

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: **A36-15447**
Date Received: 9/11/1992
Receipt No: X111111
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: UNITED STATES OF AMERICA ACTING THROUGH 503-231-6145
Address: US DEPT OF INTERIOR
FISH & WILDLIFE SERVICE
911 NE 11TH AVENUE
PORTLAND OR 97232-4181

OR

Name: US DEPT OF INTERIOR
Address: FISH & WILDLIFE SERVICE REG 1
ATTN DIVISION OF ENGINEERING
911 NE 11TH AVE
PORTLAND OR 97232-4181

2. Date of Priority: JAN 1, 1933

3. Source: SPRINGS (NOS. 8 & 9) Trib. to: RILEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	14E	6	NW	NE	SE		GOODING
			SW	NE	SE		GOODING
				NW	SE		GOODING

5. Description of diverting works:

CONC. SPRING BOXES, 3" & 8" PIPES; ALSO CONC. COLLECTION STRUCT.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	0.500		

7. Total Quantity Appropriated is:

0.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

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9. Non-irrigation uses:

FISH PROP., 1 RACEWAY, 300 TANKS, CAPACITY OF 10,000 CU. FT. APRX

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	14E	6	SW	NE		FISH	
			SE	NW		FISH	
			NE	SW		FISH	
			SE	SW		FISH	
			NE	SE		FISH	
			NW	SE		FISH	
			SW	SE		FISH	
			SE	SE		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:

SEE REMARKS

14. Remarks:

THE IDENTIFIED PURPOSE OF USE, PLACE OF USE, POINT OF DIVERSION, AND WATER SOURCE IN THIS CLAIM CLARIFY AND UPDATE INFORMATION GIVEN IN BENEFICIAL USE CLAIMS 36-04069, 36-04252 & 36-04253.

OTHER WATER RIGHTS: 36-00128, 36-00129, 36-00130, 36-00131, 36-00132, 36-02308 & 7 BENEFICIAL USE CLAIMS.

PLACE OF USE: WATER USE IS WITHIN THOSE PORTIONS OF S06, T08S, R14E COMPRISING THE HAGERMAN NATIONAL FISH HATCHERY AND THE HAGERMAN FIELD STATION.

WATER UNDER DECREED RIGHT NO. 36-00131 IS DIVERTED AT THE SAME LOCATION AS WATER UNDER THIS CLAIM.

15. Basis of Claim: BENEFICIAL USE



United States Department of the Interior

OFFICE OF THE SOLICITOR

Pacific Northwest Region
500 N.E. Multnomah Street, Suite 607
Portland, Oregon 97232

OCT 15 1992

8128 347 95

OCT 15 1992

Division of Water Resources
Southern Region Office

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

Re: Data Entry Records: A-36-00128 - A-36-132; A-36-02038; and
A-36-14-5444 - A-36-15452

Dear Mr. Clelland:

Jack Haugrud, U.S. Department of Justice, has requested that I respond to your letters to him of September 28 and October 1, 1992. Enclosed are three declarations and supporting documentation in response to your request for support (a) for the priority dates for beneficial use claims of the United States for Hagerman National Fish Hatchery and Hagerman Field Station, and Minidoka National Wildlife Refuge; and (b) for the change in use of certain decreed rights for the Hagerman facilities.

In addition, we have a few comments, as you requested, regarding the accuracy of the computer-generated claims for the above-described facilities.

(i) In order to expedite service to the U.S. Fish and Wildlife Service, please amend the Portland address to read as follows:

U.S. Department of the Interior
Fish and Wildlife Service, Region 1
Attn: Division of Engineering
911 N.E. 11th Avenue
Portland, Oregon 97232

(ii) The place of use on all Hagerman Claims as described by your office includes several quarter sections in which there are no Hagerman facilities. Please delete the following:

<u>TOWNSHIP</u>	<u>RANGE</u>	<u>SECTION</u>	<u>QUARTER OF QUARTER</u>	
8S	14E	6	NE	NE
8S	14E	6	NW	NE
8S	14E	6	SE	NE
8S	14E	6	NE	NW
8S	14E	6	NW	NW
8S	14E	6	SW	NW
8S	14E	6	NW	SW
8S	14E	6	SW	SW

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(iii) The consumptive use entry has not been completed on any of the claim forms. They should be corrected to read as follows:

A 36-00128 = none
 A 36-00129 = none
 A 36-00130 = none
 A 36-00131 = none
 A 36-00132 = 44 acre feet per annum.
 A 36-02038 = none
 A 36-15444 = none
 A 36-15445 = none
 A 36-15446 = none
 A 36-15447 = none
 A 36-15448 = none
 A 36-15449 = none
 A 36-15450 = none
 A 36-15451 = none
 A 36-15452 = none

(iv) SRBA Claim A 36-0129: The provision in Item 13, Other Water Rights Used, was not included in the computer generated forms and needs to be added as follows:

"See Remarks."

(v) SRBA Claim A 36-0130: In the Remarks section, delete reference to 36-00130 as other water rights used since the claim is for that water right.

(vi) SRBA Claim A 36-0132: In Item 9, Non-Irrigation Uses, a number of uses were deleted in the computerized claim. These need to be added:

(a) Domestic/Stockwater "Service buildings, visitor facilities, and 2 stock units."

(b) Fish Propagation "103 raceways and 470 tanks, jars, and trays, capacity: 261,000 cubic feet."

In Item 14, Remarks, your language implies that water from the Hatchery's beneficial use claim for Spring 8 is commingled with the water under this claim but it is water from the Hatchery's decreed right to water for Spring 8 that is commingled.

(vii) SRBA Claim A 36-15444: You have deleted our notice in Item 14, Remarks, that a portion of this claim is claimed in the alternative. The following should be added to Remarks.

"7.7 cfs of this claim is claimed as alternative to IDWR water right No. 36-2308."

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Also in Item 14, Remarks; the reference should be to 7 other beneficial use water rights, not 8; and 36-02308 is a licensed water right not a decreed right.

(viii) SRBA Claim A 36-15445: In Item 14, Remarks, the reference should be to 7 other beneficial use rights, not 8.

(ix) SRBA Claim A 36-15446: In Item 14, Remarks, the reference should be to 7 other beneficial use rights, not 8.

(x) SRBA CLAIM A 36-15450: In Item 14, Remarks, you have included one comment that is not correct for this claim; the comment applies to another claim. The following needs to be deleted:

"Water under water right No. 36-02308 and water under one beneficial use claim is diverted at the same location as water under this claim."

Also in Item 14, Remarks, the statement regarding commingling should be revised to read:

"Water from Len Lewis Spring is commingled with flows from Springs Nos. 12, 13, 14, and 15 and Main Springs, in total or in part."

Please call Jack Haugrud (202) 272-4234 or Geoff Garver (202) 272-4692, U.S. Department of Justice, if you have any questions.

Sincerely,

For the Regional Solicitor



Barbara Scott-Brier
Attorney
Pacific Northwest Region

Enclosures

cc w/encls:

Jack Haugrud, DOJ/Geoff Garver, DOJ (Overnight Mail)
Randy Schmeller, FWS

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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

US DEPT OF INTERIOR
FISH & WILDLIFE SERVICE REGION 1
ATTN DIVISION OF ENGINEERING
911 NE 11TH AVE
PORTLAND OR 97232-4181

RE: SNAKE RIVER BASIN ADJUDICATION
DATA ENTRY RECORDS & RECOMMENDATIONS

A36-00128	A36-15444
A36-00129	A36-15445
A36-00130	A36-15446
A36-00131	A36-15447
A36-00132	A36-15448
A36-02038	A36-15449
	A36-15450
	A36-15451
	A36-15452

DEAR BARBARA SCOTT-BRIER,

PLEASE FIND ENCLOSED COPIES OF THE COMPUTER GENERATED CLAIMS AS CORRECTED PER YOUR REQUEST. ALSO ENCLOSED ARE THE PROFILE REPORTS OF THE RECOMMENDATIONS OF THESE RIGHTS THAT WERE FAXED TO YOU ON SATURDAY OCTOBER 24, 1992. ALL THESE RECORDS ARE FOR YOUR FILES AND DO NOT NEED RETURNED TO US.

IF YOU HAVE QUESTIONS OR NEED OTHER ASSISTANCE PLEASE CONTACT THIS OFFICE.

SINCERELY,

STEVE CLELLAND
WATER AGENT, SR.

ENCLOSURES:

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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: A36-15447

Date Received: 9/11/1992

Receipt No: X11111

Received By: [Signature]

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

1. Name: UNITED STATES OF AMERICA ACTING THROUGH 503-231-6145
Address: US DEPT OF INTERIOR
FISH & WILDLIFE SERVICE
911 NE 11TH AVENUE
PORTLAND OR 97232-4181

2. Date of Priority: JAN 1, 1933

3. Source: SPRINGS (NOS. 8 & 9) Trib. to: RILEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	14E	6	NW	NE	SE		GOODING
			SW	NE	SE		GOODING
				NW	SE		GOODING

5. Description of diverting works:

CONC. SPRING BOXES, 3" & 8" PIPES; ALSO CONC. COLLECTION STRUCT.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	0.500		

7. Total Quantity Appropriated is:

0.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

FISH PROP., 1 RACEWAY, 300 TANKS, CAPACITY OF 10,000 CU. FT. APRX

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08S	14E	6	NE		NE		FISH	
			NW		NE		FISH	
			SW		NE		FISH	
			SE		NE		FISH	
			NE		NW		FISH	
			NW		NW		FISH	
			SW		NW		FISH	
			SE		NW		FISH	
			NE		SW		FISH	
			NW		SW		FISH	
			SW		SW		FISH	
			SE		SW		FISH	
			NE		SE		FISH	
			NW		SE		FISH	
			SW		SE		FISH	
			SE		SE		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:
SEE REMARKS

14. Remarks:

THE IDENTIFIED PURPOSE OF USE, PLACE OF USE, POINT OF DIVERSION, AND WATER SOURCE IN THIS CLAIM CLARIFY AND UPDATE INFORMATION GIVEN IN BENEFICIAL USE CLAIMS 36-04069, 36-04252 & 36-04253.

OTHER WATER RIGHTS: 36-00128, 36-00129, 36-00130, 36-00131, 36-00132, 36-02308 & 7 BENEFICIAL USE CLAIMS.

PLACE OF USE: WATER USE IS WITHIN THOSE PORTIONS OF S06, T08S, R14E COMPRISING THE HAGERMAN NATIONAL FISH HATCHERY AND THE HAGERMAN FIELD STATION.

WATER UNDER DECREED RIGHT NO. 36-00131 IS DIVERTED AT THE SAME LOCATION AS WATER UNDER THIS CLAIM.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

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For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, 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 _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
_____ acting as attorney at law on behalf of the claimant signing above, and that
Print Name
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 _____

Address _____

Date _____

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9

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: A36-15447
Date Received: _____
Receipt No.: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: **United States of America** Phone: **503-231-6145**
(Fish and Wildlife Service)
Address: **911 NE 11th Avenue**
Portland, OR 97232-4181
2. Date of Priority: January 1, 1933
3. Source: Springs (Numbers 8 and 9) Trib. to: Riley Creek
4. Point of Diversion:
Township 8S Range 14E Section 6, NW 1/4 of NE 1/4 of SE 1/4, B.M.,
County of Gooding
Additional Points of Diversion SW 1/4 of NE 1/4 of SE 1/4 and NW 1/4 of
SE 1/4 Section 6.
5. Description of diverting works: A portion of the water is collected in concrete spring boxes. This collected water is then conveyed via 8"- and 3"-diameter pipes to the use points. Water not collected in the spring boxes infiltrates through the talus rocks and is collected in another concrete structure at the bottom of the slope. This structure feeds directly into the raceway. The existing spring boxes were constructed about 1955, replacing the previous structures.
6. Water is claimed for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
Fish Propagation	Jan.1	Dec.31	0.5		
7. Total Quantity Claimed is:
0.5 C.F.S. (and/or) _____ A.F.A.
8. Total consumptive use claimed is None Acre Feet Per Annum.
9. Non-irrigation uses: Currently 1 concrete raceway and approximately 300

United States of America
Fish and Wildlife Service

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testing/holding/rearing tanks with a capacity totalling approximately 10,000 cubic feet.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
8S	14E	6			H	

Water use is within those portions of Section 6, Township 8 South, Range 14 East B.M. comprising the Hagerman National Fish Hatchery and the Hagerman Field Station.

11. Place of use, county(ies): Gooding Total Number of Acres Irrigated None

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

13. Other Water Rights Used: 36-0128, 36-0129, 36-0130, 36-0131, 36-0132, 36-2308, and 7 beneficial use claims.

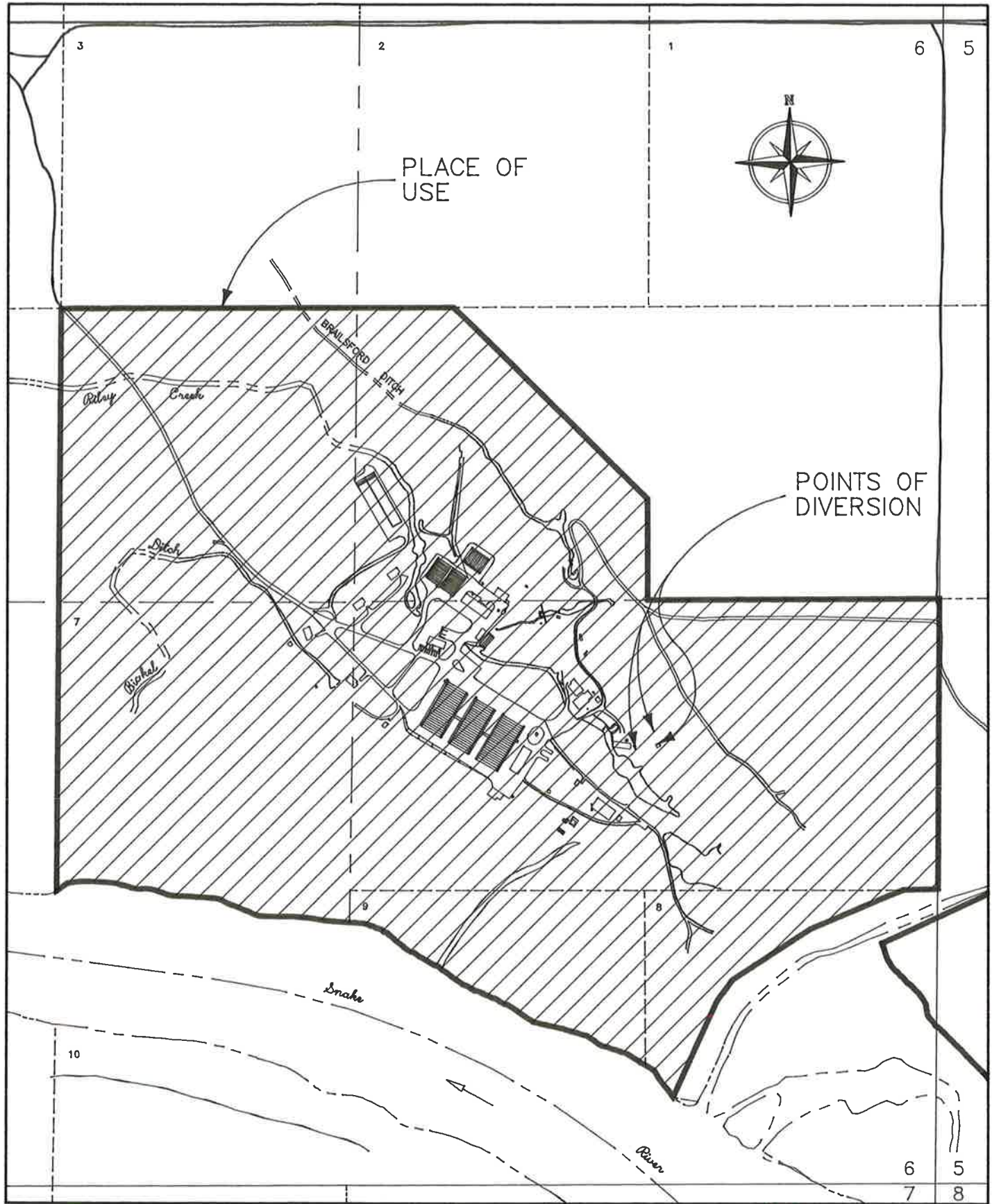
14. Remarks: The beneficial use claims for Hagerman National Fish Hatchery and Hagerman Field Station clarify and update beneficial use claims 36-4069, 36-4252, and 36-4253.

Water under decreed water right no. 36-0131 is diverted at the same location as water under this claim.

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

If applicable provide IDWR Water Right Number See Remarks
Court _____ Case Number _____ Decree Date _____

R14E



WATER RIGHT CLAIM FOR SPRINGS 8 AND 9



SCALE IN FEET

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AUG 31 1992

Verification of FWS Claims:

Department of Water Resources

As the Director of Region 1 of the United States Fish and Wildlife Service, I verify under penalty of perjury under the laws of the United States of America that the statements made in this document and the claims filed herewith on behalf of the USDI-Fish and Wildlife Service are true and correct.

Executed on _____

Marvin L. Plenert

Marvin L. Plenert
Regional Director
U.S. Fish and Wildlife Service
U.S. Department of the Interior
1002 N.E. Holladay Street
Portland, Oregon 97232-4181

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AUG 31 1992

Department of Water Resources

Notice of Appearance:

Notice is hereby given that K. Jack Haugrud, Daria J. Zane, and Geoffrey Garver will be acting as attorneys of record 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 them at the address listed below.

Signature *K. Jack Haugrud*
K. JACK HAUGRUD

Signature *Daria J. Zane*
DARIA J. ZANE

Signature *Geoffrey Garver*
GEOFFREY GARVER

Address: U.S. Department of Justice
Environment Div., General Litigation Section
P.O. Box 663
Washington, D.C. 20004-0663

Date: August 31, 1992

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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)

RECEIVED

AUG 31 1992

Case No. 39576

Department of Water Resources

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

Plaintiff,

v.

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

Defendants.

GENERAL NOTICE OF UNITED
STATES' CLAIMS TO WATER
ACQUIRED UNDER STATE AND
FEDERAL LAW IN REPORTING
AREA 03 (IDWR ADMININSTRATIVE
BASIN 36)

General Remarks for All United States Claims

1. The claims filed with this notice are submitted by the United States on behalf of the United States Department of Interior--Fish and Wildlife Service (FWS), the United States Department of the Interior--Bureau of Reclamation, the United States Department of the Interior--Bureau of Land Management (BLM), and the United States Department of the Army--Corps of Engineers for Reporting Area 03.

2. The claims filed on behalf of the U.S. Bureau of Reclamation are minor revisions to claims filed earlier with the Idaho Department of Water Resources. These revised claims amend and supplement the claims filed earlier.

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3. The claims filed on behalf of the U.S. Army Corps of Engineers involve state water rights acquired through purchase. To avoid any future misunderstanding, it should be noted that the use and control of water in connection with projects operated by the U.S. Army Corps of Engineers do not in general involve water rights or water rights claims. Because these projects were authorized through an assertion of the federal government's Commerce Clause power under the United States Constitution, they do not ordinarily involve water rights that are subject to this adjudication. By filing these state-law claims in Reporting Area 03, the United States does not intend to waive any right, power or authority it may have under federal law or the United States Constitution.

4. By filing these claims, the United States does not waive its right to defer adjudication of de minimus claims as authorized by Court Order dated January 17, 1989.

5. By filing these claims, the United States does not waive its rights to file additional federal claims based on the reserved rights doctrine as authorized by the Court or to file information on the use of water as a matter of comity and policy.

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U.S. Department of Justice

WMC:KJHaugrud
90-6-2-63C
(202) 272-4134

RECEIVED
AUG 31 1992

Department of Water Resources

Washington, D.C. 20530

August 31, 1992

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

Re: In re: General Adjudication of Rights to the Use
of Water from the Snake River Basin Water System,
Civil No. 39576.

Dear Mr. Shaw:

Pursuant to the Court's Order Establishing Adjudication Reporting Areas, General Sequence and Test Reporting Areas, dated May 19, 1992, enclosed are the United States' consumptive use claims for Reporting Area 03 (IDWR Administrative Basin 36). A general Notice of Claims is provided which gives an overview of the claims as well as providing the required verification and notice of appearance.

These claims, along with any other claims that may have been previously lodged with you, constitute the United States' consumptive use claims for Reporting Area 03.

The enclosed documents constitute the actual claims of the United States. To the extent that agencies provide you with computer tapes of the claims, they are provided solely for your convenience and if there is any discrepancy between the contents of the tape and the actual claims, the actual claims control.

Your cooperation in this matter is appreciated. Should you have any questions, please contact me at (202) 272-4134.

Sincerely,

K. Jack Haugrud
K. Jack Haugrud
Attorney, Environment Division
U.S. Department of Justice

Enclosure

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FEB 09 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

Steve Clelland - S

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 1, 1992

RECEIVED

OCT 05 1992

Idaho Department of Water Resources
Southern Region Office

Jack Haugrud
US Department of Justice
Env. & NR Div. Gen. Lit. Sec.
PO Box 663
Washington, DC 20044-0663

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right Nos.
A36-00128, A36-00129, A36-00130, A36-00131, A36-00132,
A36-02038, A36-15444, A36-15445, A36-15446, A36-15447,
A36-15448, A36-15449, A36-15450, A36-15451 & A36-15452

Dear Mr. Haugrud:

Regarding the above referenced Notices of Claim filed in the name of USDI Fish and Wildlife Service, you received a letter from Steve Clelland of our Department requesting Evidence of Priority by October 12, 1992.

In addition, please supply us with maps, drawings, or other material describing the pond and raceway volumes as of the dates claimed. This information may be in the form of maps, engineering design specifications, or other documentation that supports the development of the facility volumes as of the dates shown in the Date of Priority on the Notices of Claim.

The decreed rights were originally decreed for irrigation purposes. Please supply us with documents supporting the change in the nature of use including the dates when the changes occurred.

Regarding A36-15452, please clarify the method of diversion used to divert the spring and seeps to beneficial use. The claim does not describe a diversion system.

Please submit this information by October 12, 1992 directly to Steve Clelland, IDWR - Southern Region, 222 Shoshone St.,

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Jack Haugrud
October 1, 1992
Pgae 2

East, Twin Falls, ID 83301. Please call either me or Mr.
Clelland if you have any questions or need assistance.

Sincerely,

Helen Harrington-Thornton
Helen Harrington-Thornton
Senior Water Resource Agent

HHT: Clelland

CC: USDI Fish & Wildlife Service
911 NE 11th Ave.
Portland, OR 97232-4181

USDI Fish & Wildlife Service
Hagerman National Fish Hatchery
Rt. 1, Box 256
Hagerman, ID 83332

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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

SEPTEMBER 28, 1992

R. KEITH HIGGINSON
Director

JACK HAUGRUD OR G GARVER OR D ZANE
US DEPT OF JUSTICE
ENV & NR DIV GEN LIT SEC
PO BOX 663
WASHINGTON DC 200440663

RE: DATA ENTRY RECORDS & EVIDENCE OF PRIORITY

A36-00128	A36-15444
A36-00129	A36-15445
A36-00130	A36-15446
A36-00131	A36-15447
A36-00132	A36-15448
A36-02038	A36-15449
	A36-15450
	A36-15451
	A36-15452

DEAR SIRS,

PLEASE FIND ENCLOSED COPIES OF THE COMPUTER GENERATED CLAIMS AS THEY APPEAR IN OUR DATA BASE. PLEASE REVIEW THESE RECORDS FOR ACCURACY AS THEY ARE BASED ON THE CLAIMS YOU SUBMITTED IN THE SNAKE RIVER BASIN ADJUDICATION.

YOUR RECORDS INDICATE THE CLAIMS LISTED ABOVE, IN THE RIGHT HAND COLUMN, ARE BASED UPON A "BENEFICIAL USE" OF WATER. FOR WATER RIGHTS OF THIS TYPE, THE CLAIMED "PRIORITY DATE" MUST BE SUBSTANTIATED WITH SUPPORTING EVIDENCE.

BEFORE THE DEPARTMENT CAN MAKE A RECOMMENDATION TO THE COURT TO DECREE THE CLAIM, SOME EVIDENCE OF THE PRIORITY DATE MUST BE SUBMITTED. WE ARE ENCLOSING A BROCHURE OUTLINING THE TYPES OF EVIDENCE YOU MAY SUBMIT. WE REQUEST THAT YOU SUBMIT YOUR EVIDENCE OF PRIORITY AS SOON AS POSSIBLE. IF WE DO NOT RECEIVE THE REQUESTED DOCUMENTATION, YOUR CLAIM WILL BE RECOMMENDED FOR DISALLOWAL DUE TO LACK OF EVIDENCE SUPPORTING ANY PRIORITY DATE.

*** PLEASE SUBMIT THE REQUIRED EVIDENCE SUPPORTING THE PRIORITY DATE BY OCTOBER 12, 1992. ***

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FEB 09 1993

PLEASE REFERENCE THE CLAIM NUMBER ON YOUR CORRESPONDENCE. IF YOU HAVE QUESTIONS OR NEED OTHER ASSISTANCE PLEASE CONTACT THIS OFFICE.

SINCERELY,


STEVE CLELLAND
WATER AGENT, SR.

ENCLOSURES:

CC: US DEPT OF INTERIOR
FISH & WILDLIFE SERVICE
911 NE 11TH AVENUE
PORTLAND OR 972324181

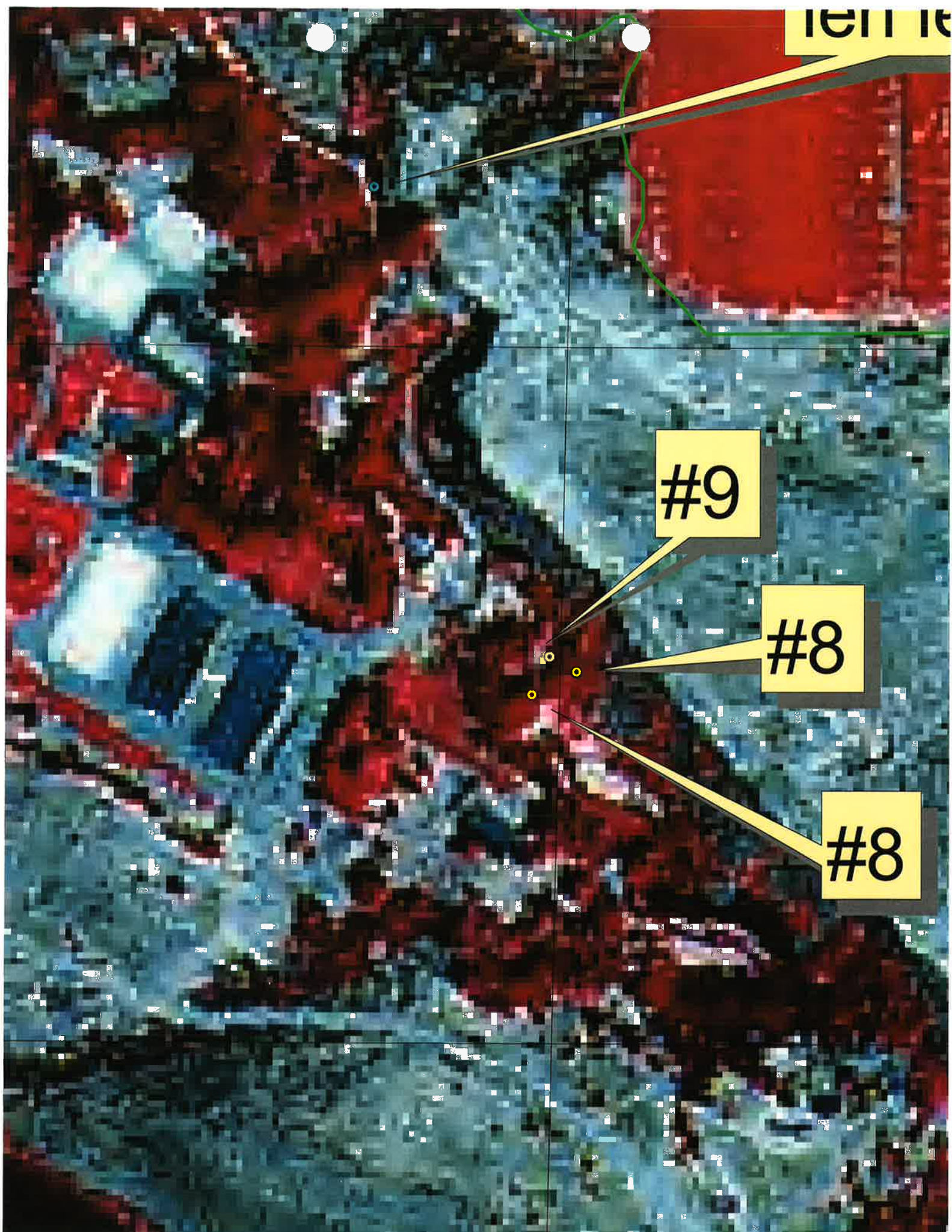
US FISH & WILDLIFE SERVICE
HAGERMAN NATIONAL FISH HATCHERY
RT 1 BOX 256
HAGERMAN ID 83332

MICROFILMED
FEB 09 1993

#9

#8

#8





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 25, 1995

U.S. Dept of Interior
Fish & Wildlife Service, Reg. 1
911 NE 11th Ave
Portland, OR 97232-4181

RECEIVED

SEP 27 1995

RE: APPLICATION FOR PERMIT NO. 36-07917 Department of Water Resources
Southern Region

Gentlemen:

The department of Water Resources (IDWR) is currently reviewing relatively old applications for permit which are pending before the department. Our files show that on May 5, 1980, the Fish & Wildlife Service (Service) filed the above referenced application in connection with the Hagerman National Fish Hatchery near Hagerman, Idaho.

The application proposed the diversion of 79 cubic feet per second (cfs) of water from Springs tributary to Riley Creek and Bickle Ditch from March 15 to September 15 each year and 95 cfs from September 16 through March 14 each year. The points of diversion were described on the application as within the SW1/4NE1/4, NE1/4SE1/4 and NW1/4SE1/4 Section 6, T8S, R14E, B.M. The last correspondence in the file is dated February 1988.

The Snake River Basin Adjudication (SRBA) records of the department show that the Service has filed a number of claims in that proceeding and the department has recommended the following claims to the SRBA court as valid:

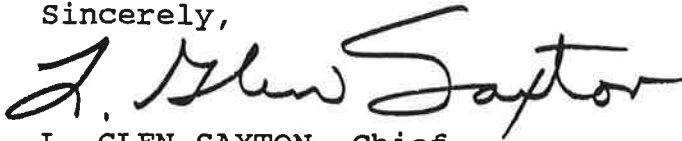
36-00128, 36-15444, 36-15450, 36-00130, 36-15446, 36-15448A, 36-15448B, 36-00129, 36-15445, 36-00132, 36-15448A, 36-15448B, 36-00132, 36-15448A, 36-15448B, 36-15448A, ~~36-15448B~~, 36-15449, 36-15451, 36-00131, 36-15447, 36-00131 and 36-15449.

From my review of this matter, application no. 36-07917 appears to be unneeded and should be removed from department records, since the rights of the Service have been claimed and recommended to the SRBA court. Enclosed is a relinquishment form for your consideration and use.

I will appreciate your review of this matter and your relinquishment of the application which appears to be duplicative

of the other rights of the Service. If you have questions or if I can provide additional information, please feel free to contact me or our Southern Regional office in Twin Falls.

Sincerely,

A handwritten signature in dark ink, appearing to read "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." being small and the last name "Saxton" being larger and more prominent.

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - S. Region
SRBA Bureau

R PROOF



CVR



MAPS



PHOTOS



MISC



REPROFILMED
FEB 09 1993

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME																																																																			
C	UNITED STATES OF AMERICA ACTING THROUGH US DEPT OF INTERIOR FISH & WILDLIFE SERVICE 911 NE 11TH AVENUE PORTLAND OR 972324181 (503) 231-6145	01/01/1966	FISH PROPAGATION	01-01 12-31	0.50 CFS																																																																				
				TOTAL DIVERSION:	0.50 CFS																																																																				
	US DEPT OF INTERIOR FISH & WILDLIFE SERVICE REG 1 ATTN DIVISION OF ENGINEERING 911 NE 11TH AVE PORTLAND OR 972324181																																																																								
Water Source: SPRING NO. EIGHT		Tributary to: RILEY CREEK		Stage: BENEFICIAL USE																																																																					
		SPRING NO. NINE		RILEY CREEK																																																																					
Point(s) of Diversion:		T08S R14E S06	NWNESE	NENWSE	GOODING County																																																																				
Place of use Legal Description for: FISH PROPAGATION																																																																									
<table border="0"> <tr> <td colspan="2"></td> <td colspan="2">NE</td> <td colspan="2">NW</td> <td colspan="2">SW</td> <td colspan="2">SE</td> </tr> <tr> <td colspan="2"></td> <td>NENE</td> <td>NWNE</td> <td>SWNE</td> <td>SENE</td> <td>: NENW</td> <td>NWNW</td> <td>SWNW</td> <td>SENW</td> <td>: NESW</td> <td>NWSW</td> <td>SWSW</td> <td>SESW</td> <td>: NESE</td> <td>NWSE</td> <td>SWSE</td> <td>SESE</td> <td>:</td> </tr> <tr> <td>T</td> <td>R S</td> <td>: Lt Ac</td> <td>Lt Ac</td> <td>Lt Ac</td> <td>Lt Ac</td> <td>: Lt Ac</td> <td>Lt Ac</td> <td>Lt Ac</td> <td>Lt Ac</td> <td>: Lt Ac</td> <td>Lt Ac</td> <td>Lt Ac</td> <td>Lt Ac</td> <td>: Lt Ac</td> <td>Lt Ac</td> <td>Lt Ac</td> <td>Lt Ac</td> <td>:</td> </tr> <tr> <td colspan="2">08S 14E 6 :</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td>:</td> </tr> </table>									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	Lt Ac	Lt Ac	:	08S 14E 6 :																		:
		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	Lt Ac	Lt Ac	:																																																							
08S 14E 6 :																		:																																																							
POU County: GOODING																																																																									
Non-Irrigation Uses: FISH PROP., 1 RACEWAY, 300 TANKS, 1 TANK 20'DIA., 3889 CU.FT.																																																																									
Other Rights: SEE REMARKS																																																																									
Remarks: FACILITY VOLUME 3889 CU.FT. RIGHT NO. 36-00131 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. TWO POINTS OF DIVERSION LOCATED IN NENWSE, S06, T08S, R14E. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED FACILITY VOLUME OF 252,000 CU.FT. COMBINED RIGHT NOS.: 36-00131 & 36-00132. SOURCES FOR THIS RIGHT ARE SPRING NO. EIGHT AND SPRING NO. NINE.																																																																									
Dates:		Exam Made Date: 10/22/1992		Verified Date:																																																																					
Misc:		Water District Number: 36A		Field Inspection Flag:																																																																					
				Presumption Flag:																																																																					
Comments: Date: 10/23/1992 User-ID: CLELLAND Subject: COPIED FROM REMARKS THE IDENTIFIED PURPOSE OF USE, PLACE OF USE, POINT OF DIVERSION, AND WATER SOURCE IN THIS CLAIM CLARIFY AND UPDATE INFORMATION																																																																									

MICROFILMED
FEB 09 1993

AJ0749NP
No. R36-15447

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

DATE: 10/28/92
PAGE: 2

=====

Comments: Date: 10/23/1992 User-ID: CLELLAND Subject: COPIED FROM REMARKS
GIVEN IN BENEFICIAL USE CLAIMS 36-04069, 36-04252 & 36-04253.
OTHER WATER RIGHTS: 36-00128, 36-00129, 36-00130, 36-00131,
36-00132, 36-02308 & 7 BENEFICIAL USE CLAIMS.
PLACE OF USE: WATER USE IS WITHIN THOSE PORTIONS OF S06, T08S,
R14E COMPRISING THE HAGERMAN NATIONAL FISH HATCHERY AND THE
HAGERMAN FIELD STATION.
WATER UNDER DECREED RIGHT NO. 36-00131 IS DIVERTED AT THE SAME
LOCATION AS WATER UNDER THIS CLAIM.

Date: 10/23/1992 User-ID: CLELLAND Subject: DISALLOWAL
NO EVIDENCE SHOWN FOR DIVERSION ABOVE DECREED AMOUNTS FOR THE
PRIORITY DATE CLAIMED.

Date: 10/28/1992 User-ID: THORNTON Subject: CHANGE IN RECOMMENDATION
CHANGED SOURCES TO CONFORM TO STANDARDS, ADDED MULTIPLE SOURCE
REMARK.

Audit: 10/28/92 THORNTON

MICROFILMED
FEB 09 1993

Water Right Number - R36-15447

Prefix Translation: RESEARCH

Old (D) Number -

VERIFIED BY SW

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

+ - First Name - - +

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

*** A - ATTORNEY ***

HAUGRUD, JACK OR G GARVER OR D ZANE

1 - US DEPT OF JUSTICE

2 - ENV & NR DIV GEN LIT SEC

3 - PO BOX 663

City- WASHINGTON

State- DC Zip- 200440663

Phone - 202-272-4134

*** C - CURRENT OWNER ***

AMERICA ACTING THROUGH

UNITED STATES OF

1 - US DEPT OF INTERIOR

2 - FISH & WILDLIFE SERVICE

3 - 911 NE 11TH AVENUE

City- PORTLAND

State- OR Zip- 972324181

Phone - 503-231-6145

US DEPT OF INTERIOR

1 - FISH & WILDLIFE SERVICE REG 1

2 - ATTN DIVISION OF ENGINEERING

3 - 911 NE 11TH AVE

City- PORTLAND

State- OR Zip- 972324181

Phone - 208-000-0000

*** K - ALSO KNOWN AS ***

FWS

1 -

2 -

3 -

City- PORTLAND

State- OR Zip- 972324181

Phone - 208-000-0000

+ - - Priority Date - - +
01/01/1966

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
J - BENEFICIAL USE

+ - - Status - - - +

+ - - Source - - - - - +
SPRINGS (NOS. 8 & 9)

+ - - Tributary - - - - - +
RILEY CREEK

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

08S 14E 6 NW NE SE (47) GOODING
NE NW SE (47) GOODING

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

19 - FISH PROPAGATION 01/01 12/31 0.500

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.500 0.0

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

08S 14E 6 NW SE 19 FISH PROPAGATION (47) GOODING

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FEB 09 1993

Court Report Filing	- 00/00/0000	Field Inspection Made	- 10/22/1992	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/24/1992	Old Judicial District	-
Claim Received Date	- 09/11/1992	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X111111	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-

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FEB 09 1993

Water right number - R36-15447

Prefix Translation: RESEARCH

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

Notice of Error Flag -

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FEB 09 1993

CLAIM NO. A36-15447

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET
FOR SMALL INDUSTRIAL AND COMMERCIAL CLAIMS IN PLACE OF A CVR

1. ☐ No Change NAME:
☒ NEW OWNER: SEE LETTER 10-15-92
☐ No Change ADDRESS:
☒ NEW ADDRESS: _____
- ☒ DATA ENTRY STANDARDS CHECKED?
2. ☒ No Change - DATE OF PRIORITY:
(EVIDENCE OF PRIORITY REQUIRED) ☐ Proof in File
☐ Claimant Contact if Not
- ☒ CHANGE- Priority date, per claimant, is 1966 per Meas.
(if the priority date, based on your exam, seems questionable,
explain in COMMENTS.)
3. ☒ No Change - SOURCE:
☐ CHANGE - Different Source found: _____
4. ☐ No Change - POINT OF DIVERSION:
☒ Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. 6, NW 1/4 NE 1/4 SE 1/4
NE NW SE
- Note: If the 10-acre tract is shown on the claim, then
verification of the 10-acre parcel is needed. Otherwise the
10-acre tract is not required, unless the source is a spring.
5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS:
☐ Complete items missing, IF KNOWN.

HP of pump _____ Static water level _____ Well depth _____
Casing size _____ Pumping water level _____ Gravity flow _____

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (H.P.) \times (EFF.)}{TDH}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping
water level
PSI = pumping pressure measured in psi near pump
(if open discharge assume zero [0])

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FEB 09 1993

$$Q = \frac{(8.8) (\dots\dots\dots) (0.70)}{[(\dots\dots\dots) + (\dots\dots\dots \times 2.31)]}$$

LIFT FROM:

measurement ()

owner ()

area estimate ()

well logs ()

Booster (Y) (N)

PSI FROM:

measurement ()

owner ()

estimate ()

owner gage ()

NOTES ON PUMP:

Motor Make, Serial or ID

Pump Make, Serial or ID, rating

REMARKS

.....
DESCRIPTION OF USE: (Fully describe type, time & all aspects of Use)MEMO

CALCULATE VOLUMES: (time)X(rate)= Vol.

MEMOMICROFILMED
FEB 09 1993

6. ☒ No Change - WATER USES:
RECOMMENDED USES:

div cons

Use _____ From _____ To _____ Amount _____ cfs _____ af _____ af

Use _____ From _____ To _____ Amount _____ cfs _____ af _____ af

☒ DATA ENTRY STANDARDS CHECKED FOR ITEMS 6, 7, 8 AND 9.

10. ☒ No Change - PLACE OF USE: (If changed, list below.)
Use _____ Twp. _____ Rge. _____ Sec. _____ 1/4, _____ 1/4, _____ 1/4

_____ NW SE only

13. ☒ No change - OTHER RIGHTS FOR SAME USE:
CHANGE: SEE REMARKS

14. ☒ REMARKS AND CONDITIONS
(copy existing remarks to comments in "R")
LIST STANDARD REMARKS FOR THE RECOMMENDATION: ☐ NONE

F02 F05 D06 E12 VAR

☐ LIST STANDARD CONDITIONS FOR THE RECOMMENDATION: ☒ NONE

15. ☐ BASIS OF CLAIM VERIFIED AS: D - L - P - S - J (circle one)

COMMENTS: (pertinent to field examination)

Priority date was advanced since the 1932 map, Ex A,
shows less flow than claimed. 1966 measurement
shows additional diversion flows.

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FEB 09 1993

ATTACHMENTS: Attached to This Form. Attachments are in Permit File.

PHOTOS

MAP

SYSTEM DIAGRAM



DATE EXAM CONDUCTED: 10-22-92

ACCOMPANIED BY: RANDY SCHMELLER & BOB WINFREE

FIELD EXAMINER: STEVE CLELLAND

SIGNATURE: Steve Clelland

REVIEWED BY/DATE: 10-24-92

DATA ENTRY BY/DATE: 10-24-92

VERIFICATION BY/DATE: _____

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FEB 09 1993

P.O.D. MEASURING STATION 3 - SPRINGS 13, 14, 15 & 16
DISCHARGE = 38.38 CFS IRRIGATION SEASON MAR. 15 - SEP. 15
= 54.38 CFS NON-IRRIGATION SEASON SEP. 15 - MAR. 15

#11
SEEPS

P.O.D. MEASURING
STATION 10 - SPRINGS
11 & 12 DISCHARGE = 1.00 CFS.

P.O.D. MEASURING STATION 9 -
SPRINGS 8, 9 & 10 RILEY CREEK
DISCHARGE = 4.90 CFS.

3
POD'S

20'
DIA
TANK

PO NO. 10

PO NO. 9

PO NO. 8

ABANDONED
RACEWAY

SMALL RACEWAY
10x15x2.5

PO NO. 7

OLD LAB SETS
ON TOP THIS ABANDONED
RACEWAY.

P.O.D. MEASURING
STATION 7 -
SPRINGS 5, 6, 7 & 7a RILEY CREEK
DISCHARGE = 8.34 CFS.

NEW
LAB

A36-15447

FEB 09 1993

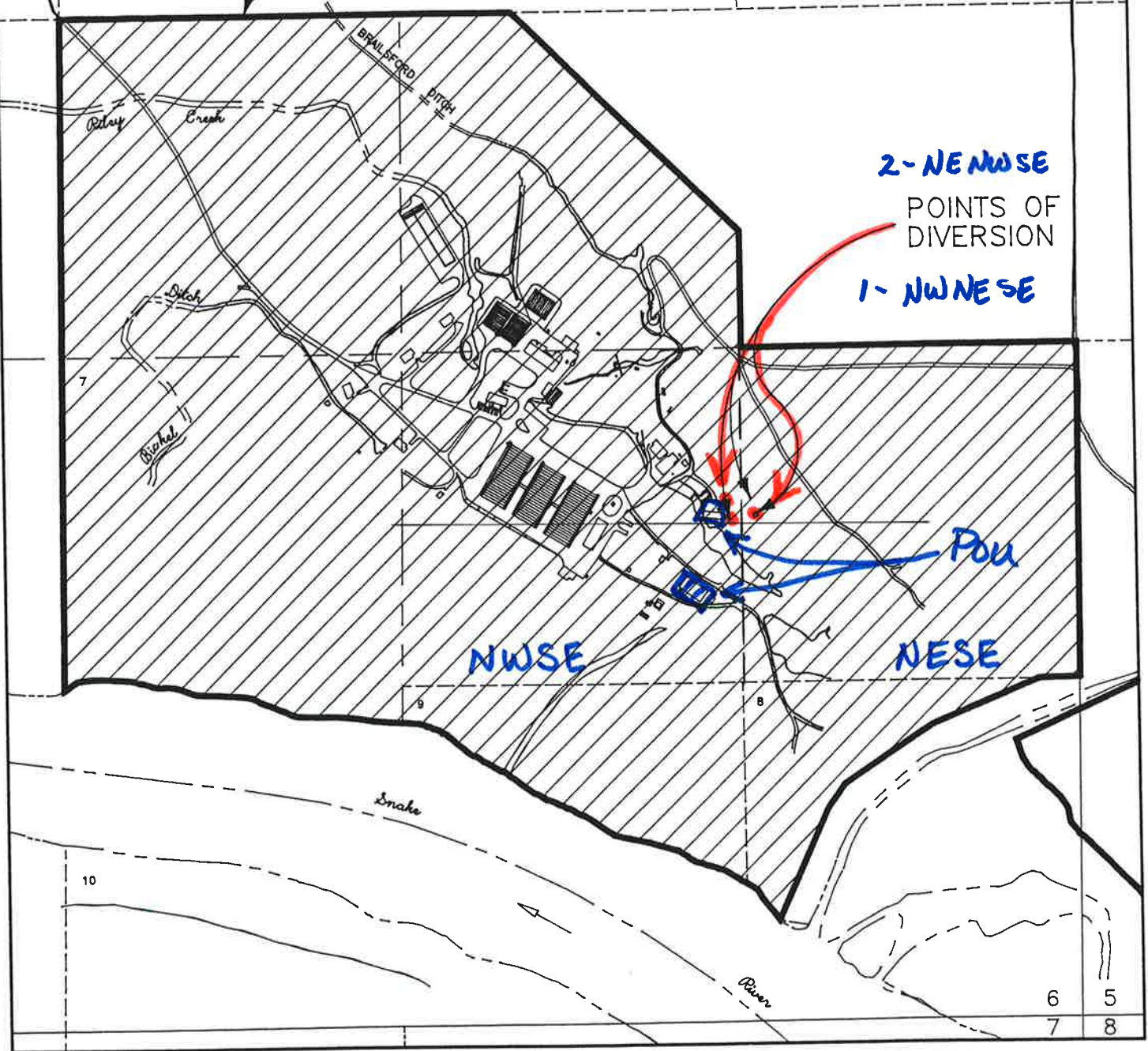
T
8
S



PLACE OF
USE

2-NE NWSE
POINTS OF
DIVERSION

1- NW NESE



WATER RIGHT CLAIM FOR SPRINGS 8 AND 9



SCALE IN FEET

RECORDED
FEB 09 1993

A36-15447

Sources for these rights are Springs #8 and #9. All the flow from these springs have historically been used by Fish & Wildlife. (see also Fax Memo 10-24-92)

Spring #8 is piped and used to flow thru the old lab building setting on top the abandoned raceway structure. The pipeline now connects with the flows from spring #11 (A36-00132) and flows into the new lab facility. It appears spring #8 originally was used in the abandoned raceways that now lie beneath the old lab building. A small portion of these raceways have been used by the Field Station personnel. That small raceway is 10' x 15' x 2.5' Just before it joins the Riley Creek flow.

Spring #9 is also piped and fills a 20' diameter round tank and the overflow combines with the overflow of spring #8 to serve the small raceway described above.

Flows from these springs appear to have been used in the raceway under the old lab building. Judging from the rock and mortar walls of the raceway it appears this is an early use of these flows. Upon proof of a measurement of these flows, the

RECEIVED
FEB 09 1993

p.2

A-6-00131 & A36-1544,

Decreed right was allowed and also the additional
waters under the beneficial use right.

STEVE CLELLAND

Steve Clelland

10-24-92

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FEB 09 1993

VOLUME CAPACITIES @ NATIONAL HATCHERY IN HAGERMAN

			<u>CUBIC FT.</u>
HATCHERY #1	46 TANKS @ 85 cu.ft.	=	3,910
HATCHERY #2	20 TANKS @ 85 cu.ft.	=	1,700
1982 TROUT PONDS	12 - 8'x70'x2.3'	=	15,456
1950 TROUT PONDS	24 - 8'x70'x2.3'	=	<u>30,912</u>
			46,368
STEELHEAD PONDS	66 - 10'x100'x3.05'	=	201,300
	(ROUNDED AS CLAIMED TO 200,000 cu.ft.)		
DISPLAY POND	1 - 8'x75'x2.3'	=	<u>1,380</u>

* SUBTOTAL → 254,658

@ FIELD STATION

#8 #9 SPRINGS:

1 - SMALL RACEWAY 10'x15'x2.5' = 375

1 - ROUND TANK 4'x20' DIA. = 1,257

#10 SPRINGS:

4 - RACEWAY 6'x50'x3' = 3,600

NEW LAB: (SPRINGS #8 + #11)

40 TANKS @ 175 GALLONS

260 TANKS @ 38 GALLONS

*** TOTAL: 254,658 + 7,489

= 262,147

Allowed 252,000 + 7,489 = 259,489

CAPACITY allowed 252,000

- Display 1380
- 1300 to 200,000
+ Round up

= 16,880 GALLONS

7.48 GAL/CF

= 2,257

* SUBTOTAL → 7,489

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FEB 09 1993

REVIEW BY
10-24-92
STEVE CLELLAND

CLAIM #
(SOURCE)

CFS

(REMAINS)
FACILITY
VOLUME
(DOG) CU.FT.

(NON-IRR)
FACILITY
CAPACITY + DESCRIPT.

A36-00128
(BICKEL SPR.)

2.0

200,000

200,000

66
STEEL

A36-00129
(#10)

1.0

3,600

3,600

#10 POND

A36-00130
(RILEY CR.)

1.5

200,000

200,000

66
STEEL

A36-00131
(#8-#9)

1.0

3,889

3,889

LAB 10X15
RACE
20' TANK

Dom/IRR

A36-00132
(#11 + #13)

6.0

9,540

250,278

46 TANK
103 POUNDS

A36-02038
(BICKEL SPR.)

< DISALLOW >

A36-15444
(BICKEL SPR.)

18.3

200,000

200,000

66
STEEL

A36-15445
(#10)

< 0.60
DISALLOW >

3,600

3,600

#10 POND
ONLY

A36-15446
(RILEY CR.)

3.86

200,000

200,000

66
STEEL

A36-15447
(#8 + #9)

< 0.50
DISALLOW >

3,889

3,889

20' TANK
NEW LAB

A36-15448
(MAIN, 12, 13, 14)

20.0

80,962

252,000

ALL

A36-15449
#15

4.36

43,275

252,000

ALL

A36-15450
(#16 LL)

21.20

43,275

252,000

ALL

A36-15451
(#17)

4.01

30,912

46,368
30,912

36
TROUT

10-24-92
2PMVIA TELEFAX MEMO #2

TO: Steve Clelland 208-736-3037.

FROM: Barbara Scott-Brier ~~BB~~

SUBJECT: Peak Flows from various sources

SPRINGS #8, #9, and #10

The draft report recommends our decreed rights to these springs (No. 00131/SPRINGS #8 and #9 - 1 cfs; No. 00129/SPRING #10 - 1 cfs) but disallows our beneficial use rights to these springs (No. 15447/SPRINGS #8 and #9 -.5 cfs; No. 15445/SPRING #10 -.6 cfs), due to alleged lack of sufficient flow.

We claim a combined flow from the three sources of 2 cfs (decreed) plus 1.1 cfs (beneficial use) for a total 3.1 cfs. Moreover, our records show an actual combined peak flow from all three sources of 2064 gpm or 4.59 cfs. (MEASURED FLOW).

SEE DOCUMENT October 1966 Record of Water Supply

SEE ALSO DOCUMENTS March 1980 (1800 gpm / 4.01 cfs)

and November 1978 (1800 gpm / 4.01 cfs) (ESTIMATED FLOW).

Although it is our understanding that we have used all flows from these sources since the hatchery was established, we have not located flow records for 1933.

However, as noted by telephone, we can show that a large trout rearing pond was built in the "natural stream" of Riley Creek in 1933; the capacity of

10-24-42

P.2

FAX #2

that pond was $45' \times 125' \times 3'$ or 16,875 cubic feet; other ponds were already in existence in 1933; other ponds were improved and constructed in 1933; the "ponds" in Riley Creek were fed by "several large springs." SEE EXHIBIT B, 1934 Annual Report, pages 1,2. (Further, the large pond accommodated 5000 fish (page 2); the hatchery received almost 2 million fish eggs (page 2); over 600,000 fry stock were on hand (page 2.) Just the capacity of the large pond at an exchange rate of 3 times per hour requires a diversion rate of 14.06 cfs. The combined totals of Riley Creek, and springs #8, #9, and #10 total 9.1 cfs. Thus, in 1933 we conclude that the entire flows of #8, #9 and #10 were needed ^{for the existing ponds on the hatchery,} and since we have no evidence of the flows of those springs increasing over time, we assume that these flows as measured in 1966 are reflective of the peak flows since 1933.

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FEB 09 1993

RECORD OF WATER SUPPLY MEASUREMENTS HAGERMAN NATIONAL FISH HATCHERY GOODING COUNTY, IDAHO

#8 #9 #10

Submitted By Gerald A. Martin
Title Assistant Manager

Month October 19 66

Date	A		B		C		D		E		F		REMARKS						Initial	Date									
	Location No.1 Brailford Dam Rated Flume AV 5,829	Location No.2 Spring No.15 2' Weir-Bdcrst 742	Location No.3 Spr.No.14,15,16 4' Parshall Flm 14,719	Location No.4 Spring No.17 Estimate 1,000	Location No.11 Bickle Dam 15' Cipo Weir 8,994	Location No.8 Riley Creek 3' Cipo Weir 3,405	Location No.12 State Mgt Area 15' Cipo Weir 6,503	Location No.6 Hot Tailrace 3' Cipo Weir 1,278	Location No.7 2' Parshall 1,768	Location No.9 Lab.-Spr.8,9,10 1.5' Cipo Weir 1,941	Location No.10 Lab.-Spr.11,12 2' Cipo Weir 285																		
	Gage ft	Discharge g.p.m.	Gage ft	Discharge g.p.m.	Gage ft	Discharge g.p.m.	Gage ft	Discharge g.p.m.	Gage ft	Discharge g.p.m.	Gage ft	Discharge g.p.m.	T	P	R	C	D	C-D	F										
1	5,709	.40	727	1.58	14,779	1,000	.54	8,994	.80	3,245	.28	3,353	.46	1,414	.58	1,544	.80	1,620	.20	270	20	3	49	28,018	6,311	21,707	1,890	LJ	1
2	Sunday																												
3	1.36	.42	781	1.58			.54		.80		.28		.46		.62	1,710	.80		.20		20	3	47	28,018	6,477	21,541		LJ	2
4	1.36	5,839	.40	727	1.58		.54		.82	3,366	.28		.46		.60	1,625	.90	1,934	.20		20	3	42	28,139	6,392		2,204	SE	3
5	1.36		.40		1.58		.54		.86	3,617	.28		.46		.60		.90		.20		20	3	42	28,190	6,392	21,798		SE	4
6	1.36		.40		1.58		.54		.86		.22	2,343	.46		.60		.94	2,064	.20		20	3	41		5,382	23,008	2,334	RF	5
7	1.36		.40		1.58		.54		.84	3,492	.32	4,107	.46		.60		.92	2,002	.20		20	3	41	28,265	7,146	21,119	2,272	RF	6
8	1.36		.40		1.58		.54		.82	3,366	.32		.42	1,234	.62	1,710	.92		.20		20	3	41	28,139	7,051	21,088		LJ	7
9	Sunday																												
10	1.36		.40		1.58		.54		.82		.36	4,901	.42		.64	1,800	.92		.20		20	3	41		7,935	20,204		JCB	8
11	1.36		.40		1.58		.54		.82		.36		.42		.64		.92		.20		20	3	36					LJ	9
12	1.36		.40		1.58		.54		.82		.36		.44	1,324	.60	1,625	.92		.20		20	3	36		7,850	20,289		RF	10
13	1.36		.40		1.58		.54		.82		.36		.44		.62	1,710	.92		.20		20	3	34		7,935	20,204		RF	11
14	1.36		.40		1.58		.54		.82		.36		.44		.62		.92		.22	312	20	3	32				2,314	RF	12
15	1.36		.40		1.58		.54		.82		.36		.44		.64	1,800	.92		.22		20	3	31		8,025	20,114		RF	13
16	Sunday																												
17	1.36		.40		1.58		.54		.88	3,743	.36		.44		.64		.92		.22		20	3	30	28,516		20,491		AFB	14
18	1.36		.40		1.58		.54		.88		.36		.44		.64		.92		.22		20	3	30					AFB	15
19	1.36		.40		1.58		.54		.82	3,366	.36		.46	1,414	.60	1,625	.94	2,064	.22		24	3	32	28,139	7,940	20,199	2,376	RF	16
20	1.36		.40		1.58		.54		.82		.36		.46		.60		.90	1,934	.22		24	3	30				2,246	RF	17
21	1.36		.40		1.58		.54		.82		.36		.46		.62	1,710	.90		.22		24	3	30		8,025	20,114		RF	18
22	1.36		.40		1.58		.54		.82		.36		.46		.62		.88	1,871	.20	270	24	3	30				2,141	RF	19
23	Sunday																												
24		.40		1.58			.54		.82		.36		.46		.58	1,544	.88		.20		24	3	30		7,859	20,280		JCB	20
25		.42	781	1.58			.54		.82		.36		.46		.58		.88		.20		10	3	34					JCB	21
26	1.36		.42		1.58		.54		.82		.36		.38	1,064	.74	2,253	.92	2,002	.22	312	10	3	34		8,218	19,921	2,314	RF	22
27	1.36		.42		1.58		.54		.82		.36		.38		.74		.90	1,934	.22		10	3	36				2,246	RF	23
28	1.36		.42		1.58		.54		.82		.36		.38		.72	2,159	.90		.20	270	10	3	40		8,124	20,015	2,200	RF	24
29	1.36		.42		1.58		.54		.82		.36		.28	673	.70	2,064	.90		.20		10	3	40		7,638	20,501		RF	25
30	Sunday																												
31	1.36		.42		1.58		.54		.82		.36		.30	745	.58	1,975	.90		.20		10	3	40		7,621	20,518		RF	26

(Supply Location Shown On Drawing - IF 10A 129 105.0)

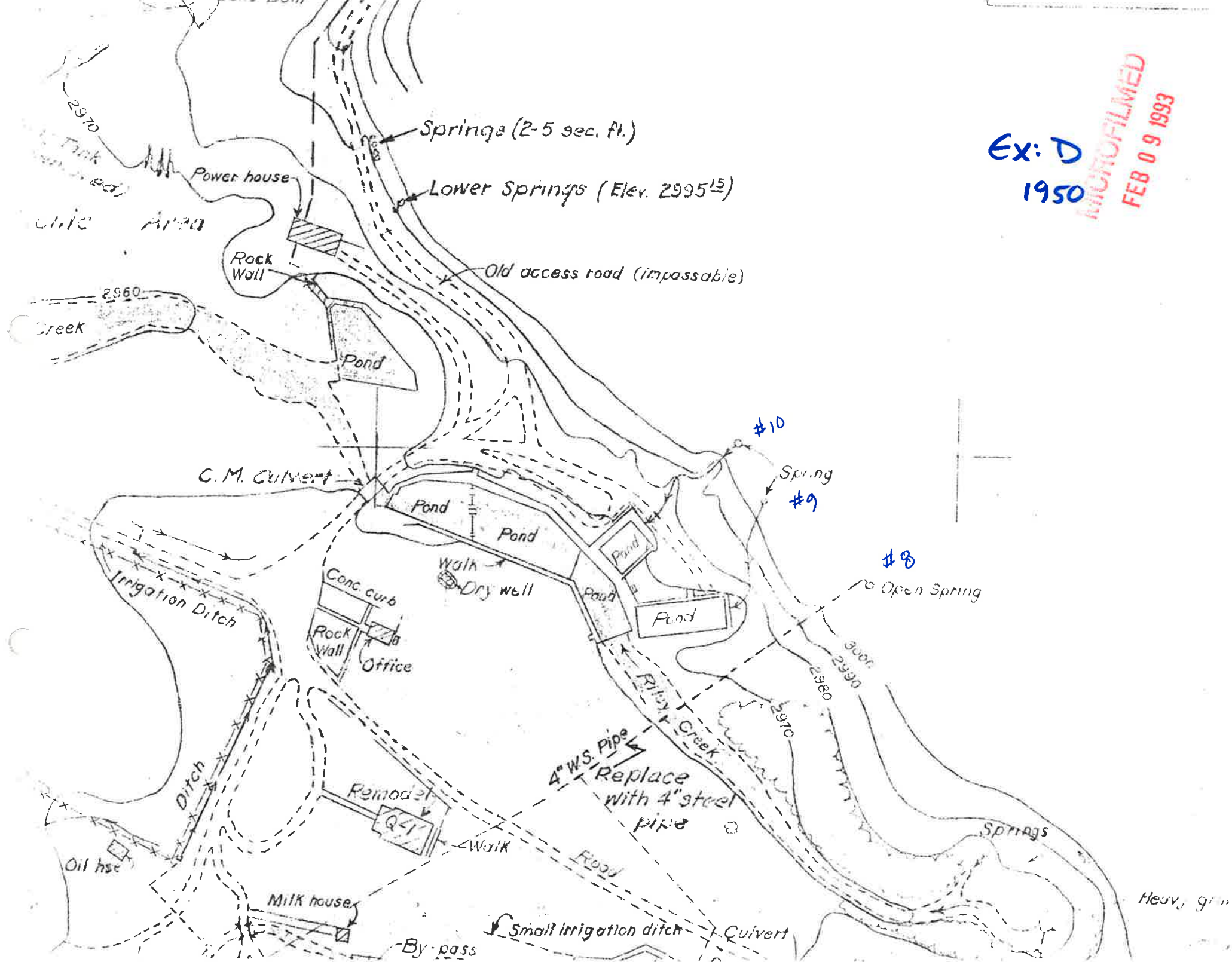
(T=Hatchery Tanks in Operation, P=10'x68' Raceways In Operation, R=8'x70' Raceways In Operation)

IF MISC. 181.1

RECORDED
INDEXED
FEB 9 1993

Ex: D
1950

MICROFILMED
FEB 09 1993



No. 11
c.f.s. - EL. 3000 (Approx.)

Ex: A
1932

EL. 2947.8

SPRING No. 10
0.425 - EL. 3009

SPRING No. 10
0.037 c.f.s. - EL. 3004

SPRING No. 8
0.12 c.f.s. - EL. 3007

SPRING No. 7 (PIPE LINE TO MILK HOUSE & ORCHARD)
0.72 c.f.s. - EL. 3022

SPRING No. 6
0.024 c.f.s. - EL. 3014

EL. 2978.5

SPRING No. 5 (HEAD OF FILEY CR.)
1.46 c.f.s. - EL. 3003

EL. AK 2979.3

INTAKE

BICKEL DITCH
SILL EL. 2974.9

EL. BM 2976.5

CABIN

LAKE

SPRING No. 4 (ORCHARD DITCH)
1.0 c.f.s. - EL. 3000

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FEB 09 1993

SPRING No. 3 (HEAD)
0.5 c.f.s. - EL. 3000

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE USFW CLAIMS

RE: Proof of evidence of Priority & Historical Use Evidence

DATE 10-5-92

NAME OF PARTY

BARBARA SCOTT-BREIR

(FISH & WILDLIFE ATTORNEY) Dept of Interior

she provided: Her # 503-231-2139

- OR -

FAX: 503-231-2166

RANDY SCHMELLER 503-231-6145

- OR -

FAX: 503-231-6259

She called to find out more of what Helen Thornton and I have requested by letters. We discussed the historical development of the fish propagation. (from instream ponds to raceways) And we considered possible examples of proof since not much is recorded.

I mentioned the need for a right back to 1933 may not be required if solid proof can support a later date.

She was concerned about the 12th & 14th Deadline dates. I said the dates will stand but get your information in ASAP. We both realized the time constraints of these claims; with NOE and the new Director's Report plus review of these claims time is short.

She gave the above numbers & names to help avoid any future mailing delays of information & or questions.

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FEB 09 1993

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE F&W Claims

RE: UPDATE ON PROOF OF PRIORITIES & FLOWS

DATE 10-15-92

NAME OF PARTY

Barbara Scott-Brier

(503)-231-2139

(FISH & WILDLIFE ATT.)

I called to see if they have responded to our request for information. She said they would be mailing it by overnight Mail Tonight; I should have it Friday.

~~She~~ Dave Shaw suggested I call and explain our concern of the 1982 Expansion. We have the June 1980 ASCS color aerial slide photo which shows less raceways than currently used.

She explained again that much of the early uses were in-stream uses on Riley Creek and one of its tributaries. For example, Hatchery Lake was much larger than now. The early fish culture was less scientific and all the water was diverted and ponded for use.

Over the years the concrete raceways developed to use the same flow rates while raising more fish.

Apparently the Hatchery facility is at the maximum development; Hatchery personnel told her the water available is now the controlling factor in the size of the operation.

I asked about the Steelhead use and reduced operation during the year. She said they operate year around and may have less flow in some months.

In asking about a field exam or conversation with Hagerman personnel, she asked if we first contact her office.

NOT RECORDED
FEB 8 1993

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 8 1983

CLAIM TO A WATER RIGHT



Water Resources
Your Next Issue

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that the United States Fish and Wildlife Service

(Name of Claimant)

500 NE Multnomah Street, Portland, OR

97232

Telephone No. (503) 231-6145

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) January 1932

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Springs

tributary to **Riley Creek**

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

{cfs, af}

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)
(Mo., Day) (Mo., Day)

W.D.#3	Quantity	30.4 cfs	Use	fish culture	Period of Use From	Jan. 1	To	Dec. 31
W.D.#4	Quantity	4.0 cfs	Use	fish culture	Period of Use From	Jan. 1	To	Dec. 31
W.D.#9	Quantity	1.2 cfs	Use	fish culture	Period of Use From	Jan. 1	To	Dec. 31
W.D.#10	Quantity	1.0 cfs	Use	fish culture	Period of Use From	Jan. 1	To	Dec. 31
	Quantity		Use		Period of Use From		To	

(4) 36.2 cfs TOTAL QUANTITY USED.

(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

'O.D.#4 SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6 Twp. 8 S. Rge. 14 E. B.M., County of Gooding

Additional points of diversion: P.O.D.#3, #9, #10, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 8 S., R 14 E., B.M.

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Gravity flow through pipelines for use in hatchery.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
fish cultural purposes--operation of Hagerman National Fish Hatchery.

NOTE: Include here the type and number of stock watered:

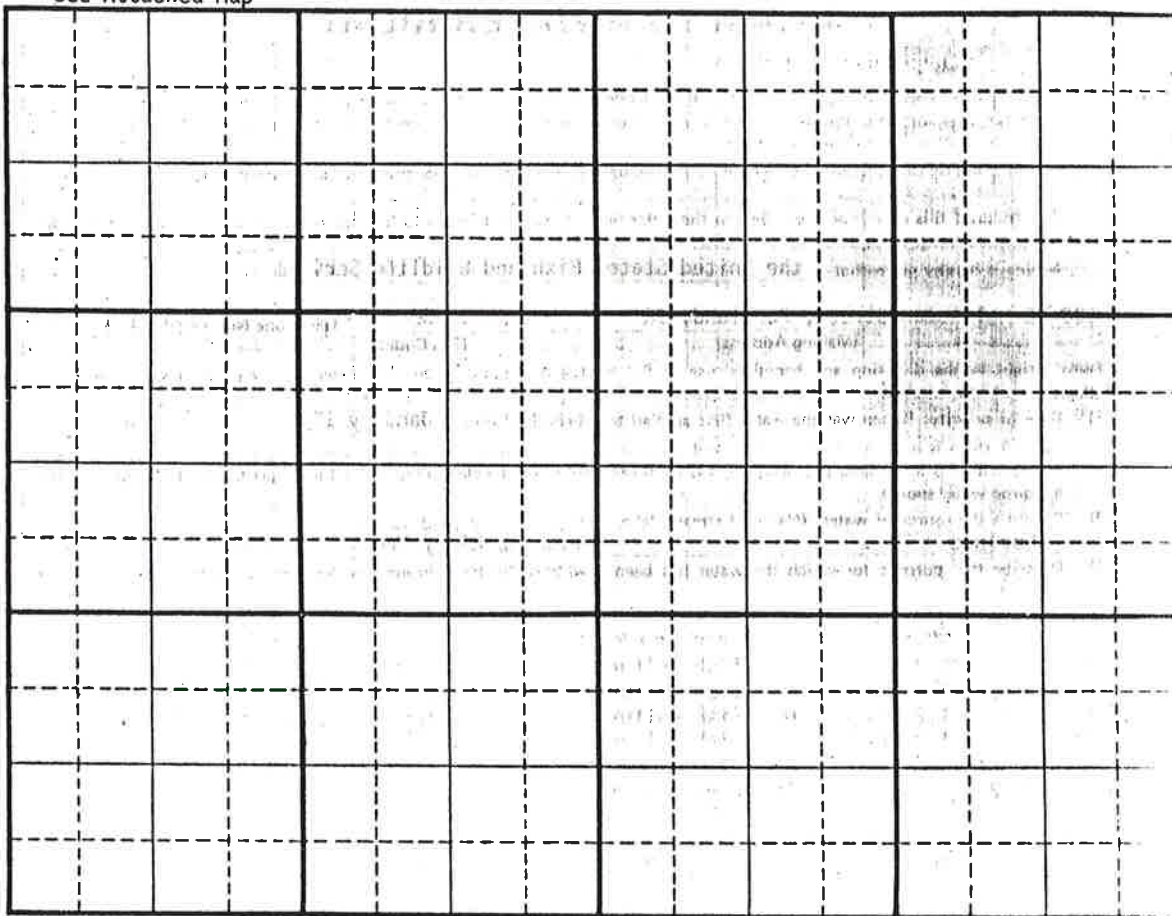
17) If you are claiming water as a member of an organization, list name of organization:

36-4252

UNRECORDED
FEB 09 1993

(8) Remarks other hatchery water rights listed under "Remarks" or Permit 36-7917.

See Attached Map



Scale: 2 Inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Oregon)
County of Multnomah) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Don Weathering
(Claimant)

Sworn to before me this 6th day of July, 19 83.

Robert F. McVein
Notary Public Robert F. McVein
Residing at Milwaukie, Oregon

My commission expires July 26, 1983

may 2. 6/20/83
FOR DEPARTMENT USE ONLY
Received by may 2. Date 7/1/83 Exception filed by: _____
Prelim. check by T. B. Blau Date 7/2/83
\$30.00 fee received by may 2. Date 7/1/83 # 29185
Published in Grading Co. Leader
Dates 10/14 + 10/26/83 11/2/83 & 11/9/83

Forwarded to
claimant by: _____

MICROFILMED
FEB 09 1993

SPRINGS #8

A36-00131 1.0 cfs

A36-15447 0.5 cfs

EX: A 1932 Spring #8 0.12 cfs
Spring #9 (may be mislabeled #10) 0.037 cfs
TOTAL 0.157 cfs

appear tributary to Riley Creek.

WIN FREE: 1933

(Beneficial)
~~Decreed~~ fish - full flow

EX: BHD

WIN FREE 1932

Decreed fish, domestic, irrigation, by 1950

1950

fish only.

EX AB DHI

MICROFILMED
FEB 09 1993

MICROFILMED
 FEB 09 1984

06 LT04	06 LT03	06 LT02	06 LT01	06 LT04	06 LT03	06 LT02	06 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
06 LT05	06 SENW	06 SWNE	06 SENE	05 SWNW	05 SENW	05 SWNE	05 SENE	04 SWNW	04 SENW	04 SWNE	04 SENE	03 SWNW	03 SENW	03 SWNE	03 SENE	02 SWNW	02 SENW	02 SWNE	02 SENE
06 LT06	06 LT07	06 NWSE	06 NESE	05 NWSW	05 NESW	05 NWSE	05 NESE	04 NWSW	04 NESW	04 NWSE	04 NESE	03 NWSW	03 NESW	03 NWSE	03 NESE	02 NWSW	02 NESW	02 NWSE	02 NESE
06 LT11	06 LT10	06 LT09	06 LT08	05 SWSW	05 SESW	05 SWSE	05 SESE	04 SWSW	04 SESW	04 SWSE	04 SESE	03 SWSW	03 SESW	03 SWSE	03 SESE	02 SWSW	02 SESW	02 SWSE	02 SESE
07 LT03	07 NENW	07 LT02	07 LT01	06 LT01	06 NENW	06 NWNE	06 NENE	05 NWNW	05 NENW	05 NWNE	05 NENE	10 NWNW	10 NENW	10 NWNE	10 NENE	11 NWNW	11 NENW	11 NWNE	11 NENE
07 LT04	07 SENW	07 SWNE	07 LT05	06 LT02	06 SENW	06 SWNE	06 SENE	05 SWNW	05 SENW	05 SWNE	05 SENE	10 SWNW	10 SENW	10 SWNE	10 SENE	11 SWNW	11 SENW	11 SWNE	11 SENE
07 LT07	07 NESW	07 NWSE	07 LT06	06 LT03	06 NWSE	06 NESE	06 NWSW	06 NESW	06 NWSE	06 NESE	06 NWSE	10 NWSW	10 NESW	10 NWSE	10 NESE	11 NWSW	11 NESW	11 NWSE	11 NESE
07 LT08	07 SESW	07 SWSE	07 SESE	06 LT04	06 SWSE	06 SESE	06 SWSW	06 SESW	06 SWSE	06 SESE	06 SWSE	10 SWSW	10 SESW	10 SWSE	10 SESE	11 SWSW	11 SESW	11 SWSE	11 SESE
18 LT01	18 NENW	18 NWNE	18 NENE	17 LT02	17 NWNE	17 NENE	18 NWNW	18 NENW	18 NWNE	18 NENE	15 NWNW	15 NENW	15 NWNE	15 NENE	14 NWNW	14 NENW	14 NWNE	14 NENE	14 NWNE
18 LT02	18 SENW	18 SWNE	18 SENE	17 LT03	17 LT04	17 SWNE	17 SENE	18 SWNW	18 SENW	18 SWNE	18 SENE	15 SWNW	15 SENW	15 SWNE	15 SENE	14 SWNW	14 SENW	14 SWNE	14 SENE