

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: A36-07160
Date Received: 6/20/1988
Receipt No: S000467
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: AQUARIUS AQUACULTURE, INC.
Address: 2053 MONTANE DRIVE
GOLDEN, CO

80401

2. Date of Priority: FEB 18, 1971

3. Source: UNNAMED SPRINGS

Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	13		SE	NE		GOODING
	14E	18		SW	NW		GOODING
				NW	SW		GOODING

5. Description of diverting works:
DITCH COLLECTS SPRINGWATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	2.640		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
H/ 10 PONDS

10. Place of Use:

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

A36-07160

Page 1

Date: 02/02/90

MICROFILMED

FEB 03 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	14E	18	SW	NW		FISH	

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
A36-07092, A36-07159.

14. Remarks:

MAXIMUM DIVERSION RATE 22.64 CFS WHEN COMBINED WITH
WR# 36-07092 & 36-07159.
THIS PROPERTY WAS SOLD ON 12/20/1989 BY SILVER SPRINGS SALMON
COMPANY TO AQUARIUS AQUACULTURE INC.

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: 1

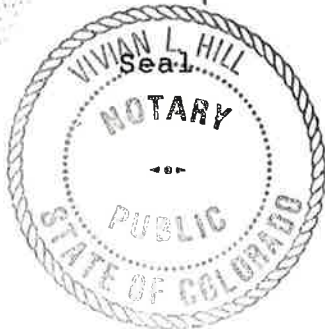
For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): ☒ Keith J. Huff Date: 02-09-90
Date: _____

☒ State of Colorado)
~~Idaho~~)
County of JEFFERSON) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of FEBRUARY 19 90



Vivian L. Hill
Notary Public

My Commission expires April 29, 1992

7200 W. Alameda Ave.

Residing at Lakewood, CO 80226

My Commission Expires _____

DEED

FOR VALUE RECEIVED,

SILVER SPRINGS SALMON COMPANY, a Colorado Corporation ^{Colorado}
 a corporation duly organized and existing under the laws of the State of ~~Idaho~~, grantor, does hereby Grant,
 Bargain, Sell and Convey unto ^{2053 Montane Drive}
 AQUARIUS AQUACULTURE, INC., a Colorado corporation ^{Golden, CO 80401}
 grantee, the following described real estate, to-wit:

See Attached Exhibit "A" for legal description

SUBJECT TO THAT CERTAIN DEED OF TRUST executed by Grantors as follows:

A Deed of Trust to secure an original indebtedness of \$196,000.00, and any other amounts and/or obligations secured thereby, recorded July 20, 1988, as Instrument No. 132890, records of Gooding County, Idaho.

Dated: July 13, 1988

Grantor: Silver Springs Salmon Company, a Colorado corporation

Trustee: First American Title Company

Beneficiary: William A. Curtis and Wilma A. Curtis, husband and wife

Grantees herein named assume and agree to pay the above described Deed of Trust according to the terms and conditions thereof.

TOGETHER With all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 28 shares of water from Hagerman Water Users' Association and State of Idaho Water Licenses #36-7092, #36-7159 and #36-7160.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee their heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this 20th day of December, 1989.

By

James A. Voelker
 James A. Voelker PRESIDENT.

ATTEST:

Caryl A. Voelker
 Caryl A. Voelker SECRETARY.

STATE OF IDAHO, COUNTY OF GOODING

On this 20th day of December, 19 89,
 before me, a notary public in and for said State, personally
 appeared James A. Voelker and

Caryl A. Voelker, known to me to
 be the President and Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Susan M. Bolton
 Notary Public

Residing at Gooding, Idaho, Idaho
 Comm. Expires 10-16-92

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of

at _____ minutes past _____ o'clock m.,
 this _____ day of _____,
 19 _____, in my office, and duly recorded in Book _____
 of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.

Fees \$
 Mail to:



First American Title Company of Idaho

INSTRUMENT NO.

RECEIVED

MAR 13 1990

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

Department of Water Resources
Southern Region Office

- [] Water Right Number(s): A36-07160
- [] Name and Address of
Former Claimant: Silver Springs Salmon Company % James L. Voelker
P. O. Box #563
Hagerman, Idaho 83332
- [] New Claimant(s): Aquarius Aquaculture, Inc.
% Keith F. Huff
- [] New Mailing Address: 2053 Montane Drive
Golden, Colorado 80401

New Telephone Number: (303) 526 - 1759

- [] Does the change in ownership result in a splitting of the
water right claimed? yes X no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

- [] Attach proof of ownership
Describe proof attached: Copy of the recorded Warranty Deed

[] Signature of New Claimant(s): ✓ Keith F. Huff

Date: February 9, 1990

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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FEB 03 1993

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: A36-07160
Date Received: 6/20/1988
Receipt No: S000467
Received By: VB

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: SILVER SPRINGS SALMON CO. 208-837-4845
Address: P. O. BOX 563
HAGERMAN, ID 83332

2. Date of Priority: FEB 18, 1971

3. Source: UNNAMED SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	13E	13	SE	NE			GOODING
	14E	18	SW	NW			GOODING
			NW	SW			GOODING

5. Description of diverting works:
DITCH COLLECTS SPRINGWATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	2.640		

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

A.F.A.

RECEIVED

8. Total consumptive use is

Acre Feet Per Annum 2.640 25 1988

9. Non-irrigation uses:
H/ 10 PONDS

Department of Water Resources
Southern Region Office

10. Place of Use:

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

A36-07160

Page 1

Date: 08/05/88

MICROFILMED

FEB 03 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	14E	18	SW	NW		FISH	

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
A36-07092, A36-07159.

14. Remarks:
MAXIMUM DIVERSION RATE 22.64 CFS WHEN COMBINED WITH
WR# 36-07092 & 36-07159.

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): James M. Walther Date: 8/8/88
President, Silver Springs Salmon Co. Date: _____

State of Idaho)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of August 19 88

Clifton E. Jensen
Notary Public

Seal

Residing at HAGERMAN, Idaho
My Commission Expires 5-10-91

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: A36-07160
Date Received: 6/20/1988
Receipt No: S000467
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM A. CURTIS 208-837-6557
Address: RT. 1 BOX 206
HAGERMAN, ID 83332

AND/OR

Name: WILMA CURTIS 208-837-6557
Address: RT. 1 BOX 206
HAGERMAN, ID 83332

2. Date of Priority: FEB 18, 1971

3. Source: UNNAMED SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	13E	13	SE	NE			GOODING
	14E	18	SW	NW			GOODING
			NW	SW			GOODING

5. Description of diverting works:
DITCH COLLECTS SPRINGWATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	2.640		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
H/ 10 PONDS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	13	SE	NE		FISH	
	14E	18	SW	NW		FISH	

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
A36-07092, A36-07159.

14. Remarks:
MAXIMUM DIVERSION RATE 22.64 CFS WHEN COMBINED WITH
WR# 36-07092 & 36-07159.

15. Basis of Claim: LICENSE
Water Right Number:

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Wilma A. Curtis Date: 6-20-88
_____ Date: _____

State of Idaho

County of Quinn Falls)
SS.

Subscribed and sworn (or affirmed) before me this 20th day

of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding, Id
My Commission Expires 10-16-92



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 21, 2004

AQUARIUS AQUACULTURE INC
47891 CURIE CT
BOULDER CO 80301

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #36-7092B, 36-7159 and 36-7160

Dear Claimant:

Mail we sent to you was returned undeliverable. We have enclosed the returned mail. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by May 5, 2004. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water right claim(s) referenced above, please call this office toll-free at 1/800-451-4129 so we can contact the new owner(s) regarding their water right(s) and updating our records.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Returned Mail

#####

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Telephone No.

SCANNED

MAY 11 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

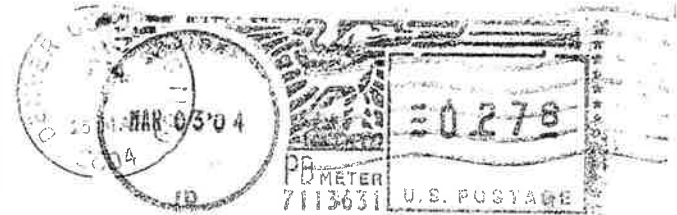
PUBLIC MEETING NOTICE

☐ NOT DELIVERED - AS ADDRESSED
UNABLE TO FORWARD
☐ DESTROYED
☐ RETURNED TO SENDER
☐ VACANT ☐ REFUSED
☐ INSUFFICIENT ADDRESS
☐ UNCLAIMED ☐ OTHER

RETURN
TO SENDER
UNDELIVERED
AS ADDRESSED

RECEIVED
APR 20 2004
PRESORTED
FIRST CLASS
Department of Water Resources

20040302-311
AQUARIUS AQUACULTURE INC
435 POPLAR AVE
GOLDEN CO 80304



36-78923
36-7159
36-7160

4891 Currie Ct
Boulder
CO 80301

SCANNED
MAY 14 2004

October 3, 1996

COMMUNICATION DOCUMENTATION

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

IDWR Employee TRISH FAWCETT

RE: A37-07160

Received a phone call from Kenneth Dillingham, in which he said he didn't own the property to which the above claim was appurtenant. He had spoken with the previous owners of the property and they told him they had sold it to the Auen Family Trust and that they would contact Ronald Auen and ask him to contact us about getting the correct ownership listed on the claim.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

September 25, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

KENNETH H DILLINGHAM
PO BOX 961
GLENNS FERRY ID 83623

RE: ADJUDICATION CLAIM NOS. A37-07160

Dear Mr. Dillingham:

Pursuant to notification that you presently own the property in which the above referenced Adjudication Claims are appurtenant, I have enclosed a NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP form. Please complete it per the instructions on the back of the form, attach the required information and return them to me in the enclosed self-addressed envelope. I will then make the changes in our computer records and forward copies back to you.

Sincerely,

A handwritten signature in cursive script, reading 'Trish Fawcett', is written over a horizontal line.

Trish Fawcett
Technical Records Specialist

/tf
Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

RECEIVED

JUN 25 1996

Department of Water Resources

RECEIVED
SEP 10 1996
Department of Water Resources
Southern Region

A37-07160
BETTY L. STONE
RICHARD N. STONE
PO BOX 961
GLENN'S FERRY

PRESORTED
FIRST CLASS



Please change the names
this to: Kenneth H. Dillingham

- Same address -

ID 83623

Thamcyon

|||||

Bx 961
GFID
83623

Name Change



ALWAYS
USE
ZIP CODE

State of Idaho
Department of Water Resources
~~1301 North Orchard Street~~
P.O. Box 83720
Boise Idaho 83720-0098

RECEIVED

SEP 10 1996

Department of Water Resources
Southern Region

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



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FEB 03 1993

AUG-24-1992

NOTICE OF ERROR FORM

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

**Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000**

RECEIVED
SEP 25 1992

Department of Water Resources

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

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

1. Water right number:

36-07160

- 2.

Name:

David Huff

Address:

P.O. Box 352 Hagerman Id. 83332

Weekday Telephone Number:

837-9032

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

MICROFILMED

FEB 03 1993

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

3. Describe the portion of proposed recommendation with which you disagree:
4. Describe the changes you wish to have made in the proposed recommendation:
5. Describe why you disagree with the proposed recommendation:

6. Date: Sept 23rd 92

SIGNATURE 

RECEIVED

SEP 25 1992

Department of Water Resources

Sept 23rd
1992

In the remarks section:
"The total Combined Facility
Volume of these rights
is limited to 3.03 A.F."

Total area of ponds is;

$$4' \times 30' \times 120' \times 8 \text{ ponds} = 115,200 \text{ FT}^3$$

$$4' \times 30' \times 240' \times 2 \text{ (Lower ponds)} = 57,600 \text{ FT}^3$$

Total area of rearing tanks is;

$$4' \times 20' \text{ diameter} \times 3 = 3,768 \text{ FT}^3$$

Total area is;

$$176,568 \text{ FT}^3$$

$$1 \text{ A.F.} = 43,560 \text{ FT}^3$$

Total Volume is;

$$4.05 \text{ A.F.}$$

MICROFILMED)

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

16-Oct-1992

David Huff
PO Box 352
Hagerman ID 83332

RE: Response to Notice of Error for Rights: 36-07092B, 36-07159, &
36-07160

Dear Mr. Huff:

This letter is in response to the Notices of Error (NOE) you recently filed with IDWR regarding the Director's proposed recommendation of the claims listed above. Your NOEs question the combined facility volume recommended for these rights.

We have reviewed the files and examined available aerial photographs of the facility. The information which you sent agrees with our findings, aside from the rearing tanks, which you describe as having a total volume of 3768 cubic feet. Those tanks were not found on any of the maps and photos which were used in the review. If those tanks were not developed before the date the adjudication commenced, November 19, 1987, water rights for those new ponds must be established through the permit process.

With the information you have supplied, we will increase the facility volume recommendation to 3.97 acre feet. Enclosed are profile reports of the described rights, reflecting the changes. You may keep these for your records.

If you still disagree with IDWR's recommendations, you will have an opportunity to file an objection to the Director's Report with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the objection process.

Sincerely,

Marci Sterling
Marci Sterling

Engineering Specialist (EIT)

Enclosures: Profile reports of 36-07092B, 07159, & 07160

MICROFILMED

FEB 03 1993

Memo to files 36-07092B, 07159, + 07160

By: Marci Sterling

Date: 10/16/92

Notice of Error describes present dimensions + number of ponds. After looking at aerial photography slides, NAPP photo, + licensing files, the information supplied by claimants appears to be correct, except for the rearing tanks, which appear to be a new development since 1987. There is contradictory evidence (phone conv. with K. Christensen - 10/11/91), but it doesn't seem to agree with any other information. Recommendation was changed to agree with most valid information.

Facility }
Volume }

$$4' \times 30' \times 120' \times 8 \text{ ponds} = 115,200 \text{ ft}^3$$

$$4' \times 30' \times 240' \times 2 \text{ ponds} = \underline{57,600 \text{ ft}^3}$$

$$172,800 \text{ ft}^3 \Rightarrow 3.97 \text{ ac. ft}$$

10 ponds @ 3.97 ac. ft

MICROFILMED

FEB 03 1993

Water Right Number - R36-07160

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
AQUARIUS AQUACULTURE INC1 - 2053 MONTANE DR
2 -
3 -
City- GOLDEN State- CO Zip- 80401
Phone - 303-526-1759*** O - ORIGINAL OWNER ***
SILVER SPRINGS SALMON CO1 - PO BOX 563
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-4845+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
02/18/1971 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRINGS BILLINGSLEY CREEK+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S	14E	18	SW NW NW	1	(47)	GOODING
			NW SW NW	2	(47)	GOODING
			SW SW NW	2	(47)	GOODING
			SE SW NW	2	(47)	GOODING
			NE NW SW	3	(47)	GOODING

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
19 - FISH PROPAGATION		11/01	04/01		2.640	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.640 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	13	SE NE			19	FISH PROPAGATION	(47) GOODING
07S	14E	18	SW NW			19	FISH PROPAGATION	(47) GOODING

Total Acres:

+ - - Diversion Means - DITCH COLLECTS SPRINGWATER

+ - - Non-Irrigation Use - FISH, PROPAGATION, 10 PONDS

+ - - Other Rights for Same Use - SEE REMARKS

MICROFILMED

FEB 03 1993

Water right number - R36-07160

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - - +
RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF
THESE RIGHTS IS LIMITED TO 22.64 CFS (capacity of
diversion system) AND THE TOTAL COMBINED FACILITY VOLUME OF THESE
RIGHTS IS LIMITED TO 3.97 AF.
OTHER RIGHT NOS.: 36-07159 AND 36-07092B.

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

+ - - - - Conditions of Approval - - - - - +
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO IDAHO CODE 42-1416A.

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

+ - - - - Comments - - - - - +
Date: 01/28/1991 User Id: BEDKE Subject: SCC-STAFF REVIEW
Date: 10/28/1991 User Id: CHRISTEN Subject: COPIED FROM REMARKS
MAXIMUM DIVERSION RATE 22.64 CFS WHEN COMBINED WITH WR# 36-07092 & 36-07159.
THIS PROPERTY WAS SOLD ON 12/20/1989 BY SILVER SPRINGS SALMON COMPANY TO AQUARIUS AQUACULTURE INC.
Date: 09/25/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/25/92 FROM DAVID HUFF. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 10/29/91. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/16/1992 User Id: SOUTH1 Subject: NOE - RESPONSE
NUMBER OF PONDS & COMBINED FACILITY VOLUME WERE CHANGED. AERIAL PHOTOGRAPHY & NAPP PHOTOS VERIFY 10 OF THE PONDS DESCRIBED IN
NOTICE OF ERROR. OTHER 3 PONDS DESCRIBED ARE BELIEVED TO BE NEW DEVELOPMENT. NO OTHER CHANGES TO CLAIM. LETTER SENT 10/16/92.
M. STERLING

+ - - Audit Fields - - +
10/16/92 SOUTH1

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 06/20/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S000467	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	- C
				Notice of Error Flag	- C

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R PROOF



CVR



MAPS



PHOTOS



MISC



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FEB 03 1993

Water Right Number - R36-07160

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
AQUARIUS AQUACULTURE INC.

1 - 2053 MONTANE DR.
2 -
3 -
City- GOLDEN
Phone - 303-526-1759

State- CO Zip- 80401

*** O - ORIGINAL OWNER ***
SILVER SPRINGS SALMON CO.

1 - P.O. BOX 563
2 -
3 -
City- HAGERMAN
Phone - 208-837-4845

State- ID Zip- 83332

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
02/18/1971 17 SOUTHERN L - LICENSE

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

+ - - - - Point of Diversion - - - - - +					
Twn	Rng	Sec	Tract	Lot	RFlg County
07S	14E	18	SW NW NW	1	(47) GOODING
07S	14E	18	NW SW NW	2	(47) GOODING
07S	14E	18	SW SW NW	2	(47) GOODING
07S	14E	18	SE SW NW	2	(47) GOODING
07S	14E	18	NE NW SW	3	(47) GOODING

+ - - - - Water Use - - - - - +					
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
19	FISH PROPAGATION	11/01	04/01	2.640	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.640 0.0

+ - - - - Place of Use - - - - - +									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
07S	13E	13	SE NE			19	FISH PROPAGATION	(47)	GOODING
07S	14E	18	SW NW			19	FISH PROPAGATION	(47)	GOODING

Total Acres:

+ - - Diversion Means - DITCH COLLECTS SPRINGWATER
+ - - Non-Irrigation Use - FISH, PROPAGATION, 12 PONDS
+ - - Other Rights for Same Use - SEE REMARKS

Changes 10/16/92.
M. Stelling

VERIFIED ADJ

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FEB 03 1993

Water right number - R36-07160

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - - +
RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF
THESE RIGHTS IS LIMITED TO 22.64 CFS (capacity of
diversion system) AND THE TOTAL COMBINED FACILITY VOLUME OF THESE
RIGHTS IS LIMITED TO 3.03 AF. 3.97 cfs
OTHER RIGHT NOS.: ~~36-07159~~ AND 36-07092B.

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

+ - - - - Conditions of Approval - - - - - +
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT
- TO IDAHO CODE 42-1416A.

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

+ - - - - Comments - - - - - +
Date: 01/28/1991 User Id: BEDKE Subject: SCC-STAFF REVIEW
Date: 10/28/1991 User Id: CHRISTEN Subject: COPIED FROM REMARKS
MAXIMUM DIVERSION RATE 22.64 CFS WHEN COMBINED WITH WR# 36-07092 & 36-07159.
THIS PROPERTY WAS SOLD ON 12/20/1989 BY SILVER SPRINGS SALMON COMPANY TO AQUARIUS AQUACULTURE INC.

+ - - Audit Fields - - +
10/29/91 MERRITT

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/29/1991	Old Judicial District	-
Claim Received Date	- 06/20/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S000467	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	- C
				Notice of Error Flag	-

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:40:56
07/03/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-07160

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				
POINT OF DIV	Y			Y	1,5			
SOURCE				N				
PLACE OF USE	Y		7-25-90 SCC/HJT	N				
DIV. AMOUNT CFS/VOLUME				N				
CONSUMPTIVE USE	-			N				
PURPOSES				N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM				N				
REMARKS	Y			N				

"VERIFIED BY" CODES

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

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

See A36-07092

FEB 03 1993

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:40:56
07/03/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-07160

LAST: SILVER SPRINGS SALMON CO. FIRST:
ADDRESS: P.O. BOX 563
CITY: HAGERMAN STATE: ID ZIP: 83332
PHONE NUMBER: 208-837-4845

OWNER CODE: O

LAST: AQUARIUS AQUACULTURE INC. FIRST:
ADDRESS: 2053 MONTANE DR.
CITY: GOLDEN STATE: CO ZIP: 80401
PHONE NUMBER: 303-526-1759

OWNER CODE: C

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

CLAIM REMARKS: MAXIMUM DIVERSION RATE 22.64 CFS WHEN COMBINED WITH
WR# 36-07092 & 36-07159.
THIS PROPERTY WAS SOLD ON 12/20/1989 BY SILVER SPRINGS SALMON
COMPANY TO AQUARIUS AQUACULTURE INC.

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FEB 03 1993

CONTACT PERSON: David Huff

PHONE NUMBER: () 837 - 9032

DATE OF FIELD EXAM: 7 / 25 / 90

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: Employee

DIRECTIONS TO PROPERTY / REMARKS:

No apparent changes

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A. AJ CLAIM: # A36-07160 PRIORITY DATE: 02-18-1971 STAGE: L
B. WR RECORD: # 36-07160 PRIORITY DATE: 02-18-1971 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:
02-18-1971

REVIEWED BY

Su

DATE

8-1-90

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-07160	07S	14E	18		NW	SW		GOODING
A36-07160	07S	13E	13		SE	NE		GOODING
A36-07160	07S	14E	18		SW	NW		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-07092 NONE
A36-07159
A36-11060

WR RECORDS IN SAME 40 ACRE TRACT

36-07092B
36-07159
36-07659
36-00047

SOURCE: SPRINGS

TRIB: BILLINGSLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-07160	07S	13E	13		SE	NE		GOODING
36-07160	07S	14E	18		SW	NW		GOODING
36-07160	07S	14E	18		NW	SW		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-07092B
36-07159
36-07659
36-00047

A36-07092 NONE
A36-07159
A36-11060
A36-00047
A36-00047B

SOURCE: SPRINGS

TRIB: BILLINGSLEY CREEK

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER

~~Y~~
~~y~~

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REMARKS:

POD Same system as Hagerman Water Users.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

SAME AS A36-7159

SOURCE: SPRINGS

TRIB: BILLINGSLEY CREEK

REVIEWED BY:

SCC

DATE:

8-1-90

REMARKS:

See A36-7092. All water comes from Hagerman Water Users' system of Ditches.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

75. 18E. 18
75. 14E. 18
75. 14E. 18

SW NW NE
NW SW NW

1

47

SOURCE:

SPRINGS

TRIB:

BILLINGSLEY CREEK

REVIEWED BY: SCC

DATE:

8-1-90

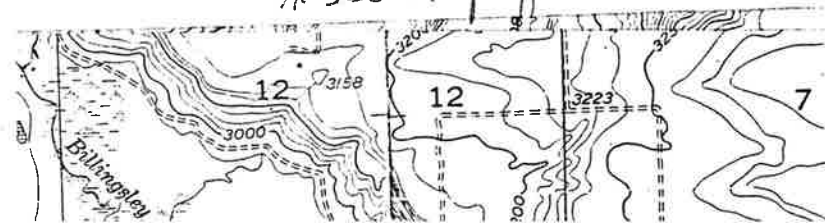
Other 1/4-1/4:

SW SW NW 2

SE SW NW 2

15 14E SW 2

*See Map for More Details.



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A. ROOT WATER RIGHT NUMBERS: A36-07160

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	14E	18	SW	NW		AQUARIUS AQUACULTURE INC.	A36-07160 /	36-07160 /			
						AQUARIUS AQUACULTURE INC.	A36-07159 /	36-07159 /			
						HAGERMAN WATER USERS ASSOCIATIA	A36-00057 /20.0	- /			
07S	13E	13	SE	NE		AQUARIUS AQUACULTURE INC.	A36-07160 /	36-07160 /		41.0	
						NORWOOD SUBDIVISION	A36-07092A /25.0	36-07092A /25.0			
						AQUARIUS AQUACULTURE INC.	A36-07159 /	36-07159 /			
						AQUARIUS AQUACULTURE INC.	A36-07092 /	- /			
						NORWOOD , VIRGIL U.		36-07092B /			
						NORWOOD , VIRGIL U.		36-07642 /			
						HIDDEN SPRINGS TROUT RANCH INC		36-07659 / 4.0			
						CURTIS , WILLIAM A.		36-08338 /			
TOTAL ACRES						A36-07160				41.00	

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:

FISH PONDS

RECOMMENDATIONS:

TOTAL ACRES: Ø

REVIEWED BY: SCe

DATE: 8-1-90

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FEB 03 1993

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-07160 FISH PROPAGATION	FROM 01-01 TO 12-31	2.640 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		2.640 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-07160 FISH PROPAGATION	FROM 11-01 TO 04-01	2.640 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		2.640 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)	Y	<u>yes</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(X)

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

AS LICENSED

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FEB 03 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(X) N()

AJ TOTAL CLAIMED DIVERSION RATE: 2.640 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.640 CFS

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

FLOW MEASUREMENT REQUIRED?

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

B. FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A36-07092 B A36-07159.

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

change claim

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00057	SPRINGS	HAGERMAN WATER USERS ASSOCIATI	36.200	0.073		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-07160	FISH PROPAGATION <u>-</u>	AQUARIUS AQUACULTURE INC.	FROM 01-01 TO 12-31	2.640 CFS	
A36-07159	FISH PROPAGATION <u>-</u>	AQUARIUS AQUACULTURE INC.	FROM 01-01 TO 12-31	10.000 CFS	
A36-00057	STOCKWATER	HAGERMAN WATER USERS ASSOCIATI	FROM 01-01 TO 12-31	.300 CFS	
A36-07092	FISH PROPAGATION <u>-</u>	AQUARIUS AQUACULTURE INC.	FROM 01-01 TO 12-31	10.000 CFS	

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

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

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

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

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.)

per License

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
FISH PROPAGATION	~~01-01~~	~~12-31~~	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
			2.640				0.0	
TOTAL FOR THIS RIGHT	11-1	4-1	2.640				0.0	

REVIEWED BY: See

DATE: 8-1-90

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FEB 03 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-07160

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.640

EXAMINER _____

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-07160	2.640	-		36-07160	2.640
	TOTAL CFS	2.640				2.640

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

CR

REMARKS:

AUTHENTICATION:

SIGNATURE: _____

Steve Cell

DATE: _____

1-15-91

NAME OF FIELD EXAMINER: _____

TITLE: _____

1 HEPWORTH, NUNGESTER & FELTON
2 1020 Main, Buhl, Idaho 83316
3 Tel. No. 208-543-4368
4 Attorneys for Defendant

Department of the Interior
Bureau of Land Management

*Approved
by the
Bureau of Land Management*

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

10 * * * * *

11 HIDDEN SPRINGS TROUT RANCH,) Case No. 16651
12 INC., a corporation,)
13 Plaintiff,)
14 vs.) AMENDED
15 HAGERMAN WATER USERS, INC.,) JUDGMENT
16 a corporation, LOUIS KOOPMAN)
17 and OSCAR ANDERSON,)
18 Defendants.)

19 * * * * *

20 The above-entitled action having come before this
21 Court for determination on plaintiff's Amended Complaint and
22 defendants' Answer, Counterclaim and response thereto, and it
23 being the agreement and stipulation of the parties to this action
24 that this Court render its opinion as based upon the Stipulation
25 of Facts previously submitted, and this Court having considered
26 that Stipulation of Facts and legal briefs submitted both by
27 plaintiff and defendants, as well as all other pleadings and
28 other papers and documents filed herein, and this court having
heard evidence and arguments of counsel on Count Two of plaintiff's
Amended Complaint and as pertained to the interpretation to be

LAW OFFICES
HEPWORTH
NUNGESTER
And
FELTON
Buhl, Idaho

AMENDED JUDGMENT - 1 -

26-0059
36-0058
36-0059

1 given to that agreement of the parties dated April 28, 1971,
2 and this Court having entered its memorandum opinion which is to
3 serve as findings of fact and conclusions of law together with
4 additional findings of fact and conclusions of law thereafter
5 entered by this Court, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

6 (1) That Hagerman Water User's, Inc. is the owner
7 of a water right which entitles it to 26.2 c.f.s. of water with
8 its source being numerous unnamed springs located in the Northeast
9 Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) and the Southeast Quarter
10 of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 13, Township 7 South,
11 Range 13 E., B.M., and in the Southwest Quarter of the Northwest
12 Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) and the Northwest Quarter of the Southwest
13 Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 18, Township 7 South, Range 14, E.,
14 B.M., all located in Gooding County, State of Idaho. The rights
15 of Hagerman Water User's Inc. to these waters and in the amounts
16 above set forth, carry with it a priority of appropriation date
17 of April 7, 1906.

18 (2) That the rights of Hagerman Water User's, Inc.
19 to the above-referred to water is prior and superior to the
20 rights of the plaintiff in those same waters. Hagerman Water
21 User's, Inc. is further entitled to make improvements to its
22 diversionary and conveyance system in order to reduce or eliminate
23 waste and/or seepage of that water. Plaintiff, its agents, ser-
24 vants and employees, are enjoined and restrained from interfering
25 with Hagerman Water User's, Inc. in the diversion, conveyance
26 and use of this water or in the attempt of Hagerman Water User's
27 Inc. to maintain and improve its diversionary or conveyance works.

28 (3) That Hagerman Water User's, Inc. has the exclusive
right to the use of the above-mentioned water from January 1st of

1970 OFFICES
1970 WORTH
1970 GISTER
And
FELTON
Puhl, Idaho

AMENDED JUDGMENT -2-

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FEB 03 1993

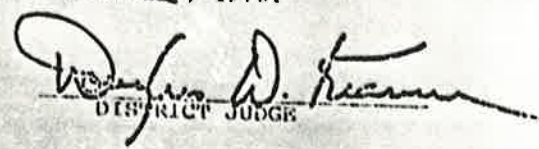
38-1159
2/6

1 each year through December 31st of each year for irrigation uses.
2 From November 1st of each year and until April 1st of the subse-
3 quent year, the plaintiff shall be entitled to use those waters
4 for purposes of fish propagation. The use of these waters by
5 plaintiff for fish propagation during those months shall be
6 subject to the prior and superior right of the defendant, Hagerman
7 Water User's, Inc. and its members to use those same waters during
8 that same period of time for irrigation. In the event the defen-
9 dant, Hagerman Water User's, Inc., or its members, desire to
10 divert any or all of the above-referred to water between November
11 1st of one year and April 1st of the subsequent year for irriga-
12 tion purposes, it shall notify plaintiff of its intentions a week
13 prior to the time when the actual diversion is made. Hagerman
14 Water User's, Inc. and its members shall additionally have the
15 year around right of use of the above referred to water for
16 domestic and livestock purposes and for fire protection for the
17 city of Hagerman.

18 (4) That in all respects not otherwise herein provided,
19 plaintiffs' Amended Complaint is dismissed with prejudice.

20 (5) That defendants have and recover of and from
21 the plaintiff its costs incurred herein in the sum of \$115.20.

22 DATED this 13 day of March, 1978.

23 
DISTRICT JUDGE

24
25
26
27
28
LAW OFFICES
LEPWORTH
UNGESETER
And
FELTON
Huhl, Idaho

AMENDED JUDGMENT - 3.