

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 A36-07004Date Received 9-1-88Receipt Number C002449

COPY

FOR YOUR FILES
DO NOT RETURN

NOTICE OF CLAIM
TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED

SEP 01 1988

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Clear Lakes Trout Company, Inc. Phone (208) 342-0090

Mailing Address 1301 Vista Avenue, Boise, Idaho Zip 83705

2. Date of Priority (Only one (1) per claim) July 21, 1967

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

4. a. Location of existing point of diversion is: Township 9 South Range 14 East Section 2,
NE 1/4 of SE 1/4
SE 1/4 of NE 1/4 of 1/4, Govt. Lot, 5 & 6 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. Approximately 550 to 600 ft. of earth dam,
pipelines and concrete headgates

MICROFILMED
FEB 1988
OCT 19 1994

6. Water is claimed for the following purposes: (both dates are inclusive) (cfs) (acre feet)
- For Fish Propagation purposes from Jan. 1 to Dec. 31 amount 75.0 or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
7. Total quantity claimed (a) 75.0 (cfs) and/or (b) _____ (acre feet)
8. Total consumptive use claimed is _____ acre feet per annum.
9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Fish Propagation-A small part of the water is used for processing and is included in the 75 c.f.s. - See Remarks below
10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - 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	
9 S	14 E	2				Lot 5 H												Lot 6 & 8 H	

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.
License No. 36-2659 owned by Clear Lakes Trout Co. is used at the same place or None ()
but for separate use from 36-7004 herein described.
14. Remarks:
Item 9 Above-Some of the raceways shown on the drawing included in the beneficial use file have been and are being divided and changed in dimensions for a more efficient use of the water.

Last Name _____ Ident No. _____

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OCT 19 1984
Copies: White-Stage, Yellow-Claimant

Scale: 2 inches equals 1 mile

This is a detailed plat map of a 160-acre section of land, divided into 160 quarter-acre lots. The map is organized into a grid of 16 columns and 10 rows. The top row is labeled with 'T 19', 'R 14', and 'E'. The first column is labeled 'S'. The second column is labeled 'Sec 2'. The third column is labeled 'N'. The fourth column is labeled 'E'. The fifth column is labeled 'S'. The sixth column is labeled 'E'. The seventh column is labeled 'N'. The eighth column is labeled 'E'. The ninth column is labeled 'S'. The tenth column is labeled 'E'. The eleventh column is labeled 'N'. The twelfth column is labeled 'E'. The thirteenth column is labeled 'S'. The fourteenth column is labeled 'E'. The fifteenth column is labeled 'N'. The sixteenth column is labeled 'E'. The map also includes a 'Point of Diversion' and a 'Place of Use'.

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OCT 19 1954
Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) ☐ Official Use ☐ Posted Notice ☒ License ☐ Permit ☐ Decree

If applicable provide IDWR Water Right Number 36-7004

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 one

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 Clear Lakes Trout Co., Inc.

Organization

, that I have signed the foregoing

document in the space below as President

Title

of Clear Lakes Trout Co., Inc.

Organization

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

Signature of Authorized Agent Eileen Hargis

Title and Organization Clear Lakes Trout Co., Inc.

Date August 31, 1988

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

Subscribed and sworn (or affirmed) before me this 31st day of August 19 88

SEAL

Notary Public Mary Anne Johnson

Residing at Boise, Idaho

My Commission Expires 1-11-92

Please Print Name

17. Notice of Appearance:

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

Signature W.F. Ringert

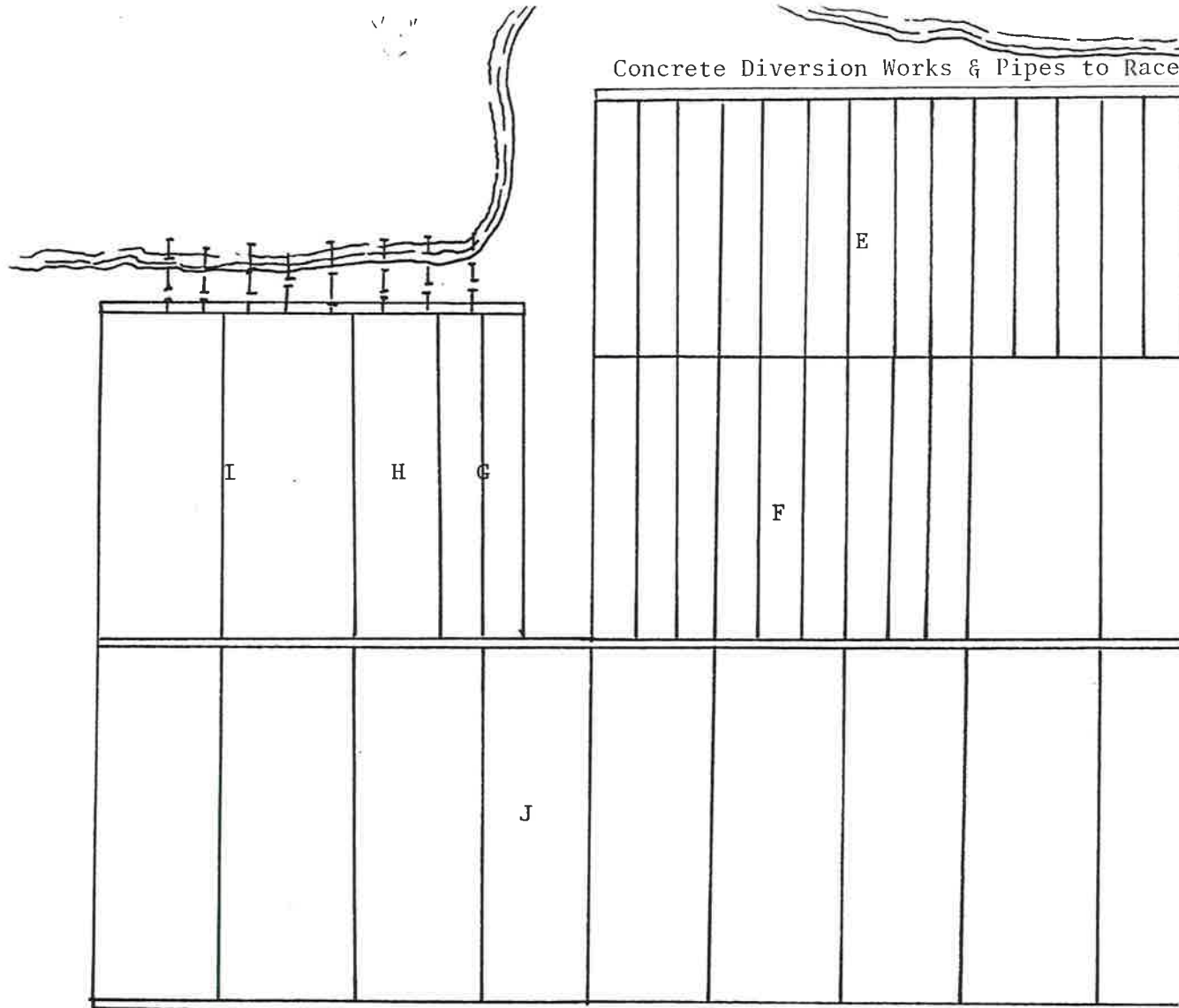
Address Box 2723, Boise, ID 83701

Date 9-1-88

Last Name _____ Ident. Number _____

MICROFILMED
OCT 19 1994
Copies White-State, Yellow-Claimant

Concrete Diversion Works & Pipes to Racew



WEIR

HOLDING PONDS

PROCESSING PLANT

DISCHARGE

MICROFILMED
OCT 19 1994

C7

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: A36-07004
Date Received: 9/01/1988
Receipt No: C002449
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLEAR LAKES TROUT CO. INC. 208-342-0090
Address: 1301 VISTA AVENUE
BOISE, ID 83705

2. Date of Priority: JUL 21, 1967

3. Source: CLEAR LAKES SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	14E	2	SE	NE		5	GOODING
			NE	SE		6	GOODING

5. Description of diverting works:
APPROXIMATELY 550' TO 600' OF EARTH DAM, PIPELINES & HEADGATES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	75.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
FISH PROPAGATION, A SMALL PORTION OF WATER USED FOR PROCESSING.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	14E	2	SE	NE	8	FISH	
					5	FISH	

A36-07004

Page 1

Date: 10/04/88

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FEB 02 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	14E	2	NE	SE	6	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:
36-02659

14. Remarks:

ITEM 9; SOME OF THE RACEWAYS SHOWN ON THE DRAWING INCLUDED IN THE BENEFICIAL USE FILE HAVE BEEN AND ARE BEING DIVIDED AND CHANGED IN DIMENSIONS FOR A MORE EFFICIENT USE OF THE WATER.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For 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 _____

8/01/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Clear Lakes Trout Co.

CLAIM IDENT. NO.

A36-07004

DATE RECEIVED

9-1-88

CK #

1192

AMOUNT \$

800.00

YES

NO

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

☒☐

2. Is priority date entered?

☒☐

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

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered?

☒☐

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

☒☐

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

☒☐

5. Is there a description of the diverting works?

☒☐

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

☒☐

Is the period of use included?

☒☐

Is a quantity claimed for each use?

☒☐

7. Is a total quantity claimed entered?

☒☐

8. Is the consumptive use correct?

☒☐

If required is a consumptive use entered?

☒☐

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4.

☒☐

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

☒☐

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

☒☐

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

☒☐

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

☒☐

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

☒☐

15. Is the basis of the claim checked?

☒☐

16. Is the claim signed by the claimant?

☒☐

Is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

☒☐

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

☒☐

Is the fee enclosed correct?

☒☐

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

N/A

☒☐

Should this claim be receipted and data entered?

☒☐

Claim checked by:

MICROFILMED
FEB 12 1993
CH

Comments:

The water appears to have a commercial use (fish processing) that is not being specifically claimed.

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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FEB 02 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Jul-1990 13:51

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

BOISE

ID 83701

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

Dear Counselor,

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

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

Sincerely,

A handwritten signature in cursive script that reads "Allen Merritt".

Allen Merritt, P.E.
Water Rights Supervisor

*See Attached Pages for Other Water Rights

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FEB 02 1993

WATER RIGHT LICENSE

Presented July 21, 1967

Amount 15.000

THIS IS TO CERTIFY, that **CLEAR LAKES TROUT CO., INC.**
Boise, Idaho

at Boise, Idaho

No. 36-7004

has complied with the terms and conditions of Permit

July 21, 1967

September 9, 1977

and has submitted proof to the Department of Water Resources on that he has purchased

that he has applied water to a beneficial use, an examination by the Department indicates that the works have a capacity for the diversion of 180.0 cfs of water to the

capacity for the diversion of 180,0 cfs

of water from Clear Lakes Springs.

tributary to Snake River

established a right to use water as follows:

Beneficial Use Fish

Period of Use

Rate of Diversion

Annual Volume

Propagation from January 1 to December 31 at 75.0

cls and N/A

from

to .

34

Name

Group

1

34

Name

(both dates inclusive)

41

515

Subject, however, in the condition that no more than 75.0 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed N/A acre feet per year, said waters to be diverted without any...

N/A

Twp. 9S, Rge. 14E, B.M.,

within the NE₄SE₄, SE₄NE₄, Sec. 2,
in the County of Gooding

Description and location of place of use

[illegible]

Total number of acres irrigated

A measuring device of a type approved by the Department shall be maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of August 1979.

14 79

Chas. Alden
Director

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FEB 02 1993

MEMORANDUM

TO: FILE

DATE: 2/21/78

FROM: CARY FUNDERBURG

SUBJECT: 36-7004 and 36-2659

The source of water for Permit No. 36-7004 and 36-2659 is a series of springs located in the North side of the Snake River in Govt. Lot 5 (SE1/4NE1/4), Govt. Lot 6 (NE1/4SE1/4), Sec. 2, Twp. 4S, Rge. 14E, and used in Lot 5 (SE1/4NE1/4), Lot 6 (NE1/4SE1/4), of Sec. 2, Twp. 9S, Rge. 14E.

There are three methods used to divert the springs to the raceways.

1. The spring water is collected in a holding pond then diverted into the concrete raceways and discharged into the Clear Lakes.
2. (1) 24 inch diameter steel pipe is connected to a concrete collection box at the mouth of the springs. The water is conveyed through the pipe to a concrete diversion which allows the water to be distributed to the raceways. (see diagram).
3. The water used at the hatchery is diverted directly from the springs through (2) steel pipes. (1) 10 inch diameter and (1) 12 inch diameter. These pipes are connected to a concrete collection box at the mouth of the springs and runs into a diversion box at the hatchery building. The water is then diverted into 30 hatching trays. (see diagram B for size of trays) and can be discharged into the raceways or into the Clear Lakes.

When the water leaves the raceways it is conveyed through (2) 12 foot concrete flumes and discharged into Clear Lakes. A 12 foot rectangular suppressed weir is built at the outlet of each flume. These weirs were designed and computed by C. E. Brockway, a Professional Engineer. Chart #1 is the curve for both weirs, and Chart #2 is the rating table for both weirs.

Part of the spring water is used at the processing plant and discharged into Clear Lakes.

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FEB U 2 1993

Point of exchange: N/S, Rge EW, B.M., Sec. Sub 1/4 1/4 County
Twp. _____

Total Q measured 180 cfs Method of measurement (2) Standard Rectangular
Suppressed Weirs

Total Q recommended 25.0 cfs Meter No. K Type 12' Condition good

Total V recommended K

Recommended Amendments:

P D _____

Place of Use _____

Other _____

None K

MEASUREMENT CALCULATION

1 Weir: $H = 1.72'$ See Curve Computed from Francis formula = 92.5 cfs
2 Weir: $H = 1.66'$ See Curve Computed from Francis formula = 81.5 cfs

SYSTEM DESCRIPTION

Water used for the Fish Hatchery is conveyed from the springs through (2) steel pipes 12" DIA. & 10" DIA. See Sheet #1. Water used for the Raceways is conveyed through (1) 2' DIA. steel pipe, (8) 2' DIA. steel Culverts See Sheet #2. The water leaves the Raceways and discharges into Clear Lake through (2) 12' Concrete Flumes.

REMARKS

Charles Brockway was present during the exam. He represented Clear Lake Trout Co.
Plans for Raceways are on Sheet #2.
Signed the ~~Survey~~ Raceways

Examiner's Signature Jay Gunduburg

Date 10-31-77

Checked by J. H. H. H.

Date 9-19-78

Approved by _____

Date _____

MICROFILMED
FEB 02 1993

**C. E. BROCKWAY P. E.
ENGINEERING CONSULTANT**

Groundwater, Hydrology,
and Hydraulic Engineering

Route 1, Box 186
Kimberly, Idaho 83341
March 28, 1977

MICROFILMED
FEB 02 1980

Mr. Bobby Fleenor
Idaho Department of Water Resources
373 W. Franklin
Boise, ID 83720

Boise, Idaho
Southern District Office

543-6444

Dear Mr. Fleenor:

On March 22, 1977, accompanied by Mr. Hal Ward of the Clear Lakes Trout Company, I measured the total flow passing through the Clear Lakes Trout Company facility near Buhl. All flow was passing through the two 12 ft. rectangular suppressed weirs. All bypass around the weir channels was shut off including the holding pond bypass which is an 18x36" corrugated metal arch pipe. This pipe feeds the holding ponds south of the raceways. Flow was adjusted in the tail race so that both weirs were operating correctly. The west weir does not aerate when the head reading exceeds about 1.7 ft. At 3:00 p.m. on March 22nd, the following readings and discharges were measured.

Weir	Staff Gage Reading	Discharge
West	1.68	89.5
East	1.66	87.5

total 177. cfs

At this same time the Clear Springs Trout Company main inlet which is fed by the same spring source read 1.88 feet for a discharge of 206 cfs.

A check was made of the east weir performance, both aerated and non-aerated. When the weir is operating non-aerated the staff gage reading used with the standard rating curve indicates about 4.5 cfs greater discharge than is actually passing for a discharge in the 80 to 90 cfs range.

Mr. Bobby Fleenor

-2-

March 28, 1977

A check was also made of the approximate capacity of the holding pond bypass. Water was diverted from the east weir through the holding pond bypass pipe resulting in a decrease in total flow through both weirs of 9.5 cfs. Therefore, it can be assumed that with the tail race regulated as it was on March 22nd, that the holding pond bypass discharges about 9.5 cfs. As I understand, it is planned to regulate the tail race so that excessive flow is not diverted to the west weir to cause non-aeration of the nappe. This weir has not been aerating since it was installed.

I hope these measurements will suffice for your determination of discharge for licensing purposes.

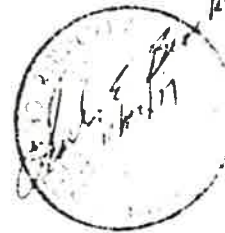
Sincerely,


C. E. Brockway, P.E.

CEB:ld

enc. - Rating curve for 12 ft. Rectangular suppressed weir.

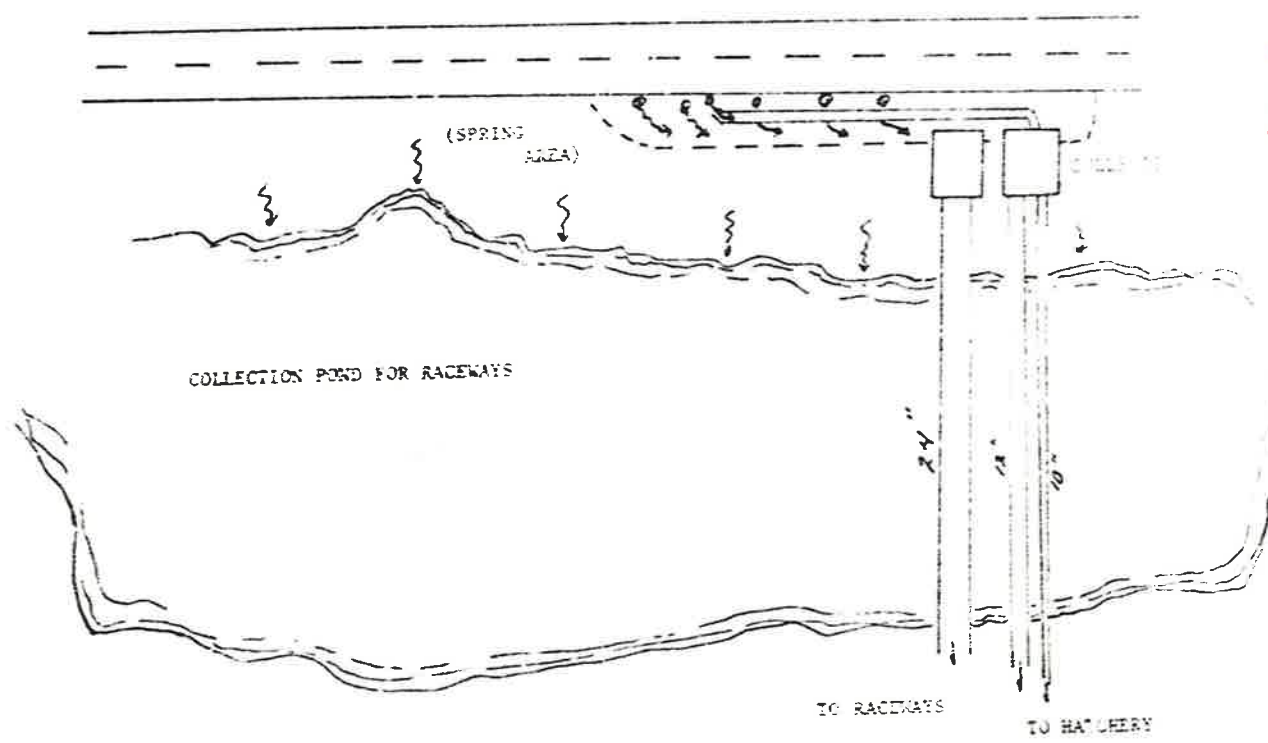
cc: Mike Steele, IDWR
Hal Ward, Clear Lakes Trout



MICROFILMED
FEB 02 1993

(Lot 5). SEWER. Sec. 2, Twp. 1 N., R. 10 E.

MICROFILMED
FEB 02 1993



[illegible]

Water Delivery
1111 area of 634 reams

MICROFILMED
FEB 02 1993

Water Right Number - A36-07004 Adj. Flag Translation: Adjudication Temporary Work Area Old (D) Number -

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

*** C - CURRENT OWNER ***
CLEAR LAKES TROUT CO. INC.1 - 1301 VISTA AVENUE *Done*
2 -
3 -
City- BOISE State- ID Zip- 83705
Phone - 208-342-0090*** A - ATTORNEY ***
RINGERT

W. F.

1 - P.O. BOX 2773
2 -
3 -
City- BOISE State- ID Zip- 83701
Phone - 208-000-0000+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/21/1967 17 L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
CLEAR LAKES SPRINGS SNAKE RIVER

Twn	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Stream Index (Blank if no Index Code)
09S	14E	2	SE NE	5	(47)	GOODING		
09S	14E	2	NE SE	6	(47)	GOODING		

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
19	FISH PROPAGATION	01/01	12/31		75.000	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
75.000 *X* *OK*

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
09S	14E	2	<i>NE SE</i>	8		19	FISH PROPAGATION	(47) GOODING
09S	14E	2	SE NE	5		19	FISH PROPAGATION	(47) GOODING
09S	14E	2	NE SE	6		19	FISH PROPAGATION	(47) GOODING

Total Acres:

+ - - Diversion Means - APPROXIMATELY 550' TO 600' OF EARTH DAM, PIPELINES & HEADGATES.

+ - - Non-Irrigation Use - FISH PROPAGATION, A SMALL PORTION OF WATER USED FOR PROCESSING. ✓

+ - - Other Rights for Same Use - *A* 36-02659 ✓+ - - - - - Remarks - - - - - +
ITEM 9; SOME OF THE RACEWAYS SHOWN ON THE DRAWING INCLUDED IN THE
BENEFICIAL USE FILE HAVE BEEN AND ARE BEING DIVIDED AND CHANGED

Water right number - A36-07004

Adj. flag translation: Adjudication Temporary Work Area

+ - - - - Remarks - - - - -
IN DIMENSIONS FOR A MORE EFFICIENT USE OF THE WATER.

+ - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - -
R01 - A measuring device of a type approved by this Department shall be
- maintained as a part of the diverting works.

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

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

+ - - Audit Fields - 10/04/88 FRITSCHL

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 05/20/1985	Old Judicial District	-
Claim Received Date	- 09/02/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
Claims Tape Error Flg	-	Receipt Number	- C002449	Water District	-
Fee Exempt Flag	-	POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-

Water Right Number - A36-02659

Adj. Flag Translation: Adjudication Temporary Work Area

Old (D) Number - 33176

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***

CLEAR LAKES TROUT CO. INC.

1 - 1301 VISTA AVENUE

2 -

3 -

City- BOISE

State- ID Zip- 83705

Phone - 208-342-0090

*** O - ORIGINAL OWNER ***

KASTER

RICHARD

1 -

2 -

3 -

City- N/A

State- ID Zip- 00000

Phone - 208-000-0000

*** A - ATTORNEY ***

RINGERT

W. F.

1 - P.O. BOX 2773

2 -

3 -

City- BOISE

State- ID Zip- 83701

Phone - 208-000-0000

+ - - Priority Date - - +
06/23/1966+ - - Region - - - +
17+ - - Stage - - - +
L - LICENSE

+ - - Status - - - - +

+ - - - - Source - - - - - +
CLEAR LAKE SPRINGS+ - - - - Tributary - - - - - +
SNAKE RIVER

Tw	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Stream Index (Blank if no Index Code)
09S	14E	2	SE NE	5	(47)	GOODING		
09S	14E	2	NE SE	6	(47)	GOODING		

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
19 - FISH PROPAGATION		01/01	12/31	100.000	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
100.000

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	14E	2		8		19	FISH PROPAGATION	(47) GOODING
09S	14E	2	SE NE	5		19	FISH PROPAGATION	(47) GOODING
09S	14E	2	NE SE	6		19	FISH PROPAGATION	(47) GOODING

100 SE
Total Acres:

+ - - Diversion Means - DAM, FLUMES, PONDS & PIPE. (SEE REMARKS)

+ - - Non-Irrigation Use - FISH PROPAGATION

Court Report Filing	- 00/00/0000	Field Inspection Made	00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 06/03/1985	Old Judicial District	-
Claim Received Date	- 09/02/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
Claims Tape Error Flg	-	Receipt Number	- C002451	Water District	-
Fee Exempt Flag	-	POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-

Water Right Number - R36-07004

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CLEAR LAKES TROUT CO. INC.1 - 1301 VISTA AVE.
2 -
3 -
City- BOISE
Phone - 208-342-0090

State- ID Zip- 83705

*** A - ATTORNEY ***
RINGERT

W.F.

1 - P.O. BOX 2773
2 -
3 -
City- BOISE
Phone - 208-000-0000

State- ID Zip- 83701

+ - - Priority Date - - +
07/21/1967+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

+ - - Source - - - - - +
SPRINGS+ - - Tributary - - - - - +
CLEAR LAKES

Twn	Rng	Sec	Tract	Lot	RFlg	County	Stream Index (Blank if no Index Code)
09S	14E	2	SE SW NE		(47)	GOODING	
			SW SE NE	5	(47)	GOODING	
			SE SE NE	5	(47)	GOODING	

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
19 - FISH PROPAGATION		01/01	12/31	75.000	

Total Div. Rate - +	Total Div. Volume - +	Total Div. Capacity - +	Total Consumptive Use - +	KW Usage - +
75.000			0.0	

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	14E	2	SE NE	5		19	FISH PROPAGATION	(47) GOODING
09S	14E	2	NE SE	6		19	FISH PROPAGATION	(47) GOODING

+ - - Diversion Means - APPROXIMATELY 550' TO 600' OF EARTH DAM, PIPELINES & HEADGATES.

+ - - Non-Irrigation Use - FISH, PROPAGATION, A SMALL PORTION OF WATER USED FOR PROCESSING.

+ - - Other Rights for Same Use - A36-02659

Remarks
FACILITY VOLUME 26 AF. RIGHT NO. 36-02659 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 175 CFS.

Water right number - R36-07004

Prefix Translation: RESEARCH

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

~~THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
T9S, R14E, S2, SESWNE: 36-02708, 36-07218.~~

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVER-
SION T9S, R14E, S2, SWSENE, LOT 5 AND SESWNE: 36-02708, 36-07218.

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

No Old Water Right Numbers found.

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

omit ~~R01~~ - A measuring device of a type approved by this Department shall be
- maintained as a part of the diverting works.

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

00/00/0000

+ - - Audit Fields - 03/18/92 THORNTON 03/18/92 THORNTON

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

Date: 03/16/1992 User Id: THORNTON Subject: COPIED FROM REMARKS

ITEM 9; SOME OF THE RACEWAYS SHOWN ON THE DRAWING INCLUDED IN THE BENEFICIAL USE FILE HAVE BEEN AND ARE BEING DIVIDED AND CHANGED
IN DIMENSIONS FOR A MORE EFFICIENT USE OF THE WATER.

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/02/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- C002449	Federal/State Indicator	- S
Claims Tape Error Flg	-	POU Ownership Flag	- Y	Presumption Flag	-
Fee Exempt Flag	-	Name Connector	- OR	Notice of Error Flag	-

MEMORANDUM

TO: FILE

DATE: 2/21/78

FROM: GARY FUNDERBURG

SUBJECT: 36-7004 and 36-2659

The source of water for Permit No. 36-7004 and 36-2659 is a series of springs located in the North side of the Snake River in Govt. Lot 5 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Govt. Lot 6 (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Sec. 2, Twp. 9S, Rge. 14E, and used in Lot 5 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Lot 6 (NE $\frac{1}{4}$ SE $\frac{1}{4}$), of Sec. 2, Twp. 9S, Rge. 14E.

There are three methods used to divert the springs to the raceways.

1. The spring water is collected in a holding pond then diverted into the concrete raceways and discharged into the Clear Lakes.
2. (1) 24 inch diameter steel pipe is connected to a concrete collection box at the mouth of the springs. The water is conveyed through the pipe to a concrete diversion which allows the water to be distributed to the raceways. (see diagram).
3. The water used at the hatchery is diverted directly from the springs through (2) steel pipes. (1) 10 inch diameter and (1) 12 inch diameter. These pipes are connected to a concrete collection box at the mouth of the springs and runs into a diversion box at the hatchery building. The water is then diverted into 30 hatching trays. (see diagram B for size of trays) and can be discharged into the raceways or into the Clear Lakes.

*12" & 10"
lines - only
used at
hatchery?*

When the water leaves the raceways it is conveyed through (2) 12 feet concrete flumes and discharged into Clear Lakes. A 12 foot rectangular suppressed weir is built at the outlet of each flume. These weirs were designed and computed by C. E. Brockway, a Professional Engineer. Chart #1 is the curve for both weirs, and Chart #2 is the rating table for both weirs.

Part of the spring water is used at the processing plant and discharged into Clear Lakes.

MICROFILMED

TWP	RNG	SECT	TRACT			LOT	WATER USES	WATER RIGHT NUMBER	STG STA	PRIORITY DATE	CLAIMANT NAMES	O C	WATER SOURCE	DIVERSION RATE-VOLUME	DIV TY
			1\4	1\4	1\4										
09S	14E	①	SE	SW	NW	5	01,04	~~A36-04148~~	/Z	01/01/1890	CLEAR LAKE RANCH INC. SPLIT RIGHT	O C	SPRINGS SPLIT RIGHT	3.000	CFS
09S	14E	①	SE	SW	NW	5	01	A36-04148A	S/	01/01/1890	CLEAR LAKE RANCH INC. L & M INC.	C C	SPRINGS	1.500	CFS
09S	14E	①	SE	SW	NW	5	01	~~A36-04148B~~	S/	01/01/1890	CLEAR LAKE COUNTRY CLUB	C	SPRINGS	1.500	CFS
09S	14E	①	SE	SW	NW	5	01	~~R36-04148A~~	/I	01/01/1890	CLEAR LAKE RANCH INC L & M INC	C C	SPRINGS	1.500	CFS
09S	14E	2	SE	SW	NE		19	✓R36-02708	L/	09/28/1966	CLEAR SPRINGS TROUT CO THE PROSPECT CO	C C	SPRINGS	200.000	CFS
09S	14E	2	SE	SW	NE		19	✓R36-07218	L/	01/24/1972	CLEAR SPRINGS TROUT CO THE PROSPECT CO	C C	SPRINGS	51.550	CF
09S	14E	2		SE	NE	5	19	~~A36-02659~~	L/	06/23/1966	CLEAR LAKES TROUT CO. I W.F. RINGERT RICHARD KASTER	C A O	CLEAR LAKES SPRINGS	100.000	CFS
09S	14E	2		SE	NE	5	19	~~A36-07004~~	L/	07/21/1967	CLEAR LAKES TROUT CO. I W.F. RINGERT	C A	CLEAR LAKES SPRINGS	75.000	CFS
09S	14E	2	SW	SE	NE	5	19	✓R36-02708	L/	09/28/1966	CLEAR SPRINGS TROUT CO THE PROSPECT CO	C C	SPRINGS	200.000	CFS
09S	14E	2	SW	SE	NE	5	19	✓R36-07218	L/	01/24/1972	CLEAR SPRINGS TROUT CO THE PROSPECT CO	C C	SPRINGS	51.550	CFS
09S	14E	2	SE	SE	NE	5	19	~~A36-02048~~	L/	04/11/1938	CLEAR SPRINGS TROUT CO.	C	SPRINGS (CLEAR SPRIN	20.000	CFS
09S	14E	2	SE	SE	NE	5	19	~~A36-02703~~	L/	11/23/1933	CLEAR SPRINGS TROUT CO.	C	SPRINGS (CLEAR SPRIN	40.000	CFS
09S	14E	2	SE	SE	NE	5	19,43,07	~~A36-04013~~	/Z	01/01/1940	CLEAR SPRINGS TROUT CO. SPLIT RIGHT WILLIAM F. RINGERT	O C A	SPRINGS (CLEAR SPRIN SPLIT RIGHT	14.000	CFS
09S	14E	2	SE	SE	NE	5	19	~~A36-04013A~~	S/	09/15/1955	CLEAR SPRINGS TROUT CO.	C	SPRINGS (CLEAR SPRIN	15.000	CFS
09S	14E	2	SE	SE	NE	5	19	~~A36-04013B~~	S/	02/04/1964	CLEAR SPRINGS TROUT CO.	C	SPRINGS (CLEAR SPRIN	31.000	CFS
09S	14E	2	SE	SE	NE	5	19,43,07	~~A36-04013C~~	S/	01/01/1940	CLEAR SPRINGS TROUT CO.	C	SPRINGS (CLEAR SPRIN	14.000	CFS
09S	14E	2	SE	SE	NE	5	01,04	A36-04148	/Z	01/01/1890	CLEAR LAKE RANCH INC. SPLIT RIGHT	O C	SPRINGS SPLIT RIGHT	3.000	CFS
09S	14E	2	SE	SE	NE	5	01	~~A36-04148A~~	S/	01/01/1890	CLEAR LAKE RANCH INC. L & M INC.	C C	SPRINGS	1.500	CFS
09S	14E	2	SE	SE	NE	5	01	~~A36-04148B~~	S/	01/01/1890	CLEAR LAKE COUNTRY CLUB	C	SPRINGS	1.500	CFS

Common P/D w/ 36-02659, 36-07004 (Clear Lakes Trout Co.)

F06

SWSENE 5 - 36-02708, 36-07218

~~SESENE 5 - 36-02048, 02703, 04013, 04013A, 04013B, 04013C, 04148A, 04148B, 04148C~~

SESENE 5 - 36-02708, 36-07218

OD-XXX
 AJ5804NP
 SELECTION FILE: THORNTON-POD-09S-14E-02

IDAHO DEPARTMENT OF WATER RESOURCES
 ADJUDICATION POD INDEX

DATE: 03/17/92
 TIME: 08:22:23
 PAGE: 2

TWP	RNG	SECT	TRACT			LOT	WATER USES	WATER RIGHT NUMBER	STG STA	PRIORITY DATE	CLAIMANT NAMES	O C	WATER SOURCE	DIVERSION RATE-VOLUME	DIV TY
			1\4	1\4	1\4										
09S	14E	2	SE	SE	NE	5	19	R36-02048	L/	04/11/1938	CLEAR SPRINGS TROUT CO	C	SPRINGS	20.000	CFS
09S	14E	2	SE	SE	NE	5	19	R36-02703	L/	11/23/1933	CLEAR SPRINGS TROUT CO	C	SPRINGS	40.000	CFS
09S	14E	2	SE	SE	NE	5	19,43,07	R36-04013	/Z	01/01/1940	SPLIT RIGHT CLEAR SPRINGS TROUT CO. WILLIAM F. RINGERT	C O A	SPRINGS (CLEAR SPRIN SPLIT RIGHT	14.000	CFS
09S	14E	2	SE	SE	NE	5	19	R36-04013A	S/	09/15/1955	CLEAR SPRINGS TROUT CO	C	SPRINGS	15.000	CFS
09S	14E	2	SE	SE	NE	5	19	R36-04013B	S/	02/04/1964	CLEAR SPRINGS TROUT CO	C	SPRINGS	27.000	CFS
09S	14E	2	SE	SE	NE	5	19,43	R36-04013C	S/	11/20/1940	CLEAR SPRINGS TROUT CO	C	SPRINGS	14.000	CFS
09S	14E	2	SE	SE	NE	5	01	R36-04148A	/I	01/01/1890	CLEAR LAKE RANCH INC L & M INC	C C	SPRINGS	1.500	CF
09S	14E	2	SE	SE	NE	5	01	R36-04148B	J/	01/01/1927	CLEAR LAKE COUNTRY CLUB	C	SPRINGS	0.460	CFS
09S	14E	2	SE	SE	NE	5	19,43	R36-07148	L/	01/31/1971	CLEAR SPRINGS TROUT CO	C	SPRINGS	1.670	CFS
09S	14E	2		NE	SE	6	19	~~A36-02659~~	L/	06/23/1966	CLEAR LAKES TROUT CO. I W.F. RINGERT RICHARD KASTER	C A O	CLEAR LAKES SPRINGS	100.000	CFS
09S	14E	2		NE	SE	6	19	~~A36-07004~~	L/	07/21/1967	CLEAR LAKES TROUT CO. I W.F. RINGERT	C A	CLEAR LAKES SPRINGS	75.000	CFS

TWP	RNG	SECT	TRACT 1\4 1\4 1\4			LOT	WATER USES	WATER RIGHT NUMBER	STG STA	PRIORITY DATE	CLAIMANT NAMES	O C	WATER SOURCE	DIVERSION RATE-VOLUME	DIV TY
09S	14E	<u>1</u>	SE	SW	NW	5	01,04	~~A36-04148~~	/Z	01/01/1890	CLEAR LAKE RANCH INC. SPLIT RIGHT	O C	SPRINGS SPLIT RIGHT	3.000	CFS
09S	14E	<u>1</u>	SE	SW	NW	5	01	A36-04148A	S/	01/01/1890	CLEAR LAKE RANCH INC. L & M INC.	C C	SPRINGS	1.500	CFS
09S	14E	<u>1</u>	SE	SW	NW	5	01	~~A36-04148B~~	S/	01/01/1890	CLEAR LAKE COUNTRY CLUB	C	SPRINGS	1.500	CFS
09S	14E	<u>1</u>	SE	SW	NW	5	01	~~R36-04148A~~	/I	01/01/1890	CLEAR LAKE RANCH INC L & M INC	C C	SPRINGS	1.500	CFS
09S	14E	2	SE	SW	NE		19	✓R36-02708	L/	09/28/1966	CLEAR SPRINGS TROUT CO THE PROSPECT CO	C C	SPRINGS	200.000	CFS
09S	14E	2	SE	SW	NE		19	✓R36-07218	L/	01/24/1972	CLEAR SPRINGS TROUT CO THE PROSPECT CO	C C	SPRINGS	51.550	CF
09S	14E	2		SE	NE	5	19	~~A36-02659~~	L/	06/23/1966	CLEAR LAKES TROUT CO. I W.F. RINGERT RICHARD KASTER	C A O	CLEAR LAKES SPRINGS	100.000	CFS
09S	14E	2		SE	NE	5	19	~~A36-07004~~	L/	07/21/1967	CLEAR LAKES TROUT CO. I W.F. RINGERT	C A	CLEAR LAKES SPRINGS	75.000	CFS
09S	14E	2	SW	SE	NE	5	19	✓R36-02708	L/	09/28/1966	CLEAR SPRINGS TROUT CO THE PROSPECT CO	C C	SPRINGS	200.000	CFS
09S	14E	2	SW	SE	NE	5	19	✓R36-07218	L/	01/24/1972	CLEAR SPRINGS TROUT CO THE PROSPECT CO	C C	SPRINGS	51.550	CFS
09S	14E	2	SE	SE	NE	5	19	~~A36-02048~~	L/	04/11/1938	CLEAR SPRINGS TROUT CO.	C	SPRINGS (CLEAR SPRIN	20.000	CFS
09S	14E	2	SE	SE	NE	5	19	~~A36-02703~~	L/	11/23/1933	CLEAR SPRINGS TROUT CO.	C	SPRINGS (CLEAR SPRIN	40.000	CFS
09S	14E	2	SE	SE	NE	5	19,43,07	~~A36-04013~~	/Z	01/01/1940	CLEAR SPRINGS TROUT CO. SPLIT RIGHT WILLIAM F. RINGERT	O C A	SPRINGS (CLEAR SPRIN SPLIT RIGHT	14.000	CFS
09S	14E	2	SE	SE	NE	5	19	A36-04013A	S/	09/15/1955	CLEAR SPRINGS TROUT CO.	C	SPRINGS (CLEAR SPRIN	15.000	CFS
09S	14E	2	SE	SE	NE	5	19	~~A36-04013B~~	S/	02/04/1964	CLEAR SPRINGS TROUT CO.	C	SPRINGS (CLEAR SPRIN	31.000	CFS
09S	14E	2	SE	SE	NE	5	19,43,07	~~A36-04013C~~	S/	01/01/1940	CLEAR SPRINGS TROUT CO.	C	SPRINGS (CLEAR SPRIN	14.000	CFS
09S	14E	2	SE	SE	NE	5	01,04	~~A36-04148~~	/Z	01/01/1890	CLEAR LAKE RANCH INC. SPLIT RIGHT	O C	SPRINGS SPLIT RIGHT	3.000	CFS
09S	14E	2	SE	SE	NE	5	01	~~A36-04148A~~	S/	01/01/1890	CLEAR LAKE RANCH INC. L & M INC.	C C	SPRINGS	1.500	CFS
09S	14E	2	SE	SE	NE	5	01	~~A36-04148B~~	S/	01/01/1890	CLEAR LAKE COUNTRY CLUB	C	SPRINGS	1.500	CFS

Common P/D w/ 36-02659, 36-07004 (Clear Lakes Trout Co.)

SWSENE 5 - 36-02708, 36-07218

SESENE 5 - 36-02659, 02708, 04013A, 04013B, 04013C, 04148A, 04148B, 07148

SESENE 5 - 36-02708, 36-07218

F06

OD-XXX
 AJ5804NP
 SELECTION FILE: THORNTON-POD-09S-14E-02

IDAHO DEPARTMENT OF WATER RESOURCES
 ADJUDICATION POD INDEX

DATE: 03/17/92
 TIME: 08:22:23
 PAGE: 2

TWP	RNG	SECT	TRACT			LOT	WATER USES	WATER RIGHT NUMBER	STG STA	PRIORITY DATE	CLAIMANT NAMES	O C	WATER SOURCE	DIVERSION RATE-VOLUME	DIV TY
			1\4	1\4	1\4										
09S	14E	2	SE	SE	NE	5	19	R36-02048	L/	04/11/1938	CLEAR SPRINGS TROUT CO	C	SPRINGS	20.000	CFS
09S	14E	2	SE	SE	NE	5	19	R36-02703	L/	11/23/1933	CLEAR SPRINGS TROUT CO	C	SPRINGS	40.000	CFS
09S	14E	2	SE	SE	NE	5	19,43,07	R36-04013	/Z	01/01/1940	SPLIT RIGHT CLEAR SPRINGS TROUT CO. WILLIAM F. RINGERT	C O A	SPRINGS (CLEAR SPRIN SPLIT RIGHT	14.000	CFS
09S	14E	2	SE	SE	NE	5	19	R36-04013A	S/	09/15/1955	CLEAR SPRINGS TROUT CO	C	SPRINGS	15.000	CFS
09S	14E	2	SE	SE	NE	5	19	R36-04013B	S/	02/04/1964	CLEAR SPRINGS TROUT CO	C	SPRINGS	27.000	CFS
09S	14E	2	SE	SE	NE	5	19,43	R36-04013C	S/	11/20/1940	CLEAR SPRINGS TROUT CO	C	SPRINGS	14.000	CFS
09S	14E	2	SE	SE	NE	5	01	R36-04148A	/I	01/01/1890	CLEAR LAKE RANCH INC L & M INC	C C	SPRINGS	1.500	CF
09S	14E	2	SE	SE	NE	5	01	R36-04148B	J/	01/01/1927	CLEAR LAKE COUNTRY CLUB	C	SPRINGS	0.460	CFS
09S	14E	2	SE	SE	NE	5	19,43	R36-07148	L/	01/31/1971	CLEAR SPRINGS TROUT CO	C	SPRINGS	1.670	CFS
09S	14E	2		NE	SE	6	19	~~A36-02659~~	L/	06/23/1966	CLEAR LAKES TROUT CO. I W.F. RINGERT RICHARD KASTER	C A O	CLEAR LAKES SPRINGS	100.000	CFS
09S	14E	2		NE	SE	6	19	~~A36-07004~~	L/	07/21/1967	CLEAR LAKES TROUT CO. I W.F. RINGERT	C A	CLEAR LAKES SPRINGS	75.000	CFS

RECEIVED

NOV 3 - 1999

Department of Water Resources

RECEIVED

NOV 08 1999

Department of Water Resources
Southern Region

1999 NOV -1 AM 10:14

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

North Snake Ground Water District

D. Craig Lewis
University of Idaho
College of Law
6th & Rayburn Street
Moscow, ID 83843
(208) 885-6422
ISB No. 2063

'R' records modified 11-5-99.

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

In Re SRBA

Case No. 39576

Subcase Nos. 36-07071, 36-02356,
36-07210, 36-07427, 36-07720, 36-02659,
36-07004, 36-07080, and 36-07731

Notice of Appearance as Co-Counsel
(Consolidated Issues)

PLEASE TAKE NOTICE that D. Craig Lewis hereby enters his appearance as co-counsel
to represent the North Snake Ground Water District in the above-mentioned subcases.

DATED this 1st day of November, 1999.

D. Craig Lewis

D. Craig Lewis

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of November, 1999, I caused to be served copies of the foregoing **Notice of Appearance as Co-Counsel (Consolidated Issues)** by the method indicated:

Patrick D. Brown
109 S. Adams Street
Jerome, ID 83338
* U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

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

Norman Semanko
John E. Robertson
Rosholt, Robertson & Tucker
P. O. Box 1906
Twin Falls, ID 83303
☐ U.S. Mail ☐ Fed Ex ☒ Hand ☐ Fax

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

Chief, Natural Resources Division
Office of the Attorney General
P. O. Box 44449
Boise, Idaho 83711-4449
* U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

D:\1780\2\act\CSF3640


Dana L. Hofstetter

RECEIVED

AUG 31 1998

Department of Water Resources
Southern Region

RECEIVED

AUG 26 1998

Department of Water Resources

South #
DJ

1998 AUG 21 PM 2:06

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA

Case No. 39576

) Subcase Nos. 36-02659, 36-07004, 36-
) 07080 and 36-07731 (Clear Lakes)

) ORDER STAYING PROCEEDINGS ON
) CHALLENGE
)

On July 23, 1998, The North Snake Ground Water District filed a *Notice of Challenge* in the above subcases. The court has reviewed the issues to be challenged and finds them to be similar or identical to issues in other subcases currently before the Special Masters. In the interests of judicial economy, the proceedings in the above challenges are STAYED. These subcases will be reviewed when subcases in which these matters arise are completed by the Special Masters.

IT IS SO ORDERED

DATED August 21, 1998



DANIEL C. HURLBUTT, JR.

Presiding Judge

Snake River Basin Adjudication

ORDER STAYING PROCEEDINGS
ON CHALLENGE

RECEIVED

MAY 08 1998

MAY - 8 1998

Department of Water Resources

Clear Lakes Trout Company, Inc.

Department of Water Resources
Adjudication Bureau

Daniel V. Steenson
Charles L. Honsinger
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83702
(208)342-4591

RECEIVED

JUN 10 1998

Department of Water Resources
Southern Region

SOUTHERN
FILES

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

In Re SRBA

)
) SUBCASE NUMBERS 36-02659, 36-07004,
) 36-07080 and 36-07731
)

Case No. 39576

) MOTION TO ALTER OR AMEND
) SPECIAL MASTER'S RECOMMENDATION
)

DESCRIPTION

This is Clear Lakes Trout Company, Inc.'s ("Clear Lakes") Motion to Alter or Amend the
Special Master's Recommendations for water right nos. 36-02659, 36-07004, 36-07080 and 36-
07731.

MOTION

Clear Lakes, through its attorneys of record, hereby respectfully moves this court to
Amend the *Special Master's Recommendations* for water right nos. 36-02659, 36-07004, 36-
07080, and 36-07731 for decree. Clear Lakes' reasons for so moving are set forth below.

FACTUAL BACKGROUND

On November 2, 1992, the Director of IDWR filed the *Director's Report for Reporting
Area 3* recommending claim nos. 36-02659, 36-07004, 36-07080 and 36-07731. On May 29,
1993 Clear Lakes filed objections to those recommendations, in which Clear Lakes objected to

the following aspects of IDWR's recommendations:

A. Clear Lakes Objections

1. IDWR's inclusion of remarks relating to facility volume.
2. The inclusion of General Provision Number 5 stating that the Snake Plain Aquifer within Basin 36, the springs within Basin 36 that are tributary to the Snake River, and the Snake River itself will be conjunctively managed once the Director determines the nature and degree of impact that groundwater diversions within Basin 36 have upon water rights diverted from the springs, spring-fed tributaries to the Snake River, and the Snake River in Basin 36.
3. The inclusion of General Provision Number 7 providing that the Director may require measuring devices of any appropriator.
4. For water right nos. 36-02659 and 36-07004 only, a request for clarification in the remarks in the recommendations regarding the location and configuration of diversion works and the diversion of other water rights.

B. Status of Objections

The status of each of these objections is as follows:

1. Clear Lakes' objection to IDWR's inclusion of facility volume remarks was resolved after trial on a stipulated record by the *Special Master's Report* which found that such remarks were not necessary to define, clarify or administer the water rights.
2. Clear Lakes' objection to the inclusion of General Provision 5 has not yet been resolved. The SRBA court determined that this General Provision should not be included in the decree because it did not apply to "all" water rights in the SRBA. On appeal, the Idaho Supreme Court reversed the court's decision and remanded the matter for an evidentiary hearing to

determine the necessity of the conjunctive management General Provisions.

3. Clear Lakes' objection to General Provision Number 7 was resolved by the filing of an Amended Director's Report without a General Provision regarding measuring devices.

4. There is no resolution to Clear Lakes' objection requesting remarks in the recommendations of water right nos. 36-02659 and 36-07004 regarding the location and configuration of diversion works and the diversion of other water rights. The possibility of a *Motion to Alter or Amend the Special Master's Recommendation* of these rights to address this objection was discussed during a pretrial conference on December 18, 1997.

On January 8, 1998, a trial was held only on the issue of whether facility volume should be included in right nos. 36-02659, 36-07004, 36-07080, and 36-07731. On January 26, 1998, a *Preliminary Report and Recommendation* was filed which addressed only the facility volume issue. On March 3, 1998, Special Master Terrence A. Dolan issued *Special Master's Recommendations* which addressed only the facility volume issue.

ARGUMENT

The *Special Master's Recommendations* for water right nos. 36-02659, 36-07004, 36-07080 and 36-07731 should be amended to address Clear Lakes' objections which have not been resolved.

A. 36-02659, 36-07004, 36-07080, and 36-07731 (General Provision Number 5)

In its objections to the recommendations of these rights, Clear Lakes stated that the Director's Report should be held in abeyance until the Director has completed his investigation of the interconnection between groundwater and the springs from which Clear Lakes diverts, that the report should then be supplemented or amended, and that additional time should be allowed for

filing objections to groundwater claims in Basin 36. Because the recent Supreme Court opinion regarding General Provision Number 5 did not specifically address Clear Lakes' concerns, its objections remain unresolved. Clear Lakes wishes to preserve its objections to this General Provision and may wish to further pursue its objections in proceedings before the SRBA court. To protect its right to proceed on its objections, Clear Lakes respectfully requests that the Special Master either delay his issuance of *Special Master's Recommendations* for these rights until Clear Lakes' objections to General Provision Number 5 have been resolved by the court, or that he specifically note in the *Special Master's Recommendations* that Clear Lakes' objections to General Provision Number 5 are unresolved.

B. 36-02659 and 36-07004 (Points of Diversion)

The *Special Master's Recommendation* does not accurately define the location of the points of diversion for water right nos. 36-02659 and 36-07004.

1. Original Points of Diversion

The October 25, 1968 aerial photograph attached hereto as Exhibit A shows Clear Lakes' diversion and use of water under water right nos. 36-02659 and 36-07004 as originally appropriated, and diversion and use of water under water right no. 36-02708 by Clear Springs Foods, Inc. ("Clear Springs"). It is Clear Lakes' understanding that Clear Springs later appropriated water right no. 36-07218 to divert water through the same point(s) of diversion established under water right no. 36-02708.

Water discharged from the canyon wall at various locations as generally indicated by arrows in Exhibit A. These spring discharges flowed into two separate streams; one flowing to the west and to the south to Clear Lakes (marked as "Western Stream" on Exhibit A), and one

flowing to the east and to the south to Clear Lakes (marked as "Eastern Stream" on Exhibit A), both flowing around the land marked as "Clear Lakes Property." The natural elevation and contour of the land caused the water to flow in opposite directions at the approximate location marked as "1" on Exhibit A. Clear Lakes diverted water from the western stream into two fish rearing ponds at the diversion point marked as "2" on Exhibit A under water right 36-02659 with a priority date of June 23, 1966. Clear Lakes diverted water from the eastern stream into one fish rearing pond at the diversion point marked as "3" on Exhibit A under water right 36-07004 with a priority date of July 21, 1967.

2. Present Point of Diversion for 36-07004

As part of the construction of modern fish rearing raceways during the period 1969 to 1971, Clear Lakes moved the point of diversion for water right no. 36-07004 upstream of the original point of diversion in the eastern stream by constructing a dam marked as "3a" on the June, 1969 aerial photograph attached hereto as Exhibit B. The construction of this dam is shown in the photograph attached hereto as Exhibit B-1. When construction of this dam was completed, use of the original point of diversion was discontinued, and the dam diverted the entire flow of the eastern stream into the pool marked as "Pool" on the June, 1977 aerial photograph attached hereto as Exhibit C. These changes occurred during the permit stage of water right 36-07004 to fully develop the water right. The dam has diverted the entire flow of the eastern stream into the pool from the date construction of the raceways was completed to the present. The water this dam diverts from the eastern stream is commingled in the pool with water diverted pursuant to water right no. 36-02659 and flows into the Clear Lakes fish rearing facility through pipes at the southern end of the pool. This dam is the only point of diversion for water right no. 36-07004.

This dam is located in the SESENE of Section 2, Township 09S, Range 14E, and is the only point of diversion for water right no. 36-07004. Therefore, Clear Lakes respectfully requests that the Special Master remove recommended points of diversion in the SESWNE and SWSENE of Section 2, Township 09S, Range 14E from the *Special Master's Recommendation* of this right.

3. Present Points of Diversion for 36-02659

Also as part of the construction of modern fish rearing raceways, Clear Lakes added a point of diversion for water right no. 36-02659 upstream of the original point of diversion in the western stream by constructing a dam marked as "2a" on the June, 1969 aerial photograph attached hereto as Exhibit B. When construction of this dam was completed, the dam diverted a portion of the water Clear Lakes is entitled to divert under water right no. 36-02659 from the western stream into the pool marked as "Pool" on the June, 1977 aerial photograph attached hereto as Exhibit C. This dam has diverted a portion of the water Clear Lakes is entitled to divert under water right no. 36-02659 from the western stream into the pool from the date construction of the raceways was completed to the present. These changes occurred during the permit stage of water right 36-02659 to fully develop the water right. The water this dam diverts from the western stream is commingled in the pool with water diverted pursuant to water right no. 36-07004 and flows into the Clear Lakes fish rearing facility through pipes and a flume at the southern end of the pool.

This dam is located so close to the quarter quarter section lines that it is difficult for Clear Lakes to pinpoint its location within a quarter quarter section. This dam appears to be located in the SENE of Section 2, Township 09S, Range 14E. Clear Lakes requests IDWR's assistance in pinpointing the location of this diversion.

Clear Lakes has continued to divert the balance of the water it is entitled to divert from the western stream under water right no. 36-02659 through the downstream diversion structures marked as "2" on Exhibits A and B, as "2b" on the June, 1977 aerial photograph attached hereto as Exhibit C, and as "2c" on the June, 1997 aerial photograph attached hereto as Exhibit D. The diversion structure marked as "2b" on Exhibit C was installed as a result of Clear Springs' construction of the dike marked as "Clear Springs Dike" on Exhibit C. This diversion structure replaced the prior diversion structure, and consisted of a pipe and gate to control the flow of water. Water flowed to Clear Lakes through the eastern end of the Clear Springs Dike and entered Clear Lakes' raceways through pipes at the northern end of the set of five Clear Lakes raceways shown in Exhibit C. This downstream Clear Lakes diversion was replaced by the diversion marked as "2c" on Exhibit D during the early 1980s.

Clear Springs is entitled to divert water from the western stream under water right nos. 36-02708 and 36-07218. Clear Springs Trout Company (Clear Springs) has diverted water from the western stream through the dikes and flumes shown in Exhibits A, B, and C, and currently through the diversion structure marked as "2c" on Exhibit D.

This diversion structure is located so close to the quarter quarter section lines that it is difficult for Clear Lakes to pinpoint its location within a quarter quarter section. The diversion structure appears to be located in the SWNE of Section 2, Township 09S, Range 14E. Clear Lakes requests IDWR's assistance in pinpointing the location of this diversion.

There are no other points of diversion for water right no. 36-02659. The *Special Master's Recommendation* should be amended as necessary to describe only Clear Lakes' dam and the common diversion structure in the western stream.

4. 36-02659 and 36-07004 (Remarks)

Remarks should be included in the *Special Master's Recommendations* to provide proper definition and administration of Clear Lakes' water rights consistent with development and diversion of the water rights described above. Water right no. 36-07004 has always been diverted exclusively from the eastern stream. No other water right has ever been diverted from the eastern stream. Clear Springs has not established any entitlement and has never attempted to divert water from the eastern stream. Water right no. 36-02659 has always been diverted exclusively from the western stream, originally through one, and later through two diversion points. Clear Springs' water right nos. 36-02708 and 36-07218 are also diverted from the western stream, through the common diversion structure shown in Exhibit D. Definition and administration of water right no. 36-07004 as if it were diverted from the same source as Clear Lakes' water right no. 36-02659 and Clear Springs' water right nos. 36-02708 and 36-07218 does not accurately describe Clear Lakes' water rights and will, in effect, improperly subordinate water right no. 36-07004 to Clear Lakes' water right no. 36-02659 and Clear Springs' water right no. 36-02708. Although water right no. 36-07004 is junior to water right nos. 36-02659 and 36-02708 by priority date, it is not subject to curtailment to satisfy those rights because it is the only water right established in and diverting from the eastern stream, which is a separate source of water.

To correctly define and ensure proper administration of Clear Lakes' water rights, Clear Lakes respectfully requests that the following remarks be added to the *Special Master's*

Recommendation of the description for water right number 36-07004:

ALL OF THIS WATER RIGHT AND A PORTION OF WATER RIGHT NO. 36-02659 ARE DIVERTED INTO A COMMON COLLECTION POOL. WATER IS DIVERTED INTO THE POOL UNDER THIS RIGHT BY A DAM LOCATED AT THE EASTERN

END OF THE POOL.

THE SOURCE OF THIS WATER RIGHT IS SEPARATE FROM THE SOURCE OF WATER RIGHT NOS. 36-02659, 36-02708, AND 36-07218. NO OTHER WATER RIGHT IS DIVERTED FROM THE SOURCE OF THIS WATER RIGHT.

THE DIVERSIONS OF THIS RIGHT AND WATER RIGHT NO. 36-02659 ARE MEASURED COLLECTIVELY AT THE POINTS OF DISCHARGE FROM THE FISH REARING FACILITY.

Clear Lakes Trout Company respectfully requests that the following remarks be added to the description for water right number 36-02659:

A PORTION OF THIS WATER RIGHT AND ALL OF WATER RIGHT NO. 36-07004 ARE DIVERTED INTO A COMMON COLLECTION POOL.

THE POINTS OF DIVERSION OF THIS WATER RIGHT ARE A DAM LOCATED AT THE WESTERN END OF THE COLLECTION POOL (UPSTREAM DIVERSION), AND A DOWNSTREAM DIVERSION STRUCTURE WHICH ALSO DIVERTS WATER FOR WATER RIGHT NOS. 36-02708 AND 36-07218.

THE SOURCE OF THIS WATER RIGHT IS THE SAME AS THE SOURCE OF WATER RIGHT NOS. 36-02708 AND 36-07218.

THE DIVERSIONS OF THIS RIGHT AND WATER RIGHT NO. 36-07004 ARE MEASURED COLLECTIVELY AT THE POINTS OF DISCHARGE FROM THE FISH REARING FACILITY.

The addition of these remarks to the *Special Master's Recommendations* of water right nos. 36-02659 and 36-07004 will clarify and facilitate proper administration of these rights, and will resolve Clear Lakes' objections requesting remarks regarding the location and configuration of diversion works through which these water rights are diverted.

5. Relationship to Pending Subcase Nos. 36-02708, 36-07210, and 36-07218

The possibility of a *Motion to Alter or Amend* the *Special Master's Recommendation* of these rights to address Clear Lakes' objections regarding remarks pertaining to the location and

configuration of the diversions for water right nos. 36-02659 and 36-07004 was discussed during a pretrial conference on December 18, 1997. Counsel for Clear Lakes advised the Special Master that these objections related to Clear Lakes' objections to Clear Springs water right nos. 36-02708 and 36-07218. At that time, it was counsel's belief that these objections could be resolved by stipulation. It has become clear that no such resolution is possible.

Clear Lakes' objections regarding the location and configuration of the diversion works for water right nos. 36-02659 and 36-07004 are directly related to Clear Lakes' objections to Clear Springs water right nos. 36-02708 and 36-07218, which are scheduled for trial on July 6-7, 1998. Clear Lakes is providing Clear Springs and Special Master Haemmerle copies of this motion, and requests that the Special Master hold a status conference including Clear Springs to discuss whether Clear Lakes' diversion objections in Subcase Nos. 36-02659 and 36-07004 should either be stayed pending the outcome of Subcase Nos. 36-02708 and 36-07218, or consolidated into those subcases.

DATED this 7th day of May, 1998.

Ringert Clark Chartered



Daniel V. Steenson

STATE OF IDAHO)
)ss.
County of ADA)

EARL HARDY, President of Clear Lakes Trout Company, being first duly sworn, deposes and states that he has read the foregoing MOTION TO AMEND SPECIAL MASTER'S RECOMMENDATION, knows the contents thereof, and believes the facts therein stated to be true.

Earl Hardy
Earl Hardy

SUBSCRIBED AND SWORN to before me this 7th day of May, 1998.



Kim A. White
Notary Public for Ada County
Residing at 1212 N. 2nd St.
My Commission Expires: 5/15/01

CERTIFICATE OF MAILING

I certify that a true and correct copy of the foregoing document was mailed on May 7, 1998, with sufficient first-class postage to the following:

Josephine Beeman
Beeman & Hofstetter
608 W. Franklin St.
Boise, Idaho 83702

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

Director of IDWR
Box 83720
Boise, Idaho 83720



Person mailing documents

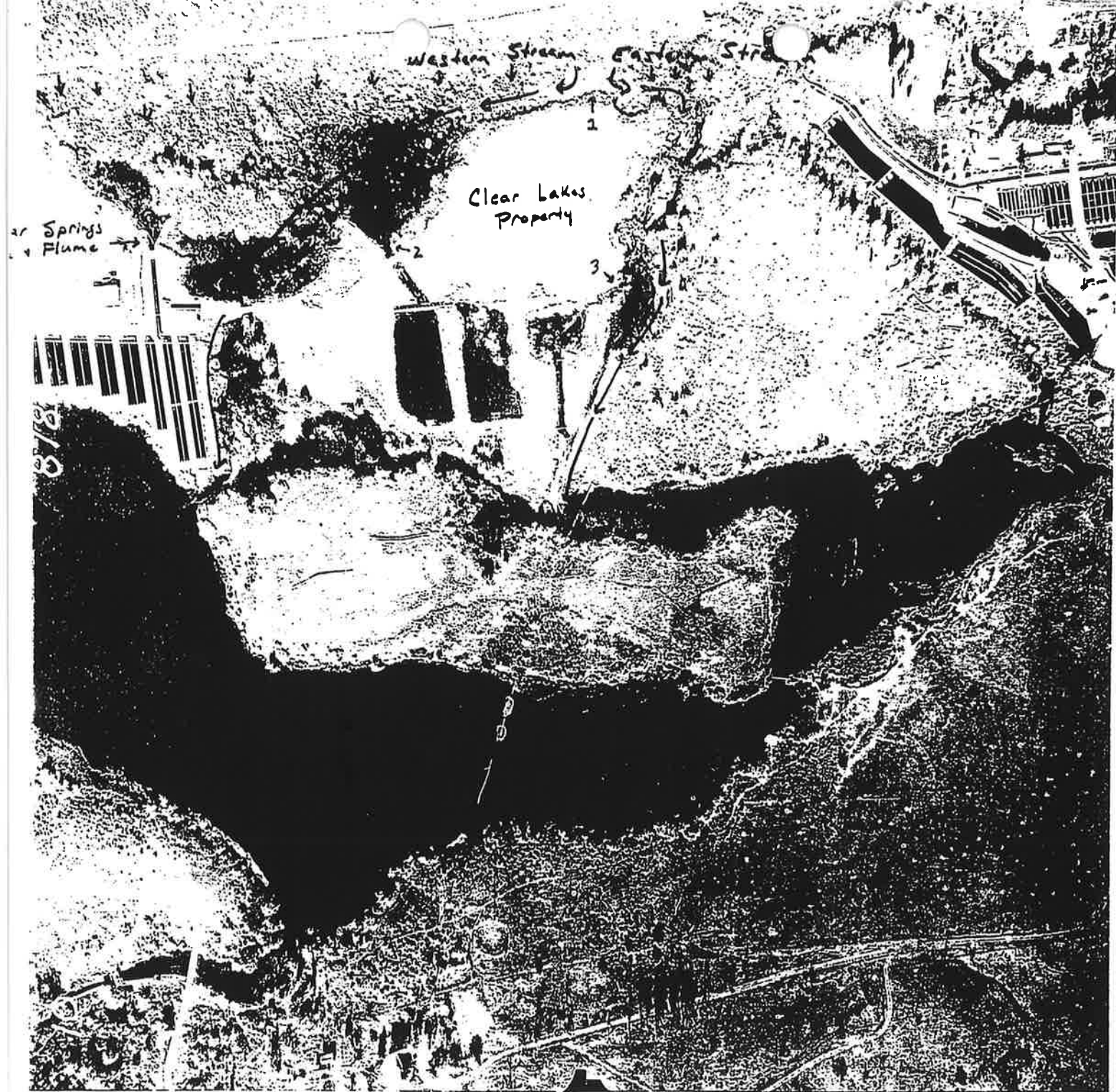


Exhibit A



Exhibit B



Exhibit B-1

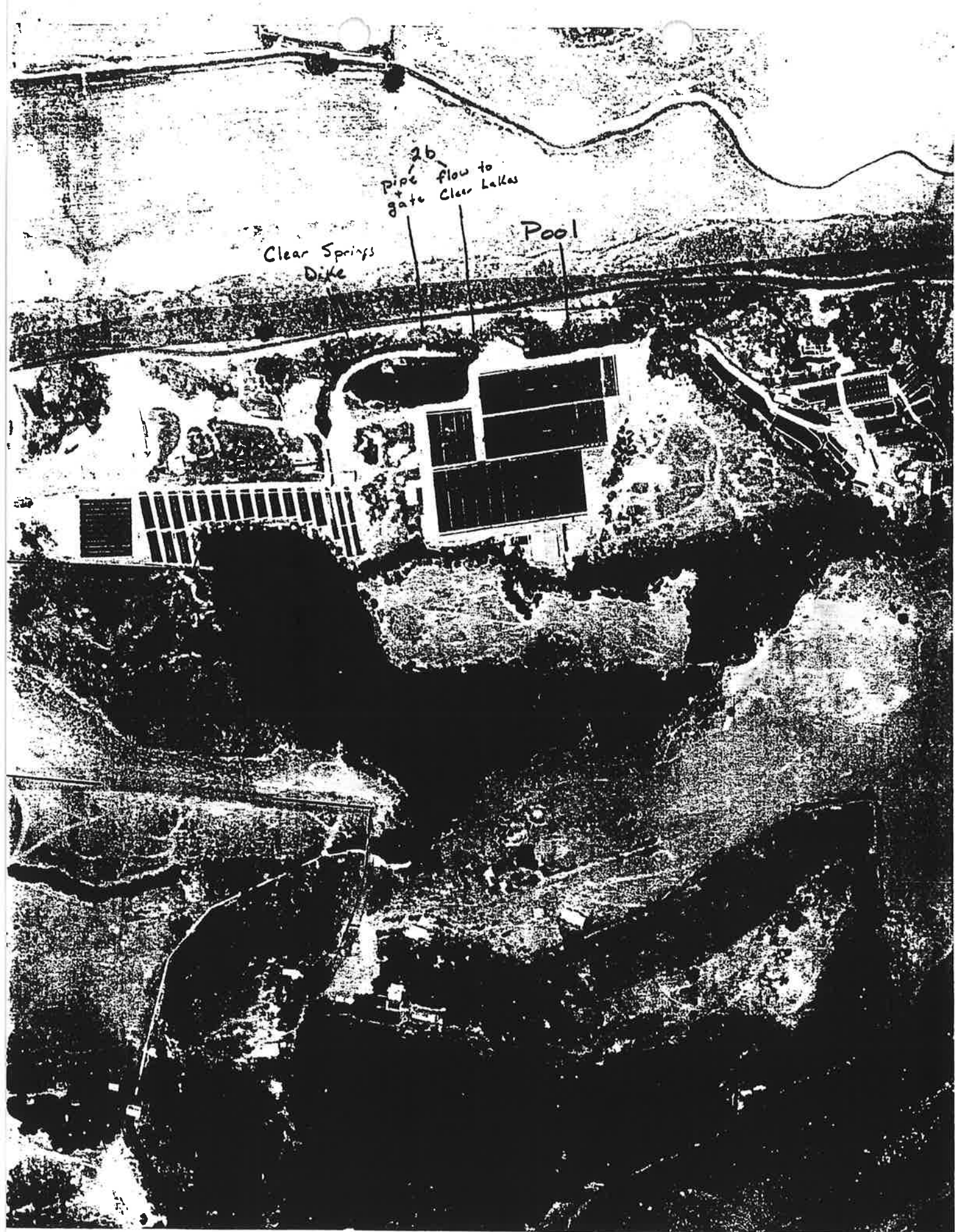


Exhibit C



Exhibit D

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MAY 07 1998

OFFICE OF THE
ATTORNEY GENERAL

MAIL13990



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MAY - 8 1998

Department of Water Resources
Adjudication Bureau

1998 MAY -5 PM 1:10

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

Subcases 36-02659, 36-07004, 36-07080
and 36-07731

ORDER GRANTING MOTION FOR
EXTENSION

RECEIVED

JUN 10 1998

Department of Water Resources
Southern Region

A *Special Master's Report* for the above four (4) claims, with *Recommendations for Partial Decrees* attached, was entered on March 3, 1998. The *Report* was published in the Docket Sheet issued on April 6, 1998, so motions to alter or amend were due on April 27, 1998, or twenty-one (21) days later.

On April 24, 1998, claimant Clear Lakes Trout Company, Inc., filed its *Motion for Extension of Time to File Motion to Alter or Amend Special Master's Recommendation*. In support of its *Motion*, Clear Lakes stated: "Additional factual information recently obtained by counsel for Clear Lakes and the Supreme Court's April 22, 1998 decision on reargument and rehearing of Basin-Wide Issue No. 5 affects the motion and must be incorporated into the motion." Clear Lakes is the only party to the subcases.¹

For good cause shown, THEREFORE, IT IS ORDERED that Clear Lakes' *Motion* is granted. If it so chooses, Clear Lakes shall file a motion to alter or amend no later than May 8, 1998.

DATED May 5, 1998.

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

¹ The North Snake Ground Water District filed a *Motion to Alter or Amend* in these four (4) subcases on April 28, 1998. However, there remains an issue of whether the *Motion* is timely filed because no documents or brief were filed with the *Motion*. *SRBA Administrative Order 1, Rules of Procedure* (Amended 10/16/97), paragraph 6, f (4), (a), page 12.

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MAY 07 1998

OFFICE OF THE
ATTORNEY GENERAL

MAIL 13991



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MAY - 8 1998

Department of Water Resources
Adjudication Bureau

1998 MAY -5 PM 2:33

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

Subcases 36-02356, 36-07210, 36-07427
and 36-07720

ORDER SETTING DEADLINE FOR
BRIEFS

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JUN 10 1998

Department of Water Resources

On November 25, 1997, a *Special Master's Report, with Recommendations for Partial Decrees* attached, was entered in the above four subcases. However, on December 16, 1997, claimant Blue Lakes Trout Farm, Inc., filed a *Motion to Alter or Amend* in one of the subcases-36-02356.

An *Order Granting Motion to Alter or Amend* was entered on March 10, 1998, increasing the annual volume for domestic use from 1.2 afy to 2.4 afy and also increasing the total annual volume for the right from 72,242.29 afy to 72,243.49 afy. Because the four subcases are integral to one another, an *Amended Special Master's Report, with Recommendations for Partial Decrees* attached, was entered on March 18, 1998, for all four subcases.¹

On April 28, 1998, the North Snake Ground Water District filed a *Motion to Alter or Amend* in all four subcases because the *Recommendations* did not include facility volume. No documents or briefs in support of the *Motion* were filed with the *Motion*.

The District's *Motion* raises three questions which need to be answered:

1. Whether the District's *Motion* has been properly filed when documents and briefs in support of the *Motion* were not filed with the *Motion*,²

¹ Only the *Recommendation* for 36-02356 was amended in conformance with the March 10, 1998 *Order Granting Motion to Alter or Amend*.

² "All documents and briefs in support of a motion shall be filed with the motion and served on the parties...." *SRBA Administrative Order 1, Rules of Procedure*, paragraph 6, f(4)(a), page 12.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

July 9, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

PATRICK D BROWN
PARKER WARR & BROWN LLP
812 SHOSHONE ST E
TWIN FALLS ID 83301

Re: SRBA claim files 36-02659 and 36-07004
Clear Lakes Trout Co. Inc.

Dear Mr. Brown:

The attached copies of the above claim files are the
complete copies of our files as of July 9, 1998.

Sincerely,

A handwritten signature in cursive script, reading 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

/tf

April 14, 1998

NOTE TO FILE

FROM: V.Hancock

CLAIM NO: 36-02659 -07004 -07080 -07731 -02356 -07210 -07427
and 36-07720

Matt Howard requested copies of these entire files. Sent copies to him at Beeman and Hoffstetter this date.

March 27, 1998

NOTE TO FILE

FROM: V.Hancock

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

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

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

March 20, 1998 12:00pm

NAME:
CHARLIE HONSINGER & DAN STEENSON

RE:
POD QUESTIONS

THEY DISCUSSED THE CLEAR SPRINGS/CLEAR LAKES POINT OF DIVERSION ISSUE AND THE PROPOSED REMARK LANGUAGE TO CLARIFY THE USES. I UNDERSTAND THE DESIRED RESULTS THEY ARE AFTER AND THE FLEXIBILITY UNDER WHICH THE RIGHTS WERE DEVELOPED. IT APPEARS SINCE THE STIPULATION BETWEEN THE PARTIES IS NO LONGER IN PLACE A MORE RIGID DESCRIPTION OF THE RIGHTS MUST BE WRITTEN.

OPTIONS ARE; 1) TREAT THE SITE AS ONE SOURCE, ONE DIVERSION AND DELIVER ALL RIGHTS BY PRIORITY, 2) TREAT THE SITE AS ONE SOURCE BUT WITH TWO DISTINCT POD'S, THEN ASSIGN A PORTION OF THE 100 CFS RIGHT TO BE COMMITTED TO EACH RESPECTIVE DIVERSION. I BELIEVE THIS IS THE CORRECT APPROACH.; 3) PERHAPS UNDER THE #2 OPTION A SEPARATE RIGHT WAS DEVELOPED FOR THE EAST POD SOURCE IN ADDTION TO THE 75 CFS ALREADY LICENSED AND THE 100 CFS IS USED EXCLUSIVELY FROM THE WESTERN POD. THESE ARE SIMPLY POSSIBLE OPTIONS TO CONSIDER IN RESOLVING THE DISPUTE HERE.

SUGGESTED THEY DISCUSS THIS WITH TIM LUKE TO GET A DIFFERENT PERSPECTIVE ON HOW TO SETTLE.

CLAIMS: A36-02659 & A36-07004

Water Right Number 36-07004

Remarks: THE SPRING FLOWS FROM WHICH WATER RIGHT NUMBER 36-07004 IS DIVERTED ARE DIVIDED INTO TWO SEPARATE FLOWS: ONE TO THE WEST AND ONE TO THE EAST. WATER RIGHT NUMBER 36-07004 IS DIVERTED EXCLUSIVELY FROM THE EASTERN FLOW.

Water Right Number 36-02659

Remarks: THE SPRING FLOWS FROM WHICH WATER RIGHT NUMBER 36-02659 IS DIVERTED ARE DIVIDED INTO TWO SEPARATE FLOWS: ONE TO THE WEST AND ONE TO THE EAST. WATER RIGHT NUMBER 36-02659 IS DIVERTED FROM BOTH FLOWS. THE PORTION OF WATER RIGHT NUMBER 36-02659 THAT IS DIVERTED FROM THE EASTERN FLOW AT THAT FLOW RATE THAT EXCEEDS THE 75.0 CFS DIVERTED PURSUANT TO WATER RIGHT NUMBER 36-07004. THE REMAINDER OF WATER RIGHT NUMBER 36-02659 IS DIVERTED FROM THE WESTERN FLOW.

Proposed
Language
from CHArlie H.
SA 3/19/98

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MAR 06 1998

MAR 04 1998

Department of Water Resources
Southern Region

Department of Water Resources

1998 MAR -3 PM 2:28

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

In Re SRBA

Subcases 36-02659, 36-07004, 36-07080
and 36-07731

Case No. 39576

SPECIAL MASTER'S REPORT

FINDINGS OF FACT

CLAIMS AND DIRECTOR'S REPORT

36-02659

Clear Lakes Trout Company, Inc. (Clear Lakes), filed a *Notice of Claim to a Water Right* under 36-02659 for 100 cfs from Clear Lakes Springs for year 'round fish propagation based on a license. The claimed priority date is June 23, 1966. On November 2, 1992, the Director of the Idaho Department of Water Resources filed his *Director's Report for Reporting Area 3 (Basin 36)* recommending the claim as filed. However, under "remarks," the Director included the language: "facility volume 26 af." Similar language was in the license.

On April 29, 1993, the claimant filed its *Objection* in this subcase, as well as the other three subcases, to the inclusion of facility volume and general provisions. Each of the Director's *Responses to Objections* proposed no changes to his recommendations. The single contested issue in all four subcases is whether facility volume should be decreed by the SRBA Court for fish propagation water rights.

36-07004

Clear Lakes filed a claim under 36-07004 for 75 cfs from Clear Lakes Springs for year 'round fish propagation with a priority date of July 21, 1967, based on a license. Again, the Director recommended the claim as filed, but with the remark: "facility volume 26 af."

36-07080

Clear Lakes filed a claim under 36-07080 for 11.54 cfs from "springs" for year 'round fish propagation with a priority date of August 22, 1969, based on a license. The Director recommended

this claim as filed, but with the remark: "**facility volume 7.7 af.**" Similar language was in the license. The Director also included the remark: "Return flow shall be treated to insure that the effluent meets Idaho water quality standards." A similar remark was in the license.

36-07731

Clear Lakes filed a claim under 36-07731 for 18 cfs from "springs" for year 'round fish propagation with a priority date of July 8, 1977, based on a permit.¹ The Director recommended 15 cfs and included the remark: "**facility volume 2.5 af.**" The Director also included the following remark: "Return flow if discharged to a surface water system shall meet Idaho water quality standards. This language, plus the facility volume remark, were in the license.

PRE-TRIAL STIPULATION

On January 7, 1988, Clear Lakes and IDWR filed a *Stipulation* covering all four subcases. The *Stipulation* provided, in relevant parts:

1. Copies of Clear Lakes' licenses in all four subcases are part of the record;
2. The facts in the Blue Lakes subcases² and Clear Lakes' subcases, relevant to the issue of facility volume, are not materially different;
3. The issue of facility volume can be decided based on the record in the Blue Lakes subcases, plus Clear Lakes' licenses for its four claims; and
4. Two of Clear Lakes' subcases, in which the licenses contained a remark about compliance with Idaho water quality standards (36-07080 and 36-07731), may be decreed without such remark.

TRIAL

Trial was held on January 8, 1998, at the SRBA Courthouse in Twin Falls, Idaho. Daniel V. Steenson appeared for Clear Lakes and Charles L. Honsinger appeared for IDWR. Based on the *Stipulation*, no witnesses or exhibits were offered beyond the record in the Blue Lakes subcases and Clear Lakes' licenses. Clear Lakes requested and was granted permission to lodge a post-trial memorandum no later than January 23, 1998. No memorandum was filed by that date.

BLUE LAKES RECORD

The record in the Blue Lakes subcases consisted of testimony by three witnesses, plus twenty exhibits. David R. Tuthill, Jr., IDWR's Adjudication Bureau Chief, testified at length in support of

¹ A license for 36-07731 was issued on September 30, 1992-- after the SRBA claim was filed.

² Clear Lakes participated in the trial of subcases 36-02356, 36-07210, 36-07427 and 36-07720 on September 4, 1997. Blue Lakes Trout Farm, Inc. (Blue Lakes), was the claimant. The single contested issue in those subcases was the same as the present subcases-- whether facility volume should be decreed by the SRBA Court for fish propagation water rights. A *Special Master's Report* and attached *Recommendations* were entered on November 25, 1997. The *Report* concluded that facility volume is *not* necessary for definition or clarification of Blue Lakes' rights or for efficient administration of the rights by the Director.

inclusion of facility volume in fish propagation rights. James E. Parsons, research and technical director at Blue Lakes Trout Farm, testified against inclusion of facility volume. Clear Lakes called Harold Johnson, office manager of Idaho Trout Processors, the processing and sales company for trout raised at several hatcheries, including Clear Lakes, Rimview, Rainbow, White Springs and Fisheries Development. Mr. Johnson also spoke against inclusion of any facility volume remark.

A complete review of the Blue Lakes record will not be made here. Rather, the evidence will be summarized.

David R. Tuthill, Jr.

Mr. Tuthill said that IDWR recommended facility volume based on the Director's statutory duty to determine elements appropriate and proper "to define and administer the water rights acquired under state law." I.C. §42-1411 (2). Included among those elements are remarks "necessary for definition of the right, for clarification of any element of a right, or for administration of the right by the director." I.C. §42-1411 (2) (j).

Mr. Tuthill said that for an accurate, appropriate determination of the extent of beneficial use, the quantity element required three "parameters:" 1) rate of flow, 2) total volume diverted and 3) facility volume. He said IDWR has included facility volume in licenses since 1979, primarily because of "the impact of fish propagation facilities on each other relative to water quality"³ on Billingsley Creek.

Mr. Tuthill agreed that authority to regulate water quality is primarily vested in the Idaho Department of Health and Welfare, Division of Environmental Quality (DEQ). However, he felt that IDWR has the responsibility to establish benchmarks from which to evaluate changes in water quality. Mr. Tuthill cited the Idaho Supreme Court decision in *Shokal v. Dunn*⁴ as mandating IDWR's consideration of water quality, even though IDWR has not adopted its own standards or rules governing water quality.

James E. Parsons

Mr. Parsons, research and technical director for Blue Lakes Trout Farm, said that before any fish propagation facility can be expanded, the owner must prove to DEQ that the enlarged facility will meet National Pollutant Discharge Elimination System (NPDES) guidelines. He guessed that Blue Lakes' facility will have to be expanded in the future to meet higher water quality standards.

³ Report Regarding IDWR's Recommendation of Fish Propagation Facility Volume Pursuant to Claim to Water Right Nos. 36-02356, 36-07210, 36-07427, 36-07720 [Blue Lakes subcases], p. 4, paragraph 13.

⁴ 109 Idaho 330, 707 P.2d 441 (1985).

Harold Johnson

Mr. Johnson, office manager of Idaho Trout Processors, said that Clear Lakes' hatchery and Blue Lakes' are very similar. DEQ comprehensively regulates hatchery discharges through its "Water Quality Standards and Wastewater Treatment Requirements." Hatcheries incur a substantial expense to meet those standards. If IDWR imposes its own standards, hatcheries will have to endure additional costs and delays when they change their operations. Mr. Johnson said there are no disputes about water quality between fish propagators along Billingsley Creek.

CONCLUSIONS OF LAW

The record in the Blue Lakes subcases, plus the licenses issued to Clear Lakes for the present claims, comprise sufficient evidence to overcome the *prima facie* weight given the *Director's Report*.⁵ Facility volume is not necessary for definition or clarification of Clear Lakes' fish propagation water rights or for efficient administration of the rights by the Director.

IDWR's main concern to include facility volume in fish propagation water rights is water quality. But control of water quality is the responsibility of DEQ which comprehensively occupies the field. If the SRBA Court were to include facility volume in Clear Lakes' water rights as the Director recommended, nothing would change. DEQ enforces water quality standards and IDWR routinely defers to DEQ's expertise. Whether a fish facility remains the same or is changed in any way, it must still comply with DEQ's water quality standards.

IDWR has the authority to consider whether the design of any particular facility will meet all environmental requirements:

We believe this to be a correct assessment of the law, but add a word of caution regarding the differing functions of Water Resources [IDWR] and the Department of Health and Welfare [DEQ]. Water Resources must oversee the water resources of the state, insuring that those who have permits and licenses to appropriate water use the water in accordance with the conditions of the permits and licenses and the limits of the law. It is not the primary job of Water Resources to protect the health and welfare of Idaho's citizens and visitors-- that role is vested in the Department of Health and Welfare, including compliance with the water quality regulations and monitoring effluent discharge in our state's water-ways.

Shokal v. Dunn, 109 Idaho at 340-341, 707 P.2d at 451-452.

PRELIMINARY REPORT AND RECOMMENDATION

A *Preliminary Report and Recommendation* was filed on January 26, 1998. No one filed a motion to alter or amend.

⁵ The Director's recommendations of water right claims are entitled to *prima facie* weight. I.C. §42-1411 (4). Unless that evidentiary presumption is overcome by the evidence, the facts set forth in the *Director's Report* are established. *In Re SRBA Case No. 39576*, 128 Idaho 246, 256, 912 P.2d 614, 624 (1995).

RECOMMENDATION

It is recommended that Clear Lakes Trout Company, Inc., be decreed water rights as described in the *Special Master's Recommendations for Partial Decrees for Water Rights 36-02659, 36-07004, 36-07080 and 36-07731*.

DATED March 3, 1998.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

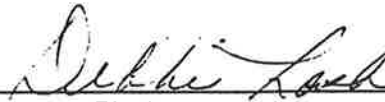
CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT was mailed on March 3, 1998, with sufficient first-class postage to the following:

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

Director of IDWR
Box 83720
Boise, Idaho 83720-0098

Daniel V. Steenson
Box 2773
Boise, Idaho 83701



Deputy Clerk

RECEIVED

MAR 04 1998

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

Department of Water Resources

1998 MAR -3 PM 2:28

In Re SRBA)
Case No. 39576)
_____)

SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR
Water Right 36-02659

FILED *[Signature]*
TWIN FALLS, IDAHO

NAME & ADDRESS: CLEAR LAKES TROUT CO INC
1301 VISTA AVE
BOISE ID 83705

SOURCE: SPRINGS TRIBUTARY: CLEAR LAKES

QUANTITY: 100.00 CFS

USE OF THIS RIGHT AND RIGHT NO. 36-07004 IS LIMITED TO THE
TOTAL COMBINED RATE OF DIVERSION OF 175 CFS.

PRIORITY DATE: 06/23/1966

POINT OF DIVERSION: T09S R14E S02 SESWNE Within GOODING County
LOT 5 (SWSENE)
LOT 5 (SESENE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	FISH PROPAGATION	01-01 12-31	100.00 CFS

PLACE OF USE: FISH PROPAGATION Within GOODING County
T09S R14E S02 Lot 5 (SENE) Lot 6 (NESE) Lot 8 (NESE)

DATED: 3.3.98

[Signature]
TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

SPECIAL MASTER'S RECOMMENDATION
Water Right 36-02659

PAGE 1
FEB-9-1998

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MAR 04 1998

Department of Water Resources

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

In Re SRBA

Case No. 39576

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 36-07004

1998 MAR -3 PM 2:21

DISTRICT COURT
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME & ADDRESS: CLEAR LAKES TROUT CO INC
1301 VISTA AVE
BOISE ID 83705

SOURCE: SPRINGS TRIBUTARY: CLEAR LAKES

QUANTITY: 75.00 CFS

THIS RIGHT AND RIGHT NO. 36-02659 IS LIMITED TO THE TOTAL
COMBINED RATE OF DIVERSION OF 175 CFS.

PRIORITY DATE: 07/21/1967

POINT OF DIVERSION: T09S R14E S02 SESWNE Within GOODING County
LOT 5 (SWSENE)
LOT 5 (SESENE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	FISH PROPAGATION	01-01 12-31	75.00 CFS

PLACE OF USE: FISH PROPAGATION Within GOODING County
T09S R14E S02 Lot 5 (SENE) Lot 6 (NESE) Lot 8 (NESE)

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

DATED: 3.3.98

[Signature]
TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

RECEIVED

MAR 04 1998

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
Department of Water Resources

In Re SRBA

Case No. 39576

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 36-07080

1998 MAR -3 PM 2:29

FILED

NAME & ADDRESS:

CLEAR LAKES TROUT CO INC
1301 VISTA AVE
BOISE ID 83705

SOURCE:

SPRINGS

TRIBUTARY: BILLINGSLEY CREEK

SOURCES ARE ALSO KNOWN AS BIG POND SPRINGS, RUBY SPRINGS,
STEVEN SPRING, LEACH SPRING AND RAVENSCROFT SPRING.

QUANTITY:

11.54 CFS

PRIORITY DATE:

08/22/1969

POINT OF DIVERSION:

T07S R13E S12
S13

SWESE
NENENE
NWNENE
SENENE

Within GOODING County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
FISH PROPAGATION

PERIOD OF USE
01-01 12-31

QUANTITY
11.54 CFS

PLACE OF USE:

FISH PROPAGATION
T07S R13E S13

Within GOODING County
NENE

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

DATED: 3.3.98



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

SPECIAL MASTER'S RECOMMENDATION
Water Right 36-07080

PAGE 1
FEB-9-1998

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

In Re SRBA

Case No. 39576

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 36-07731

1998 MAR -3 PM 2:29

DISTRICT COURT
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME & ADDRESS: CLEAR LAKES TROUT CO INC
1301 VISTA AVE
BOISE ID 83705

SOURCE: SPRINGS TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 15.00 CFS
10745.2 AFY

PRIORITY DATE: 07/08/1977

POINT OF DIVERSION: T07S R13E S13 NENENE Within GOODING County
NWNENE
SENENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
FISH PROPAGATION		01-01 12-31	15.00 CFS 10745.2 AFY

PLACE OF USE: FISH PROPAGATION Within GOODING County
T07S R13E S13 NENE NWNE

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.
THIS WATER RIGHT DOES NOT AUTHORIZE ANY ENLARGEMENT IN THE
PHYSICAL DIMENSIONS OF THE RACEWAYS.

DATED: 3.3.98

[Signature]

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

RECEIVE

MAR 04 1998

Department of Water Resources

1998 MAR -3 PM 2:29

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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

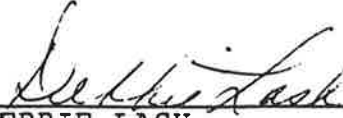
Water Right(s): 36-02659
36-07004 36-07080 36-07731

On March 03, 1998, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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

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

DATED March 03, 1998.



DEBBIE LASH
Deputy Clerk

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

OCT 19 1994

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

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

Case No. 36-07004 -0001

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

RESPONSE TO OBJECTION

Petitioner,)

vs.)

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

Respondents.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

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OCT 19 1994

001 10 03H
UNRECORDED

2. Person who filed objection:

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

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
14. ☒ Other: I respond to the objection concerning:
GENERAL PROVISIONS 5 & 7

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 11.1, and all allegations of the objection regarding this item, IDWR responds as follows.

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

In response to Statement of the Objection item 14.3, and all allegations of the objection regarding this item, IDWR responds as follows.

Right nos. 36-07201, 36-02708, 36-07218, 36-07004, and

36-02659 are all diverted from the same complex of springs tributary to Clear Lakes. Two of these rights, nos. 36-02708 and 36-07218, are diverted for use in the Clear Springs Foods facility, by means of a ditch/pond which collects the flow of springs in the center of the spring complex. Two of these rights, 36-07004 and 36-02659, are diverted for use in the Clear Lakes Trout facility, in part by means of the same ditch/pond, and in part by means of a ditch/pond that collects the flow of springs in the eastern part of the spring complex. Right no. 36-07201 is diverted for use in the Clear Springs Foods facility, by means of pipes from two springs in the western part of the spring complex. The springs which are the sources for all of these rights are part of the same hydrologically-connected spring complex, and some of the individual springs which are the sources for right nos. 36-07004 and 36-02659 are also the source for right nos. 36-07218 and 36-02708. The remarks as to point of diversion are therefore accurate.

In response to Statement of the Objection items 14.1 and 14.2, and all allegations of the objection regarding this item, IDWR responds as follows.

IDWR denies this portion of the objection.

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. A36-07004

5

(Over)

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OCT 19 1994

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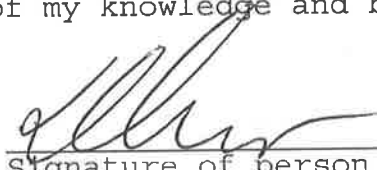
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

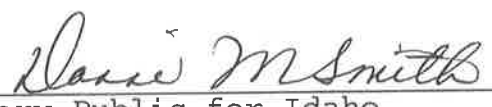
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director 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 10th day of September
1993.



Notary Public for Idaho

Residing at: _____

My Commission expires: _____

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

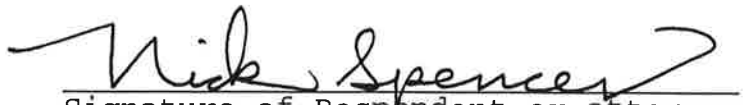
See No. 3

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

Name: 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

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

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

RECEIVED

SEP 23 1992

Department of Water Resources

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: SEP-24-1992

RECEIVED

SEP 28 1992

Department of Water Resources
Southern Region Office

1. Water right number: 36-07004
2. Name: Clear Lakes Trout Co., Inc.

Address: 1301 Vista Avenue, Boise, ID 83705

Attorney: W. F. Ringert

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

Weekday Telephone Number: Clear Lakes Trout Co., Inc. - 344-7321
W. F. Ringert - 342-4591

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FEB 02 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

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

3. Describe the portion of proposed recommendation with which you disagree:
Remarks - Installation of measuring device required.
Remarks - Facility volume stated as 26 AF.
4. Describe the changes you wish to have made in the proposed recommendation:
Delete the two remarks identified in item 3, above.
5. Describe why you disagree with the proposed recommendation:
The Director has no authority to impose the measuring device requirement as a condition to be added to the water right in the SRBA. The facility volume is neither required nor authorized by statute. The license as originally issued or as previously amended is binding on the state and can not be modified by the Director in the SRBA.
6. Date: September 17, 1992.

SIGNATURE



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OCT 19 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Fish Propagation purposes from Jan. 1 to Dec. 31 amount 75.0 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 75.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Fish Propagation-A small part of the water is used for processing and is included in the 75 c.f.s. - See Remarks below

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9 S	14 E	2				Lot 5 H												Lot 6 & 8 H	

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.

License No. 36-2659 owned by Clear Lakes Trout Co. is used at the same place or None ()
but for separate use from 36-7004 herein described.

14. Remarks:

Item 9 Above-Some of the raceways shown on the drawing included in the beneficial use file
have been and are being divided and changed in dimensions for a more efficient use of the
water.

MICROFILMED
FEB 4 2 1993
OCT 1994

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

[illegible]

MICROFILMED
FEB 02 1993
OCT 1994

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____

If applicable provide IDWR Water Right Number 36-7004

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 one

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 Clear Lakes Trout Co., Inc.

Organization

, that I have signed the foregoing

document in the space below as President

Title

of Clear Lakes Trout Co., Inc.

Organization

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

Signature of Authorized Agent Eileen Hargis

Title and Organization Clear Lakes Trout Co., Inc. Date August 31, 1988

State of Idaho/or _____)

) SS.

County of Ada)

Subscribed and sworn (or affirmed) before me this 31st day of August 19 88

SEAL

Notary Public Mary Anne Johnson

Residing at Boise, Idaho

My Commission Expires 1-11-92

Please Print Name

17. Notice of Appearance:

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

Signature W.F. Ringert

Address Box 2723, Boise, ID 83701

Date 9-1-88

Last Name _____ Ident. Number _____

MICROFILMED
MICROFILMED
FEB 6 1993 9 1994

Copies White-State, Yellow-Claimant

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

RECEIVED

APR 29 1993

Department of Water Resources
Adjudication Bureau

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

*
*
*

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

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

Petitioner,

-vs-

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

Respondents.

Case No. 36-07004
(You must insert the
water right number you
are objecting to)

OBJECTION

36-07004 -0001/
93-04-0279

INSTRUCTIONS

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

MICROFILMED
OCT 19 1994

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

Briefly describe your interest in this water right:
OWNER

2. Owner of the water right:

Name: CLEAR LAKES TROUT CO., INC.
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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APR 18 1980

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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.

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

REASONS SUPPORTING EACH BOX CHECKED

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

11. 1. 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.

3. The remark that rights 36-02708 and 36-07218 are also diverted through points of diversion, Township 9 South, Range 14 East, Section 2, SWSENE, Lot 5 and SESWNE are ambiguous and confusing in the context of the elements of Water Right No. 36-07004. None of the water for 36-02708 or 36-07218 is diverted through the same diversion works as water is diverted for 36-07004. Only a part of the water used under 36-02659 is diverted through the same point of diversion as is used for 36-07004.

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. Delete statement disallowing the claim.
2. 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.
3. Delete General Provision 7.
4. Delete remarks pertaining to diversions under 36-02708 and 36-07218, or clarify those remarks as may be necessary to show that the diversion works for 36-07004 are not used to divert water for 36-02708 or 36-07218. Clarify remarks pertaining to diversion of a portion of the water used under 36-02659.

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

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

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

VERIFICATION (Must be Completed)

State of Idaho

County of Ada

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

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

Clean Lakes Trout Co., Inc.
Signature of person filing objection

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

1993 Subscribed and sworn to before me this 26th day of April.

Quinta C. McCormick
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: Clear Lakes Trout Co., Inc.
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

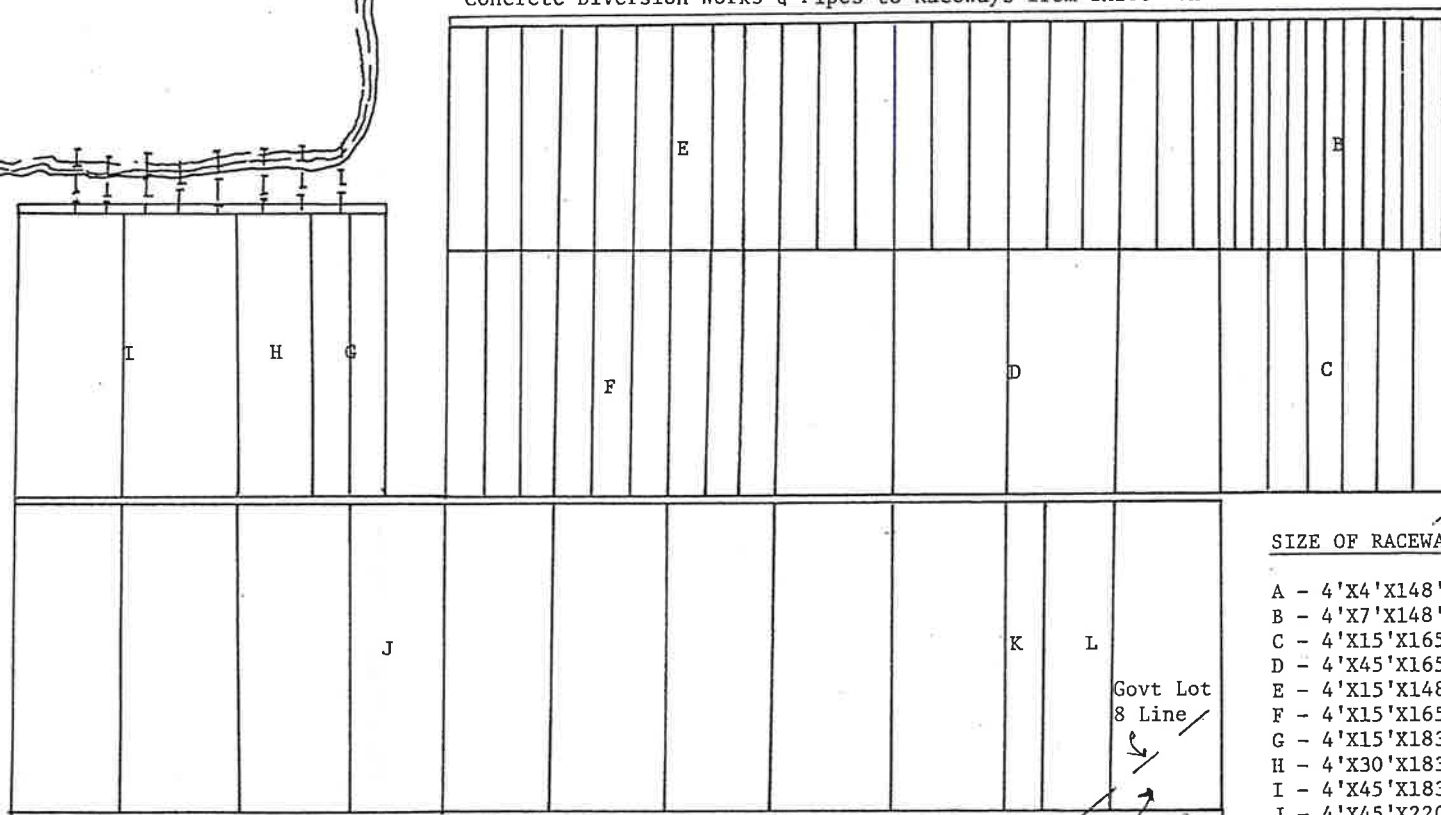
(3) PIPES FROM SPRINGS

INLET POND

Concrete Diversion Works & Pipes to Raceways from Inlet Pond Not Shown



HATCHERY

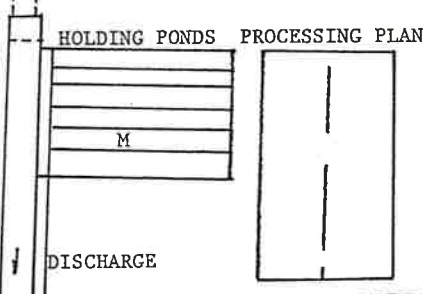


SIZE OF RACEWAYS

HATCHERY

- A - 4'X4'X148' @32 Hatchery Trays
B - 4'X7'X148' @12 2'X2'X20' @30
C - 4'X15'X165' @6
D - 4'X45'X165' @4
E - 4'X15'X148' @21
F - 4'X15'X165' @9
G - 4'X15'X183' @2
H - 4'X30'X183' @1
I - 4'X45'X183' @2
J - 4'X45'X220' @10
K - 4'X15'X220' @1
L - 4'X30'X220' @1
M - 3'X6'X60' @6

WEIR HOLDING PONDS PROCESSING PLANT



DISCHARGE

The Southeast Corner of the Raceways appear to be in Lot 8 (NE 1/4 SE 1/4) per Gary Lee's Drawing of 11/15/83

(Lot 5), SE 1/4 NE 1/4;
(Lot 6), NE 1/4 SE 1/4, Sec. 2, Twp. 9S, Rge. 14E., B.M.

WEIR

DISCHARGE

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

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FEB 02 1993

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

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SEP 24 1992
Department of Water Resources

Attorneys for Clear Lakes Trout Company, Inc.

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

*
*
*

RECEIVED
SEP 29 1992
Department of Water Resources
Southern Region Office

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

Case No. 39576

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

Petitioner,

-vs-

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

Respondents.

AMENDED
NOTICE OF ERROR

Claimant Clear Lakes Trout Co., Inc., amends its Notice of
Error for Water Right No. 36-07004 to read as follows:

1. Water right No. 36-07004
2. Name: Clear Lakes Trout Co., Inc.

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FEB 02 1993

Address: 1301 Vista Avenue, Boise, ID 83705

Attorney: W. F. Ringert

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

Weekday telephone number:

Clear Lakes Trout Co., Inc. - 344-7321

W. F. Ringert - 345-4591

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

Remarks - Installation of measuring device required.

Remarks - Facility volume stated as 26 AF.

Remarks - Right No. 36-02659 is also diverted through point of diversion described above, and the total combined rate of diversion of these rights is limited to 175 cfs.

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

Delete the remarks pertaining to installation of measuring device and pertaining to facility volume and 175 cfs limit.

Delete "The following rights are also diverted through points of diversion T9S, R14E, S2, SWSENE, Lot 5 and SESWNE: 36-02708, 36-07218."

5. Describe why you disagree with the proposed recommendation:
- The Director has no authority to impose the measuring device requirement as a condition to be added to the water right in the SRBA. The facility volume is neither required nor authorized by statute. The license as originally issued or

as previously amended is binding on the state and can not be modified by the Director in the SRBA. No portion of this right is diverted through the joint diversion structure shared with Clear Springs Trout Company. Only a portion of Right No. 36-02659 is diverted through the diversion structure shared with Clear Springs Trout Company. A portion of Right No. 36-02659 is diverted through the same diversion structure as this right.

6. Date: September 24, 1992.

SIGNATURE: _____

A handwritten signature in dark ink, appearing to read "J. H. Ringert", is written over a horizontal line.

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FEB 02 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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FEB 02 1993

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

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

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

Rim View Trout Co. - A36-02680

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

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

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

Rim View Trout Co. - A36-04032C

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

Rim View Trout Co. - A36-10819

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

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

Rim View Trout Co. - A36-07167

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

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

Sincerely,



Helen Harrington-Thornton
Water Resource Agent

HHT

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FEB 02 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CLEAR LAKES TROUT CO INC 1301 VISTA AVE BOISE ID 83705 (208) 342-0090	07/21/1967	FISH PROPAGATION	01-01 12-31	75.00 CFS	
TOTAL DIVERSION:					75.00 CFS	

Water Source: SPRINGS

Tributary to: CLEAR LAKES

Stage: LICENSE

Point(s) of Diversion:

T09S R14E S02

SESWNE Lot05(SWSENE) Lot05(SESENE)

GOODING County

Place of use Legal Description for: FISH PROPAGATION

				NE				NW				SW				SE											
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
09S	14E	2	:																								
09S	14E	2	:																								

POU County: GOODING

Non-Irrigation Uses: FISH, PROPAGATION, A SMALL PORTION OF WATER USED FOR PROCESSING.

Other Rights: A36-02659

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.
- M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks: FACILITY VOLUME 26 AF.

RIGHT NO. 36-02659 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF
THESE RIGHTS IS LIMITED TO 175 CFS.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVER-
SION T9S, R14E, S2, SWSENE, LOT 5 AND SESWNE: 36-02708, 36-07218.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Comments: Date: 03/16/1992 User-ID: THORNTON Subject: COPIED FROM REMARKS
ITEM 9; SOME OF THE RACEWAYS SHOWN ON THE DRAWING INCLUDED IN THE
BENEFICIAL USE FILE HAVE BEEN AND ARE BEING DIVIDED AND CHANGED
IN DIMENSIONS FOR A MORE EFFICIENT USE OF THE WATER.

Date: 09/24/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/23/92. CHANGED NOE FLAG FROM BLANK TO A.

FEB U 2 1993
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FEB U 2 1993

AJ0749NP
No. R36-07004

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

=====

DATE: 10/20/92
PAGE: 2

Comments: Date: 10/20/1992 User-ID: THORNTON Subject: NOTICE OF ERROR RECONCILIATION
CHANGED FLAG FROM A TO B - NO CHANGE.
SENT LETTER TO RINGERT.

Audit: 10/20/92 THORNTON

R PROOF



CVR



MAPS



PHOTOS



MISC

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FEB 02 1993

Water Right Number - R36-07004

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
CLEAR LAKES TROUT CO. INC.

1 - 1301 VISTA AVE.

2 -

3 -

City- BOISE

State- ID Zip- 83705

Phone - 208-342-0090

*** A - ATTORNEY ***
RINGERT

W.F.

1 - P.O. BOX 2773

2 -

3 -

City- BOISE

State- ID Zip- 83701

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/21/1967 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRINGS CLEAR LAKES+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County09S 14E 2 SE SW NE (47) GOODING
SW SE NE 5 (47) GOODING
SE SE NE 5 (47) GOODING+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

19 - FISH PROPAGATION 01/01 12/31 75.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
75.000 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County09S 14E 2 SE NE 5 19 FISH PROPAGATION (47) GOODING
09S 14E 2 NE SE 6 19 FISH PROPAGATION (47) GOODING
09S 14E 2 NE SE 8 19 FISH PROPAGATION (47) GOODING

Total Acres:

+ - - Diversion Means - APPROXIMATELY 550' TO 600' OF EARTH DAM, PIPELINES & HEADGATES.

+ - - Non-Irrigation Use - FISH, PROPAGATION, A SMALL PORTION OF WATER USED FOR PROCESSING.

+ - - Other Rights for Same Use - A36-02659

VERIFIED ADJ

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FEB 02 1993

Water right number - R36-07004

Prefix Translation: RESEARCH

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

FACILITY VOLUME 26 AF.
RIGHT NO. 36-02659 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF
THESE RIGHTS IS LIMITED TO 175 CFS.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVER-
SION T9S, R14E, S2, SWSENE, LOT 5 AND SESWNE: 36-02708, 36-07218.

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

No Old Water Right Numbers Found

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

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

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

00/00/0000

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

Date: 03/16/1992 User Id: THORNTON Subject: COPIED FROM REMARKS
ITEM 9; SOME OF THE RACEWAYS SHOWN ON THE DRAWING INCLUDED IN THE BENEFICIAL USE FILE HAVE BEEN AND ARE BEING DIVIDED AND CHANGED
IN DIMENSIONS FOR A MORE EFFICIENT USE OF THE WATER.

+ - - Audit Fields - - +

05/20/92 MERRITT

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 05/20/1992	Old Judicial District	-
Claim Received Date	- 09/02/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C002449	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

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FEB 6 2 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:22:34
03/03/92

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-07004

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	N			N		HHT 3/5/92	3/16/92	HHT 3/19/92
POINT OF DIV	Y			Y	1, 4, 5, 6			
SOURCE	Y	10 acre tract named?		Y	1			
PLACE OF USE	Y			Y	1, 4, 6			
DIV. AMOUNT CFS/VOLUME				N				
CONSUMPTIVE USE				N				
PURPOSES	N			N				
PERIOD OF USE	N			N				
BASIS OF CLAIM	N			N				
REMARKS	Y			Y				

"VERIFIED BY" CODES

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

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

Remarks:

D06, 26.A.F.

EO87, 175 cfs, 36-02659

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FEB 02 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:22:34
03/03/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-07004

LAST: CLEAR LAKES TROUT CO. INC.
ADDRESS: 1301 VISTA AVE.
CITY: BOISE
PHONE NUMBER: 208-342-0090

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: 83701

OWNER CODE: A

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: ITEM 9; SOME OF THE RACEWAYS SHOWN ON THE DRAWING INCLUDED IN THE
BENEFICIAL USE FILE HAVE BEEN AND ARE BEING DIVIDED AND CHANGED
IN DIMENSIONS FOR A MORE EFFICIENT USE OF THE WATER.

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CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED
FEB U 2 1993

A. AJ CLAIM: # A36-07004 PRIORITY DATE: 07-21-1967 STAGE: L.

B. WR RECORD: # 36-07004 PRIORITY DATE: 07-21-1967 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE FIELD
N EXAMINER
N

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

REMARKS: Claim matches license

=====

RECOMMENDED PRIORITY DATE:
07-21-1967

REVIEWED BY HHT

DATE 3/3/92

=====

MICROFILMED
FEB 2 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-07004	09S	14E	2		SE	NE	5	GOODING
A36-07004	09S	14E	2		NE	SE	6	GOODING

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-02659 NONE

WR RECORDS IN SAME 40 ACRE TRACT

36-02048
36-02703
36-04013
36-07798
36-08329

SOURCE: CLEAR LAKES SPRINGS

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-07004	09S	14E	2		NE	SE		GOODING
36-07004	09S	14E	2		SE	NE		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-02659
36-07148
36-07790

NONE NONE

SOURCE: CLEAR LAKES SPRINGS

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER

Y
X

10-ac. tracks
name

MICROFILMED
FEB 02 1993

REMARKS:

Field exam by Morrie Starling of source for Clear Spgs Trout Co. immediately to the west of this facility reflected common spg sources w/ Lot 5 and NE⁴. Additional water erupts from springs east of the common system in NE⁴

USGS quadrangle map does not identify name for springs

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

See Below — — — — —

SOURCE: ~~CLEAR LAKES SPRINGS~~ Spring TRIB: ~~SNAKE RIVER~~ Clear Lakes

REVIEWED BY: HHS DATE: 3/5/92

TWP	RGE	SEC	1/4	1/4	1/4	Lot	Co.
9S	14E	2	SW	SE	NE	5	Gooding
9S	14E	2	SE	SW	NE		Gooding
9S	14E	2	SE	SE	NE	5	Gooding

Common to clear spgs.

MICROFILMED

FEB U 2 1993

A. ROOT WATER RIGHT NUMBERS: A36-07004

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09S	14E	2	SE	NE	5	CLEAR LAKES TROUT CO. INC.	<u>A36-07004</u> /	- /	20.0	ok	
			SE	NE	5	CLEAR LAKES TROUT CO. INC.	A36-02659 /	36-02659 /			
			SE	NE		CLEAR LAKES TROUT CO. INC.		<u>36-07004</u> /			
			SE	NE		CLEAR LAKES TROUT CO. INC.		36-07790 /			
09S	14E	2	NE	SE	6	CLEAR LAKES TROUT CO. INC.	<u>A36-07004</u> /	- /		ok	
			NE	SE	6	CLEAR LAKES TROUT CO. INC.	A36-02659 /	36-02659 /			
			NE	SE	8	CLEAR LAKE COUNTRY CLUB	A36-04148B / 1.9	- /			
			NE	SE	6	CLEAR LAKE RANCH INC.	A36-04149 / 3.0	36-04149 / 3.0			
			NE	SE		CLEAR LAKES TROUT CO. INC.		<u>36-07004</u> /			
			NE	SE		CLEAR LAKES TROUT CO. INC.		36-07790 /			
			NE	SE	9	CLEAR LAKE RANCH INC.		36-08291 / 3.0			
			NE	SE	8	L & M INC		36-08329 /			
09S	14E	2	NE	SE	8	CLEAR LAKES TROUT CO. INC.	<u>A36-07004</u> /	- /	3.0		
			NE	SE	6	CLEAR LAKES TROUT CO. INC.	A36-02659 /	36-02659 /			
			NE	SE	8	CLEAR LAKE COUNTRY CLUB	A36-04148B / 1.9	- /			
			NE	SE	6	CLEAR LAKE RANCH INC.	A36-04149 / 3.0	36-04149 / 3.0			
			NE	SE		CLEAR LAKES TROUT CO. INC.		<u>36-07004</u> /			
			NE	SE		CLEAR LAKES TROUT CO. INC.		36-07790 /			
			NE	SE	9	CLEAR LAKE RANCH INC.		36-08291 / 3.0			
			NE	SE	8	L & M INC		36-08329 /			
TOTAL ACRES							A36-07004		23.00		

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
N

POU COUNTY: GOODING

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FEB 02 1993

See
Remarks.

PRESUMPTION FLAG:

REMARKS:

Use is fish propagation only.

Use in Lot 8 is covered under Permit 36-07790. This permit is for development of ^{new} ponds. No ponds exist in Lot 8 under this right

RECOMMENDATIONS:

TOTAL ACRES: 0

REVIEWED BY: HAT

DATE: 3/5/92

<u>TWP</u>	<u>RGE</u>	<u>SE</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>Co.</u>
9S	14E	2	SE	NE	5	Gooding
9S	14E	2	NE	SE	6	Gooding

MICROFILMED
FEB 02 1993

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-07004 FISH PROPAGATION	FROM 01-01 TO 12-31	75.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		75.000 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-07004 FISH PROPAGATION	FROM 01-01 TO 12-31	75.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		75.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☐) N(☐) Explain in remarks, below.

REMARKS:

Claim matches license

MICROFILMED
FEB 02 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 75.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 75.000 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?

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

FIELD
DATABASE EXAMINER
N

B.

FLOW MEASUREMENT

N/A

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A36-02659

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-04148B	SPRINGS	CLEAR LAKE COUNTRY CLUB	1.500	0.016	360.00	4.00
A36-04149	CLEAR LAKES	CLEAR LAKE RANCH INC.	1.400	0.029		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-02659	FISH PROPAGATION	CLEAR LAKES TROUT CO. INC.	FROM 01-01 TO 12-31	100.000 CFS	

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FEB U 2 1993

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()

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

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FEB U 2 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
FISH PROPAGATION	01-01 12-31	75.000 <u>Ø</u>	<u> </u>	0.0 <u>Ø</u>
TOTAL FOR THIS RIGHT		75.000		0.0

REVIEWED BY: HHT

DATE: 3/5/92

MICROFILMED
FEB U 2 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-07004

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 75.000	EXAMINER _____	CFS
-----------------------------------	--------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-07004	75.000	-		36-07004	75.000
TOTAL CFS		75.000				75.000

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	FIELD EXAMINER
Y	<u>Y</u>

REMARKS:

AUTHENTICATION:

SIGNATURE: Dale H. Kountz

DATE: 3/5/92

NAME OF FIELD EXAMINER: _____

TITLE: WR Agent

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FEB 02 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:25:00
03/03/92

PAGE: 14
PROFILE REPORT

CLAIM NUMBER: A36-07004.

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CLEAR LAKES TROUT CO. INC. 1301 VISTA AVE. BOISE ID 83705 (208) 342-0090	07/21/1967	FISH PROPAGATION	01-01 12-31	75.00 CFS	
TOTAL DIVERSION:					75.00 CFS	

Water Source: CLEAR LAKES SPRINGS

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion:

T09S R14E S02 Lot 5(SENE) Lot 6(NESE)

GOODING County

Place of use Legal Description for: FISH PROPAGATION

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
09S	14E	2	:				05-F	:					:					:					:
09S	14E	2	:					:					:					:					:

POU County: GOODING

Other Rights: A36-02659

Non-Irrigation Use: FISH, PROPAGATION, A SMALL PORTION OF WATER USED FOR PROCESSING.

Conditions of Approval:

- omit* ~~R01~~ - A measuring device of a type approved by this Department shall be
- maintained as a part of the diverting works.

Remarks: *omit* ITEM 9; SOME OF THE RACEWAYS SHOWN ON THE DRAWING INCLUDED IN THE
BENEFICIAL USE FILE HAVE BEEN AND ARE BEING DIVIDED AND CHANGED
IN DIMENSIONS FOR A MORE EFFICIENT USE OF THE WATER.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

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FEB 02 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:22:34
03/03/92

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-02659

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	N			N		HHT 3/5/92	HHT 3/16/92	HHT 3/19/92
POINT OF DIV	Y ^{10 ac.}			Y	1, 4, 6	S	S	S
SOURCE	Y ^{named?}			Y	1, 6			
PLACE OF USE	Y			Y	1, 4, 6			
DIV. AMOUNT CFS/VOLUME				N				
CONSUMPTIVE USE				N				
PURPOSES	N			N				
PERIOD OF USE	N			N				
BASIS OF CLAIM	N			N				
REMARKS	Y			Y				

"VERIFIED BY" CODES

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

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

Remarks:
D06 - 26 A.F.
E07 - 175 cfs; 36 07004

MICROFILMED
FEB U 2 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:22:34
03/03/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-02659

LAST: CLEAR LAKES TROUT CO. INC.
ADDRESS: 1301 VISTA AVE.
CITY: BOISE
PHONE NUMBER: 208-342-0090

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: 83701

OWNER CODE: A

LAST: KASTER
ADDRESS:
CITY: N/A
PHONE NUMBER: 208-000-0000

FIRST: RICHARD
STATE: ID ZIP: 00000

OWNER CODE: O

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: ITEM 9; SOME OF THE RACEWAYS SHOWN ON THE DRAWING INCLUDED IN THE BENEFICIAL USE FILE HAVE BEEN AND ARE BEING DIVIDED AND CHANGED IN DIMENSIONS FOR A MORE EFFICIENT USE OF THE WATER. HOWEVER, THESE CHANGES WILL NOT EXCEED 26 ACRE FEET OF FACILITY VOLUME AS SHOWN ON THE LICENSE.
ITEM 5; EAST DIVERSION POND IS APPROXIMATELY 550' TO 600' OF EARTH DAM, PIPELINES, AND CONCRETE HEADGATES. IN 1983 CLEAR LAKES TROUT COMPANY CONSTRUCTED A NEW EARTH AND ROCK FILLED DIKE TO POOL WATER FOR DIVERSION BY CLEAR SPRINGS TROUT COMPANY AND FOR DIVERSION TO THE CENTER AND THE WEST SIDE OF THE CLEAR LAKES TROUT CO. RACEWAYS. THE WEST DIVERSION IS A CONCRETE HEADWORKS STRUCTURE CONSTRUCTED BY CLEAR SPRINGS TROUT CO. FOR DIVERSION BY CLEAR LAKES TROUT CO. AND IS LOCATED ADJACENT TO AND IMMEDIATELY EAST OF THE WEST BOUNDARY LINE OF THE SE 1/4 OF NE 1/4, GOVT. LOT 5. THE POOL AND IMPOUNDED BY CLEAR SPRINGS EXTENDS WEST INTO THE SW 1/4 OF NE 1/4. THE CENTER DISCHARGE CONSISTS OF A (CONT.) CONCRETE DIVERSION HEADGATE AND A 4' DIAMETER CMP INSTALLED THROUGH THE TOP OF THE NEW DIKE.

MICROFILMED
FEB 02 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED
FEB U 2 1993

A. AJ CLAIM: # A36-02659 PRIORITY DATE: 06-23-1966 STAGE: L
B. WR RECORD: # 36-02659 PRIORITY DATE: 06-23-1966 STAGE: L

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

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

REMARKS: Claim matches license.

RECOMMENDED PRIORITY DATE:
06-23-1966

REVIEWED BY HHT DATE 3-3-92

MICROFILMED
FEB 02 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-02659	09S	14E	2		SE	NE	5	GOODING
A36-02659	09S	14E	2		NE	SE	6	GOODING

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-07004 NONE

WR RECORDS IN SAME 40 ACRE TRACT

36-02048
36-02703
36-04013
36-07798
36-08329

SOURCE: CLEAR LAKES SPRINGS

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-02659	09S	14E	2		NE	SE		GOODING
36-02659	09S	14E	2		SE	NE		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-07004
36-07148
36-07790

NONE NONE

SOURCE: CLEAR LAKE SPRINGS

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

	DUE TO POD DISCREPANCY? (Y/N)	DUE TO SOURCE DISCREPANCY? (Y/N)	DATABASE	FIELD EXAMINER
			Y	<u>Y</u> - 10 acre tracts
			Y	<u>Y</u> name

MICROFILMED
FEB U 2 1993

REMARKS:

Field exam by Marcie Sterling of source for Clear Spgs Trout Co. immediately to the west of this facility reflected common spring sources within Lot 5th in NE⁴. Additional water erupts from springs east of the common system in NE⁴.

USGS does not identify named spgs. on quadrangle map.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
See Below							

SOURCE: Springs

TRIB: Clear Lakes

REVIEWED BY: WHT

DATE: 3/4/92

TWP	RGE	SEC	1/4	1/4	1/4	Lot	Co.
9S	14E	2	SW	SE	NE	5	Gooding
9S	14E	2	SE	SW	NE		Gooding
9S	14E	2	SE	SE	NE	5	Gooding

common to Clear Spgs. Trout Co.

MICROFILMED

FEB 02 1993

A. ROOT WATER RIGHT NUMBERS: A36-02659

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09S	14E	2			8	CLEAR LAKES TROUT CO. INC.	~~A36-02659~~ /	- /	3.0	-	
			NE	SE	8	CLEAR LAKE COUNTRY CLUB	A36-04148B / 1.9	- /			
			NE	SE	8	CLEAR LAKES TROUT CO. INC.	A36-07004 /	- /			
			NW	SE	8	CLEAR LAKE RANCH INC.	A36-04149 / 7.0	- /			
			NE	SE	8	CLEAR LAKE RANCH INC.		36-04149 / 7.0			
			NE	SE	8	L & M INC		36-08329 /			
09S	14E	2	SE	NE	5	CLEAR LAKES TROUT CO. INC.	~~A36-02659~~ /	- /	20.0	ok	
			SE	NE	5	CLEAR LAKES TROUT CO. INC.	A36-07004 /	36-07004 /			
			SE	NE		CLEAR LAKES TROUT CO. INC.		~~36-02659~~ /			
			SE	NE		CLEAR LAKES TROUT CO. INC.		36-07790 /			
09S	14E	2	NE	SE	6	CLEAR LAKES TROUT CO. INC.	~~A36-02659~~ /	- /		ok	
			NE	SE	6	CLEAR LAKES TROUT CO. INC.	A36-07004 /	36-07004 /			
			NE	SE	8	CLEAR LAKE COUNTRY CLUB	A36-04148B / 1.9	- /			
			NE	SE	6	CLEAR LAKE RANCH INC.	A36-04149 / 3.0	36-04149 / 3.0			
			NE	SE		CLEAR LAKES TROUT CO. INC.		~~36-02659~~ /			
			NE	SE		CLEAR LAKES TROUT CO. INC.		36-07790 /			
			NE	SE	9	CLEAR LAKE RANCH INC.		36-08291 / 3.0			
			NE	SE	8	L & M INC		36-08329 /			
09S	14E	2	NW	SE		CLEAR LAKES TROUT CO. INC.	~~A36-02659~~ /	- /	11.0	-	
			NW	SE		STEWART , FRANK R.	A36-11162 /	- /			
			NW	SE		PROSPECT CO. , THE	A36-02708 /	36-02708 /			
			NW	SE		CLEAR SPRINGS TROUT CO.	A36-07218 /	36-07218 /			
			NW	SE		CLEAR SPRINGS TROUT CO	R36-02708 /	- /			
			NW	SE		CLEAR SPRINGS TROUT CO	R36-07201 /	36-07201 /			
			NW	SE	8	CLEAR LAKE RANCH INC.	A36-04149 / 7.0	- /			
			NW	SE		STEWART , BETTY E.	R36-11162 /	- /			
			NW	SE		CLEAR SPRINGS TROUT CO	R36-07218 /	- /			
			NW	SE		PROSPECT CO. , THE	A36-07201 /	- /			
			NW	SE		CLEAR SPRINGS TROUT CO.		36-07798 /			
TOTAL ACRES							A36-02659		34.00		

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
Y

POU COUNTY: GOODING

MICROFILMED
FEB 12 1993

PRESUMPTION FLAG:

REMARKS:

Use is fish propagation only.

Use in Lot 8 is covered under Permit 36-07790. This is development of new ponds. No ponds exist in Lot 8 under this right. No use located in NWSE, based on NAPP, license file, and orthophoto quad. Review of license file shows that this (cont) below

RECOMMENDATIONS:

TOTAL ACRES: 0

REVIEWED BY: HHT

DATE: 3/4/92

TWP	RGE	SEC	1/4	1/4	Lot	Co.
9S	14E	2	SE	NE	5	Gooding
9S	14E	2	NE	SE	6	Gooding

(cont.) 1/4"4 was originally listed on permit, but was later determined to be in error.

RECORDED
FEB 12 1993

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-02659 FISH PROPAGATION	FROM 01-01 TO 12-31	100.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		100.000 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-02659 FISH PROPAGATION	FROM 01-01 TO 12-31	100.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		100.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☐) N(☐) Explain in remarks, below.

REMARKS:

Claim matches license

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 100.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 100.000 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?

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

FIELD
DATABASE EXAMINER
N N

B.

FLOW MEASUREMENT N/A

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: 36-07004

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-04148B	SPRINGS	CLEAR LAKE COUNTRY CLUB	1.500	0.016	360.00	4.00
A36-04149	CLEAR LAKES	CLEAR LAKE RANCH INC.	1.400	0.029		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-07004	FISH PROPAGATION	CLEAR LAKES TROUT CO. INC.	FROM 01-01 TO 12-31	75.000 CFS	

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

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

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

Fish Propagation - non consumptive

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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
FISH PROPAGATION	01-01 12-31	100.000 <u>0</u>	<u>0</u>	0.0 <u>0</u>
TOTAL FOR THIS RIGHT		100.000		0.0

REVIEWED BY: HHT

DATE: 3/4/92

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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: 36-02659

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
100.000

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-02659	100.000	-		36-02659	100.000
TOTAL CFS		100.000				100.000

DIVERSION RATE REVIEW

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

DATABASE
Y

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE: _____

DATE: 3/5/92

NAME OF FIELD EXAMINER: Marcie Sterling

TITLE: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:23:30
03/03/92

PAGE: 14
PROFILE REPORT

CLAIM NUMBER: A36-02659

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CLEAR LAKES TROUT CO. INC. 1301 VISTA AVE. BOISE ID 83705 (208) 342-0090	06/23/1966	FISH PROPAGATION	01-01 12-31	100.00 CFS	
TOTAL DIVERSION:					100.00 CFS	

Water Source: CLEAR LAKES SPRINGS

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion:

T09S R14E S02 Lot 5(SENE) Lot 6(NESE)

GOODING County

Place of use Legal Description for: FISH PROPAGATION

				NE				NW				SW				SE																															
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:								
09S	14E	2	:					05-F				:					:					:					:					:					:					:					:

Lots Without 1/4 1/4 Description: FISH PROPAGATION
09S 14E 2 08-F

POU County: GOODING

Other Rights: 36-07004

Non-Irrigation Use: FISH PROPAGATION

Remarks: ITEM 9; SOME OF THE RACEWAYS SHOWN ON THE DRAWING INCLUDED IN THE BENEFICIAL USE FILE HAVE BEEN AND ARE BEING DIVIDED AND CHANGED IN DIMENSIONS FOR A MORE EFFICIENT USE OF THE WATER. HOWEVER, THESE CHANGES WILL NOT EXCEED 26 ACRE FEET OF FACILITY VOLUME AS SHOWN ON THE LICENSE.

ITEM 5; EAST DIVERSION POND IS APPROXIMATELY 550' TO 600' OF EARTH DAM, PIPELINES, AND CONCRETE HEADGATES. IN 1983 CLEAR LAKES TROUT COMPANY CONSTRUCTED A NEW EARTH AND ROCK FILLED DIKE TO POOL WATER FOR DIVERSION BY CLEAR SPRINGS TROUT COMPANY AND FOR DIVERSION TO THE CENTER AND THE WEST SIDE OF THE CLEAR LAKES TROUT CO. RACEWAYS. THE WEST DIVERSION IS A CONCRETE HEADWORKS STRUCTURE CONSTRUCTED BY CLEAR SPRINGS TROUT CO. FOR DIVERSION BY CLEAR LAKES TROUT CO. AND IS LOCATED ADJACENT TO AND IMMEDIATELY EAST OF THE WEST BOUNDARY LINE OF THE SE 1/4 OF NE 1/4, GOVT. LOT 5. THE POOL AND IMPOUNDED BY CLEAR SPRINGS EXTENDS WEST INTO THE SW 1/4 OF NE 1/4. THE CENTER DISCHARGE CONSISTS OF A (CONT.) CONCRETE DIVERSION HEADGATE AND A 4' DIAMETER CMP INSTALLED THROUGH THE TOP OF THE NEW DIKE.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

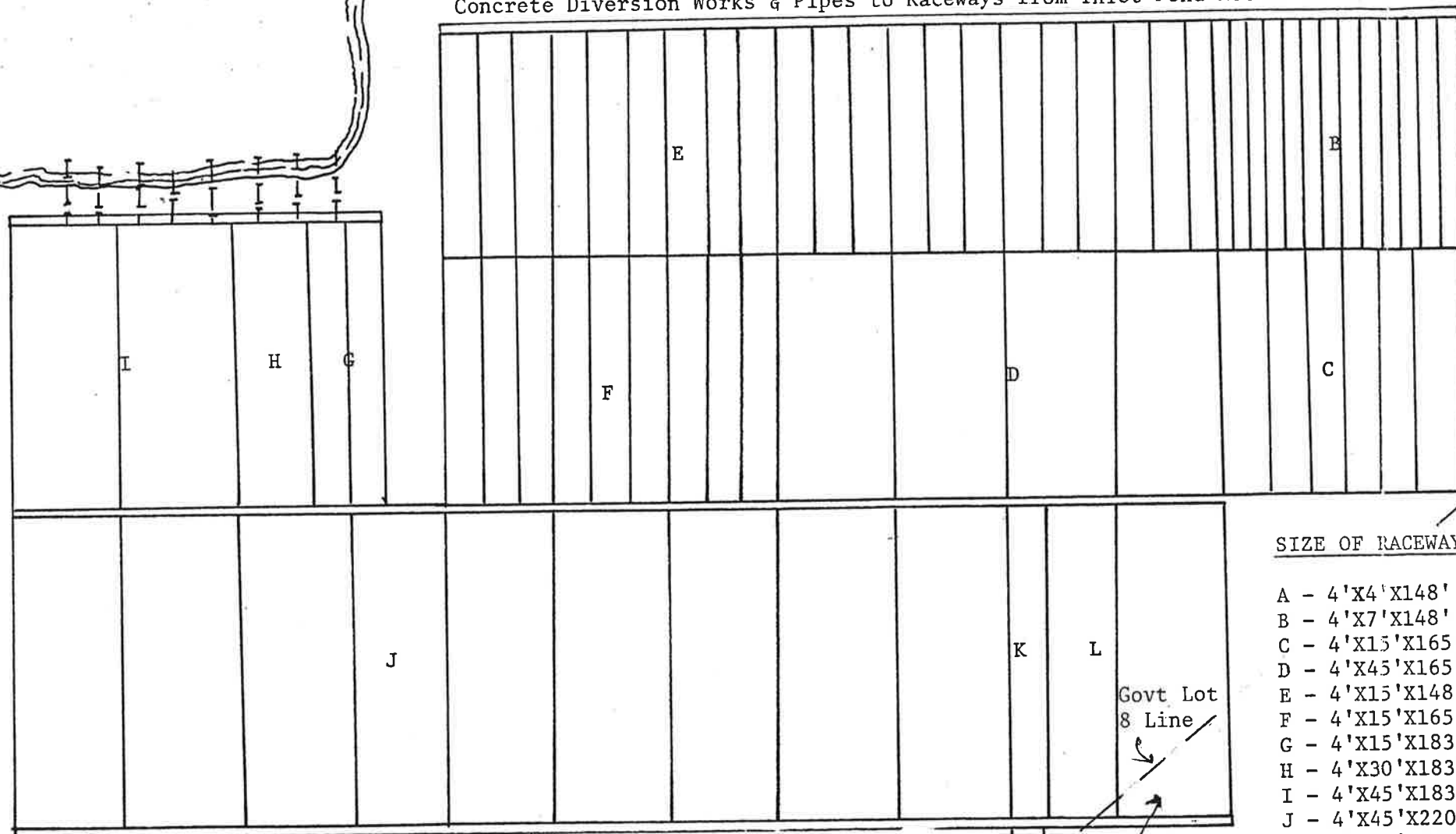
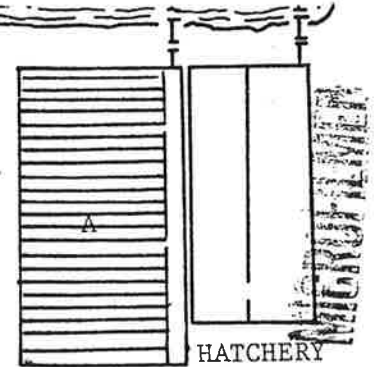
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FEB 12 1993

C9S14E

09 LT09	08 LT09	08 LT08	08 LT01	05 LT04	05 LT03	05 LT02	05 LT01	04 LT03	04 LT02	04 LT10	03 LT04	03 LT03	03 LT02	03 LT01	02 LT04	02 LT03	02 LT02	02 LT01	01 LT04	01 LT03	01 LT02	01 LT01	
08 LT05	08 SENW	08 SWNE	08 SENE	05 SWNW	05 SENW	05 SWNE	05 SENE	04 SWNW	04 LT03	04 SENE	03 SWNW	03 SENW	03 SWNE	03 SENE	02 SWNW	02 SENW	02 SWNE	02 SENE	01 LT05	01 LT06	01 LT07	01 LT08	
08 LT08	08 NESW	08 NWSE	08 NESE	05 NWBW	05 NESW	05 NWSE	05 NESE	04 NWBW	04 LT04	04 LT05	03 NWBW	03 NESW	03 NWSE	03 NESE	02 NWBW	02 NESW	02 NWSE	02 NESE	01 LT12	01 LT13	01 LT14	01 LT11	
08 LT07	08 SESW	08 SWSE	08 SESE	05 SWBW	05 SESW	05 SWSE	05 SESE	04 SWBW	04 LT08	04 LT17	03 SWBW	03 SESW	03 SWSE	03 SESE	02 SWBW	02 SESW	02 SWSE	02 SESE	01 LT15	01 LT10	01 SESE	01 SESE	
07 LT01	07 NENW	07 NWNE	07 NENE	06 NWBW	06 NENW	06 NWSE	06 NENE	01 NWBW	01 NENW	01 NWSE	01 SENE	10 LT01	10 LT02	10 LT03	11 LT01	11 LT02	11 LT03	11 LT04	12 NWBW	12 NENW	12 NWSE	12 NENE	
07 LT02	07 SENW	07 SWNE	07 SENE	06 SWNW	06 SENW	06 SWNE	06 SENE	01 SWNW	01 SENW	01 SWSE	01 SENE	10 SWNW	10 SENW	10 SWNE	11 SWNW	11 SENW	11 SWSE	11 SENE	12 SWNW	12 SENW	12 SWSE	12 SENE	
07 LT03	07 NESW	07 NWSE	07 NESE	06 NWBW	06 NESW	06 NWSE	06 NESE	06 NWBW	06 NESW	06 NWSE	06 NESE	10 NWBW	10 NESW	10 NWSE	11 NWBW	11 NESW	11 NWSE	11 NESE	12 NWBW	12 NESW	12 NWSE	12 NESE	
07 LT04	07 SESW	07 SWSE	07 SESE	06 SWBW	06 SESW	06 SWSE	06 SESE	06 SWBW	06 SESW	06 SWSE	06 SESE	10 SWBW	10 SESW	10 SWSE	11 SWBW	11 SESW	11 SWSE	11 SESE	12 SWBW	12 SESW	12 SWSE	12 SESE	
18 LT01	18 NENW	18 NWNE	18 NENE	17 NWBW	17 NENW	17 NWSE	17 NENE	18 NWBW	18 NENW	18 NWSE	18 NENE	15 NWBW	15 NENW	15 NWSE	15 NENE	14 NWBW	14 NENW	14 NWSE	14 NENE	13 NWBW	13 NENW	13 NWSE	13 NENE
18 LT02	18 SENW	18 SWNE	18 SENE	17 SWNW	17 SENW	17 SWNE	17 SENE	18 SWNW	18 SENW	18 SWNE	18 SENE	15 SWNW	15 SENW	15 SWNE	15 SENE	14 SWNW	14 SENW	14 SWNE	14 SENE	13 SWNW	13 SENW	13 SWNE	13 SENE
18 LT03	18 NESW	18 NWSE	18 NESE	17 NWBW	17 NESW	17 NWSE	17 NESE	18 NWBW	18 NESW	18 NWSE	18 NESE	15 NWBW	15 NESW	15 NWSE	15 NESE	14 NWBW	14 NESW	14 NWSE	14 NESE	13 NWBW	13 NESW	13 NWSE	13 NESE
18 LT04	18 SESW	18 SWSE	18 SESE	17 SWBW	17 SESW	17 SWSE	17 SESE	18 SWBW	18 SESW	18 SWSE	18 SESE	15 SWBW	15 SESW	15 SWSE	15 SESE	14 SWBW	14 SESW	14 SWSE	14 SESE	13 SWBW	13 SESW	13 SWSE	13 SESE
19 LT01	19 NENW	19 NWNE	19 NENE	20 NWBW	20 NENW	20 NWSE	20 NENE	21 NWBW	21 NENW	21 NWSE	21 NENE	22 NWBW	22 NENW	22 NWSE	22 NENE	23 NWBW	23 NENW	23 NWSE	23 NENE	24 NWBW	24 NENW	24 NWSE	24 NENE
19 LT02	19 SENW	19 SWNE	19 SENE	20 SWNW	20 SENW	20 SWNE	20 SENE	21 SWNW	21 SENW	21 SWNE	21 SENE	22 SWNW	22 SENW	22 SWNE	22 SENE	23 SWNW	23 SENW	23 SWNE	23 SENE	24 SWNW	24 SENW	24 SWNE	24 SENE
19 LT03	19 NESW	19 NWSE	19 NESE	20 NWBW	20 NESW	20 NWSE	20 NESE	21 NWBW	21 NESW	21 NWSE	21 NESE	22 NWBW	22 NESW	22 NWSE	22 NESE	23 NWBW	23 NESW	23 NWSE	23 NESE	24 NWBW	24 NESW	24 NWSE	24 NESE
19 LT04	19 SESW	19 SWSE	19 SESE	20 SWBW	20 SESW	20 SWSE	20 SESE	21 SWBW	21 SESW	21 SWSE	21 SESE	22 SWBW	22 SESW	22 SWSE	22 SESE	23 SWBW	23 SESW	23 SWSE	23 SESE	24 SWBW	24 SESW	24 SWSE	24 SESE
30 LT01	30 NENW	30 NWNE	30 NENE	28 NWBW	28 NENW	28 NWSE	28 NENE	29 NWBW	29 NENW	29 NWSE	29 NENE	27 NWBW	27 NENW	27 NWSE	27 NENE	28 NWBW	28 NENW	28 NWSE	28 NENE	25 NWBW	25 NENW	25 NWSE	25 NENE
30 LT02	30 SENW	30 SWNE	30 SENE	28 SWNW	28 SENW	28 SWNE	28 SENE	29 SWNW	29 SENW	29 SWNE	29 SENE	27 SWNW	27 SENW	27 SWNE	27 SENE	28 SWNW	28 SENW	28 SWNE	28 SENE	25 SWNW	25 SENW	25 SWNE	25 SENE
30 LT03	30 NESW	30 NWSE	30 NESE	28 NWBW	28 NESW	28 NWSE	28 NESE	29 NWBW	29 NESW	29 NWSE	29 NESE	27 NWBW	27 NESW	27 NWSE	27 NESE	28 NWBW	28 NESW	28 NWSE	28 NESE	25 NWBW	25 NESW	25 NWSE	25 NESE
30 LT04	30 SESW	30 SWSE	30 SESE	28 SWBW	28 SESW	28 SWSE	28 SESE	29 SWBW	29 SESW	29 SWSE	29 SESE	27 SWBW	27 SESW	27 SWSE	27 SESE	28 SWBW	28 SESW	28 SWSE	28 SESE	25 SWBW	25 SESW	25 SWSE	25 SESE
31 LT01	31 NENW	31 NWNE	31 NENE	32 NWBW	32 NENW	32 NWSE	32 NENE	33 NWBW	33 NENW	33 NWSE	33 NENE	34 NWBW	34 NENW	34 NWSE	34 NENE	35 NWBW	35 NENW	35 NWSE	35 NENE	36 NWBW	36 NENW	36 NWSE	36 NENE
31 LT02	31 SENW	31 SWNE	31 SENE	32 SWNW	32 SENW	32 SWNE	32 SENE	33 SWNW	33 SENW	33 SWNE	33 SENE	34 SWNW	34 SENW	34 SWNE	34 SENE	35 SWNW	35 SENW	35 SWNE	35 SENE	36 SWNW	36 SENW	36 SWNE	36 SENE
31 LT03	31 NESW	31 NWSE	31 NESE	32 NWBW	32 NESW	32 NWSE	32 NESE	33 NWBW	33 NESW	33 NWSE	33 NESE	34 NWBW	34 NESW	34 NWSE	34 NESE	35 NWBW	35 NESW	35 NWSE	35 NESE	36 NWBW	36 NESW	36 NWSE	36 NESE
31 LT04	31 SESW	31 SWSE	31 SESE	32 SWBW	32 SESW	32 SWSE	32 SESE	33 SWBW	33 SESW	33 SWSE	33 SESE	34 SWBW	34 SESW	34 SWSE	34 SESE	35 SWBW	35 SESW	35 SWSE	35 SESE	36 SWBW	36 SESW	36 SWSE	36 SESE

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Concrete Diversion Works & Pipes to Raceways from Inlet Pond Not Shown



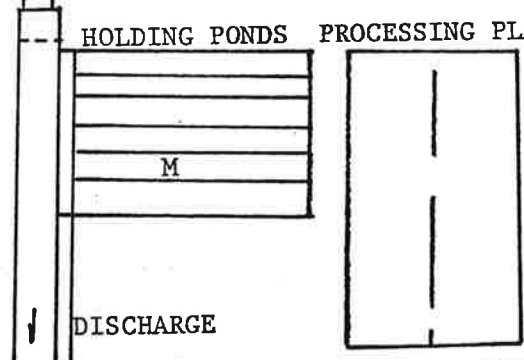
SIZE OF RACEWAYS

HATCHERY

- A - 4'X4'X148' @32
- B - 4'X7'X148' @12
- C - 4'X15'X165' @6
- D - 4'X45'X165' @4
- E - 4'X15'X148' @21
- F - 4'X15'X165' @9
- G - 4'X15'X183' @2
- H - 4'X30'X183' @1
- I - 4'X45'X183' @2
- J - 4'X45'X220' @10
- K - 4'X15'X220' @1
- L - 4'X30'X220' @1
- M - 3'X6'X60' @6

Hatching Trays
2'X2'X20' @30

WEIR HOLDING PONDS PROCESSING PLANT



The Southeast Corner of the Raceways appear to be in Lot 8
(NE 1/4 SE 1/4) per Gary Lee's Drawing of 11/15/83

(Lot 5), SE 1/4 NE 1/4;
(Lot 6), NE 1/4 SE 1/4, Sec. 2, Twp. 9S, Rge. 14E., B.M.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 17, 1992

William Ringert
Ringert, Clark, Chartered
P.O. Box 2773
Boise, ID 83701

RE: Snake River Basin Adjudication (SRBA)
Gooding County- A36-02659 and A36-07004;
Possible Unclaimed Use - Clear Lakes Trout Co., Inc.

Dear Mr. Ringert:

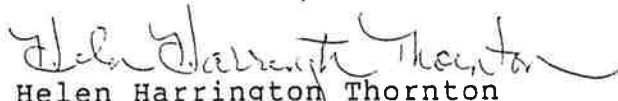
During the review of the above referenced claims, we have discovered a possible unclaimed water use. Both of the above mentioned claims are based on licenses for fish propagation. However, maps in the files show a processing building as part of the facility.

The review of the above referenced claims has been completed and no further action is required from you in regard to the fish propagation use. The purpose of this letter is to notify you that there may be an unclaimed use and you may or may not wish to take any action in regard to the processing plant.

It appears that the processing use may have existed from at least January, 1973, based on an Application for Extension of Time filed by Mr. Hardy on January 16, 1973 (copy attached). If there is no water use for the processing plant or the plant does not exist, please disregard this letter.

If you have any questions or I can be of any assistance, please do not hesitate to contact me.

Sincerely,


Helen Harrington Thornton
Senior Water Resource Agent
Adjudication Bureau

HHT:sf:hht

Enclosures:

Application for Extension of Time,
on Permit No. 36-7004 (COPY)

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Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7004

Priority July 21, 1967

Amount 15.0 413

THIS IS TO CERTIFY, that
Boise, Idaho

at Boise, Idaho

No. 36-7004

issued pursuant to Amendment 4.

July 21, 1967

and has submitted proof to the Department of Water Resources on July 21, 1967
that he has applied water to a beneficial use in accordance with September 9, 1977

that he has applied water to a beneficial use, an examination by the Department indicates that the works have a capacity for the diversion of 180.0 cfs of water from Clear Lakes Springs tributary to Snoke River and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use Fish

Period of Use

Rate of Diversion

Annual Volume

Propagation	from	to	Rate of Diversion	
	January 1	December 31	75.0	cts and N/A
	from	to	84	cts and
	from	to	at	cts and

(both dates inclusive)

Subject, however, to the condition that no more than 75.0 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and continued for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed N/A acre feet per year, said waters to be diverted within the NESE4, SESE4, Sec. 2, Twp. 9S, Rge. 14E, B.M., in the County of Gooding

Description and location of place of use

[illegible]

Total number of cases originated:

A measuring device of a type approved by the Department shall be maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of August 1979.

14 79

Chapman Alden
Director

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FEB 02 1993

MEMORANDUM

TO: FILE

DATE: 2/21/78

FROM: GARY FUNDERBURG

SUBJECT: 36-7004 and 36-2659

The source of water for Permit No. 36-7004 and 36-2659 is a series of springs located in the North side of the Snake River in Govt. Lot 5 (SE1/4NE1/4), Govt. Lot 6 (NE1/4SE1/4), Sec. 2, Twp. 9S, Rge. 14E, and used in Lot 5 (SE1/4NE1/4), Lot 6 (NE1/4SE1/4), of Sec. 2, Twp. 9S, Rge. 14E.

There are three methods used to divert the springs to the raceways.

1. The spring water is collected in a holding pond then diverted into the concrete raceways and discharged into the Clear Lakes.
2. (1) 24 inch diameter steel pipe is connected to a concrete collection box at the mouth of the springs. The water is conveyed through the pipe to a concrete diversion which allows the water to be distributed to the raceways. (see diagram).
3. The water used at the hatchery is diverted directly from the springs through (2) steel pipes, (1) 10 inch diameter and (1) 12 inch diameter. These pipes are connected to a concrete collection box at the mouth of the springs and runs into a diversion box at the hatchery building. The water is then diverted into 30 hatching trays. (see diagram B for size of trays) and can be discharged into the raceways or into the Clear lakes.

When the water leaves the raceways it is conveyed through (2) 12 foot concrete flumes and discharged into Clear Lakes. A 12 foot rectangular suppressed weir is built at the outlet of each flume. These weirs were designed and computed by C. E. Brockway, a Professional Engineer. Chart #1 is the curve for both weirs, and Chart #2 is the rating table for both weirs.

Part of the spring water is used at the processing plant and discharged into Clear Lakes.

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Point of exchange: hwp. _____ N/S, Rge. _____ E/W, D.M., Sec. _____ Sub. _____ 1/4 _____ 1/2 _____ County _____

Total Q measured 180 cfs Method of measurement (2) Standard Rectangular
Suppressed Weirs

Total Q recommended 25.0 cfs Meter No. K Type 12' Condition good

Total V recommended ✓

Recommended Amendments:

P.D. _____

Place of Use _____

Other _____

None ✓

MEASUREMENT CALCULATION

1 Weir: $H = 1.72'$ See Curve Computed from Francis formula 2.925 cfs
2 Weir: $H = 1.66'$ See Curve Computed from Francis formula 2.815 cfs

SYSTEM DESCRIPTION:
water used for the fish hatchery is conveyed from the springs through (1) steel pipes 12" DIA. & 10" DIA. See Sheet #1. Water used for the Raceways is conveyed through (1) 2" DIA. steel pipe, (8) 2" DIA. steel Colverts. See Sheet #1 & 2. The water leaves the Raceways and discharges into Clear Lake through (2) 12' Concrete Flumes.

REMARKS:

Charles Beckway was present during the exam. He represented Clear Lake Trout Co.
Plans for Raceways are on Sheet #2.
Site of the ~~the~~ Raceways

Examiner's Signature Jay. Underburg

Date 10-31-77

Checked by J.F. Harte

Date 9-19-78

Approved by _____

Date _____

FEB 12 1993

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C. E. BROCKWAY P.E.
ENGINEERING CONSULTANT

Groundwater, Hydrology,
and Hydraulic Engineering

Route 1, Box 186
Kimberly, Idaho 83341
March 28, 1977

Mr. Bobby Fleenor
Idaho Department of Water Resources
373 W. Franklin
Boise, ID 83720

By Mr. Hal Ward
Southern Idaho Trout
Company

543-6444

Dear Mr. Fleenor:

On March 22, 1977, accompanied by Mr. Hal Ward of the Clear Lakes Trout Company, I measured the total flow passing through the Clear Lakes Trout Company facility near Buhl. All flow was passing through the two 12 ft. rectangular suppressed weirs. All bypass around the weir channels was shut off including the holding pond bypass which is an 18x36" corrugated metal arch pipe. This pipe feeds the holding ponds south of the raceways. Flow was adjusted in the tail race so that both weirs were operating correctly. The west weir does not aerate when the head reading exceeds about 1.75 ft. At 3:00 p.m. on March 22nd, the following readings and discharges were measured.

	<u>Staff Gage Reading</u>	<u>Discharge</u>
<u>Weir</u>		89.5
West	1.68	87.5
East	1.66	
		total 177. cfs

At this same time the Clear Springs Trout Company main inlet which is fed by the same spring source read 1.88 feet for a discharge of 206 cfs.

A check was made of the east weir performance, both aerated and non-aerated. When the weir is operating non-aerated the staff gage reading used with the standard rating curve indicates about 4.5 cfs greater discharge than is actually passing for a discharge in the 80 to 90 cfs range.

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Mr. Bobby Fleenor

-2-

March 28, 1977

A check was also made of the approximate capacity of the holding pond bypass. Water was diverted from the east weir through the holding pond bypass pipe resulting in a decrease in total flow through both weirs of 9.5 cfs. Therefore, it can be assumed that with the tail race regulated as it was on March 22nd, that the holding pond bypass discharges about 9.5 cfs. As I understand, it is planned to regulate the tail race so that excessive flow is not diverted to the west weir to cause non-aeration of the nappe. This weir has not been aerating since it was installed.

I hope these measurements will suffice for your determination of discharge for licensing purposes.

Sincerely,

G. E. Brockway
G. E. Brockway, P.E.

CEB:ld

enc. - Rating curve for 12 ft. Rectangular suppressed weir.

cc: Mike Steele, IDWR
Hal Ward, Clear Lakes Trout



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(Lot 5). SE/NE/4. Sec. 14. T27N. R7E.

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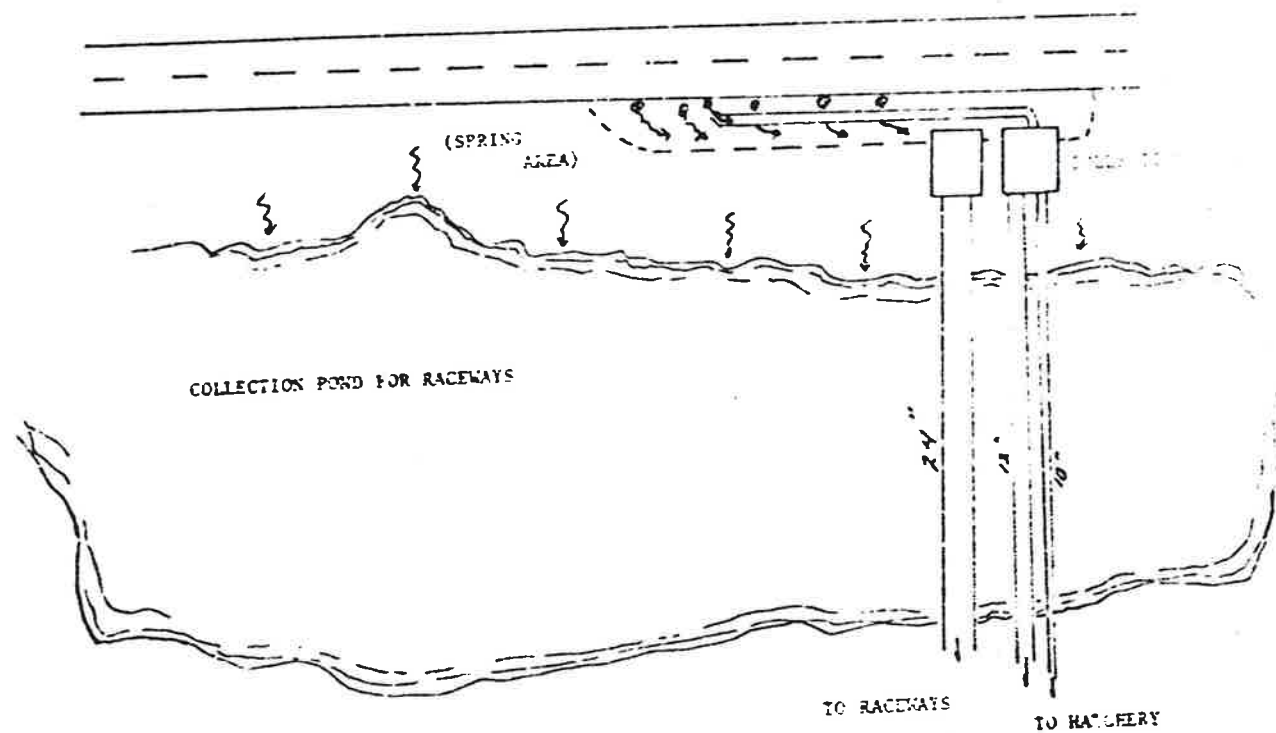
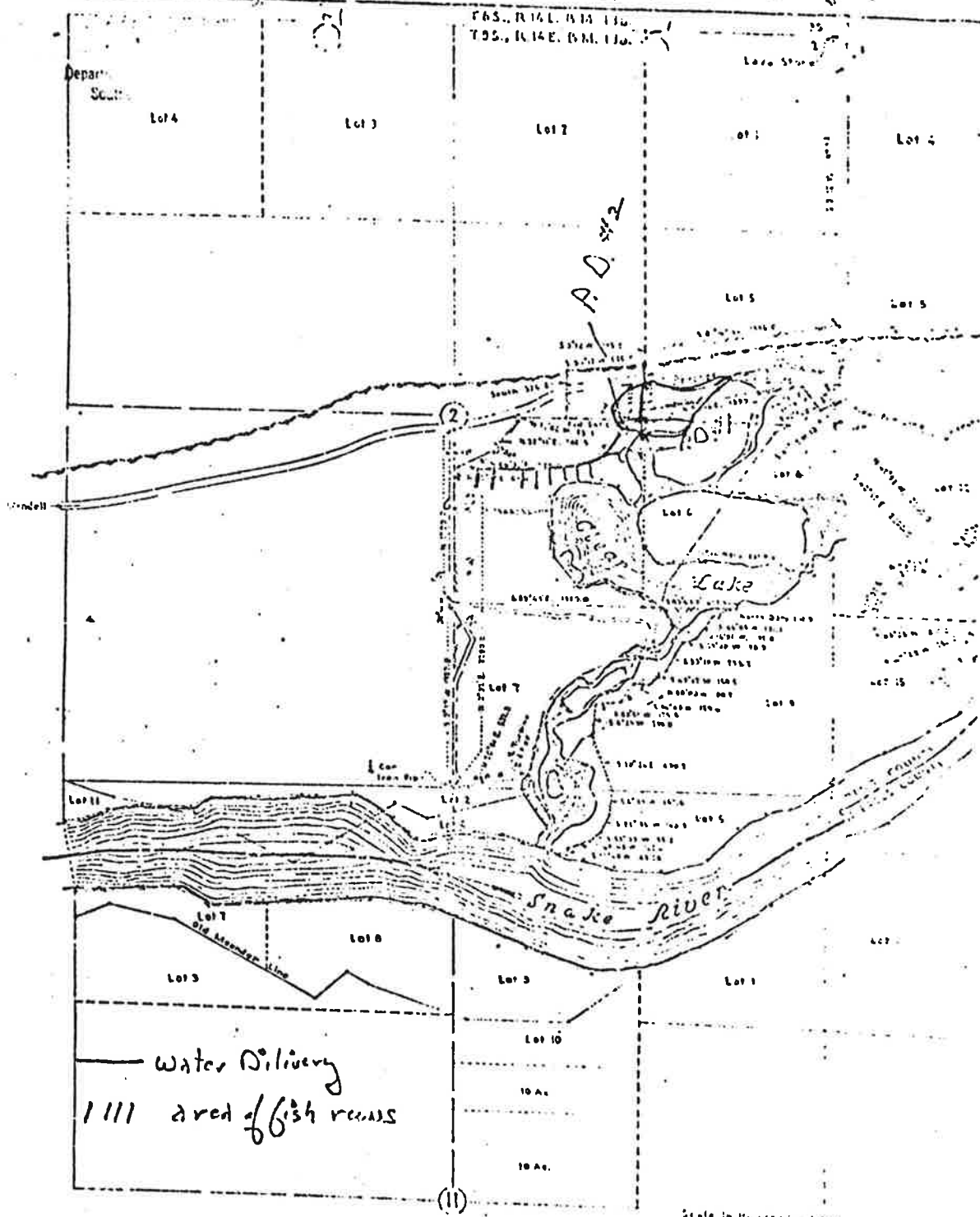


DIAGRAM "A"



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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

Water Right No. 36-2659 Priority June 23, 1966 Amount 100.0 cfs

THIS IS TO CERTIFY, that CLEAR LAKES TROUT CO.
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 36-2659 issued pursuant to Application for Permit dated September 16, 1966
and has submitted proof to the Department of Water Resources on September 9, 1977
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 180.0 cfs of water from Clear Lake Springs
tributary to Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Fish Hatchery	from <u>January 1</u> to <u>December 31</u>	at <u>100.0</u> cfs and	<u>N/A</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 100.0 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
N/A acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2,
Twp. 9S, Rge. 14E, B.M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9S	14E	2				X													

Facility volume equals 26 acre feet

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

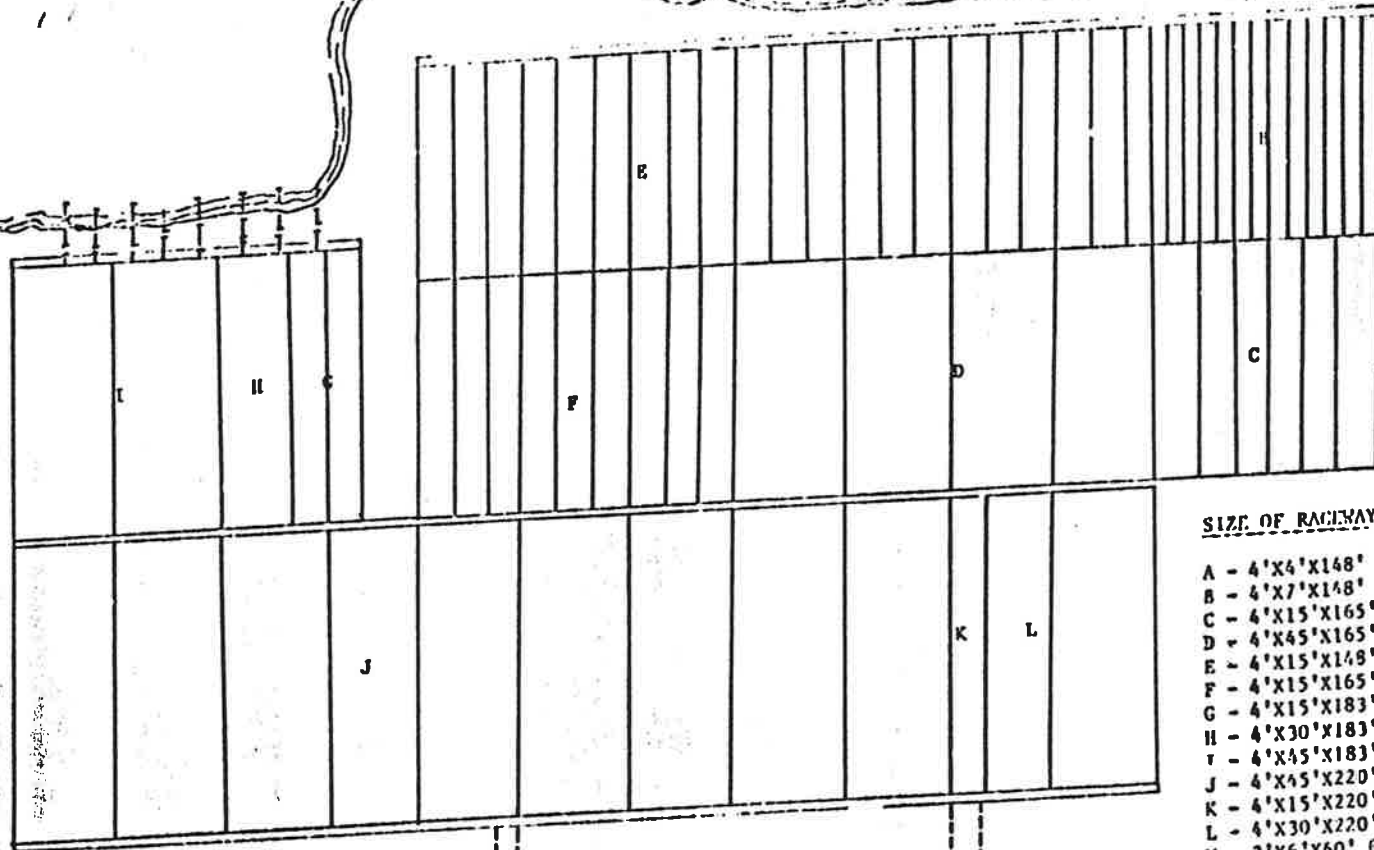
Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2nd day of July, 19 80.

[Signature]
Deputy Director

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HATCHERY

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SIZE OF RACEWAYS

HATCHERY

- A - 4'X4'X148' @32
- B - 4'X7'X148' @12
- C - 4'X15'X165' @6
- D - 4'X45'X165' @4
- E - 4'X15'X148' @21
- F - 4'X15'X165' @9
- G - 4'X15'X183' @2
- H - 4'X30'X183' @1
- I - 4'X45'X183' @2
- J - 4'X45'X220' @10
- K - 4'X15'X220' @1-
- L - 4'X30'X220' @1
- M - 3'X6'X60' @6

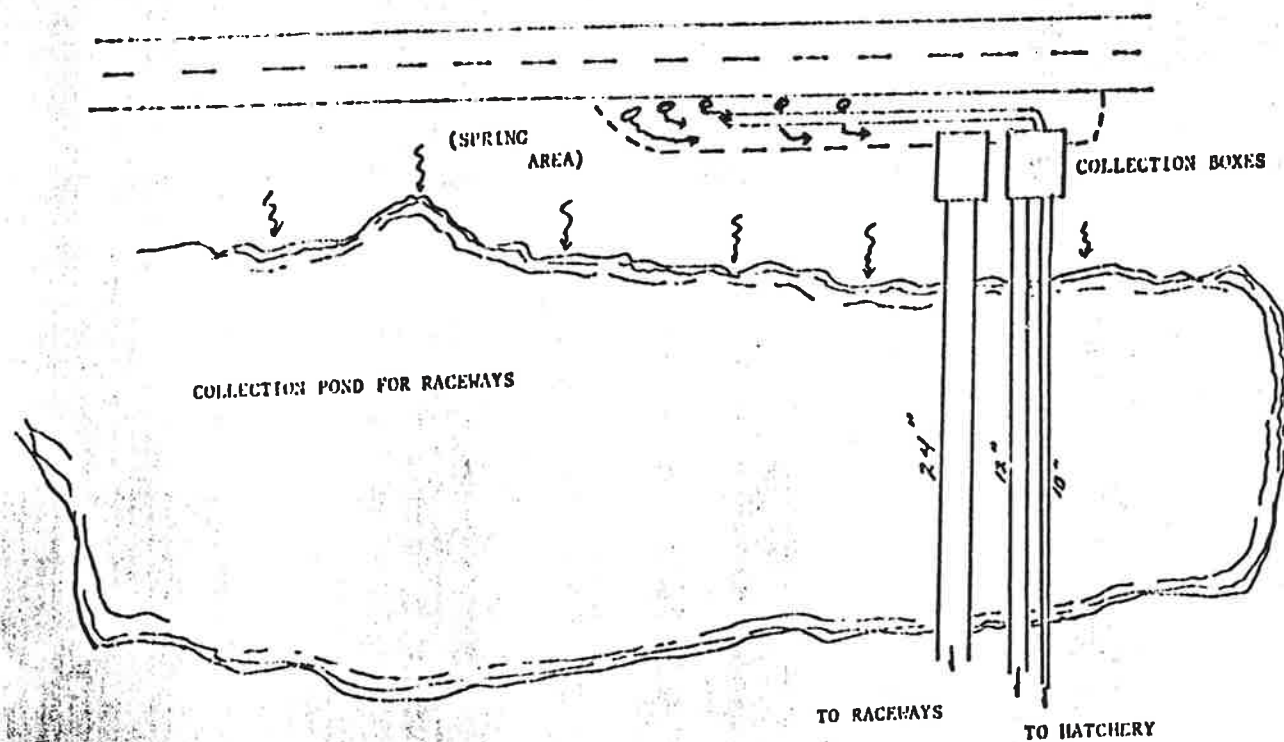
Hatching Trays
2'X2'X20' 330

- N - 75,776 ft²
- O - 49,720
- P - 39,400
- Q - 118,800
- R - 180,480
- S - 89,100
- T - 31,900
- U - 31,900
- V - 05,880
- W - 394,000
- X - 13,200
- Y - 26,000
- Z - 0,000
- AA - 3,480

TOTAL 153,500 = 43,960 =

26 acre feet
production

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C. E. BROCKWAY P. E.
ENGINEERING CONSULTANT

Groundwater, Hydrology,
and Hydraulic Engineering

Route 1, Box 186
Kimberly, Idaho 83341
March 28, 1977

Mr. Bobby Fleenor
Idaho Department of Water Resources
373 W. Franklin
Boise, ID 83720

Dear Mr. Fleenor:

On March 22, 1977, accompanied by Mr. Hal Ward of the Clear Lakes Trout Company, I measured the total flow passing through the Clear Lakes Trout Company facility near Buhl. All flow was passing through the two 12 ft. rectangular suppressed weirs. All bypass around the weir channels was shut off including the holding pond bypass which is an 18x36" corrugated metal arch pipe. This pipe feeds the holding ponds south of the raceways. Flow was adjusted in the tail race so that both weirs were operating correctly. The west weir does not aerate when the head reading exceeds about 1.75 ft. At 7:00 p.m. on March 22nd, the following readings and discharges were measured.

Weir	Staff Gage Reading	Discharge
West	1.68	89.5
East	1.66	87.5
total		177. cfs

At this same time the Clear Springs Trout Company main inlet which is fed by the same spring source read 1.88 feet for a discharge of 206 cfs.

A check was made of the east weir performance, both aerated and non-aerated. When the weir is operating non-aerated the staff gage reading used with the standard rating curve indicates about 4.5 cfs greater discharge than is actually passing for a discharge in the 80 to 90 cfs range.

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543-6444

Mr. Bobby Fleenor

-2-

March 28, 1977

A check was also made of the approximate capacity of the holding pond bypass. Water was diverted from the east weir through the holding pond bypass pipe resulting in a decrease in total flow through both weirs of 9.5 cfs. Therefore, it can be assumed that with the tail race regulated as it was on March 22nd, that the holding pond bypass discharges about 9.5 cfs. As I understand, it is planned to regulate the tail race so that excessive flow is not diverted to the west weir to cause non-aeration of the nappe. This weir has not been aerating since it was installed.

I hope these measurements will suffice for your determination of discharge for licensing purposes.

Sincerely,

Charles Brockway
C. E. Brockway, P.E.

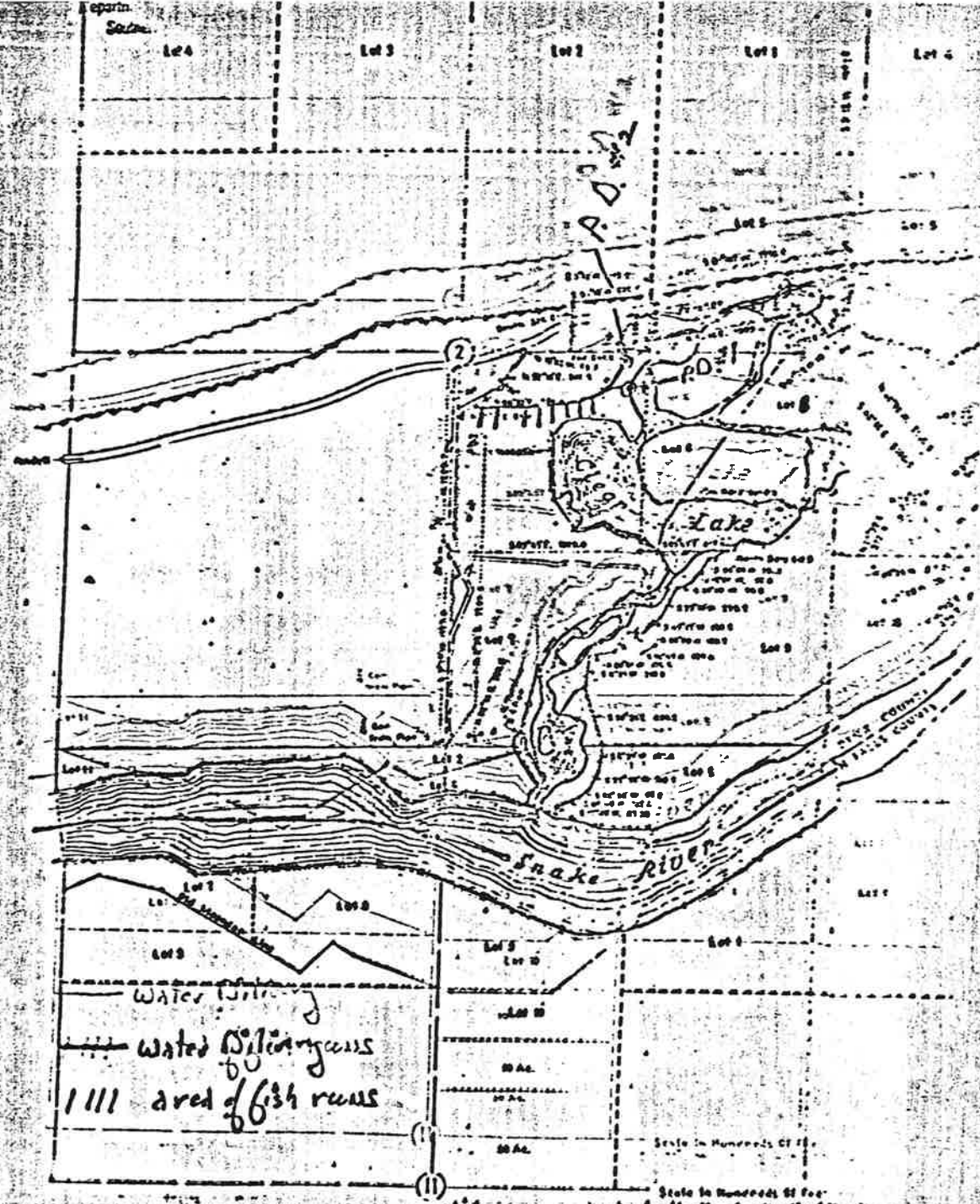
CEB:ld

enc. - Rating curve for 12 ft. Rectangular suppressed weir.

cc: Mike Steele, IDWR
Hal Ward, Clear Lakes Trout



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MEMORANDUM

TO: FILE

DATE: 2/21/78

FROM: GARY FUNDERBURG

SUBJECT: 36-7004 and 36-2659

The source of water for Permit No. 36-7004 and 36-2659 is a series of springs located in the North side of the Snake River in Govt. Lot 5 (SE1/4), Govt. Lot 6 (NE1/4), Sec. 2, Twp. 9S, Rge. 14E, and used in Lot 5 (SE1/4), Lot 6 (NE1/4), of Sec. 2, Twp. 9S, Rge. 14E.

There are three methods used to divert the springs to the raceways.

1. The spring water is collected in a holding pond then diverted into the concrete raceways and discharged into the Clear Lakes.
 2. (1) 24 inch diameter steel pipe is connected to a concrete collection box at the mouth of the springs. The water is conveyed through the pipe to a concrete diversion which allows the water to be distributed to the raceways. (see diagram).
 3. The water used at the hatchery is diverted directly from the springs through (2) steel pipes. (1) 10 inch diameter and (1) 12 inch diameter. These pipes are connected to a concrete collection box at the mouth of the springs and runs into a diversion box at the hatchery building. The water is then diverted into 30 hatching trays (see diagram A for size of trays) and can be discharged into the raceways or into the Clear Lakes. When the water leaves the raceways it is conveyed through (2) 12 foot concrete flumes and discharged into Clear Lakes. A 12 foot rectangular suppressed weir is built at the outlet of each flume. These weirs were designed and computed by C. E. Brockway, a Professional Engineer. Chart #1 is the curve for both weirs, and Chart #2 is the rating table for both weirs.
- Part of the spring water is used at the processing plant and discharged into Clear Lakes.

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Point of exchange: NS, Rge FW, B.M. Sec Sub 1/4 1/4 County
 Total Q measured 180 CFS Method of measurement (2) Standard Rectangular
 Total Q recommended 100' OL S. Meter No. 1 Type 12' Condition good
 Total V recommended 1
 Recommended Amendments: SEE MEMO DATED 3/2/78
 P.D. RMSE Sec 2 T9S R14S only
 Place of Use NS, Rge, NW 1/4, Sec 2, T9S R14S
 Other None

MEASUREMENT CALCULATION

1. Width $W = 1.72$ Sec. Curve Computed from Francis formula = 97.5 CFS
 2. Water Hd = 1.04 Sec. Curve Computed from Francis formula = 87.5 CFS

SYSTEM DESCRIPTION

For the fish hatchery is conveyed from the springs through 12" pipes - 12" dia. & 10" dia. See Sheet #1. Water used for the raceways is conveyed through (1) 2" dia. steel pipe, (2) 2" dia. steel culverts. See Sheet #2. The water leaves the raceways and discharges into Clear Lake through (2) 12" concrete flumes.

REMARKS

Charles Beckman was present during the exam. to represent Clear Lake Trout Co.
 Notes for Raceways are on Sheet #2.

Examiner's Signature Jay Lindenberg

Date 10-31-77

Checked by J. J. Stanton

Date 9-11-78

Approved by

Date

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FEB 12 1980