

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: A36-07080
Date Received: 8/30/1988 9-1
Receipt No: C002461
Received By: *ca*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLEAR LAKES TROUT CO., INC. 208-342-0900
Address: 1301 VISTA AVE.
BOISE, ID 83705

2. Date of Priority: AUG 22, 1969

3. Source: SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	12		SE	SE		GOODING
		13		NE	NE		GOODING

5. Description of diverting works:
PIPE, COLLECTION BOX & PONDS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	11.540		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses: *N*

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	13	NE	NE		FISH	

11. Place of use in counties: GOODING

A36-07080

Page

1 Date: 08/30/88

RECEIVED

SEP 01 1988

MICROFILMED

OCT 19 1988

Department of Water Resources

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of September 19 88

Mary Anne Johnson
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 1-11-92

CA

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A36-07080
Date Received: 9/01/1988
Receipt No: C002461
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLEAR LAKES TROUT CO., INC. 208-342-0900
Address: 1301 VISTA AVE.
BOISE, ID 83705

2. Date of Priority: AUG 22, 1969

3. Source: SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	12		SE	SE		GOODING
		13		NE	NE		GOODING

5. Description of diverting works:
PIPE, COLLECTION BOX & PONDS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	11.540		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
FISH PROPAGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	13	NE	NE		FISH	

11. Place of use in counties: GOODING

A36-07080

Page 1

Date: 10/04/88

MICROFILMED
FEB 03 1993

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

13. Other Water Rights Used:
(NO OTHER RIGHTS WERE ENTERED)

14. Remarks:
USE OF WATER UNDER THIS LICENSE IS SUBJECT TO CONTROL BY THE
WATERMASTER OF STATE WATER DISTRICT NO. 36-A, BILLINGSLEY CREEK.

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 _____



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

MICROFILMED

FEB 03 1993

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

BOISE ID 83704

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

BOISE ID 83701

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

BOISE ID 83701

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

BOISE ID 83704

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

BOISE ID 83704

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

BOISE ID 83701

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

BOISE ID 83701

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

BOISE ID 83701

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

BOISE ID 83701

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

BOISE ID 83701

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

BOISE ID 83701

MICROFILMED
FEB 03 1993

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NOV 3 - 1999

Department of Water Resources

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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

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
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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\ac\CSF3640


Dana L. Hofstetter

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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 he 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 Clear Lakes Trout Co.
Residing at 1200 N. 2000 E. Pocatello, ID 83401
My Commission Expires: 04/01/01

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

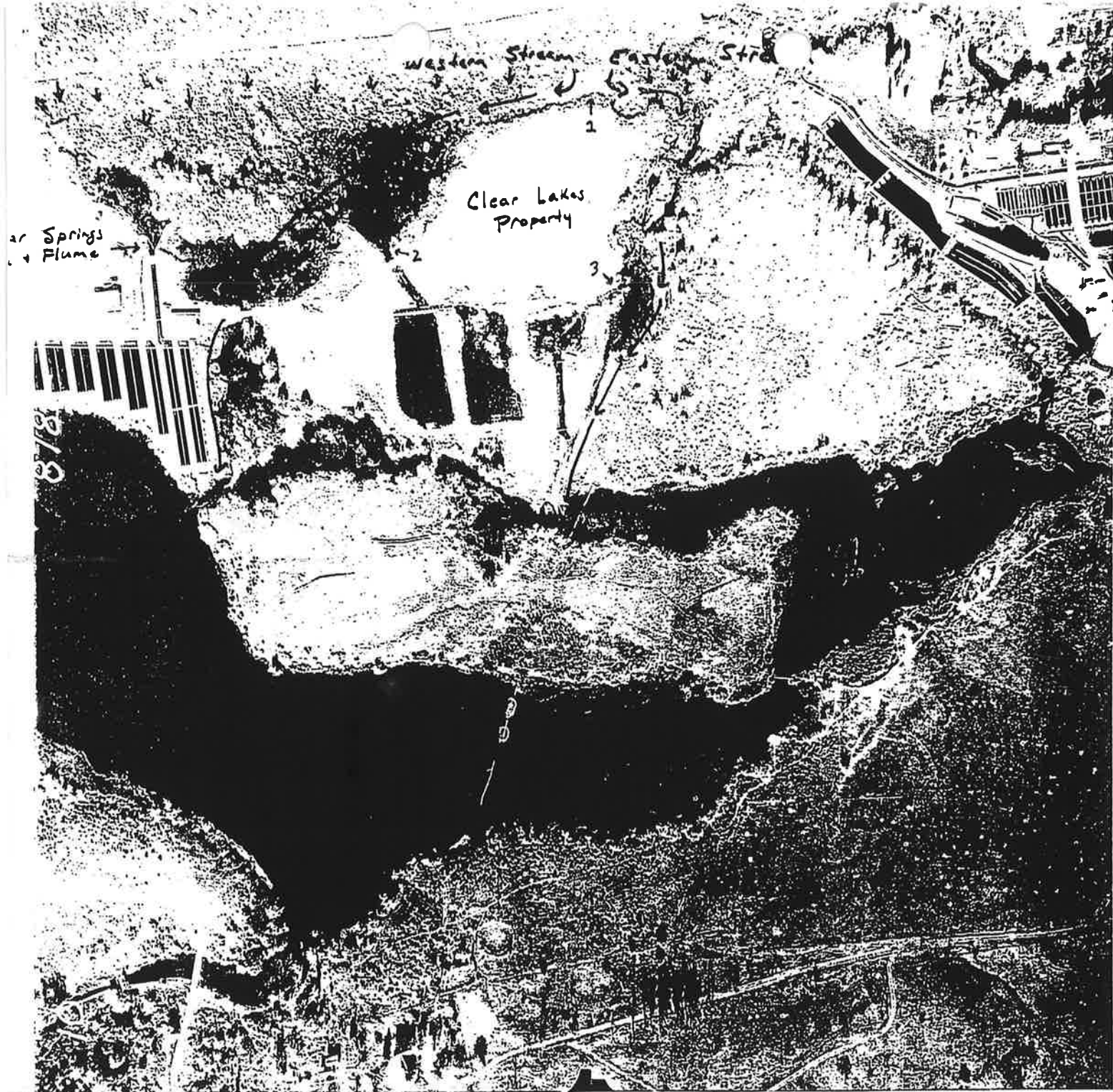


Exhibit A

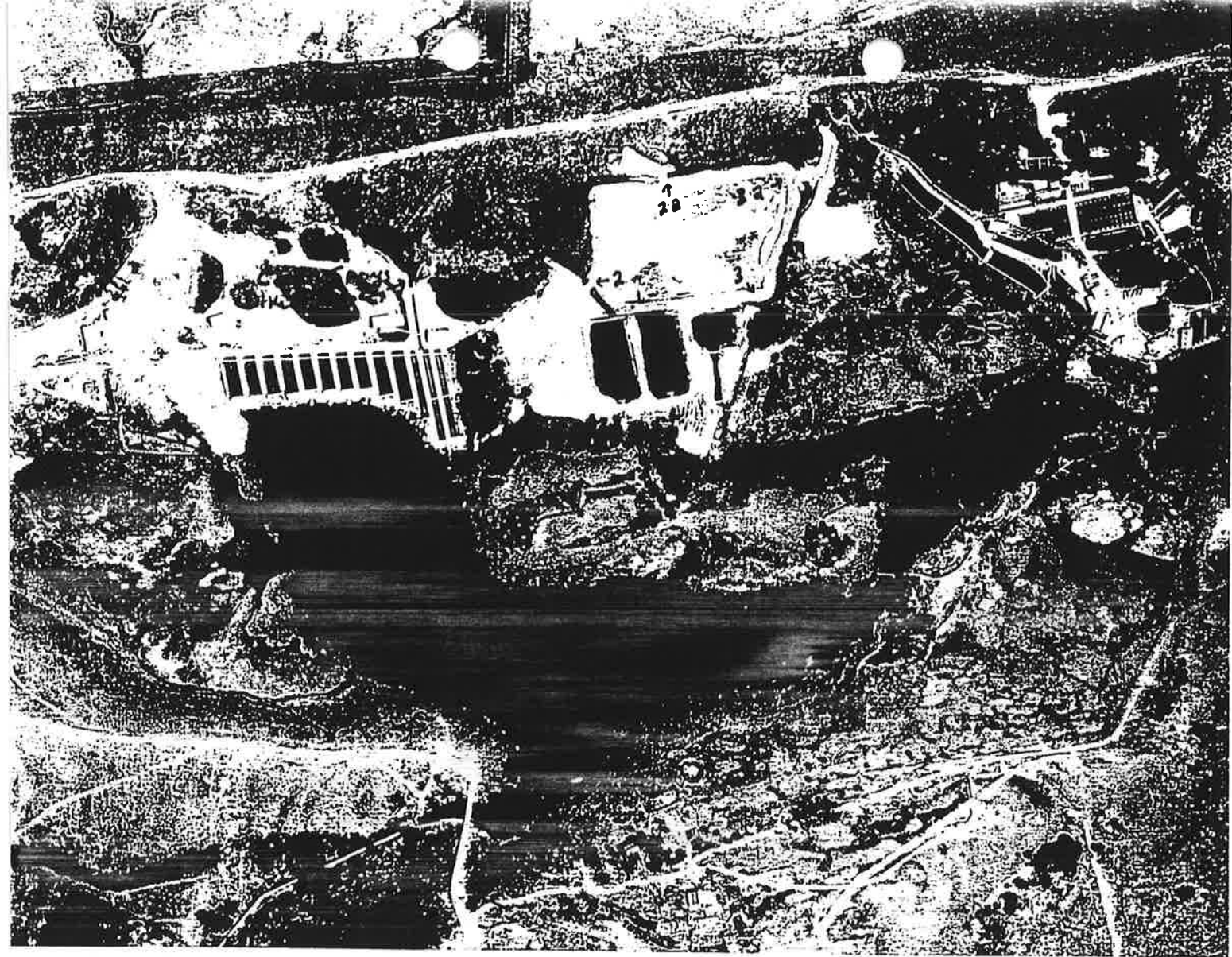


Exhibit B



Exhibit B-1

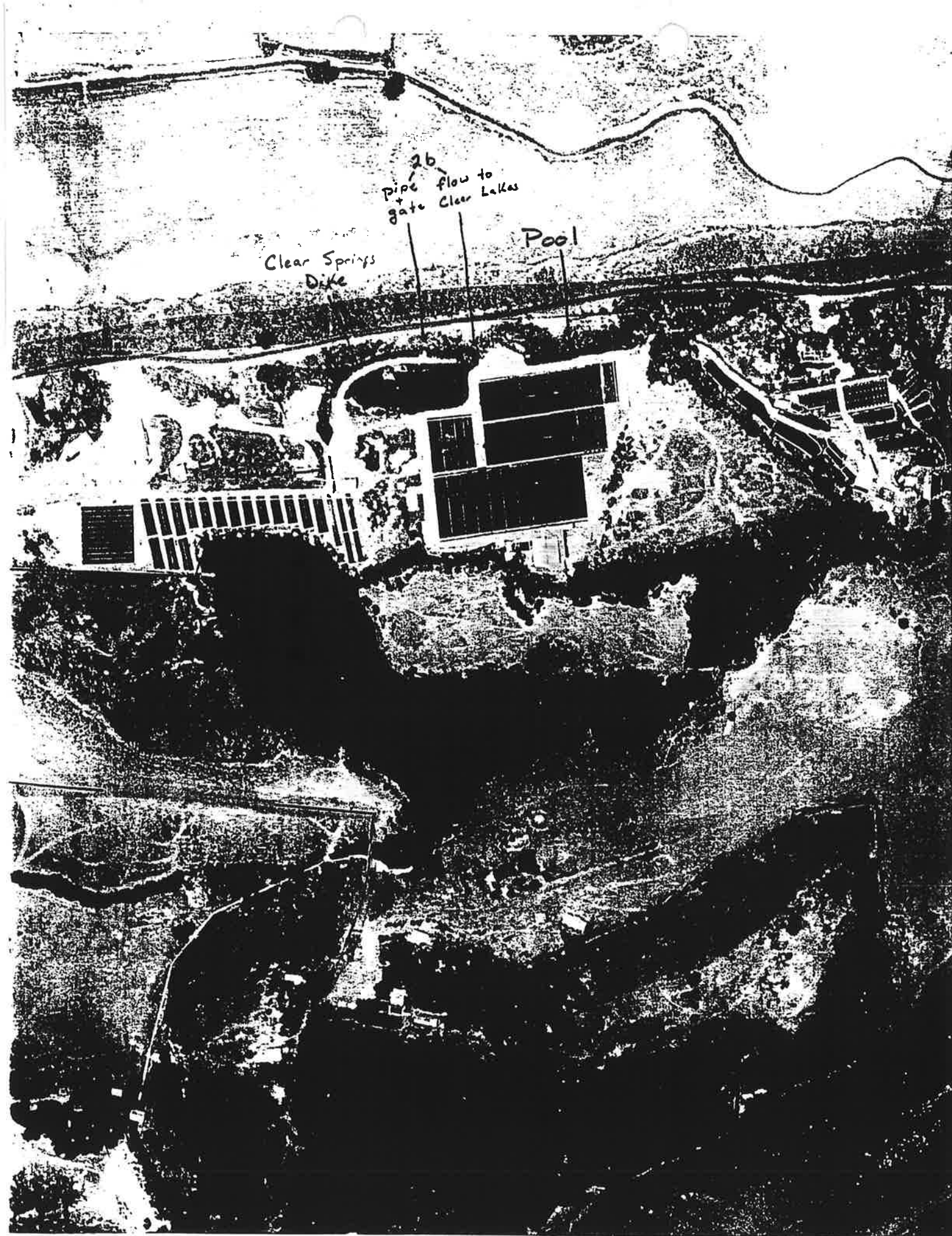


Exhibit C



Exhibit D

RECEIVED

MAY 07 1998

OFFICE OF THE
ATTORNEY GENERAL

MAIL 13990



RECEIVED

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
Snake River Basin

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.

RECEIVED

MAY 07 1998

OFFICE OF THE
ATTORNEY GENERAL

MAIL 13991



RECEIVED

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

RECEIVED

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.

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.

RECEIVED

RECEIVED

MAR 06 1998

MAR 04 1998

1998 MAR -3 PM 2:28

Department of Water Resources
Southern Region

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

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

In Re SRBA)
Case No. 39576)
_____)

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

1998 MAR -3 PM 2:28

FILED *[Signature]*

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 SESWE 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 CLERK
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

SPECIAL MASTER'S RECOMMENDATION
Water Right 36-07004

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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 S13
SWSSE
NENENE
NWNENE
SENE
Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	FISH PROPAGATION	01-01 12-31	11.54 CFS

PLACE OF USE: FISH PROPAGATION Within GOODING County
T07S R13E S13 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 Re SRBA)
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Case No. 39576)
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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. 36-07080 -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)

RESPONSE TO OBJECTION NO. 36-07080 -0001 - PAGE 1

MICROFILMED
OCT 19 1994

001 1 3 000
NICHOLAS B. SPENCER

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, and all allegations of the objection regarding this item, IDWR responds as follows:

This right is based on a license issued by IDWR. The remarks regarding return flows and measuring devices were included in the license as issued by IDWR. Issuance of the license was a final administrative action by IDWR and the claimant is bound by the terms of the license.

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 and all allegations of the objection regarding this item, IDWR responds as follows:

IDWR denies 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. A36-07080

3

(Over)

001 1-00
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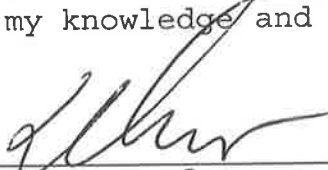
VERIFICATION (Must be Completed)

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.

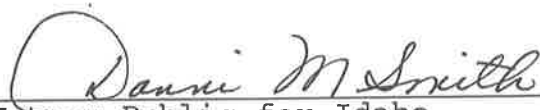


Signature of person filing response

By: 

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 1st 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 1st 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

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: A36-07080
Date Received: 8/30/1988 9-1
Receipt No: C002461
Received By: *ca*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLEAR LAKES TROUT CO., INC. 208-342-0900
Address: 1301 VISTA AVE.
BOISE, ID 83705

2. Date of Priority: AUG 22, 1969

3. Source: SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	12		SE	SE		GOODING
		13		NE	NE		GOODING

5. Description of diverting works:
PIPE, COLLECTION BOX & PONDS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	11.540		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses: *H*

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	13	NE	NE		FISH	

11. Place of use in counties: GOODING

A36-07080

Page

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FEB 03 1993
Department of Water Resources

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

13. Other Water Rights Used:

14. Remarks:

USE OF WATER UNDER THIS LICENSE IS SUBJECT TO CONTROL BY THE
WATERMASTER OF STATE WATER DISTRICT NO. 36-A, BILLINGSLEY CREEK.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: None

For Organizations:

I do solemnly swear or affirm that I am President of Clear Lakes Trout Company, Inc. Organization

Clear Lakes Trout Company, Inc., that I have signed the foregoing document in the space below as President of Clear Lakes Trout Company, Inc. Organization

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

Eileen Harty
Signature of Authorized Agent
President,
Clear Lakes Trout Company, Inc.
Title and Organization

September 1, 1988
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of September 19 88

Mary Anne Johnson
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 1-11-92

MICROFILMED
OCT 19 1988
MICROFILMED
FEB 03 1993

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APR 29 1993

Department of Water Resources
Adjudication Bureau

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

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

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

*)
(*)
(*)

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

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

Petitioner,)

-vs-)

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

Respondents.)

Case No. 36-07080
(You must insert the
water right number you
are objecting to)

OBJECTION

36-07080 -0001/
93-04-0286

INSTRUCTIONS

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

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OCT 19 1994

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

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

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: 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

RECEIVED
JAN 10 1983
JAN 10 1983
JAN 10 1983

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

II. STATEMENT OF THE OBJECTION

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

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

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

REASONS SUPPORTING EACH BOX CHECKED

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

11. 1. The Director has no authority to require that return flow shall be treated to insure that the effluent meets Idaho water quality standards. Enforcement of water quality standards is presently under the jurisdiction of the Idaho Board of Health and Welfare, Division of Environmental Quality. Idaho water quality standards presently being applied to aquaculture operations are unconstitutionally vague and any attempt to enforce the present water quality standards against a vested water right will result in an unconstitutional taking of property without payment of just compensation.
11. 2. The facility volume is neither required nor authorized by statute. An increase in facility volume does not necessary involve an expansion of use, and any expansion of use resulting from increase in facilities volume for fish production is within the scope of the water right as established by the original facilities volume. Claimant does not know how volume was calculated and challenges the stated volume.
14. 1. Idaho Code § 42-1410 requires the Director to continue his examination of the water system covered by the Snake River Basin Adjudication "for such a period of time as is necessary to evaluate the extent and nature of each water right for which a notice of claim has been filed. The director may conduct any fact-

finding hearing necessary for a full and adequate disclosure of the fact." General Provision No. 5 violates this statutory requirement and claimants whose water rights are in springs fed by the Snake Plain aquifer should not be required to file objections against any ground water rights recommended in Basin 36 until such time as the Director has determined the hydraulic connection between the ground water within the Snake Plain aquifer and the springs that are fed by the Snake Plain aquifer.

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

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 the remarks regarding measuring device, treating effluent to meet Idaho water quality standards, and facility volume.
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.

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.

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

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

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

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

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MICROFILMED
FEB 03 1993

AUG-24-1992

NOTICE OF ERROR FORM

RECEIVED

SEP 23 1992

Department of Water Resources

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

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

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

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

1. Water right number: 36-07080

RECEIVED

SEP 28 1992

2. Name: Clear Lakes Trout Co., Inc.

Department of Water Resources

Southern Region Office

Address: 1301 Vista Avenue, Boise, ID 83705

Attorney: W. F. Ringert

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

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

FEB 03 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(Instead of fill 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 - Treatment of effluent to meet state water quality standards required.

Remarks - Facility volume stated as 7.7 af.

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

Delete the three 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 and the effluent treatment requirement as conditions 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 in the SRBA.

6. Date: September 17, 1992.

SIGNATURE



AJ0749NP
No. R36-07080

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

DATE: 10/20/92
PAGE: 1

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) 342-0900	08/22/1969	FISH PROPAGATION	01-01 12-31	11.54 CFS	
TOTAL DIVERSION:					11.54 CFS	

Water Source: SPRINGS

Tributary to: BILLINGSLEY CREEK

Stage: LICENSE

Point(s) of Diversion:

T07S R13E S12
S13

SWSESE
NENENE

NWNE

SENE

GOODING County
GOODING County

Place of use Legal Description for: FISH PROPAGATION

				NE				NW				SW				SE															
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE
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
07S	13E	13	:	F																											

POU County: GOODING

Non-Irrigation Uses: FISH, PROPAGATION

Other Rights: 36-07725, 36-07731, 36-07800

Conditions of Approval:

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

Remarks: SOURCES ARE ALSO KNOWN AS BIG POND SPRINGS, RUBY SPRINGS, STEVEN
SPRING, LEACH SPRING AND RAVENSCROFT SPRING.
FACILITY VOLUME 7.7 AF.
RIGHT NO. 36-07731 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: 36A Field Inspection Flag:
Presumption Flag:

Comments: Date: 06/03/1992 User-ID: THORNTON Subject: RECOMMENDATION - OTHER RIGHTS/COMBINED RATES
AT TIME OF RECOMMENDATION, OTHER RIGHTS 36-07725, 36-07731 AND
36-07800 WERE IN PERMIT STATUS. NO COMBINED RATES HAVE BEEN
RECOMMENDED BECAUSE OF THE LACK OF INFORMATION ABOUT THE FINAL
LICENSED RATES.

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 03 1993
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FEB 03 1993

AJ0749NP
No. R36-07080

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

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FEB 03 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 03 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 03 1993

R PROOF



CVR



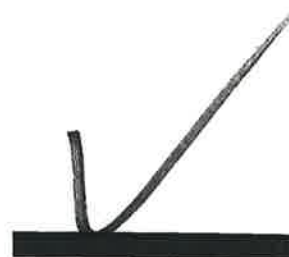
MAPS



PHOTOS



MISC



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FEB 03 1993

Water Right Number - R36-07080 Prefix Translation: RESEARCH Old (D) Number -

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

*** A - ATTORNEY ***
RINGERT W.F. 1 - P.O. BOX 2773
2 -
3 -
City- BOISE State- ID Zip- 83701
Phone - 208-000-0000

*** C - CURRENT OWNER ***
CLEAR LAKES TROUT CO INC 1 - 1301 VISTA AVE
2 -
3 -
City- BOISE State- ID Zip- 83705
Phone - 208-342-0900

*** O - ORIGINAL OWNER ***
FISHERIES DEVELOPMENT CO. 1 - C/O NYAL HOFFMAN, PRESIDENT
2 - RT. 1
3 -
City- FILER State- ID Zip- 83328
Phone - 208-326-5680

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
08/22/1969 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRINGS BILLINGSLEY CREEK

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S 13E 12 SW SE SE (47) GOODING
13 NE NE NE (47) GOODING
NW NE NE (47) GOODING
SE NE NE (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

19 - FISH PROPAGATION 01/01 12/31 11.540

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
11.540 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

07S 13E 13 NE NE 19 FISH PROPAGATION (47) GOODING

Total Acres:

+ - - Diversion Means - PIPE, COLLECTION BOX & PONDS.

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FEB 03 1993Verified
HHT
6/3/92

Water right number - R36-07080

Prefix Translation: RESEARCH

+ - - Non-Irrigation Use - FISH, PROPAGATION

+ - - Other Rights for Same Use - 36-07725, 36-07731, 36-07800

+ - - - - - Remarks - - - - - +
SOURCES ARE ALSO KNOWN AS BIG POND SPRINGS, RUBY SPRINGS, STEVEN
SPRING, LEACH SPRING AND RAVENSCROFT SPRING.
FACILITY VOLUME 7.7 AF.
RIGHT NO. 36-07731 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

+ - - - - - 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.
R09 - Return water shall be treated to insure that the effluent meets
- Idaho Water Quality Standards.

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

+ - - - - - Comments - - - - - +
Date: 06/03/1992 User Id: THORNTON Subject: RECOMMENDATION - OTHER RIGHTS/COMBINED RATES
AT TIME OF RECOMMENDATION, OTHER RIGHTS 36-07725, 36-07731 AND 36-07800 WERE IN PERMIT STATUS. NO COMBINED RATES HAVE BEEN
RECOMMENDED BECAUSE OF THE LACK OF INFORMATION ABOUT THE FINAL LICENSED RATES.

+ - - Audit Fields - - +
06/03/92 THORNTON

+ - - - - - 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	- 06/03/1992	Old Judicial District	-
Claim Received Date	- 09/01/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C002461	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

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FEB 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:22:47
03/19/91

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-07080

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		HNT 6/3/92	HNT 6/3/92	HNT 6/3/92
POINT OF DIV	Y			Y	5, 6	↓	↓	↓
SOURCE	N			N				
PLACE OF USE	N			N				
DIV. AMOUNT CFS/VOLUME				N				
CONSUMPTIVE USE				N				
PURPOSES	N			N				
PERIOD OF USE	N			N				
BASIS OF CLAIM	N			N				
REMARKS	Y			Y	6			

"VERIFIED BY" CODES

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

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

Remarks -
B01
D06
F05

Conditions
R01
R09

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FEB 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:22:47
03/19/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-07080

LAST: CLEAR LAKES TROUT CO. INC.
ADDRESS: 1301 VISTA AVE.
CITY: BOISE
PHONE NUMBER: 208-342-0900

FIRST:
STATE: ID ZIP: 83705

OWNER CODE: C

LAST: FISHERIES DEVELOPMENT CO.
ADDRESS: C/O NYAL HOFFMAN, PRESIDENT
RT. 1
CITY: FILER
PHONE NUMBER: 208-326-5680

FIRST:
STATE: ID ZIP: 83328

OWNER CODE: O

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: ~~USE OF WATER~~ UNDER THIS LICENSE IS SUBJECT TO CONTROL BY THE
WATERMASTER OF STATE WATER DISTRICT NO. 36-A, BILLINGSLEY CREEK.

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FEB 03 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:

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FEB 03 1993

A. AJ CLAIM: # A36-07080 PRIORITY DATE: 08-22-1969 STAGE: L

B. WR RECORD: # 36-07080 PRIORITY DATE: 08-22-1969 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE

N

FIELD
EXAMINER

N

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

REMARKS:

=====

RECOMMENDED PRIORITY DATE:
08-22-1969

REVIEWED BY mps

DATE 6/3/91

=====

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FEB 09 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-07080	07S	13E	12		SE	SE		GOODING
A36-07080	07S	13E	13		NE	NE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-07725	R36-10856
A36-07731	
A36-07092A	
A36-10855	
A37-11259	
A36-15168	
A36-15105	
A36-10856	
A36-00057	

WR RECORDS IN SAME 40 ACRE TRACT

36-04071
36-04072
36-04091
36-08308
36-00048
36-00057
36-02005
36-02602
36-07092A
36-07642
36-07725
36-07731
36-08089
L36-07731

SOURCE: SPRINGS

TRIB: BILLINGSLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-07080	07S	13E	13		NE	NE		GOODING
36-07080	07S	13E	12		SE	SE		GOODING

OTHER WR RECORDS WITH SAME WR POD

36-00048
36-00057
36-02005
36-02602
36-07092A
36-07642
36-07725
36-07731
36-08089
36-04071
36-04072
36-04091

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A36-07725	R36-07092A
A36-07731	R36-10231
A36-07092A	R36-04091
A36-10855	R36-04071
A36-00048	R36-04072
A36-08308	
A36-10231	
A36-04091	

SOURCE: SPRINGS

TRIB: BILLINGSLEY CREEK

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C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER
(Y)
N

REMARKS:

10-acres tract identified via licensing field exam. also some
springs have common names and Remark B01 has been added

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
75	13E	12	SW	SE	SE		Gooding
75	13E	13	NW	NE	NE		
		13	NE	NE	NE		
		13	SE	NE	NE		

SOURCE: SPRINGS

TRIB: BILLINGSLEY CREEK

REVIEWED BY:

HHT

DATE:

6/3/92

Sources also known as...

- S.12, SWSESE - Big Pond Springs
- S.13, NENENE - Ruby Springs
- S.13, NWNENE - Ravenscroft Spring
- S.13, SENENE - Steven Spring, Leach Spring

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A. ROOT WATER RIGHT NUMBERS: A36-07080

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	13	NE	NE		CLEAR LAKES TROUT CO. INC.	A36-07080 /	36-07080 /	22.0		
			NE	NE		RINGERT , W.F.	A36-07725 /	36-07725 /			
			NE	NE		RINGERT , W. F.	A36-07800 /	36-07800 /			
			NE	NE		RINGERT , W. F.	A36-10855 /	- /			
			NE	NE		CLEAR LAKES TROUT CO. INC.	A36-10856 /	- /			
			NE	NE		RAVENSCROFT , GORDON J.	A36-15105 /	- /			
			NE	NE		RINGERT , W.F.	A36-07731 /	36-07731 /			
			NE	NE		CLEAR LAKES TROUT CO. INC.	R36-10856 /	- /			
			NE	NE		MASKE , HERBERT L.		36-02602 /	4.0		
			NE	NE		FISHERIES DEVELOPMENT CO.		36-08089 /			
			NE	NE		CLEAR LAKES TROUT CO. INC.		L36-07731 /			
TOTAL ACRES							A36-07080		22.00		

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

PRESUMPTION FLAG:

REMARKS:

POU was claimed exactly as licensed - no discrepancy. Recommend as claimed.

RECOMMENDATIONS:

TOTAL ACRES: 0

REVIEWED BY: mjs

DATE: 6/3/91

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A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-07080 FISH PROPAGATION	FROM 01-01 TO 12-31	11.540 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		11.540 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-07080 FISH PROPAGATION	FROM 01-01 TO 12-31	11.540 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		11.540 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(X) N()

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(X) N()

AJ TOTAL CLAIMED DIVERSION RATE: 11.540 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 11.540 CFS

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

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

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

N

N

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-07080	FISH PROPAGATION	CLEAR LAKES TROUT CO. INC.	FROM 01-01 TO 12-31	11.540 CFS	
A36-07725	FISH PROPAGATION	~~RINGERT, W.F.~~ <i>Clear Lake Trout</i>	FROM 01-01 TO 12-31	100.000 CFS	
A36-07800	FISH PROPAGATION	~~RINGERT, W.F.~~ " " "	FROM 01-01 TO 12-31	8.000 CFS	
A36-10855	DOMESTIC	~~RINGERT, W.F.~~ " " "	FROM 01-01 TO 12-31	.040 CFS	
A36-10856	DOMESTIC	CLEAR LAKES TROUT CO. INC.	FROM 01-01 TO 12-31	.040 CFS	
A36-15105	DOMESTIC	RAVENS CROFT, GORDON J.	FROM 01-01 TO 12-31	.080 CFS	
A36-07731	FISH PROPAGATION	~~RINGERT, W.F.~~ <i>Clear Lake Trout</i>	FROM 01-01 TO 12-31	18.000 CFS	
R36-10856	DOMESTIC	CLEAR LAKES TROUT CO. INC.	FROM 01-01 TO 12-31	.040 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(____) ***

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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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
FISH PROPAGATION	01-01 12-31	DATABASE EXAMINER 11.540 <u>11.84</u>	DATABASE EXAMINER _____	DATABASE EXAMINER 0.0 _____
TOTAL FOR THIS RIGHT		11.540 <u>11.54</u>		0.0

REVIEWED BY:

HHJ

DATE:

6/3/92

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-07080

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE	EXAMINER	CFS
	11.540	<u>11.54</u>	

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-07080	11.540	-		36-07080	11.540
TOTAL CFS		11.540				11.540

DIVERSION RATE REVIEW

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

DATABASE
Y

FIELD
EXAMINER
Y

REMARKS:

AUTHENTICATION:

SIGNATURE: Shelley Harrison - Thorne

DATE: 6/3/92

NAME OF FIELD EXAMINER: Shelley Harrison - Thorne

TITLE: Sr. Water Res. Agent

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07S13E

08 LT04	08 LT03	08 LT02	08 LT01	05 LT04	05 LT03	05 LT02	05 LT01	04 LT04	04 LT03	04 LT02	04 LT01	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 LT03	08 NESW	08 NWSE	08 NESE	05 NWSE	05 NESW	05 NWSE	05 NESE	04 NWSE	04 NESW	04 NWSE	04 NESE	03 NWSE	03 NESW	03 NWSE	03 NESE	02 LT03	02 LT02	02 NWSE	02 NESE	01 NWSE	01 NESW	01 NWSE	01 NESE
08 LT02	08 SESW	08 SWSE	08 SESE	05 SWSE	05 SESW	05 SWSE	05 SESE	04 SWSE	04 SESW	04 SWSE	04 SESE	03 SWSE	03 SESW	03 SWSE	03 SESE	02 LT02	02 LT01	02 SWSE	02 SESE	01 SWSE	01 SESW	01 SWSE	01 SESE
07 LT01	07 NENW	07 NNWE	07 NENE	08 NNWE	08 NENW	08 NNWE	08 NENE	08 NNWE	08 NENW	08 NNWE	08 NENE	10 NNWE	10 NENW	10 NNWE	10 LT01	11 LT01	11 NENW	11 NNWE	11 NENE	12 NNWE	12 NENW	12 NNWE	12 NENE
07 LT02	07 SENW	07 SWNE	07 SENE	08 SWNW	08 SENW	08 SWNE	08 SENE	08 SWNW	08 SENW	08 SWNE	08 SENE	10 SWNW	10 SENW	10 SWNE	10 LT02	11 LT02	11 SENW	11 SWNE	11 SENE	12 SWNW	12 SENW	12 SWNE	12 SENE
07 LT03	07 NESW	07 NWSE	07 NESE	08 NWSE	08 NESW	08 NWSE	08 NESE	08 NWSE	08 NESW	08 NWSE	08 NESE	10 NWSE	10 NESW	10 NWSE	10 LT03	11 LT03	11 NWSE	11 NESW	11 NWSE	12 NWSE	12 NESW	12 NWSE	12 NESE
07 LT04	07 SESW	07 SWSE	07 SESE	08 SWSE	08 SESW	08 SWSE	08 SESE	08 SWSE	08 SESW	08 SWSE	08 SESE	10 SWSE	10 SESW	10 SWSE	10 LT04	11 LT04	11 SWSE	11 SESE	11 SWSE	12 SWSE	12 SESW	12 SWSE	12 SESE
18 LT01	18 NENW	18 NNWE	18 NENE	17 NNWE	17 NENW	17 NNWE	17 NENE	18 NNWE	18 NENW	18 NNWE	18 LT01	15 LT04	15 LT03	15 LT02	15 LT01	14 NNWE	14 NENW	14 NNWE	14 NENE	13 NNWE	13 NENW	13 NNWE	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 LT02	15 LT05	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 NWSE	17 NESW	17 NWSE	17 NESE	18 NWSE	18 NESW	18 NWSE	18 LT03	15 LT06	15 NESW	15 NWSE	15 NESE	14 NWSE	14 NESW	14 NWSE	14 NESE	13 NWSE	13 NESW	13 NWSE	13 NESE
18 LT04	18 SESW	18 SWSE	18 SESE	17 SWSE	17 SESW	17 SWSE	17 SESE	18 SWSE	18 SESW	18 SWSE	18 LT04	15 LT07	15 SWSE	15 SESE	15 SWSE	14 SWSE	14 SESW	14 SWSE	14 SESE	13 SWSE	13 SESW	13 SWSE	13 SESE
18 LT01	18 NENW	18 NNWE	18 NENE	20 NNWE	20 NENW	20 NNWE	20 NENE	21 NNWE	21 NENW	21 NNWE	21 LT01	22 LT05	22 NENW	22 NNWE	22 NENE	23 NNWE	23 NENW	23 NNWE	23 NENE	24 NNWE	24 NENW	24 NNWE	24 NENE
18 LT02	18 SENW	18 SWNE	18 SENE	20 SWNW	20 SENW	20 SWNE	20 SENE	21 SWNW	21 SENW	21 SWNE	21 LT02	22 LT06	22 SENW	22 SWNE	22 SENE	23 SENW	23 SWNE	23 SENE	23 SENW	24 SENW	24 SWNE	24 SENE	24 SENW
18 LT03	18 NESW	18 NWSE	18 NESE	20 NWSE	20 NESW	20 NWSE	20 NESE	21 NWSE	21 NESW	21 NWSE	21 LT03	22 LT07	22 NESW	22 NWSE	22 NESE	23 NESW	23 NWSE	23 NESE	23 NESW	24 NESW	24 NWSE	24 NESE	24 NESW
18 LT04	18 SESW	18 SWSE	18 SESE	20 SWSE	20 SESW	20 SWSE	20 SESE	21 SWSE	21 SESW	21 SWSE	21 LT04	22 LT08	22 SWSE	22 SESE	22 SWSE	23 SWSE	23 SESW	23 SWSE	23 SESE	24 SWSE	24 SESW	24 SWSE	24 SESE
20 LT01	20 NENW	20 NNWE	20 NENE	29 NNWE	29 NENW	29 NNWE	29 NENE	28 NNWE	28 NENW	28 NNWE	28 LT01	29 LT09	29 NENW	29 NNWE	29 NENE	28 NNWE	28 NENW	28 NNWE	28 NENE	25 NNWE	25 NENW	25 NNWE	25 NENE
20 LT02	20 SENW	20 SWNE	20 SENE	29 SWNW	29 SENW	29 SWNE	29 SENE	28 SWNW	28 SENW	28 SWNE	28 LT02	29 LT10	29 SENW	29 SWNE	29 SENE	28 SENW	28 SWNE	28 SENE	28 SENW	25 SENW	25 SWNE	25 SENE	25 SENW
20 LT03	20 NESW	20 NWSE	20 NESE	29 NWSE	29 NESW	29 NWSE	29 NESE	28 NWSE	28 NESW	28 NWSE	28 LT03	29 LT11	29 NESW	29 NWSE	29 NESE	28 NWSE	28 NESW	28 NWSE	28 NESE	25 NWSE	25 NESW	25 NWSE	25 NESE
20 LT04	20 SESW	20 SWSE	20 SESE	29 SWSE	29 SESW	29 SWSE	29 SESE	28 SWSE	28 SESW	28 SWSE	28 LT04	29 LT12	29 SWSE	29 SESE	29 SWSE	28 SWSE	28 SESW	28 SWSE	28 SESE	25 SWSE	25 SESW	25 SWSE	25 SESE
31 LT01	31 NENW	31 NNWE	31 NENE	32 NNWE	32 NENW	32 NNWE	32 NENE	33 NNWE	33 NENW	33 NNWE	33 LT01	34 LT13	34 NENW	34 NNWE	34 NENE	35 NNWE	35 NENW	35 NNWE	35 NENE	36 NNWE	36 NENW	36 NNWE	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 LT02	34 LT14	34 SENW	34 SWNE	34 SENE	35 SENW	35 SWNE	35 SENE	35 SENW	36 SENW	36 SWNE	36 SENE	36 SENW
31 LT03	31 NESW	31 NWSE	31 NESE	32 NWSE	32 NESW	32 NWSE	32 NESE	33 NWSE	33 NESW	33 NWSE	33 LT03	34 LT15	34 NESW	34 NWSE	34 NESE	35 NESW	35 NWSE	35 NESE	35 NESW	36 NESW	36 NWSE	36 NESE	36 NESW
31 LT04	31 SESW	31 SWSE	31 SESE	32 SWSE	32 SESW	32 SWSE	32 SESE	33 SWSE	33 SESW	33 SWSE	33 LT04	34 LT16	34 SWSE	34 SESE	34 SWSE	35 SWSE	35 SESW	35 SWSE	35 SESE	36 SWSE	36 SESW	36 SWSE	36 SESE

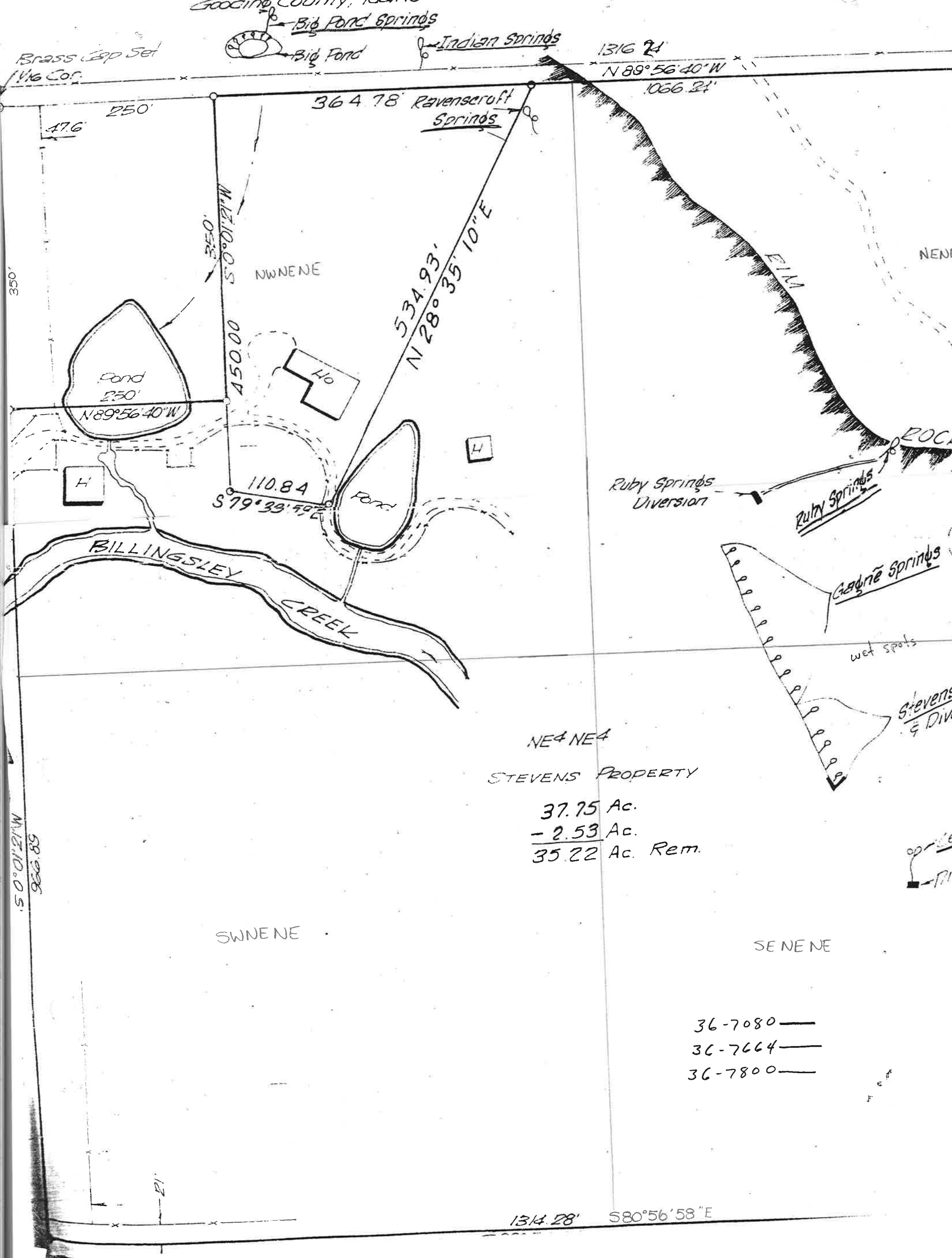
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PLAT OF SURVEY FOR RALEIGH W. STEVENS

Located in NE⁴NE⁴ Sec 13, T7S, R.13E., B.M.
Gooding County, Idaho

69° = 1
4
X
05
CE 2



NE⁴NE⁴
STEVENS PROPERTY

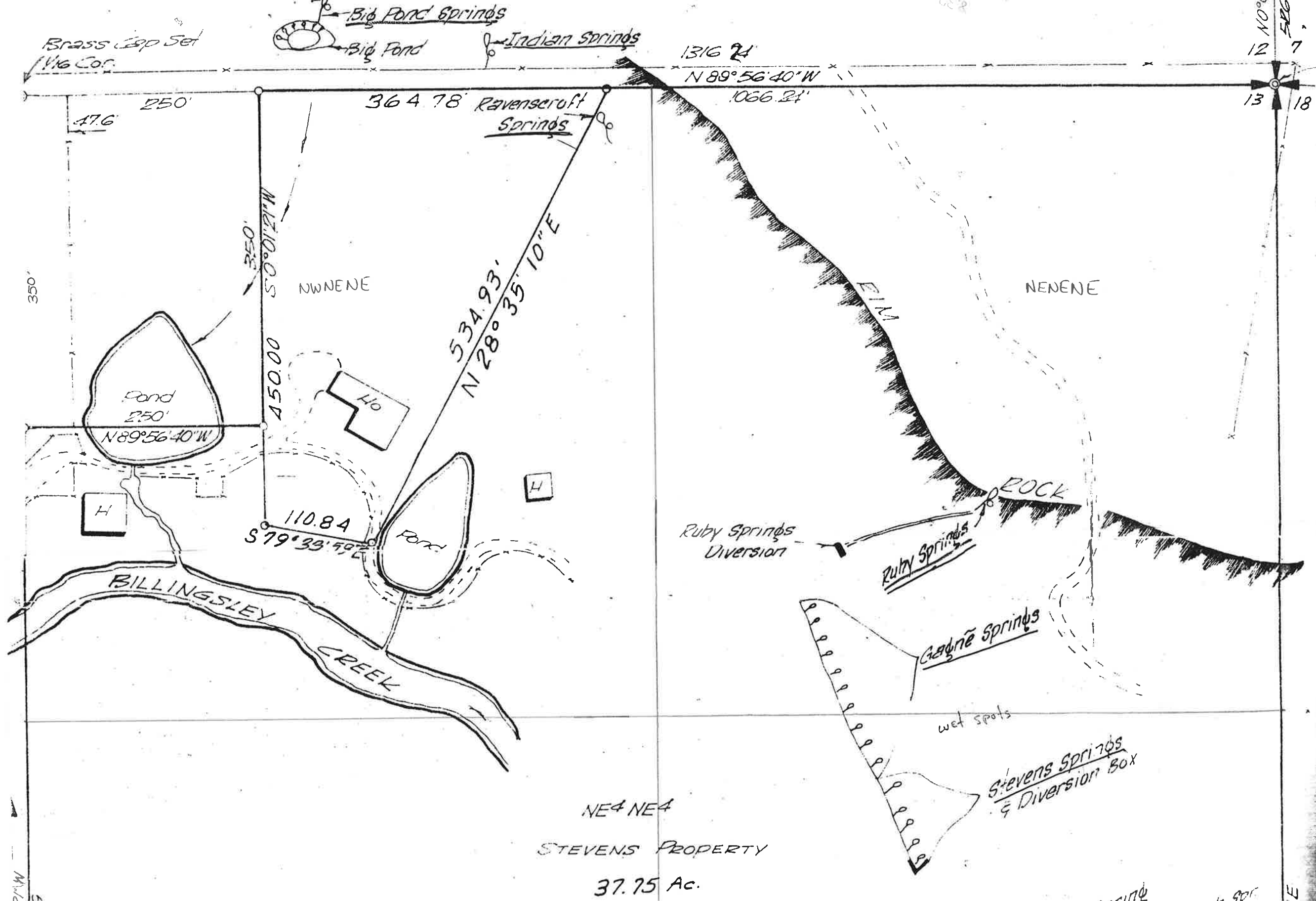
37.75 Ac.
- 2.53 Ac.
35.22 Ac. Rem.

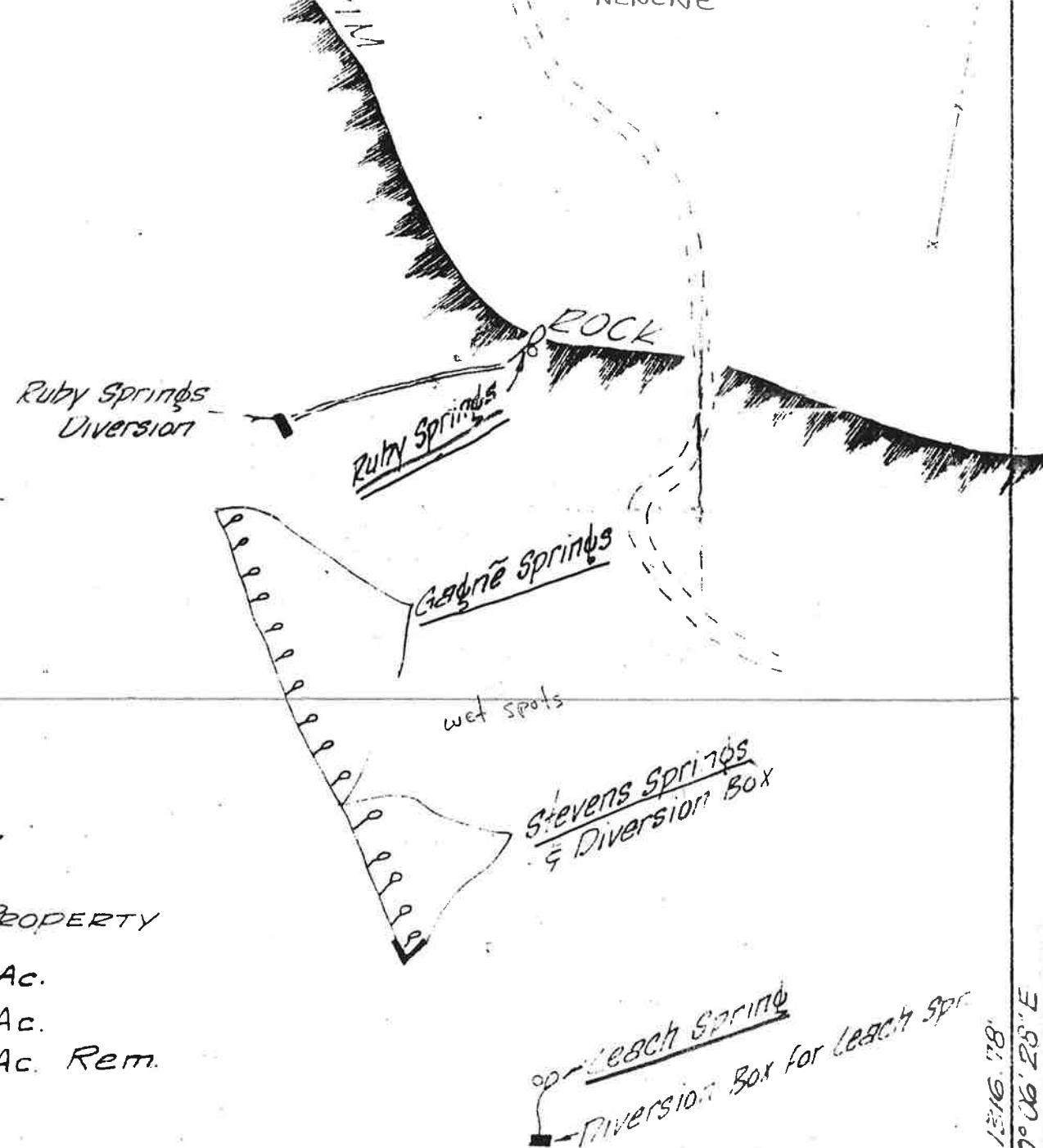
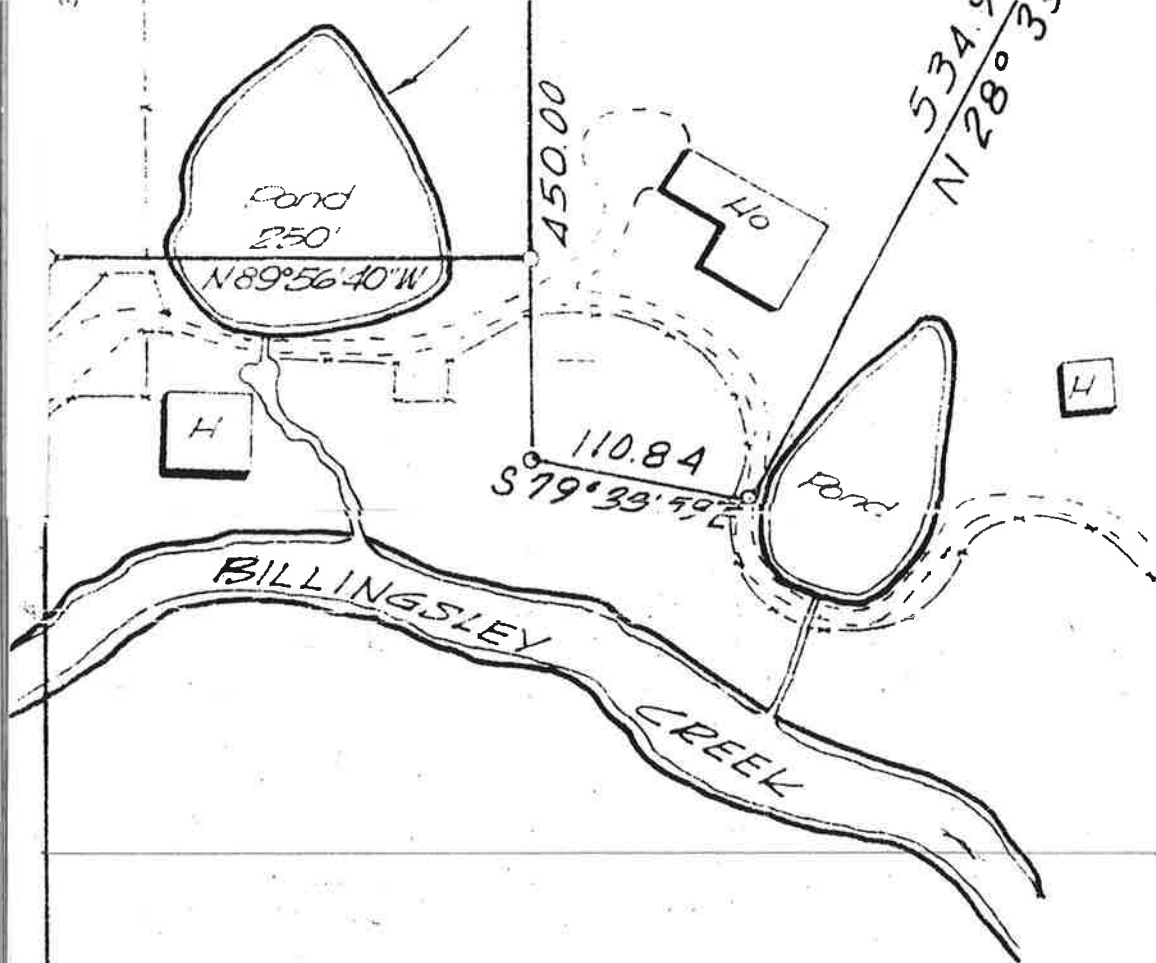
36-7080 —
36-7664 —
36-7800 —

PLAT OF SURVEY FOR RALEIGH W. STEVENS

Located in NE⁴NE⁴ Sec. 13, T7S, R.13E., B.M.

Gooding County, Idaho





NE 4 NE 4
 STEVENS PROPERTY

37.75 Ac.
 - 2.53 Ac.
 35.22 Ac. Rem.

SW NE NE

SE NE NE

36-7080 —
 36-7664 —
 36-7800 —

Headerman Water
 Users Spring
 Maske Spring

50° 01' 21" W
 966.89

1316.78
 N 0° 06' 28" E

1314.28' S 80° 56' 58" E

Ponds covered by

36-07080

(7.7 AF facility volume)

11.54 of Springs

total

capacity

Copy to

G. Spackman

and will call

Earl Hardy

Ponds covered by

L36-07731

2.5 AF Facility volume)

15.00 cfs springs

15.02

total facility volume 10.23

SWSESE

SESESE

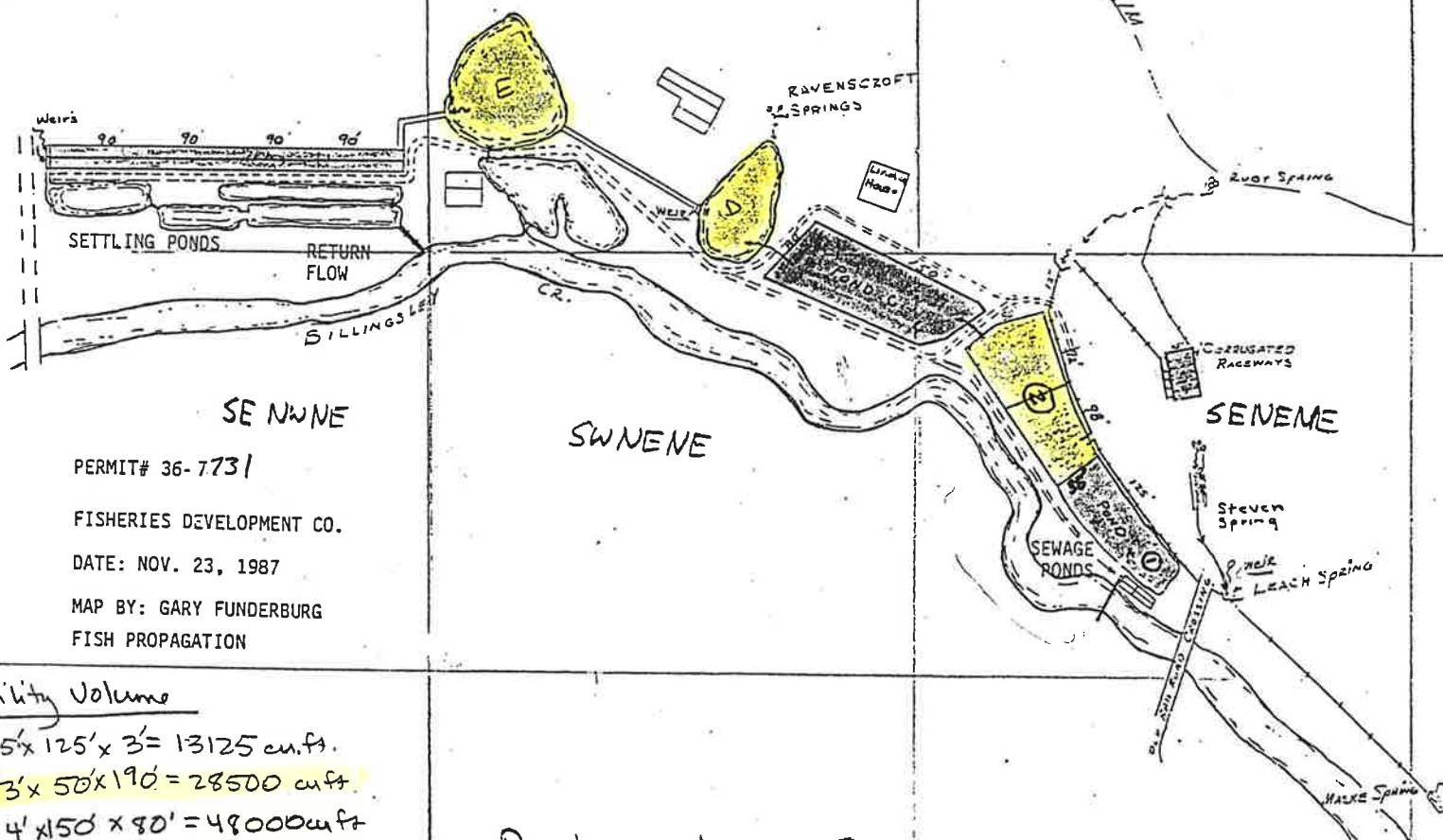
TOWNSHIP 7 SOUTH
SECTION 13

NE NW NE

NW NENE

NENE NE

12 7
13 18



PERMIT# 36-7731

FISHERIES DEVELOPMENT CO.

DATE: NOV. 23, 1987

MAP BY: GARY FUNDERBURG

FISH PROPAGATION

Facility Volume

(1) $35' \times 125' \times 3' = 13125 \text{ cu ft.}$

(2) $3' \times 50' \times 190' = 28500 \text{ cu ft.}$

(3) $4' \times 150' \times 80' = 48000 \text{ cu ft.}$

(4) $62' \times 95' \times 12' = 70680 \text{ cu ft.}$

(5) $100' \times 200' \times 12' = 240,000 \text{ cu ft.}$

Corrugated Raceway: $6 \times 4' \times 45' \times 2' = 2160$

Raceways (West End) $8 \times 90' \times 20' \times 3' = 43,200$

Ponds where fish are raised.

Total Facility Vol. $445,665 \text{ cu ft} \div 43560 = 10.23 \text{ AF}$

36-07080

Facility Volume

336,280 cu ft -

7.7 AF

B + D + E

Volume of 25600 at exam

36-07731

Facility Volume

109,385 cu ft

2.5 AF

A + C + Raceways + Enlarged capacity of B ($28500 - 25600 = 2900 \text{ cu ft.}$)

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MEMO:

TO: File
FROM: Gary L. Funderburg
SUBJECT: Field Exam - 36-7080

On December 18, 1979, I made a field trip to measure the spring water that has been diverted for permit 36-7080 for fish propagation. Mac Martin with Fishery Development was present to show me the locations of the springs.

There are several springs located at the upper portion of the system. These springs are connected so the water can be used in several ponds at different locations. Maske Spring, (0.37 cfs), Leach Spring (1.89 cfs) and Steven Springs (0.50 cfs) are comingled into a 12" dia. steel pipe which conveys the water to the upper ponds (A). (See map). This water is then comingled with Ruby Springs (2.60 cfs) in pond (B) and discharged thru a concrete spill into pond C. Pond (C) spills the water into Pond (D). At this time the springs (Ravenscroft Spring, Maske Spring, Leach Spring, Steven Spring and Indian Spring) are comingled. The water is then conveyed thru a concrete ditch to Pond (E) and comingled with Big Pond Springs. At this point all the water that has been diverted from the springs for fish propagation ^{is} are all comingled in this pond. From this point there are no other springs coming into the ponds for fish propagation. After the springs are comingled in Pond (E), the water is discharged into a concrete pipe which conveys the water to (8) concrete raceways. From here the water is discharged in (2) settling ponds and the final discharge is into Billingsley Creek. Applicant filed proof of beneficial use on June 28, 1978. Department personnel has contacted applicant to complete a field report on this permit, but has had very little cooperation from applicant. On June 26, 1979, Loren Holmes, Regional Supervisor, made a field trip to applicant's place of use and found part of the ponds were being rebuilt. At this time new ponds were being constructed after proof had been submitted. Therefore, I recommend only ponds B, D, E, be licensed for fish propagation under this permit. Applicant had other permits for fish propagation to include all other ponds at the time

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proof is submitted.

Leach Spring, Maske Spring and Ruby Spring and the outlet for pond B were all measured with a Sparling meter belonging to the Department of Water Resources #61015. A total flow was made with the Sparling meter of Steven Springs, Leach Springs and Maske Springs of 2.76 cfs. Maske Spring was measured of 0.37 cfs; Leach Spring was measured of 1.89 cfs, leaving a difference of 0.50 cfs for Stevens Spring. Ruby Spring was measured with Sparling meter at Ruby Springs of 2.60 cfs. At the outlet of Pond D, a 36" weir was measured at 5.85 cfs minus the Leach Spring, Maske Spring and Steven Spring and Ruby Spring leaving a difference for Ravenscroft Spring and Indian Spring of 0.49 cfs. A small portion of 0.96 cfs of water was measured in a culvert from pond E to pond F with the Sparling meter. At the bottom of the (8) concrete raceways were (2) 36" weirs which measured all the water that is being used for fish propagation of 10.58 cfs. This added with the small flow from Pond E to Pond F, 0.96 cfs is a total of 11.54 cfs.

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RECEIVED

JUL 6 1978

837-4954

Department of Water Resources
Southern District Office

3. Water will be used for the following purposes:

Amount 17.2 c.f.s. for fish propagation
 AF/Annum (nature of use)

Period of Use: from 1-1 to 12-31
(mo.-day) inclusive (mo.-day)

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

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

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

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

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 17.2 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 75 N/S, Range 13E E/W, B.M., Section 12, Subdivision SE $\frac{1}{4}$ SE $\frac{1}{4}$ Goodling
County "

Township _____ N/S, Range _____ E/W, B.M., Section 13, Subdivision NE $\frac{1}{4}$ NE $\frac{1}{4}$, _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ ¼ _____ ¼ _____
County _____

Other Points of Diversions: _____

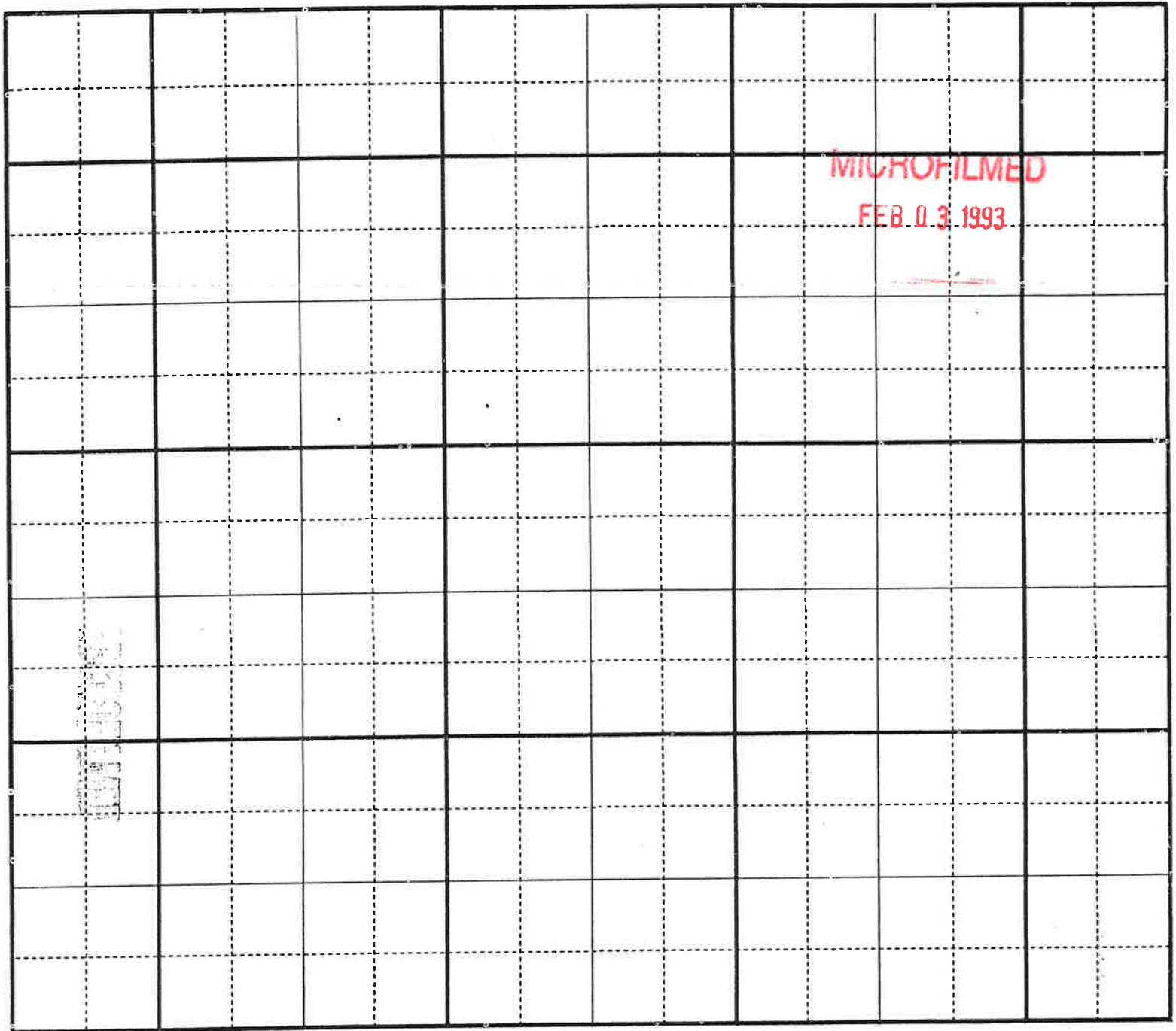
Description of diverting works: waters are collected and piped to ponds

Measuring device required: yes ☒ no ☐ inlet & outlet devices

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE _____



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Diagram of System

(SEE MAP)

DATE OF EXAM Dec- 18, 1979

ACREAGE
Found ✓
Recommended ✓

Irrigation Requirement ✓ Ac Ft/Ac

USE
Irrigation Q= c.f.s. V= AF/Ann. from to
Domestic Q= c.f.s. V= AF/Ann. from to
Livestock Q= c.f.s. V= AF/Ann. from to
FISH Propagation Q= 11.54 C.F.S. V= N/A from 1-1 to 12-31

Is water co-mingled? yes no ✓

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

Exchange? yes no

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

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

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

Total Q measured 11.54 C.F.S. Method of measurement SPARKING Meter & WIERS

Total Q recommended 11.54 C.F.S. Meter No. Type ✓ Condition ✓

Total V recommended

Recommended Amendments:

P.D.
Place of Use
Other
None

MEASUREMENT CALCULATION:

(SEE MEASUREMENT NOTES) 11.54 C.F.S.

SYSTEM DESCRIPTION:

(SEE MEASUREMENT NOTES)

Facility Volume

✓ Pond B $32 \times 200 \times 4 = 25,600 \div 43,560 = .6 \text{ AF}$ ✓
✓ Pond D $62 \times 95 \times 12 = 70,680 \div 43,560 = 1.6 \text{ AF}$
✓ Pond E $100 \times 200 \times 12 = 240,000 \div 43,560 = 5.5 \text{ AF}$

REMARKS:

ALLEN MERRITT, MAC MARTIN, CHARLES BROCKWAY
WERE PRESENT DURING THE EXAM.

Examiner's Signature Dany Lundersburg Date JAN 17/1980

Checked by Loren O. Halmer Date JAN 11, 1980

Approved by Tolson Date 4-20-82

June 4-21-82

Overlap Review Attached