

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: **A36-15378**

Date Received: 7/13/1992

Receipt No: S014735

Received By: _____

address change JR

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: PRISTINE SPRINGS INC 208-736-1684
Address: 201 WARM CREEK ROAD
JEROME ID 83338

2. Date of Priority: SEP 30, 1970

3. Source: WARM CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	17E	19	NE	SW	SE	13	JEROME

5. Description of diverting works:
EARTHEN DAM AND CONTROL GATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
AESTHETIC STORAGE	01/01	12/31			24.00
WATER QUAL. IMPR. STOR	01/01	12/31			24.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 748.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
AESTHETIC AND WATER QUALITY IMPROVEMENT, 12 ACRE LAKE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	17E	19	SW	SE	13	AES S	
			SW	SE	13	WAQ S	
			SE	SE		AES S	

MICROFILMED

Pristine Springs, Inc.

201 Warm Creek Road 4350 North 2850 East
Jerome, ID 83338 Twin Falls, ID 83301
(208) 736-1684
FAX (208) 736-1695



RECEIVED

JUL 29 1993

Department of Water Resources
Southern Region Office

*Please make a note of
our new address.*

ID Dept. of Water Resources
222 Shoshone St. E.
Twin Falls, ID
83301

MICROFILMED

OCT 20 1994

SD-0601-2 Last Name: PRISTINE SPRINGS

STATE

S	First	O	Water	Priority		Total	Use
E	Name	W	Right No.	Date	Source	Diversion	Code Desc
L		N					
-	PRISTINE SPRINGS INC						
-		O	36-02603B ✓	04/17/1964	SUNNY BROOK	27.200	19 FISH
-					ALPHEUS CRE		
-					SPLIT RIGHT		
-		C	A36-15218 ✓	07/02/1971	GROUNDWATER	4.500	55 DIV S
-							52 AES
-		C	A36-15378 ✓	09/30/1970	WARM CREEK	748.000	53 AES S
-							32 WAQ S
-		C	36-02040 ✓	07/18/1927	BRIGGS CREE	10.000	19 FISH
-		C	36-02607 ✓	11/27/1964	BRIGGS CREE	60.000	19 FISH
-		C	A36-00200 ✓	09/30/1970	WARM CREEK	40.000	19 FISH
-					SUNNY BROOK		
-		C	A36-02603B ✓	04/17/1964	SUNNY BROOK	27.200	19 FISH
-					ALPHEUS CRE		
-		C	A36-07130 ✓	05/06/1970	GROUNDWATER	4.500	19 FISH
-		C	A36-15336 ✓	01/01/1956	WASTE WATER	100.000	19 FISH

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED

OCT 20 1994

SD-0601-2 Last Name: PRISTINE SPRINGS

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
-	-----						
-	PRISTINE SPRINGS INC						
-		C	A36-02040 ✓	07/18/1927	BRIGGS SPRI	10.000	19 FISH
-		C	A36-02607 ✓	11/27/1964	BRIGGS SPRI	60.000	19 FISH
-		C	A36-15180 ✓	04/19/1929	BRIGGS SPRI	8.000	01 IRR
-							43 DOMEST
-							04 STOCK
-		C	A36-02039 ✓	07/18/1927	BRIGGS SPRI	0.470	01 IRR
-							43 DOMEST
-		C	36-02603D ✓	04/17/1964	SUNNY BROOK	1.900	19 FISH
-		C	36-15378 ✓	09/30/1970	WARM CREEK	748.000	53 AES S
-							32 WAQ S
-		C	36-02039 ✓	07/18/1927	BRIGGS CREE	0.470	01 IRR
-							43 DOMEST
-		C	36-15180 ✓	04/19/1929	BRIGGS SPRI	4.990	01 IRR
-					BRIGGS CREE		43 DOMEST
-							04 STOCK

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED

OCT 20 1994



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

09-Aug-1993

PRISTINE SPRINGS, INC
201 WARM CREEK ROAD
JEROME ID 83338

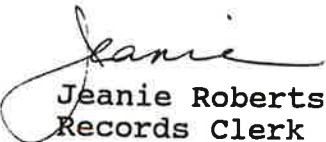
RE: Snake River Basin Adjudication (SRBA)
Notices of Claim #36-00200, 36-02039, 36-02040, 36-02603C,
36-02603D, 36-02607, 36-07130, 36-15180,
36-15218, 36-15336, 36-15378
Change in Address

Dear Claimant:

Thank you for notifying us of your change in address of the water rights referenced above. SRBA Judge Hurlbutt issued an Order June 17, 1993 requiring claimants like yourself identified in a Director's Report to use Standard Form 3 for change in address.

I have enclosed Standard Form 3 for your use. Please contact us or the Court (208/736-3011) if you have any questions.

Sincerely,


Jeanie Robertson
Records Clerk

Enclosures:
Standard Form 3 (11)

cc: Josephine P. Beeman
DAVIS WRIGHT & TREMAINE

MICROFILMED

OCT 20 1994

Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) where a water right recommendation is not before the court.

As used in this form, the term "prior claimant/seller" means any person who, pursuant to I.C. § 42-1409(2), (3) and (6), filed a notice of claim asserting the right to the use of water or on whose behalf the right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of a "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A *Consent to Substitution of Party (Substitution)* must be signed by the prior claimant/seller and the new claimant/purchaser. The *Substitution* shall be filed by the new claimant/purchaser.

Check either the *Change in Address* or *Consent to Substitution of Party* box and fill in the requested information. A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here.

Follow the instructions on the form or the court will not accept it for filing. The Verification and the Certificate of Mailing must be completed.

The standard form may be obtained from the Idaho Department of Water Resources and the court. You must provide a copy of this form to each party, or to their legal counsel, in any subcase in which you are a party.

☒ CHANGE IN ADDRESS

My name is Pristine Springs, Inc.

36-00200 36-02039 36-02040 36-02603C 36-15218

I am the claimant of 36-02603D 36-02607 36-07130 36-15180 36-15336

(Insert each water right number)

36-15378

I have filed an objection/response to the following water right(s) _____

(Insert each water right number)

My new mailing address is 201 Warm Creek Road
Jerome Idaho 83338

My phone number is: Work 208 736-1684 ~~Home~~ 208 736-1606

MICROFILMED

OCT 20 1994

Page 2



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

30-Sep-1993

PRISTINE SPRINGS INC
201 WARM CREEK ROAD
JEROME ID 83338

RE: Snake River Basin Adjudication (SRBA)
Change in Address

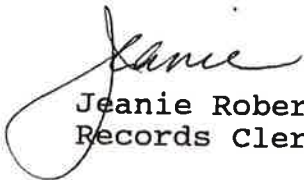
Notice of Claim # 36-00200, 36-02039, 36-02040, 36-02603C,
36-02603D, 36-02607, 36-07130, 36-15180,
36-15218, 36-15336, 36-15378

Dear Claimant:

Thank you for notifying us of your change in address of the water rights referenced above. We have changed the Department's records accordingly.

If you have any questions, please feel free to contact this office.

Sincerely,


Jeanie Robertson
Records Clerk

MICROFILMED

OCT 20 1994

Water Right Number - 36-15378 Prefix Translation: WATER RIGHT Old (D) Number -

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

*** A - ATTORNEY ***
BEEMAN JOSEPHINE P 1 - DAVIS WRIGHT TREMAINE
2 - 702 WEST IDAHO ST SUITE 700
3 -
City- BOISE State- ID Zip- 83702
Phone - 208-338-8233

*** C - CURRENT OWNER ***
PRISTINE SPRINGS INC 1 - 201 WARM CREEK ROAD
2 -
3 -
City- JEROME State- ID Zip- 83338
Phone - 208-736-1684

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
09/30/1970 17 SOUTHERN J - BENEFICIAL USE

+ - - Source - - - - - + + - - Tributary - - - - - +
WARM CREEK SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
09S 17E 19 NE SW SE 13 (53) JEROME

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
53 - AESTHETIC STORAGE 01/01 12/31 748.00
32 - WATER QUAL. IMPR. STOR 01/01 12/31 748.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
748.00 16.5

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
09S 17E 19 SW SE 13 32 WATER QUAL. IMPR. STOR (53) JEROME
09S 17E 19 SE SE 13 32 WATER QUAL. IMPR. STOR (53) JEROME
09S 17E 19 SW SE 13 53 AESTHETIC STORAGE (53) JEROME
09S 17E 19 SE SE 13 53 AESTHETIC STORAGE (53) JEROME

Total Acres:

+ - - Diversion Means - EARTHEN DAM AND CONTROL GATE

+ - - Non-Irrigation Use - AESTHETIC AND WATER QUALITY IMPROVEMENT, 5.5 ACRE LAKE

+ - - Other Rights for Same Use - NONE

MICROFILMED
OCT 20 1994

Water right number - 36-15378

Prefix Translation: WATER RIGHT

+ - - - - - Remarks - - - - - +
STORAGE CAPACITY 11.0 AF.
737 AF OF THIS RIGHT IS LIMITED TO USE FOR EVAPORATION AND
SEEPAGE LOSSES IN STORAGE OF THIS RIGHT.

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

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

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

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

Date: 08/12/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS
THIS RIGHT ARISES FROM AN IMPOUNDMENT WHEN WARM CREEK FLOWS
STORAGE AS WELL AS AESTHETICS. IT AROSE AT THE TIME OF THE FISH
THE LAKE IS CONSTANTLY BEING REFILLED. THE 24 ACRE FEET
VOLUME CLAIMED REPRESENTS THE 24 ACRE FEET PLUS A SEEPAGE AND/OR
Date: 09/23/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/22/92. CHANGED NOE FLAG FROM BLANK TO A.
Date: 10/22/1992 User Id: MERRITT Subject: RESPONSE TO NOE
METTING 10/08/92 IN TWIN FALLS OFFICE WITH RICK EGGLESTON WITH
Date: 09/30/1993 User Id: ROBERTSO Subject: ADDRESS CHANGE
Change of address form received 9/17/93. JR

INTO THE SNAKE RIVER. THE IMPOUNDMENT ALLOWS FOR WATER QUALITY
PROPAGATION UNDER RIGHT 36-00200.
REPRESENTS THE VOLUME OF THE LAKE. THE 748 ACRE FEET OF TOTAL
EVAPORATION LOSS OF 1.9835 ACRE FEET PER DAY.

CLAIM VERIFIED 8/12/92. DID NOT REVERIFY ANY PART OF CLAIM.

BEEMAN ON PHONE. NO CHANGE. LETTER OF CONFIRMATION TO FOLLOW.

+ - - Audit Fields - - +
09/30/93 ROBERTSO

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

Court Report Filing	- 11/02/1992	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	- 07/13/1992	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S014735	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	- B

MICROFILMED
OCT 20 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-15378
Date Received: 7/13/1992
Receipt No: 8014735
Received By: SCC

RECEIVED

JUL 13 1992

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PRISTINE SPRINGS INC. 208-326-5687
Address: 4074 NORTH 2000 SOUTH
RICK EGGLESTON, EXEC. V.P.
FILER ID 83328

2. Date of Priority: SEP 30, 1970

3. Source: WARM CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	17E	19	NE	SW	SE	13	JEROME

5. Description of diverting works:
EARTHEN DAM AND CONTROL GATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
AESTHETIC STORAGE	01/01	12/31			24.00
WATER QUAL. IMPR. STOR	01/01	12/31			24.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 748.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
AESTHETIC AND WATER QUALITY IMPROVEMENT, 12 ACRE LAKE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	17E	19	SW	SE	13	AES S	
			SW	SE	13	WAQ S	

A36-15378

Page 1

Date: 06/18/92

MICROFILMED
FEB 09 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	17E	19	SE	SE		AES S	
			SE	SE		WAQ S	

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS RIGHT ARISES FROM AN IMPOUNDMENT WHEN WARM CREEK FLOWS INTO THE SNAKE RIVER. THE IMPOUNDMENT ALLOWS FOR WATER QUALITY STORAGE AS WELL AS AESTHETICS. IT AROSE AT THE TIME OF THE FISH PROPAGATION UNDER RIGHT 36-00200.

THE LAKE IS CONSTANTLY BEING REFILLED. THE 24 ACRE FEET REPRESENTS THE VOLUME OF THE LAKE. THE 748 ACRE FEET OF TOTAL VOLUME CLAIMED REPRESENTS THE 24 ACRE FEET PLUS A SEEPAGE AND/OR EVAPORATION LOSS OF 1.9835 ACRE FEET PER DAY.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments:

1. map
2. affidavit of Rick E. Eggleston

For Organizations:

I do solemnly swear or affirm that I am General Manager and Executive Vice President of Pristine Springs, Inc., that I have signed the foregoing Organization document in the space below as General Manager and Executive Vice President of Pristine Springs, Inc. and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent
General Manager and Executive Vice President
Pristine Springs, Inc.
Title and Organization
7/13/92
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of July 19 92

Notary Public

Seal

Residing at Pt. 3 Bull, Idaho
My Commission Expires 8/30/97

17. Notice of Appearance:

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

Signature Josephine P. Beeman
Address 702 West Idaho St., Suite 700
Boise, ID 83702
Date July 9, 1992

RECEIVED
DEC 05 2001
Department of Water Resources
Southern Region

RECEIVED
NOV 30 2001

2001 NOV 28 PM 4:15

FILED 78
TWIN FALLS, 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	)	Water Right 36-15378
	)	
	)	ORDER GRANTING MOTION TO WITHDRAW
	)	OBJECTIONS
Case No. 39576	)	
_____	)	

On October 29, 2001, the claimant of the above-captioned water right filed a *Motion to Withdraw Objections* with respect to Basin Wide Issue 5 objections previously filed by the claimant. The Court having reviewed the *Motion*, and good cause appearing therein, the *Motion to Withdraw Objections* is **granted**.

IT IS SO ORDERED.

DATED: November 28, 2001.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO WITHDRAW OBJECTIONS & ORDER AMENDING PERIOD OF USE ELEMENT IN PARTIAL DECREE 36-15378 was mailed on November 28, 2001, with sufficient first-class postage to the following:

PRISTINE SPRINGS INC.
PRISTINE SPRINGS, INC.

Represented by:
JASON MICIAK
PO BOX 5298
TWIN FALLS, ID 83303-5298
Phone: 208-733-5500.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

4/20

TABLE 1

1111

RECEIVED

JUL 13 1992

Department of Water Resources

Southern Region Office

JOSEPHINE DEEMAN

(208) 338-8233

DAVIS WRIGHT TREMAINE

LAW OFFICES

702 WEST IDAHO STREET • SUITE 700 • BOISE, IDAHO 83702
(208) 338-8200

July 9, 1992

Mr. Allen Merritt
Regional Supervisor of Adjudication Section
and

Mr. Steve Clelland
Senior Water Rights Agent
Idaho Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: **SRBA Claims for Pristine Springs' Sunnybrook Facility**

Dear Allen and Steve:

I am writing to summarize the status of the Snake River Basin Adjudication claims for the Sunnybrook facility owned by Pristine Springs. When Rick Eggleston and I met with you on June 16, it was decided an additional adjudication claim should be filed for the impoundment at the west end of Warm Creek. This new claim (A36-15378) is submitted today with a map and an affidavit from Rick Eggleston, plus a filing fee in the amount of \$203.32. As we also discussed, an additional affidavit of Rick Eggleston is submitted in support of the aesthetic lake (A36-15218) which is an additional use after fish propagation from the hot well (A36-07130).

A third beneficial use claim for 100 cfs of Blue Lake Tailwater (A36-15336) relied upon resumption of a water right used during the 1950s, 1960s and early 1970s which would be resumed without an intervening junior user. I think you were going to have this reviewed by Water Resources' legal staff. Please let me know if you have any additional questions about this claim.

I would appreciate a copy of the new claim on Warm Creek (A36-15378) with the date stamp and the receipt number. I would also appreciate a date stamped copy of the additional affidavit of Rick Eggleston for A36-15218. This affidavit clarifies the use of water after fish propagation from the hot well for an aesthetic lake on the property.

I would like to summarize the facts that we discussed relating to the use of the hot well. With the use of hydrographs on the hot well, aerial photographs from Rick Eggleston, Water Resources, and U.S.G.S. and A.S.C.S files, we were able to establish the use of the hot well up to 1977. Then, with the fact that Rick Eggleston was production manager for Valley Trout

FAX: (208) 338-8299

ANCHORAGE, ALASKA • BELLEVUE, WASHINGTON • LOS ANGELES, CALIFORNIA • PORTLAND, OREGON
RICHLAND, WASHINGTON • SEATTLE, WASHINGTON • WASHINGTON, D.C.

MICROFILMED
FEB 09 1993

Davis Wright Tremaine

Allen Merritt and
Steve Clelland
July 9, 1992
Page 2

Farm in 1978 through early 1980, we were able to verify the existence of the aesthetic pond from the hot well without any five-year gaps of non-use. Allen Merritt remembers doing measurements on the ponds in December of 1984. The well was flowing until capped off in July of 1986, and then resumed use in 1989, when Bish Beamer took over management of the property after its purchase by Ronald Yanke. An original affidavit from Rick Eggleston had a photograph which we thought was taken in 1987 showing the aesthetic ponds. The high altitude photography of Water Resources and the hydrographs from the U.S.G.S. show that the well was not in operation in 1987. This photograph, obtained from Bert Perrine, may have been from 1986.

Please let me know if I can answer any further questions for you.

Sincerely,

DAVIS WRIGHT TREMAINE



Josephine P. Beeman

JPB:md
Enclosures

cc: Wendell M. Starke (w/o encls.)

MICROFILMED
FEB 09 1993

RECEIVED

JUL 13 1992

Department of Water Resources
Southern Region Office

Josephine P. Beeman
DAVIS WRIGHT TREMAINE
702 West Idaho St., Suite 700
Boise, Idaho 83702
(208) 338-8200

Attorneys for Pristine Springs, Inc.

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

Case No. 39576

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

AFFIDAVIT OF
RICK E. EGGLESTON

ACCOMPANYING
A36-15378

Petitioner,

vs.

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

Defendants.

STATE OF IDAHO)
COUNTY OF TWIN FALLS) ss.

RICK E. EGGLESTON, being duly sworn on oath, states that the
following information is within his personal knowledge.

AFFIDAVIT OF RICK E. EGGLESTON - 1

MICROFILMED
FEB 09 1993

1. I am a resident of Filer, Idaho. Filer is located seven miles from the Town of Twin Falls, Idaho. I have lived in the Twin Falls area all my life.

2. I am the Executive Vice-President of Pristine Springs, Inc., an Idaho corporation, which recently purchased an existing fish propagation facility in the Snake River canyon, adjacent to Blue Lakes Trout Farm.

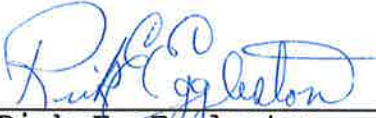
3. For the last 25 years, I have worked in the fish propagation industry in this area. I have personally supervised or constructed fish propagation facilities at Briggs Creek, Clear Lakes, Clear Springs, and now Pristine Springs. In addition, for the last 15 years, I have owned and operated a fish hatchery which supplies fingerling-sized rainbow trout and golden rainbow trout to numerous fish propagation facilities in the Twin Falls/Hagerman area.

4. During the course of my work either constructing, managing, or supplying fish to aquaculture operations, I became personally familiar with the use of the land now owned by Pristine Springs.

5. I also fished in this area of Warm Creek and the Snake River when I was in high school and during my early years in aquaculture work. In 1970, when the large seine ponds in Warm Creek were replaced by fish ponds to the south of Warm Creek, the impoundment which widened Warm Creek was kept in place for aesthetics, as well as water quality purposes. The water from the then-new ponds (original location for ponds under Right 36-00200)

was diverted through this impounded area of Warm Creek to continue the aesthetic use and also to allow for settling to improve water quality.

DATED this 13 day of July, 1992.


Rick E. Eggleston

SUBSCRIBED AND SWORN to before me this 13th day of July, 1992.


NOTARY PUBLIC
Residing Rt 3, Bull, Idaho
83346

(SEAL)

My Commission expires 8/30/97

Water Right Number - R36-15378

Prefix Translation: RESEARCH

Old (D) Number -

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

*** A - ATTORNEY ***

BEEMAN JOSEPHINE P
1 - DILLON BOSCH DAW & BOCK
2 - 243 N 8TH ST #200
3 -
City- BOISE State- ID Zip- 83702
Phone - 208-344-8990

*** C - CURRENT OWNER ***

PRISTINE SPRINGS INC
1 - 201 WARM CREEK ROAD
2 -
3 -
City- JEROME State- ID Zip- 83338
Phone - 208-736-1684

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
09/30/1970 17 SOUTHERN J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
WARM CREEK SNAKE RIVER

Tw	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Diversion Name
09S	17E	19	NE SW SE	13	(53)	JEROME		

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
53 - AESTHETIC STORAGE		01/01	12/31		748.00
32 - WATER QUAL. IMPR. STOR		01/01	12/31		748.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
748.00 16.5

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	17E	19	SW SE	13		32	WATER QUAL. IMPR. STOR	(53) JEROME
09S	17E	19	SE SE			32	WATER QUAL. IMPR. STOR	(53) JEROME
09S	17E	19	SW SE	13		53	AESTHETIC STORAGE	(53) JEROME
09S	17E	19	SE SE			53	AESTHETIC STORAGE	(53) JEROME

+ - - Diversion Means - EARTHEN DAM AND CONTROL GATE

+ - - Non-Irrigation Use - AESTHETIC AND WATER QUALITY IMPROVEMENT, 5.5 ACRE LAKE

+ - - Other Rights for Same Use - NONE

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

QNT
GEN

STORAGE CAPACITY 11.0 AF.
737 AF OF THIS RIGHT IS LIMITED TO USE FOR EVAPORATION AND

Hold
Does the
737 AF
evap remain
Represent Cons.
Use 6

Water right number - R36-15378

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - -
SEEPAGE LOSSES IN STORAGE OF THIS RIGHT.

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

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

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

+ - - Audit Fields - 12/19/97 KCHRISTE

+ - - - - Comments - - - - -

Date: 08/12/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS
THIS RIGHT ARISES FROM AN IMPOUNDMENT WHEN WARM CREEK FLOWS INTO THE SNAKE RIVER. THE IMPOUNDMENT ALLOWS FOR WATER QUALITY STORAGE AS WELL AS AESTHETICS. IT AROSE AT THE TIME OF THE FISH PROPAGATION UNDER RIGHT 36-00200.
THE LAKE IS CONSTANTLY BEING REFILLED. THE 24 ACRE FEET REPRESENTS THE VOLUME OF THE LAKE. THE 748 ACRE FEET OF TOTAL VOLUME CLAIMED REPRESENTS THE 24 ACRE FEET PLUS A SEEPAGE AND/OR EVAPORATION LOSS OF 1.9835 ACRE FEET PER DAY.
Date: 09/23/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/22/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/12/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/22/1992 User Id: MERRITT Subject: RESPONSE TO NOE
METTING 10/08/92 IN TWIN FALLS OFFICE WITH RICK EGGLESTON WITH BEEMAN ON PHONE. NO CHANGE. LETTER OF CONFIRMATION TO FOLLOW.
Date: 09/30/1993 User Id: ROBERTSO Subject: ADDRESS CHANGE
Change of address form received 9/17/93. JR
Date: 08/01/1995 User Id: DSMITH Subject: NAME AND/OR ADDRESS CHANGE
THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT OWNER CHANGE. BEEMAN CHANGED FIRMS, RETAINED CLIENTS, PER COURT LETTER DATED 7/7/95.

+ - - - - 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	- 07/13/1992	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- S014735	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	-	Notice of Error Flag	- B

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

OCT 20 1994

RECEIVED

DAVIS WRIGHT TREMAINE

LAW OFFICES

RECEIVED

NOV 09 1992

Department of Water Resources 702 WEST IDAHO STREET • SUITE 700 • BOISE, IDAHO 83702
Section of Water Resources (208) 338-8200

JOSEPHINE BEEMAN
(208) 338-8233

POOR ORIGINAL

November 5, 1992

legal

Ms. Lynne Krogh-Hampe
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise Idaho 83702-9000

Re: SRBA Notices of Error for Pristine Springs
Reply to your letter of October 16, 1992

Dear Lynne:

After Pristine Springs filed notices of error to all of the proposed SRBA recommendations for the Sunnnybrook facility, it appreciated the opportunity for Rick Eggleston, Executive Vice-President and General Manager, to meet with you, Allen Merritt, and Steve Clelland in Twin Falls (October 8, 1992) to discuss corrections to the five recommended rights (36-7130, 36-2603C, 36-2603D, 36-00200, and 36-15378) and appreciated your personal review of the two disallowed claims (36-15218 and 36-15336) and subsequent conversations with me. Your letter summarizes the decisions reached and I have only a few clarifications.

The objections to "non-irrigated uses" (A36-7130, A36-2603D, A36-2603C, A36-00200) were not discussed or resolved and remain an issue for consideration by the aquaculture industry.

Aesthetic claim A36-15218 was disallowed based upon the review of 4 aerial photographs (1977, 1984, 1987, and 1988) by Steve Clelland and Allen Merritt of the IDWR Twin Falls office. IDWR believes the aerial photographs contradict the affidavits of Rick Eggleston accompanying claim A36-15218. The claim and the affidavits consistently describe a sequential use of low temperature geothermal water for fish propagation, followed by aesthetic use, in conformance with Mr. Eggleston's personal knowledge. The 1977, 1984, and 1987 aerial photographs were supplied to IDWR by Pristine Springs during claims-taking to corroborate the water use described in Rick Eggleston's affidavits.

31539\00009.LTR
Boise

MICROFILMED

OCT 20 1994

FAX: (208) 338-8299

ANCHORAGE, ALASKA • BELLEVUE, WASHINGTON • LOS ANGELES, CALIFORNIA • PORTLAND, OREGON
RICHLAND, WASHINGTON • SEATTLE, WASHINGTON • WASHINGTON, D.C.

Ms. Lynne Krogh-Hampe
November 5, 1992
Page 2

IDWR provided the aerial photograph for June 22, 1988. Rick Eggleston spoke with the IDWR Twin Falls office on October 21 about the maps and the water conveyance system. I have not heard the results of that conference.

Let me know when IDWR completes the claim investigation manual. I appreciate your involvement on these matters.

Sincerely,

DAVIS WRIGHT TREMAINE


Josephine P. Beeman

JPB:ma

cc: Rick E. Eggleston

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



MICROFILMED
FEB 09 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

NOVEMBER 2, 1992

R. KEITH HIGGINSON
Director

PRISTINE SPRINGS INC
C/O JOSEPHINE P BEEMAN
DAVIS WRIGHT TREMAINE
702 WEST IDAHO ST SUITE 700
BOISE IDAHO 83702

RE: NOTICE OF ERROR IN SNAKE RIVER BASIN ADJUDICATION
WATER RIGHT NO.: 36-00200, 36-02603C, 36-02603D, 36-07130,
36-15218, 36-15336 & 36-15378

DEAR JO,

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 AND CONFIRMS THE ACTIONS AND CHANGES AGREED UPON IN THE MEETING WITH RICK EGGLESTON ON OCTOBER 8, 1992.

YOUR NOE IDENTIFIED PROBLEMS WITH THE LEGAL DESCRIPTIONS LISTING THE POINTS OF DIVERSION AND PLACES OF USE. AS I STATED IN THE MEETING, THE CORRECT LEGAL DESCRIPTION IS THE LOT NUMBERS WHERE THEY ARE USED. THE ACCOMPANYING TRACT DESCRIPTIONS ARE USED TO HELP CLAIRIFY THE LOCATION AND ASSIST IN COMPUTER SEARCHES AND SHOULD COMPLEMENT THE LOT DESCRIPTION NOT CONTRADICT IT. SINCE SOME VARIATION WILL OCCUR IN IDENTIFYING THE TRACT LOCATION THE LOT NUMBER IS THE FINAL QUALIFIER.

THE OTHER AREA OF CONCERN YOU MENTIONED WAS THE VOLUME LIMITATIONS IN THE REMARKS OF SOME OF THE RIGHTS. DURING OUR MEETING IT APPEARS A PORTION OF THE HATCHERY AREA, 680 CU. FT., WAS LEFT OUT OF THOSE CALCULATIONS AND THE PONDS AT SITE PLAN ID #18 WERE ALSO LEFT OUT. THE FINAL FIGURES WILL SHOW THE HATCHERY VOLUME AT 7,880 CU. FT. AND THE #18 PONDS AT 75,600 CU. FT. THE TOTAL COMBINED VOLUME WITH THESE ADDITIONS IS 156,770 CU. FT.

HERE ARE THE CHANGES BY WATER RIGHT NO.: 36-00200, DELETED PLACE OF USE IN LOT 13, SEC. 19 AND CHANGED THE FACILITY VOLUME; 36-02603C, NO CHANGES; 36-02603D, CHANGES TO FACILITY VOLUME; 36-07130, NO CHANGES; 36-15218 AND 36-15336 HAVE BEEN ADDRESSED BY LYNNE KROGH-HAMPE IN A LETTER DATED 10-16-92; 36-15378, CONSUMPTIVE USE FOR POND EVAPORATION IS EQUAL TO THE CONSUMPTIVE USE REQUIREMENT FOR CROPS, NO CHANGE.

Interesting

MICROFILMED
FEB 09 1993

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,

A handwritten signature in black ink, appearing to read "Steve Clelland", with a large, stylized flourish at the end.

STEVE CLELLAND
SENIOR WATER AGENT

MICROFILMED
FEB 09 1993

Water Right Number - R36-15378

Prefix Translation: RESEARCH

Old (D) Number -

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

*** A - ATTORNEY ***
BEEMAN

JOSEPHINE P

1 - DAVIS WRIGHT TREMAINE
2 - 702 WEST IDAHO ST SUITE 700
3 -
City- BOISE State- ID Zip- 83702
Phone - 208-338-8233*** C - CURRENT OWNER ***
PRISTINE SPRINGS INC1 - 4074 NORTH 2000 SOUTH
2 - RICK EGGLESTON EXEC V P
3 -
City- FILER State- ID Zip- 83328
Phone - 208-326-5687+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
09/30/1970 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
WARM CREEK SNAKE RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
09S 17E 19 NE SW SE 13 (53) JEROME+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
53 - AESTHETIC STORAGE 01/01 12/31 748.00
32 - WATER QUAL. IMPR. STOR 01/01 12/31 748.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
748.00 16.5+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
09S 17E 19 SW SE 13 32 WATER QUAL. IMPR. STOR (53) JEROME
09S 17E 19 SE SE 32 WATER QUAL. IMPR. STOR (53) JEROME
09S 17E 19 SW SE 13 53 AESTHETIC STORAGE (53) JEROME
09S 17E 19 SE SE 53 AESTHETIC STORAGE (53) JEROME

Total Acres:

+ - - Diversion Means - EARTHEN DAM AND CONTROL GATE

+ - - Non-Irrigation Use - AESTHETIC AND WATER QUALITY IMPROVEMENT, 5.5 ACRE LAKE

+ - - Other Rights for Same Use - NONE

MICROFILMED
FEB 09 1993

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	- 10/22/1992	Old Judicial District	-
Claim Received Date	- 07/13/1992	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S014735	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	- B

MICROFILMED
FEB 09 1993

Note from Anne -

Recommendation of this right OK - ~~the~~
Decree determining 36-0200 determined only
rights to a particular point of division,
so this claim not precluded by decree.

MICROFILMED
FEB 09 1993

DAVIS WRIGHT TREMAINE

LAW OFFICES

702 WEST IDAHO STREET • SUITE 700 • BOISE, IDAHO 83702
(208) 338-8200

RECEIVED

SEP 22 1992

Department of Water Resources

JOSEPHINE BEEMAN
(208) 338-8233

September 22, 1992

VIA HAND-DELIVERY

Mr. David B. Shaw
Bureau Chief
Adjudications Bureau
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

RECEIVED

OCT 01 1992

Department of Water Resources
Southern Region Office

Dear David:

The enclosed Notices of Error, with attachments, are hand-delivered today on behalf of Pristine Springs. The affected Snake River Basin Adjudication claims are:

36-00200
36-07130
36-02603C
36-02603D
36-15218
36-15336
36-15378

Sincerely,

DAVIS WRIGHT TREMAINE



Josephine P. Beeman

JPB:md
Enclosures

cc: Rick Eggleston (w/encls.)
Wendell M. Starke (w/o encls.)

MICROFILMED
FEB 09 1993

Fax: (208) 338-8299

ANCHORAGE, ALASKA • BELLEVUE, WASHINGTON • LOS ANGELES, CALIFORNIA • PORTLAND, OREGON
RICHLAND, WASHINGTON • SEATTLE, WASHINGTON • WASHINGTON, D.C.

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 22 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

WE REQUEST TO MEET WITH STATE OFFICE PERSONNEL

1. Water right number: 36-15378

2. Name: Josephine Beeman
Davis Wright Tremaine
702 West Idaho, Suite 700
Address: Boise, ID 83702

Weekday Telephone Number: 338-8233

RECEIVED

OCT 01 1992

Department of Water Resources
Southern Region Office
FEB 03

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

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

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

Consumptive use of 16.5 AFY

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

Change consumptive use to 33 AFY

5. Describe why you disagree with the proposed recommendation:

Consumptive use (evaporation) should be doubled (from 3 AFA to 6 AFA) for year round use of 5.5 acre lake.

6. Date:

September 22, 1992

SIGNATURE

Josephine P. Beeman

THIS IS A COPY OF YOUR WATER RIGHT AS IDWR PROPOSES TO RECOMMEND IT TO THE DISTRICT COURT*

*THIS IS NOT A FINAL DETERMINATION OF YOUR CLAIM. YOU MUST FILE A NOTICE OF ERROR WITH IDWR
IF YOU DISAGREE WITH THE PROPOSED RECOMMENDATION.

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
-----------------	----------------	------------------	----------------	--------------------------	---------------------	----------------

36-15378	PRISTINE SPRINGS INC 4074 NORTH 2000 SOUTH RICK EGGLESTON EXEC V P FILER ID 83528	09/30/1970	AESTHETIC STORAGE	01-01 12-31	743.00 AEF ~~24488 OFS~~	BENEFICIAL USE
----------	--	------------	-------------------	-------------	------------------------------------	----------------

TOTAL VOLUME: 743.00 AEF
CONSUMPTIVE USE: 16.2 AEF

NON-IRRIGATION USES:

AESTHETIC AND WATER QUALITY IMPROVEMENT, 5.5 ACRE LAKE
~~WATER QUALITY IMPROVEMENT, 22 ACRE LAKE~~

SOURCE: WARM CREEK

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:

T09S R17E S19 LOT 13 (NESWSE)

PLACE OF USE: AESTHETIC STORAGE

T09S R17E S19 LOT 13 (SWSE)

SESE

PLACE OF USE: WATER QUAL. IMPR. STOR

T09S R17E S19 LOT 13 (SWSE)

SESE

REMARKS: STORAGE CAPACITY 11.0 AF.

737 AF OF THIS RIGHT IS LIMITED TO USE FOR EVAPORATION AND
SEEPAGE LOSSES IN STORAGE OF THIS RIGHT.

MICROFILMED
FEB 09 1993

RECEIVED

OCT 01 1992

Department of Water Resources
Southern Region Office

RECEIVED

SEP 22 1992

Department of Water Resources

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED
FEB 09 1993

Water Right Number R36-15378

Prefix Translation: RESEARCH

Old (D) Number -

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

*** A - ATTORNEY ***
BEEMAN

JOSEPHINE P

1 - DAVIS WRIGHT TREMAINE
2 - 702 WEST IDAHO ST SUITE 700
3 -
City- BOISE State- ID Zip- 83702
Phone - 208-338-8233*** C - CURRENT OWNER ***
PRISTINE SPRINGS INC1 - 4074 NORTH 2000 SOUTH
2 - RICK EGGLESTON EXEC V P
3 -
City- FILER State- ID Zip- 83328
Phone - 208-326-5687+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
09/30/1970 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
WARM CREEK SNAKE RIVER+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
09S 17E 19 NE SW SE 13 (53) JEROME+ - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
53 - AESTHETIC STORAGE 01/01 12/31 748.00
32 - WATER QUAL. IMPR. STOR 01/01 12/31 748.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
748.00 16.5+ - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
09S 17E 19 SW SE 13 32 WATER QUAL. IMPR. STOR (53) JEROME
09S 17E 19 SE SE 32 WATER QUAL. IMPR. STOR (53) JEROME
09S 17E 19 SW SE 13 53 AESTHETIC STORAGE (53) JEROME
09S 17E 19 SE SE 53 AESTHETIC STORAGE (53) JEROME

Total Acres:

+ - - Diversion Means - EARTHEN DAM AND CONTROL GATE

+ - - Non-Irrigation Use - AESTHETIC AND WATER QUALITY IMPROVEMENT, 5.5 ACRE LAKE

+ - - Other Rights for Same Use - NONE

MICROFILMED
FEB 09 1993

Prefix Translation: RESEARCH

	Remarks
	STORAGE CAPACITY 11.0 AF.
	737 AF OF THIS RIGHT IS LIMITED TO USE FOR EVAPORATION AND SEEPAGE LOSSES IN STORAGE OF THIS RIGHT.

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

No Old Water Right Numbers Found

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

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

[illegible]

Date: 08/12/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS
THIS RIGHT ARISES FROM AN IMPOUNDMENT WHEN WARM CREEK FLOWS INTO THE SNAKE RIVER. THE IMPOUNDMENT ALLOWS FOR WATER QUALITY STORAGE AS WELL AS AESTHETICS. IT AROSE AT THE TIME OF THE FISH PROPAGATION UNDER RIGHT 36-00200.
THE LAKE IS CONSTANTLY BEING REFILLED. THE 24 ACRE FEET REPRESENTS THE VOLUME OF THE LAKE. THE 748 ACRE FEET OF TOTAL VOLUME CLAIMED REPRESENTS THE 24 ACRE FEET PLUS A SEEPAGE AND/OR EVAPORATION LOSS OF 1.9835 ACRE FEET PER DAY.

+ - - Audit Fields - - +
08/12/92 CLELLAND

+ - - - - - 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	- 08/12/1992	Old Judicial District	-
Claim Received Date	- 07/13/1992	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S014735	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
FEB 09 1993

BB 22

Cinder Pits

A36-15378

PRISTINE SPRINGS

MICROFILMED
FEB 09 1993

T
9
S

19

POD
DAM NESWSE (L13) S. 19

POU
SWSE (L13) S. 19
SESE

R. 17L

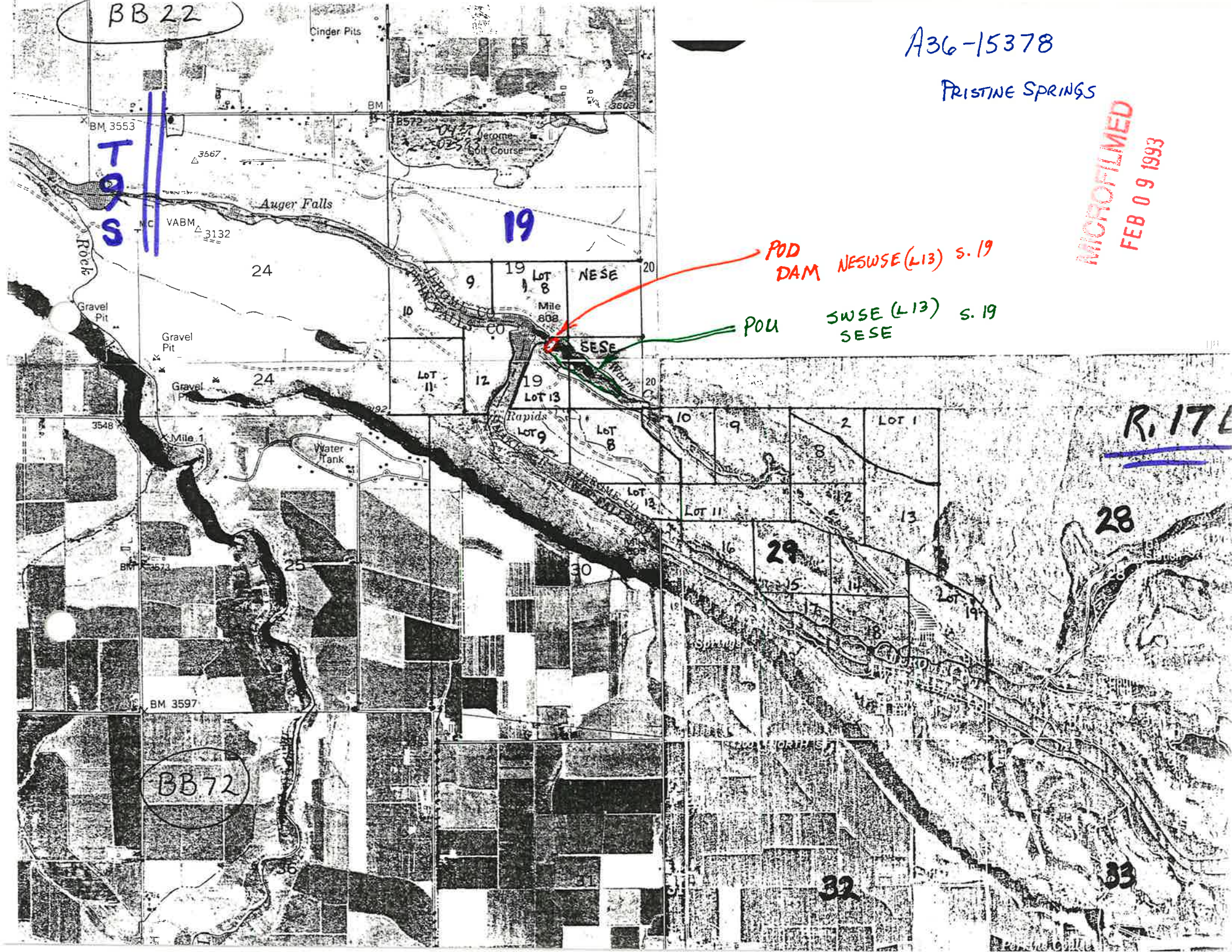
28

29

BB 72

32

33



Review of A36-15378

8-12-92
SCC

PRISTINE SPRINGS

Per review of the ASCS photos submitted by claimant from other files, the photo dated May 10, 1969 appears to indicate the Diversion structure under construction at the time of the photo.

While originally developed and used as a fish raising facility, by the early 1980's the fish propagation aspect was abandoned.

No attempt has been made since then to revive the use of this large pond for fish propagation and environmental controls by DEQ prevent any future commercial use.

(per conversation w/ Mr Eggleston 6-16-92)

Due to the continued development of fish uses upstream on Warm Creek and the uncontrolled waters from the stream and well during the 1980's, this pond has been a key part in improving the water quality of Warm Creek before it enters the Snake River.

The pond size is closer to 5-6 acre pond not the 12 acres as claimed.

MICROFILMED
FEB 09 1993

Recommend this claim for change in the nature of use from fish use as described under A36-00200 & A36-07160 to the aesthetic and water quality improvement claimed.

Total Volume of the historic use of the above rights will be reduced by this recommended change in use.

PLANIMETER MEASUREMENT
OF STORAGE POND SITE

By: STEVE CLELLAND
DATE: JULY 3, 1992

1ST SET up:

measured 8" per mile on ASCS Map 1987.
using Very short arm, 1" = 660', set 0.059106

ASCS copy

5.61 Acres
5.80
5.97
5.85

AVE. = 5.81 Ac.

PHOTO VERSION

5.08
5.20
5.30
5.14

AVE. = 5.18

COMBINED
AVERAGE: 5.50 Ac.

* Due to variations in measurements I ran second set of measurements.

2ND SET up:

using Short Arm, 1" = 660', set 0.09688

ASCS copy

5.53
5.23
5.62
5.23

AVE. = 5.40 Acres

PHOTO VERSION

5.81
5.23
5.62
5.52

AVE. = 5.55 Acres

MICROFILMED
FEB 09 1993

*** Calculated Pond size = 5.50 surface Acres

POND VOLUME

8-12-92
SCC

GIVEN: 5.5 ACRE POND SURFACE

FORMULA FOR VOLUME:

$$\frac{1}{3} \times \frac{\text{SURFACE AREA}}{\text{ACRES}} \times \text{DEPTH} = \text{AC-FT}$$

VOLUME CLAIMED:

Using their claimed volumes:

$$\text{for Depth} = \frac{1}{3} \times 12 \text{ Ac.} \times ? = 24 \text{ AC-FT}$$

$$\text{Depth} = \frac{24 \text{ AC-FT}}{(\frac{1}{3})(12 \text{ Ac})}$$

$$\text{Depth} = \underline{\underline{6 \text{ ft}}}$$

Volume found:

$$\frac{1}{3}(5.5)(6) = \underline{\underline{11 \text{ AC-FT}}} \text{ storage } \checkmark$$

$$\text{seepage loss: } 2.0 \text{ ft/Day} \times 5.5 \times 365 = 4015 \text{ AFA}$$

Consumptive Use → evaporation loss: allow 3 AFA/Acre = $5.5 \times 3 = \underline{\underline{16.5 \text{ AFA}}}$

* limited by Rain *

$$(748 - 11 =) \text{ to } \underline{\underline{737 \text{ AC-FT}}} \quad \text{TOTAL} = \underline{\underline{4031.5 \text{ AFA}}}$$

this is confirmed by:

Aerial Photos, ASES photos, Napp photos
licensing Epanc data, decrees and
field exam.

8-12-92

Steve Callan

MICROFILMED
FEB 09 1993

Most seepage formulas use a unit seepage rate which some call "C" and others call "i". In English units these coefficients are expressed as cubic feet per square foot per day or simply feet per day.

The following table of "C" values is from American Civil Engineering Practice:²⁵

<u>Kind of Material</u>	<u>Loss per Day</u> (in feet)
Cemented gravel and hardpan with sandy loam	0.34
Clay and clay loam	0.41
Sandy loam	0.66
Volcanic ash	0.68
Volcanic ash with some sand	0.98
Sand and volcanic ash or clay	1.20
Sandy soil with some rock	1.68
Sandy and gravelly soil	2.20
Concrete lining	0.33

> allow 2.0 ft/day

The following table of "i" values is taken from the California Department of Water Resources Inspection Manual for use with the Etcheverry formula.

<u>Kind of Material</u>	<u>Loss per Day</u> (in feet)
Impervious clay loam	0.25 - 0.35
Medium clay loam underlaid with hardpan at depth of not over 2 to 3 ft. below bed	0.35 - 0.50
Ordinary clay loam, silt soil or lava ash loam	0.50 - 0.75
Gravelly clay loam, sandy clay loam, cemented gravel, sand or clay	0.75 - 1.00
Sandy loam	1.00 - 1.50
Loose sandy soils	1.50 - 1.75
Gravelly sandy soils	2.00 - 2.50
Porous sandy soils	2.50 - 3.00
Very gravelly soils	3.00 - 6.00

The following tables of "Average Seepage Rates" is from

²⁵ Abbett, Robert W., American Civil Engineering Practice, John Wiley & Sons, Inc., New York, 1956, Vol. II, pp. 17-31, 17-32.

MICROFILMED
FEB 09 1993

Helen

GUIDELINES FOR THE EVALUATION OF IRRIGATION DIVERSION RATES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

1301 NORTH ORCHARD STREET

BOISE, IDAHO 83720

PREPARED BY

HUBBLE ENGINEERING, INC.

AND

ASSOCIATED EARTH SCIENCES, INC.

**HUBBLE
ENGINEERING, INC.**

ENGINEERING-SURVEYING-PLANNING



ASSOCIATED



EARTH SCIENCES INC.

**MICROFILMED
FEB 09 1993**

MAY 10 1969

ASCS

POD

T9S R17E

S19

POND

←
SNAKE RIVER

A36-15378