 |
| POINT OF DIV | Y | | ↓ | (Y) | 12456 | ↓ | ↓ | ↓ |
| SOURCE | Y | | | N | | | | |
| PLACE OF USE | Y | | | (N) | 12456 | | | |
| DIV. AMOUNT
CFS/VOLUME | Y | | | (Y) | | | | |
| CONSUMPTIVE USE | - | | | N | | | | |
| PURPOSES | Y | | | N | | | | |
| PERIOD OF USE | Y | | | N | | | | |
| BASIS OF CLAIM | Y | | | N | | | | |
| REMARKS | | | | (N) | | | | |

"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

08:12:45
07/26/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-04032C

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:

RECORDED

JAN 28 1993

A. AJ CLAIM: # A36-04032C PRIORITY DATE: 12-31-1962 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:

RECOMMENDED PRIORITY DATE:

12-31-1962

REVIEWED BY

ScC

DATE

5-17-91

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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 |
|------------|------|------|------|-----|-----|-----|-----|---------|
| A36-04032C | 09S | 15E | 10 | SE | NE | NE | 1 | GOODING |

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX

A36-04032B ~~SE NE NE~~ NONE

A36-04020 ~~NE NE NE~~

- A36-02704 - ~~NE NE NE~~ ~~SE NE NE~~

- A36-07167 - ~~SE NE NE~~

~~A36-10819~~

- A36-02680 - ~~SE NE NE~~

- A36-04032A ~~SE NE NE~~

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
N

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JAN 28 1991

REMARKS:

MICROFILMED
JAN 28 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

SOURCE:

TRIB:

REVIEWED BY: See

DATE: 5-17-91

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. | A36-04032C / | - / | | | |
| | | | | | | RIM VIEW TROUT CO. | A36-02680 / | 36-02680 / | | | |
| | | | | | | RIM VIEW TROUT CO. | A36-04032A / | - / | | | |
| | | | | | | RINGERT, W.F. | A36-04032B / 3.5 | - / | | | |
| | | | | | | 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 | SE | NE | 9 | RIM VIEW TROUT CO. | A36-04032C / | - / | | | |
| | | | | | | RIM VIEW TROUT CO. | A36-02680 / | - / | | | |
| | | | | | | RIM VIEW TROUT CO. | A36-04032A / | - / | | | |
| | | | | | | RINGERT, W.F. | A36-04032B / 3.5 | - / | | | |
| | | | | | | RIM VIEW TROUT CO. | A36-07167 / | 36-07167 / | | | |
| | | | | | | 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 / | | | |
| 09S | 15E | 10 | NW | NE | 2 | RIM VIEW TROUT CO. | A36-04032C / | - / | | | |
| | | | | | | RIM VIEW TROUT CO. | A36-02680 / | - / | | | |
| | | | | | | RIM VIEW TROUT CO. | A36-04032A / | - / | | | |
| | | | | | | RINGERT, W.F. | A36-04032B / 3.5 | - / | | | |
| | | | | | | RIM VIEW TROUT CO. | A36-07167 / | 36-07167 / | | | |
| | | | | | | RIM VIEW TROUT CO. INC. | | 36-07791 / | | | |
| | | | | | | RIM VIEW TROUT CO. INC. | | 36-07789 / | | | |
| 09S | 15E | 10 | SW | NE | 10 | RIM VIEW TROUT CO. | A36-04032C / | - / | | | |
| | | | | | | RIM VIEW TROUT CO. | A36-02680 / | - / | | | |
| | | | | | | RIM VIEW TROUT CO. | A36-04032A / | - / | | | |
| | | | | | | RINGERT, W.F. | A36-04032B / 3.5 | - / | | | |
| | | | | | | RIM VIEW TROUT CO. | A36-07167 / | 36-07167 / | | | |
| | | | | | | RIM VIEW TROUT CO. INC. | | 36-07791 / | | | |
| | | | | | | RIM VIEW TROUT CO. INC. | | 36-07789 / | | | |

TOTAL ACRES A36-04032C

FISH

FISH

FISH

FISH

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JAN 2 1992

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
~~Y~~

PRESUMPTION FLAG:

REMARKS:

Fish use only

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JAN 28 1991

RECOMMENDATIONS:

TOTAL ACRES:

0 Fish

REVIEWED BY:

SC

DATE:

5-17-91

A. AJ CLAIMED USES:

| PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
|-------------------------------------|---------------------|--------------------|
| A36-04032C FISH PROPAGATION | FROM 01-01 TO 12-31 | 15.000 CFS |
| TOTAL DIVERSION RATE/VOLUME CLAIMED | | 15.000 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:

RECORDED
JAN 28 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 15.000 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

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

Y

☒

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JAN 28 1993

B.

FLOW MEASUREMENT

MEASUREMENT METHOD

File Notes
See #36-04032B for
additained info

SEE ATTACHED CALCULATIONS.

** memo by Loren Holmes*
on Measurement.

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

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

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 |
|------------|------------------|-------------------------|---------------------|------------|--------|
| A36-04032C | FISH PROPAGATION | RIM VIEW TROUT CO. | FROM 01-01 TO 12-31 | 15.000 CFS | |
| A36-02680 | FISH PROPAGATION | RIM VIEW TROUT CO. | FROM 01-01 TO 12-31 | 90.300 CFS | |
| A36-04032A | FISH PROPAGATION | RIM VIEW TROUT CO. | FROM 01-01 TO 12-31 | 10.000 CFS | |
| A36-04032B | DOMESTIC | RINGERT, W.F. | FROM 01-01 TO 12-31 | .100 CFS | |
| A36-04032B | FISH PROPAGATION | RINGERT, W.F. | FROM 01-01 TO 12-31 | 14.500 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(____) ***

1b. CALCULATIONS

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(____)

** Capacity exists to Deliver this right*

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

DIV VOL = 15 cfs x 1.9935 x 365 = 10,860 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) FISH PROP | 1-1 12-31 | 15.0 | 10,860 | 0 |
| | | 15.0 | 10,860 | 0 |

TOTAL FOR THIS RIGHT

REVIEWED BY: Sce DATE: 5-17-91

RECEIVED
JAN 28 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

| ACCEPTED
AS CLAIMED | NEEDS
REVIEW |
|------------------------|-----------------|
| () | () |
| () | () |
| () | () |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-04032

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
40.000

EXAMINER

CFS

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 | | | | 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

REMARKS:

AUTHENTICATION:

SIGNATURE:

DATE:

NAME OF FIELD EXAMINER:

TITLE:

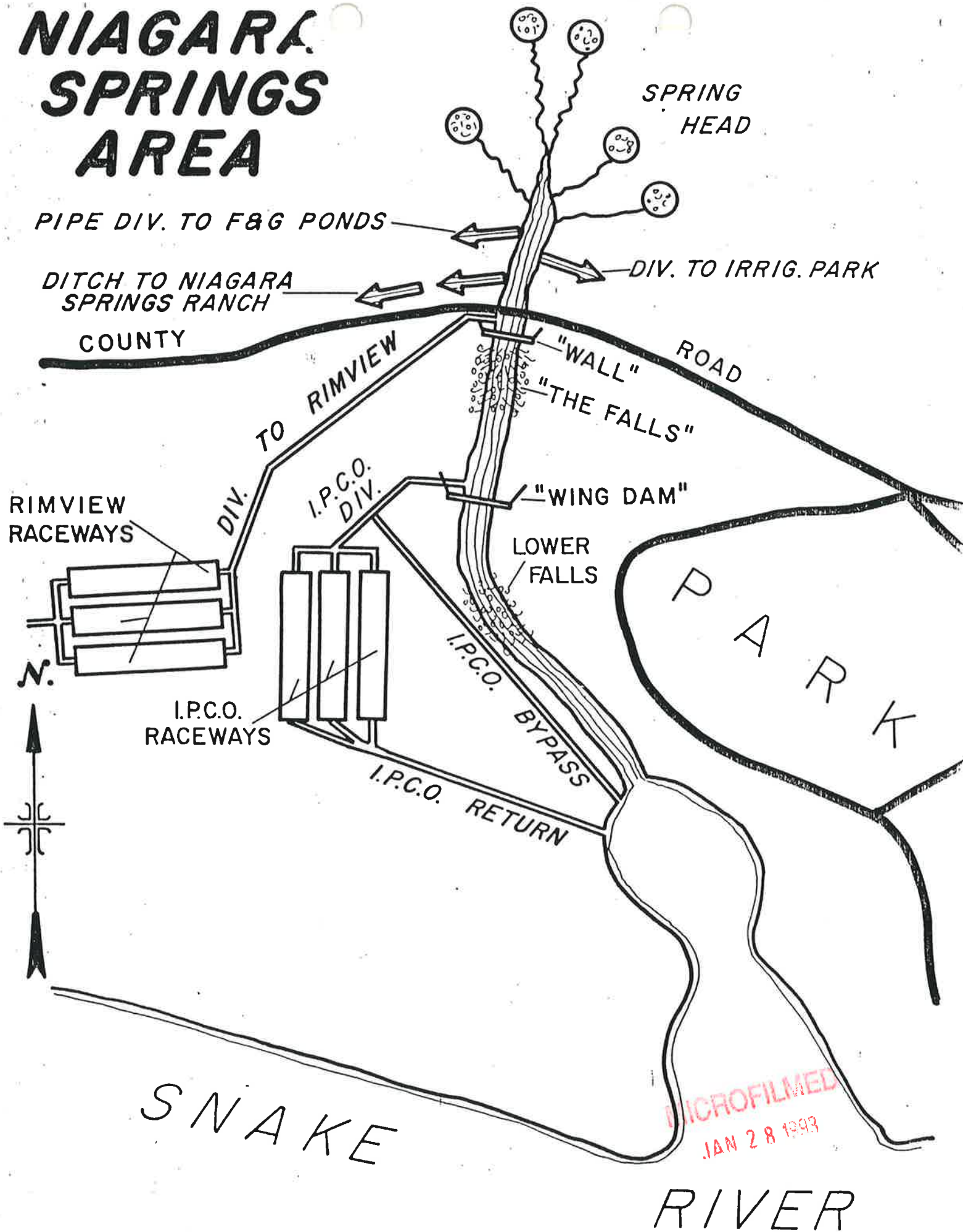
MICROFILMED
JAN 28 1993

[Signature]
3/31/92

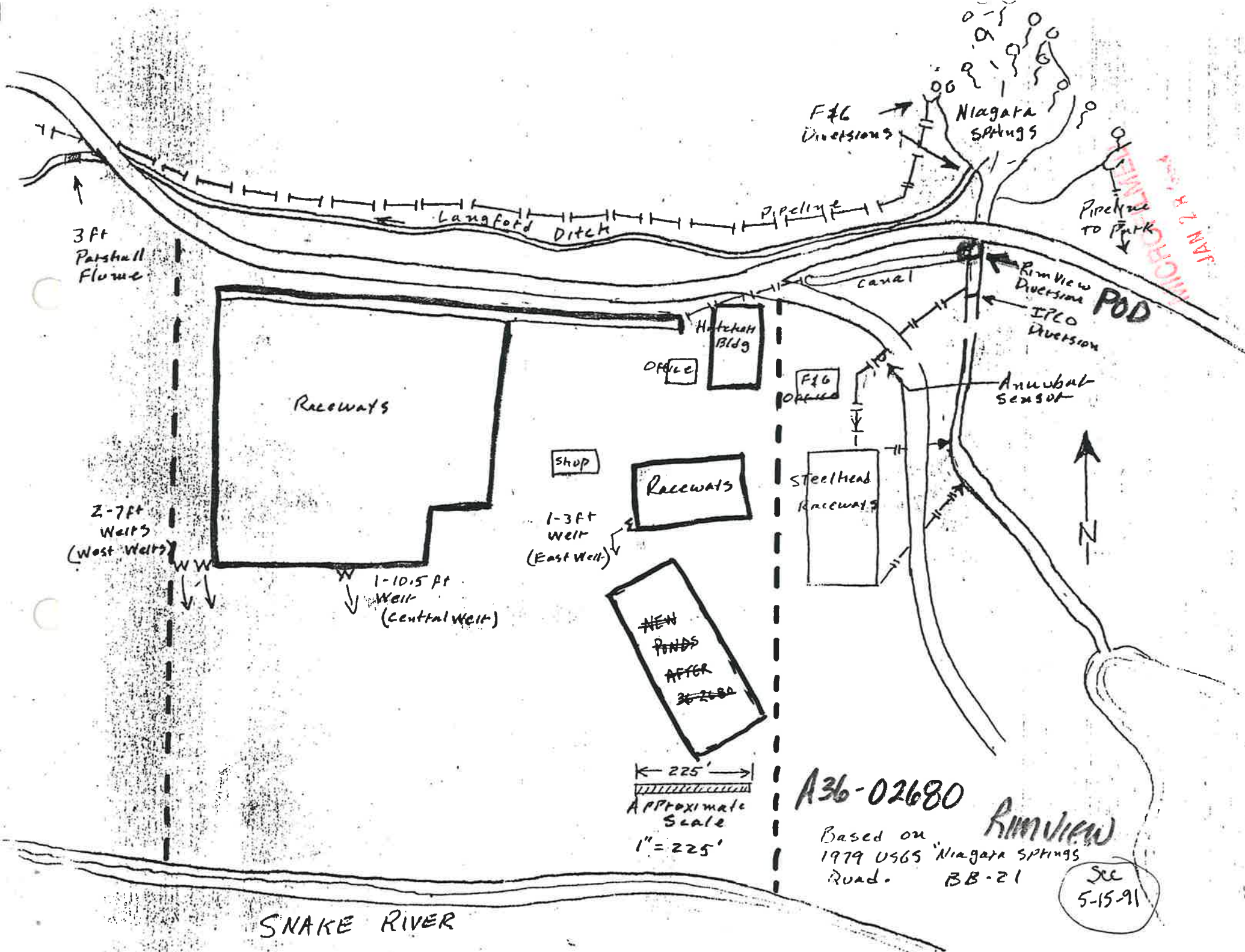
1920 Survey.



NIAGARA SPRINGS AREA



NO SCALE



A36-02680

Rim View

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

See
5-15-91

Snake River

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: | <u>Fish Prop.</u> | - | <u>1926</u> | | <u>10.0</u> | |
| | <u>Fish Prop.</u> | - | <u>1951</u> | amount: | <u>14.5</u> | c.f.s. or _____ acre feet |
| | <u>Irrigation</u> | - | <u>1951</u> | | <u>0.4</u> | |
| | <u>Domestic</u> | - | <u>1951</u> | amount: | <u>0.1</u> | c.f.s. or _____ acre feet |
| | <u>Fish Prop.</u> | - | <u>1962</u> | amount: | <u>15.0</u> | c.f.s. or _____ acre feet |
| | Total claimed | | | | | <u>40.0</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 <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; 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 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 4922

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 14

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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JAN 28 1992

- b. Do you get water through ditch owned by several users? No If yes, give 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 e1 Date 2-8-72

Exception filed by: _____

Forwarded to claimant by: _____ Date _____

Prelim. check by JEB Date 2-8-72

Fee received by e1 Date 2-8-72 Fee \$10.00

Approved for publication by De

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

35 4 33
JAN 28 1972
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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

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: <u>approx. 10</u> | c.f.s. or _____ | acre feet |
| Fish propagation (14.5 cfs) & irrig. 1951 | amount: <u>" 15</u> | c.f.s. or _____ | acre feet |
| & dom. (.5 cfs) 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 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; 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 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

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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-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 cfs 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.

~~MICROFILMED~~

JAN 28 1993

Date _____

MICROFILMED
JAN 27 1980

MEMORANDUM

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

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

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

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

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

MICROFILMED

JAN 28 1993

Water Right Number - R36-04032C

Prefix Translation: RESEARCH

Old (D) Number -

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

*** A - ATTORNEY ***
RINGERT

WF

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

State- ID Zip- 83704

*** C - CURRENT OWNER ***
RIM VIEW TROUT CO1 - 1301 VISTA AVE
2 -
3 -
City- BOISE
Phone - 208-344-7321

State- ID Zip- 83705

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/25/1967 17 SOUTHERN I - DISALLOWED+ - - - - 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 29.400+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
29.400 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, 36-04032A & 36-04032B

MICROFILMED
JAN 28 1993

Water right number - R36-04032C

Prefix Translation: RESEARCH

+ - - - - SEE NO. 36-02680. - - - - Remarks - - - - - +

+ - - - - 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: 08/27/1992 User Id: SHAFF Subject: CHANGE TO DISALLOWED
REVIEWED USGS DIVERSION MEASUREMENTS TO DETERMINE PART OF 40 CFS WAS DIVERTED UNDER PERMIT APPROPRIATION 36-02680.
Date: 08/27/1992 User Id: SHAFF Subject: COPIED FROM REMARKS
FACILITY VOLUME 696,960 CU. FT. USE OF THIS RIGHT WITH COMBINED RIGHTS LISTED BELOW IS LIMITED
TO A TOTAL FACILITY VOLUME OF 696,960 CU. FT. COMBINED RIGHTS: 36-04032A, 36-04032B, 36-02680 & 36-07167.
THE COMBINED RIGHTS LISTED ABOVE ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

+ - - 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 | - C002870 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

*Verified
8/27/92*

RECEIVED
AUG 28 1992

M E M O R A N D U M

DATE: August 27, 1992

TO: File #A36-04032A, A36-04032B, A36-04032C & A36-02680

FROM: Don Shaff 

RE: USGS Measurement Records/36-8597

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MICROFILMED

JAN 28 1994

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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2012 8 28

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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APR 28 1991