

14 1999 Transfer No. 5647

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

DBA Epicenter Aquaculture

Name of applicant Mark L. or Jo Ann W. Luper Phone 879-5786
Post Office address HC 61 Box 3016, Challis Id 83226

PURPOSE OF TRANSFER

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

2. Describe the reason for the proposed changes Describe P/D & P/U as it presently exists. The place of use was moved to its present location about 5 years ago. The diversion works have not changed except for moving the canal re-diversion over 2 miles upstream from where it originally was. Present location makes better use of the geothermal resource.

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
<u>72-07209</u>	<u>9-1-1982</u>	<u>6.98 cfs</u>	<u>Fish Prop.</u>	<u>1-1</u> to <u>12-31</u>
<u> </u>	<u> </u>	<u>5052.2 AFA</u>	<u> </u>	<u> </u> to <u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>

2. Total amount of water being transferred 6.98 cubic feet per second and/or 5052.2 acre-feet per annum.

3. Source of water Warm Springs & Springs tributary to Warm Springs Creek

4. Point(s) of Diversion: Warm Springs Creek Sinks

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NW	SW	10	12N	20E	Custer	Warm Springs
	NE	NW	SW	10	12N	20E	Custer	Warm Springs Creek
	SE	SE	NE	9	12N	20E	Custer	Springs
	NW	SE	NE	9	12N	20E	Custer	Re-div from Warm Springs Canal

5. Lands irrigated or place of use:

[illegible]

PART 1

6. General Information:

a. Description of diversion system Warm Springs emerge at the head of a canal that runs north for several miles. 6.06 cfs are taken from the canal, then returned to it for downstream users. A check dam & ditch carry creek water separately to the same

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

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

d. Remarks:

69. cont. facility. Two springs flow into the ditch below the creek diversion, for a total of 0.92 cfs from the ditch. All this water is in the facility via gravity flow & re-lift pumps before discharging into the Warm Springs canal. The ponds in sec. 32 have been replaced with the present facility.

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 _____.

PART 2

TRANS NO. **T#5647****A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 72-07209

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	6.98 CFS	5052.2 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
WARM SPRING	WARM SPRING CREEK
UNNAMED SPRINGS	WARM SPRING CREEK

Priority: 09/01/1982

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 10, Township 12N, Range 20E
NWSW , Sec. 10, Township 12N, Range 20E
CUSTER County

PLACE OF USE:

FISH PROPAGATION

				NE				NW				SW				SE																
				NENE	NWNE	SWNE	SENE	:				NENW	NWNW	SWNW	SENW	:				NESW	NWSW	SWSW	SESW	:				NESE	NWSE	SWSE	SESE	:
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	:
12N	20E	10	:											F																	:	
13N	20E	32	:	F																											:	

CONDITIONS/REMARKS:

1. Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.
2. Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.
3. Should the use of the water on this right reduce the quality of water available to prior water rights and make it unusable to satisfy the prior appropriations, the right holder shall cease diversion under this right.
4. The facility volume = .8 acre feet.

Describe any other water rights used for the same purpose as described above:

Page 4 of 6

TRANS NO. T#5647

Water Right No. 72-07209

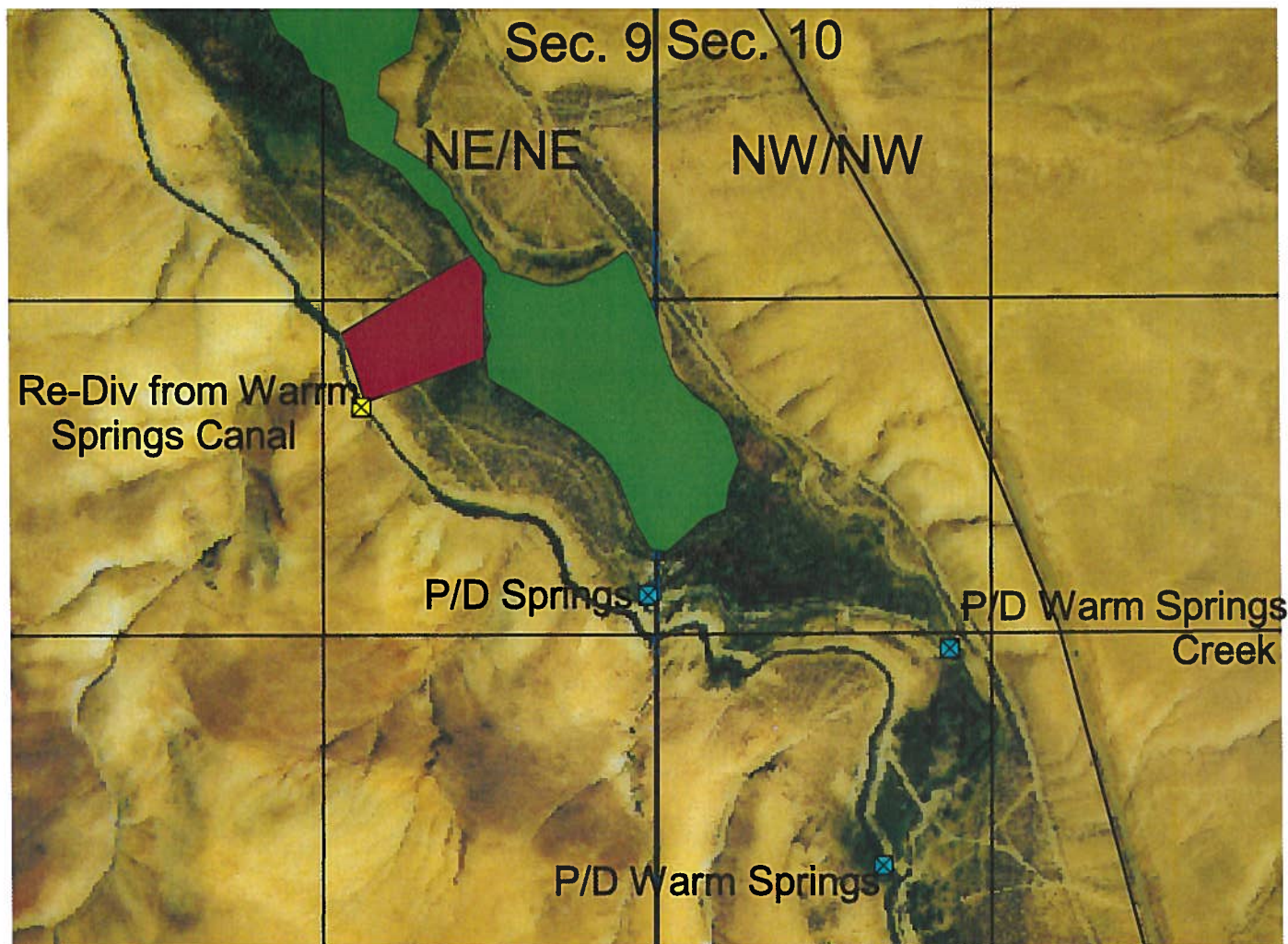
To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? No If yes, describe:

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:

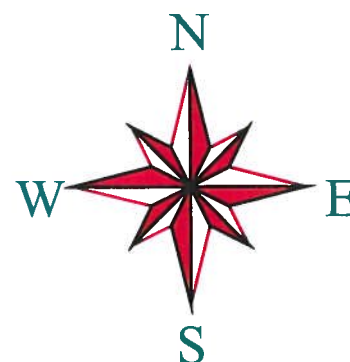
☐ Tax Notice ☐ Warranty Deed ☒ Other Lease

APP. FOR TRANSFER - MARK LUPHER

T. 12N R. 20E



P/U For Fish Propagation



Prepared 1-31-2000
By J E Stanton

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

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to _____
				to _____

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

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

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.

X Mark L. Luper
(Signature of Applicant)

Subscribed and sworn to before me this 13th day of Dec, 1999.

Sharon Hamilton
(Notary Public)

My commission expires 10-21-2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachments

Received by J E Stanton Date 12-14-99

Protest filed by _____

Prelim. check by JS Fee \$100. 5022607

Receipted by JS Date 10-14-99

Published in Challis Messenger

Copies of protest forwarded by _____

Pub. dates 3/2 & 3/9/00

Hearing held by _____ Date _____

Watermaster recommendation requested on N/A

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

RECEIVED

OCT 04 1999

Department of Water Resources
Southern Region

LEASE AGREEMENT

THIS AGREEMENT is made and entered into effective as of the 1st day of July, 1994, by and between INGRAM WARM SPRINGS RANCH, a Partnership, herein referred to as "Lessor" or "Lessors" and MARK LUPHER AND JO ANNE W. LUPHER, husband and wife, residing at HC 61 Box 3016, Challis, Idaho 83226, herein referred to as "Lessee" or "Lessees".

WITNESSETH:

The Lessor has leased and by these presents does lease unto the Lessee on the terms herein mentioned the real property located in Custer County, Idaho, described as follows:

40 acres located on the Ingram Warm Springs Ranch as follows:

40 acres to be selected by Lessees at their sole and separate discretion on or before the 1st day of July, 1995, from the following described tract of land:

Township 12 North, Range 20 East, Boise Meridian

NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4

NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9

SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10

NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10

Township 13 North, Range 20 East, Boise Meridian

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32

SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32

The selected lands shall be in no more than three separate contiguous tracts unless otherwise consented to by Lessors.

TOGETHER WITH all appurtenances, to have and to hold the said premises with the appurtenances thereon from the 1st day of July, 1994.

T#5647

LESSOR: The parties agree that Lessor may for whatever reason transfer the leased lands to a new or different entity or person and that so long as it is clearly understood that such new entity is taking the lands subject to the terms of this lease, the transfer or assignment will not be objected to by Lessees. In fact, Lessee understands that Lessor intends to assign or transfer the leased lands and this lease to partner, Timothy Ingram, or to an entity designated by him.

TERM: The term of this Lease shall be from July 1, 1994 to July 1, 2009. This Lease may be renewed for another 15-year term if written notice of intent to extend the Lease is provided by Lessee to Lessor no later than July 1, 2008. If no such notice is given, then this Lease shall terminate on midnight of July 1, 2009, and Lessee shall promptly vacate the premises.

PURPOSE: Lessee is leasing the real property for the purpose of fish propagation.

RENTAL: Lessee agrees to pay to the Lessor as rent for said premises 50% of all profits arising from the sale of fish products grown or processed on the leased property.

For the purpose of this agreement, profit shall be computed by subtracting from gross receipts all operating expenses directly incurred in the production of fish products. It is further agreed that the Lessee's compensation will be his 50% of the profits. Further that Lessee, Mark Lupher, will not

charge to the above expenses for his work as manager of the fish propagation business to be established on the leased site.

Lessor must apply any and all payments from profits first toward the cost of leasehold improvements. Lessor's excess share of profit over and above the cost of such improvements shall be paid to Lessor in cash. For valuation purposes, the value of leasehold improvements shall be the cost of construction of said improvements to Lessee. The attached Exhibits "A" and "B" shall govern the interpretation of this section in regard to Gross Sales, Allowable Expenses and Leasehold Improvements. Profits as used herein shall be determined by deducting Allowable Expenses from Gross Sales. This interpretation of income and expenses shall not necessarily be related to income or allowable expense for tax purposes. Additions or deletions to Exhibits "A" and "B" shall be accomplished only upon the mutual consent of the parties.

All payments due Lessor shall be due and payable by the 10th day of the month following Lessee's receipt of said funds. Lessees shall provide an accounting monthly on or before such date in regard to cost of improvements and the credits given Lessors for their share of profits.

INSPECTION OF BOOKS AND RECEIPTS: Lessor may inspect Lessee's financial books and receipts which will be kept on the premises. Inspection will be subject to reasonable notice of not less than 12 hours.

RESIDENTIAL SITES: Lessor will supply sufficient real property to enable Lessee to establish two (2) residential sites on the leased property. These sites shall be located in such a manner as not to interfere with access to hydropower facilities or ingress and egress from the leased real property or interfere with agricultural uses or facilities.

POWER AND ELECTRICAL: Lessee shall pay all power and utility expenses incurred on the leased real property. However, cost of utility construction shall be considered a reimbursable leasehold improvement as defined in Exhibit "B". Power and utility expenses are to be included as one category of the aforementioned expenses to be deducted from gross receipts.

GEOHERMAL WATER RIGHT: Lessor shall provide to Lessee the natural flow of geothermal water pursuant to License #72-7209 (copies attached as Exhibits "C", "D", and "E") to enable Lessee to use geothermal water for fish propagation. It is understood that Lessor currently has in operation a hydropower plant from the same geothermal source. Lessee agrees not to interfere with said source in any manner which will decrease income to Lessor. Specifically, Lessees agree that they will allow nothing to be done on the premises which will cause the water level at the spring source to be raised above the normal level given the present and existing situation. Further, it is agreed that Lessees will at all times put at least an equal or greater amount of water back into the existing hydro canal compared to the

amount diverted or used by Lessee. For the purpose of fulfilling this requirement Lessees may utilize the seeps or springs flowing upon the leased premises. All water will be returned upstream from the hydro-plant or facility. If Lessor's income from the hydropower plant does decrease due to Lessee's use of the geothermal water or because of Lessees use of the property, Lessee shall reimburse Lessor for its actual loss. Lessee shall also be fully responsible for any and all damage or loss caused Lessor from its operation including but not limited to pollution, waste water quality and other damage.

WATER FOR OTHER USES: All water used for residential purposes or any use other than fish propagation shall be taken from wells and Lessees shall meter such use and pay Lessor at the rate of \$1.00 per thousand gallons for all water used unless otherwise agreed.

INSPECTION OF PREMISES: Lessor or Lessor's agent may inspect the leased premises at reasonable times and upon reasonable notice.

NEW CONSTRUCTION: Lessee shall submit the plans for any new construction or development to be undertaken on the leased premises to Lessor for Lessors approval prior to commencement of any project or improvement. Lessor agrees to only deny such request upon the basis of what may be determined to affect Lessors hydro income.

FENCE: Lessor shall construct and maintain a fence surrounding the leased real property in order to keep Lessor's livestock from entering the leased premises.

LIENS AND ENCUMBRANCES: Neither party shall allow or cause any liens or encumbrances to be placed on the real property which is the subject of this Lease during the term of this Lease without prior written approval of the other party. Lessee acknowledges that Lessors presently have a mortgage upon the premises which Lessors will endeavor to remove.

INGRESS AND EGRESS: Lessee shall have the right of ingress and egress from Highway 93 to the leased real property. Lessor shall not interfere with or hinder said ingress and egress in any manner.

TAXES: Lessor shall pay all real property taxes assessed against the leased lands during the term of this Lease except for taxes assessed against all improvements or structures erected by Lessee or put in place at Lessee's request which shall be paid by Lessee as an operating expense.

MANAGEMENT AND INSURANCE: Lessee intends to operate a fish propagation business on the leased premises. It is understood that the operation and management thereof is under the sole and exclusive control of Lessee. Additionally, Lessee shall have total and complete control over the nature and extent of facilities constructed upon the premises for fish propagation, and the variety and amount of fish to be propagated. However,

Lessee agrees to take every precaution to keep Lessee's business and operation totally separate and apart from Lessor and to minimize all liability to Lessor. Lessee further agrees to maintain a general and products liability policy of insurance in good standing at all times for the protection of Lessor as well as Lessee in the minimum coverage of \$500,000/\$1,000,000. Should Lessor be held accountable for any debt or assessment against the business, Lessee will be responsible to Lessor for full reimbursement.

LETTER OF CONSENT: Lessor shall provide to Lessee's residential financial institution a Letter of Consent to enter upon the leased premises in order to foreclose, if necessary, on the mobile homes used by Lessee and located upon the residential sites described herein so long as such entry or action does not threaten Lessor's title to the underlying lands.

FIRST RIGHT OF REFUSAL: If, during the term of this Lease or at the termination of this Lease, Lessor receives an offer to sell or lease the above described property to a third person, Lessee shall have the first right of refusal to purchase or lease the real property upon the same terms and conditions as the original proposed offer. However it is to be noted that if the proposed sale or offer is in regard to a sale of the entire Ingram's Warm Springs Ranch or a smaller component of agricultural land in addition to the lands described in this lease, then in that event, the within First Right of Refusal

shall have no effect, it being understood, however, that any such sale would nonetheless be made specifically subject to the terms of this lease. Should the within First Right of Refusal come into effect, Lessor will first determine that the prospective Buyer is a qualified and bona fide buyer. Lessor will then advise Lessee in writing of the specific terms and conditions of the offer. Lessee will have forty five (45) days thereafter within which to review the offer and to respond to Lessor with an acceptance of the terms and conditions or a rejection of the same. No response by Lessee within the term set out will constitute a rejection. In the event that Lessee accepts the terms of the offer the sale will close as set forth in the notice so long as Lessee is given a reasonable time of not less than thirty (30) days after acceptance within which to secure closing funds. Unless otherwise mutually agreed, closing will take place under the direction of Custer County Title, Inc. in the customary and standard fashion with Lessee to receive clear title subject only to the usual or general exceptions.

NON-ASSIGNMENT BY LESSEES: Lessees agree that the within lease may not be assigned by them at any time without Lessor's consent, which consent will not be unreasonably withheld.

IMPROVEMENTS: At the end of the term of this lease for whatever cause or reason, all improvements and facilities set in place upon the premises shall remain in place and shall become

the property of Lessor, including but not limited to dams, raceways, ponds, headgates, or other structures, fences, roads, ditches, utilities. In no event upon termination shall Lessor owe Lessee for cost of the improvements even should sums remain owing upon the same from Lessor's share of profits as noted above. During the first five years, however, improvements not yet paid for by Lessor may be removed and liquidated by Lessee. In any event, all liens, debts or other encumbrances will be satisfied by Lessee in regard to the property remaining on the leased premises at the time of termination. However this clause shall not affect the provisions contained in the "LESSOR BUY-BACK" paragraph set forth below. The personal property or movables and equipment, however, shall remain the property of Lessee upon termination.

LESSOR BUY-BACK: At the end of the first Lease period ending July 1, 2009, should Lessees elect to renew as provided above, Lessor shall have the counter-right, or right, to buy back the remaining lease term from Lessees. If Lessor so elects to purchase or buy back, Lessees shall be entitled to a cash payment as mutually agreed upon, but if agreement cannot be mutually reached then the price shall be determined based upon the appraised value of the 15 year lease. The valuation to be determined shall not include value of the improvements, land or water but will include the business value and profit potential.

In the event of a dispute regarding selection of an appraiser the same shall be resolved by arbitration.

ARBITRATION: In the event a disagreement or dispute arises in connection with this Lease, parties agree that prior to either bringing or filing a suit or cause of action against the other they will submit the dispute to arbitration. The parties further agree that unless otherwise agreed the arbitrators shall be three in number, one to be selected by each party with the third selected by agreement of the two arbitrators selected by the parties. An award or decision may be rendered by a majority of the three arbitrators who will be governed as established by the laws and rules of arbitration under Idaho law except as otherwise set forth herein or by mutual agreement of the parties.

EXCLUSIVE USE: Lessor and Lessees agree that the water furnished by Lessor will be used exclusively for fish propagation and that excessive amounts, not dictated by good fish propagation practices, will not be used. It is also agreed that to the extent of its control, Lessor will not permit any fish propagation operation other than Lessee's to exist on the water source or the flow of Warm Spring water upstream from the point where the waters flow under U.S. Highway 93 in the present hydro canal, or if the flows are returned to the original channel, then upstream from the point of such flow which is due West from the above point.

AGRICULTURAL LANDS: No facilities or uses will be employed by Lessee that may unreasonably interfere with, damage or detrimentally affect agricultural uses currently in place upon the lands held by Lessor, whether the injury occurs, or would occur, upon the leased lands or the surrounding lands of Lessor.

DEFAULT: Should either party default in their duties and responsibilities contained herein and should the defaulting party fail to cure said default within forty five (45) days after receiving written notice of said default, this agreement may be terminated by the non-defaulting party. Upon default the non-defaulting party shall have any and all remedies allowed at law or equity.

LITIGATION/ATTORNEY FEES: In the event of any litigation between the parties concerning their respective rights and obligations hereunder, the prevailing party shall be entitled to a judgment for its costs of suit, reasonable litigation expenses, and attorney's fees reasonably incurred, in addition to any other relief awarded by the Court.

REPRESENTATION: This Lease Agreement was prepared jointly by the attorneys for Lessee and Lessor. The parties acknowledge their right to individual counsel. Each party agrees to pay all of its respective attorney's fees incurred in negotiation and execution of this Agreement; however, all costs related to document preparation beneficial to both parties shall be equally shared.

RECORDING: The parties agree that once the leased lands have been selected and set forth by Lessee as noted above, Lessee or Lessee's agent may record a copy of this lease complete with the property description or that in the alternative the parties execute a Memorandum of Lease or an abstract setting forth the parties, the property, the first right of refusal and other pertinent data which may be recorded.

BINDING EFFECT: The provisions of this contract shall be binding upon and inure to the benefit of the heirs, personal representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereunto set their hands the day and year first above written.

Ingram Warm Springs Ranch
by Will Ingram
INGRAM WARM SPRINGS RANCH

Timothy A. Ingram

"LESSOR"

Mark Luper
MARK LUPHER

Jo Anne W. Luper
JO ANNE LUPHER

"LESSEE"

STATE OF IDAHO)

County of Custer)

ss.

On this 10th day of November, 1994, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Walt Ingman & Timothy A. Ingman known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

James B. Beatty
NOTARY PUBLIC FOR IDAHO
Residing at Challis Idaho
My Commission Expires 1-21-99

STATE OF IDAHO)

County of Custer)

ss.

On this 10th day of November, 1994, before me, the undersigned, a Notary Public in and for said County and State, personally appeared MARK LUPHER and JO ANNE W. LUPHER, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

James B. Beatty
NOTARY PUBLIC FOR IDAHO
Residing at Challis Idaho
My commission expires 1-21-99

EXHIBIT "A"

LUPIER/INGRAM WARM SPRINGS RANCH LEASE AGREEMENT

For the purpose of this lease the following items will be used to determine profit:

Income - Gross Receipts

Rental Income	
Fingerlings	Fish
Food Fish	Fish
All Eggs, By-Products or Miscellaneous Sales	
Total Income	Total Sales

Operating Expense

Advertising	Advertising (Not to exceed 5% of sales)
Bank Charge	Bank service charge
Chemicals	Chemicals
Contract Labor	Contract Labor
Dues	Dues and Subscriptions (Not to exceed 1% of sales)
* Equipment Rent	Equipment Rental
Feed	Feed
— Fuel	Fuel
Insurance	Liability, disability, workman's compensation, crop
Interest	Interest expense
— Machine Hire	Machine Hire
Miscellaneous	Miscellaneous Expense (not to exceed 1% of sales)
Office Supplies	Office Supplies
Payroll	Payroll Expense
Professional Fees	Professional Fees (for the benefit of both parties)
a) Accounting	Accountant Fees
b) Legal	Legal Fees
Repairs	Repairs (building, computer, equipment, etc.)
Seed Fish	Seed fish
Supplies	Supplies
T & E	Travel and entertainment (not to exceed 2% of sales)
Taxes	Federal, local, property, state

Tools and Equipment
Utility
Vehicle
R & D

Tools and equipment
Electricity, LP Gas
Vehicle
Research and Development (not to exceed
10% of sales)

Total Expense

Net

EXHIBIT "B"

LUPHER/INGRAM WARM SPRINGS RANCH

For the purpose of this lease the following items will be used to define leasehold improvements:

Commercial Buildings

Dams, Canals and Waterways

Fish Ponds and Raceways

Residences

Roads and Fences

Utility Construction

Water and Sewer Systems

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 72-07209

Priority: September 1, 1982

Maximum Diversion Rate:

6.98 CFS

Maximum Diversion Volume:

5052.2 AF

This is to certify, that TIM INGRAM

HC 61 BOX 3020

CHALLIS ID 83226

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 1, 1982; and has submitted Proof of Beneficial Use on June 28, 1989. An examination indicates that the works have a diversion capacity of 6.980 cfs of water from:

WARM SPRING
UNNAMED SPRINGS

tributary to WARM SPRING CREEK
tributary to WARM SPRING CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	6.98 CFS	5052.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 10, Township 12N, Range 20E
NWSW , Sec. 10, Township 12N, Range 20E
CUSTER County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

12N 20E	10	SWNW
13N 20E	32	NENE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.
6. Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.

AUG 09 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

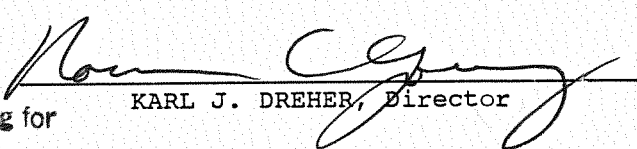
WATER RIGHT NO. 72-07209

CONDITIONS/REMARKS:

7. Should the use of the water on this right reduce the quality of water available to prior water rights and make it unusable to satisfy the prior appropriations, then the diversion under this right must cease.
8. The facility volume = .8 acre feet.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 28th day of July, 1995.

Acting for


KARL J. DREHER, Director



AUG 09 1995

State of Idaho
Department of Water Resources

RECEIVED
JUL 24 1995
Department of Water Resources
JUL 24 1995

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 72-07209

Date of Priority: September 1, 1982

Maximum Diversion Rate: 6.98 CFS
Maximum Diversion Volume: 5052.2 AF

Comes now
HC 61 BOX 3020
CHALLIS ID 83226

TIM INGRAM

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 72-07209, and requests that the permit be changed as follows:

Source: WARM SPRING

tributary to WARM SPRING CREEK

Source: UNNAMED SPRINGS

tributary to WARM SPRING CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	6.98 CFS	5052.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 10, Township 12N, Range 20E
NWSW , Sec. 10, Township 12N, Range 20E
CUSTER County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

12N 20E	10	SWNW
13N 20E	32	NENE

RECEIVED

AUG 09 1995

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Challis, Idaho, this 19th day of July, 1995.

(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 72-07209

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 50⁰⁰ Received by RT # 0033234 Date 7-24-95

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 72-07209 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.
6. Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.
7. Should the use of the water on this right reduce the quality of water available to prior water rights and make it unusable to satisfy the prior appropriations, then the diversion under this right must cease.
8. The facility volume = .8 acre feet.

Witness my hand this 28th day of July, 19 95.


Acting for KARL J. DREHER, Director

Microcopy

AUG 09 1995

Form 217
03/86

RECEIVED
JUN 28 1989

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only

Fee Received 350.00

Date 6/28/89

Receipt # CD7868

Receipt by R Young

Reviewed by _____

Sent to region _____

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 72-7209

Name(s) of Permit Holder: Tim Ingram

Post Office Address: HC 61 Box 3020

Challis Id. 83226 Telephone No. 879-4721

Source of Water: Warm Springs Creek

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark fish prop.

Total rate and/or volume for which proof is submitted 10 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 6-14-89

Measuring Device: Required? ☒ Yes ☐ No
Installed? ☐ Yes ☐ No

Fee enclosed \$ _____
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

Tim Ingram 879-4721
(Name) (Telephone Number)

(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

MICROFILMED

SEP 12 1989

6-26-89
Date

Tim Ingram
Signature of Permit Holder (and title, if appropriate)

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

JUN 23 1988

To provide additional time in which to submit proof
of beneficial use for a water right permit

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 72-7209

Name(s) of Permit Holder: Tim Ingram

Post Office Address: HC61 Box 3020

Challis Id. 83226

Telephone No. 879-4721

Date Proof is Due: 7-1-88

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Ditch work at head of raceways has been completed.
Headboxes at raceways and cold H₂O diversions are ~50% complete

Costing \$ 5000

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

FERC 642-PRO-8498-ID approval has just been OKed & received 6-7-88
for the Lower Hydro Project. The fish and hydro are inter related.
Final survey for Lower hydro ^{was} done 6-17-88 which determines fall for fish use.

Permit holder(s) request an extension to 7-1, 19 89.
(1 yr. minimum)

Tim Ingram
(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to July 1, 1989.

Signed this 19th day of October, 19 88.

L. Glen Saxton
Chief, Operations Bureau

MICROFILMED
DEC 13 1988

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	72-7209	Warm Springs Ranch	16.0
Full Assignment	72-7209	Ingram, tim	16.0

MICROFILMED

MAR 16 1988

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

OCT 05 1987

Department of Water Resources

I, Warm Springs Ranch Partnership hereby assign to Tim Ingram
of HC 61 Box 3020 Challis Idaho, 83226
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 72-7209
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 10 day of Aug., 19 87.

Warm Springs Ranch Partnership
Permit Holder Tim Ingram

Alice E. Ingram
Spouse of Permit Holder

State of Idaho)
County of Carter) ss.

On this 10th day of Aug, 19 87, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

MICROFILMED

MAR 16 1988

James W. Bennett
Notary Public residing at
Challis Idaho 83226
Box 36

My commission expires:

8-13-93



RECEIVED

Ident. No. 72-7209

STATE OF IDAHO APR 16 1987

Department of Water Resources

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

APPROVED

Comes now Warm Springs Ranch Partnership Phone 879-4457

of (address) HC 61-Box 3020 Challis, ID 83226, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 72-7209, and requests that the permit and permit map be changed as follows:

(No change)
1. Point of diversion: ¼ ¼, Section , Township , Range , B.M.,
County of Custer . Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)
(No change)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13N	20E	32	X			X													

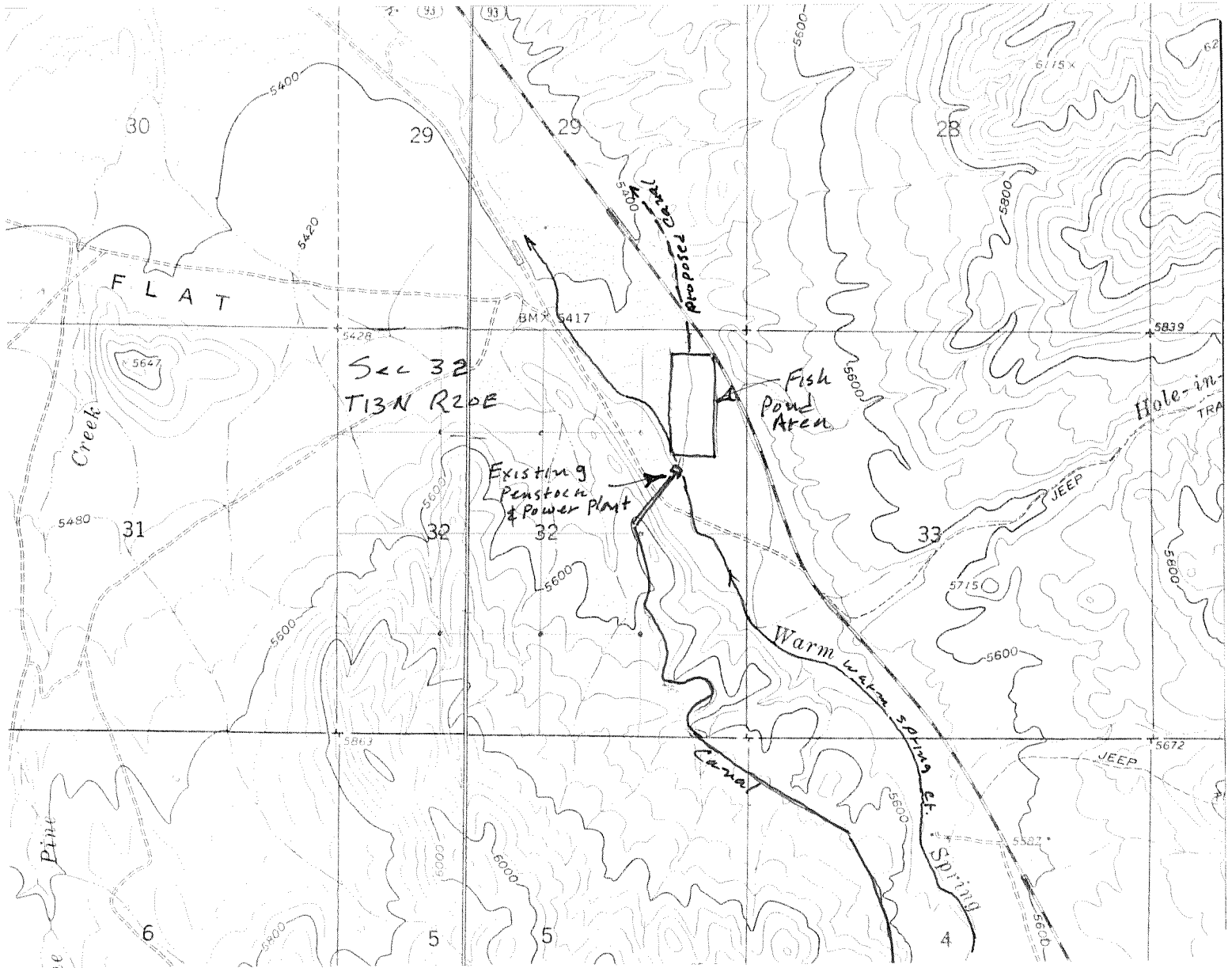
Total number of acres to be irrigated =

4. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or the place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing:

MICROFILMED

MAY 13 1987

Show 40-acre subdivisions, townships, ranges and ditches.



Signed at Twin Falls, this 19 day of February, 1987.

Timothy A Ingram
(Signature)

R# 40686

Received by MB Date 2/19/87

Published in The Challis Messenger, Times News
The Lewiston Morning Tribune, Post Register
The Idaho Statesman

Publication dates 3/19 & 3/26/87

I, L. GLEN SAXTON, of the Department of Water Resources hereby
Approve the above referenced Amendment provided the conditions as set forth in
Permit No. 72-7209 are met.

Witness my hand this

April

19 87

19 87
S. Glen Saxton
Chief, Operations Bureau

MAY 13 1961

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT) MEMORANDUM DECISION
NO. 72-7209 IN THE NAME OF WARM SPRINGS RANCH) AND ORDER
_____)

On September 1, 1982, Warm Springs Ranch (partnership) applied to the Department of Water Resources for a permit to appropriate 16 cubic feet per second of water from Warm Springs Creek tributary to the Salmon River. The application stated that the water would be diverted in the NW1/4SW1/4, Sec. 10, Twp. 12N, Rge. 20E, and used for fish propagation in ponds to be constructed in the SW1/4SE/14, Sec. 4; NE1/4NE1/4, Sec. 9; SW1/4NW1/4 and NW1/4SW1/4, Sec. 10, Twp. 12N, Rge. 20E, Custer County.

Notice of the application was published in the Challis Messenger, Challis, Idaho on September 16 and September 23, 1982. The notice stated that October 4, 1982 was the final date for submitting protests against the granting of the application.

In late November, 1982, cold weather caused ice jamming on Warm Springs Creek which resulted in flooding of property in the Round Valley area.

On November 30, 1982, a representative of the Department met with people affected by the flooding and inspected the area. Land owners expressed the concern that the circulation of Warm Spring Creek water through fish ponds would reduce its temperature and aggravate flooding caused by ice.

Letters of concern against the granting of the application were received from Frank Burstedt on December 17, 1982, Golden Westergard on December 29, 1982, and Steve and Shirley Tusberg on January 7, 1983.

The writers were concerned that a permit would not be in the local public interest if it caused a reduction in the temperature of Warm Springs Creek.

After being verbally advised that additional information would be required to determine the issue, the applicant engaged the services of Richard G. Allen, P.E., for an assessment of the impact of the proposed development on

UNRECORDED

Warm Springs Creek.

Mr. Allen's report was received by the Department on April 4, 1983.

Copies of the report and conclusions were mailed to the concerned parties on April 13, 1983 with notice that the Department would accept responses to the report until April 30, 1983.

No responses have been received by the Department.

Based upon the information in the record and his understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1) Based upon an investigation of Warm Springs Creek by Richard G. Allen, P.E., the applicant's proposed development will have a negligible effect on water temperatures in Warm Springs Creek at distances more than six miles downstream from the point of diversion.

2) The reach of Warm Springs which experiences flooding due to freezing is more than six miles downstream from the applicant's point of diversion.

CONCLUSIONS OF LAW

1) Issuance of a permit will not conflict with local public interest.

2) Applicant is entitled to a permit.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 72-7209 be and is APPROVED subject to the following conditions:

1) Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

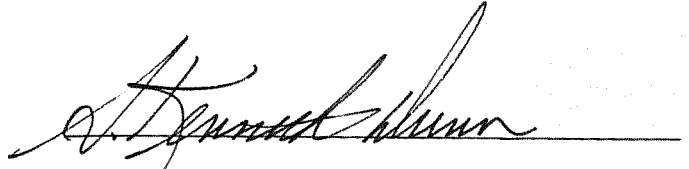
2) This permit shall not be assigned or sold without first securing the written approval of the Department of Water Resources.

3) Return water shall be treated to insure that the effluent meets intrastate stream water quality standards. Should the use of water under this permit reduce the quantity of water available to prior water rights and make it unusable to satisfy the prior appropriations, then the diversion under this permit must cease.

4) Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

5) Proof of construction of works and application of water to beneficial use shall be submitted to the Department on or before July 1, 1988.

Dated this 28th day of July, 1983.



A. KENNETH DUNN, DIRECTOR

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant WARM SPRINGS RANCH (PARTNERSHIP) Phone 879-4457

Post office address STAR RTE CHALLIS IDAHO

2. Source of water supply WARM SPRING which is a tributary of SALMON RIVER

3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10 Township 12 N

Range 20E B.M. CUSTER County, additional points of diversion if any: _____

* Note Address change HC61, Box 3020, Challis, Ida., 83226

4. Water will be used for the following purposes:

Amount 16.0 for FISH PROP. purposes from JAN 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 16.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. CONSTRUCT CONCRETE
HEAD WORKS.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is ✓ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NW $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: FISH PROPAGATION

See
Remarks
#5

MICROFILMED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

MICROFILMED

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12N	20E	4															X		
		9	X																
		10							X			X							

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. _____

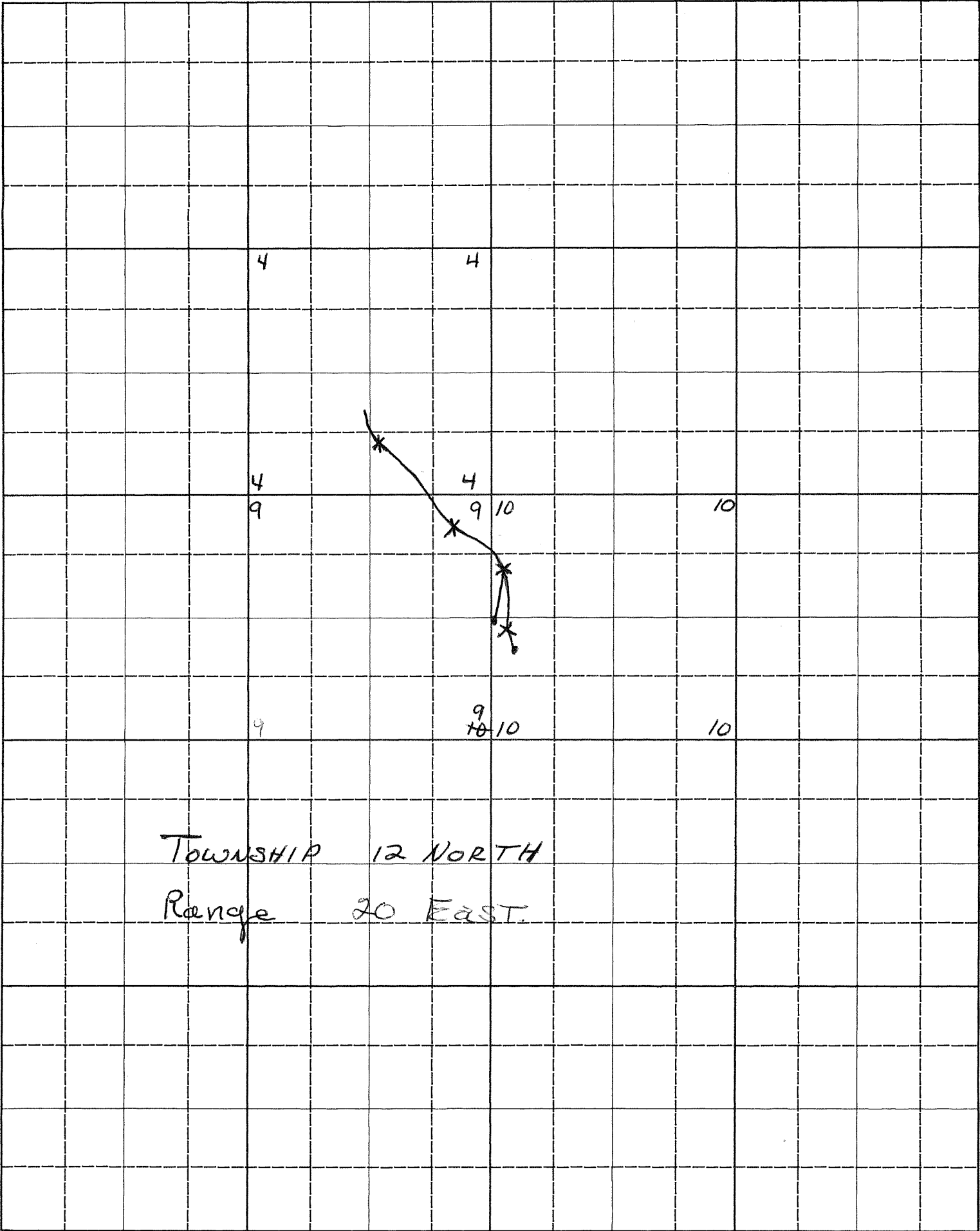
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use "

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks FISH PONDS will be CONSTRUCTED
IN THE CANAL System & ABOVE THE CANAL

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED

Timothy A. Lyman
(Applicant)
Partner Warm Springs Ranch.

Priority date: September 1, 1982

MICROFILMED

Received by Stump Date 9/1/82 Time 10:00AM
Preliminary check by JP Fee \$ 345.00
Receipted by marpa Date 9/3/82 # 20943
Publication prepared by marpa Date 9/10/82
Published in Custer Publishing Co.
Publication dates 9/16 + 9/23/82
Publication approved marpa Date 9/12/82
Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ADM

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

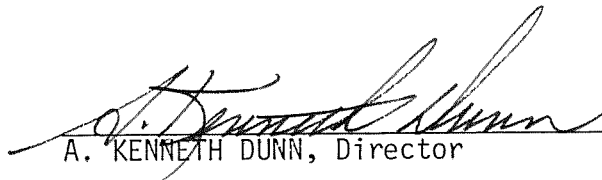
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 72-7209, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 88.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

Pursuant to Memorandum Decision and Order.

Dated this 25th day of July, 1983.


A. KENNETH DUNN, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT
NO. 72-7209 IN THE NAME OF
WARM SPRINGS RANCH

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this 27th day of July, 1983, a true and correct
copy of the foregoing MEMORANDUM DECISION AND ORDER was mailed postage prepaid to:

Warm Springs Ranch
c/o Timothy and Will Ingram
HC61 Box 3020
Challis, ID 83226

Steve and Shirley Tusberg
Box 1102
Challis, ID 83226

Frank Burstedt
P. O. Box 364
Challis, ID 83226

Golden C. Westergard
HC 63 Box 1760
Challis, ID 83226



RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

MICROFILMED

Mr. Holmes;

Re: Your letter of 10/7/82
Application # 72-7209

RECEIVED

NOV 12 1982

Department of Water Resources
Southern District Office

Enclosed is material which you
requested.

Sincerely,

Will Ingram
Warm Springs Ranch

HC61 Box 3020

Challis Idaho 83226

note address change

RECEIVED

1979

Tax Collector's Receipt No. 2233

CUSTER COUNTY, IDAHO

Challis, Idaho, 6-18, 1980

RECEIVED The full amount of all State, County, School, Highway District and other taxes for the year 1979 due upon the following described real property, situate in Custer County, Idaho, as shown by Real Property Assessment Rolls of said County, from:

PROPERTY	\$ Value
	1757
Improvements	
TOTAL REAL	1757
Personal Property	\$ Value
Automobiles	
Houses	
Furniture	
Tools & Fixtures	
Otherwise Class.	
TOTAL PERSONAL	
TOTAL VALUE	
Exemptions	
AD VALOR VALUE	
AD VALOR FOR TAXATION	1757

GARY WM. & JACQUELINE J. INGRAM

CHALLIS, IDAHO 83226

SW4NW4, N2SW4, SE4SW4 10 T12 R20
 LOT-3, SE4NW4, SW4NE4 15 T12 R20

DELINQUENT

Taxes assessed against the
 Real Property described herein
 are not paid for the year and
 Receipt No. shown:

Year	Receipt No.
1976 No.	
1977 No.	
1978 2 1/2 No.	2165

MARKET VALUE \$ 9,245

TAXING UNIT	Amount
CODE AREA NO. 24	
Forest Protection	
Less Exemption	
TOTAL TAX	66 22
AMOUNT PAID	66 25

1979 DELINQUENT

Half	\$	Final Half	
Penalty		Penalty	
Interest		Interest	
Costs		Costs	
TOTAL		TOTAL	

DONNA D. DEAN
 Tax Collector.

By *[Signature]* Deputy.

1979

Tax Collector's Receipt No.

2232

CUSTER COUNTY, IDAHO

Challis, Idaho, 6-18, 1902

RECEIVED The full amount of all State, County, School, Highway District and other taxes for the year 1979 due upon the following described real property, situate in Custer County, Idaho, as shown by Real Property Assessment Rolls of said County, from:

PROPERTY	\$ Value
	9957
	7994
Movements	173
TOTAL REAL	+737
	8167
Personal Property	\$ Value
Cars	
Houses	
Furniture	
Jewelry & Fixtures	
Otherwise Class.	
TOTAL PERSONAL	
TOTAL VALUE	
Exemptions	
NET AL VALUE	
	8167
AMOUNT FOR TAXATION	1457

GARY W. & JACQUELINE J. INGRAM

CHALLIS, IDAHC 83226

LOT-3, SE4NW4, SW4NE4	4	T12	R20
E2SW4, W2SE4	4	T12	R20
E2NE4, NW4NE4, NE4NW4	9	T12	R20

MARKET VALUE \$ 42,987
~~9245~~

DELINQUENT

Taxes assessed against the
Real Property described herein
are not paid for the year and
Receipt No. shown:

Year	Receipt No.
1976	No. _____
1977	No. _____
1978 2 1/2	No. 2104

TAXING UNIT	Amount
CODE AREA NO. 24	
Forest Protection	
Less Exemption	
TOTAL TAX	307 80
AMOUNT PAID	307 80

1979 DELINQUENT

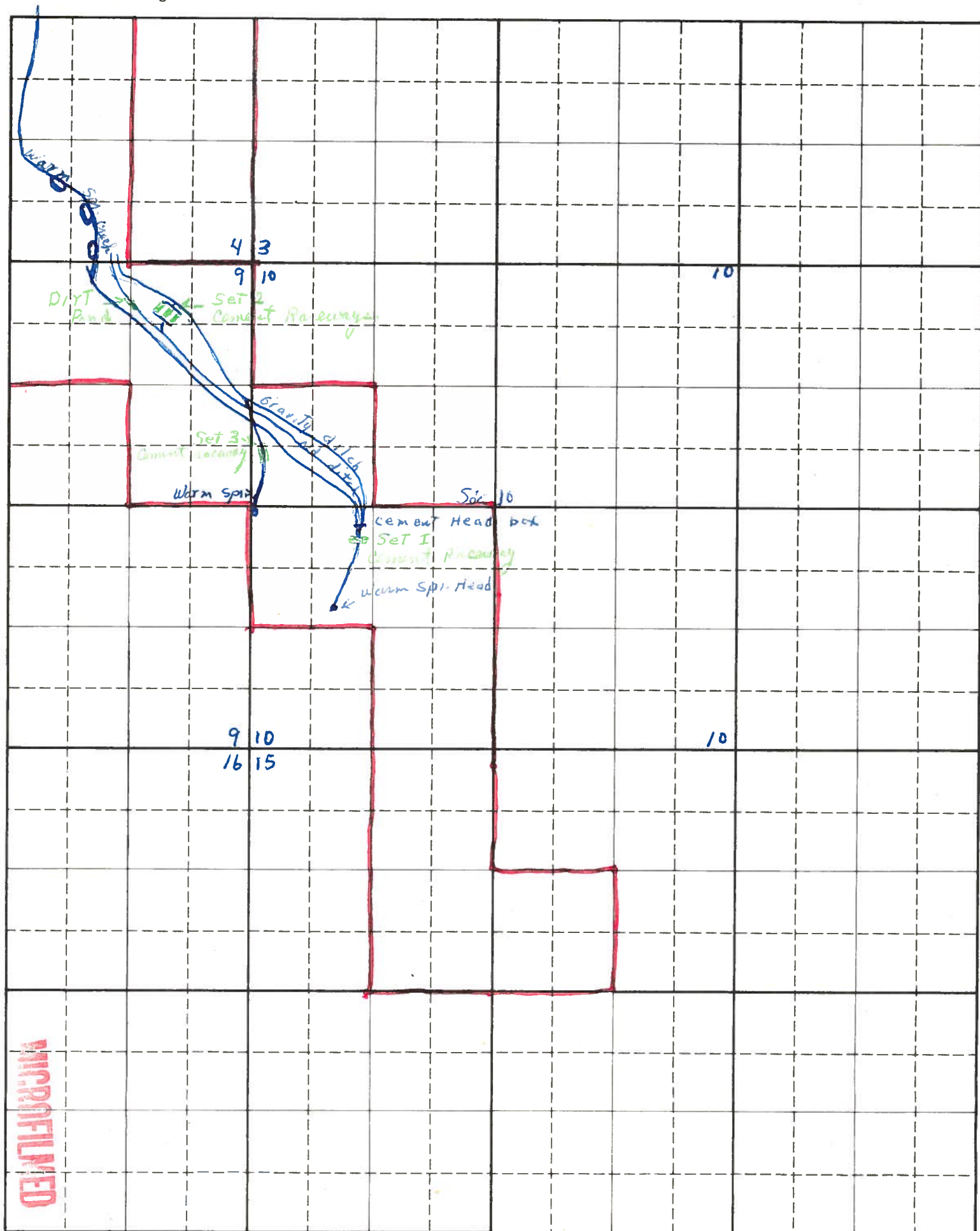
Half	\$	Final Half		
Penalty		Penalty		
Interest		Interest		
Costs		Costs		
TOTAL		TOTAL		

DONNA D. DEAN
Tax Collector.

By

Deputy.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

R20E T12N Boise Meridian Custer Co.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

(Applicant)

MICROFILMED

Received by _____ Date _____ Time _____

Preliminary check by _____ Fee \$ _____

Receipted by _____ Date _____

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

Publication approved _____ Date _____

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

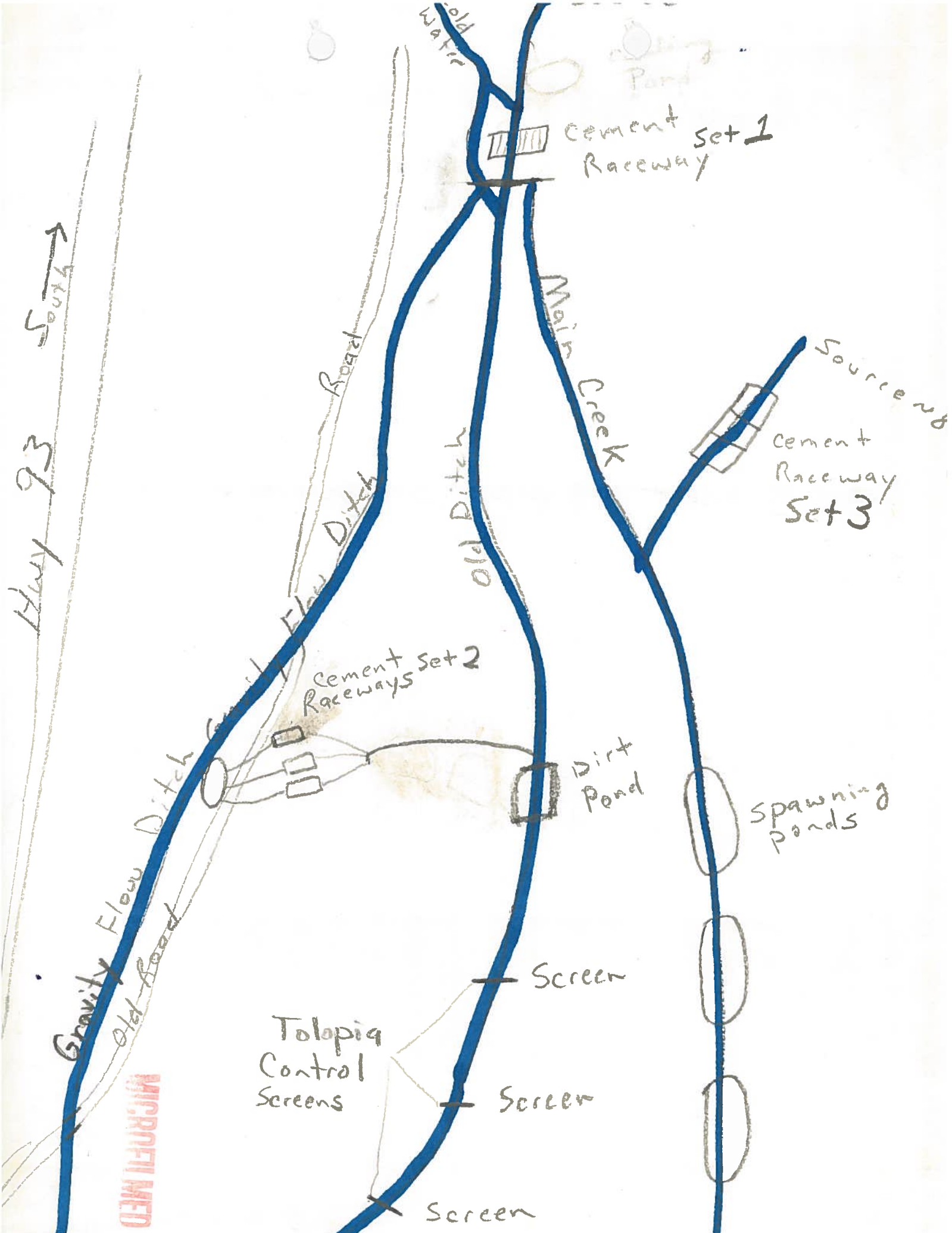
c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____ 19____.

Director

Hwy 93 South

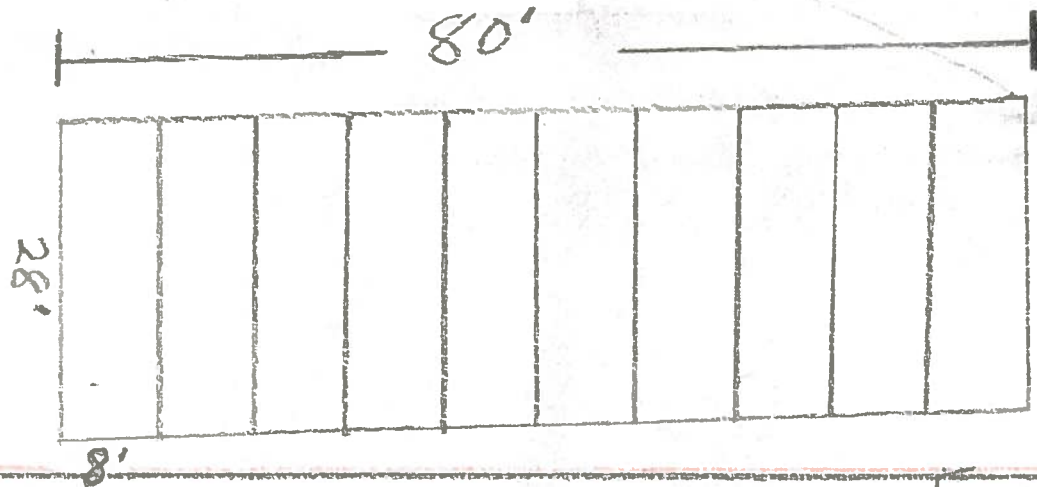


MICROFILMED

Cement Raceway Set 1

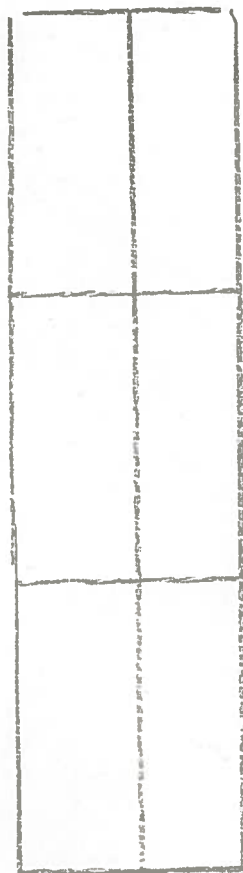
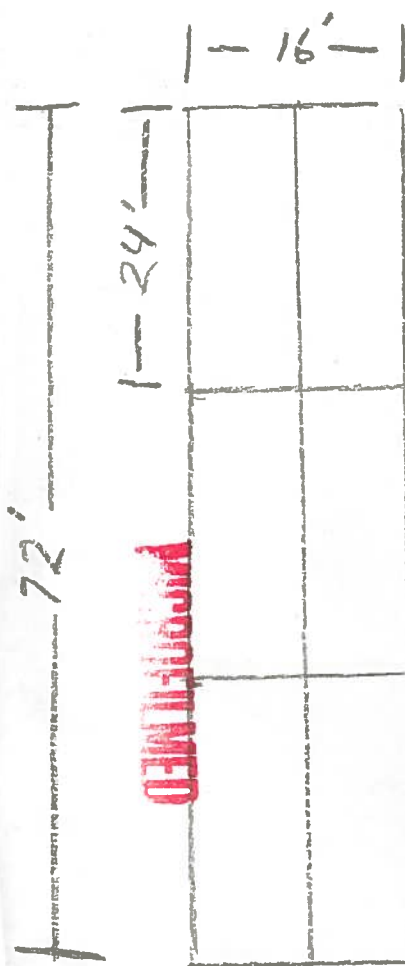
1

Depth
H₂O
4'

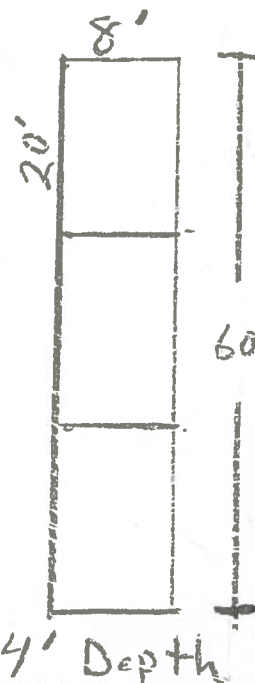


Cement Raceway Set 2
4' Depth

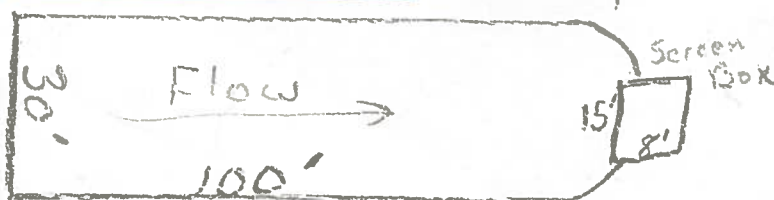
Braceway
4 if possible



Cement Raceway Set 3



Dirt Pond 4' Depth



Spawning Ponds
will be one
acre in size

To: STATE OF IDAHO
DEPT OF WATER RESOURCES
1341 FILLMORE-SUITE 200
TWIN FALLS ID 83301-3380

Gentlemen:

I/we wish to withdraw Application for Permit To Appropriate
the Public Waters of the State of Idaho, No. Settling Pond Application

filed in the name of Mark & Jo Ann W Luper
DBA Epicenter Aquaculture

Dated this 13 day of Dec, 1999.

Mark L Luper
Name

Owner / Operator / Lessee
Title

HC 61 Box 3016
Address

Challis Id 83228
Address

RECEIVED
DEC 14 1999
Department of Water Resource
Southern Region

T#5647

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED**OCT 18 1999**

Mark L. & Jo Anne W. Luper
 dba EPICENTER AQUACULTURE
 HC 61, Box 3016
 Challis, ID 83226
 USA

if the State of Idaho

Department of Water Resources
 Southern Region

1. Name of Applicant _____ Phone 879-5786
 Mailing address _____
2. Source of water supply seep springs ^{ml} Warm Springs Creek which is a tributary of Salmon River ^{Sinks}
3. Location of point of diversion is Township 12 N Range 20 E Sec. 9, in the SW 1/4, NE 1/4, NE 1/4, Govt. Lot _____, B.M., Custer County;
 additional points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount 0.3 cfs for Fish Waste Treatment purposes from Jan 1 to Dec 31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount 2.0 AF for Wildlife Storage purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for WAQ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.3 cfs and/or (b) 2 storage
 cubic feet per second acre feet per annum
6. Proposed diverting works:
 a. Describe type and size of devices used to divert water from the source Existing 2' x 4' head structure on Warm Springs Cr. Forms pond 2/3 acre x 3' deep
 b. Height of storage dam 6 feet; active reservoir capacity 2 acre-feet; total reservoir capacity 2 acre-feet
 c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 d. Is ground water with a temperature of greater than 85° F being sought? _____
 e. If well is already drilled, when? _____; Drilling firm _____
 Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 a. Hydropower; show total feet of head and proposed capacity in KW. _____
 b. Stockwatering; list number and kind of livestock. _____
 c. Municipal; show name of municipality. _____
 d. Domestic; show number of households. _____
 e. Other; describe fully. Treatment of waste water from fish propagation ok

8. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	20E	9	X		H														
					WAS														

X = Water Quality Improvement Storage

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Lois Inc

b. Who owns the land to be irrigated or place of use? Lois Inc

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: See enclosed lease

12. Remarks: Now EPA rules recommend additional treatment of fish waste water.

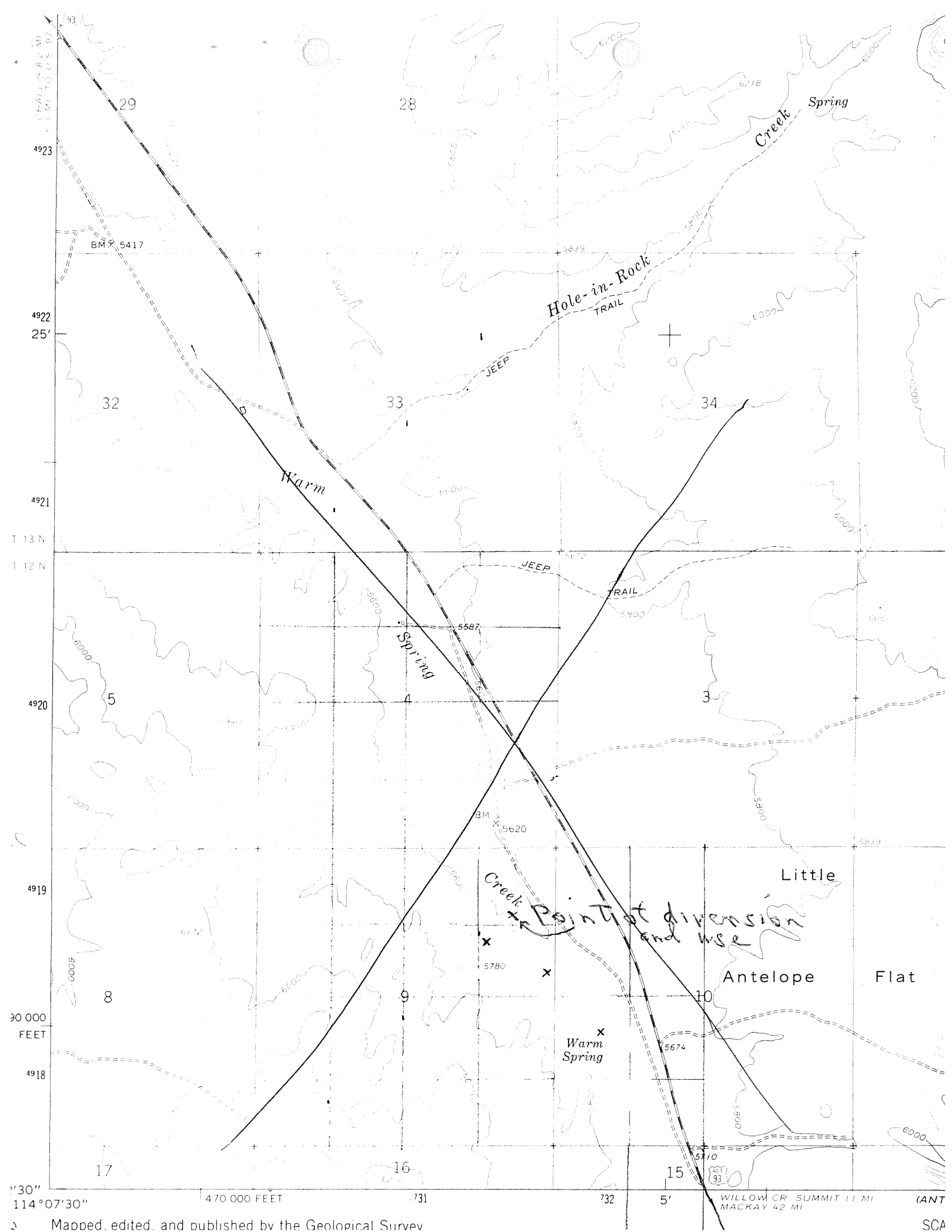
Pond was built in 1994 to settle fish waste from commercial ponds just south & west of this pond. Stream flows into & out of the pond at about the same flow rate, which I have measured at about 0.3 cfs. m

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

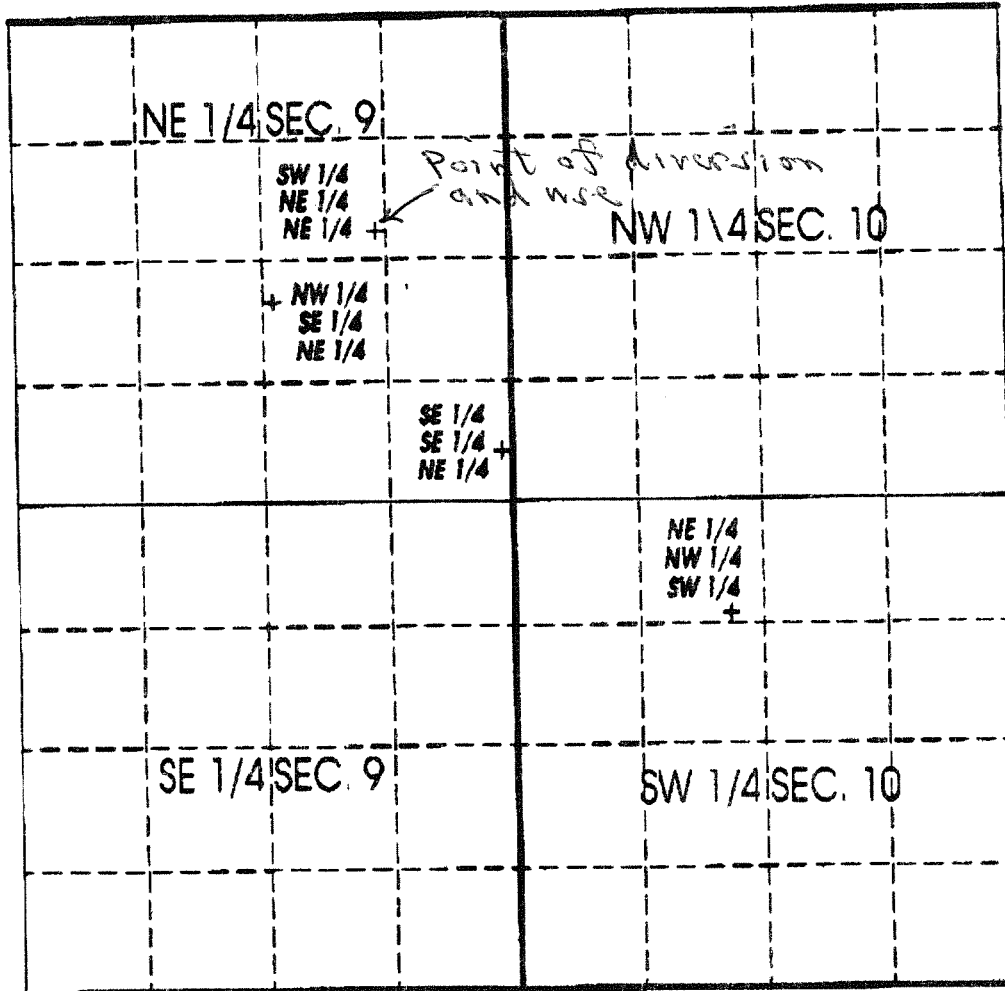
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Mark L. Fisher
Signature of Applicant (and title, if applicable)

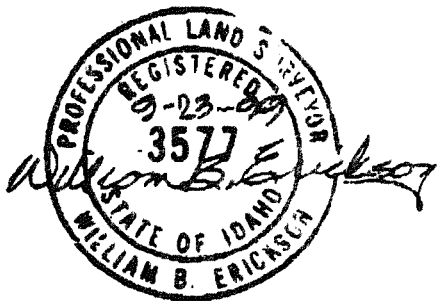
Received by J. F. Linton Date 10-14-99 Time 1 pm Preliminary check by J
Fee \$ 100 Received by J # 5022607 Date 10-14-99
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____



LUPHER POINT OF DIVERSION LOCATIONS
 LOCATED IN SECTION 9 & 10, T. 12 N., R. 20 E., B.M., CUSTER CO., STATE OF IDAHO



+ = POINT OF DIVERSION LOCATIONS



ERICKSON SURVEYING SERVICES
 P.O. BOX #606
 MACKAY, ID. 83281
 PH. 208-588-3112
 FAX. 208-588-2463

MEMO

TO: File

DATE: 12/6/1999

FROM: J E STANTON

SUBJECT: Review of Lic. 72-07209

The field exam on this right was conducted by Mel Schulte when Tim Ingram still owned the property. There were actually 2 unrelated diversions and 2 unrelated places of use at that time. So the license represents 2 separate water systems.

Warm Springs are collected in a long canal that ran several miles to the north for use in fish pond in Sec. 32. While the canal carried about 20 cfs according to Mel, he measured a diversion rate from the canal to these fish ponds at 6.06 cfs. The volume of these ponds was 0.44 acre feet. The actual diversion point for these ponds was the SE/NW/SW Sec. 10 T. 12N R. 20E, while the ponds were in T. 13N R. 20E.

The other portion of this right consists of a concrete diversion on Warm Springs Creek in the NE/NW/SW Sec. 10 T. 12N R. 20E. This diversion provides head for a ditch that flows west and then northwest parallel to the Warm Springs canal but at a lower elevation. Two springs arise in the SE corner of the SE/NE Sec. 9 T. 12N R. 20E, where they are intercepted by this ditch. According to the present lessee Mark Lupher, these springs provide most of the flow in this ditch. This ditch flows into the upper fish ponds covered by this license, but these ponds are located in the same 40 as the springs (not in Sec. 10 as licensed). The diversion rate to these ponds was measured at 0.92 cfs, and the volume was determined to be 0.33 acre feet. There is one concrete raceway and 2 ponds. This water flows back into Warm Springs Creek, and has no connection to the canal.

The ponds in Sec. 32 have been obliterated and replaced with a new facility in the E1/2NE1/4 Sec. 9 T. 12N R. 20E. The facility that was licensed in Sec. 10 has been reduced in size so that only the concrete raceway is still in use; one of the ponds has been removed, and 1 is used only as a settling pond. The total volume of the present facility is larger than what was licensed. The creek diversion has not changed, although a flow of 1.1 cfs was measured earlier this year (0.92 cfs was licensed). The rediversion rate from the canal has increased to as much as 13.1 cfs (6.06 cfs was licensed).

Based on the above, I have reached the following conclusions. Mr. Lupher needs to apply for a water transfer to make the license match his present water use. The two separate fish facilities have been combined into a single facility by the use of relift pumps; water from either source can reach any of the raceways. The diversion rate from the Warm Springs canal has increased by 7.04 cfs, but all of the 13.1 cfs goes thru at least part of the licensed pond volume. An application for 4.5 cfs has been filed, but this should be increased to the full amount. Both the flow rate and pond volume have

T # 5647

increased for the creek/unnamed springs diversion, so an application should be filed to cover this; this has been done.

MEMO

TO: File

DATE: 12/3/1999

FROM: J E STANTON

SUBJECT: App. for Permit, Mark Lupher (Waste Pond) - *Withdrawn 12-14-99*

This application covers the settling pond on Warm Springs Creek east of the applicant's fish-raising facility. Treatment of wastewater is required by the water license, so it does not appear that a water right is required for this pond. He filed because Bob Foster told him to. I told him that I didn't think a permit was needed, but he decided to keep the application in place. He estimated that the pond covered about 2/3 of an acre. He had pulled the boards to drain the pond based on what Foster said, so the stream is running naturally at this time. Since the pond is over 1/2 acre in surface area, standard procedure would be to consider it a consumptive use and not approvable without mitigation. ~~Although the application calls it a wildlife pond, it is really there for water quality improvement;~~ it doesn't seem reasonable to hassle Lupher about the size of the pond in this situation. The quad map shows that Warm Springs Creek dead ends at least a mile from the Salmon River, so this application has no appreciable effect on salmon spawning or downstream users there. The creek is so small that it would be impossible to measure pond losses. This pond is tied to Lupher's 1982 fish right, so it could be argued that this is not really a new use. We should be able to approve this, although I wouldn't be surprised to see Morganroth (the actual land owner) protest all of Lupher's applications.

MEMO

TO: File

DATE: 11-19-1999

FROM: J E STANTON

SUBJECT: Apps. For Permit, Epicenter Aquaculture

On 11-11-99, I spent several hours with applicant Mark Lupher on this property reviewing these applications. He has a 30 year lease on a portion of the former Ingram ranch, and has been there for 5 years. The Ingrams were ranchers, not fish raisers, so had various raceways and ponds at various locations on their property at various times. Lupher has a background in commercial fish production, so he has done away with most of what Ingram had and replaced it with a modern facility. Some dirt ponds and one raceway built by Ingram will be retained if the necessary permits are approved by IDWR, but these facilities are not in use at this time. One Ingram pond will be used a settling pond above the main settling pond on Warm Creek (Warm Springs Creek on the quad map).

Warm Springs Creek is dry when it enters the Lupher property, having been diverted and stored by upstream users. Warm Springs is a series of several springs that flow out of the side of a hill just south of his mobile home. A canal collects these springs, carrying them north to Lupher's fish facility. Water enters the upper raceways (5), flows underground to the lower raceways (12), then to various settling facilities. Some water goes to an old Ingram pond for settling, then runs into Warm Springs Creek. A pond on the creek further settles the water. Some of the water settles in a ditch before being pumped back to the upper raceways for re-use. The ditch also dumps into the pond on the creek. Water in this pond flows out thru a culvert and measuring device to two smaller relift pumps that take it back to the upper raceways. This water eventually gets back into the Warm Springs Canal for use downstream by Mr. Morganroth. According to Lupher, he carefully measures this water so that there is at least as much water going back into the canal as he diverts from it. Water arising below the head of the canal offsets any evaporation loss in the raceways; see discussion below. Two of the upper raceways were closed off to reduce the diversion rate out of the canal to the licensed flow. The brood ponds just south of the raceways are also shut off at this time. The two raceways and the ponds will be put back into production if the necessary water permit is approved.

Below Warm Springs, Warm Springs Creek gets some seepage from the canal where a check dam/overflow structure is located a little north of Lupher's home. Below the check dam is an L-shaped pond and a straight pond formed by a small earth dam on the creek. A culvert and road separates the 2 ponds. Further down the creek, a concrete wall dams up the creek to form another pond. This pond is much smaller than the upstream ponds. The wall has been there for many years, having been built by former owners of the property.

A ditch flows out of the west side of the wall, roughly paralleling the main canal but at a lower elevation. A ways below the wall, a dam on the ditch forms a tiny pond to provide head for a 2" pvc pipe that runs 1600' toward the raceways. The pipe is 100' short of the truck-filling area, however. The pipe would use about 0.01 cfs & 6000 gallons of water per week from June thru September to cool live fish that are shipped out (he only sells live tilapia). He put this system in last summer, but has not applied for a permit for this use.

A short distance down the ditch from the check dam, two springs come out of the hillside at the same level as the ditch. According to Lupher, these springs provide most of the flow for the ditch. He has applied for a permit on these springs for fish propagation. This ditch flows into the old Ingram raceway south of the main facility, but could end up anywhere via the pump-back system. Lupher has measured these springs at 1.1 cfs, and has applied for a permit for this amount. The water is being run back into the creek until the permit is approved.

Based on data supplied by Mark, the present facility has a total volume of 48,200 cubic feet, whereas License 72-07209 has a volume of 0.8 acre feet (34,848 cubic feet). These figures do not include any of the settling facilities. Mark said that he harvests fish out the main settling pond about every 5 years, but these fish are escapees from the raceways plus natural production in the pond. Tilapia are great escape artists, so this does not surprise me at all. A pond full of fish is obviously not conducive to the settling process. Since the present facility is almost completely different from what existed at the time of licensing, it is hard to say exactly where the expansion is. I suppose that some of the lower east-facing raceways could be considered an expansion of the licensed facility, although some of the upper raceways and ponds have been temporarily dried up to stay within the licensed flow. Certainly the volume expansion can be covered during licensing if the permit for increased flow from the Warm Springs canal is approved.

I diagrammed this facility, and took numerous photos. Although I did not see it myself, Mark told me that Morganroth was digging at the head of the canal with a cat. The water in the canal was muddy, which was apparently caused by the digging. We looked at the spring area before I left the property, and a cat was parked there. The area was also muddy, indicating recent work. It looked like they had deepened the head of the canal, but I couldn't tell if they were developing new water or just cleaning things out. Nobody was on the cat when we were there. It was dark when I left the property, so I did not try to talk to Morganroth.

The proposed uses on these 4 applications already exist. The systems are already constructed, and have been there for some time. Some are in use and some are ready for use if the permit is approved. ~~The various ponds appear to be under 1/2 acre in surface area for each application filed, so these are probably dominus and/or non-consumptive uses.~~ The only application that could have any effect on Morganroth is the one for 4.5 cfs from Warm Springs. But Lupher has constructed his system to be non-consumptive, and actually tries to put a little more water back into the main canal than he takes out of it. The Morganroth power plant is several miles downstream from the fish facility, so

there would certainly be some conveyance loss in the long canal. I recall Mark telling me that Morganroth diverts irrigation water above his power plant, thereby reducing the water available for power production, but was not able to confirm this due to time constraints. All these applications appear to be approvable unless the wilderness moratorium prevents it.

Lupher told me that he does not irrigate this property. Pasture areas along Warm Springs Creek are naturally sub irrigated, so no surface application is needed. Some cattle were there during my visit, but raising fish is his main business.



Re-diversion On Warm Creek Ditch To Pipeline For Cooling Looking N



Springs Feeding Ditch (Cooling Pipeline In Background)



First Pond Below Warm Springs Canal Looking Upstream



Third Pond Below Canal Looking Upstream



Controlling Works On Warm Springs Canal



Second

Pond On Warm Springs Cr. Below Canal Looking ~~At~~ Downstream



Raceway Out Flow Entering Settling Pond On Warm Creek Looking Upstream



Measuring Device & Re-lift Pumps on Warm Creek Below Settling Pond



Old Ingram Raceway + Ponds Looking Downstream



Outflow From Ep. Aq. Raceways Entering Ingram Pond For Settling



Lower Raceways Looking Upstream Towards Canal



Inlet From Warm Creek Ditch; Pipeline From Brood Ponds



Dry Brood Ponds; Lower Raceways In Background



Dry Brood Ponds; Old Ingram Raceways & Ponds In Background



Upper Raceways of Episcenter Aquaculture



Same As Above



Warm Springs Canal; Inlet + Outlet For Raceways (Looking Downstream)

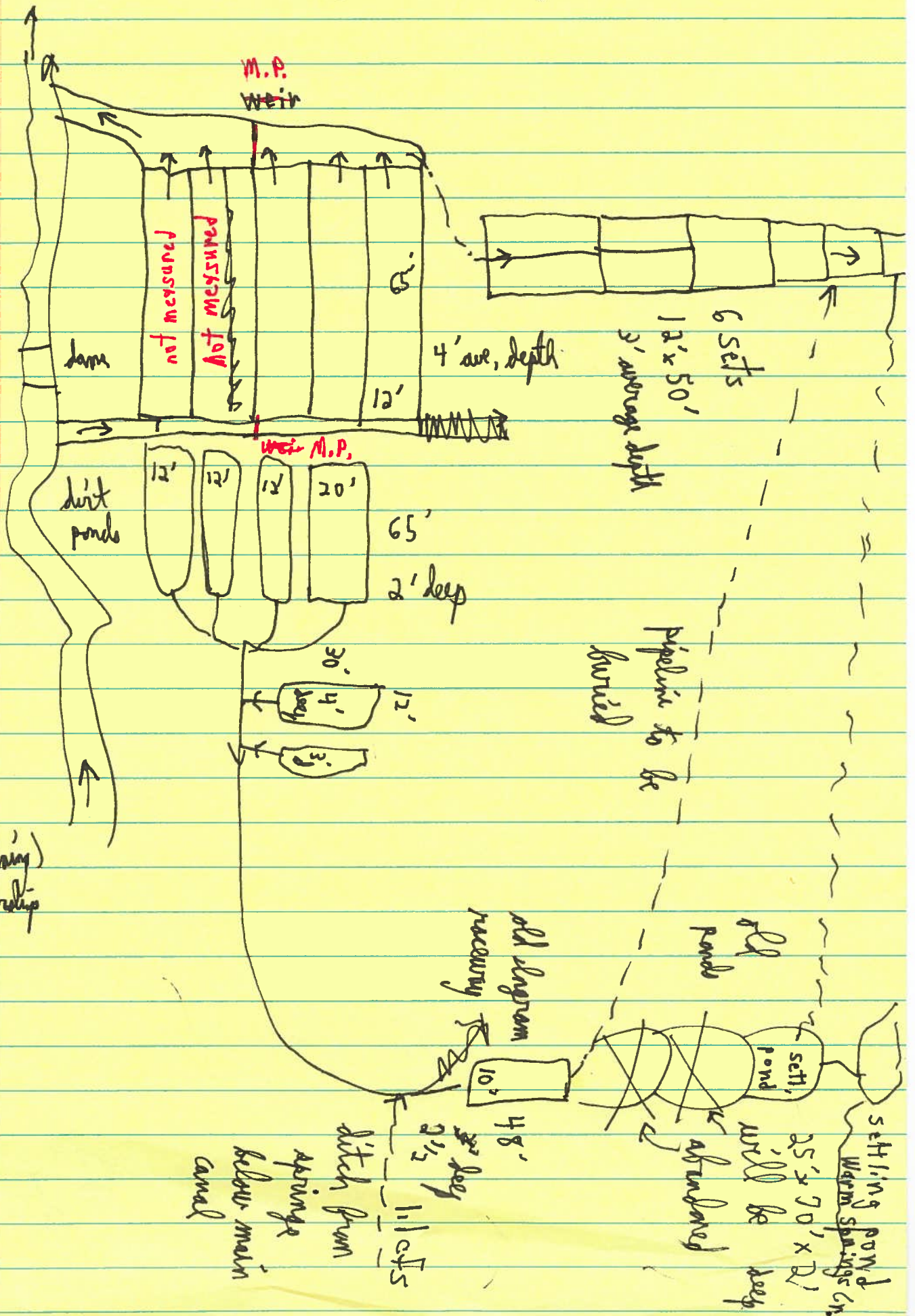


Measuring Device Above Outlet (Actual Orifice Is Underwater)

concrete check dam across Warm Springs Cr. pushes water into dirt canal that runs to fish ponds. main source of 1.1 cfs is springs that feed this canal further down. This system was dug by Ingram's a long time ago. This past summer, Luper put a check dam in this ditch to form a ~~very~~ tiny pond to get head for a 2" PVC 1600' long to carry cold spring water for cooling fish that are shipped out. Needs maybe 0.01 cfs & 6000 gal/week June - September for this. Would be a separate commercial use. Still needs 100' of pipe to reach truck-fill area.

11
Ingram had ~~4~~ dirt ponds & 1 concrete raceway at various times & locations. Only the raceway will be used for fish prop. in the future. One pond will be used for settling out fish waste.

To power plants & irrigation of Morgenroth



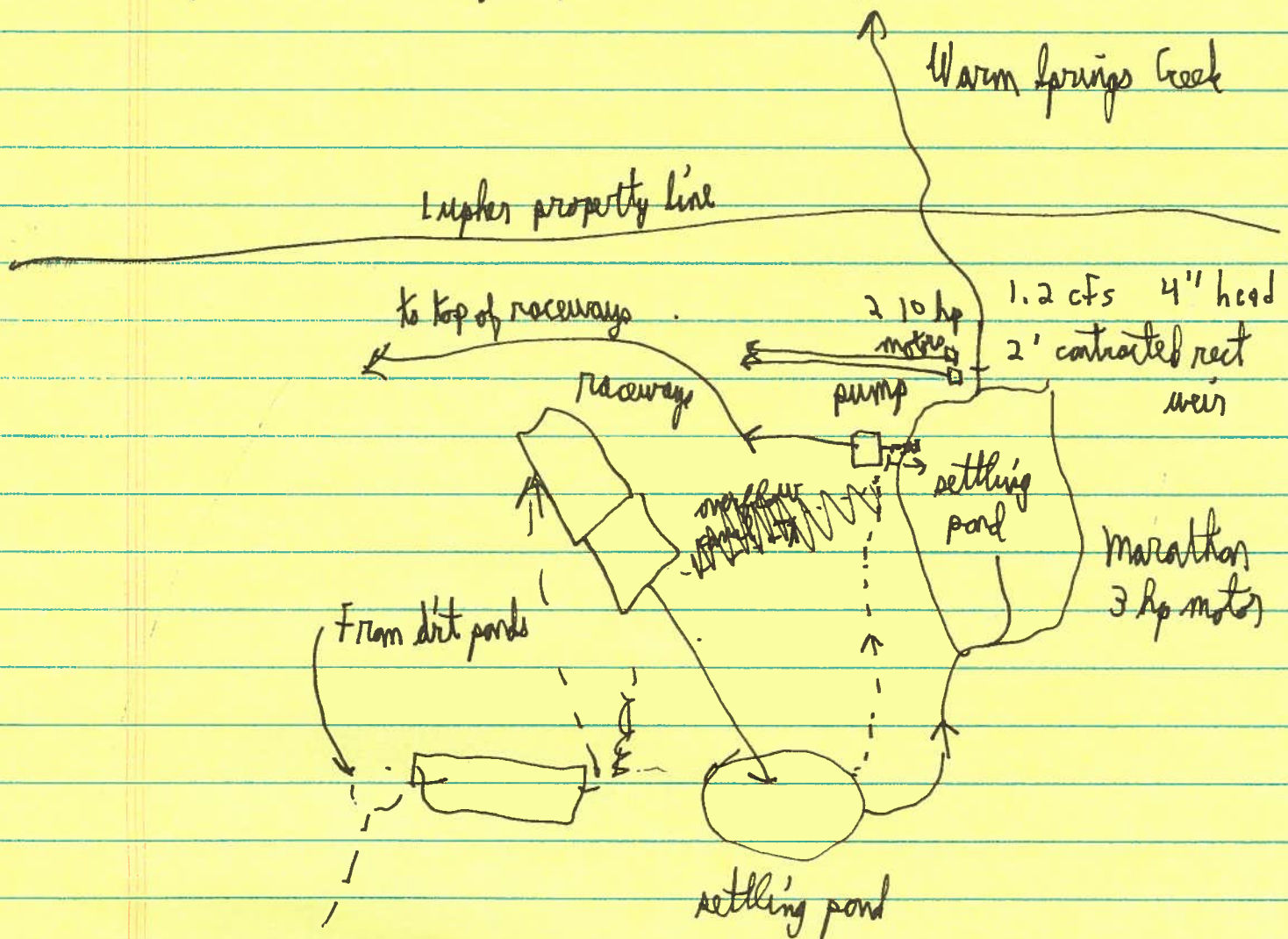
Lupher has 30-year lease on property (25 years remaining) is change of ownership needed?

* $2'8" \times 2'9" \approx 2 \text{ sq ft}$ submerged orifice in headworks is left in all the time. Measures water going into 3 ext raceways & rest of facility. water going over 1st 2 raceways goes right back into canal.

$26\frac{3}{4}"$ head on upper staff gauge $3 = 6.85 \text{ cfs}$
 $20\frac{7}{8}"$ head on lower gauge

$2' \times 9"$ $1\frac{1}{2} \text{ sq ft}$ submerged orifice $23\frac{1}{8}"$ above $14\frac{1}{2}"$ below
 $= 6.23 \text{ cfs} + 4 \text{ 4" pipes below weir}$
 seepage from springs up the valley also come into system above re-lift pumps. idea is to pump a little more back into the power canal than is taken out for fish

* Luper does not irrigate - pasture subs naturally



9/13/99

Morganroth called and complained that Lupan still taking all of creek. I told him what action has been taken and indicated Fisk was not around this week. I tried to discuss where water was going but he became ticked and conversation ended.

EPICENTER AQUACULTURE**208-879-5786****FAX: 208-879-5787****FACSIMILE TRANSMITTAL SHEET****TO:**

Mr. Allen Merritt, PE

FROM:

Mark Luper

COMPANY:

Department of Water Resources

DATE:

08/31/99

FAX NUMBER:

208-736-3037

TOTAL NO. OF PAGES INCLUDING COVER: 2**PHONE NUMBER:**

208-736-3033

SENDER'S REFERENCE NUMBER:**RE:**

Compliance

YOUR REFERENCE NUMBER:**URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE****NOTES/COMMENTS****HC 61, BOX 3016
CHALLIS, ID 83226**

Epicenter Aquaculture
HC 61, Box 3016
Challis, Idaho 83226-9401
208-879-5786
Fax: 208-879-5787
E-Mail: epiaqua@cyberhighway.net

August 31, 1999

Mr. Allen Merritt, P. E.
Southern Regional Manager
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RE: Your letter of August 17, 1999

Dear Mr. Merritt:

Upon receipt of your letter informing us that our non consumptive water use for fish propagation exceeded that authorized under license # 72-07209 we proceeded immediately to bring our use into compliance.

We are pleased to report that the following work has been completed:

1. We cut the lower elevation seep spring's canal to return that water flow to its natural channel discontinuing our use of that water.
2. We built a canal bypassing the water treatment pond, which should eliminate that area from contention as part of the fish farm.
3. We removed the dam boards impounding the water in the water treatment pond lowering it to the minimum level required to return seep water to the main canal.
4. We discontinued use of eight (8) dirt ponds and three (3) concrete raceways so as to reduce our production water to less than 0.8-acre feet. The discontinued ponds are now dry and shall remain so until we can obtain the appropriate water right.
5. We have installed permanent water measuring devices in the inlet and outlet where we divert water from the L & M Angus Ranch hydro-canal through the fish production facility. The inlet (a submerged orifice) restricts the flow of water into our fish production facility to less than 6.98 cfs. Water flow through the outlet (submerged orifice) measures slightly more, as our lease requires us to pump up seep water so as to return a flow to the L & M Angus Ranch hydro-canal equal to or greater than that removed from said canal.

We look forward to your inspection to determine if any more work is needed to assure that we are in compliance with our water license.

Sincerely,



Mark L. Luper

Post-it® Fax Note	7671	Date	# of pages 20
To	From		
Co./Dept.	Co.		
Phone #	Phone #		
Fax #	Fax #		

9/1/99

RECEIVED

AUG 31 1999

Department of Water Resources
Southern Region

8/30/99

Mr. Menitt,

My name is Alfred Morganett,
I manage L+m angus ranch in Challis,
IDAHO.

I've talked to Jim Stanton and
BOB FOSTER About the problems I've had
with Mark Lapher's First Farm on our
own land.

When Lapher constructed his new ponds
and filled them (without our permission)
our water flow instantly dropped. Lapher
called me a liar and refused to do
anything about it.

Enclosed is the evidence that I promised
to Mr Stanton, from the dept of energy, my
down stream pelton wheel (hydroelectric plant) is
the most accurate measurement of in stream
flows from moment to moment that
there is or could ever be.

To date Lapher is still diverting the
entire flow into his ponds, it appears he
is discontinuing use of his dirt ponds, only
halfway complying with your order.

He has cost us a considerable amount
of trouble this summer causing us to have
to leave a pivot off (irrigation off of
120 acres), I repeatedly confronted him with

the problem and the answer I got from him was from his lawyer telling us that we were "mis-managing our hydro system" and that was why our production was down.

We inherited this lease (Lupher's) when we bought the ranch, I guess by allowing him free reign to do as he pleases (Lupher) I would classify his lawyer's statement as correct.

I've told Bob Foster this, and I'll tell you this, Mr. Merritt, the man (Lupher) is a liar, and he will get away with ~~what~~ what ever he can, we surely need your help here, I am sorry for the trouble, but as I've said it's a mess that I inherited, & ~~Bob~~ didn't create the circumstances.

Thank you,

Al Mangano

(208) 879-5130

United States Government

Department of Energy
Bonneville Power Administration

memorandum

DATE: 8/23/99

REPLY TO
ATTN OF: Jose J. Rios Burley District Engineer

SUBJECT: Co-generation plants 1 & 2

to: Al Morganroth

RECEIVED

AUG 31 1999

Department of Water Resources
Southern Region

Starting the middle of July and going into the first part August there was a drop in generation at your Co-generation plants. The attached meter data for July and the first part of August is being supplied to you, so that you can ascertain the cause of the drop in generation.

If you have any question please call Jose Rios at 678-9481

Post-it® Fax Note		7671	Date	# of pages
To	Bill H.	From	Al M.	
Co./Dept.		Co.		
Phone #		Phone #		
Fax #		Fax #		

99/07
07/01/99 TO 07/31/99
DATA SOURCE: MV90

RUN TIME: 09:11
RUN DATE: 08/18/99

HOURS	DEMAND BILLING PERIOD	744	ACTUAL READINGS:	744	ENERGY BILLING HOURS:	744
-------	-----------------------	-----	------------------	-----	-----------------------	-----

	PULSE	CONSTANT	KW	LOSS FACTOR	NET KW	MONTH/DAY HOUR	TOT KW (KWH)	KWH LOSS FACTOR	NET TOTAL KWH
HLH	139	1.0000	139	1.0000	139	07/23 16	29,249	1.0000	29,249
LLH	105	1.0000	105	1.0000	105	07/07 01	20,627	1.0000	20,627
MAX	139	1.0000	139	1.0000	139	07/23 16	49,876	1.0000	49,876

	PULSES	CONSTANT	TOTAL	LOSS FACTOR	TOTAL NET
KWH	49,876	1.0000	49,876	1.0000	49,876
KVH	6,435	1.0000	6,435	1.0000	6,435

AVG KW: 67 AVG LOAD FACTOR: 0.4823 POWER FACTOR: 0.9918 POWER FACTOR TANGENT: 0.129020

HLH SCAN PERIOD
HLH96

LLH SCAN PERIOD
LLH96

מחבר: ד"ר יצחק שניידר

10422

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111

JOSE

SINGLE METER POINT DEMAND REPORT

PAGE 1

CUSTOMER: 384 Salmon River Electric Cooperative, Inc
 BILL LVL: 646 Warm Springs Hydro #1
 METER PT: 1536 Warm Springs Hydro #1

99/07
 07/01/99 TO 07/31/99
 DATA SOURCE: MV90

RUN TIME: 09:13
 RUN DATE: 08/18/99

DATE	DAY	HOUR OF READING (READINGS ARE PULSES)								INDICATES MAX		DAILY		LOAD FACTOR/ TOTAL KWH	RUNNING KWH TOTAL
		0100 0900 1700	0200 1000 1800	0300 1100 1900	0400 1200 2000	0500 1300 2100	0600 1400 2200	0700 1500 2300	0800 1600 2400	HR	KW	KLH/LLH TOTALS			
07/1	THU	67	65	68	67	73	75	67	73	HLH 20	86	1,222		0.8403	
K=	1.0000	83	63	80	68	75	69	73	68	LLH 24	90	593		1.815	1.815
		82	80	85	86	85	85	85	90						
07/2	FRI	91	89	87	87	86	87	84	83	HLH 10	91	1,268		0.8887	
K=	1.0000	90	91	86	85	81	78	72	77	LLH 1	91	673		1.941	3.756
		73	73	79	70	69	77	77	69						1781
07/3	SAT	76	81	78	66	80	77	66	78	HLH 9	85	1,168		0.8730	
K=	1.0000	85	81	74	68	68	78	68	73	LLH 2	81	613		1.781	5.537
		68	78	71	66	69	77	78	77						1899
07/4	SUN	70	69	77	78	73	67	69	75	HLH				0.7757	
K=	1.0000	76	59	78	67	69	70	64	81	LLH 17	102	1,899		1.899	7.436
		102	99	92	99	95	86	87	97						2279
07/5	MON	93	90	90	94	98	95	87	87	HLH 14	103	1,523		0.9219	
K=	1.0000	92	81	98	99	100	103	100	90	LLH 23	99	756		2.279	9.715
		101	101	92	102	100	90	99	97						
07/6	TUE	95	102	104	101	97	101	104	104	HLH 7	104	1,602		0.9575	
K=	1.0000	103	101	96	95	96	100	104	99	LLH 3	104	788		2.390	12.105
		98	101	100	97	101	102	95	93						
07/7	WED	105	91	103	101	97	103	104	101	HLH 20	118	1,697		0.8785	
K=	1.0000	103	97	106	96	102	90	109	113	LLH 1	105	791		2.488	14.593
		110	115	114	118	113	106	100	91						
07/8	THU	90	83	85	91	92	85	80	82	HLH 13	120	1,709		0.8431	
K=	1.0000	100	112	107	115	120	107	116	112	LLH 23	99	719		2.428	17.021
		109	108	109	110	112	110	99	94						
07/9	FRI	94	96	100	100	90	91	100	95	HLH 11	102	1,537		0.9212	
K=	1.0000	98	101	102	89	95	99	94	92	LLH 3	100	718		2.255	19.276
		101	94	94	99	102	92	73	74						
07/10	SAT	74	78	78	75	78	80	79	67	HLH 7	79	1,149		0.9182	
K=	1.0000	76	75	68	67	71	73	71	68	LLH 6	80	614		1.763	21.039
		68	76	76	71	71	72	79	69						
07/11	SUN	67	74	74	73	74	74	69	67	HLH				0.8857	
K=	1.0000	69	77	75	68	69	77	70	67	LLH 22	82	1,743		1.743	22.782
		72	74	74	75	79	82	71	72						
07/12	MON	79	80	80	74	73	82	77	67	HLH 13	82	1,188		0.9217	
K=	1.0000	69	80	67	73	82	82	75	71	LLH 6	82	626		1.814	24.596
		78	70	72	80	69	76	82	76						

SINGLE METER POINT DEMAND REPORT

PAGE 2

CUSTOMER: 384 Salmon River Electric Cooperative, Inc.
 BILL LVL: 646 Warm Springs Hydro #1
 METER PT: 1536 Warm Springs Hydro #1

99/07
 07/01/99 TO 07/31/99
 DATA SOURCE: MV90

RUN TIME: 09:13
 RUN DATE: 08/18/99

DATE	DAY	HOUR OF READING (READINGS ARE PULSES)								INDICATES MAX PEAKS HR	KW	DAILY HLH/LLH TOTALS	LOAD FACTOR/ TOTAL KWH	RUNNING KWH TOTAL
		0100	0200	0300	0400	0500	0600	0700	0800					
		0900	1000	1100	1200	1300	1400	1500	1600					
		1700	1800	1900	2000	2100	2200	2300	2400					
07/13	TUE	76	77	76	76	76	77	76	77	HLH 21	84	1,256	0.9325	26,476
K=	1.0000	82	83	75	74	80	74	79	78	LLH 23	63	624	1.080	
		75	80	73	83	84	83	83	83					
07/14	WED	83	86	89	89	82	82	89	90	HLH 8	90	1,204	0.8319	28,273
K=	1.0000	83	75	86	76	82	79	79	79	LLH 3	89	593	1,797	
		78	76	84	71	41	36	39	43					
07/15	THU	44	43	42	40	40	41	40	41	HLH 22	56	677	0.6389	29,331
K=	1.0000	41	49	52	42	39	48	38	37	LLH 23	69	381	1,058	
		42	34	36	46	36	56	69	62					
07/16	FRI	57	66	70	65	60	63	71	60	HLH 20	74	1,028	0.8682	30,873
K=	1.0000	57	58	69	66	62	69	67	66	LLH 3	70	514	1,542	
		64	63	68	74	58	56	66	67					
07/17	SAT	66	60	64	69	67	63	62	63	HLH 11	82	992	0.7358	32,321
K=	1.0000	71	76	82	68	60	59	58	56	LLH 4	69	456	1,448	
		61	54	59	59	58	46	29	38					
07/18	SUN	40	40	38	36	36	36	36	37	HLH			0.8608	33,230
K=	1.0000	36	37	38	40	30	42	30	40	LLH 22	44	909	909	
		34	36	43	36	37	44	43	44					
07/19	MON	41	39	49	49	49	47	43	43	HLH 15	50	652	0.8467	34,246
K=	1.0000	44	43	43	37	30	43	50	29	LLH 3	49	364	1,016	
		48	39	38	47	36	39	48	42					
07/20	TUE	34	35	44	45	44	41	41	41	HLH 11	49	679	0.8537	35,253
K=	1.0000	41	43	49	46	45	44	48	39	LLH 4	45	325	1,004	
		44	34	47	34	41	42	42	40					
07/21	WED	33	33	38	45	40	31	35	41	HLH 21	66	860	0.7633	36,459
K=	1.0000	41	40	31	61	62	52	62	62	LLH 23	66	349	1,209	
		61	60	60	60	66	66	66	63					
07/22	THU	61	62	67	70	57	54	62	64	HLH 8	64	896	0.8196	37,836
K=	1.0000	58	62	62	47	63	54	57	49	LLH 4	70	481	1,377	
		54	53	52	52	53	54	55	55					
07/23	FRI	55	59	62	62	59	56	52	51	HLH 16	139	842	0.3807	39,106
K=	1.0000	35	37	43	25	37	33	65	139	LLH 3	62	428	1,270	
		136	35	50	30	37	37	38	37					
07/24	SAT	37	37	37	37	39	47	37	32	HLH 19	45	595	0.7923	40,319
K=	1.0000	41	41	40	29	37	31	38	33	LLH 23	48	318	913	
		43	32	45	40	37	39	48	36					

SINGLE METER POINT DEMAND REPORT

PAGE 3

CUSTOMER: 384 Salmon River Electric Cooperative, Inc.
 BILL LVL: 646 Warm Springs Hydro #1
 METER PT: 1536 Warm Springs Hydro #1

99/07
 07/01/99 TO 07/31/99
 DATA SOURCE MV90

RUN TIME: 09:13
 RUN DATE: 06/18/99

DATE	DAY	HOUR OF READING (READINGS ARE PULSES)								INDICATES MAX PEAKS	KW	DAILY HWH/LLH TOTALS	LOAD FACTOR/ TOTAL KWH	RUNNING KWH TOTAL
		0100	0200	0300	0400	0500	0600	0700	0800					
		0900	1000	1100	1200	1300	1400	1500	1600					
		1700	1800	1900	2000	2100	2200	2300	2400	HR				
07/25	SUN	35	46	44	35	37	45	29	29	HLH			0.7996	
K=	1.0000	49	63	72	66	67	71	60	69	LLH 11	72	1.192	1.382	41.433
		68	65	71	72	72	72	72	72					
07/26	MON	72	71	72	71	72	71	72	69	HLH 11	80	1.142	0.8956	
K=	1.0000	64	71	80	66	67	79	69	76	LLH 23	75	578	1.720	43.121
		66	72	74	71	72	74	75	74					
07/27	TUE	75	75	74	75	74	75	74	68	HLH 11	94	1.231	0.8143	
K=	1.0000	68	70	94	89	71	81	79	80	LLH 23	79	606	1.837	44.958
		78	72	72	77	79	79	79	79					
07/28	WED	76	73	78	77	77	78	71	69	HLH 7	71	695	0.7825	
K=	1.0000	51	46	62	54	57	54	59	64	LLH 3	78	568	1.463	45.421
		59	62	39	57	46	45	54	55					
07/29	THU	56	56	67	61	57	67	68	53	HLH 7	68	762	0.7531	
K=	1.0000	41	51	46	40	49	39	40	42	LLH 3	67	467	1.229	47.650
		47	44	43	56	56	47	51	52					
07/30	FRI	53	53	52	48	42	43	52	39	HLH 20	60	763	0.8007	
K=	1.0000	38	48	51	50	53	59	46	41	LLH 1	53	390	1.153	48.803
		52	40	41	60	47	46	48	51					
07/31	SAT	52	51	43	41	53	48	38	38	HLH 15	52	712	0.8436	
K=	1.0000	45	50	51	50	51	44	52	41	LLH 5	53	361	1.073	49.876
		47	40	41	44	42	38	35	40					

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SINGLE METER POINT DEMAND REPORT

CUSTOMER: 384 Salmon River Electric Cooperative, Inc.
BILL LVL: 646 Warm Springs Hydro #1
METER PT: 1536 Warm Springs Hydro #1

99/08
08/01/99 TO 08/31/99
DATA SOURCE: MV90

RUN TIME: 09 13
RUN DATE: 08/18/99

HOURS DEMAND BILLING PERIOD: 744 ACTUAL READINGS 407 ENERGY BILLING HOURS: 744

DEMAND ***

	PULSE	CONSTANT	KW	LOSS FACTOR	NET KW	MONTH/DAY HOUR	TOT KW (KWH)	KWH LOSS FACTOR	NET TOTAL KWH
HLH	196	1.0000	196	1.0000	196	08/04 12	14,643	1.0000	14,643
LLH	103	1.0000	103	1.0000	103	08/10 03	12,117	1.0000	12,117
MAX	196	1.0000	196	1.0000	196	08/04 12	26,760	1.0000	26,760

	PULSES	CONSTANT	TOTAL	LOSS FACTOR	TOTAL NET
KWH	26,760	1.0000	26,760	1.0000	26,760
KVH	3,573	1.0000	3,573	1.0000	3,573

AVG KW: 66 AVG LOAD FACTOR: 0.3355 POWER FACTOR: 0.9912 POWER FACTOR TANGENT: 0.133520

HLH SCAN PERIOD
HLH96

LLH SCAN PERIOD
LLH96

SINGLE METER POINT DEMAND REPORT

PAGE 1

CUSTOMER: 384 Salmon River Electric Cooperative, Inc.
 BILL LVL: 646 Warm Springs Hydro #1
 METER PT: 1536 Warm Springs Hydro #1

99/08
 08/01/99 TO 08/31/99
 DATA SOURCE MV90

RUN TIME: 09:13
 RUN DATE: 06/18/99

DATE	DAY	HOUR OF READING (READINGS ARE PULSES)										INDICATES MAX PEAKS HR	KW	DAILY HLH/LLH TOTALS	LOAD FACTOR/ TOTAL KWH	RUNNING KWH TOTAL
		0100	0200	0300	0400	0500	0600	0700	0800	0900	1000					
06/1	SUN	47	40	36	36	46	45	33	52			HLH			0.7808	
K=	1.0000	71	72	62	63	72	70	65	63			LLH 24	77	1,443	1,443	
		69	67	72	76	71	66	72	77							
08/2	MON	75	70	69	70	78	64	71	76			HLH 8	76	944	0.7927	
K=	1.0000	34	70	74	61	59	51	62	61			LLH 4	78	540	3,484	2,927
		54	60	53	52	53	53	53	53							
08/3	TUE	61	58	46	55	55	45	45	45			HLH 18	75	840	0.7022	
K=	1.0000	56	51	55	51	51	49	48	40			LLH 1	61	424	1,264	4,192
		60	75	69	46	62	35	47	57							
08/4	WED	58	57	54	50	55	57	56	56			HLH 12	196	1,066	0.3208	
K=	1.0000	280	40	142	196	67	50	62	58			LLH 1	58	443	1,509	5,700
		56	56	64	58	57	56	56	56	7						
08/5	THU	57	58	54	58	56	59	60	47			HLH 7	60	817	0.8255	
K=	1.0000	58	58	55	41	49	51	51	49			LLH 3	64	451	1,268	6,968
		47	51	56	47	51	46	50	49							
08/6	FRI	47	51	51	51	42	42	41	45			HLH 20	80	747	0.6104	
K=	1.0000	35	36	42	49	49	41	0	52			LLH 24	71	425	1,172	8,140
		29	43	69	80	72	64	70	71	?						
08/7	SAT	77	80	79	74	74	74	74	73			HLH 10	78	1,002	0.8297	
K=	1.0000	63	78	77	60	39	55	52	66			LLH 2	80	592	1,593	9,733
		50	65	55	64	69	62	65	68							
08/8	SUN	59	76	63	68	73	70	59	62			HLH			0.8349	
K=	1.0000	70	64	61	57	72	71	66	65			LLH 17	79	1,583	1,583	31,316
		79	61	73	68	58	63	69	55							
08/9	MON	73	65	62	71	59	64	68	55			HLH 11	104	1,363	0.7768	
K=	1.0000	59	84	104	88	96	93	86	92			LLH 24	98	576	1,939	13,255
		80	91	94	87	91	92	84	98							
08/10	TUE	95	86	103	93	90	103	93	93			HLH 16	103	1,540	0.9276	
K=	1.0000	102	101	101	101	97	89	96	103			LLH 3	103	753	2,293	15,548
		86	101	92	97	95	93	87	96							
08/11	WED	98	89	97	100	91	97	92	86			HLH 9	96	1,109	0.7558	
K=	1.0000	96	54	65	38	44	74	58	78			LLH 4	100	705	1,814	17,362
		73	71	72	72	69	67	66	67							
08/12	THU	67	75	73	61	72	77	68	62			HLH 9	76	1,074	0.8226	
K=	1.0000	76	69	57	76	60	59	64	67			LLH 6	77	557	1,632	18,993
		70	54	74	75	71	62	62	68							

SINGLE METER POINT DEMAND REPORT

PAGE 3

CUSTOMER: 384 Salmon River Electric Cooperative, Inc.
 BILL C/L: 646 Warm Springs Hydro #1
 METER PT: 1536 Warm Springs Hydro #1

99/08
 08/01/99 TO 08/31/99
 DATA SOURCE: MV90

RUN TIME: 09:13
 RUN DATE: 08/18/99

DATE	DAY	HOUR OF READING (READINGS ARE PULSES)								INDICATES MAX		DAILY HLH/LLH TOTALS	LOAD FACTOR/ TOTAL KWH	RUNNING KWH TOTAL
		0100 0900	0200 1000	0300 1100	0400 1200	0500 1300	0600 1400	0700 1500	0800 1600	HR	KW			
08/25	WED	N	N	N	N	N	N	N	N	HLH 0	-1	0	0	26,760
K=	1.0000	N	N	N	N	N	N	N	N	LLH 25	0	0	0	
		N	N	N	N	N	N	N	N ?					
08/26	THU	N	N	N	N	N	N	N	N	HLH 0	-1	0	0	26,760
K=	1.0000	N	N	N	N	N	N	N	N	LLH 25	0	0	0	
		N	N	N	N	N	N	N	N ?					
08/27	FRI	N	N	N	N	N	N	N	N	HLH 0	-1	0	0	26,760
K=	1.0000	N	N	N	N	N	N	N	N	LLH 25	0	0	0	
		N	N	N	N	N	N	N	N ?					
08/28	SAT	N	N	N	N	N	N	N	N	HLH 0	-1	0	0	26,760
K=	1.0000	N	N	N	N	N	N	N	N	LLH 25	0	0	0	
		N	N	N	N	N	N	N	N ?					
08/29	SUN	N	N	N	N	N	N	N	N	HLH		0	0	26,760
K=	1.0000	N	N	N	N	N	N	N	N	LLH 25	0	0	0	
		N	N	N	N	N	N	N	N ?					
08/30	MON	N	N	N	N	N	N	N	N	HLH 0	-1	0	0	26,760
K=	1.0000	N	N	N	N	N	N	N	N	LLH 25	0	0	0	
		N	N	N	N	N	N	N	N ?					
08/31	TUE	N	N	N	N	N	N	N	N	HLH 0	-1	0	0	26,760
K=	1.0000	N	N	N	N	N	N	N	N	LLH 25	0	0	0	
		N	N	N	N	N	N	N	N ?					

SINGLE METER POINT DEMAND REPORT
 99/07
 07/01/99 TO 07/31/99
 DATA SOURCE: MV90

PAGE 4

CUSTOMER: 384 Salmon River Electric Cooperative, Inc.
 BILL LVL: 650 Warm Springs Hydro #2
 METER PT: 1649 Warm Springs Hydro #2

RUN TIME: 09:13
 RUN DATE: 08/18/99

HOURS DEMAND BILLING PERIOD: 744 ACTUAL READINGS: 744 ENERGY BILLING HOURS: 744

DEMAND ***

	PULSE	CONSTANT	KW	LOSS FACTOR	NET KW	MONTH/DAY HOUR	TOT KW (KWH)	KWH LOSS FACTOR	NET TOTAL KWH
HLH	206	1.0000	206	1.0000	206	07/06 08	41.170	1.0000	41.170
LLH	176	1.0000	176	1.0000	176	07/08 01	30.163	1.0000	30.163
MAX	206	1.0000	206	1.0000	206	07/06 08	71.333	1.0000	71.333

	PULSES	CONSTANT	TOTAL	LOSS FACTOR	TOTAL NET
KWH	71.333	1.0000	71.333	1.0000	71.333
KVH	0	1.0000	0	1.0000	0

AVG KW: 96 AVG LOAD FACTOR: 0.4654 POWER FACTOR: 1.0000 POWER FACTOR TANGENT: 0.000000

HLH SCAN PERIOD
 HLH96

LLH SCAN PERIOD
 LLH96

SINGLE METER POINT DEMAND REPORT

PAGE 1

CUSTOMER: 324 Salmon River Electric Cooperative, Inc.
 BILL LVL: 650 Warm Springs Hydro #2
 METER PT: 1549 Warm Springs Hydro #2

99/07
 07/01/99 TO 07/31/99
 DATA SOURCE: MV90

RUN TIME: 09:11
 RUN DATE: 08/16/99

DATE	DAY	HOUR OF READING (READINGS ARE PULSES)								INDICATES MAX PEAKS HR	KW	DAILY HLH/LLH TOTALS	LOAD FACTOR/ TOTAL KWH	RUNNING KWH TOTAL
		0100 0900 1700	0200 1000 1800	0300 1100 1900	0400 1200 2000	0500 1300 2100	0600 1400 2200	0700 1500 2300	0800 1600 2400					
07/1	THU	99	98	98	101	109	114	115	116	HLH 13	118	1.718	0.8192	2.515
K=	1.0000	117	117	117	116	118	115	112	103	LLH 24	133	877	2.615	
		99	97	96	97	98	105	125	133					
07/2	FRI	134	134	136	136	136	136	139	143	HLH 9	144	2.045	0.5979	5.713
K=	1.0000	144	144	142	131	122	117	137	117	LLH 3	136	1.057	3.133	
		118	122	122	122	123	123	122	123					
07/3	SAT	122	121	120	120	122	122	123	123	HLH 15	126	1.930	0.9587	8.617
K=	1.0000	122	121	121	121	121	123	126	125	LLH 1	122	969	2.699	
		125	124	119	112	112	112	121	121					
07/4	SUN	122	120	122	121	130	134	134	134	HLH			0.8226	11.596
K=	1.0000	134	134	134	132	120	111	105	105	LLH 23	151	2.981	2.961	
		103	104	104	106	126	147	151	148					
07/5	MON	146	142	139	140	145	148	156	150	HLH 7	156	2.075	0.8552	14.800
K=	1.0000	141	141	132	129	123	122	119	117	LLH 6	148	1.127	3.202	
		117	113	120	131	131	133	133	134					
07/6	TUE	135	133	135	130	120	127	146	206	HLH 8	206	2.461	0.7162	18.341
K=	1.0000	179	144	131	131	137	152	156	158	LLH 23	150	1.080	3.541	
		157	157	155	151	151	150	150	150					
07/7	WED	150	151	150	151	151	153	152	154	HLH 22	171	2.430	0.8921	22.002
K=	1.0000	153	152	153	152	153	152	152	151	LLH 24	164	1.231	3.661	
		151	144	142	142	156	171	161	164					
07/8	THU	176	174	169	174	160	144	143	144	HLH 19	172	2.414	0.8883	25.754
K=	1.0000	143	144	143	136	130	130	133	146	LLH 1	176	1.338	3.752	
		165	171	172	172	172	172	170	171					
07/9	FRI	172	172	171	172	166	154	153	152	HLH 7	153	2.306	0.8726	29.156
K=	1.0000	152	152	152	151	149	144	141	138	LLH 1	172	1.296	3.602	
		138	136	137	137	137	137	141	148					
07/10	SAT	156	158	159	158	151	129	115	98	HLH 12	139	1.699	0.7411	32.164
K=	1.0000	110	132	138	139	137	124	107	103	LLH 3	159	1.129	2.828	
		65	60	67	87	109	108	109	109					
07/11	SUN	109	108	109	110	110	111	112	112	HLH			0.6136	34.703
K=	1.0000	112	112	111	111	104	90	87	86	LLH 24	129	2.519	2.519	
		87	87	87	67	94	124	128	129					
07/12	MON	130	132	133	134	136	137	140	140	HLH 7	140	1.967	0.8997	37.726
K=	1.0000	140	140	140	132	114	109	108	107	LLH 6	137	1.056	3.023	
		107	108	112	119	124	127	127	127					

SINGLE METER POINT DEMAND REPORT

PAGE 2

CUSTOMER: 384 Salmon River Electric Cooperative, Inc.
 BILL LVL: 650 Warm Springs Hydro #2
 METER PT: 1649 Warm Springs Hydro #2

99/07
 07/01/99 TO 07/31/99
 DATA SOURCE: MV90

RUN TIME: 09:13
 RUN DATE: 08/18/99

		HOUR OF READING (READINGS ARE PULSES)								INDICATES MAX		DAILY		LOAD FACTOR/ TOTAL KWH	RUNNING KWH TOTAL
		0100	0200	0300	0400	0500	0600	0700	0800	PEAKS		HLH/LLH			
DATE	DAY	0900	1000	1100	1200	1300	1400	1500	1600	HR	KW	TOTALS			
		1700	1800	1900	2000	2100	2200	2300	2400						
07/13	TUE	127	126	127	128	135	142	143	143	HLH 9	144	1,986	0.8793		
K=	3.0000	144	144	141	127	117	116	116	113	LLH 6	142	1,553	3.039		40,765
		111	110	111	109	109	132	134	134						
07/14	WED	134	135	138	143	147	150	152	151	HLH 7	152	2,207	0.9145		
K=	1.0000	152	152	151	152	150	145	131	119	LLH 6	150	1,129	3.336		44,101
		117	117	118	124	135	141	141	141						
07/15	THU	141	130	95	64	60	60	79	99	HLH 10	101	1,298	0.5931		
K=	1.0000	100	101	98	81	66	60	60	63	LLH 1	141	709	2.007		46,108
		75	82	83	84	83	84	83	76						
07/16	FRI	74	73	73	79	104	124	126	125	HLH 7	126	1,429	0.7011		
K=	1.0000	125	126	118	99	89	84	75	68	LLH 6	124	691	2,120		48,228
		64	65	64	66	65	70	79	85						
07/17	SAT	86	87	86	87	87	86	87	87	HLH 10	89	1,221	0.8862		
K=	1.0000	88	89	88	88	88	82	72	69	LLH 2	87	672	1,893		50,121
		64	64	62	63	64	66	74	79						
07/18	SUN	79	80	79	80	80	79	79	70	HLH			0.6630		
K=	1.0000	65	62	35	22	24	28	36	40	LLH 2	80	1,273	1,273		51,394
		41	42	41	42	42	43	42	42						
07/19	MON	43	46	47	52	54	56	59	63	HLH 10	78	860	0.6795		
K=	1.0000	73	78	78	77	61	36	32	32	LLH 23	57	412	1,272		52,666
		32	34	43	51	54	57	57	57						
07/20	TUE	56	57	57	57	58	59	59	61	HLH 11	62	809	0.8535		
K=	1.0000	61	61	62	61	61	59	51	42	LLH 6	59	462	1,270		53,936
		36	35	35	35	39	51	58	59						
07/21	WED	59	59	59	59	59	59	59	59	HLH 22	63	800	0.8340		
K=	1.0000	59	59	59	56	42	32	31	32	LLH 23	64	481	1,281		55,217
		32	40	55	60	62	63	64	63						
07/22	THU	64	63	64	63	64	65	71	77	HLH 8	77	934	0.7808		
K=	1.0000	77	77	77	77	62	43	36	36	LLH 6	65	509	1,443		56,660
		36	38	47	57	61	62	63	63						
07/23	FRI	62	63	62	63	62	63	62	63	HLH 22	103	902	0.5898		
K=	1.0000	63	63	63	64	63	63	52	35	LLH 23	102	556	1,458		58,118
		29	24	19	37	99	103	102	79						
07/24	SAT	55	55	55	56	55	55	50	59	HLH 11	91	987	0.6648		
K=	1.0000	85	90	91	90	90	76	51	33	LLH 23	67	465	1,452		59,570
		31	32	33	48	62	66	57	67						

NO. 0101

SINGLE METER POINT DEMAND REPORT

PAGE 3

CUSTOMER: 334 Salmon River Electric Cooperative, Inc.
 BILL LVL: 550 Warm Springs Hydro #2
 METER PT: 1649 Warm Springs Hydro #2

99/07
 07/01/99 TO 07/31/99
 DATA SOURCE: MV90

RUN TIME: 09:13
 RUN DATE: 08/18/99

DATE	DAY	HOUR OF READING (READINGS ARE PULSES)								INDICATES MAX PEAKS		DAILY HLH/LLH TOTALS	LOAD FACTOR/ TOTAL KWH	RUNNING KWH TOTAL
		0100	0200	0300	0400	0500	0600	0700	0800	HR	KW			
07/25	SUN	67	67	67	66	67	67	67	67	HLH			0.8555	
K=	1.0000	66	67	68	68	65	63	58	55	LLH 24	77	1,581	1.581	61,151
		56	56	57	63	72	76	76	77					
07/26	MON	76	77	77	79	82	87	93	115	HLH 8	125	1,168	0.6496	
K=	1.0000	112	88	70	67	68	66	61	61	LLH 6	87	625	1,793	62,944
		61	60	61	63	60	64	71	76					
07/27	TUE	78	82	81	81	82	84	86	87	HLH 9	89	1,210	0.8699	
K=	1.0000	89	89	89	89	86	67	58	57	LLH 6	84	648	1,858	64,802
		58	58	63	74	79	81	80	80					
07/28	WED	81	80	80	81	80	80	81	80	HLH 11	82	1,143	0.8867	
K=	1.0000	80	81	82	81	82	81	75	61	LLH 1	81	602	1,745	66,547
		59	60	60	60	63	59	60	60					
07/29	THU	61	61	65	72	74	76	79	82	HLH 12	83	1,086	0.8158	
K=	1.0000	82	82	82	83	79	60	57	58	LLH 6	76	535	1,621	68,168
		57	57	57	58	57	56	60	66					
07/30	FRI	70	72	74	75	75	76	75	76	HLH 8	76	1,027	0.8690	
K=	1.0000	75	75	76	75	71	57	56	55	LLH 6	76	558	1,585	69,753
		56	56	56	56	56	56	56	60					
07/31	SAT	68	71	72	72	73	74	73	74	HLH 11	75	1,037	0.8778	
K=	1.0000	74	74	75	75	74	69	59	55	LLH 6	74	543	1,580	71,333
		56	56	56	56	56	56	56	57					

SINGLE METER POINT DEMAND REPORT

PAGE 4

CUSTOMER: 384 Salmon River Electric Cooperative, Inc.
BILL LVL: 650 Warm Springs Hydro #2
METER PT: 1649 Warm Springs Hydro #2

99/08
08/01/99 TO 08/31/99
DATA SOURCE MV90

RUN TIME: 09:13
RUN DATE: 08/18/99

HOURS DEMAND BILLING PERIOD: 744 ACTUAL READINGS: 381 ENERGY BILLING HOURS: 744

DEMAND ***

	PULSE	CONSTANT	KW	LOSS FACTOR	NET KW	MONTH/DAY HOUR	TOT KW (KWH)	KWH LOSS FACTOR	NET TOTAL KWH
HLH	226	1.0000	226	1.0000	226	08/03 19	20.283	1.0000	20.283
LLH	145	1.0000	145	1.0000	145	08/10 24	16.326	1.0000	16.326
MAX	226	1.0000	226	1.0000	226	08/03 19	35.609	1.0000	36.609

	PULSES	CONSTANT	TOTAL	LOSS FACTOR	TOTAL NET
KWH	36,609	1.0000	36,609	1.0000	36,609
KVH	0	1.0000	0	1.0000	0

AVG KW: 96 AVG LOAD FACTOR: 0.4252 POWER FACTOR: 1.0000 POWER FACTOR TANGENT: 0.000000

HLH SCAN PERIOD
HLH96

LLH SCAN PERIOD
LLH96

SINGLE METER POINT DEMAND REPORT

PAGE 1

CUSTOMER: 384 Salmon River Electric Cooperative, Inc.
 BILL LVL: 650 Warm Springs Hydro #2
 METER PT: 1649 Warm Springs Hydro #2

99/08
 08/01/99 TO 08/31/99
 DATA SOURCE: MV90

RUN TIME: 09:13
 RUN DATE: 08/16/99

DATE	DAY	HOUR OF READING (READINGS ARE PULSES)								INDICATES MAX PEAKS	KW	DAILY HLH/LLH TOTALS	LOAD FACTOR/ TOTAL KWH	RUNNING KWH TOTAL
		0100	0200	0300	0400	0500	0600	0700	0800					
		0900	1000	1100	1200	1300	1400	1500	1600	HR				
08/1	SUN	61	66	67	67	67	63	67	67	HLH			0.9446	
K=	1.0000	67	67	67	67	66	67	70	72	LLH 18	73	1,655	1.655	1.655
		71	73	73	72	73	73	73	72					
08/2	MON	73	75	80	85	92	94	94	95	HLH 12	197	741	0.2623	
K=	1.0000	94	116	137	197	8	0	0	0	LLH 6	94	499	1.240	2.895
		0	0	0	0	0	0	0	0					
08/3	TUE	0	0	0	0	0	0	0	0	HLH 19	226	823	0.1713	
K=	1.0000	0	0	0	0	0	0	0	0	LLH 24	55	106	929	1,824
		140	217	226	117	70	53	51	55					
08/4	WED	76	88	89	89	86	83	82	81	HLH 19	109	1,307	0.7557	
K=	1.0000	81	82	81	79	73	60	57	62	LLH 3	89	670	1,977	5,801
		91	108	109	97	84	80	80	79					
08/5	THU	80	80	80	80	80	91	96	96	HLH 7	96	1,391	0.8937	
K=	1.0000	96	96	96	93	84	83	81	81	LLH 6	91	668	2,059	7,860
		81	82	81	81	82	82	88	89					
08/6	FRI	92	92	92	92	92	93	92	92	HLH 17	163	1,110	0.4537	
K=	1.0000	92	89	82	78	77	54	6	135	LLH 6	93	665	1,775	9,635
		163	97	19	5	5	24	46	66					
08/7	SAT	81	86	88	89	91	92	96	96	HLH 9	97	1,349	0.8707	
K=	1.0000	97	97	97	92	86	83	83	83	LLH 6	92	678	2,027	11,662
		85	83	70	67	67	67	72	79					
08/8	SUN	81	82	84	86	85	86	85	86	HLH			0.9132	
K=	1.0000	85	86	85	85	82	77	76	75	LLH 23	88	1,971	1,971	13,533
		74	75	75	76	83	87	88	87					
08/9	MON	89	85	80	80	79	80	79	80	HLH 20	88	1,285	0.9139	
K=	1.0000	80	82	82	92	81	74	70	71	LLH 3	69	667	1,952	15,585
		74	82	85	88	88	67	63	86					
08/10	TUE	83	80	79	80	79	80	88	123	HLH 22	125	1,732	0.7190	
K=	1.0000	115	106	106	105	105	105	105	105	LLH 24	145	770	2,502	18,087
		105	107	109	111	112	125	144	145					
08/11	WED	121	107	106	106	104	116	117	118	HLH 13	122	1,803	0.9197	
K=	1.0000	120	120	121	121	122	116	116	120	LLH 1	121	890	2,693	20,780
		101	97	97	96	103	112	115	115					
08/12	THU	116	115	115	114	111	110	109	110	HLH 22	113	1,710	0.9472	
K=	1.0000	109	109	110	109	109	110	104	101	LLH 1	116	957	2,637	23,417
		100	104	110	111	112	113	113	113					

SINGLE METER POINT DEMAND REPORT

PAGE 2

CUSTOMER: 384 Salmon River Electric Cooperative, Inc.
 BILL LVL: 650 Warm Springs Hydro #2
 METER PT: 1649 Warm Springs Hydro #2

99/08
 08/01/99 TO 08/31/99
 DATA SOURCE: MV90

RUN TIME: 09 13
 RUN DATE: 08/18/99

DATE	DAY	HOUR OF READING (READINGS ARE PULSES)								INDICATES MAX PEAKS		DAILY HLH/LLH TOTALS	LOAD FACTOR/ TOTAL KWH	RUNNING KWH TOTAL
		0100	0200	0300	0400	0500	0600	0700	0800	HR	KW			
08/13	FRI	114	113	114	114	113	114	113	114	HLH 8	114	1,749	0.9693	26,069
K=	1.0000	113	113	114	113	110	107	106	105	LLH 1	114	903	2,652	
		106	105	106	106	107	111	110	111					
08/14	SAT	113	112	112	111	112	112	112	112	HLH 18	116	1,756	0.9483	28,709
K=	1.0000	112	112	112	107	103	101	100	99	LLH 2	112	884	2,640	
		110	116	115	115	115	115	109	105					
08/15	SUN	105	105	105	105	105	105	104	105	HLH			0.9199	31,258
K=	1.0000	106	112	112	113	110	102	98	99	LLH 12	113	2,549	2,549	
		99	200	105	111	110	111	111	111					
08/16	MON	110	111	111	110	111	111	110	108	HLH 20	121	1,729	0.9070	33,892
K=	1.0000	108	107	108	107	100	94	93	94	LLH 24	121	905	2,634	
		101	117	120	121	120	121	120	121					
08/17	TUE	120	119	115	115	115	115	114	115	HLH 22	120	1,778	0.9434	36,609
K=	1.0000	115	114	115	114	109	107	106	106	LLH 1	120	939	2,717	
		106	106	106	109	116	120	120	120					
08/18	WED	N	N	N	N	N	N	N	N	HLH 0	-1	0		36,609
K=	1.0000	N	N	N	N	N	N	N	N	LLH 25	0	0	0	
		N	N	N	N	N	N	N	N					
08/19	THU	N	N	N	N	N	N	N	N	HLH 0	-1	0		36,609
K=	1.0000	N	N	N	N	N	N	N	N	LLH 25	0	0	0	
		N	N	N	N	N	N	N	N					
08/20	FRI	N	N	N	N	N	N	N	N	HLH 0	-1	0		36,609
K=	1.0000	N	N	N	N	N	N	N	N	LLH 25	0	0	0	
		N	N	N	N	N	N	N	N					
08/21	SAT	N	N	N	N	N	N	N	N	HLH 0	-1	0		36,609
K=	1.0000	N	N	N	N	N	N	N	N	LLH 25	0	0	0	
		N	N	N	N	N	N	N	N					
08/22	SUN	N	N	N	N	N	N	N	N	HLH				36,609
K=	1.0000	N	N	N	N	N	N	N	N	LLH 25	0	0	0	
		N	N	N	N	N	N	N	N					
08/23	MON	N	N	N	N	N	N	N	N	HLH 0	-1	0		36,609
K=	1.0000	N	N	N	N	N	N	N	N	LLH 25	0	0	0	
		N	N	N	N	N	N	N	N					
08/24	TUE	N	N	N	N	N	N	N	N	HLH 0	-1	0		36,609
K=	1.0000	N	N	N	N	N	N	N	N	LLH 25	0	0	0	
		N	N	N	N	N	N	N	N					

SINGLE METER POINT DEMAND REPORT

PAGE 3

CUSTOMER: 384 Salmon River Electric Cooperative, Inc
 BILL LVL: 650 Warm Springs Hydro #2
 METER PT: 1549 Warm Springs Hydro #2

99/08
 08/01/99 TO 08/31/99
 DATA SOURCE: MV90

RUN TIME: 09 13
 RUN DATE: 08/19/99

		HOUR OF READING (READINGS ARE PULSES)								INDICATES MAX		DAILY		LOAD FACTOR/ TOTAL KWH	RUNNING KWH TOTAL
DATE	DAY	0100	0200	0300	0400	0500	0600	0700	0800	PEAKS	KW	HLH/LLH	TOTALS		
		0900	1000	1100	1200	1300	1400	1500	1600						
		1700	1800	1900	2000	2100	2200	2300	2400						
08/25	WED	N	N	N	N	N	N	N	N	HLH 0	-1	0			
K=	1.0000	N	N	N	N	N	N	N	N	LLH 25	0	0	0	36.609	
		N	N	N	N	N	N	N	N						
08/26	THU	N	N	N	N	N	N	N	N	HLH 0	-1	0			
K=	1.0000	N	N	N	N	N	N	N	N	LLH 25	0	0	0	36.609	
		N	N	N	N	N	N	N	N						
08/27	FRI	N	N	N	N	N	N	N	N	HLH 0	-1	0			
K=	1.0000	N	N	N	N	N	N	N	N	LLH 25	0	0	0	36.609	
		N	N	N	N	N	N	N	N						
08/28	SAT	N	N	N	N	N	N	N	N	HLH 0	-1	0			
K=	1.0000	N	N	N	N	N	N	N	N	LLH 25	0	0	0	36.609	
		N	N	N	N	N	N	N	N						
08/29	SUN	N	N	N	N	N	N	N	N	HLH					
K=	1.0000	N	N	N	N	N	N	N	N	LLH 25	0	0	0	36.609	
		N	N	N	N	N	N	N	N						
08/30	MON	N	N	N	N	N	N	N	N	HLH 0	-1	0			
K=	1.0000	N	N	N	N	N	N	N	N	LLH 25	0	0	0	36.609	
		N	N	N	N	N	N	N	N						
08/31	TUE	N	N	N	N	N	N	N	N	HLH 0	-1	0			
K=	1.0000	N	N	N	N	N	N	N	N	LLH 25	0	0	0	36.609	
		N	N	N	N	N	N	N	N						



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 19, 1999

Mark Lupher
HC-61 Box 3016
Challis, ID 83226

RE: Fish Propagation Facility on Warm Springs Creek

Dear Mr. Lupher:

Please find enclosed a copy of License 72-07209 as you requested. Please also find an application form for a new permit with instructions with a sheet describing the additional information required to be included with your application.

As we discussed the department's rules for this process can be accessed through our web page at: <http://www.idwr.state.id.us/>

As you requested I will also send a copy of this information to Bill Hollifield, your attorney.

Please feel free to contact our office if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allen Merritt', is written over a horizontal line.

Allen Merritt, PE
Southern Region Manager

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: **ADM INQ**

**MARK LUPHER
HC-61 BOX 3016
CHALLIS ID 83226**

Mark W. Luper

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

1859

4b. Service Type

- ☐ Registered ☐ Insured
- ☒ Certified ☒ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

18

1999

8. Addressee's Address (Only if requested and fee is paid)

USPS

UNITED STATES POSTAL SERVICE

Official Business

RECEIVED

AUG 23 1999

Department of Water Resources
Southern Branch

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300





State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 17, 1999

Mark Lupher
HC-61 Box 3016
Challis, ID 83226

CERTIFIED MAIL

RE: Potential illegal water use

Dear Mr. Lupher:

Our office has become aware of a water development for fish propagation located on lands within Section 32, Twp.12N, Rge.20E, B.M., in Custer County. One of our agents has viewed the property and it appears that new fish ponds have been constructed in the area that are supplied water from Warm Springs Creek and the current use exceeds that authorized under license 72-07209. Additionally it was noted that the measuring device conditions of license 72-07209 is not being met.

Since no right appears to provide for development of the new fish propagation facility at the above described site I request your cooperation in:

-identifying what water right covers your development if our records are not correct.

-cease diversion of water if you do not have a water right.

-&/or obtain a valid water right for your development.

Please respond to our office within 14 days of the date of this letter as to the status of your project.

Please note that to divert water in Idaho without a valid water right is illegal pursuant to §42-351, Idaho Code and subject to civil penalties of up to \$50 per day for each 0.1 cfs diverted without a right up to a maximum penalty of \$50,000 per year.

If you have questions regarding this matter please feel free to contact our office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

CC: Glen Saxton & Tim Luke - IDWR (State Office)
Bob Foster - DWR Salmon
L & M Angus Ranch

Memorandum

Date: August 09, 1999

To: Jim Stanton, Southern

From: Bob Foster, Salmon

Re: Measurements of 72-7209 / Morganroth complaint

I have enclosed two sets of measurements taken approximately one month apart as well as a drawing showing the layout and dimensions of the fish raceways operated by Mark Lupher of Epicenter Aquaculture.

Based on these measurements it would appear Mr. Lupher is exceeding the licensed diversion rate of 72-07209 by a substantial amount. The facility volume of .8 acre feet may be exceeded as well.

Mr. Morganroth maintains that the construction and use of the new concrete raceways has increased the water use by Mr. Lupher and has injured the Morganroth water right(s) for irrigation and power generation.

It would also appear that Mr. Lupher may be in violation of one or more of the conditions of approval of 72-07209 with no measuring device at the point of diversion or at the point of effluent discharge. The only measuring device observed was a four foot rectangular weir at the intake to the lower dirt ponds, no measuring device of any sort was observed at the concrete raceways.

Based on these findings we probably need to inform Mr. Lupher that he is exceeding the licensed diversion rate and needs to file an additional application for excess amount. It may be very difficult to insure that Mr. Lupher complies with any action we may take due to the fact there is no water master control on the source as well as no control or measuring devices at the point of diversion.

Let me know how you want to proceed with this matter and if I can be of further assistance.

RECEIVED
AUG 11 1999
Department of Water Resources
Southern Region

Meas. No.
Comp. by R. Foster

G.H. of zero flow ft. Sheet No. of sheets

[illegible]

River at—

[illegible]

Meas. No.. 1
Comp. by. R. Foster

Upper intake + outlet
Date 7-7-95 Party R. Foster

Method No. secs. G. H. change. in hrs. Susp.

Method coef. Hor. angle coef. Susp. coef. Meter No.

Type of meter 2100 Date rated Tag checked

Meter ft. above bottom of wt. Spin before meas. 0.1 after 0.15

Meas. plots. . . . % diff. from. . . . rating. Levels obtained.

GAGE READINGS					WATER QUALITY MEASUREMENTS	
Time		Inside	HM	Chart	Outside	
						No Yes. Time
						<u>Samples Collected</u>
						No Yes. Time
						<u>Method Used</u>
						EDI EWI Other.
						<u>SEDIMENT SAMPLES</u>
						No Yes. Time
						<u>Method Used</u>
						EDI EWI Other.
Weighted M.G.H.						<u>BIOLOGICAL SAMPLES</u>
G. H. correction						Yes. Time
Correct M.G.H.						No Type

Check bar. chain found changed to at

Wading, cable, ice, boat, upstr., downstr., side bridge. . . . feet, mile, above, below gage.

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%); based on the following cond:

Flow 9022

Cross section $1' \odot$

Control 12.3.1.....

Gage operating Weather

Intake/Orifice cleaned Air °C@ Water °C@

Record removed Extreme Indicator: Max. Min.

Manometer N₂ Pressure Tank Feed Bbl rate per min.

CSG checked Stick reading

Observer _____

HWM outside, in well

Remarks measurement at four foot pier was .19' or

1.1P cfs

GPS LAT\LONG

G.H. of zero flow ft Sheet No. of sheets

City of 2010 Now Sheet No. of sheets



State of Idaho

DEPARTMENT OF WATER RESOURCES

206 Van Dreff, Suite B, Salmon, Idaho 83467-4117

Phone: (208) 756-6644 FAX: (208) 756-6644

DIRK KEMPTHORNE
GOVERNOR

KARL L. DREIER
DIRECTOR

July 07, 1999

Mark Lupher
HC-61 Box 3016
Challis, Idaho 83226

Mr. Lupher:

Please find enclosed copies of the calculated flow measurements I completed this morning.

It would appear the total flow of the inlet from the canal (11.14 cfs) along with the measurement obtained at the four foot weir (1.10 cfs) at the lower spring, there is a combined total of 12.24 cfs. The measured flow at the outlet from the raceways totaled 12.26 cfs.

Based on these measurements I would conclude there is no appreciable evaporation loss and there may be a slight gain. Please keep in mind these measurements have an accuracy factor of plus or minus five percent.

If I can be of further assistance or if you have any questions regarding these measurements feel free to call me at the above number.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Robert E. Foster'.

Robert E. Foster
Sr. Water Rights Agent



Project Inspection Photographs



File Number: 72-07209

Taken By: Bob Foster

Notes

UPPER
RACEWAYS

inlet in
lower left
corner

photo taken
looking
NNE

①



Notes

lower
raceways

photo taken
looking
west.

②





Project Inspection Photographs



File Number: 72-07209

Taken By: Bob Foster

Notes

(3)

largest
Pond east
of concrete
raceways



Notes

(4)

Series of 6
dirt ponds
south of
concrete
raceways.

Four foot
rectangular
weir at
arrow in
upper right





Project Inspection Photographs



File Number: 72-07209

Taken By: Bob Foster

Notes

SERIES of 6
dirt ponds
south of
concrete
raceways

(5)



Notes

SERIES of
3 dirt ponds
south of
concrete
raceways

(6)



WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

08/17/99 08:09:42
Page 1

Water Right Number - 72-07209

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***

INGRAM

TIM

1 - HC 61 BOX 3020

2 -

3 -

City- CHALLIS

State- ID Zip- 83226

Phone - 208-879-4721

*** O - ORIGINAL OWNER ***

WARM SPRINGS RANCH

1 -

2 -

3 -

City-

State- ID Zip-

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
09/01/1982 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
WARM SPRING WARM SPRING CREEK
UNNAMED SPRINGS WARM SPRING CREEK

+ - - - - Point of Diversion - - - - - +									
Trn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
12N	20E	10	SW NW			(37) CUSTER			
			NW SW			(37) CUSTER			

+ - - - - Water Use - - - - - +					
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
19 - FISH PROPAGATION		01/01	12/31	6.980	5052.20

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
6.980 5052.20 6.980 0.0

+ - - - - Place of Use - - - - - +									
Trn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
12N	20E	10	SW NW			19	FISH PROPAGATION	(37) CUSTER	
13N	20E	32	NE NE			19	FISH PROPAGATION	(37) CUSTER	

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

GEN The facility volume = .8 acre feet.

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

08/17/99 08:09:42
Page 2

Water right number - 72-07209

Prefix Translation: WATER RIGHT

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

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

+ - - - - Conditions of Approval - - - - - +
R03 - Measuring devices of a type approved by this Department shall
- be maintained at the point of diversion and point of effluent
- discharge.
R09 - Return water shall be treated to insure that the effluent
- meets Idaho Water Quality Standards.
R11 - Should the use of the water on this right reduce the quality
- of water available to prior water rights and make it unusable to
- satisfy the prior appropriations, the right holder shall cease
- diversion under this right.

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

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 12/03/87 05/28/88 CONVERT 10/24/88 CURTIS 08/01/89 CURTIS 12/30/92 TRYON
11/15/94 ABATES 06/27/95 BCHAPMAN 07/06/95 BCHAPMAN 10/05/95 BCHAPMAN

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 07/01/1989	Field Exam Made	- 09/02/1992	Field Exam Fee	- R
Approved/Denied	- 07/25/1983	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 06/28/1989	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 11/16/1994	Verified Date	- 07/08/1987	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 07/28/1995	Appl Received	- 09/01/1982	Transfer/Amended	- A
Presumption Flag	-	Name Connector	-	POU Ownership Flag	- Y
SRBA Decreed Flag	-				



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

July 28, 1995

TIM INGRAM
HC 61 BOX 3020
CHALLIS ID 83226

RE: WATER RIGHT NO. 72-07209

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved Application for Amendment.

Should you have any questions regarding these documents, please contact me.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECORDED

AUG 09 1995



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

July 5, 1995

TIM INGRAM
HC 61 BOX 3020
CHALLIS ID 83226

RE: WATER RIGHT NO. 72-07209

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion and the place(s) of use description. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of CONDITIONS/REMARKS proposed for the license when it is issued. These conditions/remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

AUG 09 1995

MEMORANDUM

TO: File 72-07209 / Tim Ingram
FROM: Brenda Chapman
DATE: July 6, 1995
RE: Recommendation Adjustment(s)

=====

The final licensing recommendations for the above referenced water right are based on the information below:

A. GENERAL INFORMATION

3. Source: The source of water in the SWNW $\frac{1}{4}$ $\frac{1}{4}$ is a group of unnamed springs 200 yards from Warm Spring. Therefore, that additional source is being added.

RECORDED

AUG 09 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 17 1994

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 72-7209

1. Owner: Tim Ingram

Phone No. 879-4721

Current Address: HCGI, Box 3020; Challis, ID 83226

2. Accompanied by: Tim Ingram

EXAM DATE: 9-2-92

Address: same

Phone No. _____

Relationship to Permit Holder: owner

3. Source: Warm Springs

tributary to Warm Springs Creek.

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: 72-1372, 72-7375, 72-7359, 72-7120
72-7059, 72-7054B

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	NW	10	12N	20E	Custer	Ortho photo quad map
			NW	SW	10	12N	20E	"	" " " "

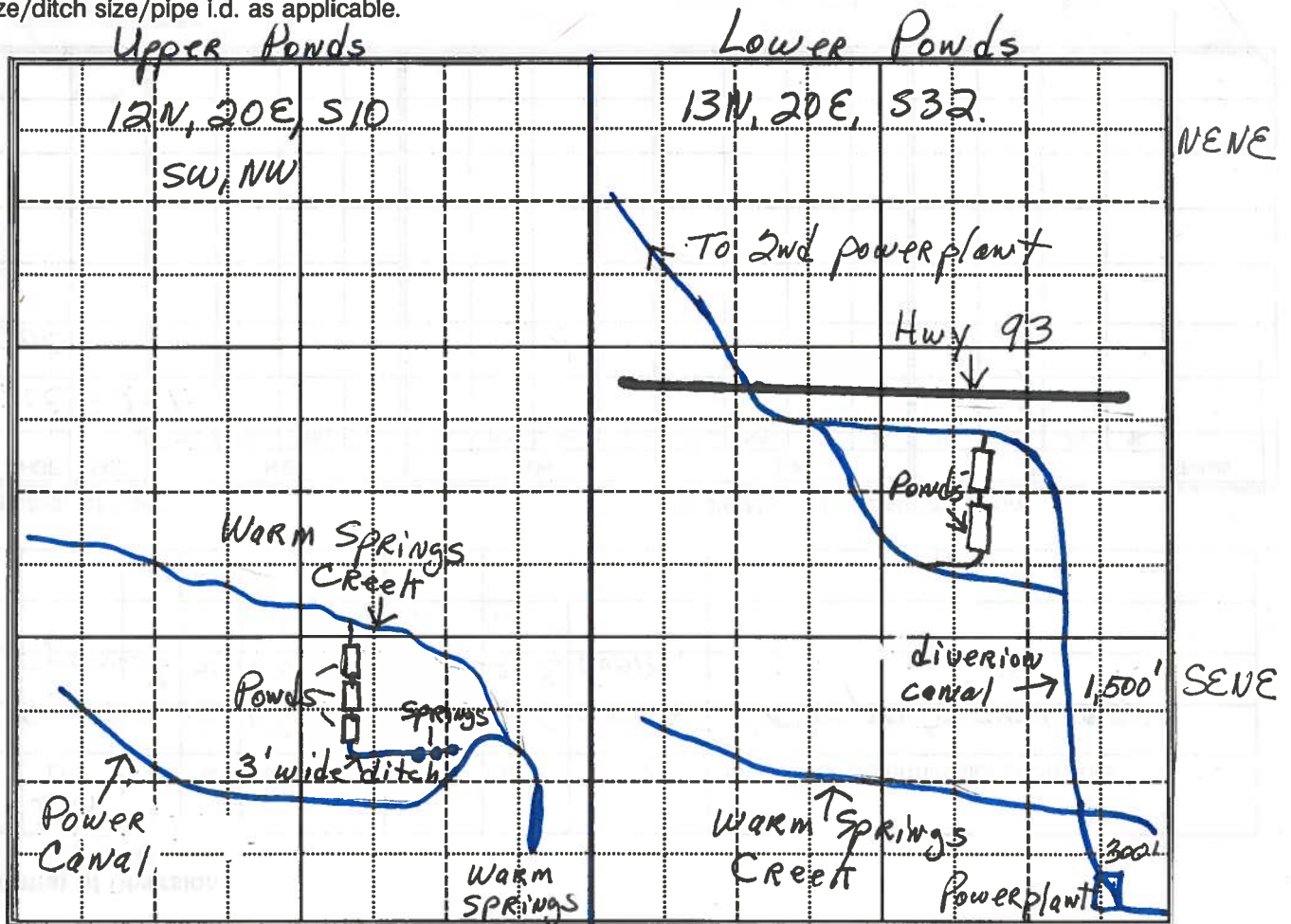
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	20E	32	H																
12N	20E	10						H											

RECEIVED
AUG 09 1994

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = Not to scale

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for Irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
NA					

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Current meter	AA	Price		090141		

2. Measurements: Measurements were taken at the outlet structure for the lower ponds and at the inlet structure for the upper ponds.

E. NARRATIVE/REMARKS/COMMENTS

See attached

Have conditions of permit approval been met? ☒ yes ☐ no

RECEIVED
AUG 09 1995

F. FLOW CALCULATIONSX Additional Computation Sheets Attached

Measured Method:

*See attached***G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

*See attached***H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Fish Propagation</i>	<i>1-1</i>	<i>12-31</i>	<i>6.98 cfs.</i>	<i>5,052.2</i>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			_____	_____

2. Recommended Amendments

___ Change P.D. as reflected above X Add P.D. as reflected above ___ None
___ Change P.U. as reflected above X Add P.U. as reflected above ___ Other

I. AUTHENTICATIONField Examiner's Name *Mel Schulte* Date *1-13-93*

Reviewer _____ Date _____

SEAL

AUG 09 1995

72-7209

NARRATIVE/REMARKS/COMMENTS

There are two sets of dirt fish ponds used to rear warm water tilapia and catfish. The source of water for both sets is Warm Springs. The majority of Warm Springs is diverted into a canal that services two power plants and the lower set of fish ponds.

The first set consists of 3 ponds with dimensions of 60'x20'x4'. Water for these upper ponds is collected into a 3' wide ditch from several of the springs located about 200 yards from the main part of the springs. The ditch flows for about 200 yards before it flows over a wooden dam structure at the head of the first pond. The flow was measured at the raceway of the dam at .92 cfs. The outflow from the third pond is into Warm Springs Creek in the SWNW, S10, 12N, 20E.

The second set of 2 ponds are located about two miles from the first set. They measure 80'x30'x4'. Water to these lower ponds diverts from the power canal at a location about 1,800' after it passes through a power plant. A wooden diversion structure takes water from the canal into the ponds. The flow was measured at 6.06 cfs at a wooden check dam at the tail of the 2nd pond. After leaving the 2nd pond, water flows into a ditch that returns it to the canal and then on to a 2nd power plant. From the 2nd power plant water is returned to Warm Springs Creek in the NWSE, S12, 13N, 19E at a location about four miles Northwest from the site of the lower fish ponds.

This is not an intensive fish rearing operation. At times fish are allowed to swim freely in the power plant canal and returned to the ponds when concentrated feeding is desired.

The P/D for this permit also services power permits 72-7372 and 72-7375 in addition to irrigation rights 72-7359, 72-7120, 72-7059 & 72-7054B. There are several rediversion points above and below the lower fish ponds to service the irrigation rights. Measurements in the power canal at several locations indicate a flow from the main springs in excess of 20 cfs which is adequate to service this permit and all rights except 72-7359. Additional measurements and review will be conducted to determine the validity of 72-7359.

MAILED
AUG 09 1995

Annual Volume for Fish Propagation

Upper Ponds.

1. Calculate changes per hour:
total flow into facility x 3600/facility volume(cf)=changes
2. Calculate annual volume:
facility volume(AF) x changes x 8760=AFA
3. Calculate volume given by permitted flow:
flow rate(cfs) x 1.9835 x 365 days=AFA
4. Recommend lower figure

-
1. .92 cfs x 3600/ 14,400 ft³ cf = .23
 2. .33 AF x .23 x 8760 = 664.9 AFA
 3. .92 cfs x 1.9835 x 365 days = 666.1 AFA

RECOMMENDATION: 664.9 AFA

RECEIVED
AUG 09 1995

Annual Volume for Fish Propagation

Lower Ponds.

1. Calculate changes per hour:
total flow into facility x 3600/facility volume(cf)=changes
2. Calculate annual volume:
facility volume(AF) x changes x 8760=AFA
3. Calculate volume given by permitted flow:
flow rate(cfs) x 1.9835 x 365 days=AFA
4. Recommend lower figure

-
1. 6.06 cfs x 3600/ 19,200 Ft³ cf = 1.14
 2. .44 AF x 1.14 x 8760 = 4,394 AFA
 3. 6.06 cfs x 1.9835 x 365 days = 4,387.3 AFA

RECOMMENDATION: 4,387.3 AFA

APPROVED
AUG 09 1995

72-7209
Water Right No.
(if applicable)

.90

GENERAL INFORMATION

1. Name of stream or ditch: Un-named diversion ditch from Warm Springs Creek .92

2. Location: LOWER SET OF POND adjacent to highway

3. Person conducting measurement: MEL SCHULTZ .94

4. Date and time of measurement: 9-2-92 START 10:10 AM END 10:52 AM

5. Accompanied by: STEVE CLELLAND .96

6. Measuring device size and ID no.: PRICE AA #090141

7. Spin test before measurement OK? YES after measurement OK? YES .97

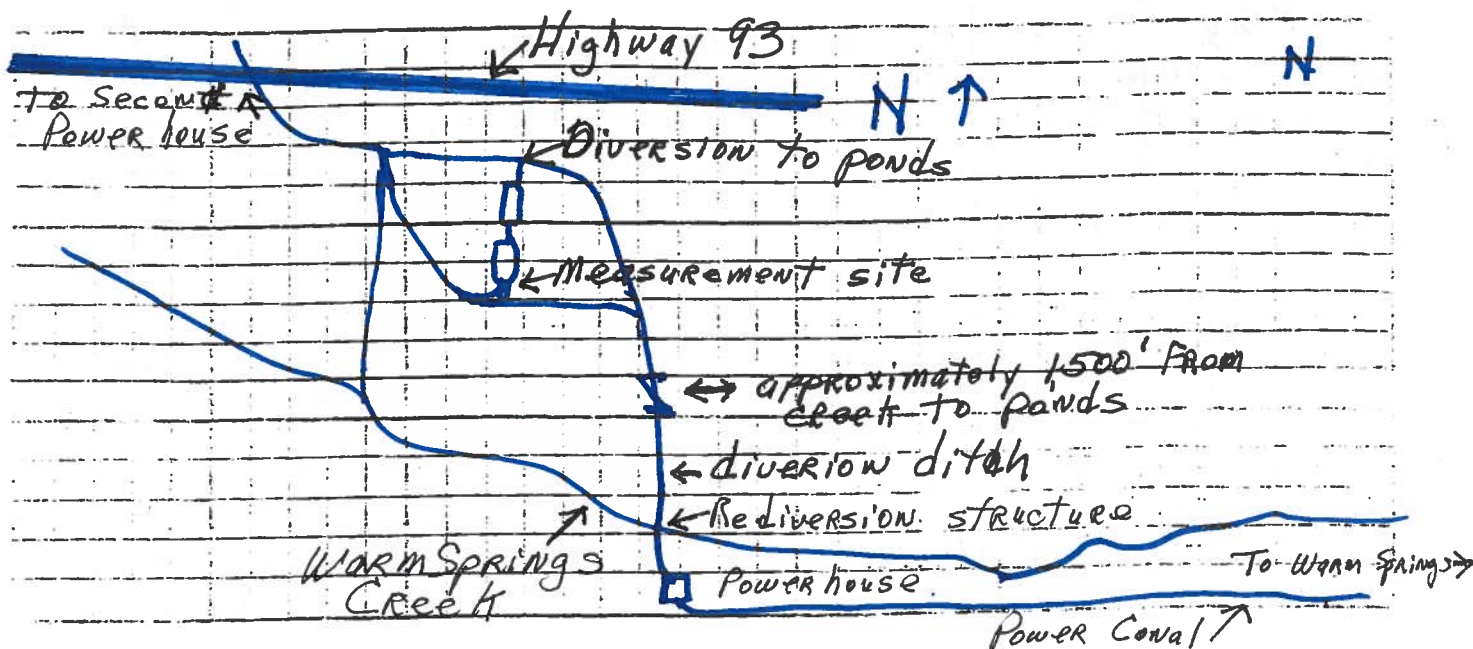
8. Purpose of measurement: To determine diversion rate to fish ponds .98

$$< 40 - \frac{\text{Rev}}{\text{Time}} \times 2,18 + .02 = \text{ft/sec}$$
[illegible]

C. DIAGRAMS

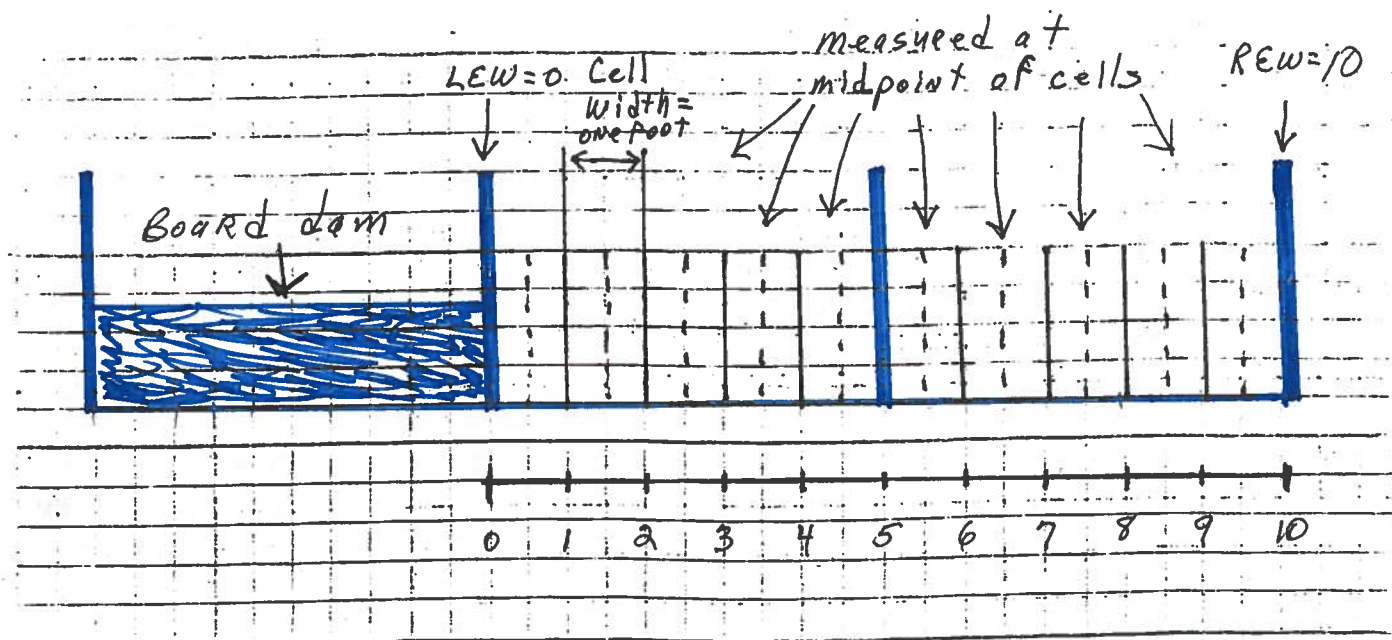
1. Measurement Location

Scale: Not to Scale



2. Cross-Section of Measurement

Scale _____ = _____



D. SUMMARY INFORMATION

1. Measurement rated

_____ excellent X good _____ fair _____ poor

2. Remarks: measurement taken at wooden dam at outlet of last pond.

3. Width: 10 Area: 11 Ft² Discharge in cubic feet per second: 6.06

Neil Schultz

DATE

SIGNATURE OF PERSON CONDUCTING MEASUREMENT

AUG 09 1995

72-7209
Water Right No.
(if applicable)

.90

.92

.94

.96

.97

.98

.99

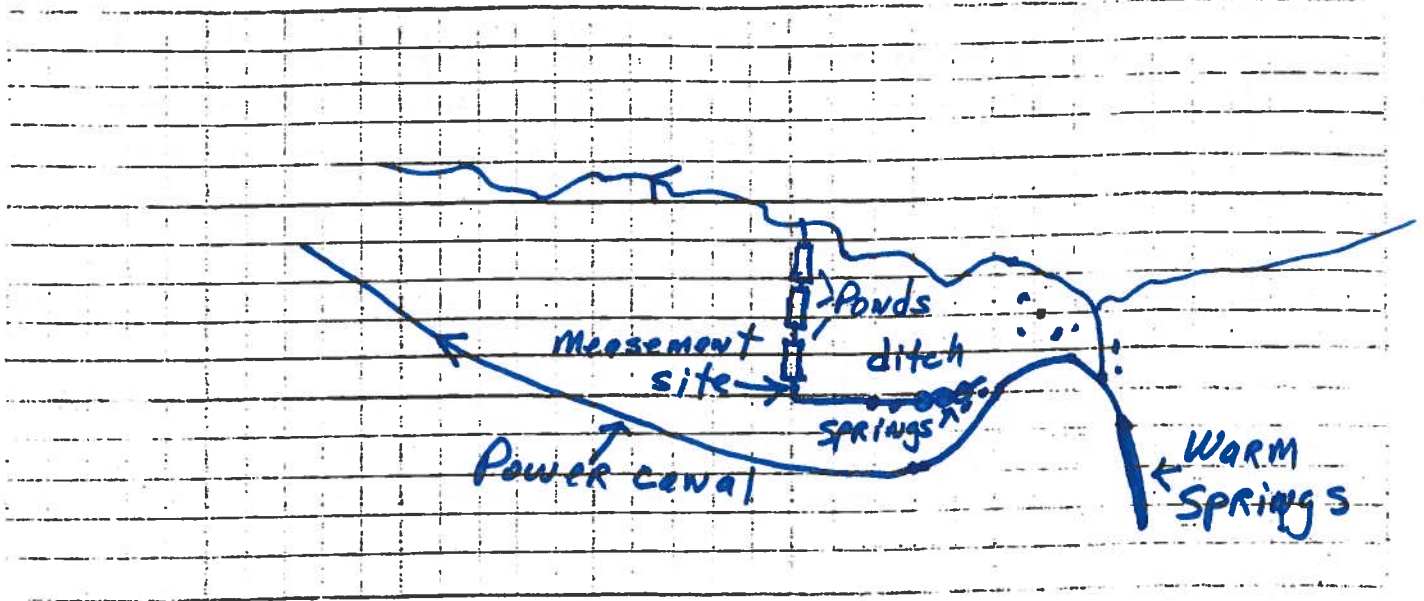
1.63

85

C. DIAGRAMS

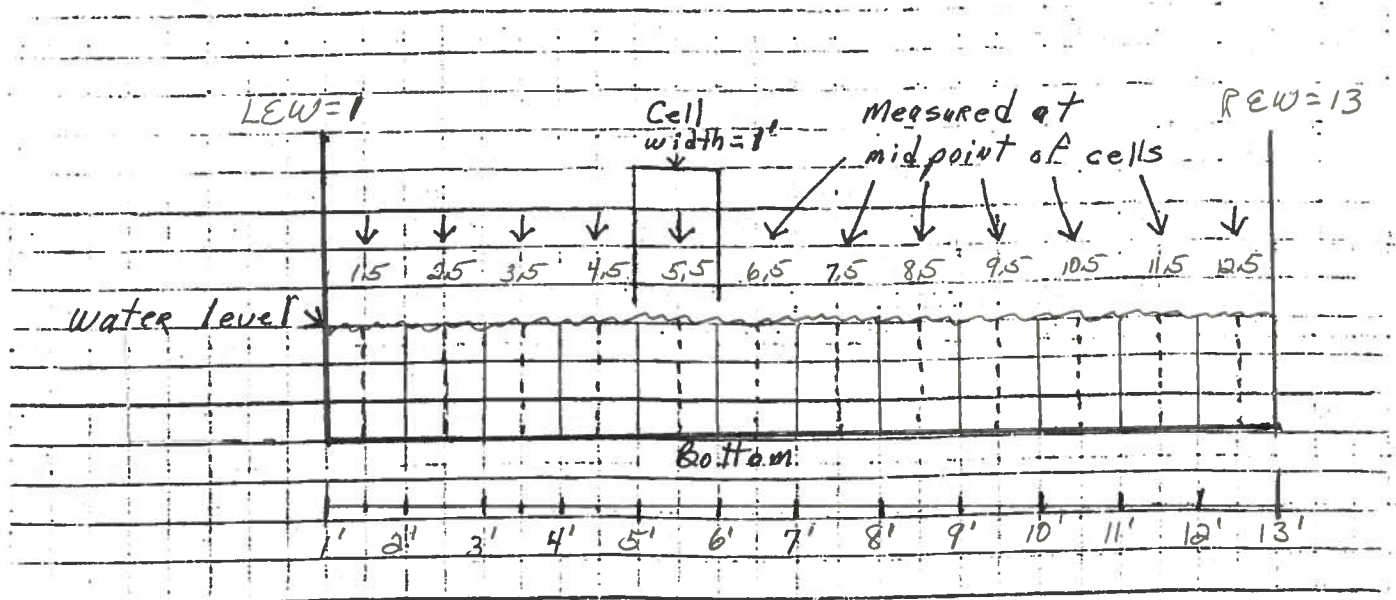
1. Measurement Location

Scale: not to scale



2. Cross-Section of Measurement

Scale _____ = _____



D. SUMMARY INFORMATION

1. Measurement rated

_____ excellent ☒ good _____ fair _____ poor

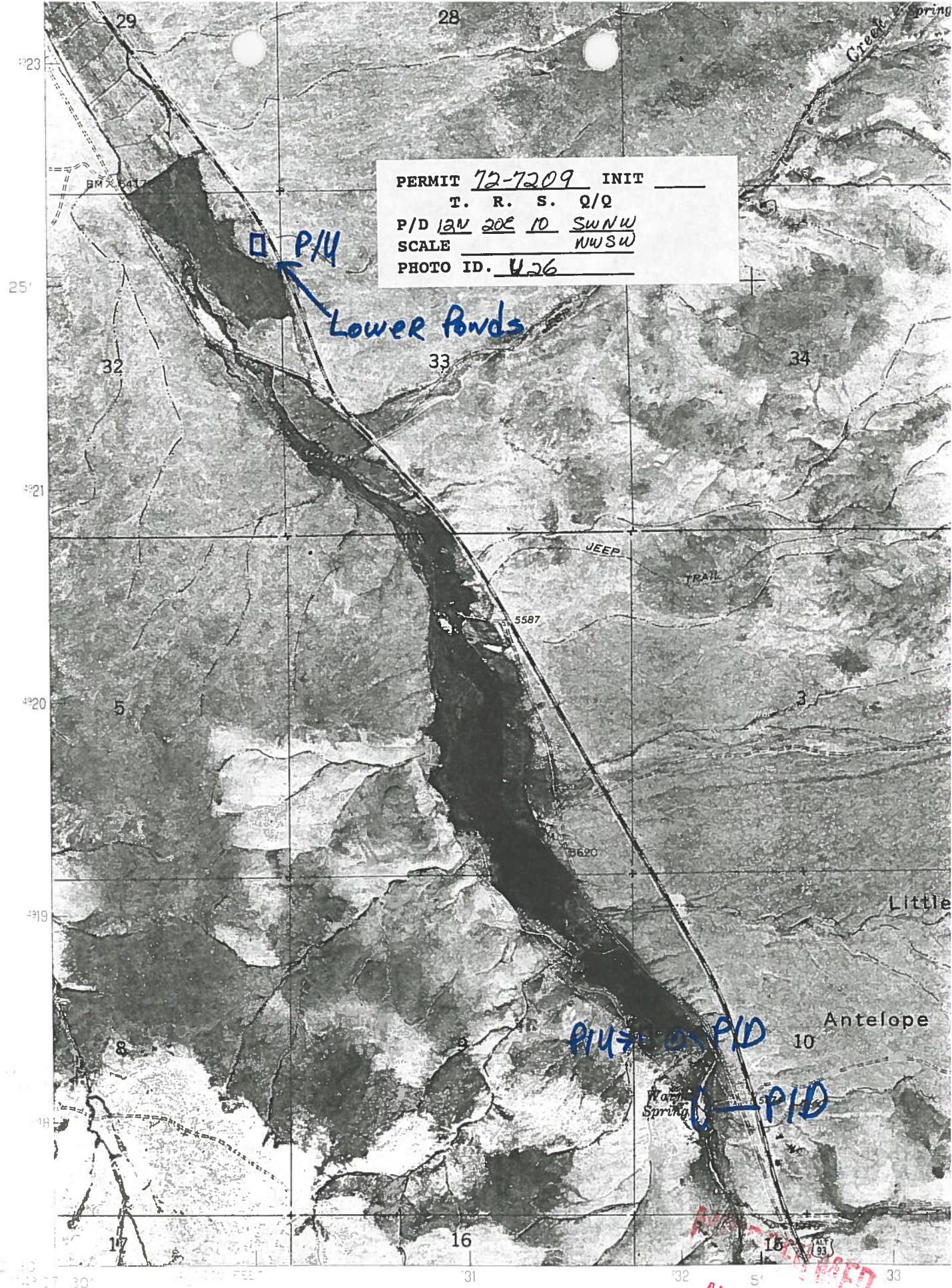
2. Remarks:

3. Width: 13' Area: 2.65 ft² Discharge in cubic feet per second: .92 cfs

DATE

SIGNATURE OF PERSON CONDUCTING MEASUREMENT

AUG 09 1995



PERMIT 72-7209 INIT _____
T. R. S. Q/Q
P/D 12N 20E 10 SWNW
SCALE NWSU
PHOTO ID. U26

Produced by the Geological Survey
in cooperation with the U. S. Forest Service

AUG 09 1995

72-7209



#1

Warm Springs the source
for Warm Springs Creek.



#2.

Check dam
structure at the
head of the
upper ponds.

Site of measurement.

MISSOURI BOTANICAL GARDEN
AUG 09 1995

72-7209



#3 P14
The first of the
three upper ponds.



#4. P14.
The second and third
of the upper ponds.

WINDMILL
AUG 09 1995

72-7209



#5
The diversion works
from the canal to
the lower ponds.



#6. P14.
Lower ponds.

Measurement site



AUG 09 1995

72-7209



#7.

Measurement site at
lower ponds.



#8.

Lower ponds
looking SW
from diversion
works at head
of 1st pond.

MINNESOTA

AUG 09 1995

EXPENDITURE VOUCHER

AUDITOR USE

STATE OF IDAHO
Office of State Auditor

AGENCY USE

6497
Date
08/24/89
Code
193002

VENDOR: If you require additional information regarding this payment, please contact the State agency listed below.

AGENCY NAME: DEPT. OF WATER RESOURCES

Document No.	
Pre-Audit	Date
Warrant No.	

CHECK ONE:

(1) MISCELLANEOUS EXPENDITURE

() STATE CONTRACT

() PURCHASE ORDER

() MISCELLANEOUS
ENCUMBRANCE REQUISITION

PAY
TO

TIM INGRAM
HC 61, BOX 3020
CHALLIS, ID 83226

PAYMENT: () PARTIAL () FINAL

Encumbrance Reference No.

LINE No.	PROGRAM	FUND	ACCT.		DESCRIPTION	LINE AMOUNT	AGENCY USE
			Maj	Min			
1	06 40 122	1238	8831		REF. #72-7209 PER RITA FLECK 7/25/89 25.00	25.00	
TOTAL						25.00	

MICROFILMED

SEP 12 1989

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

Date

Head of Agency or Institution

State Auditor

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706-2237

Photos dated
11/20/82



Winter Water Ditch
looking West

Nov. 26, 1982



In front of Watson
Perry home looking
north. Don Johnson
corrals

Thanksgiving Day

Nov. 26, 1982



Winter water ditch
looking east.

Nov. 28, 1982



Winter water ditch

Nov. 26, 1982



Ice in neighbors
field.

Nov. 26, 1982



Watson Perry Home
Ice over County road

Nov. 26, 1982



Ice in neighbors
field.

700.25, 1982



Trailer house near
Millicks.

Nov. 28, 1982



Spear Millick Home -
Just east

Nov. 26, 1982

copy

MEMORANDUM

DATE: July 25, 1989

TO: ACCOUNTING SECTION - Nancy C.

FROM: Rita Fleck

RE: REFUND - PERMIT NO. 72-7209

Please prepare a refund of \$25.00 (Receipt Nos. C007868). Attached is a copy of a letter which explains why the refund is necessary.

Also, please reference the water right identification numbers on any papers returned to me for the files. Thanks.

Attachments: Letter

MICROFILMED

SEP 12 1989

July 25, 1989

Tim Ingram
HC 61, Box 3020
Challis, ID 83226

Dear Mr. Ingram:

RE: Permit No. 72-7209

I have reviewed the proof of beneficial use form submitted to this office on June 28, 1989 and note an overpayment of \$25. For the diversion of 10 cfs, the licensing exam fee is \$325. Thus, an overpayment of \$25.

I have requested the Accounting Section to prepare a refund. It will be sent to you in a couple of weeks.

The next step is for the department to conduct a field inspection to determine the extent of beneficial use for licensing purposes. I cannot tell just when this inspection will take place, but the regional office will contact you to schedule a convenient time.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

c: Accounting Section
S. Region

MICROFILMED
SEP 12 1989

138211
April 30, 1989

TIM INGRAM
HC 61 BOX 3020
CHALLIS, ID 832260000

PROOF DUE NOTICE

RE: PERMIT NO. 72-07209

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before July 1, 1989. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

SEP 12 1989

October 19, 1988

Tim Ingram
HC 61 Box 3020
Challis, ID 83226

Dear Mr. Ingram:

Re: Permit No. 72-7209

Enclosed is a copy of the approved request for extension of time. The time within which to submit the proof of beneficial use form is extended to July 1, 1989.

If you have any questions or concerns regarding the permit, please contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MicroFILMED
DEC 13 1988

138509

CERTIFIED MAIL
April 30, 1988

INGRAM, TIM
HC 61 BOX 3020
CHALLIS, ID 83226

PROOF DUE NOTICE

RE: Permit No. 72-7209

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before July 1, 1988. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this Department on or before the above described proof due date, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

MICROFILMED
DEC 13 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

November 23, 1987

RE: Permit No. 72-7209

Tim Ingram
HC 61, Box 3020
Challis, ID 83226

Dear Permit Holders:

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

If you have any questions on this matter, please feel free to contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosure

MICROFILMED

MAR 16 1988

MEMORANDUM

TO: File 72-7209
FROM: Jim Johnson
DATE: October 19, 1987
RE: Assignment

One of the conditions of the permit is that written approval from the Department is required prior to assignment. I believe this assignment does not violate this condition in that the assignee is one of the members of Warm Springs Ranch Partnership.

This permit was not sold to an outside interest. Therefore, a speculative question is not a consideration.

UNRECORDED
UNRECORDED

MAR 10 1988
MAR 10 1988



te of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 27, 1987

RE: Permit No. 72-7209

Warm Springs Ranch
HC 61, Box 3020
Challis, ID 83226

Gentlemen:

Enclosed is a copy of your approved Application for Amendment submitted in connection with the above referenced permit.

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

MAY 13 1987

Proof of Publication
The Post-Register

RECEIVED
APR 16 1987

State of Idaho, }
County of Bonneville } ss

Department of Water Resources

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 19th day of March, 1987, last publication having been made on the 26th day of March, 1987, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 27th day of March, 1987.

Robb Brady
Sharon Naper
Notary Public

My commission expires September 30, 1988.

B10

NOTICE OF AMENDMENT
TO A WATER PERMIT
NO. 72-7209

Notice is hereby given that Warm Springs Ranch Partnership is the holder of Approved Permit No. 72-7209 to divert and make beneficial use of the public waters of the State of Idaho as follows:

Priority Date: 9/01/82

Source: Warm Spring tributary to Salmon River

Amount: 16.0 cfs for fish propagation from 01/01 to 12/31.

Point of Diversion: NWSW, Sec. 10, T12N, R20E, B.M., Custer County; 8 miles South & 7 miles East of Challis.

Place of Use: SWSE, Sec. 4; NENE, Sec. 9; SWNW, NWSW, Sec. 10, T12N, R20E.

The permit holder has applied to the Department of Water Resources to Amend the Permit as follows:

Amount & Use: No change

Point of Diversion: No change

Place of Use: NENE, SENE, Sec. 32, T13N, R20E

Any protest against approval of the amending of Permit No. 72-7209 as set forth above must be filed with the Idaho Department of Water Resources, 2148 4th Ave. E, Twin Falls, ID 83301 on or before April 6, 1987.

A. KENNETH DUNN
DIRECTOR

Published: March 19, 26, 1987

MICROFILMED

MAY 13 1987

OK
MB
3/30/87

RECEIVED

MAR 30 1987

Department of Water Resources
Southern Region Office

RECEIVED

MAR 27 1987

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due 37.01

Department of Water Resources Division Office		Account Number #100632	
Address 2148 4th Ave. E.		City/State Twin Falls, Id	
		Zip 83301	
Ordered By Mary Baldwin	P.O. Number	Rate NT	Run Dates 1987 March 19, 26
Identification App. for Amendment of Water Permit 72-7209		Estimated Inches	Real Inches
☐ Number of Affidavits Requested ☒ 1			Legal Number #4754

OK
MB
3/30/87

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

RECEIVED
APR 16 1987

Department of Water Resources

NOTICE OF AMENDMENT TO A WATER PERMIT No. 72-7209

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Point of Diversion: No change

Place of Use: NENE, SENE, Sec. 32, T13N, R20E

Any protest against approval of the amending of Permit No. 72-7209 as set forth above must be filed with the Idaho Department of Water Resources, 2148 4th Ave. E., Twin Falls, ID 83301 on or before April 6, 1987.

A. KENNETH DUNN
Director

Pub. Mar. 19, 26, 1987

MICROFILMED

MAY 13 1987

Deborah Gregory, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip insertion(s) beginning with the issue of March 19, 19 87 and ending with the issue of March 26, 19 87

Deborah Gregory

Subscribed and sworn to before me this 26th

March, 19 87

Jeanne M Hawk 4/1/99
Notary Public for Idaho, Residing at Boise, Idaho

NOTICE OF AMENDMENT
TO A WATER PERMIT
NO. 72-7209

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The permit holder has applied to the Department of Water Resources to Amend the Permit as follows:

Amount & Use: No change

Point of Diversion: No change

Place of Use: NENE, SENE, Sec. 32, T13N, R20E

Any protest against approval of the amendment to Permit No. 72-7209 as set forth must be filed with the Idaho Department of Water Resources, 2148 4th Ave. E, Twin Falls, ID 83301 on or before April 6, 1987.

A. KENNETH DUNN,
DIRECTOR

Published: March 19 & 26, 1987.

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer

I, Margaret Parks

Publisher of the Challis Messenger

a weekly newspaper, published

Challis, Idaho, do solemnly swear

that the notice hereto attached

made a part hereof, was published

in the regular and entire issue

of the Challis Messenger for 2

consecutive weeks, commencing

the issue dated March 19

1987 and ending with the issue

dated March 26, 1987.

Subscribed and sworn to before me this 27th day of March, 1987.

Edel M. Beck

Notary Public, residing at Challis, Idaho. My commission expires on

3-21-92.

RECEIVED

MAR 30 1987

Department of Water Resources
Southern Region Office

RECEIVED

APR 16 1987

MICROFILMED

Department of Water Resources

MAY 13 1987

OK
MB
3/30/87

NOTICE OF
AMENDMENT TO A
WATER PERMIT
No. 72-7209

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that Warm Springs
Ranch Partnership is the
holder of Approved
Permit No. 72-7209 to
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beneficial use of the
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Priority Date: 09/01/82

Source: Warm Springs
tributary to
Salmon River.

Amount: 16.0 cfs for
fish propagation from
01/01 to 12/31.

Point of Diversion:
NWSW, Sec. 10, T 12N,
R 20E, B.M. Custer
County; 8 miles South &
7 miles East of Challis.

Place of Use: SWSE,
Sec. 4; NENE, Sec. 9;
SWNW, NWSW, Sec. 10,
T 12N, R 20E.

The permit holder has
applied to the Depart-
ment of Water
Resources to Amend
the Permit as follows:

Amount & Use:
No change.

Point of Diversion:
No change.

Place of Use:
NENE, SENE, Sec. 32,
T 13N, R 20E.

Any protest against
approval of the amend-
ing of Permit No. 72-
7209 as set forth above
must be filed with the
Idaho Department of
Water Resources,
Southern Region, 2148
Fourth Ave. E., Twin
Falls, ID 83301 on or be-
fore April 6, 1987.

A. KENNETH DUNN,
Director.

PUBLISH: Thursday,
March 19 and 26, 1987.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS

ss.

RECEIVED

No. 17244
APR 1 1987

I, Pamela Sower Department of Water Resources

oath, depose and say that I am Princ Clerk Southern Region Office
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for two

consecutive weeks, commencing with the issue dated

March 19, 19 87, and ending with the issue dated

March 26, 19 87

And I do further certify that said newspaper is a consolidation, effective February 16,
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin
Falls News, published theretofore daily except Monday, both of which newspapers prior to
consolidation had been published under said names in said city and county continuously and
uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday,
until July 31, 1978, at which time said newspaper began daily publication under said name
in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week
has been designated as the day on which legal notice by law or by order of any court of com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; and
that at the head of the editorial column of said combined newspapers, and in each issue there-
of, Thursday is announced as the day on which said legal notices will be published.

Pamela Sower
Subscribed and sworn to before me on this 27 day of

March, 19 87

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

OK
MB
4/2/87

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune

505 C St., P.O. Box 957

Lewiston, Idaho 83501

(208) 743-9411

Date 032687INVOICE No. L00100944Account No. 44662BALDWINDescription 00944NOTICTimes 2Lines 36Tab Lines **LEGAL ADVERTISING
INVOICE**

SOLD TO:

STATE OF IDAHO
DEPT. OF WATER RESOURCES
1041 BLUE LAKES BLVD. N.
TWIN FALLS,
ID 83301**RECEIVED**

APR 16 1987

\$ 31.50

NOTICE: This is an invoice of Purchase made by you, State of Idaho, Department of Water Resources. Payment will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATIONOK
mb
4/17/87STATE OF IDAHO, ss.
County of Nez PerceJ. L. Blackwell

being duly sworn,

deposes and says, I am the Legal Clerk

of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF AMENDMENT

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 031987

WEEK for 2 consecutive WEEKS, or once a publication thereof being on the 031987, and the last publication thereof being on the 032687, and said

NOTICE OF AMENDMENT

was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

J. L. BlackwellSUBSCRIBED AND SWORN BEFORE ME THIS THE 1

1987

Sheral M. LentzNotary Public in and for the State of Idaho,
residing at Lewiston, therein.**NOTICE TO AMENDMENT
TO A WATER PERMIT
NO. 72-7209**

Notice is hereby given that Warm Springs Ranch Partnership is the holder of Approved Permit No. 72-7209 to divert and make beneficial use of the public waters of the State of Idaho as follows:

Priority Date: 9/01/82

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Point of Diversion: NWSW, Sec. 10, T12N, R20E, B.M. Custer County; 8 miles South & 7 miles East of Challis.

Place of Use: SWSE, Sec. 4; NENE, Sec. 9; SWNW, NWSW, Sec. 10, T12N, R20E.

The permit holder has applied to the Department of Water Resources to Amend the Permit as follows:

Amount & Use: No change

Point of Diversion: No change

Place of Use: NENE, SENE, Sec. 32, T13N, R20E

Any protest against approval of the amending of Permit No. 72-7209 as set forth above must be filed with the Idaho Department of Water Resources, 2148 4th Ave. E, Twin Falls, ID 83301 on or before April 6, 1987.

A. KENNETH DUNN
DIRECTOR**MICROFILMED****RECEIVED**

MAY 13 1987

APR 7 1987

Department of Water Resources
Southern Region Office

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 72-7209

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A. KENNETH DUNN
DIRECTOR

Published 3/19 & 3/26/87.

MICROFILMED

MAY 13 1987

3/4690 legl Water
Resources 3/4 Warm
Springs Amend-180-3827 007.5
I N
033/12 10:58

NOTICE OF
AMENDMENT TO A
WATER PERMIT
No. 72-7209

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Place of Use:

NENE, SENE, Sec. 32,
T 13N, R 20E.

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ding of Permit No. 72-
7209 as set forth above
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Idaho Department of
Water Resources,
Southern Region, 2148
Fourth Ave. E., Twin
Falls, ID 83301 on or be-
fore April 6, 1987.

A. KENNETH DUNN,
Director.

PUBLISH: Thursday,
March 19 and 26, 1987.

Times News

OK
MB
3/16/87

RECEIVED

MAR 19 1987

Department of Water Resources
Southern Region Office

MICROFILMED

MAY 13 1987



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 10, 1987

Warm Springs Ranch Partnership
c/o Tim Ingram
HC 61-Box 3020
Challis, ID 83226

Re: Application for Amendment of Permit No. 72-7209

Dear Mr. Ingram:

The Department of Water Resources acknowledges receipt of your Application for Amendment of a permit.

This office will be advertising the application in The Challis Messenger, Times News, Post Register, Idaho Statesman, and Lewiston Morning Tribune on 3/19 & 3/26/87. The advertisement will be published correctly for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. You will be sent a copy of the approved or denied application. The typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

RECEIVED

MAY 13 1987

Very truly yours,

Loren O. Holmes
Loren O. Holmes, P. E.
Southern Region Supervisor

LOH:mb



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

February 23, 1987

The Challis Messenger
P. O. Box 405
Challis, Idaho 83226

Re: Application for Amendment of Water Permit 72-7209

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Baldwin
Sec/Office Coord.

Encl:

MICROFILMED
MAY 13 1987

AM Rec. 3/30/87



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

February 23, 1987

Post Register
P.O. Box 1800
Idaho Falls, ID 83402

Re: Application for Amendment of Water Permit 72-7209

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

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In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Baldwin
Sec/Office Coord.

Encl:

MICROFILMED
MAY 13 1987

Aff Rec 3/30/87



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

February 23, 1987

Lewiston Morning Tribune
505 C Street
Lewiston, ID 83501

Re: Application for Amendment of Water Permit 72-7209

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

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Very truly yours,

Mary A. Baldwin
Sec/Office Coord.

Encl:

MICROFILMED

MAY 13 1987

aff Rec. 4/7/87



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

February 23, 1987

Idaho Statesman
Box 40
Boise, ID 83707

Re: Application for Amendment of Water Permit 72-7209

Gentlemen:

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In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Baldwin
Sec/Office Coord.

Encl:

MICROFILMED
MAY 13 1987

Off Rec. 3/30/87



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

February 23, 1987

Times News
P. O. Box 548
Twin Falls, Idaho 83301

Re: Application for Amendment of Water Permit 72-7209

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

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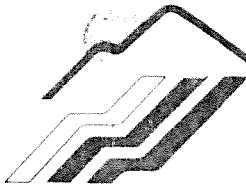
Very truly yours,

Mary A. Baldwin
Sec/Office Coord.

Encl:

MICROFILMED
MAY 13 1987

aff Rec. 4/1/87



The Times-News

P.O. Box 548 • Twin Falls, Id. 83303-0548

March 31, 1987

Idaho Water Resources
2148 4th Ave East
Twin Falls ID 83301

RECEIVED

APR 1 1987

Department of State Resources
Southern Region Office

AMENDED PERMIT #72-7209

Two Times

March 19, 1987, 57 lines @ .32- - -\$18.24
March 26, 1987, 57 lines @ .24- - -\$13.68

\$31.92

"I hereby certify that the above account is correct and
just, that the supplies were actually furnished and/or that
the services were actually rendered as charged, and that
/we have not received payment therefor."

WITNESSED: The Times-News • Magic Valley Newspapers, Inc.

BY: *Linda Capps*

INVOICE

17244

ACE PTC.

OK
11/12
4/2/87

CLASSIFIED ADVERTISING INVOICE

TWIN FALLS TIMES NEWS
132 3RD ST W.
P. O. BOX 548
TWIN FALLS ID 83303

RECEIVED

APR 1 1987

RETURN POSTAGE GUARANTEED

RETURN THIS PORTION WITH YOUR REMITTANCE
Southern Region Office

17244 3192
THIS SPACE FOR ADDRESS ONLY

IDAHO WATER RESOURCES

2148 4TH AVE EAST
TWIN FALLS ID

83301

INVOICE NO.	CLASS	BILLING DATE
17244	343	03/31/87
INDEXING TERM		
#72-7209		
START DATE	TELEPHONE NO.	ORDER NO.
3/19/87	734-3578	
LINES/WORDS	TIMES	RATE
57	2	
NET AMOUNT	GROSS AMOUNT	
31.92	31.92	
PAY THIS AMOUNT		
31.92	31.92	

GROSS AMT DUE AFTER 4/15

MICROFILMED

MAY 13 1987

July 26, 1983

Golden C. Westergard
HC 63 Box 1760
Challis, ID 83226

Dear Mr. Westergard:

Re: Application for Permit No. 72-7209

Enclosed for your information is a copy of the Memorandum Decision and Order the department issued on the above-referenced application.

Any person whoddoes not agree with the decision of the department may appeal directly to the district court within thirty days of the date the decision is mailed.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosure

UNRECORDED

July 26, 1983

Steve and Shirley Tusberg
Box 1102
Challis, ID 83226

Dear Mr. and Mrs. Tusberg:

Re: Application for Permit No. 72-7209

Enclosed for your information is a copy of the Memorandum Decision and Order the department issued for the above-referenced application.

Any person who does not agree with the decision of the department may appeal directly to the district court within thirty days of the date the decision is mailed.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

MICROFILMED

July 26, 1983

Frank Burstedt
P. O. Box 384
Challis, ID 83326

Dear Mr. Burstedt:

Re: Application for Permit No. 72-7209

Enclosed for your information is a copy of the Memorandum Decision and Order the department issued on the above-referenced application.

Any person who does not agree with the decision of the department may appeal directly to the district court within thirty days of the date the decision is mailed.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosure

RECEIVED

July 26, 1983

Warm Springs Ranch
c/o Timothy and Will Ingram
HC 61 Box 3020
Challis, ID 83226

Gentlemen:

Re: Application for Permit No. 72-7209

Enclosed is a copy of the approved Application for Permit No. 72-7209 along with a copy of the Memorandum Decision and Order. I direct your attention to the conditions of approval as set forth in the order.

Be sure to note the special condition requiring you to install and maintain a measuring device at your point of diversion and effluent discharge. I have enclosed a letter describing the different types of measuring devices accepted by this office.

Any person who does not agree with the decision of the department may request a rehearing before the director within twenty days or may appeal directly to the district court within thirty days of the date the decision is mailed.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

UNRECORDED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

M E M O

TO: Norm Young

FROM: Frank Sherman *FBS*

SUBJECT: Analysis of Increased Cooling
by R. Allen

DATE: July 25, 1983

I basically agree with the conclusions of the Richard Allen report on temperature changes in Warm Springs Creek near Challis. Temperature changes caused by the development will be insignificant. Mr. Allen's argument that the natural stream will freeze over when the warm water is diverted from it is probably valid. His model, however, is calibrated at relatively warm temperatures and predicted warmer than actual temperatures when air temperatures were cold. The model runs never varied flow in the creek or from the spring, and there is a lot of variation in the other parameters.

FBS/cjk

RECEIVED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans

A. KENNETH DUNN

~~XXXXXXXXXX~~
Director

1041 Blue Lakes Blvd. North

Twin Falls, Idaho 83301

(208) 734-3578

April 13, 1983

Golden C. Westergard
HC 63 = Box 1760
Challis, Idaho 83226

Re: Application for Permit 72-7209

Dear Mr. Westergard:

Your letter regarding concerns about the above referenced application reached us after the final date for receiving protests which was October 4, 1982, and therefore could not be considered as a protest under Section 42-203 of the IDAHO CODE.

Because of the concerns of the local public about possible impacts of the proposed warm water fishery on water temperatures in Warm Spring Creek, we requested additional information from the applicant.

The applicant has had an analysis of the potential effects of the development on Warm Spring Creek done by a professional engineer.

A copy of this conclusions are enclosed.

This office will hold the application until April 30, 1983, before forwarding it to the State Office for final action.

If you wish to respond to the information provided by the applicant, please do so by that date.

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

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

~~R. Stephen Allen~~
Director

April 13, 1983

Steve & Shirley Tusberg
Box 1102
Challis, Idaho 83226

Re: Application for Permit 72-7209

Dear Mr. & Mrs. Tusberg:

Your letter regarding concerns about the above referenced application reached us after the final date for receiving protests which was October 4, 1982, and therefore could not be considered as a protest under Section 42-203 of the IDAHO CODE.

Because of the concerns of the local public about possible impacts of the proposed warm water fishery on water temperatures in Warm Spring Creek, we requested additional information from the applicant.

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A copy of his conclusions are enclosed.

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If you wish to respond to the information provided by the applicant, please do so by that date.

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

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES SOUTHERN REGION

John V. Evans
Governor

A. KENNETH DUNN
~~XXXXXXXXXX~~
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

April 13, 1983

Frank Burstedt
P. O. Box 364
Challis, Idaho 83226

Re: Application for Permit 72-7209 - Warm Springs Ranch

Dear Mr. Burstedt:

Your letter regarding concerns about the above referenced application reached us after the final date for receiving protests which was October 4, 1982, and therefore could not be considered as a protest under Section 42-203 of the IDAHO CODE.

Because of the concerns of the local public about possible impacts of the proposed warm water fishery on water temperatures in Warm Spring Creek, we requested additional information from the applicant.

The applicant has had an analysis of the potential effects of the development on Warm Spring Creek done by a professional engineer.

A copy of his conclusions are enclosed.

This office will hold the application until April 30, 1983 before forwarding it to the State Office for final action.

If you wish to respond to the information provided by the applicant, please do so by that date.

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

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED

RECEIVED
DEC 28, 1982

DEC 29 1982

Dear Sirs

This letter is in regards to Permit Application ^{Department of Water Resources} 72-1217
I feel if this Permit is granted you may be causing the chances to create a lot of trouble for a lot of people. If the water is allowed to flow through the fish ponds it will be cooled to the extent that it can not run on to the Salmon River without causing a lot of flooding.

It will flood several homes, the county roads will be covered causing closure of them. This will stop the fire engines, school bus and mail delivery - the police and ambulance services will be stopped and the utilities will be endangered and so forth.

The water must flow approximately 10 miles from point of beginning to where Warm Springs dumps into the Salmon River.

My water right is prior to this right and I believe it should be recognized. This right is in the Warm Spring Channel and not on the west side. I believe the Water Department should insist that the water be kept in the Warm Spring channel and be left there except for 100 inches to run down the west side for stock water.

Microfilmed
The water on the west side does not have a way through to the river but dumps into an irrigation canal causing the need for considerable cleaning in the spring from sediment and debris of any greater amount of water. There are no water rights on the west side but years ago there was a gentlemen's agreement that 100 inches

be allowed to come down the west side for stock water

With all the new homes that are now on the west side more cold water could cause damages and I feel Will Ingram should be liable for damages and this could be the results of the fish ponds.

This year his reservoir was not drained by Nov. 1st so the water was cold and flooding was caused. It was still full Nov. 15th

On Thanksgiving Day, Nov. 25, 1982, a complaint was signed against me by a neighbor because of the flood water around his home.

The following day, Sheriff, Morgan Haroldsen, came out, we toured all the area and took pictures some of which I am enclosing. He has his in his files.

The reservoir must be drained by Nov. 1st each year and not stored until April 1st The water will then be warm enough to run through its channel to the river with no hindrances

Signed

Golden C. Westgaard

H/c 63 Box 1760

Challis, Idaho 83226

208-879-4406

MICROFILMED

Loveh —
CUSTER COUNTY BANK

P.O. BOX 364
CHALLIS, IDAHO 83226

92-297
CAPITAL & SURPLUS \$550,000

RECEIVED

DEC 17 1982

Department of Water Resources

FRANK BURSTEDT
WALTER B. JENSON
LAWRENCE BRADBURY
FRED LEUZINGER
RAYMOND BURSTEDT

FRANK BURSTEDT, PRESIDENT
WALTER B. JENSON, VICE PRES.
RAYMOND BURSTEDT, EXEC. VICE PRES.
WILLIAM R. MILLICK, CASHIER
SHARON HAMILTON, ASST. CASHIER
CLAYTON SEVERE, ASST. CASHIER

12-14-82

RECEIVED
DEC 23 1982
Department of Water Resources
Southern District Office

72-7209

State of Idaho
Department of Water Resources
State Office
450 W. State 83720

Gentlemen:

This letter is written to request that a permit for water diversion for the purpose of ponds for fish production on Warm Springs Creek to Will Ingram be denied.

This water is warm at its source and a diversion of any or part of it at that point will substantially reduce its usefulness as it flows eight or nine miles to Salmon River. The flow is through ranches, who use it for winter watering of livestock and any ponding would cool the water and cause it to freeze more quickly in cold weather and flood surrounding properties through which it passes. This flooding causes damage to approximately ten homes built in recent years, which could result in severe damages to these homes.

In addition to home damage, the waters of Warm Springs Creek crosses the county road in three places and may cause damage to these roads as well as interfere with travel thereon, both to home owners and other ranches as well as to maintenance of power lines in the area. Transmission lines as well as service lines are included.

It seems reasonable anyone damaged would look to Mr. Ingram for damages if flooding resulted because of the water impounding.

Very truly yours,

Frank Burstedt

Frank Burstedt, President

MICROFILMED

RECEIVED

JAN 7 1983

Department of Water Resources

January 6, 1983

Mr. Norman Young
State of Idaho
Water Resource
State Office
450 W. State Street
Boise, ID. 83720

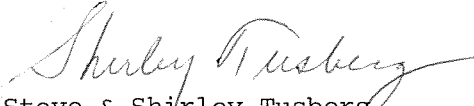
Dear Mr. Young:

This letter is in regards to the Warm Springs Creek in the Challis area.

Mr. Westergard asked to please write you to express our concern of the Warm Springs Creek. As we are property owners in the Hot Springs area and have been affected by the flood of the Warm Springs Creek. Our concern is only the damage that is and will be caused by the flooding of this creek. We know that Mr. Westergard should and needs to keep the small ditch clean that runs through our property to his ranch. Which we think is our only concern but he tells us that cooling off of this water from the creek will cause this flooding. Will the creek be cooled off to a degree with the cat fish ponds being built that the water will freeze? If so, what can we do to prevent this or help this matter? We don't mind helping in this concern.

Thank you for your time. Hope this can all be resolved by the local ranchers in the area.

Sincerely,


Steve & Shirley Tusberg
Box 1102
Challis, Id. 83226

RECEIVED

JAN 12 1983

Department of Water Resources
Southern District Office

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

MEMORANDUM

TO: File No. 72-7209
FROM: Norman C. Young *NCY*
DATE: December 13, 1982
RE: Telephone Conversation with Golden Westergaard

Westergaard called to express his concern about approving this application to raise fish. Cooling of the water will cool Warm Springs Creek and affect the quality of water for his stockwatering right.

I told him the application had not been approved, but the protest date was passed. If he provided information it would be filed and considered in making the decision.

Also had a similar conversation with Allen Getty - 879-4344.

UNPROCESSED

CUSTER COUNTY BANK

**P.O. BOX 364
CHALLIS, IDAHO 83226**

92-297
CAPITAL & SURPLUS \$550,000

**FRANK BURSTEDT, PRESIDENT
WALTER B. JENSON, VICE PRES.
RAYMOND BURSTEDT, EXEC. VICE PRES.
WILLIAM R. MILLICK, CASHIER
SHARON HAMILTON, ASST. CASHIER
CLAYTON SEVERE, ASST. CASHIER**

RECEIVED

DEC 17 1982

Department of Resources

**FRANK BURSTEDT
WALTER B. JENSON
LAWRENCE BRADBURY
FRED LEUZINGER
RAYMOND BURSTEDT**

12-14-82

72-7209

State of Idaho
Department of Water Resources
State Office
450 W. State 83720

Gentlemen:

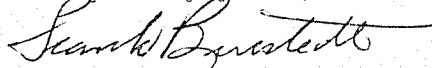
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It seems reasonable anyone damaged would look to Mr. Ingram for damages if flooding resulted because of the water impounding.

Very truly yours,



Frank Burstedt, President

MICROFILMED

To Norm

Date 12-20 Time 2:15

WHILE YOU WERE OUT

B: D Miller

of Challis

Phone 879-2551

Telephoned	☒	Please call	☒
Called to see you	☐	Will call again	☐
Wants to see you	☐	Returned your call	☐

Message Heads Out

Mellick also is concerned
that fish ponds will cool
water increasing the
frequency of ice floods.

Operator

NOT
12/20/82

RECEIVED

Van

U.S. DEPT. OF AGRICULTURE
JAN 7 1983
Department of Water Resources

January 6, 1983

Mr. Norman Young
State of Idaho
Water Resource
State Office
450 W. State Street
Boise, ID. 83720

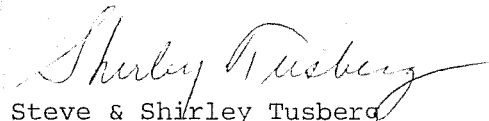
Dear Mr. Young:

This letter is in regards to the Warm Springs Creek in the Challis area.

Mr. Westergard asked to please write you to express our concern of the Warm Springs Creek. As we are property owners in the Hot Springs area and have been affected by the flood of the Warm Springs Creek. Our concern is only the damage that is and will be caused by the flooding of this creek. We know that Mr. Westergard should and needs to keep the small ditch clean that runs through our property to his ranch. Which we think is our only concern but he tells us that cooling off of this water from the creek will cause this flooding. Will the creek be cooled off to a degree with the cat fish ponds being built that the water will freeze? If so, what can we do to prevent this or help this matter? We don't mind helping in this concern.

Thank you for your time. Hope this can all be resolved by the local ranchers in the area.

Sincerely,


Steve & Shirley Tusberg
Box 1102
Challis, Id. 83226

MICROFILMED

DATE 12-7-82

FROM Terry C. Blau

TO File 72-7209

SUBJECT Local concern about temp. loss in Warm Springs Cr.

On Nov. 30 and Dec. 1 I met with approx. 20 local people in Challis concerning flooding on lower Warm Springs Creek. During the meeting, several people voiced concern about the temperature of Warm Springs Creek being lowered by running it through the fish ponds described in 72-7209. Most of the long-time residents present agreed that when the outside temperature gets below 20° to 30° below zero F. or if wind blows snow into the channel the water in the channel begins to freeze causing flooding. Measurements taken on Nov. 30 with an outside temp. of 5°C showed the water @ 33°C at the source. With a small coldwater stream @ 0°C after mixing at the diversion dam the temp was 22°C. In ditch immediately above newly constructed 20'x100' earth pond temp 26°C. In main channel below where water from pond would enter, temp was 23°C. There was no water running through ponds at time of visit. Also Source on Application should be Warm Springs Creek

Terry C. Blau
SIGNATURE



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans

Governor

A. KENNETH DUNN

~~XXXXXXXXXX~~

Director

1041 Blue Lakes Blvd. North

Twin Falls, Idaho 83301

(208) 734-3578

October 7, 1982

Warm Springs Ranch
Star Route
Challis, Idaho 83226

Re: Application for Permit No. 72-7209

Gentlemen:

We have completed processing of your Application for Permit No. 72-7209.

Since you plan to use the water for fish propagation purposes, the following items must be submitted for inclusion with your application before it can be forwarded for final action by the Director:

- 1) A plan of the proposed facility. This must be a scale drawing showing the proposed layout of the ponds on the property and giving length, width and depth dimensions of all ponds.
- 2) Proof of possessory interest in the land upon which the water is to be used. This may be in the form of a copy of a warranty deed, title report, sale or lease agreement, or tax notice, giving ownership and legal description of the property.

Please forward this information to this office as soon as possible so there will be no additional delay in handling your application.

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

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

September 10, 1982

Mr. Bob Bell, Regional Fisheries Biologist
Idaho Fish & Game Department
Region #4
P. O. Box 428
Jerome, Idaho 83338

Re: Application for Permit No. 72-7209

Dear Mr. Bell:

Please find enclosed a copy of the above referenced application for permit for your information and files.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

RECORDED

TF

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

1. MARGARET PARKS.

Publisher of the Challis Messenger,
a weekly newspaper, published at
Challis, Idaho, do solemnly swear
that the notice hereto attached and
made a part hereof, was published
in the regular and entire issue of
the Challis Messenger for 2
consecutive weeks, commencing with
the issue dated Sept. 16
1982 and ending with the issued
dated Sept. 23, 1982.

Margaret Parks

Subscribed and sworn to before
me this 1st day of October
1982.

Ethel M. Peck

Notary Public, residing at Challis,
Idaho. My commission expires on

Life

NOTICE OF APPLICATION
FOR WATER RIGHT

Notice is hereby given that
the following application(s)
have been submitted for
permit to appropriate the
public waters of the State of
Idaho:

72-7209

WARM SPRINGS RAN-
CH, PARTNERSHIP
STAR RT., CHALLIS, ID
83226

Source: WARM SPRING
tributary to SALMON
RIVER

Date Filed: 09/01/1982

Amount: 16.00 CFS

Diversion Point: NWSW
Sec 10 T 12N R 20E, CUSTER
Co.

Use: FISH PROP. (16.00
CFS) from 01/01 to 12/31

Place of Use: SWSE Sec 04
T 12N R 20E NENE Sec 09 T
12N R 20E SWNW NWSW Sec
10 T 12N R 20E

Diversion Means: CON-
CRETE HEADWORKS

ob
meyer

RECEIVED

OCT 5 1982

Department of Water Resources
Southern District Office

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

Z2-Z209_

WARM SPRINGS RANCH, PARTNERSHIP

STAR RT., CHALLIS, ID 83226

Source: WARM SPRING tributary to SALMON RIVER

Date Filed: 09/01/1982

Amount: 16.00 CFS

Diversion Point: NWSW Sec 10 T 12N R 20E, CUSTER Co.

Use: FISH PROP. (16.00 CFS) from 01/01 to 12/31

Place of Use: SWSE Sec 04 T 12N R 20E NENE Sec 09 T 12N R 20E SWNW NWSW
Sec 10 T 12N R 20E

Diversion Means: CONCRETE HEADWORKS

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before OCTOBER 4, 1982.

A. KENNETH DUNN

Director

Published 9/16 & 9/23/82.

MICROFILMED

MICROFILMED

*ab
mays
9/17/82*

PAGE 11B
**NOTICE OF APPLICATION
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72-7209

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83226

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tributary to SALMON
RIVER

Date Filed: 09/01/1982

Amount: 16.00 CFS

Diversion Point: NWSW
Sec 10 T 12N R 20E, CUSTER
Co.

Use: FISH PROP. (16.00
CFS) from 01/01 to 12/31

Place of Use: SWSE Sec 04
T 12N R 20E NENE Sec 09 T
12N R 20E SWNW NWSW Sec
10 T 12N R 20E

Diversion Means: CON-
CRETE HEADWORKS

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

SEPTEMBER 10, 1982

Custer Publishing Company
P. O. Box 405
Challis, Idaho 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before OCTOBER 4, 1982.

Yours truly,

Mary A. Hill
Secretary

Encl.

MICROFILMED