

T5055 NORTH FORK RANCH

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5055
WATER RIGHT NO. 35-11390

RECEIVED

JUL 09 1997

Department of Water Resources
Eastern Region

This is to certify that: **NORTH FORK ENERGY INC**
PO BOX 5405
BOISE ID 83705

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
FISH PROPAGATION	01/01 to 12/31	20.00 CFS

SOURCE

GROUNDWATER
SPRINGS

BOOM CREEK

Priority: 06/01/1941

LOCATION OF POINT(S) OF DIVERSION:

NESESE , Sec. 23, Township 04S, Range 32E
SENWSW , Sec. 24, Township 04S, Range 32E
NWSWSW , Sec. 24, Township 04S, Range 32E
BINGHAM County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

04S 32E	24	NWSW	SWSW
	25	NWNW	
	26	NENE	SWNE

CONDITIONS OF APPROVAL AND REMARKS

1. Approval of this transfer in no way confirms the right(s) claimed.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

TRANSFER NO. 5055
WATER RIGHT NO. 35-11390

CONDITIONS OF APPROVAL AND REMARKS

5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
8. The total instantaneous diversion of water from all points of diversion under Transfer No. 5055 shall not exceed 20.00 cfs.
9. Five wells are located within NWSW, S24, T04S, R32E.

Dated this 30th day of June, 1997.

J. Glen Sactor
Chief, Water Allocation Bureau

MEMORANDUM

TO: SRBA FILE NO. A35-11390
FROM: PAM SKAGGS/³⁸STATE OFFICE
SUBJECT: TRANSFER NO. 5055
DATE: June 10, 1997

=====

Transfer No. 5055 changes the place of use, adds points of diversion, and a new source (groundwater) under SRBA Claim No. A35-11390.

Multiple springs and artesian wells that have been identified as tributary to American Falls Reservoir will be added to the system to provide the originally claimed amount of water. ✓

The additional use of Recreation was not recommended for approval since the original claim identified fish propagation only. ✓
Recommended conditions include drilling permits, multiple points of diversion/measuring devices, future annual reporting and standard transfer conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5055

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of applicant North Fork Energy Inc Phone 208-328-2306
Post Office address P.O. Box 5405 Boise, ID 83705

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes To correct actual place of use and to add existing and new artesian well points of diversion to restore original discharge rates

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
A35-11390 06/01/1941 20.00 Fish Prop & Rec 01-01 to 12-31
 _____ to _____
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 20.0 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Springs and artesian wells tributary to American Falls reservoir(Snake River)
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SE	NW	SW	24	4S	32E	BINGHAM	Springs & ~~One well~~ (existing)(Bird Cage)
	NW	SW	SW	24	4S	32E	BINGHAM	Springs (existing)(House springs)
	NE	SE	SE	23	4S	32E	BINGHAM	Springs(Trailer springs)
	NW	SW		24	4S	32E	BINGHAM	Four wells(to be drilled)

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	33E	24										HR	HR						
		25						HR											
		26	HR		HR														

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Spring and artesian wells. Flow from springs and wells is or will be piped to the head of raceways or hatchery buildings. Discharge from raceways flows down to American Falls Reservoir

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

No

Yes

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

Additional points of diversion are necessary to provide flexibility to the water supply system for the fish facility and to restore discharge to claimed amounts.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A35-11390 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice

☒ Warranty Deed

☐ Other _____

3. Source of water Springs (groundwater) tributary to Boom Creek

4. Date of priority 06/01/1941

5. Water is used for the following purpose:

amount 20.00 for Fish propagation purposes from 01-01 to 12-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 20.00 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SW	NW	SW	24	4S	32E	Bingham	Bird Cage springs
	NW	SW	SW	24	4S	32E	Bingham	House and Trailer springs

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4s	32e	24										H	H						

Total acres _____

9. Describe any other water rights used for the same purpose as described above 35-04271, 35-07097, 35-07098

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

See attached portion of USGS Quad sheet and survey map by Harper-Leavitt Engineering Inc.

PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>Fish Prop. & Rec</u>	<u>20.0</u>	<u>24</u>	<u>01/01</u> to <u>12/31</u>
				to
				to

2. Quantity and quality of return flows and location of discharge:

Entire flow from springs and wells discharges into American Falls reservoir

3. Describe the effects on other water uses resulting from the proposed change:

There are no diversions downstream of this facility and no change in net use will occur

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this



NORTH FORK ENERGY, INC.
Gregory R. Linschmeier TREASURER
 (Signature of Applicant)
2nd day of December, 19 96
[Signature]
 (Notary Public)

My commission expires 1/12/2001

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 7 attachments

Received by Jo Date 12-4-96

Protest filed by _____

Prelim. check by _____ Fee 100.00

Receipted by ALT #E002814 Date 12-1-96

Published in Morning News & statewide

Copies of protest forwarded by _____

Pub. dates April 24 & May 1, 1997

Hearing held by _____ Date _____

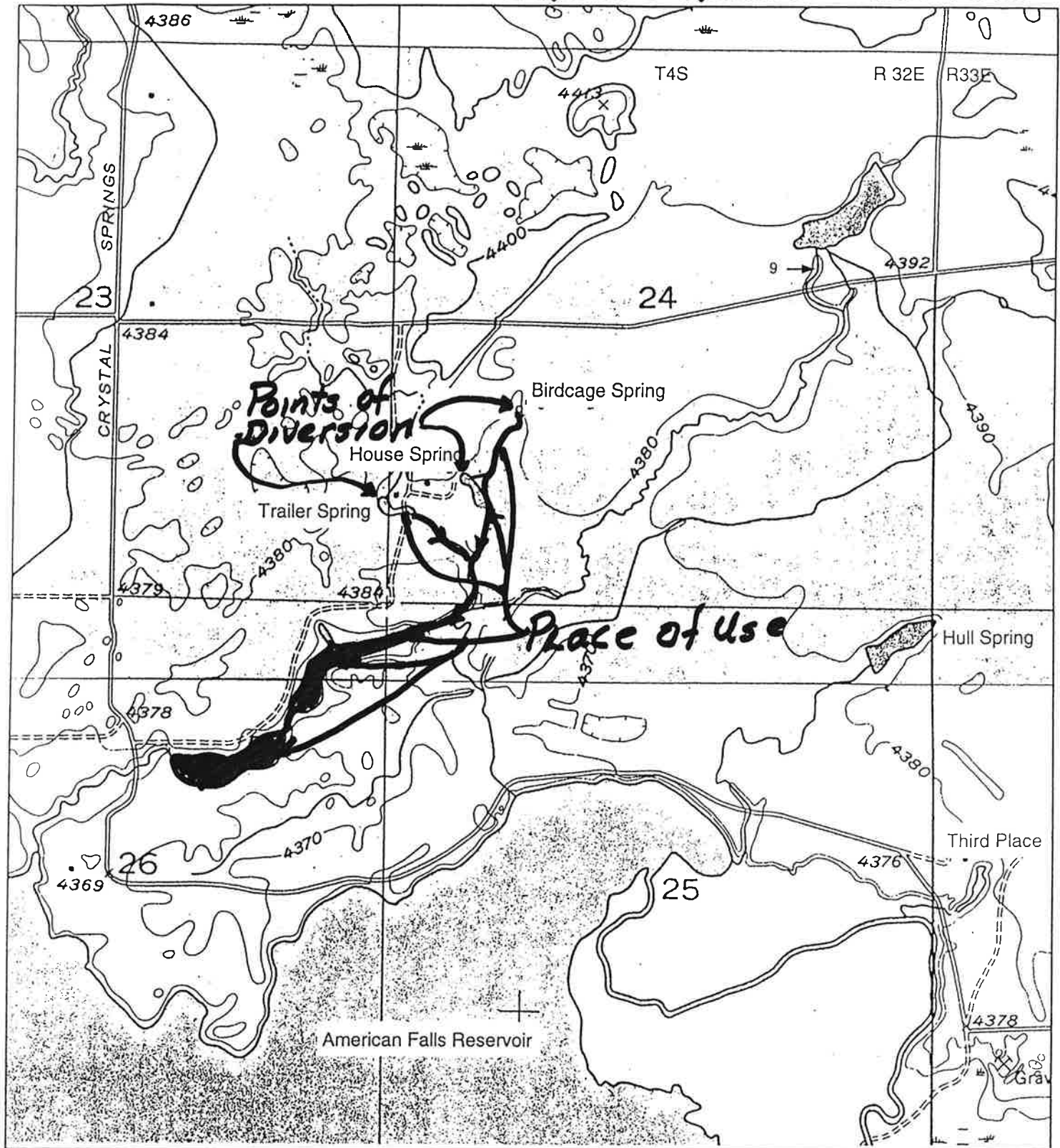
Watermaster recommendation requested on _____

Recommended for ☐ Approval ☐ Denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

NORTH FORK ENERGY - CRYSTAL SPRINGS 125-11390



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE PROOF OF BENEFICIAL) COMMENTS AND
USE FOR WATER RIGHT 35-08679) EVIDENCE OF
IN THE NAME OF NORTH FORK ENERGY INC.) MIKE WEBSTER

COMES NOW, Mike Webster, and provides the following comments and evidence in this matter:

1. I was employed by Crystal Springs Trout Company, predecessor to North Fork Energy Inc., during the period when the proof of beneficial use was filed for the processing plant well and I prepared, signed, and submitted the proof of beneficial use form for permit 35-08679 to the Department of Water Resources.
2. I am aware that water from the well serves both the processing plant and flows through two pipes into the big pond which serves the main raceways at the main hatchery place
3. It was my understanding in filing the proof of beneficial use exam that the claimed use was only for the use of water from the well for processing purposes and therefore claimed the amount of 1.0 cfs.
4. I was aware of the beneficial use inspection exam by Mr. Jones of the Idaho Department of Water Resources.
5. During the period of that exam, water was flowing from the well into the pipe toward the processing plant and also into the pipe directly into the big pond.
6. The water measurement which Mr. Jones conducted included only the pipe flowing from the well toward the processing plant.
7. I was not aware that the proof of beneficial use claim should have included the use of water from the processing plant well in the big pond and raceways. All of the water from the well, which I understand from the well driller's pumping test was more than 5.0 cfs., can and has been used either in the processing plant or for fish rearing in the main hatchery raceways and downstream.

DATED this 18th day of February, 1997


MIKE WEBSTER

SUBSCRIBED and SWORN to before me this 18 day of February 1997


NOTARY PUBLIC
Residing at: Rexburg
My Commission Expires: 4/22/97

J. Houghland

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE WATER RIGHT TRANSFERS) COMMENTS AND
FOR WATER RIGHT CLAIM 35- 04271 AND A35-1130) EVIDENCE OF
37-07097, 37-07098, 37-08679, AND 37-08635 IN THE) JOHN HOUGHLAND
NAME OF NORTH FORK ENERGY INC .)

COMES NOW, John Houghland, and provides the following comments and evidence in this matter:

1. During the early 1960's my father, Porter Houghland was raising trout in the spring waters of Boom Creek the same as grandpa used to do. He raised fish all during my boyhood. We kids helped around the ranch and fish ponds which was called the Crystal Springs Trout Ranch
- 2 During that period, my father constructed concrete raceways at the main spring north of the county road and diverted flows through the big pond into the main raceways at the hatchery place
- 3 The constructed raceways were much the same as they are today with 3 sets of concrete raceways about 90 feet wide at the main hatchery. All of the water from the big pond went through the raceways and on down through the rest of the ranch where we had trout in earthen ponds.
- 4 Water flowed over boards at the ends of the raceways and, as I remember, they used to measure the depth over the boards to calculate flow to determine how many fish to put in each raceway.
- 5 The raceways and development at Bird Cage and Trailer areas, at the House ponds and small hatchery and raceway were also constructed during this time. Trout were raised in the concrete raceways and in the earthen ponds throughout the Boom Creek drainage.
- 6 The old hatchery downstream of where Bird Cage flows into Boom Creek was also developed with a concrete raceway and small hatchery.
- 7 The Third Place spring was developed and concrete raceways were built. The spring there decreased and Roger Furgeson had to drill wells to bring the water back.
- 8 My father used all the water that was flowing from the springs and wells in the whole system for fish production including the big ponds in the lower end of Boom Creek. Over the years, the springs and wells have gone down considerably.
- 9 The well at the house north of the hatchery used to flow artesian but has not flowed for 10 years or more.

DATED this 5th day of March, 1997


John Houghland

J. Houghland

SUBSCRIBED and SWORN to before me this 5th day of March 1997



Dale P. Patterson

NOTARY PUBLIC

Residing at: Twin Falls

My Commission Expires: 12/22/99

445327

BI BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO

PLEASE RECORD AND RETURN TO:
Richard D. Heaton
PO Box 5405
Boise ID 83705

FEE 1500 DEP SYP

96 JUN 27 AM 11:04

RECORDED AT THE REQUEST OF

North Fork Energy

MAIL TAX STATEMENTS TO:
NORTH FORK ENERGY, INC.
P.O. Box 5405
Boise, Idaho 83705

WARRANTY DEED

For Value Received **WESTERN STAR FARMS, INC.**, an Idaho corporation, the Grantor, does hereby grant, bargain, sell and convey unto **NORTH FORK ENERGY, INC.**, an Idaho corporation, the Grantee, whose address is 4414 S. Gekeler Lane, Boise, Idaho 83705 the following described premises, in BINGHAM COUNTY, IDAHO more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. The Grantor does hereby covenant to and with the Grantee that they are the owner in fee simple of said premises; that it is free from all encumbrances except current year's taxes, levies, and assessments, and except restrictions, reservations and easements of record and easements visible upon the premises, and that it will warrant and defend the same from all lawful claims whatsoever.

DATED: April 25, 1996

GRANTOR:

WESTERN STAR FARMS, INC.

By:

Charles B. Beymer
Charles B. Beymer, President

STATE OF IDAHO)
County of ADA) ss

On this 25th day of April, 1996, before me, the undersigned Notary Public for the state of Idaho, personally appeared Charles B. Beymer, President of **WESTERN STAR FARMS, INC.**, the corporation which executed the foregoing document, known to me or identified to me to be the person whose name is subscribed to the foregoing, and acknowledged to me that he executed the same for and on behalf of the corporation and in its name.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



[Signature]
Notary Public for the state of Idaho

Residing at: Boss, Idaho

My commission expires: 11/21/2001

EXHIBIT A

THAT PORTION OF THE FOLLOWING LEGAL DESCRIPTION

PARCEL I:

Part of the NE¼ of Section 24, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as:
Beginning at a point on the West line of a county road that is S 0°13'14" W 1001.26 feet along the section line and N 89°40'08" W 57.90 feet from the Northeast corner of said Section 24 and running thence S 1°11'42" W 1128.14 feet along said West line to the North line of a county road; thence S 80°53'08" W 813.33 feet along said North line; thence S 81°36'36" W 753.22 feet along said North line; thence N 2°55'53" W 1377.93 feet; thence S 89°40'08" E 1642.24 feet to the point of beginning.

PARCEL II:

Part of Section 24, 25 and 26, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as:
Beginning at a point on the south line of a county road that is S 0°13'14" W 2179.74 feet along the section line and West 83.95 feet from the Northeast corner of said Section 24 and running thence S 81°36'31" W 1192.27 feet along said South line; thence S 78°49'32" W 1368.55 feet; thence S 79°16'11" W 402.03 feet; thence S 89°24'11" W 198.67 feet; thence S 89°59'48" W 2075.55 feet along said South line to the West line of said Section 24; thence leaving said county road S 0°32'53" W 2618.34 feet along the section line to the Southwest corner of said Section 24; thence N 89°28'36" W 1325.23 feet along a fence line; thence S 1°04'04" W 1268.04 feet along said fence; thence S 55°28'37" W 90.03 feet; thence N 89°46'17" W 958.92 feet along said fence line to the East line of a county road; thence S 5°14'03" E 379.68 feet along said East line; thence S 16°10'45" W 198.21 feet; thence S 56°11'16" W 256.70 feet; thence S 0°11'21" W 546.83 feet; thence S 53°20'44" E 115.52 feet along said East line to the North line of said county road; thence S 88°50'14" E 561.72 feet along said North line; thence S 87°40'11" E 380.70 feet; thence S 84°18'14" E 186.12 feet; thence S 80°40'02" E 265.21 feet; thence N 80°18'38" E 732.64 feet; thence S 89°24'55" E 271.34 feet; thence N 84°41'36" E 213.19 feet; thence N 69°59'04" E 200.75 feet; thence N 59°36'35" E 521.39 feet; thence N 53°39'50" E 263.65 feet; thence N 31°17'57" E 502.46 feet; thence N 81°43'25" E 787.30 feet; thence S 89°36'24" E 702.19 feet; thence S 64°24'39" E 620.55 feet; thence S 69°30'02" E 233.65 feet; thence S 84°26'23" E 323.64 feet; thence S 74°29'47" E 1219.71 feet; thence S 75°50'39" E 443.76 feet along said North line; thence leaving said county road N 1°30'06" W 110.13 feet; thence N 1°26'14" W 2304.88 feet along a fence line; thence N 1°42'30" W 3088.94 feet along said fence line to the point of beginning.

PARCEL IIA:

Part of Section 25, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as:
Beginning at a point on the Southerly line of a county road that is S 88°51'23" W 104.34 feet from the East ¼ corner of said Section 25 and

EXHIBIT A (Continued)

running thence S 88°51'23" W 435.46 feet along the monumented American Falls Reservoir right-of-way line; thence N 59°21'28" W 624.41 feet along said right-of-way line; thence leaving said right-of-way line N 81°25'15" W 525.11 feet; thence N 70°36'20" W 384.05 feet along an existing fence line; thence N 11°04'21" E 187.45 feet along said fence line to the South line of said county road; thence S 84°13'41" E 354.63 feet along said South line; thence S 74°46'41" E 1242.62 feet along said South line; thence S 38°16'17" E 429.83 feet along said South line to the point of beginning.

PARCEL III:

Part of Section 30, Township 4 South, Range 33 East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point that is N 00°04'26" E 377.02 feet along the section line and East 80.90 feet from the West $\frac{1}{4}$ corner of said Section 30 and running thence S 85°45'02" E 511.11 feet; thence S 3°57'29" W 492.04 feet; thence S 65°54'48" W 475.69 feet to the East line of a county road; thence N 23°57'42" W 351.58 feet along said east line; thence N 39°11'07" W 516.08 feet along said East line; thence leaving said East line S 75°50'39" E 443.76 feet; thence N 1°30'06" W 110.13 feet to the point of beginning.

EXCEPT: Beginning at the Northwest corner of Lot 3, in Section 30, Township 4 South, Range 33 East, Boise Meridian, Bingham County, Idaho; thence S 13°40' E 584.6 feet to a point, thence S 0°25' E 545.3 feet to a point, thence S 31°43' W 260 feet, more or less, to the Southwest corner of said Lot 3, thence N 0°14' W along the West line of said Lot 3, 1335.1 feet, more or less, to the Point of Beginning.

Lying within the bounds of Sections 24, 30 and the following described legal:

Section 25:

~~N $\frac{1}{2}$ N $\frac{1}{2}$~~ ; SW $\frac{1}{4}$ NW $\frac{1}{4}$; ALSO: Beginning at the Southeast corner of NE $\frac{1}{4}$ of said Section; thence N 0°07' W 1336.4 feet, more or less, to the Northeast corner of the S $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section; thence S 89°40' W along the North line of Said S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section, 3945.4 feet, more or less, to the Northwest corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence S 0°10' W along the West line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, 403.5 feet to a point; thence N 79°12' E 688.8 feet to a point, thence N 87°28' E 651.1 feet to a point; thence S 58°24' E 558.7 feet to a point; thence S 37°22' E 386.5 feet to a point; thence N 35°26' E 250.3 feet to a point; thence S 14°34' E 411.8 feet to a point; thence S 74°21' E 299.7 feet to a point; thence N 67°11' E 391.3 feet to a point; thence S 55°55' E 616.5 feet, more or less, to the South line of said S $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 25; thence N 89°50' E along said South line of said S $\frac{1}{2}$ NE $\frac{1}{4}$, 503.3 feet, more or less, to the Point of Beginning.

SECTION 26:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, and commencing at the Southeast corner of the NE $\frac{1}{4}$ of Section 26, thence West 160 rods; thence North 67 rods; thence East 13 rods; thence North 13 rods; thence East 147 rods; thence South 80 rods to the Point of Beginning.

EXHIBIT A (Continued)

EXCEPTING THEREFROM Section 25 and Section 26 hereinabove set out: those certain portions of the above described property deeded to the United States of America as disclosed by Deed dated February 11, 1938, recorded February 26, 1938, as Instrument No. 16078, records of Bingham County, as follows:

TRACT A: A tract of land in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, more particularly described as follows: Beginning at a point on the West line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ that is N 0°04' W 681.8 feet from the Southwest corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence N 0°04' W along the West line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ 429.8 feet to a point; thence N 81°48' E 297.5 feet to a point; thence N 49°25' E 288.2 feet to a point; thence S 43°48' E 166.2 feet to a point; thence S 49°19' W 828.0 feet, more or less, to the Point of Beginning.

TRACT B: A tract in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, more particularly described as follows: Beginning at the Quarter corner between Sections 25 and 26, thence S 89°13 $\frac{1}{2}$ ' W along the South line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, 392.1 feet to a point; thence N 73°40' E 408.5 feet to a point; thence N 69°41' E 349.7 feet to a point; thence S 40°48' W 304.7 feet, more or less, to the South line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25; thence S 89°51' W along the said South line of SW $\frac{1}{4}$ NW $\frac{1}{4}$ 128.7 feet, more or less, to the Point of Beginning.

TRACT C: A tract of land in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, more particularly described as follows: Beginning at the Southeast corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence S 89°51' W along the South line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ 1070.9 feet to a point; thence N 55°49' E 981.5 feet to a point; thence N 35°09 $\frac{1}{2}$ ' E 455.4 feet, more or less, to a point on the East line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, thence S 0°12' W along the East line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, 921 feet, more or less, to the Point of Beginning.

445327

Narrative in Support of Water Right Transfers
North Fork Energy Inc.
C.E. Brockway PhD P.E.

Three water right transfers submitted by North Fork Energy Inc were intended to accomplish two objectives:

1. To provide additional diversion points in order to restore original licensed or claimed discharges from springs and artesian wells
2. Document the historical and current places of use established since the commencement of fish propagation in 1945

Spring and artesian well flows have been decreasing since at least the early 1980's based on measured flows of indicator springs in the area. A 1996 hydrologic report by Brockway Engineering entitled Spring Discharge Patterns and Groundwater Analysis-Crystal Springs Area -Springfield, Idaho documents the groundwater flow patterns in the area and current and the historical flows of indicator springs. A copy of that report is attached. Water measurements of springs and wells and the total flow in Boom Creek(historical local name for Crystal Springs drainage) indicate that flows are below historical flows and lower than licensed discharges. The report also indicates that the non-consumptive water supply can be increased by strategically located artesian wells without decreasing the net historical gain to American Falls Reservoir.

The three transfers address decreasing flows and necessary changes in place of use for three production areas for the facility. The home place which includes hatchery 1, raceways, and the processing plant involves the original spring and two artesian wells covered under two licensed ground water rights and a statutory claim. The second area is a series of springs and one artesian well referred to locally as Bird Cage, House, and Trailer springs. This area involves one beneficial use claim and includes raceways and earthen ponds. Discharge from the home place and the Bird Cage complex flow together into Boom Creek where they have been used in earthen ponds and raceways before discharging to American Falls Reservoir.

The third area is locally called Third Place and involves two licenses including springs and three artesian wells serving a hatchery and raceways and domestic water. Water from this site flows directly into American Falls Reservoir.

Water supplies at all three production sites are below historical and/or licensed flows and the transfers involve additional planned well sites for restoration of the flows.

Spring Discharge Patterns and Groundwater Analysis

Crystal Springs Area

Springfield, Idaho

Brockway Engineering, PLLC

September 10, 1996

Introduction

This report presents the results of a groundwater investigation of the Snake River Plain aquifer in the vicinity of Crystal Springs Trout Ranch. The trout facility diverts water from various distinct springs and artesian wells issuing from lowlands just north of American Falls Reservoir approximately two miles south of Springfield, Idaho. After being used in the facility for trout rearing and processing, the water returns to the reservoir via the Crystal drain. A vicinity map is provided in Figure 1, and a map showing the various springs and open channels is given in Figure 2. In addition, a detailed site plan is given in Appendix A, which shows springs, wells, channels, and facilities.

Since approximately the mid-1980s or earlier, spring discharge in the region has been declining, to the point where the full water right of Crystal Springs Trout Ranch cannot be secured and historical production cannot be maintained. Therefore, it is desired to drill an additional well or wells to supplement the existing spring and well discharges.

The purpose of this study is to document discharges and discharge trends at several points from 1989 to the present, and to estimate groundwater table contours and flow lines to determine the impact on the aquifer and the Snake River from additional ground water diversion..

Discharge measurements

Discharge measurements were made at 15 points within the Crystal Springs Ranch water supply and distribution system on four separate occasions. These

points are denoted on Figure 2. Not all points were measured on all occasions. Descriptions of the measurement locations are given in Table 1, and a summary of all measurements is given in Table 2. Some of the discharges are accumulations of other discharges measured. For example, flow at points 2, 3, and 4 should be nearly equal to the flow at point 5.

Table 1. Discharge measurement names and descriptions

Number	Description
1	Crystal Main at old concrete flume
2	Birdcage Spring channel between inflow from House and Trailer springs
3	House pond outflow
4	Trailer pond outflow
5	House + Trailer + Birdcage, i.e. Birdcage channel below inflow from House pond
6	Hatchery 1 at old concrete structure
7	Third Place
8	Birdcage pipe - bypass from Birdcage channel to House ponds
9	Main Hatchery Spring - east raceway
10	Birdcage channel between House and Trailer inflows
11	Head of Birdcage Spring - not including well inflow
12	"CB" Spring - east of Trailer Ponds
13	Processing plant well
14	Hatchery well
15	Hull Spring and artesian well - at River Road

Most discharges were measured using a propeller-type open-channel velocity meter using the standard USGS flow measurement procedure. At points #8 and #13, flow through a pipe was determined by measuring the velocity in the end of the pipe using a current meter and determining the area of flow in the partially full

pipe. At point #14, the flow was measured with a bucket and stopwatch at an overflow into raceways.

Discharges were measured at approximately the same time each year, to minimize fluctuations due to seasonal effects. Many of the measurements show a decrease over the last 7 years. The Hatchery 1 flow (#6) has decreased 37%, and the Main Crystal flow (#1) has decreased 16%. Flows at these two points are good indicators of the overall pattern of the spring flow, since they represent accumulations of several discharges from the aquifer.

Table 2. Summary of discharge measurements

Number	5/16/89	6/7/89	6/6/90	7/29/96
1	43.14		43.65	36.35
2		3.76	3.16	
3		7.04	6.55	9.42
4		6.90	6.28	8.24
5		17.32	23.01	18.67
6		22.48	19.51	14.22
7		6.29	11.44	12.23
8		0.00	0.77	1.54
9			16.47	13.07
10				9.52
11				1.06
12				1.89
13				2.28
14				0.36
15				1.31

During the 1989 and 1990 measurements, the raceways and ponds were maintained at maximum levels for fish production. During the 1996

measurements, there was no commercial fish production in the raceways or main production ponds so the wetted areas were decreased. Larger flows could be expected in 1996 since bank storage was minimized and seepage areas decreased.

At some of the springs, discharge has increased slightly. Flow from House Spring and Trailer Spring has increased 34% and 19%, respectively. This occurred while Birdcage Spring decreased 56% (the flow from Birdcage Spring was found by adding flows 2 and 8, estimating flow 2 by flow 10 minus flow 3 for the 7/29/96 measurement).

A further verification of the general pattern of spring flow in this region may be found from the USGS gauging station on Spring Creek at Sheepskin Road. Spring Creek is a spring-fed stream running northeast to southwest between the Snake River and Fort Hall. Figure 3 shows monthly and annual average flow rates since the gauge was installed in 1980. The pattern clearly shows a peak in 1985, followed by a general downward trend. The periods 1989 - 90 and 1993 - 1995 were periods of recovery, but in general the trend has been downward. Although no known measurements of the Crystal Springs Trout Ranch discharges were made before 1989, they have most likely followed a similar pattern.

The USGS measured and reported daily flows of Crystal Waste Nr. Springfield (Station Number: 13069532) for the period April 1985 through February 1988. This record as shown in Figure 4 is not sufficient to determine a long term trend; however, it appears to show a decline over the period of record.

Groundwater flow analysis

To determine the impact on the aquifer of the construction of an additional artesian well or wells on the site, an analysis of the water table north of American Falls Reservoir was performed. The study area encompasses the entire Crystal Springs site, as shown on Figure 5. Well logs were obtained from microfiche on file with the Idaho Department of Water Resources. The locations of these 21 well logs with respect to the springs and the reservoir are shown on Figure 5. Each grid on this figure represents one 40-acre quarter-section.

Water table information at each well location was estimated by the driller's reported depth to water at the time of drilling. Ground surface elevations for each well were estimated from contour lines on a 7.5-minute USGS quadrangle map. The groundwater elevation was then found by subtracting the depth to water from the estimated ground elevation. Because driller's estimates are often inaccurate, and because the wells were drilled in different years and at different times of the year, some water level data may be inconsistent with the surrounding data. One water table estimate was found to be inconsistent; it was excluded from the analysis. Logs for three artesian wells in this area are on record. The potentiometric surface for an artesian well will be above the ground elevation by some distance. However, the shut-off head was not reported on driller's logs so it is not possible to determine this distance. These three wells were also excluded from the analysis.

Based on the remaining 17 wells, groundwater contours were created using the Surfer contouring package. The resulting groundwater flow pattern is given in Figure 6. Both the water table contour lines and the flow lines are shown. The flow lines indicate the direction of groundwater flow. Within the Crystal Springs Trout Ranch site, the groundwater flow is directly toward the reservoir. Water withdrawn from a well would not impact groundwater users west of the site.

The computed flow directions are consistent with the general flow patterns in the Eastern Snake Plain Aquifer as depicted by the U.S. Geological Survey. Figure 7 is a photocopy of a portion of the map depicted on Hydrologic Information Atlas HA 703 (1988) which shows the water table contours on the Eastern Snake Plain Aquifer during Spring 1980. The area of the Crystal Springs Ranch study is outlined on Figure 7.

Conclusions

Spring flows and artesian well flows which comprise the ground water diversions for fish production on the Crystal Springs Trout Ranch have declined over the last seven years and probably have been declining since a peak in 1985.

The combined discharges utilized by the Crystal Springs Trout Ranch measured in 1989, 1990 and 1996 are below licensed discharges. Diversions could be increased to licensed amounts historically diverted by construction of a strategically located artesian well or wells.

The direction of ground water flow from the Crystal Springs Trout Ranch is toward and into American Falls Reservoir.

Surface flow from all of the Crystal Springs Ranch diversions for fish production returns to the Snake River (American Falls Reservoir) in Section 26 T4S R32E through the Crystal Waste or directly into the reservoir from the Third Place spring channel.

Enhancement of non-consumptive diversions from the aquifer adjacent to the reservoir to historical diversion rates from springs and wells will not change the net historical flow into the reservoir.

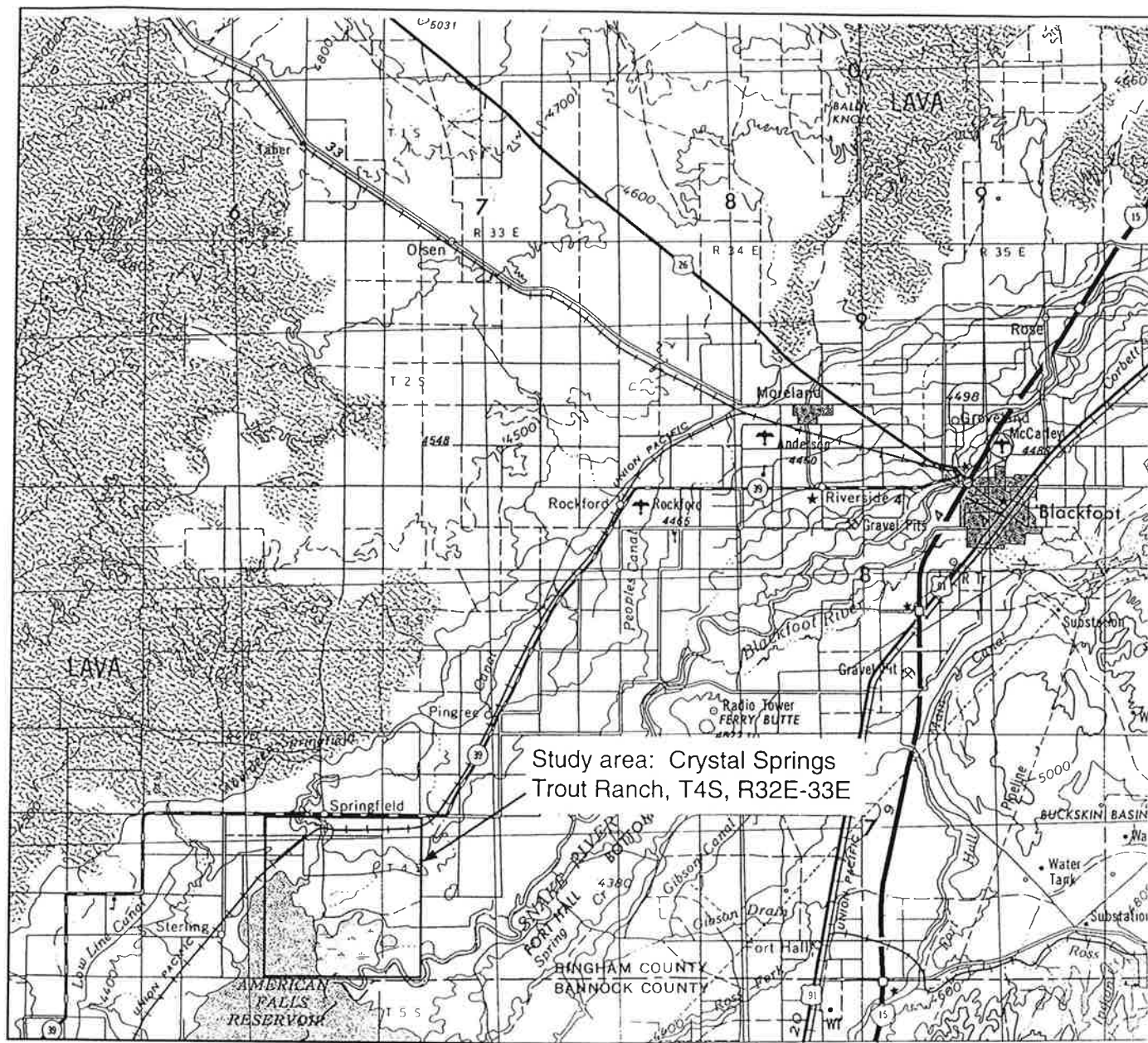


Figure 1. Vicinity map.

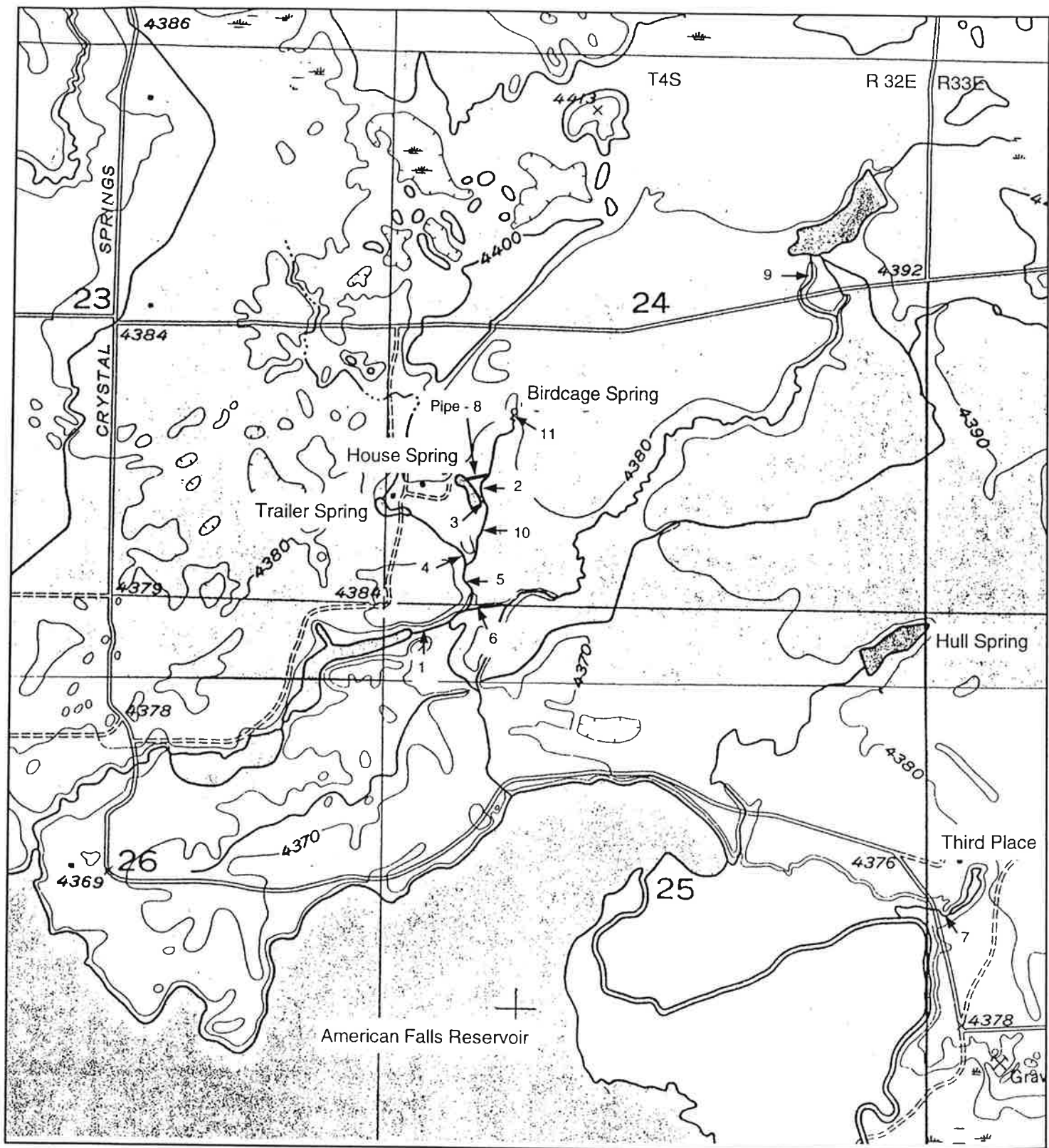


Figure 2. Site plan showing springs and measurement locations.

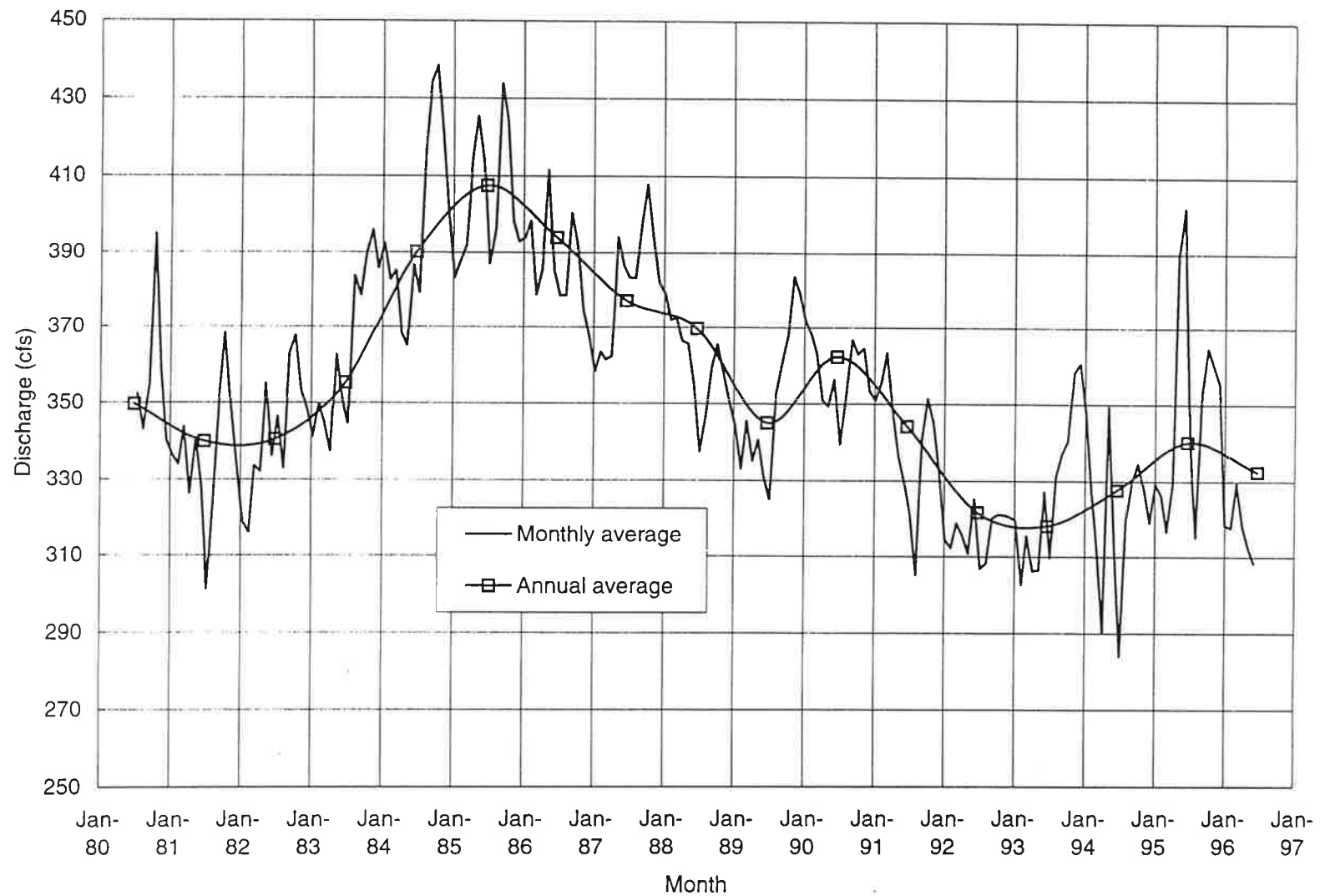


Figure 3. Observed monthly and annual flow in Spring Creek at Sheepskin Road (USGS station 13075983).

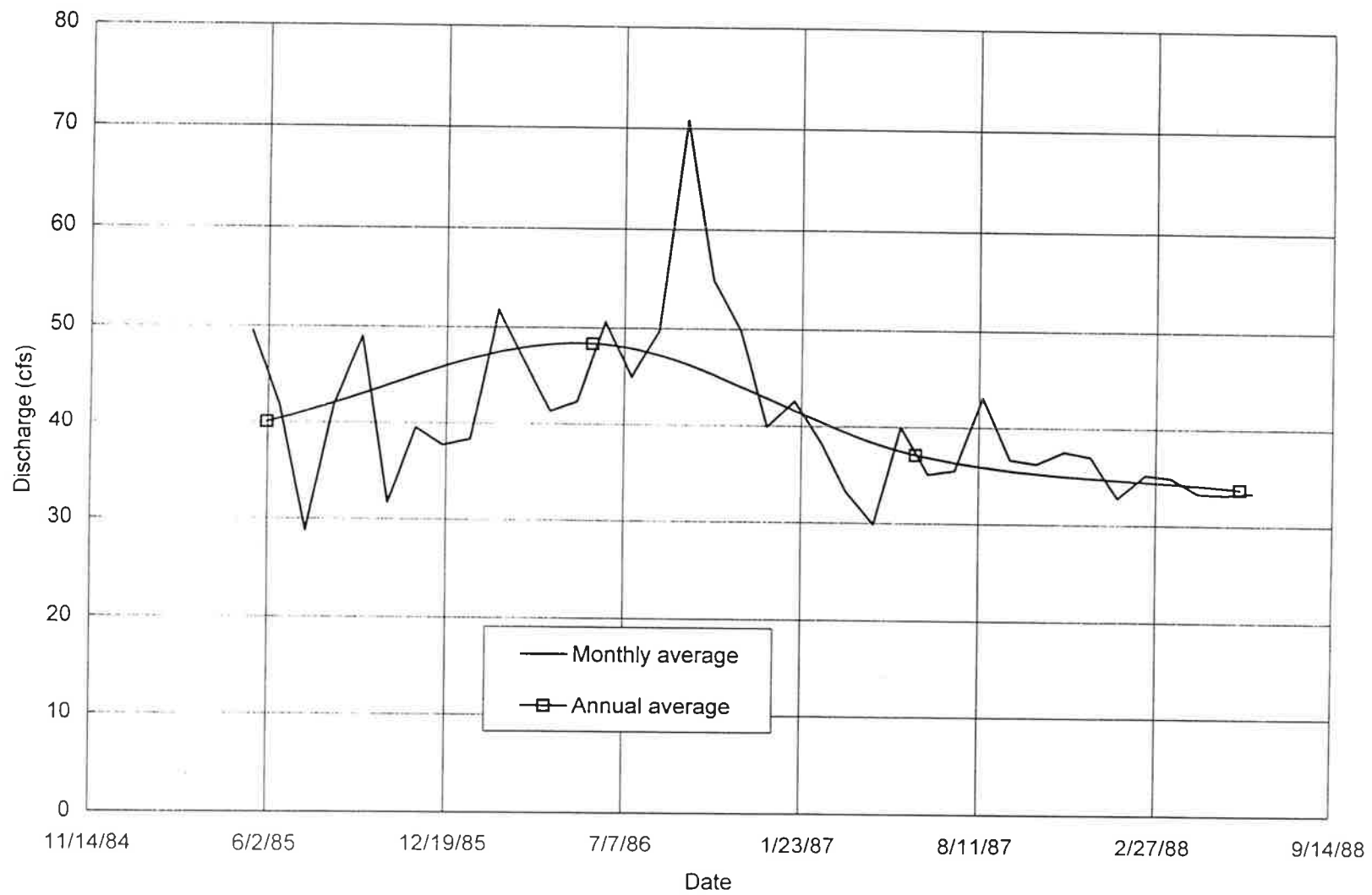


Figure 4. Observed monthly and annual flow in Crystal Waste (USGS station 13069532)

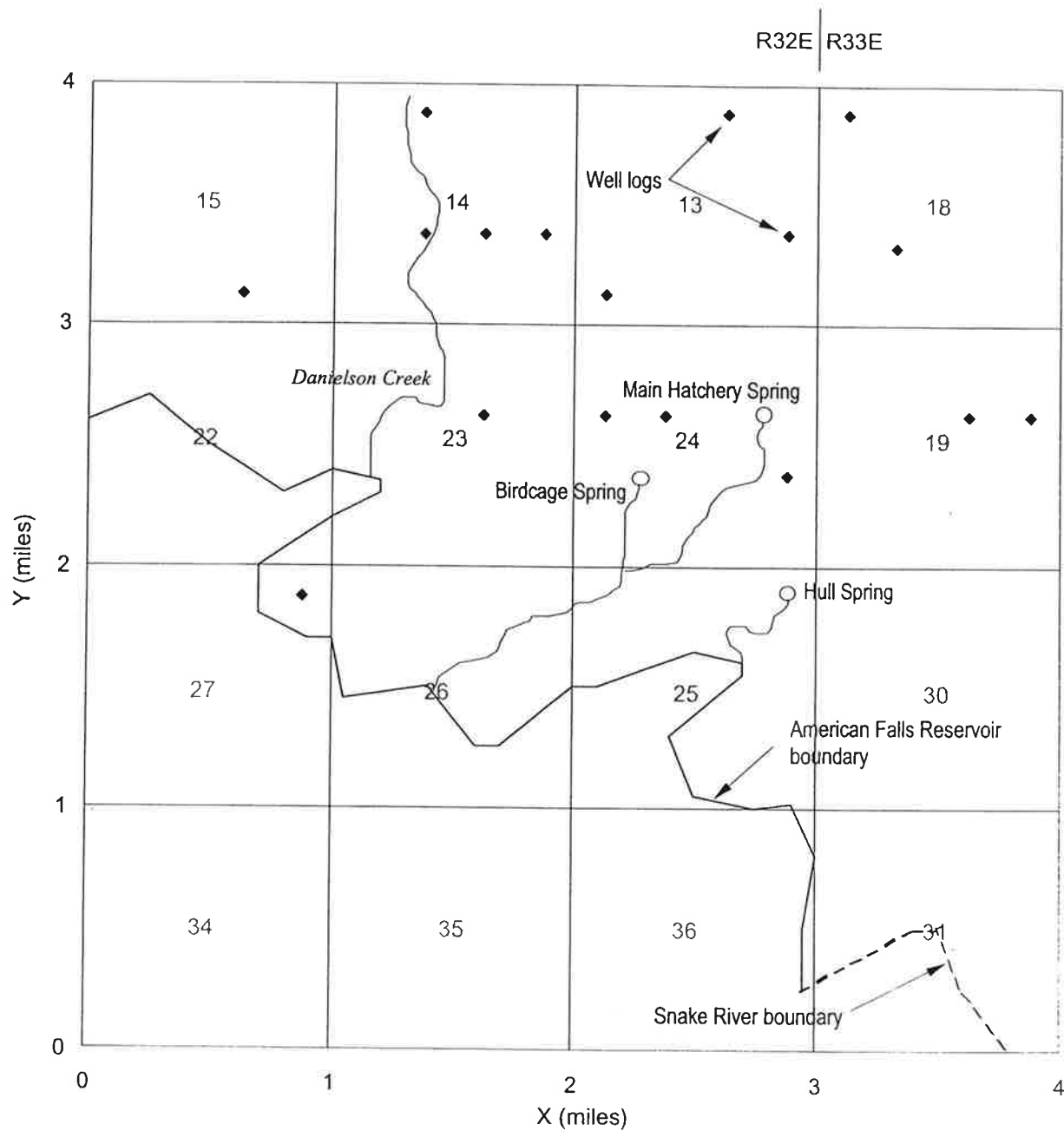


Figure 5. Study area showing major springs and streams, the locations of driller's logs used to estimate aquifer flow patterns, and the constant-elevation boundaries formed by the reservoir and the Snake River.

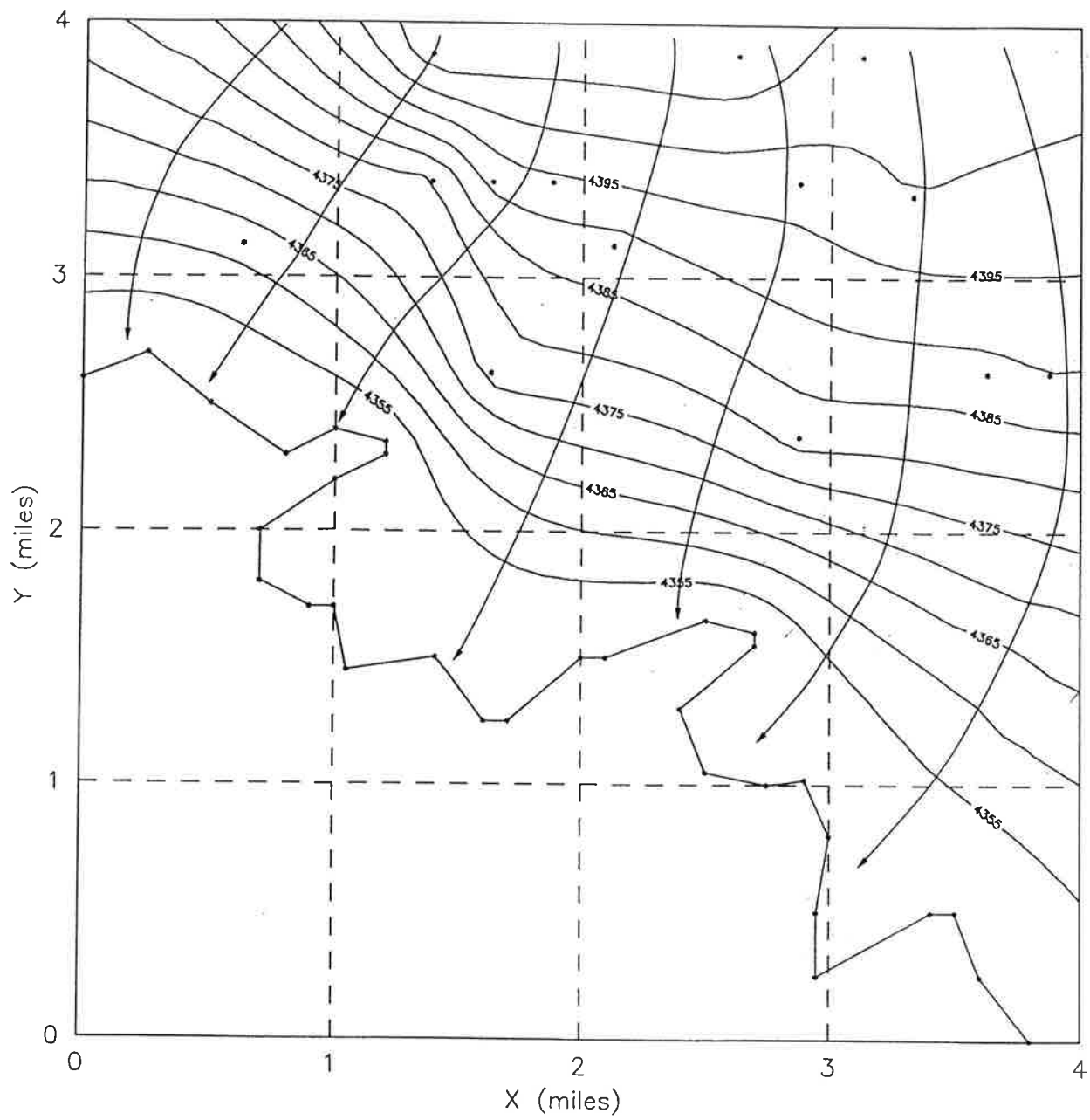


Figure 6. Estimated groundwater contour lines and flow paths.

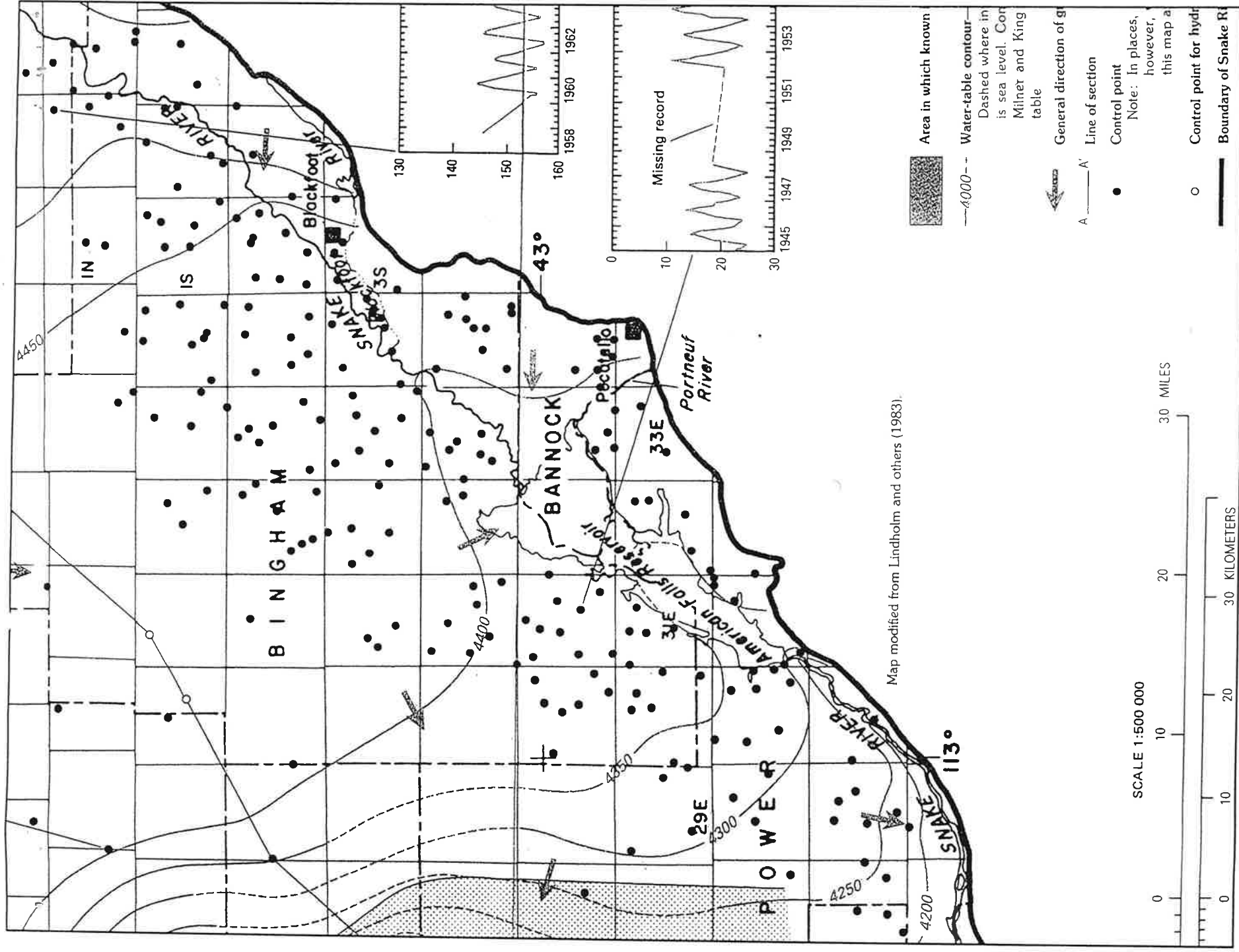


Figure 7. A portion of USGS map HA 703 showing water table contours in Spring 1980 for the Eastern Snake Plain Aquifer.

APPENDIX A

