



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

October 28, 1986

RE: Permit No. 36-7072

Pisces Investments, Inc.
Box 701
Twin Falls, ID 83303-0701

Gentlemen:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

MICROFILMED

MEMORANDUM

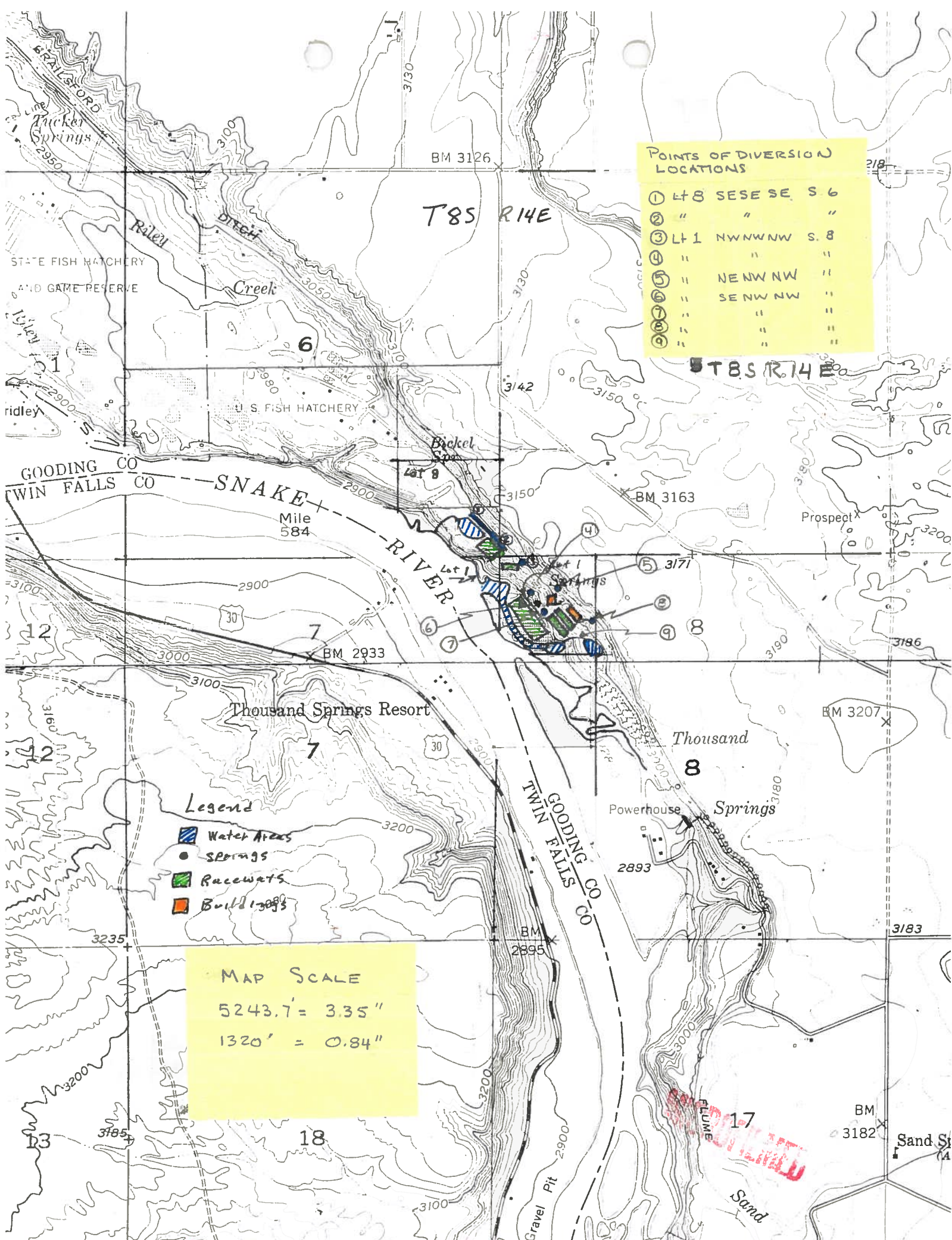
DATE: October 27, 1986
TO: File 36-7072
FROM: Bob Fleenor
RE: Permit No. 36-7072

A meeting was held on July 15, 1986 concerning the licensing of Permit No. 36-7072. The parties present were Robert Brailsford, Ardell G. Hill and J. Evan Robertson representing Pisces Investment, Inc.

The proposed licensing of Permit No. 36-7072 was discussed by the parties. The primary issue of discussion by the three parties was where to control the diversion of the water to the Brailsford pipeline. It was felt by the parties that the diversion should be controlled near the source of diversion so the water not diverted would flow over the springs. This arrangement was satisfactory with Mr. Hill and Mr. Brailsford and Mr. Robertson.

There was nothing discussed at the conference that would prohibit the license from being issued to Pisces Investment Inc.

RECORDED



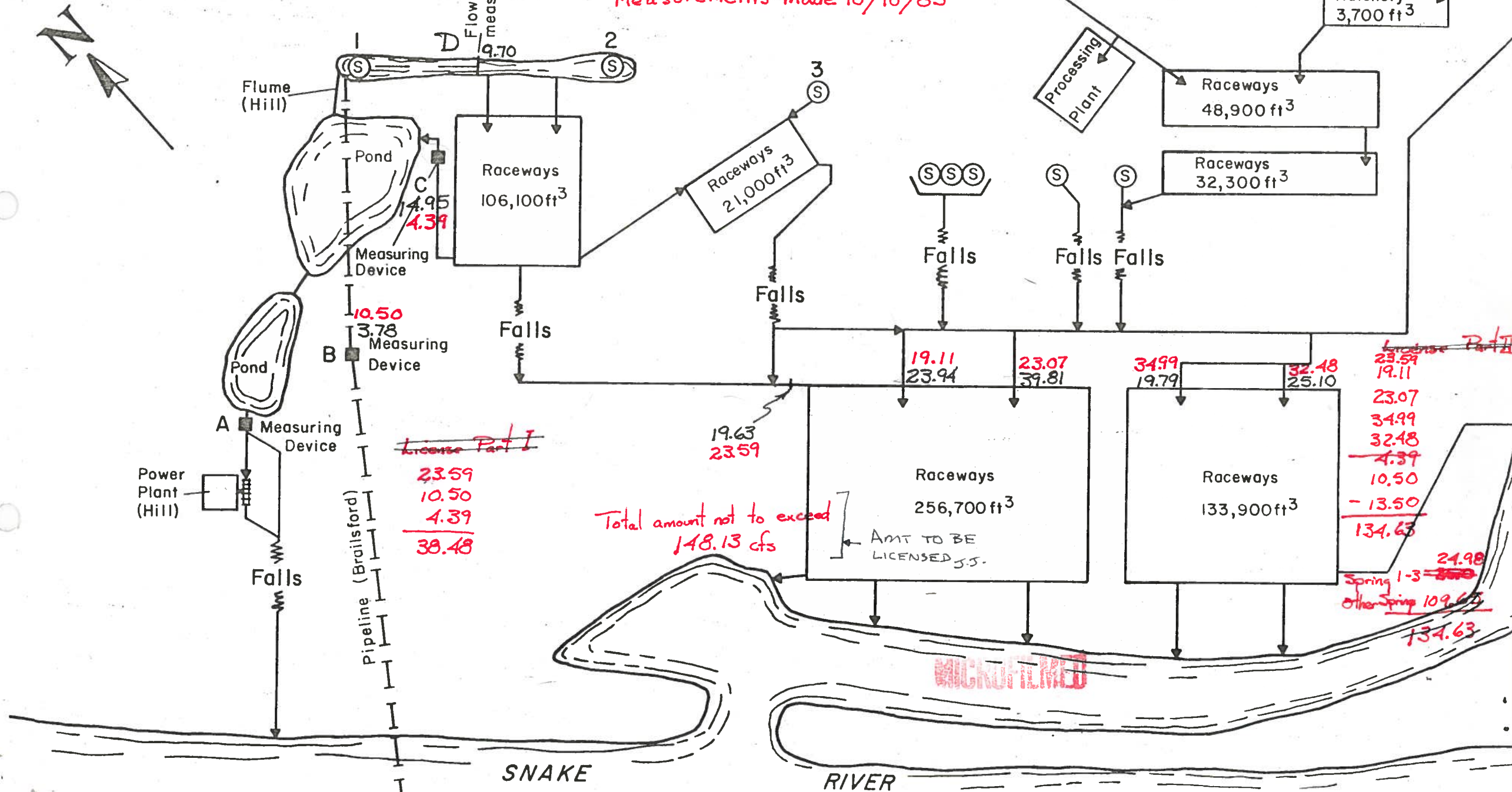
POINTS OF DIVERSION LOCATIONS				
①	Lt 8	SESE SE	S	6
②	"	"	"	"
③	Lt 1	NWNWNW	S	8
④	"	"	"	"
⑤	"	NENW NW	"	"
⑥	"	SE NW NW	"	"
⑦	"	"	"	"
⑧	"	"	"	"
⑨	"	"	"	"

- Legend
- Water Areas
 - Springs
 - Raceways
 - Buildings

MAP SCALE
5243.7' = 3.35"
1320' = 0.84"

PLUMB
SAND

Measurements made 10/10/85

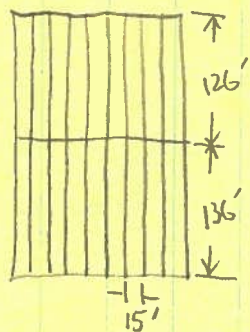
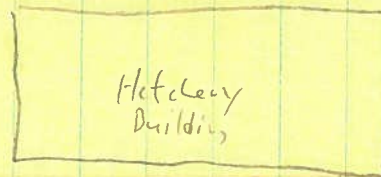


4 IV

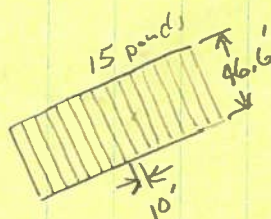
Valley Trant

3/19/85
by 402 ✓

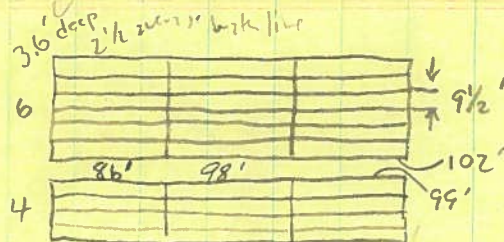
36-7072



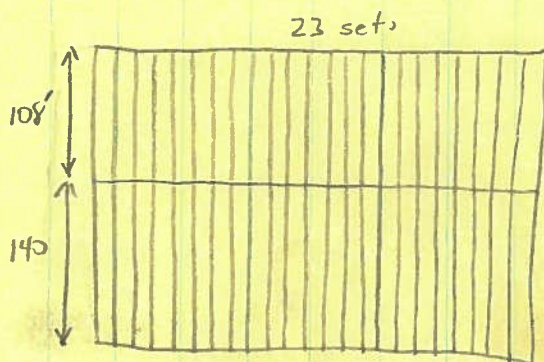
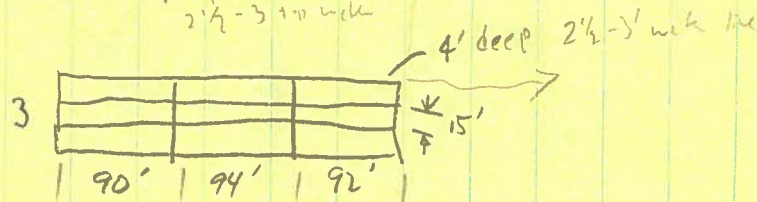
4' top conc.
2 1/2 - 3' top of water



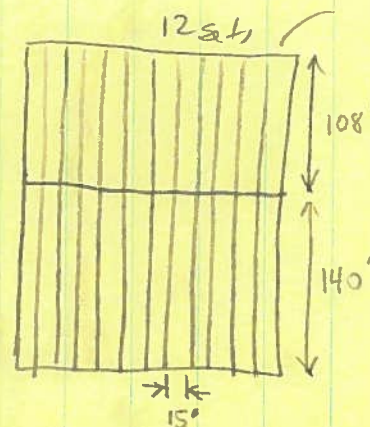
3 1/2' to top of conc.
2 1/2' top of water line



4' top of conc.
2 1/2 - 3' top of water



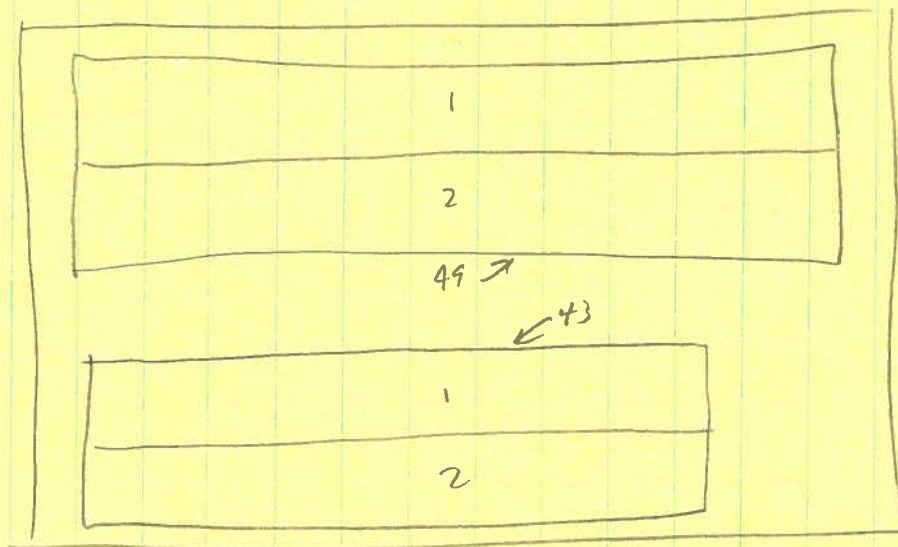
4' top of conc
3' top of water line



ENCLOSURE

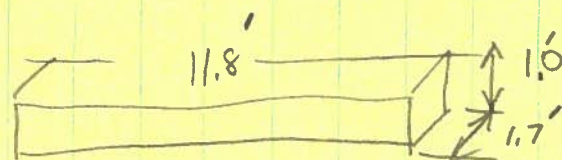
36-7072

fletchery Building



98
86
184 total troughs

RECEIVED



typical trough

36-7072

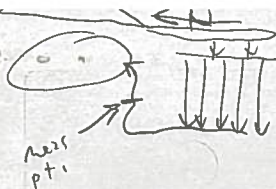
Annular used was 12"

pressure varied from 12 - 20 inches but seemed to
average about 14"

12	1920	4.27
14	2074	4.61
20	2479	5.51

$$Q = \frac{3.85 (12'')^2 (\sqrt{14})}{450} = 4.61 \text{ cfs}$$





STATE OF IDAHO

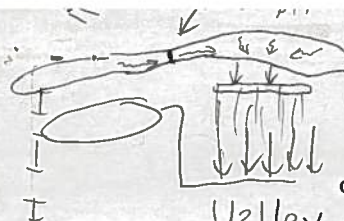
Water District 63

CURRENT METER NOTES

STATION Valley Trout
 TIME 3:55 4:10 DATE 3/18/85
 PARTY LH ADm GAGE _____

Dist. From Initial Point	Depth	Revolutions	Time in Seconds	VELOCITY			AREA	Mean Depth	Width	DISCHARGE
				At Point	Mean in Vertical	Mean in Section				
2.4	0.0	Left	32	C				0	.3	
3.0	0.7	30	40			1.655		.7	.8	.927
4.0	1.2	36	40			1.982		1.2	1.0	2.378
5.0	1.6	34	42			1.785		1.6	1.0	2.856
6.0	1.8	32	41			1.721		1.8	1.0	3.098
7.0	1.7	30	42			1.577		1.7	1.0	2.681
8.0	1.5	21	40			1.165		1.5	1.0	1.748
9.0	1.1	14	41			0.764		1.1	1.5	1.261
11.0	0.0	Right	Edge					0	1.0	
									8.6	14.948
TOTALS										

Ckd. by



STATE OF IDAHO

Water District 63

CURRENT METER NOTES

STATION Valley Trout
 TIME 3:15 3:42 DATE 3/18/85
 PARTY LH ADm GAGE _____

Dist. From Initial Point	Depth	Revo- lut'ns	Time in Sec- onds	VELOCITY			Mean Depth	Width	DISCHARGE	
				At Point	Mean in Ver- tical	Mean in Sec- tion				
1.5	0.0	Left	Edge			.0		.15	—	
1.8	1.2	10	44			.515	1.2	.50	.309	
2.5	1.5	12	47			.577	1.5	.85	.736	
3.5	1.2	5	40			.293	1.2	1.00	.352	
4.5	2.4	18	40	1.2		1.001	1.056	2.4	1.00	2.533
5.5	2.4	20	40	4.8		1.110				
5.5	2.4	5	20	1.2		.565	0.947	2.4	.75	1.704
		24	40	4.8		1.328				
6.0	2.4	8	42	1.2		.435	0.919	2.4	.75	1.653
		26	41	4.8		1.402				
7.0	2.2	10	40			.565	2.2	1.00	1.243	
8.0	2.0	9	40			.511	2.0	1.00	1.022	
9.0	0.7	3	56			.137	.7	1.50	0.144	
11.0	0.0	Right	Back			—		1.00	—	
									9.5	9.695
5' stand	rectangular								H = .73	d = .68
5'									(4.5)	
$C' \times 3.03 H^{3/2} (5' - .2H) = 3.78 c$										
TOTALS										

Brillford

5'

rectangular

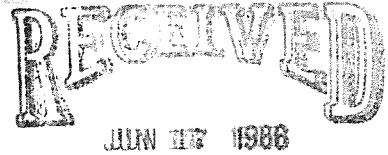
$$C' \times 3.03 \times H^{3/2} (5' - .2H) = 3.78 cfs$$

d/H

(.9) $\Rightarrow$.375

Ckd. by

Brillford



MEMORANDUM

Date: June 13, 1986

Department of Water Resources

From: Loren Holmes *LH*

To: Bob Fleenor

Subject: Permit 36-7072, final pre-licensing inspection.

On May 29, 1986, I accompanied Mike Green on an inspection of items covered in previous correspondence with the Magic Springs Trout Farm owners.

The following items were inspected:

- 1) Riprap has been placed around all the raceway discharges into the estuary and appears to be performing satisfactorily.
- 2) A pile of boulders has been placed in front of the uppermost raceway discharge and is quite effective in reducing velocities entering the estuary.
- 3) A planting strip of evergreen and deciduous trees and shrubs has been planted between the lower raceways and the upper part of the estuary. A trickle irrigation system has been installed to water the plantings.
- 4) The ditch from the raceway discharges to the upper estuary has been cleaned and water is being discharged into the upper estuary.
- 5) Willows have been planted on eroded areas opposite the raceway discharges.

RECEIVED

36-7072

5/29/86

Riprap at the West discharge
Near mouth of estuary



Measuring device structure ↑
at Point C

MICROFILMED

Riprap & Velocity Control at the
uppermost raceway discharge into
estuary.

Riprap is typical of that
installed at all discharges.



36-7072

5/29/84



Ditch carrying water
from lower roadway
discharges to upper
end of estuary



Discharges into upper
estuary & planting
strip



Planting strip between
roadways & upper
estuary

WILSON MED

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700

Boise Office
1020 MAIN ST., SUITE 320
P.O. BOX 2139
BOISE, IDAHO 83702-2139
TELEPHONE (208) 336-0700

TERRY T. UHLING
F. BRUCE COVINGTON
LAIRD B. STONE
JERRY JENSEN
GARY D. SLETTE

Reply to
Twin Falls office

July 8, 1986

RECEIVED
JUL 9 1986

Department of Water Resources

Bobby D. Fleenor, Chief
Regional Offices Bureau
Idaho Department of Water Resources
Statehouse
Boise, ID 83720

Re: Permit No. 36-7072

Dear Mr. Fleenor:

I have received a copy of your letter dated June 25, 1986, addressed to Ardell G. Hill concerning the issuance of the proposed license on the above-referenced permit. As you know, I am a principal in Pisces Investments, Inc., the present owners of Magic Springs Trout Farm, and I am most concerned about the implication contained in your June 25, 1986, letter to the effect that the Department is essentially prepared to hold up the issuance of a license while it receives additional input from Mr. Hill.

Pisces Investments, Inc., inquired of your Department about the status of Permit No. 36-7072 prior to purchasing Magic Springs from Southern Idaho Production Credit Association, and relied upon those representations in making the purchase and in completing all of the work required by the I.D.W.R. for licensing. That work has been completed and inspected by the Department, and we were told over a month ago that a license would be issued without further delay.

Mr. Hill has had ample opportunity to raise the issues contained in his letter to you dated May 14, 1986, and we, frankly, intend to resist any efforts by your Department to start the licensing process over at this time.

A representative from Pisces Investments, Inc., will be happy to attend a proposed meeting between representatives of your Department, Mr. Bob Brailsford, and Mr. Hill, tentatively set for the morning of July 15, 1986. We agree

Loren will contact Mr. Robertson
and let him know we are not proposing
to change our findings but to make sure
all the parties hear the same information
about the relationship between the rights
SDF

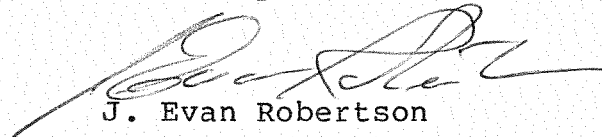
RECEIVED

Bobby D. Fleenor
June 8, 1986
Page 2

that such a meeting might be helpful in discussing the relative rights and obligations of the parties, including, we hope, a discussion of the inadequacies of the Brailsford collection box and the unauthorized weir installed by Mr. Hill in Bickel Springs. It is our request, however, that the meeting not be used as a prelude to reopening the entire licensing procedure. If that is what the Department has in mind, we will not attend the meeting on July 15, 1986, and we will strenuously oppose any attempt by the Department to further delay the issuance of our license.

I look forward to hearing from your Department concerning the meeting of July 15, 1986, and informing us of its intended purpose.

Sincerely,



J. Evan Robertson

JER:sdm

04141

RECEIVED
JUN 10 1986

June 25, 1986

Ardell G. Hill
P. O. Box 476
Hagerman, ID 83332

Dear Mr. Hill:

Re: Permit No. 36-7072

Mr. Saxton told me that you visited the office again about the proposed license on Permit No. 36-7072 now owned by Pisces Investment Inc. for the use of Magic Springs.

The answers to the questions that you raise in your May 19th letter are vital to issuing a correct water right license to Pisces Investment Inc. and, therefore, a conference will be scheduled by the department to consider the information you have along with that of the other parties involved.

Mr. Loren Holmes of our regional office in Twin Falls visited the area on May 29 with the intention of discussing the situation with you but unfortunately did not find you at home.

We also hope this situation can be resolved at a conference involving all the parties and, therefore, we will be contacting you about the time and place. If you have a particular time that is more convenient for you, please let Mr. Holmes know as he will be setting the time and place for the conference.

If you have any questions, please let us know.

Sincerely,

BOBBY D. FLEENOR
Chief, Regional Offices Bureau

cc: Sherl Chapman w/enc.
Pisces Investment Inc. w/enc.
Robert Brailsford w/enc.

bcc: Southern Region

A. G. Hill
POB 476
Hagerman, ID 83332

RECEIVED

MAY 19 1986

Bobby D. Fleenor
Chief, Regional Offices Bureau
Boise, ID 83720

Department of Water Resources

May 14, 1986

Dear Mr. Fleenor:

We are in receipt of a letter you wrote to Sherl Chapman, March 18, 1986. There seems to be a lot of disagreement about item #1 of the letter.

The letter states that there are 38.5 cfs of water from Spring #'s 1, 2, & 3. This much is probably correct. Loran Holmes told me that there is 13.5 from Spring #'s 1 and 2 according to the map and the balance of 25 cfs from Spring # 3, which is also about right.

Bob Brailsford has the 1st water rights at about 10.5 cfs, which should be coming from all three Springs.

The people from Pisces believe that Brailsford's water is to come from Springs 1 & 2 only which would only leave 3 cfs to be returned to my pond.

I contend that Brailsford's water should come from the combined Springs, 1, 2, & 3 as it did before Ken Ellis entered onto my property and diverted the water of all three springs, also moving Brailsford's pipe inlet to Springs 1 & 2.

The alledged 38.5 cfs, less Brailsford's 10.5 cfs leaves 28 cfs, of which 9.2 cfs should be returned to my pond through the measuring device "C" or through my (Hill) Flume. The balance of 19 cfs should go over the rim to the ditch and lower raceways.

It's an error that the total 38.5 cfs less Brailsfords should go through my pond. I would hope that you would not issue a water license to Pisces until this matter can be settled to the satisfaction of all concerned.

I also disagree that the "filings" of Standall and Lemon--then Ellis, then the PCA, then Pisces should take preside~~n~~ce over my filing and subsequent license. I was told by your office nearly two years ago that there would be no more extentions granted on that filing because of Ellis's failure to comply within the time of several other extentions, therefore Pisces should have had to refile on their own.

Please let me know what I can do to get this messy situation settled. At the present time Pisces has all the water cut off to my pond. Among other things, without the proper flow of water into my pond it is making a "mesquito-breeding slew" out of our pond and the over abundance of moss can not float away.

Sincerely,

AGH/jh

Andell D. Hill
MICROFILMED

A.G. HILL
POB 476
HAGERMAN, ID. 83332



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
150 W. STATE STREET
BOISE, IDAHO 83720

ATTN: BOBBY D. HENON



May 15, 1986

Sherl L. Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Dear Mr. Chapman:

In my letter of March 18, 1986, the department proposed to license the Permit No. 36-7072 with certain conditions. The first of these conditions was typed with an error, part of a sentence had been deleted. It should read as follows:

1. The rate of diversion from springs 1, 2, and 3, as designated on the attached map, shall not exceed 38.5 cfs and further, that of the 38.5 cfs, 13.5 cfs less the amount of water flowing in the Brailsford pipeline, measured at point B, shall be released at either point C, the measuring device at the upper pond, or through the Hill flume into the upper pond.

If you have an further questions or concerns about this matter, please feel free to contact me.

Sincerely,

BOBBY D. FLEENOR
Chief, Regional Offices Bureau

BDF:rf

cc: IDWR - Southern
Robert Brailsford
Ardell G. Hill
John S. Ritchie
Pisces Investments, Inc.

MICROFILMED

A. G. Hill
DOB 1-76
Hagerman, ID 83322

RECEIVED

MAY 19 1986

Robly D. Fleenor
Chief, Regional Offices Bureau
Boise, ID 83720

Department of Water Resources May 14, 1986

Dear Mr. Fleenor:

We are in receipt of a letter you wrote to Sherl Chapman, March 18, 1986. There seems to be a lot of disagreement about item #1 of the letter.

The letter states that there are 38.5 cfs of water from Spring #'s 1, 2, & 3. This much is probably correct. Loran Holmes told me that there is 13.5 from Spring #'s 1 and 2 according to the map and the balance of 25 cfs from Spring # 3, which is also about right.

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I also disagree that the "filings" of Standall and Lemon--then Ellis, then the PCA, then Pisces should take precedence over my filing and subsequent license. I was told by your office nearly two years ago that there would be no more extentions granted on that filing because of Ellis's failure to comply within the time of several other extentions, therefore Pisces should have had to refile on their own.

Please let me know what I can do to get this messy situation settled. At the present time Pisces has all the water cut off to my pond. Among other things, without the proper flow of water into my pond it is making a "mosquito-breeding slew" out of our pond and the over abundance of moss can not float away.

Sincerely,

AGH/jh

Andrew D. Hill

MICROFILMED

Sherd L. Chapman

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

April 11, 1986

Mr. Bob Fleenor
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Bob:

This letter is to confirm my understanding of our conversation in your office of April 2, relating to permit #36-7072. It is my understanding that the Department continues to be concerned about the erosion that has occurred on the left bank of the estuary opposite discharges #1, #5, and #6 even though it is relatively obvious that the erosion at points #5 and #6 are probably not related to the discharge pipes from the lower raceways. In our discussion you indicated that while the erosion may be caused by nothing more than wave action because the peninsula between the estuary and the river was constructed as part of the Ken Ellis project, it is your feeling that the responsibility continues with the permit and that it must be protected. As we discussed, I am concerned that the steepness of the bank and the type of soil may preclude planting of willows without significant modification of the slope of the bank, which may require putting equipment out on the peninsula which you and I both agreed was not in the best interest of anyone concerned. At the completion of our discussion, it was decided that we would try to get a landscape architect down there to look at the project to see what might be done insofar as making plantings without using equipment or making significant alteration of the peninsula environment itself.

As I expressed to you, however, one of my concerns is that we should only be required to do the job once in accordance with recommendations that would be acceptable to both the Department and Pices Investment. Should the revegetation attempt fail, it's my understanding from our conversation that Pices Investment would then not be required to conduct another revegetation attempt as a condition of the license.

I think our discussions of the riprap and protection of the right bank of the estuary using on-site riprap emplaced by dumping is relatively clear and unless you have additional thoughts on that we will proceed on that basis. Riprap will be obtained on-site and emplaced by company personnel and equipment.

Because item 1 was a bit ambiguous, I felt we needed clarification of the true meaning of that section. It is my understanding from our conversation and your previous correspondence

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

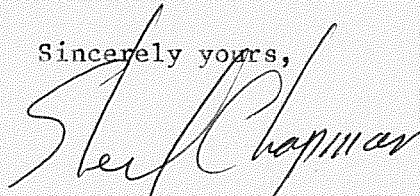
Mr. Bob Fleenor
April 11, 1986
Page 2

that Pices Investment Corporation is entitled to divert 38.5 cubic feet per second from springs #1, #2, and #3 as shown on the map provided by your Department. That water is to be diverted through the two raceways shown on the map, one of 106,100 cubic feet, and one of 21,000 cubic feet. In order to satisfy the Brailsford and Hill rights, the cumulative total of water flowing through point B, the measuring device on the Brailsford pipeline, and point C, the weir installed by Pices Investment Corporation, must total 13.5 cubic feet per second. If for some reason water cannot pass through point C in sufficient amounts to total 13.5 cfs when added to that flowing through point B, sufficient water may be diverted through the Hill flume located near point #1 on your map. The only time water should be diverted through the Hill flume is when the quantity of water at points B and C does not total 13.5 cfs. It is further understood that if Mr. Hill appears to be diverting water in excess of the 13.5 cfs total, that the Department would order an adequate measuring device to insure proper administration of the water at the formal request of Pices Investment Corporation and a showing that there was a need for measuring of the water at the Hill flume. It is also my understanding that the condition of the license does not preclude the discharge of water from the raceways directly over the falls to the lower raceways so long as the 13.5 cfs is provided through points B and C.

We also discussed the meaning of water plan policy 32F and it is my understanding that from our discussion that policy is merely a section of the State Water Plan that includes water for aquaculture facilities with the domestic, commercial and municipal and industrial water available under the Swan Falls negotiated settlement.

If I've erred in any of the interpretations of our discussion, could you please let me know, but if not could you please confirm that my understanding of our conversation is correct.

Sincerely yours,



Sherl L. Chapman
Consultant

SLC:kje
cc:Mr. Evan Robertson

MICROFILMED

March 18, 1986

Sherl L. Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Dear Sherl:

The plan you submitted for the planting strip and the correction of erosion in the river estuary at the Magic Spring Hatchery is acceptable except that the bank on the far side of the estuary needs to be protected from erosion. The planting of willows at discharge 5 and 6 should be adequate to stabilize the slopes in that area.

Therefore, rip-rap sufficient to prevent further erosion is required to be placed on the banks adjacent to discharges No. 1, 2, 3 and 7. Willow plantings are required on the bank on the opposite side of the estuary at discharges 1, 5 and 6 sufficient to prevent further erosion of that bank. Some type of energy dissipator is needed on discharge pipe No. 1.

You have requested that you have until May 30, 1986 to complete this work and I feel that is reasonable.

We have completed the review of the beneficial use exam and are prepared to issue a license for a maximum rate of diversion of 148.2 cfs with the following conditions:

- 13.5 cfs (omitted from letter sent out) changed by letter of 5-15-86*
1. The rate of diversion from springs 1, 2, and 3, as designated on the attached map, shall not exceed 38.5 cfs and further that of the 38.5 cfs less the amount of water flowing in the Brailsford pipeline, measured at point B, shall be released at either point C, the measuring device at the upper pond, or through the Hill flume into the upper pond.
 2. An adequate device shall be maintained at point C as designated on the attached map.
 3. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy 32F.

MICROFILMED

Sherl L. Chapman

-2-

March 18, 1986

This is essentially the same as the two part license previously proposed only the amount has been changed to reflect the re-measurement you made last fall. The license will be issued as soon as the estuary restoration work is complete.

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

Sincerely,

BOBBY D. FLEENOR
Chief, Regional Offices Bureau

BDF:rf

Attachment

cc: Robert Brailsford
Ardell G. Hill
John S. Ritchie
Pisces Investments, Inc.

MICROFILMED

November 26, 1985

Robert Brailsford
300 Morrison Dr.
Twin Falls, ID 83301

Dear Mr. Brailsford:

Re: Permit No. 36-7072

The aquaculture project at Magic Springs Hatchery has been examined for issuance of a water right license.

An initial measurement of the water was made by Mr. Sherl Chapman, the permit holder's consultant, on March 18 and 19, 1985. We then sent out a letter on April 16, 1985 advising of certain conditions that needed to be met before a license would be issued and allowed until October 31 for an additional measurement to be made. A copy of that letter is enclosed.

Mr. Chapman remeasured the water on October 10 and sent us a copy of the results, enclosed along with a sketch of the facility. Also enclosed is a letter dated October 23, which discusses how the permit holder plans to meet the conditions required by our April 16 letter.

Since you have been involved in this matter, we would like to make you aware of what is happening in regards to the water right permit of Magic Springs Hatchery.

If you have any questions about or objections to what is proposed for licensing of the project, please let us know as we will be issuing the license shortly.

Sincerely,

BOBBY D. FLEENOR
Chief, Regional Offices Bureau

Enclosures

cc: Sherl Chapman
Southern Idaho Credit Production Association

RECEIVED

November 26, 1985

John S. Ritchie
Coleman, McIntyre & Ritchie
P. O. Box 525
Twin Falls, ID 83303

Dear Mr. Ritchie:

Re: Permit No. 36-7072

The aquaculture project at Magic Springs Hatchery has been examined for issuance of a water right license.

An initial measurement of the water was made by Mr. Sherl Chapman, the permit holder's consultant, on March 18 and 19, 1985. We then sent out a letter on April 16, 1985 advising of certain conditions that needed to be met before a license would be issued and allowed until October 31 for an additional measurement to be made. A copy of that letter is enclosed.

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Sincerely,

BOBBY D. FLEENOR
Chief, Regional Offices Bureau

Enclosures

cc: Sherl Chapman
Southern Idaho Credit Production Association

November 26, 1985

Telephone 837-4937

Mr. Ardell G. Hill
P. O. Box 476
Hagerman, ID 83332

Dear Mr. Hill:

Re: Permit No. 36-7072

The aquaculture project at Magic Springs Hatchery has been examined for issuance of a water right license.

An initial measurement of the water was made by Mr. Sherl Chapman, the permit holder's consultant, on March 18 and 19, 1985. We then sent out a letter on April 16, 1985 advising of certain conditions that needed to be met before a license would be issued and allowed until October 31 for an additional measurement to be made. A copy of that letter is enclosed.

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Sincerely,

BOBBY D. FLEENOR
Chief, Regional Offices Bureau

Enclosures

cc: Sherl Chapman
Southern Idaho Credit Production Association

ENCLOSURE

Sherd L. Chapman

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

October 23, 1985

RECEIVED
NOV 4 1985

Mr. Norm Young
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources

Dear Norm:

Your letter of April 16, 1985 describing conditions for licensing of permit #36-7072 included several items relating to the estuary and construction you felt necessary to satisfy not only the provisions of the court action but also the concern of the State in licensing of the water right. I have reviewed the situation at the Valley Trout facility and we would propose to do the following in accordance with your letter.

The first requirement or allowance was that we were able to remeasure the spring flow prior to October 31, 1985 to determine whether or not there was an actual increase in spring flow during the fall months and to take advantage of the increased spring flow for licensing of the water right. This measurement has been completed and sent to you under separate cover in order to meet the October 31 deadline.

During our meeting on October 8, I indicated that we had some concern regarding the willow plantings described in the letter because of trash from leaves and branches that could inhibit fish production at the facility. In lieu of the willow planting we would propose to implement the enclosed landscaping plan as provided by Kimberly Nurseries of Twin Falls, Idaho. I have included their proposal and map for your review and concurrence. As you can see, we would propose to plant numerous evergreens as well as flowering shrubs and trees in order to eliminate the problem with large quantities of leaves and twigs and to provide a year round planting rather than one that would just be green during the summer months. I'm also enclosing a copy of a letter from Evan Robertson, co-owner of the facility, to Mr. John Ritchie, attorney for Mrs. Ritter, describing the plantings and other actions he has agreed to on this facility. In the letter he suggests a final planting date of December 15, 1985, but after further discussion we find that because of weather conditions and ordering difficulties it might be better to wait until early spring to plant some of these trees. We would therefore suggest that we be allowed until May 30, 1986 to complete planting of the trees and bushes described in the landscaping plan.

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SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

A concern also existed with regard to water quality in the estuary and it was suggested that water be diverted into the head of the estuary to allow water to flow through the estuary and into the Snake River eliminating algal growth and sedimentation. That work has been completed and it appears that there is about 4- 5 cfs of water presently being diverted into the head end of the estuary which at this time is removing much of the silt that had been deposited earlier.

Water quality was also an expressed concern and you indicated that an approved EPA permit for operation of the facility would satisfy IDWR's concerns. I have included a copy of that permit as an attachment to this letter.

The final item discussed in your letter was riprap for the points on the bank that had suffered erosion because of eddy currents due to discharge of waters from the raceways. The actions we would propose to take to eliminate this erosion will be described for each discharge beginning with the southeasternmost discharge from the raceway into the estuary.

Discharge 1 - Discharge of waters from this pipe seems to have created the greatest problem with erosion. Erosion has taken place for about 20 feet on either side of the discharge pipe due to eddy currents and for about 40 linear feet on the far bank across the estuary. We would propose to riprap the bank adjacent to the discharge pipe for about 20 feet on either side stabilizing the bank from above the high water line to the bottom of the estuary. Local basalt rock will be used as riprap with the size being adequate to eliminate movement even during the maximum discharge periods from the raceways. Erosion on the far bank will be eliminated by installing an energy dissipating cone or flip bucket on the end of the discharge pipe and the far bank will be stabilized by willow plantings rather than riprap.

Discharge 2 - This discharge occurs in deeper water and does not erode the far bank as does discharge #1. Erosion due to eddy currents has occurred for about 40 to 50 feet on either side of the bank adjacent to the discharge pipe and again this portion of the bank will be riprapped from the bottom of the estuary to above the high water line with local basalt rock to eliminate the erosion and allow native vegetation to establish itself.

Discharge 3 - This discharge also occurs in a deep pool and no erosion is apparent on the other side of the estuary. Eddy currents have eroded the bank adjacent to the discharge pipe for a distance of about 20 to 30 feet and again local basalt rock will be utilized to riprap this bank for stabilization and revegetation purposes.

RECEIVED

- Discharge 4 - The bank adjacent to this discharge is well established with riparian vegetation and no work needs to be conducted either on this side or on the far side of the estuary.
- Discharge 5 - The bank adjacent to the discharge pipe is well established with riparian vegetation and no riprapping or other work needs to be done adjacent to the discharge pipe. The far side of the estuary, however, is quite raw with little vegetation but based on observations at the site, this unvegetated bank does not appear to be the result of erosion due to the discharge pipes. While this may be the result of earlier work by previous owners of the facility, it does not appear that modification of the discharge assembly would have any impact on the bank on the far side of the estuary. This appears to be a case where natural vegetation has not yet taken over but will with time. We would propose to allow the bank to revegetate naturally rather than installing riprap or doing other work which would be of significant cost to the present owner of the facility and which could result in more aesthetic damage than presently exists.
- Discharge 6 - The same condition exists here as at discharge 5 which would lead to the same conclusions as described under discharge 5.
- Discharge 7 - This discharge pipe is at the lower end of the estuary and is the northwesternmost discharge on the facility. Even though the pipe discharges into a fairly deep pool, there has been bank erosion due to eddy currents and it is proposed that riprap would be installed for about 30 feet on either side of the discharge pipe from above the high water surface to the bottom of the estuary to eliminate future erosion. This will allow revegetation by natural riparian plants and eliminate any additional erosion.

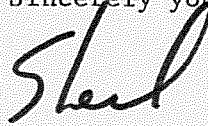
In summary, several points to be riprapped in order to eliminate bank erosion due to eddy currents on either side of the discharge pipe and in the case of #1 and #2 discharges, energy dissipaters need to be installed at the discharge pipe to eliminate relatively high water velocities on the far side of the estuary. The balance of the discharge pipes do not appear to need energy dissipaters since there does not appear to be any significant velocity across the estuary. The raw bank on the far side of the estuary at about mid-point appears to be the result of a lack of revegetation due to work conducted several years back but does not appear to be the result of the discharge of water from the raceways and therefore we would propose to allow those areas to revegetate on a natural basis. We would ask that the work to be conducted for riprapping be allowed to proceed this fall with a December 31 deadline for completion of the riprap work.

RECEIVED

Mr. Norm Young
October 23, 1985
Page 4

I hope these proposals meet with your approval and if you have any questions, please don't hesitate to call.

Sincerely yours,



Sherl L. Chapman
Consultant

SLC:kje
enclosures
cc:Mr. Evan Robertson (w/o enclosures)

RECEIVED

RECEIVED

Sherl L. Chapman

RECEIVED

OCT 25 1985

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

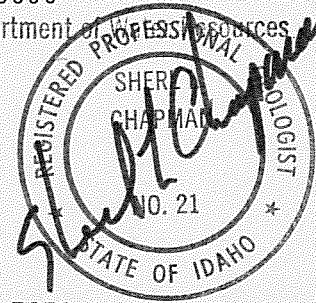
Department of Water Resources

TO: Mr. Norm Young

FROM: Sherl L. Chapman, Consultant

DATE: October 23, 1985

SUBJECT: Certified Water Measurement, Valley Trout, Permit #36-7072



The flow at the Valley Trout hatchery was measured for proof of beneficial use on October 10, 1985, in accordance with agreements made with Norm Young, Bob Fleenor and Dave Tuthill of the Idaho Department of Water Resources. The flow had been previously measured on March 18, 1985, but because of the fluctuation of springs in this area, an agreement was reached to allow remeasurement prior to October 31, 1985. The measurement sites used were the same as selected jointly earlier by Sherl Chapman and Loren Holmes (IDWR), and were taken with an AA Current Meter. The diversion pattern of the springs had been changed slightly because of fish occupying the various raceways but all water was diverted through the same measurement points to one extent or another. The flows measured for licensing are as follows and are delineated as sites M-1 through M-5 as were the earlier measurements. Copies of the measurement sheets are included as a part of this certified water measurement.

- A M-1 - 32.48 cfs
- B M-2 - 34.99 cfs
- C M-3 - 23.07 cfs
- D M-4 - 19.11 cfs
- E M-5 - 23.59 cfs

The weir at point C was also measured using the attached staff gage. Since this location has excessive entrance velocity into the weir box, the flow at this point was determined by reading the weir gage at 4.15 cfs and correcting the flow based on the entrance velocity of 1.4 cfs. For purposes of correction, the constant value of 1.058 was utilized based on Table 12 of the U. S. Bureau of Reclamation, Water Measurement Manual. Based on this correction factor, the flow through the weir is 4.39 cfs. Additionally, the Brailsford pipe was full which provides an additional diversion of 10.5 cfs as determined by the Idaho Department of Water Resources in earlier visits to the site. Because of inclusion of the letters A through D on a map prepared by the Department of Water Resources, the measurement sites have been redesignated as M-1 through M-5 in order to eliminate confusion between the points measured for licensing and the other points designated by the IDWR map. A map showing both the alphabetical and numerical designations is attached to this measurement.

If any questions arise regarding these measurements, please contact Sherl L. Chapman, 410 S. Orchard, Suite 144, Boise, Idaho 83705.

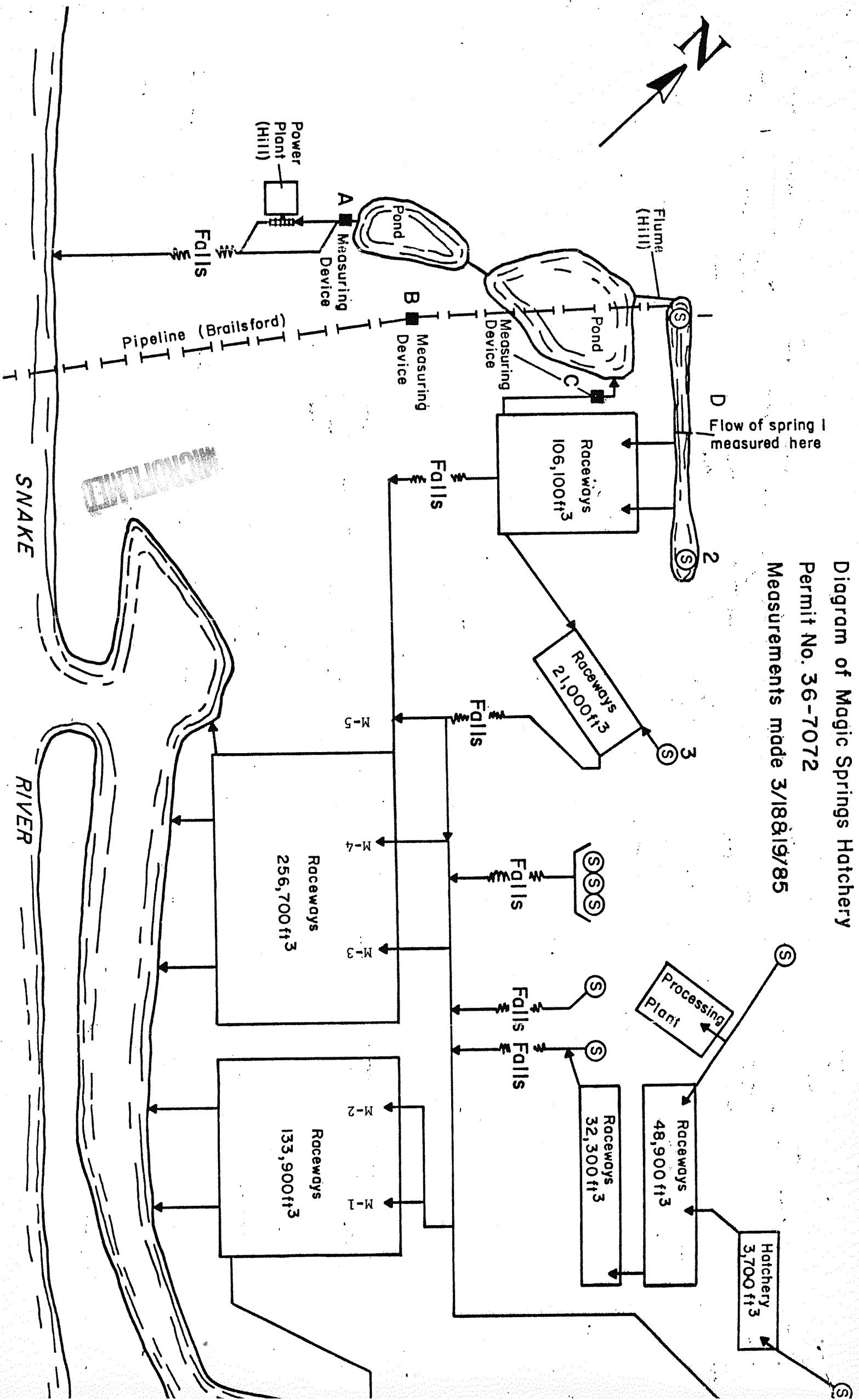
SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

Diagram of Magic Springs Hatchery

Permit No. 36-7072

Measurements made 3/18&19/85



APR 24 1985

STATE OF IDAHO
Water District 12-A

CURRENT METER NOTES

STATION Valley Tract - 177-2

TIME 11:10 DATE 10-10-85

PARTY SEC/MTC GAGE

Dist. From Initial Point	Depth	Revolutions	Time in Seconds	VELOCITY			Area	Mean Depth	Width	Discharge	Dist. From Initial Point	Depth	Revolutions	Time in Seconds	VELOCITY			Area	Mean Depth	Width	Discharge
				At Point	Mean in Vertical	Mean in Section									At Point	Mean in Vertical	Mean in Section				
0										—	0										—
0.5	3.45	50	44	2.54	2.27		2.59	3.45	0.75	5.188	0.5	3.45	15	42	0.814	1.87		2.59	3.45	0.75	4.84
1.0	3.45	40	45	1.99				3.45				3.45	60	46	2.92						
1.5	3.45	50	48	1.87	2.06		1.725	3.45	0.5	3.55	1.0	3.45	60	40	3.35	2.89		1.725		0.5	4.94
2.0	3.45	50	45	2.45				3.45				3.45	50	46	2.43						
2.5	3.45	50	42	2.66	2.21			3.45	0.5	3.81	1.5	3.45	50	48	2.33	2.50					
3.0	3.45	40	45	1.99	2.33			3.45	0.5	4.02	2.0	3.45	60	43	3.12	2.73					
3.5	3.45	50	42	2.66				3.45				3.45	50	48	2.33						
4.0	3.45	40	43	2.09	2.38			3.45	0.5	4.11	2.5	3.45	50	47	2.38	2.62					
4.5	3.45	40	40	2.24	2.49			3.45	0.5	4.30	3.0	3.45	60	47	2.85	2.64				0.5	4.55
5.0	3.45	50	41	2.73			1.725	3.45				3.45	50	46	2.43			1.725			
5.5	3.45	50	43	2.60	2.65		2.59	3.45	0.75	6.81	3.5	3.45	50	42	2.66	2.73		2.59		0.75	7.07
6.0	3.45	50	42	2.66				3.45				3.45	60	48	2.80						
6.5	3.45	50	42	2.66				3.45				3.45	50	48	2.80						
7.0	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
7.5	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
8.0	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
8.5	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
9.0	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
9.5	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
10.0	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
10.5	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
11.0	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
11.5	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
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12.5	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
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17.0	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
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19.5	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
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23.5	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
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24.5	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
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27.0	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
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29.5	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
30.0	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
30.5	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
31.0	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
31.5	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
32.0	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
32.5	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
33.0	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
33.5	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
34.0	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
34.5	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
35.0	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
35.5	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
36.0	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
36.5	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
37.0	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
37.5	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
38.0	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
38.5	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
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40.0	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
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41.0	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
41.5	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
42.0	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
42.5	3.45	50	43	2.60	2.66			3.45				3.45	50	48	2.80						
43.0	3.45	50	43	2.60	2.66																

STATE OF IDAHO
Water District 12A

CLIPBENT MEETIN NOTES

STATION Valley Crest 177-4

TIME 1240 DATE 10-10-85

PARTY SLC/1177C CAGE

[illegible]

CURRENT METER NOTES

7-5

DATE 10-1-62

-GAGIE

CURRENT METER NOTES

nt - Valley Trout

DATE 10-10-83

-GAGIE

[illegible]

CONVERSATION MEMORANDUM

DATE Oct 8, '85
Valley
FILE Trout ProjectNAME OF PARTY Sherl Chapman36-7072,
36-5-11, 36-5-10EMPLOYEE Norm Young, Bob Fleenor, Dave TuthillRE: Requirements Prior to Issuance of License of 36-7072

Sherl visited the office and conferred with the employees above concerning completion of stream channel restoration requirements and measuring requirements identified in the letter from the Director dated April 16, 1985.

We determined that additional measurements must be made at the various sites identified in previous correspondence. It was Sherl's understanding that this may be a low flow year for spring flows so he is considering a request to delay issuance of the license if pending additional measurements, if he finds that the flows are low when he measures on Thurs, Oct 10.

Additionally, Sherl indicated that he would check on the provisions to meet the applicable water quality standards. He indicated that he will provide a compliance plan within the next few weeks.

DRT

MICROFILMED

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW
142 3RD AVE NO.

MAILING ADDRESS: P.O. Box 1906
TWIN FALLS, ID 83303-1906
TELEPHONE (208) 734-0700
SUN VALLEY (208) 726-4661

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

TERRY T. UHLING
LAIRD B. STONE
GARY D. SLETTE

July 19, 1985

Mr. John S. Ritchie
Attorney at Law
Coleman, McIntyre & Ritchie
PO Box 525
Twin Falls, ID 83303-0525

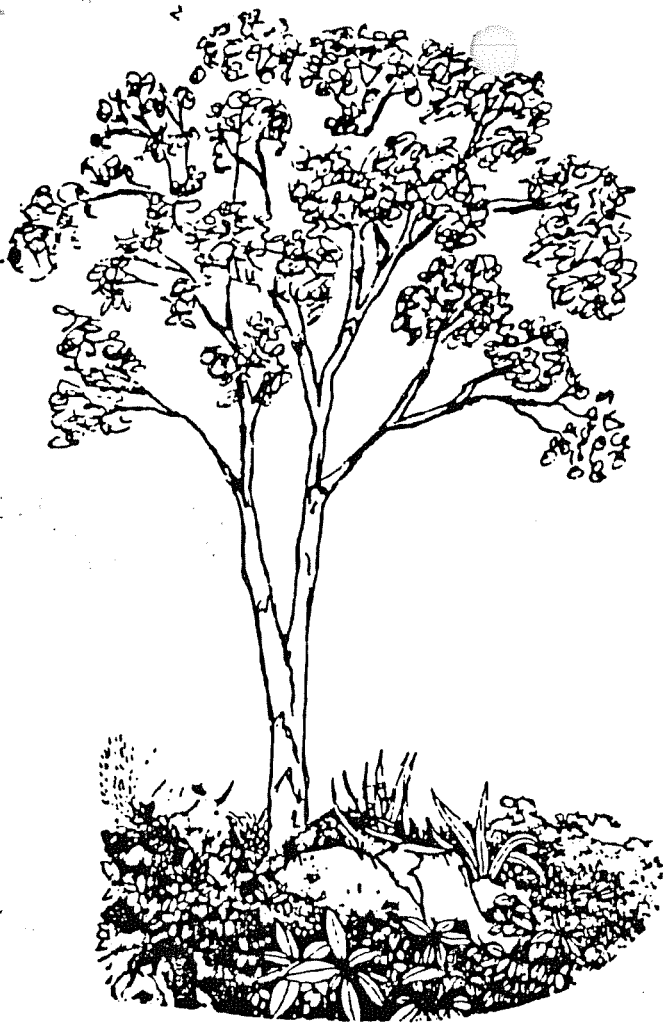
RE: W.W. Ritter Estate/John Ritter v. Valley Trout Farms, Inc.

Dear John:

Mike Greene and I have finally acquired the Magic Springs facility formerly owned by Valley Trout Farms, Inc., and are hoping to close the purchase in the very near future. Of course, as I've mentioned to you before, we are anxious to resolve the lingering difficulties with the Ritters. Not only is it necessary that we remove the judgment from the title prior to closing, but we would also like to take whatever steps are necessary to be compatible neighbors to the Ritters. To those ends, we would commit to completing the following on or before December 15, 1985:

1. Complete the planting of a visual screen along a 15-foot-wide strip running approximately 100 yards along the northwest (downstream) side of the estuary channel, screening the lower set of raceways. The proposed planting area is roughly indicated in red on the attached diagram of the Magic Springs Hatchery. The Stipulation entered into in Case No. 14752, called for the planting of "Evergreen-type trees" along that stretch of the property, while the conditions placed upon the water licenses by the Idaho Department of Water Resources called for the planting of Willow trees along the same stretch as a condition precedent to the issuance of a water license. Satisfying both of these divergent demands is somewhat difficult, to say the least. We discussed the matter with Kimberly Nurseries, and developed a program utilizing both conifers and deciduous trees and shrubs. The quantities and sizing of the vegetation which we are committing to install prior to December 15, 1985, is included with this correspondence. We are requesting that your clients permit us until December 15, 1985, to complete the planting, since summer

RECORDED



Kimberly Nurseries

733-2717

"Trees For Idaho People Since 1907"

Addison Avenue East
Twin Falls, Idaho 83301

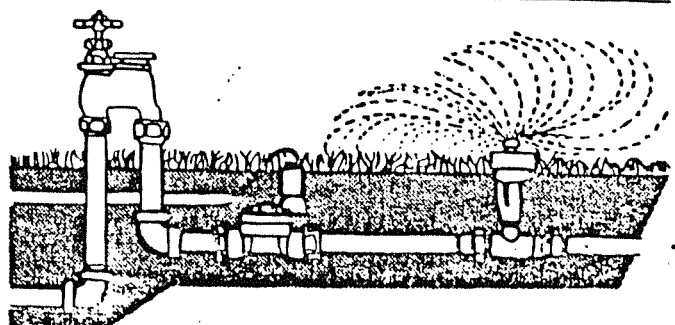
QUALITY NURSERY STOCK SODDING GRADING SPRINKLER SYSTEMS NEW LAWN CONSTRUCTION PROPOSAL

12 AUSTRIAN 5'	DATE: 9/17/85
4 COLORADO Spruce 4'	450.00
25 FLOWERING Shrubs 6.95	150.00
3 GREEN ASH 40.00	173.75
4 FLOWERING TREES 17.50	120.00
	70.00
	PLANTS 963.75
	TAX 38.55
	PLANTING 481.88
	TOTAL: 1484.18

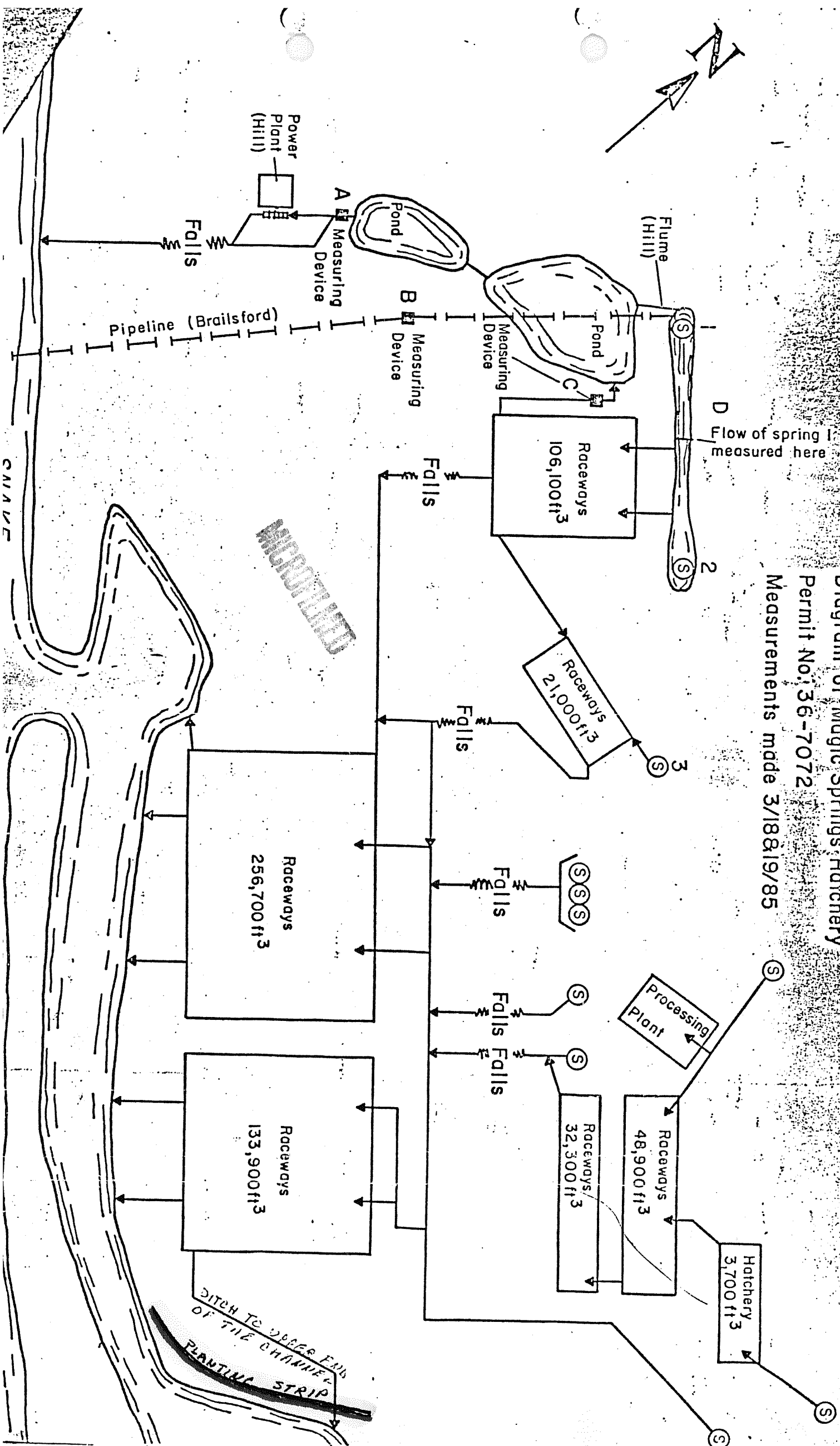
Dan Johnson
KIMBERLY NURSERIES INC.

EVAN ROBERTSON
CUSTOMER APPROVAL
389 MEADOW LANE

Terms: Payment upon satisfactory completion of job.



Measurements made 3/18&19/85



Sherl L. Chapman

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

May 17, 1985

RECEIVED
JUN 6 1985

Mr. Norm Young
Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources

Dear Norm:

Enclosed you will find a copy of the rating curve for the weir box on the northwest corner of the Valley Trout-PCA aquaculture facility. I've rated the section as best I could with the restrictive conditions on the inlet side of the ditch. I was unable to obtain as good a control on the discharge through the section as I would have liked because of foreign material jammed in the discharge piping between the raceway and the ditch to Mr. Hill's pond. However, I was able to modify the discharge at five different points in order to develop a rating curve. I've also modified the slide in cippoletti weir that was a part of the box and it can be used for discharges less than 7.0 cubic feet per second. I should note that the staff gage on the weir frame is rated directly in cubic feet per second (cfs) rather than in tenths of feet. The staff gage that is attached to the side of the concrete section is delineated in tenths of feet and therefore should be read directly from the curve. It is our intent to leave the two foot cippoletti weir in place and whenever discharges of less than 7.0 cfs are required, the State or anybody else may read the quantity of water being diverted into Mr. Hill's pond directly. If there is a need to discharge more than 7.0 cfs, then the cippoletti weir may be slid out and then of course you would have to refer to the rating curve. Because the debris (plywood) was jammed so tightly into the culvert pipe, it will require some equipment to remove it. Because of the plywood I wasn't able to restrict the flow below about 12 cfs with the result of a gap in the curve between 7.0 cfs and 12 cfs. I would propose that we wait to fill that portion of the curve until we get moving on the rehabilitation of the facility or make the second series of P.B.U. measurements this fall.

If you have any questions, please don't hesitate to call.

Sincerely yours,

SLC
Sherl L. Chapman
Consultant

RECEIVED

SLC:kje
enclosure
cc:Mr. Dick Weathered

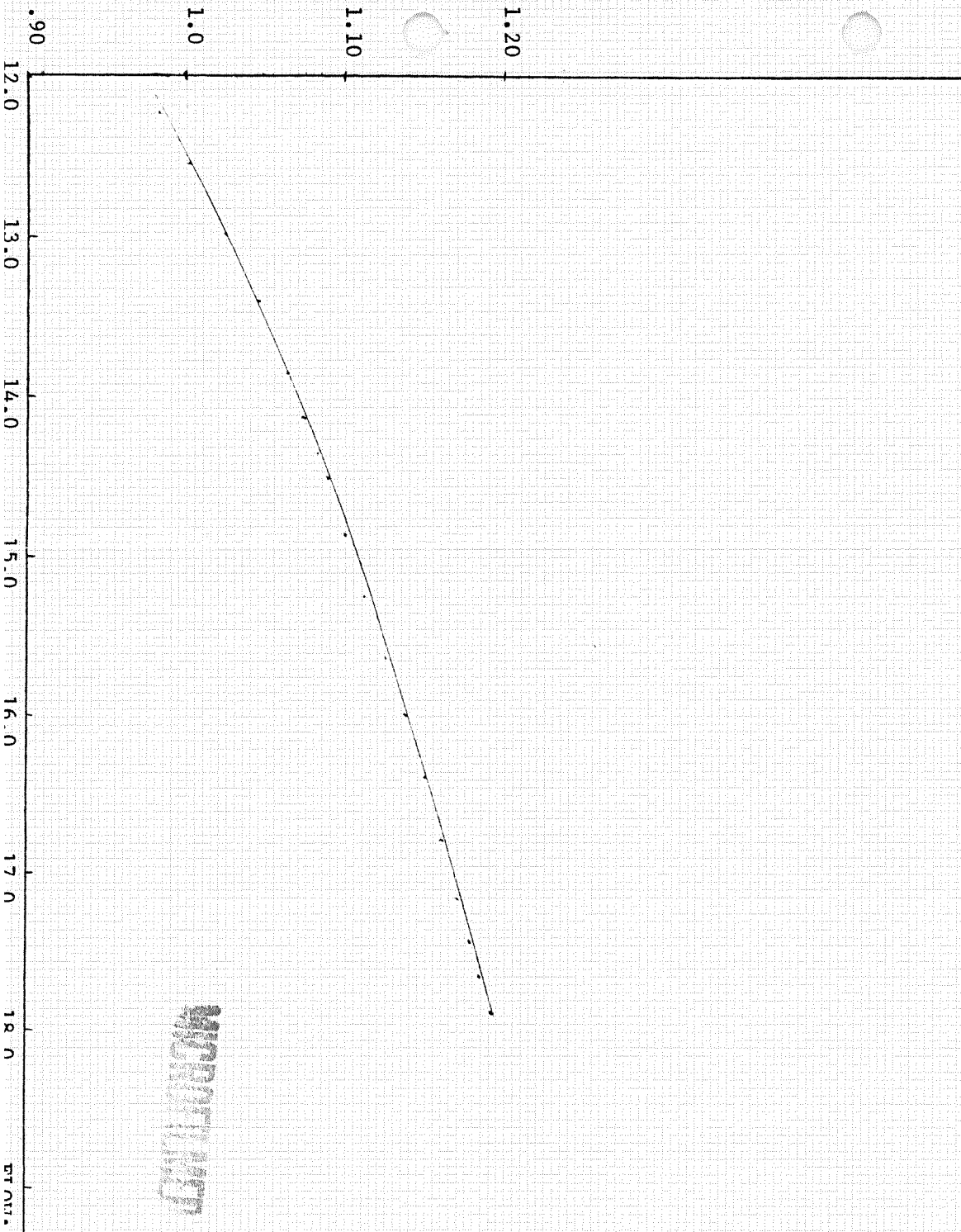
SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

GAGE READING: FEET

SOUTHERN IDAHO PRODUCTION CREDIT ASSOCIATION
VALLEY TROUT COMPANY

RATING CURVE
5-14-85
RANGE: 12.22 cfs - 17.59 cfs
SITE "C"



STATION

CRITICAL SECTION

April 23, 1985

Southern Idaho Production Credit Association
834 Falls Avenue, Suite 1050
Twin Falls, ID 83301

Gentlemen:

Re: Permit No. 36-7072 - Magic Springs Hatchery

Enclosed is a copy of the diagram of Magic Springs Hatchery with the addition of point "D".

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

cc: Sheri Chapman
Southern Region

RECORDED



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

April 16, 1985

Southern Idaho Production Credit Association
834 Falls Avenue, Suite 1050
Twin Falls, ID 83301

Gentlemen:

Your consultant, Mr. Chapman, and the department have inspected the fish raising facilities known as the Magic Springs Hatchery, and we are prepared to issue a water right license on Permit No. 36-7072 if the following conditions are met. First, the permit holder shall install and maintain a measuring device at the point the water is released from the north raceways which is shown as part "C" on the attached map.

Second, the permit holder shall make provisions to meet the applicable water quality standards and shall submit to this department his plans for doing so.

Third, the permit holder shall protect the public's interest and enjoyment of the area by planting willows along the northeastern side of the estuary to screen the raceways from those people using the estuary; by maintaining the discharge of water into the head of the estuary; and by installing rip rap sufficient to prevent further erosion at the points where the raceways discharge into the estuary and also at the points on the far side of the estuary where erosion has occurred because of the discharge from the raceways. A plan showing the location and density of the willow plantings and the extent and location of the rip rap must be submitted to the department for approval and approval granted prior to issuance of the license.

We propose to issue the license in two parts. The source of the water for the first part is known as Bickle Springs which supplies water to the northern most two sets of raceways. This source is actually two springs that have been interconnected and a small spring located just southeast of the smaller raceway set. These springs are numbered 1, 2 and 3 on the attached map. The water from spring No. 1 historically flowed over the falls or was diverted by Mr. Robert Brailsford into his pipeline that crosses the Snake River. The flow of spring No. 1 is equal to the flow at measuring device "B" plus the flow measured at point "D" shown on the map which is about 13.5 cfs. The amount of water that must be released at measuring device "C" is the total flow of spring

April 16, 1985

No. 1 less the amount of water being diverted into the Brailsford pipeline. The water released at measuring device "C" is also equal to the flow at point "D".

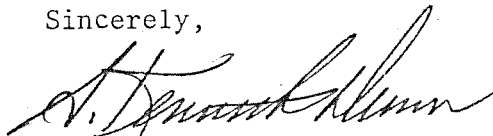
Therefore, the first part of the license will be issued for 38.4 cfs, the total flow of springs 1, 2 and 3 with the condition that an amount of water measured at point "C" equal to 13.5 cfs less the amount of water diverted into the Brailsford pipeline shall be released to the pond and allowed to flow over the falls. If the water for any reason cannot be delivered at point "C", that same amount of water shall be allowed to flow through the Hill flume.

The second part of the license will include the water from the remaining springs that is used in the raceways and the hatchery. The rate of flow of water from the spring other than springs 1, 2 and 3 is 108.6 cfs with the amount of water that can be used in the raceways other than those included in the first part of the license would be the total flow from the springs less the 13.5 cfs released at point "C" or diverted by the Brailsford pipeline or 133.5 cfs.

Therefore, the second part of the license will be issued for the diversion of 108.6 cfs of water from springs other than springs 1, 2 and 3 and 24.9 cfs of water from springs 1, 2 and 3.

We also recognize that these measurements have not been taken during the time of year that the springs are at their maximum discharge. Therefore, you will be allowed until October 31, 1985 to submit a remeasurement of the flows from the springs. This period of time will also give you an opportunity to meet the conditions which have been imposed on your permit. Failure to comply with these conditions may result in the cancellation of your permit.

Sincerely,



A. KENNETH DUNN
Director

AKD:alw

Attachment

cc: Sherl Chapman
Southern Region

RECORDED

March 17, 1986

RE: Permit No. 36-7072

Pisces Investments, Inc.
Box 701
Twin Falls, ID 83303-0701

Dear Permit Holder(s):

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 special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

In reviewing the permit, we find that the requirement for submitting proof of construction of works and application of water to beneficial use has been met, and the field examination completed. The next step will be for our office to review the field examination and prepare a water right license.

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosures

RECEIVED
MARCH 22 1986
WATER RIGHTS DIVISION

Southern Idaho Production Credit Association

834 Falls Avenue
Blue Lakes Office Park
Suite 1050
Twin Falls, Idaho 83301
Telephone 208/734-2820

(In Liquidation)



April 3, 1985

Department of Water Resources

Mr. Norman Young
Department of Water Resources
Statehouse Mail
Boise, ID 83720

RE: MAGIC SPRINGS WATER LICENSE

Dear Mr. Young:

Please find enclosed a copy of the boundary map that you requested at our meeting in your office on Tuesday.

You will note that the survey and mapping was done in 1973. However, we had Roger Kruger, a licensed surveyor with the engineering firm of Edwards, Howard & Martens, Inc., resurvey and stake the North and West boundary as well as the Right-of-Way through Ardell Hills' property. This was done in March of this year. Mr. Kruger wrote a letter, a copy of which is enclosed herewith, stating his opinion of the Right-of-Way through the Hill property.

Please do not hesitate to inquire if you need additional information.

Sincerely,

SOUTHERN IDAHO PCA

John F. Birnie
John F. Birnie
Loan Officer

JFB/cp

Enclosures - 2



3/4/85

MAR 04 1985



Edwards, Howard & Martens, Inc.

ENGINEERS / PLANNERS / SURVEYORS

1139 Falls Ave. E., Suite B
Twin Falls, Idaho 83301
Phone 734-4888

IN THE FIELDS OF:

PLANNING
SURVEYING
HIGHWAYS
WATER
SEWAGE
STRUCTURAL
SUBDIVISIONS
AIRPORTS
BRIDGES

March 1, 1985

PCA
834 Falls Avenue East
Suite 1050
Twin Falls, Idaho 83301

Attention: John Birnie

Dear Mr. Birnie:

Enclosed is a blueprint of the survey on the property near Valley Trout Company. The points set are as described in red and no buildings encroach on the easement.

If you have any questions, please call.

Respectfully yours,

EDWARDS * HOWARD * MARTENS, INC.

Roger Kruger L.S.

RK/bn
cc: file

encl.

RECEIVED
MAR 11 1985

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE,
CHARTERED

JAMES L. BERLIN
R. B. KADING, JR.
R. M. TURNBOW
JAMES R. GILLESPIE
WILLIAM J. MCKLVEEN
DALE G. HIGER
WARREN E. JONES
MARK S. GESTON
B. NEWAL SOUYRES, JR.
WILLIAM L. VASCONCELLOS
THOMAS R. LINVILLE
RICHARD A. RILEY
JAMES J. DAVIS
JOE H. UBERUAGA II
T. A. BANDUCCI
MARY S. HOBSON
JOHN MICHAEL BRASSEY
ROBERT L. BERLIN
HOWARD W. CARSMAN
SCOTT D. HESS
BRADLEY G. ANDREWS
KATHLEEN PERKINS BROOKS
WILLIAM A. FUHRMAN
GREGORY W. MCALEENAN

ATTORNEYS AND COUNSELORS AT LAW
CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

TELEPHONE
(208) 344-8535

J. L. EBERLE (1890-1964)
T. H. EBERLE (1922-1977)

April 2, 1985

RECEIVED
APR 4 1985

Department of Water Resources

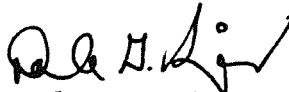
Mr. Phil Rassier
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: W. W. Ritter v. Norman S. Standal

Dear Phil:

Pursuant to your request, please find enclosed a
copy of the stipulation and order executed December 13, 1983
in the above-captioned action.

Very truly yours,


Dale G. Higer

DGH: jr
Enclosure

ACROFILMED

JOHN S. RITCHIE
Coleman and McIntyre
Attorneys at Law
156 Second Avenue West
P. O. Box 525
Twin Falls, Idaho 83303
(208) 734-1224

RECEIVED

DEC 14 1983

DALE G. HIGER

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

* * * * *

W. W. RITTER ESTATE and
JOHN RITTER,

Plaintiffs,

vs.

NORMAN S. STANDAL and GEORGE
H. LEMMON, and AQUACULTURE
INDUSTRIES, INC., a corpora-
tion,

Defendants.

Case Number 14752

STIPULATION AND ORDER.

* * * * *

IT IS HEREBY STIPULATED AND AGREED by and between John S.
Ritchie of the firm of Coleman and McIntyre, attorneys for
the plaintiffs, Dale G. Higer of the firm of Eberle, Berlin,
Kading, Turnbow and Gillespie, Chartered, attorneys for the
defendants, and Stephen W. Beane of the firm of Hoidal and
Beane, as follows:

1. That by virtue of the Warranty Deed executed by Aqua-
culture Industries, Inc., on November 29, 1977, and recorded
December 12, 1977, Valley Trout Farms, Inc., a corporation, is
the owner of the real property which forms the subject matter

of this lawsuit.

1 2. That Valley Trout Farms, Inc., be substituted as the
2 defendant in this action in the place and stead of Norman S.
3 Standal and George H. Lemmon, and Aquaculture Industries, Inc.,
4 a corporation.

5 3. That Stephen W. Beane be substituted for Dale G. Higer
6 as attorney for the defendant in this action, Valley Trout Farms,
7 Inc.

8 DATED this 1st day of November, 1983.

9 COLEMAN and McINTYRE

10
11 By John S. Ritchie
12 JOHN S. RITCHIE
13 Attorney for Plaintiffs.

14 DATED this 21st day of November, 1983.

15 EBERLE, BERLIN, KADING, TURNBOW
16 and GILLESPIE, CHARTERED

17 By Dale G. Higer
18 DALE G. HIGER
19 Attorney for Defendants Norman
20 S. Standal and George H. Lemmon,
21 and Aquaculture Industries, Inc.

22 DATED this 1st day of November, 1983.

23 HOIDAL and BEANE

24 By Stephen W. Beane
25 STEPHEN W. BEANE
26 Attorney for Defendant
 Valley Trout Farms, Inc.

ORDER

Having read and considered the foregoing STIPULATION and good cause appearing therefor;

IT IS HEREBY ORDERED as follows:

1. That by virtue of the Warranty Deed executed by Aquaculture Industries, Inc., on November 29, 1977, and recorded December 12, 1977, Valley Trout Farms, Inc., a corporation, is the owner of the real property which forms the subject matter of this lawsuit.

2. That Valley Trout Farms, Inc., is hereby substituted as the defendant in this action in the place and stead of Norman S. Standal and George H. Lemmon, and Aquaculture Industries, Inc., a corporation.

3. That Stephen W. Beane be, and he is hereby, substituted for Dale G. Higer as attorney for the defendant in this action, Valley Trout Farms, Inc.

DATED this 13th day of December, 1983.

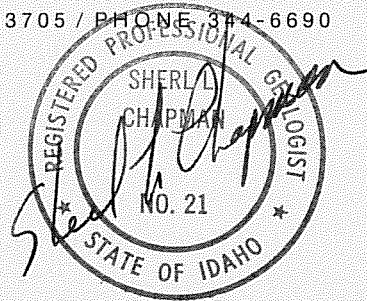
PHILLIP M. BECKER
DISTRICT JUDGE

Sherl L. Chapman

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

TO: Mr. Norman C. Young
FROM: Sherl L. Chapman, Consultant
DATE: April 2, 1985



SUBJECT: Certified Water Measurement, Valley Trout, Permit 36-7072

In accordance with oral agreements with Norm Young and Loren Holmes of the Department of Water Resources, the flow at the Valley Trout hatchery was measured for proof of beneficial use on March 18, 1985. Measurement sites were selected jointly by Sherl Chapman and Loren Holmes with the measurements being taken with an AA Current Meter. All measurements necessary for licensing were made using a two point method and the measurement of the upper flume for information purposes was made with a single point method. One additional measurement was made at the center raceway which was estimated using a velocity-area-calculation method since only a partial pipe full of water was discharging into the raceway.

The flows measured for licensing are as follows and will be delineated as sites A through E. Sites F and G were measurements made for information purposes rather than licensing as requested by the Department. All other measurements shown were made by Idaho Department of Water Resource personnel. Copies of the measurement data are included as a part of this certified measurement.

A	22.19 cfs
B	17.42 cfs
C	35.14 cfs
D	21.42 cfs
E	17.13 cfs
TOTAL	113.30 cfs

Because this is the low period of flow for the Thousand Springs area, it is the intent of the applicant to ask for a letter from the Department indicating that this is the minimum level at which the facility will be licensed. Additional measurements will be provided this fall at a high point in aquifer discharge in order to provide a more reasonable level of flow for licensing.

If any questions arise regarding these measurements, please contact Sherl L. Chapman, 410 S. Orchard, Suite 144, Boise, Idaho 83705.

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

Sherl L. Chapman

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

April 2, 1985

RECEIVED
APR 4 1985

Mr. Norman C. Young
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources

Dear Norm:

Enclosed you will find the certified water measurement and copy of data sheets for licensing of 36-7072. If you have any questions, please give me a call, particularly as they relate to the water measurements. It is my intent, at this point in time, to make the rating measurements on the measuring device installed on the 19th, the week of April 15. Additionally, the two measurements we took for information purposes that on the flume and at the center small raceway are shown on your sketch map but not referred to in the certified water measurement document. Since that document was for certification of accurate water measurements, I did not feel that the measurement in the pipe especially should be included. I think the flume measurement is quite accurate since I had a good section but again it is not involved in the licensing process and only for your partition of the water available for use under this application.

If you have any questions, please give me a call.

Sincerely yours,

Sherl L. Chapman
Sherl L. Chapman
Consultant

SLC:kje

RECEIVED

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

STATE OF IDAHO
Water District 12-A
CURRENT METER NOTES

STATION Upper Flume to Race Plant at Bridge
TIME 1755 DATE 3-18-85
PARTY SEC GAGE Bridge crossing

Dist. From Initial Point	Depth	Revo. in Secs	Time in Secs	VELOCITY		AREA	Mean Depth	Width	DISCHARGE
				At Point	Mean in Vertical				
0	1.85	-	-	-	-	-	-	-	-
1.0	1.85	60	46		2.92	3.78 4.25		2.70	
2.0	1	60	46		2.80	1.85		2.87	
3.0	1	60	54		2.49	1.85		2.30	
4.0	1	40	40		2.24	1.85		2.07	
5.0	1	53			2.53	1.39 1.425		2.34	
5.5	1	30	40		1.69	1.03 1.74		1.25	
5.8	1.85	60	60					27.25 13.25	
TOTALS									

STATE OF IDAHO
Water District 12-A
CURRENT METER NOTES

STATION Ditch Inlet No. 1 Raceway
TIME 1455 DATE 3-18-85
PARTY SEC GAGE Inlet E

Dist. From Initial Point	Depth	Revo. in Secs	Time in Secs	VELOCITY		AREA	Mean Depth	Width	DISCHARGE
				At Point	Mean in Vertical				
0	-	-	-	-	-	-	-	-	-
0.5	2.50	40	46		1.95	1.25	2.5	0.5	2.44
0.5	1	40	49		1.83			2.02	2.9
1.0	2.50	40	49		1.83				
1.0	1	40	46		1.95			2.44	
1.5	2.5	40	46		1.95			2.44	
1.5	1	40	43		2.09			2.61	
2.0	2.5	40	43		2.09			2.55	
2.5	2.5	40	44		2.04			2.55	
2.5	1	40	44		2.04			2.55	
3.0	2.5	40	44		2.04			2.55	
3.0	1	40	50		1.80			2.25	
3.5	2.5	40	50		1.80			19.63 17.13	
4.0	1	40	50						
TOTALS									

Use gagestand on inlet to raceway depth controlled by weed side

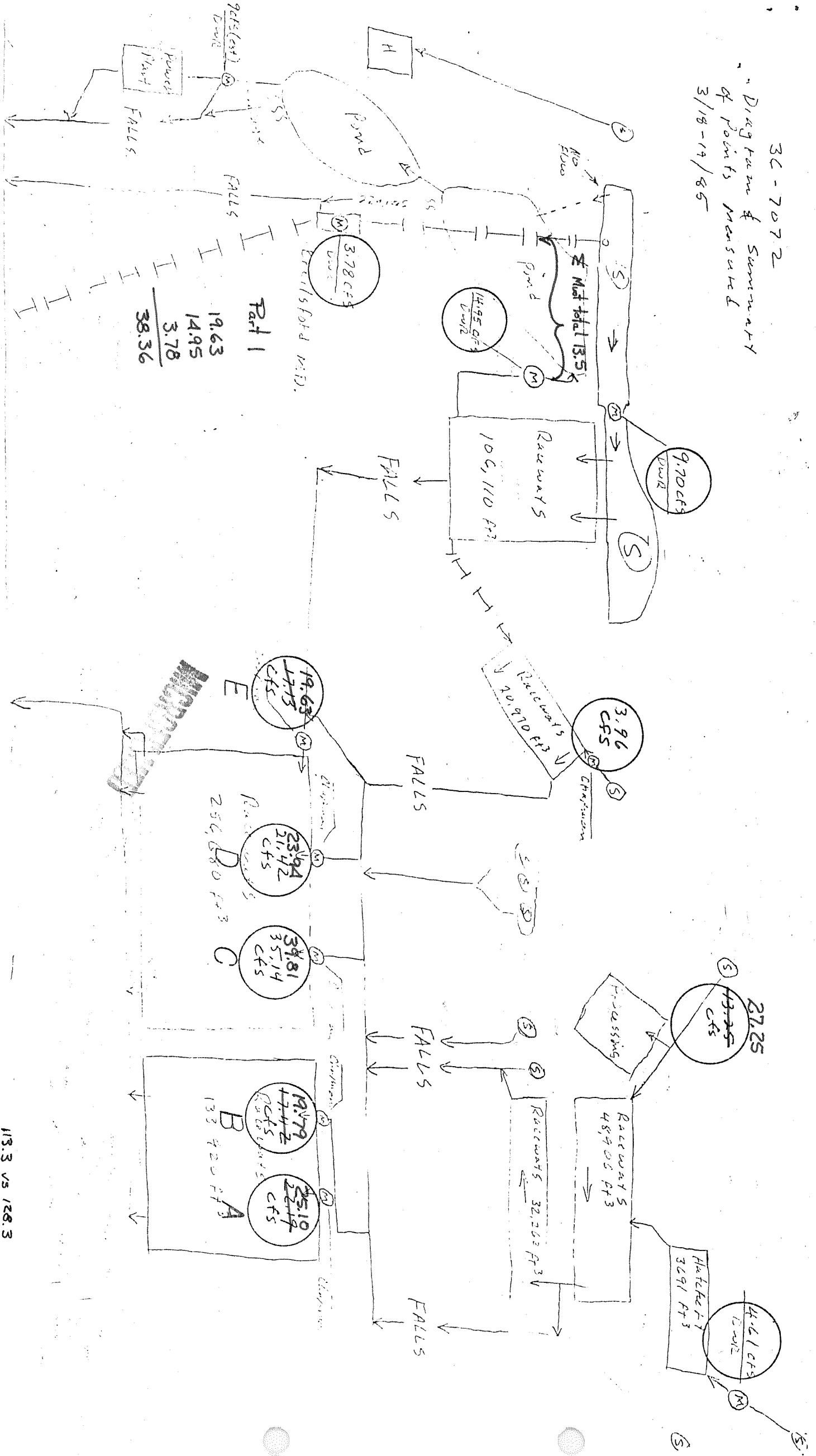
STATE OF IDAHO
Water District 12-A
CURRENT METER NOTES

STATION South inlet south raceway
TIME 1515 DATE 3-18-85
PARTY SEC GAGE Inlet A

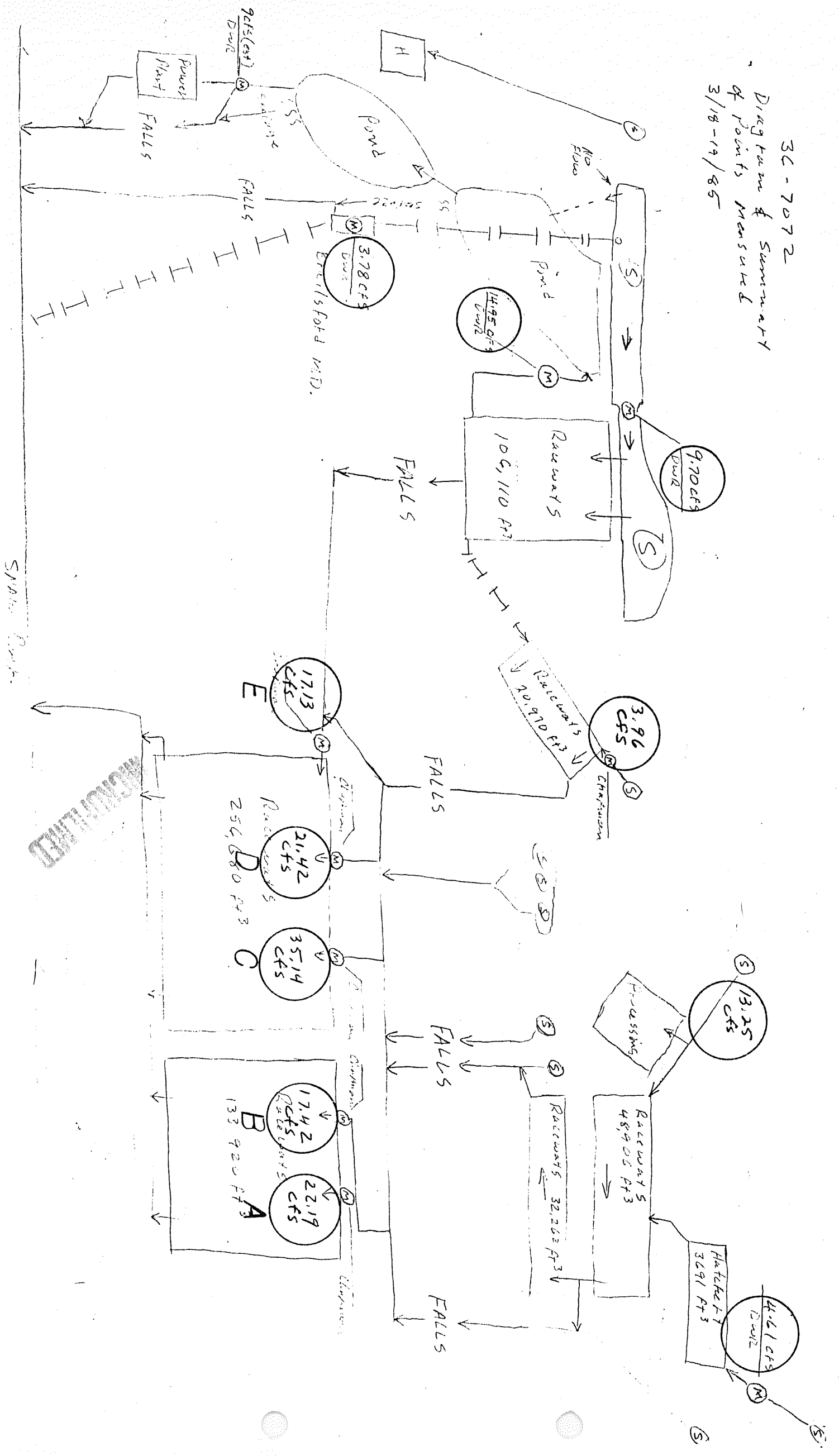
Dist. From Initial Point	Depth	Revo. in Secs	Time in Secs	VELOCITY		AREA	Mean Depth	Width	DISCHARGE
				At Point	Mean in Vertical				
0	-	-	-	-	-	-	-	-	-
0.5	3.40	30	50		1.35	2.55 3.70	3.4	0.5	4.51 3.04
0.5	3.4	40	41		2.19				
1.0	4.0	48			1.87	2.24	1.70		3.81
1.0	4.0	52			1.73	2.14			3.64
1.5	4.0	44			2.54				
1.5	2.5	40			1.41	1.80			3.06
2.0	4.0	41			2.19				
2.5	3.0	55			1.23	1.78			3.03
2.5	5.0	48			2.33				
3.0	2.5	46			1.23	1.66	1.70		2.82
3.0	4.0	43			2.09				
3.5	3.40	40			1.13	1.66			4.23 2.82
3.5	3.40	41			2.19	2.55 1.70			20.10 22.19
4.0	3.4	60							
TOTALS									

Use 2 ft. 8 in. stand 0.5 side of inlet to raceway

3C-7072
 Diagram & Summary
 of points measured
 3/18-19/85



3C-7072
 Diagram & Summary
 of points measured
 3/18-19/85



Snake Pond

INTER-DEPARTMENT MEMO — 1

FROM

YH

TO

Bob Elmer

SUBJECT

36-7072

DATE

3/24/85.

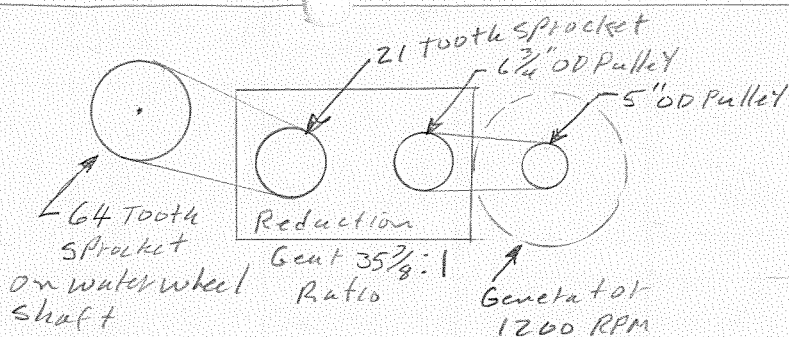
Here is the latest diagram & analysis of Hill's
water value.

RECEIVED
MAR 27 1985

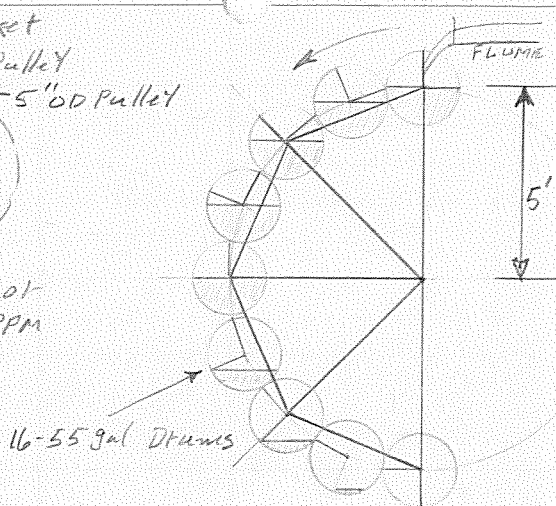
Analysis of Lic 36-7866 Water Wheel Capacity.

3/29/85

JH.



Speed increase Detail



Wheel Detail

Water wheel speed:

$$\left(\frac{21}{64}\right)\left(\frac{1}{35}\right)\left(\frac{5}{6.75}\right)(1200) = 8.33 \text{ RPM}$$

$$\text{or } 49.98 \text{ degrees/sec.}$$

The wheel consists of 16 55 gal drums with their centers on the rim of a 5' radius octagonal frame. The side is cut out of each drum so that it can fill about 1/2 full before water runs out over the end.

$$\text{Bucket Capacity: } \frac{1}{2} \left(\frac{5.5}{7.48}\right) = 3.68 \text{ ft}^3$$

$$\text{Wheel Capacity: } \left(\frac{49.98 \text{ Degrees}}{1 \text{ sec}}\right) \left(\frac{1 \text{ Bucket}}{22.5 \text{ degrees}}\right) \left(\frac{3.68 \text{ ft}^3}{\text{Bucket}}\right) = 8.17 \text{ cfs}$$

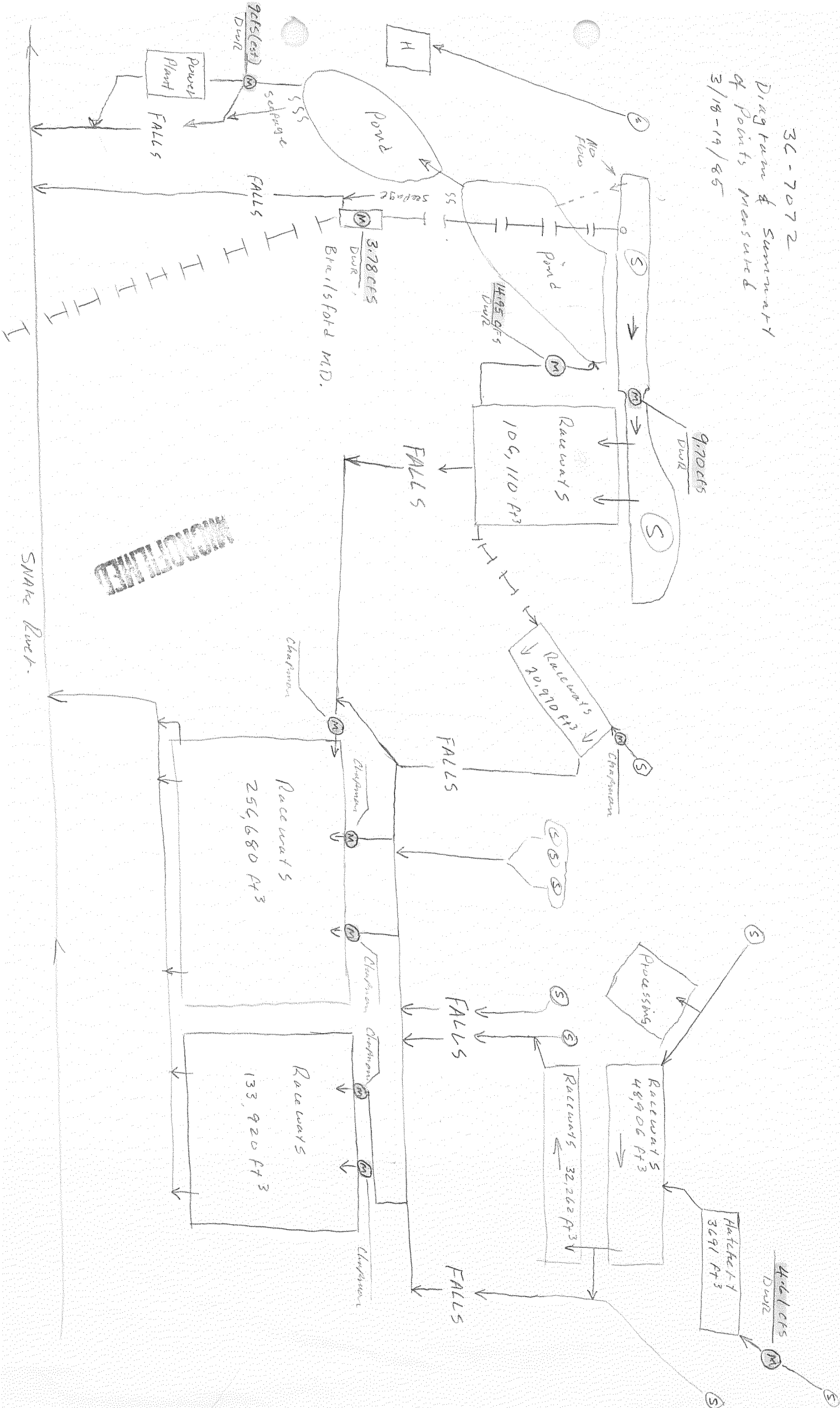
Actual Capacity is probably greater because of "slop" & the fact that bucket capacity increases as the buckets leave top center on the wheel.

If we assume the buckets fill to 60% full instead of 50%, the wheel capacity is 9.8 cfs.

The 9.0 cfs under license 36-7866 appears to be reasonable.

MICROFILMED

3C-7072
Diagram & Summary
of Points measured
3/18-19/85





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

DATE: March 25, 1985

FROM: Jim Winner *JW*

SUBJECT: Valley Trout Magic Springs Trout Farm

I inspected the Magic Springs Trout Farm on March 19, 1985 with Sherl Chapman and Allen Merritt. The facility consists of several springs and several sets of raceways. All of the water eventually goes through the lower raceways which should make it possible to meet the existing NPDES effluent limitation of 5.0 mg/l suspended solids.

Fish screens 10 to 20 feet from the effluent weir in each of the lower raceways, and construction of a settling pond for raceway cleaning water will enable the Magic Springs Trout Farm to meet the 5 mg/l total suspended solids effluent limitation and the instantaneous maximum of 15 mg/l. This is considered by EPA to be the "Best Conventional Technology." Operational techniques which would reduce total suspended solids include feeding methods, feed type, frequent cleaning, minimum entering of raceways, and reduction of flows while cleaning raceways. A report by JRB Associates, Development of Effluent Limitations for Idaho Fish Hatcheries, contains the data used to develop the limitations and prove the control methods.

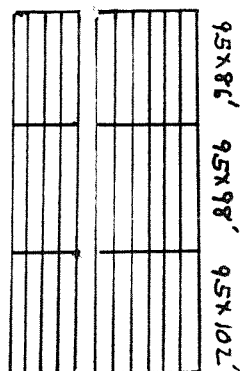
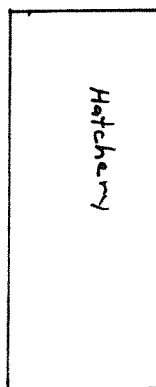
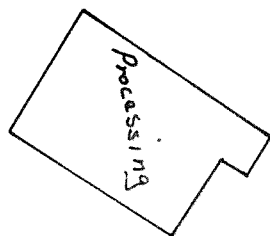
Screening the last 20 feet of the raceways reduces rearing space approximately 5 percent, but that is partly mitigated by the advantage of separating the fish from the majority of the waste. Since all of the water eventually passes through the lower raceways, these are the only ones that would require the screens. There is a space on the south side of the lower raceways large enough for construction of a settling pond for the cleaning waste.

*also north raceway
for water released
to lake.*

A copy of the NPDES permit is attached along with a letter from the Idaho Department of Health and Welfare indicating that meeting the NPDES permit means compliance with state water quality standards.

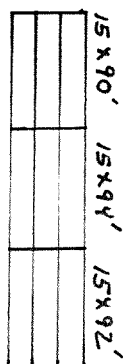
JW:cjk

Magic
Springs
Trout
Farm



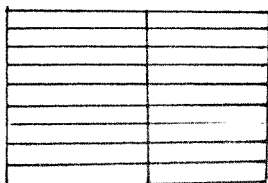
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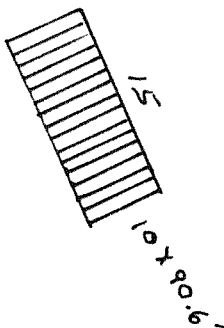
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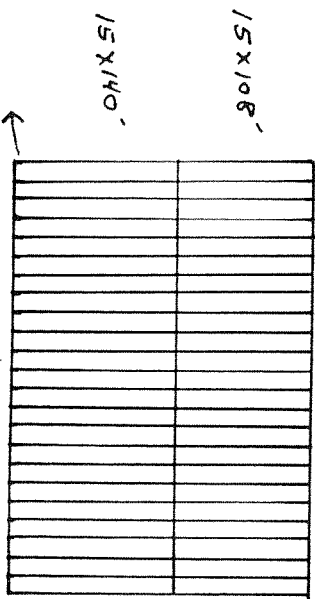


15x126'

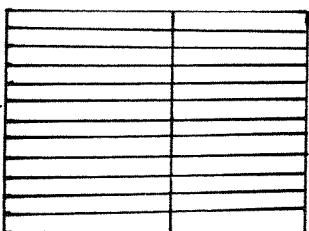
15x136'



23



12



effluent to

↓

NOT TO SCALE



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE 734-9520

DIVISION OF ENVIRONMENT
P. O. Box 1626
Twin Falls, ID 83303-1626

March 18, 1985

RECEIVED
MAR 21 1985

Jim Winner
Idaho Department Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources

Re: Magic Springs Fish Hatchery Effluent Discharge Requirements

Dear Mr. Winner,

The Magic Springs Hatchery formerly owned and operated by Ken Ellis (Valley Trout) and currently under receivership of PCA will be required to meet appropriate National Pollutant Discharge Elimination System (NPDES) effluent requirements. The Environmental Protection Agency (EPA) administers the NPDES program for fish hatcheries.

Provided the hatchery meets appropriate effluent limitations, it will be in compliance with the Idaho Water Quality Standards and Wastewater Treatment Requirements. State water quality certification under Section 401 of the Clean Water Act is required prior to issuance of a new permit.

Should any questions arise, please contact me.

Sincerely,

Michael J. McMaster

Michael J. McMaster
Source Control Field Officer

MJM/ta
cc: Jerry Yoder

RECEIVED

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101REPLY TO
ATTN OF:

M/S 521

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JAN 23 1985

J. Evan Robertson, Attorney
Nelson, Rosholt, Robertson,
Tolman and Tucker
P. O. Box 1906
Twin Falls, Idaho 83303-1906

Re: NPDES Permit No. ID-000097-3
Magic Springs Hatchery and Processing Facility

Dear Mr. Robertson:

EPA Region 10 hereby modifies the subject permit to transfer it from Valley Trout Farms, Inc. to Southern Idaho Production Credit Association, pursuant to 40 C.F.R. 122.63(d). A revised cover page to this permit is enclosed showing this modification.

The request for transfer document dated December 13, 1984, indicated that Southern Idaho Production Credit Association accepted from Valley Trout Farms, Inc. all responsibility and liability for the referenced facility as of July 12, 1984. The effective date of the permit transfer is October 29, 1984.

Sincerely,

Robert S. Burd
Robert S. Burd
Director, Water Division

Enclosure

cc: Idaho Operations Office, EPA
Idaho Department of Health and Welfare, Boise
Keith Gressley, Southern Idaho Production Credit Association
Kenneth Ellis, Valley Trout Farms, Inc.

RECEIVED
JAN 23 1985
ID-1000

RECEIVED

ID-1000

Permit No.: ID-000097-3
Application No.: ID-000097-3

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. §1251 et seq; the "Act"),

SOUTHERN IDAHO PRODUCTION CREDIT ASSOCIATION
Magic Springs Hatchery & Processing
834 Falls Avenue, Suite 1050
Twin Falls, ID 83301

is authorized to discharge from a facility located in Hagerman
to receiving waters named Snake River

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective October 29, 1984.

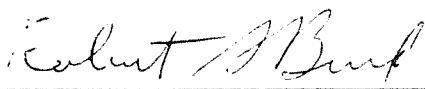
This permit and the authorization to discharge shall expire at midnight, October 30, 1989.

Signed this 27th day of September 1984.

/s/ Robert S. Burd
Director, Water Division, Region 10
U.S. Environmental Protection Agency

This permit transfer from "Valley Trout Farms, Inc." became effective as of October 29, 1984.

Signed this 23rd day of January 1985.


Robert S. Burd
Director, Water Division, Region 10
U.S. Environmental Protection Agency

[A diagonal stamp reading "RECEIVED" is visible over the signature area.]

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I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Off-Line Settling

For facilities that use a vacuum cleaning system, standpipe bottom-drain system or other method to remove solids from the raceways or ponds for treatment in a separate settling system, the permittee is authorized to discharge in accordance with the following requirements:

1. Raceway or Pond Discharges

a. During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, discharges from raceways or ponds shall be limited and monitored as specified below:

<u>Effluent Characteristics</u>	<u>Effluent Limitations</u>		<u>Monitoring Requirements</u>	
(Units)	Daily Average	Instantaneous Maximum	Minimum Frequency	Sample Type
Flow (mgd)	-	-	Monthly	24 hr. total
Total Suspended Solids	5.0 mg/l*	-	Once per month	24 hr. comp.
Settleable Solids	0.1 ml/l*	15.0 mg/l*	-	-
		-	Twice per month	Grab

* Net values. See Part I.A.1.b. below.

b. In order to obtain credit for net values, intake water samples must be taken on the same day the effluent sample is taken, using a grab.

c. Effluent samples shall be taken prior to mixing with the receiving water or any other flow.

d. Effluent samples shall be taken from all outfalls which discharge raceway water to the receiving waters.

e. Effluent samples may be combined into one sample for analysis pursuant to the definition in Part I.G.7. of this permit.

f. There shall be no discharge of floating solids or visible foam in other than trace amounts.

g. The permittee may submit a request to change the monitoring sample type for total suspended solids from a 24 to an 8-hour (collected during normal working hours) composite sample.

2. Cleaning Waste Treatment System

a. During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, discharges from a cleaning waste treatment system shall be limited and monitored as specified below:

<u>Influent/Effluent Characteristics</u> (Units)	<u>Influent/Effluent Limitations</u>		<u>Monitoring Requirements</u>	
	Daily Minimum	Daily Maximum	Minimum Frequency	Sample Type
Effluent Flow (mgd)	-	-	1/Week	24 hr. total
Total Suspended Solids				
influent	-	-	1/Month	(See c. below)
effluent	85% removal	100 mg/l	1/Month	8 hr. comp. (See d. below)
Settleable Solids				
influent	-	-	Monthly	(See c. below)
effluent	90% removal	-	Monthly	Grab (See d. below)
effluent	-	1.0 ml/l	Weekly	Grab

b. Influent and effluent samples shall be collected on the same day.

c. Influent samples shall be collected during a cleaning event, and prior to entering the treatment system. The sample shall consist of four grab samples taken at such times which will result in a composite sample representative of the cleaning waste entering the treatment system.

d. The effluent sample, to measure the percent removal, shall be taken during the same period the influent sample is taken. The TSS or settleable solids result for this effluent sample may also be used to satisfy the monthly TSS or weekly settleable solids effluent monitoring requirements, respectively.

e. All effluent samples shall be taken prior to mixing with the receiving water or any other flow.

g. The treatment system shall continuously provide at least a 85 percent removal of total suspended solids (TSS) and at least a 90 percent removal of settleable solids.

g. The permittee shall monitor the influent and effluent for both TSS and settleable solids as required above, then calculate and report the percent TSS and settleable solids removed.

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B. Flow-Through Settling

For facilities that settle the entire raceway flows in a settling pond, the permittee is authorized to discharge from the pond in accordance with the following requirements:

1. During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, discharges from the pond shall be limited and monitored as specified below:

<u>Effluent Characteristics</u> (Units)	<u>Effluent Limitations</u>		<u>Monitoring Requirements</u>	
	Daily Average	Instantaneous Maximum	Minimum Frequency	Sample Type
Flow (mgd)	-	-	Monthly	24 hr. total
Total Suspended Solids	5.0 mg/l*	-	Once per month	24 hr. comp.
Settleable Solids	0.1 ml/l	15.0 mg/l*	-	-
			Twice per month	Grab

*Net values. See Part I.B.2. below.

2. In order to obtain credit for net values, intake water samples must be taken on the same day the effluent sample is taken, using a grab.

3. Effluent samples shall be taken prior to mixing with the receiving water or any other flow. Intake water samples shall be taken at the point where the water enters the facility prior to mixing with other flows.

4. Effluent samples shall be taken from all outfalls that discharge from the settling pond.

5. Effluent samples may be combined into one sample for analysis pursuant to the definition in Part I.G.7. of this permit.

6. There shall be no discharge of floating solids or visible foam in other than trace amounts.

7. The permittee may submit a request to change the monitoring sample type for total suspended solids from a 24 to an 8-hour (collected during normal working hours) composite sample.

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C. Processing Plant

For facilities that process fish, the permittee is authorized to discharge in accordance with the following requirements:

1. During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge wastewater from the processing plant in accordance with the following effluent limitations and monitoring requirements:

<u>Effluent Characteristics</u> (Units)	<u>Effluent Limitations</u>		<u>Monitoring Requirements</u>	
	Daily Average	Daily Maximum	Measurement Frequency	Sample Type
Flow (mgd)	-	-	Weekly	24 hr. total
Total Suspended Solids (lbs/day)	47	94	2/Month	8 hr. comp.
Biochemical Oxygen Demand, 5-day (lbs./day)	47	94	2/Month	8 hr. comp.
Oil and Grease (lbs/day)	25	50	2/Month	Grab

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored twice per month.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

4. Effluent samples shall be taken prior to mixing with the receiving waters or any other flow.

#1600000000

D. Best Management Practices (BMP) Plans

1. A plan shall be developed which establishes Best Management Practices (BMPs) to be followed in operating the facility, cleaning the raceways and/or ponds, and removing and disposing of the solids. The purpose of the plan is to identify and describe practices which minimize the amount of pollutants discharged to surface waters.

2. The plan shall be signed and certified as required in Part IV.G. and be submitted to EPA within thirty (30) days of the effective date of this permit.

3. The plan is automatically approved, unless EPA notifies the permittee in writing that the plan does not meet one or more of the minimum requirements of Part I.D.6., below. The permittee shall have 15 day after receipt of such notification from EPA to make the changes necessary to comply with Part I.D.6., and to submit the revised plan to EPA.

4. Upon approval, the BMP plan becomes an enforceable part of this permit and shall be implemented by the permittee.

5. The permittee shall amend the BMP plan whenever there is a change in facility design, construction, operation, or maintenance which affects the potential for the discharge of pollutants to waters of the United States. Amendments to the BMP plan shall be reviewed and approved by EPA in the same manner as Part I.D.3. above.

6. The BMP plan shall include, as a minimum, the following items:

a. During Operations:

- A description of the pollution control equipment or methods used to enhance solids collection. An example is the use of screens to create a quiescent zone in the downstream end of ponds or raceways, and the use of a suction device to remove the accumulated solids to a settling pond.
- A description of how excessive solids buildup will be identified to trigger more frequent cleaning frequencies such that the accumulated solids do not erode from the bed of solids and wash up and over the dam boards.
- A description of the methods used in feeding, such as self feeders, to minimize the amount of excess feed in the discharge.
- A description of the preventive maintenance program for the cleaning equipment so delays in cleaning due to equipment failure are avoided.
- Identification of those operating activities that take place in raceways or ponds, and describe what steps will be taken by the people who perform these activities to minimize the disturbance of accumulated solids. An example is that a raceway will be cleaned before grading fish in that raceway.

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b. Cleaning of Cleaning Waste or Flow-Thru Settling Ponds:

- Details about the settling pond design capacity, such as the volume, reserve volume for precipitation, design settling time, and actual settling times.
- Describe in detail how the accumulated solids are to be removed, and methods for disposal. The following measures shall be implemented to the extent possible:

the water level in the pond should be lowered slowly to prevent the escapement of accumulated settled material; and

during the removal of material there will be no discharges from the pond.

- Describe where the removed material is to be placed to prevent it from re-entering the pond or any waters of the United States.

c. Other Practices:

- Describe the training to be provided for employees to assure that they understand the goals and objectives of the BMPs, requirements of the NPDES permit, and their individual responsibilities for complying with the goals and objectives of the BMP plans and this NPDES permit.

- List all drugs or chemicals that are applied in the raceways or ponds. For each drug or chemical identify:

- what the drug or chemical is used to treat,
- the method of application,
- the dosage rate,
- the method(s) used to detoxify the wastewater before discharge, and
- information on the drug or chemicals's persistence and its toxicity.

E. Other Requirements and Conditions

1. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner so as to prevent any pollutant from such materials from entering waters of the United States.

2. Discharging untreated cleaning wastes (e.g. obtained from a vacuum or standpipe bottom drain system) to waters of the United States is prohibited.

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3. Sweeping accumulated solids from raceways to waters of the United States is prohibited.

4. Practices, such as raising dam boards in raceways or ponds, which allow accumulated solids to discharge to waters of the United States are prohibited.

5. The discharge of any drugs or chemicals in toxic amounts to waters of the United States is prohibited.

6. The permittee shall keep records of all cleaning events including dates of cleaning and the raceway cleaned, and the approximate pounds of fish in the raceway cleaned.

7. During all phases of operation of the facility, the permittee shall implement the BMP plan required in Part D. above.

8. The permittee shall record and report on the respective month's DMR the date the pond or ponds were cleaned.

9. A copy of the BMP plans and this NPDES permit must be kept at the facility at all times and made available to all employees

F. Production Changes

1. If during the term of this permit the projected annual production is less than 20,000 pounds per year and the feeding rate is less than 5,000 pounds of food during the calendar month of maximum feeding, the permittee is exempt from the monitoring requirements of Part I.A. or B. Additionally, the permittee must notify EPA of the projection. The permittee may assume that the facility is exempt from the monitoring requirements of this permit after 30 days of submittal of the notice, unless EPA disapproves of the exemption.

If following the period of low production, the projected production is expected to exceed the above criteria, the permittee must notify EPA and begin immediately to follow the monitoring requirements of this permit.

2. If the facility is planning to shut down operations for more than one month the permittee shall submit a written notice to EPA, listing the expected or actual date operations ceased, and the expected date the facility will be back in operation.

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G. Definitions

1. "Daily Average" ("Daily Avg.") shall be determined by the summation of the measured daily discharges divided by the number of days during the monitoring month when the measurements were made. The TSS daily average (for non-processing wastes) may be calculated by the geometric mean method.
2. "Daily Maximum" ("Daily Max.") shall mean the maximum value attained on any day.
3. "Daily Minimum" shall mean the minimum value attained on any day.
4. "Instantaneous Maximum" is the value attained at any given time.
5. A "24 hour composite" ("24 hr. Comp.") sample shall mean a flow-proportioned mixture of not less than 8 discrete aliquots. An "8 hour composite" ("8 hr. comp.") sample shall mean a flow-proportioned mixture of not less than 6 discrete aliquots. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.
6. A "Grab" sample is an individual discrete sample.
7. "Representative Sample" Multiple outfalls with similar waste streams can be sampled and combined into one sample for just one analysis. The sample volume from each outfall shall be apportioned according to the volume of flow at the time of sampling. These apportioned samples can then be combined into one representative sample and sent to the laboratory for analysis.
8. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
9. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
10. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
11. mg/l = milligrams per liter
12. ml/l = milliliters per liter
13. mgd = million gallons per day

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II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I shall be collected from the effluent stream prior to discharge into the receiving waters. Influent samples shall be taken at the point where the water enters the facility or settling pond. Samples and measurements shall be representative of the volume and nature of the monitored influent or effluent.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- C. Penalties for Tampering. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- D. Reporting of Monitoring Results. Monitoring results shall be summarized each month on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1). The permittee shall indicate on the DMR form the type of discharge(s) and the corresponding permit limits (i.e. Parts I.A. and C., or I.B. and C.).

The reports shall be submitted monthly and are to be postmarked by the 10th day of the following month. Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of Part IV.G. Signatory Requirements, and submitted to the Director, Water Division and the State agency at the following addresses:

original to: United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Attn: Water Compliance Section, Mail Stop 513

copy to: Idaho Dept. of Health and Welfare
Division of Environment
Statehouse
Boise, Idaho 83720

DMR forms may be obtained from EPA at the above address or by calling (206) 442-1213.

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- E. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.
- F. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) analyses were performed;
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and
 6. The results of such analyses.
- G. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- H. Twenty-four Hour Notice of Noncompliance Reporting.
1. The following occurrences of noncompliance shall be reported by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
 - a. Any noncompliance which may endanger health or the environment.
 - b. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See Part III.F. Bypass of Treatment Facilities.)
 - c. Any upset which exceeds any effluent limitation in the permit. (See Part III.G. Upset Conditions.)

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2. A written submission shall also be provided within 5 days of the time that the permittee becomes aware of the circumstances. The written description shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Compliance Section in Seattle, Washington by phone, (206) 442-1213.
4. Reports shall be submitted to the addresses in Part II.D. Reporting of Monitoring Results.
- I. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.D. are submitted. The reports shall contain the information listed in Part II.H.2.
- J. Inspection and Entry. The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
 1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and
 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

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III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The Clean Water Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500, nor more than \$25,000 per day of violation, or by imprisonment for not more than 1-year, or both. Except as provided in permit conditions on Part III.F. Bypass of Treatment Facilities and Part III.G. Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

RECEIVED

F. Bypass of Treatment Facilities:

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2. and 3. of this section.
2. Notice:
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.H. Twenty-Four Hour Reporting.
3. Prohibition of bypass.
 - a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under paragraph 2. of this section.
 - b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this section.

G. Upset Conditions

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph 2. of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the specific cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated; and
 - c. The permittee submitted notice of the upset as required under Part II.H. Twenty-Four Hour Notice of Noncompliance Reporting.
 - d. The permittee complied with any remedial measures required under Part III.D. Duty to Mitigate.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

- H. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

IV. GENERAL REQUIREMENTS

- A. Changes in Discharge of Toxic Substances. Notification shall be provided to the Director as soon as the permittee knows of, or has reason to believe:
1. That any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- a. One hundred micrograms per liter (100 ug/l);
 - b. Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application;
2. That the permittee has begun or expects to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.
- B. Planned Changes. The permittee shall give notice to the Director, as soon as possible, of any planned physical alterations or additions to the permitted facility. The permittee shall also give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- E. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- F. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.

G. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.

1. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director.
 - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to authorization. If an authorization under paragraph IV.G.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.G.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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- H. Penalties for Falsification of Reports. The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- I. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State water pollution control agency and the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.
- J. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.
- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- L. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2. above.

1 J. Evan Robertson
2 NELSON, ROSHOLT, ROBERTSON,
3 TOLMAN & TUCKER
4 P. O. Box 1906
5 Twin Falls, Idaho 83303-1906
6 Telephone: (208) 734-0700
7 2052p/cj/12-10-84

8
9 BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,

10 REGION 10

11 * * * * *

12 In the Matter of The Issuance)
13 of the Following Final NPDES) REQUEST FOR
14 Permit Authorizing the) CONSOLIDATION
15 Discharge of Waste Water) OF EVIDENTIARY
16 From Trout-Culturing) HEARINGS
17 Facilities In Idaho; to-wit:)
18 ID-000097-3.)

19 * * * * *

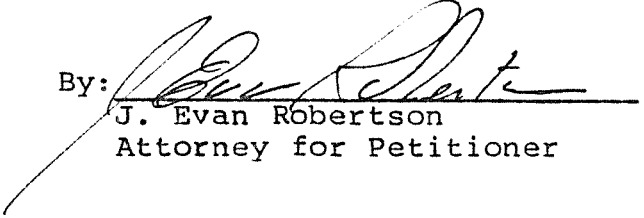
20 COMES NOW, the Southern Idaho Production Credit
21 Association, a federally chartered corporation, with its
22 principal place of business at 834 Falls Avenue, Suite 1050,
23 Twin Falls, Idaho, 83301, by and through its attorney of
24 record, J. Evan Robertson, and requests that in the event an
25 evidentiary hearing relating to NPDES Permit No. ID-000097-3
26 pursuant to 40 C.F.R. § 124.74, that said evidentiary hearing
27 be consolidated with the evidentiary hearing heretofore granted
28 with respect to the following NPDES permits: ID 002303-5;
ID 000102-3; ID 000103-1; ID 0002580-1; ID 000101-5;
ID 000099-0; ID 000086-8; ID 002532-1; ID 002503-8;
ID 002440-6; ID 000095-7; ID 000089-2; ID 002242-0;

1 ID 002500-3; ID 002290-0; ID 000075-2; ID 000093-1;
2 ID 0002491-1.

3 This Request is being made in as much as the permit of
4 the petitioner and the provisions thereof which are being
5 challenged by this petitioner are identical with those permits
6 and protested issues giving rise to the evidentiary hearing
7 already approved in the above-referenced permits.

8 Submitted this 13 day of December, 1984.

9 NELSON, ROSHOLT, ROBERTSON,
10 TOLMAN & TUCKER

11
12 By: 
13 J. Evan Robertson
14 Attorney for Petitioner
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85 14E 508
Quads AA 69 & AA 70

RECEIVED
FEB 25 1985

MEMORANDUM

2/22/85

FROM: Loren Holmes

LH

Department of Water Resources

TO: Glen Saxton, File 36-7072

Re: Comments on request for change to measuring device requirement.

The diversion flume (1) was built after the exam was done on permit 36-7866. Closure of the discharge from the North raceways, (3), would cut off the water supply as it existed when examined and require it to be diverted directly from the head pond. The flume has no measuring device, but one could be installed fairly easily. Ardell Hill, the owner of 36-7866, has taken Valley Trout to court, alleging that they trespassed when they extended the headpond over his property line. I don't know the outcome of the case.

Permit 36-7085 currently diverts only irrigation water from the Snake river. If the fish propagation part of the permit were to be used, it would probably be limited to the 10.5 cfs capacity of the pipeline.

The 10.5 cfs right in the Brailsford pipeline is not recorded as a claim. The right has been stipulated to in the file on 36-7072, and is often referred to as a decree, but I can find no record except as notices recorded in Gooding County.

During the development under permit 36-7072, the various permit holders maintained that the flows over the original waterfalls would be left intact once the project was completed. As the trout farm now exists, the only way water can be delivered to the north falls is through Hill's diversion or by spilling the water after it goes through the first raceways. (i.e. from pt ③ on photo?)

I would recommend the following:

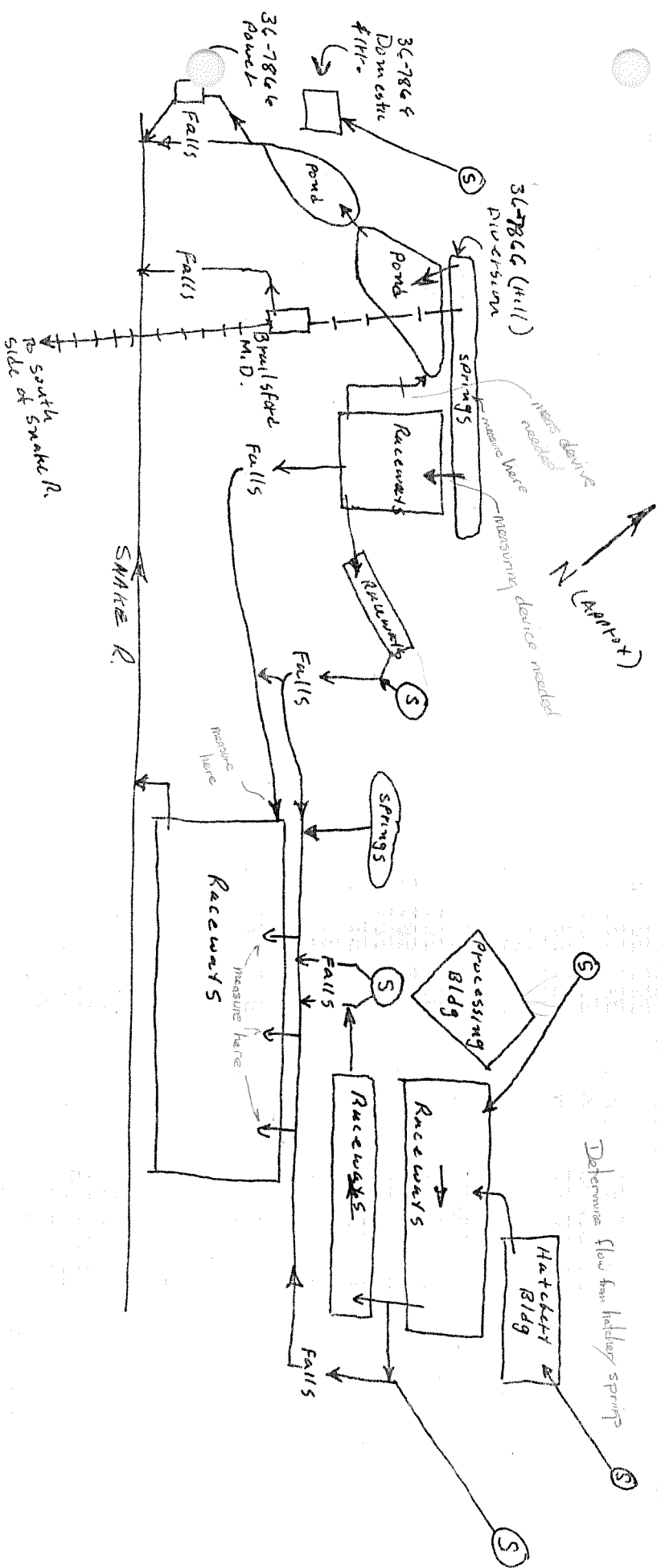
Require installed measuring devices only on water diverted from the North springs. (inlet to north raceways) 3.p.d.s. Both Hill & Brailsford have m.D.'s

Require a flow of 9 cfs to be maintained to the North falls. This could be either diverted through Hill's diversion or spilled after use in the North raceways. (i.e. from pt ③).

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Permit 36-7072 Water Flow Schematic

No Scale



MICROFILMED

November 4, 1980

MEMO

TO: Files 36-7786 - 36-7787 - 36-7085
FROM: Loren O. Holmes *LH*
RE: Estimate of Flow of Bickel #2/Bridal Veil Springs
9-19-80

BICKEL SPRINGS #2

Diversion to Brailsofrd pipeline	10 cfs
Leakage over the North Falls	1
Diversion thru Valley Trout Upper ponds	<u>49</u>

TOTAL FLOW, BICKEL #2 60 cfs

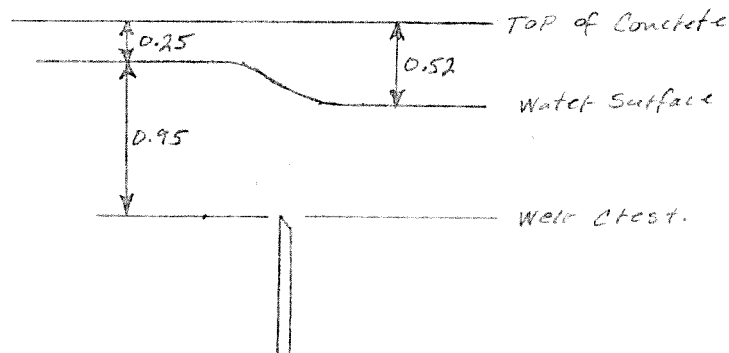
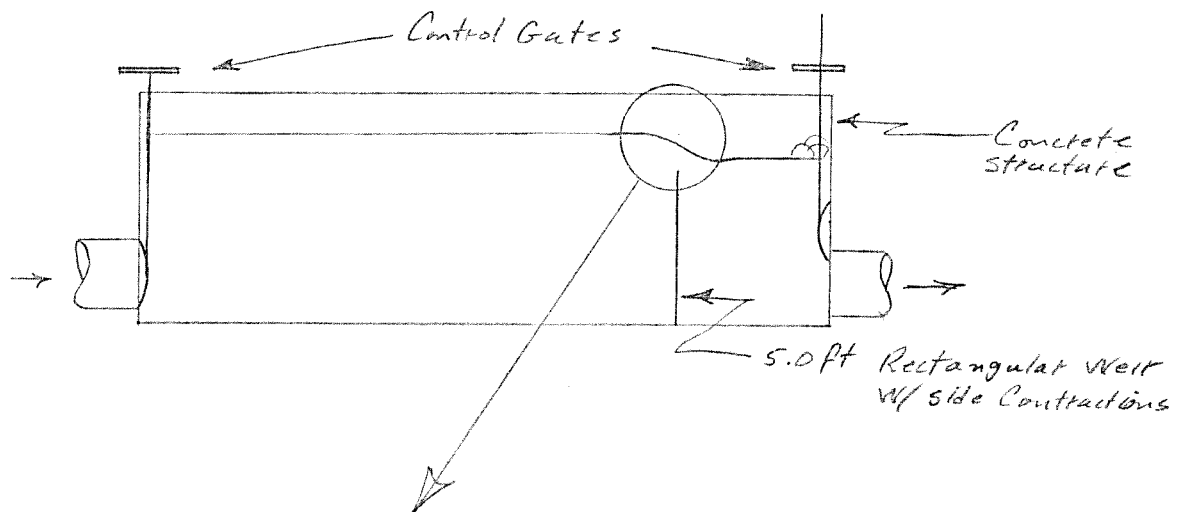
Total flow out of Valley Trout facility = 126 cfs

Total flow of Bickel #2/Bridal Veil Spgs= 137 cfs

Flow was estimated by a 5 feet rectangular weir operating under submerged conditions on the Brailsford pipeline and by reading the heads on 30 discharges on the upper Valley Trout raceways and on 104 discharges at the outlet of the Valley Trout facility. to the Snake River. All pond discharges are 4.3 feet wide.

Volumetric measurements were later made at another trout farm under similar conditions using a bucket and stopwatch. This information was used to derive an adjusted constant for use in the weir formula. The formula used to compute discharges from the raceways is $Q = (3.631)(4.3)^{3/2} H$.

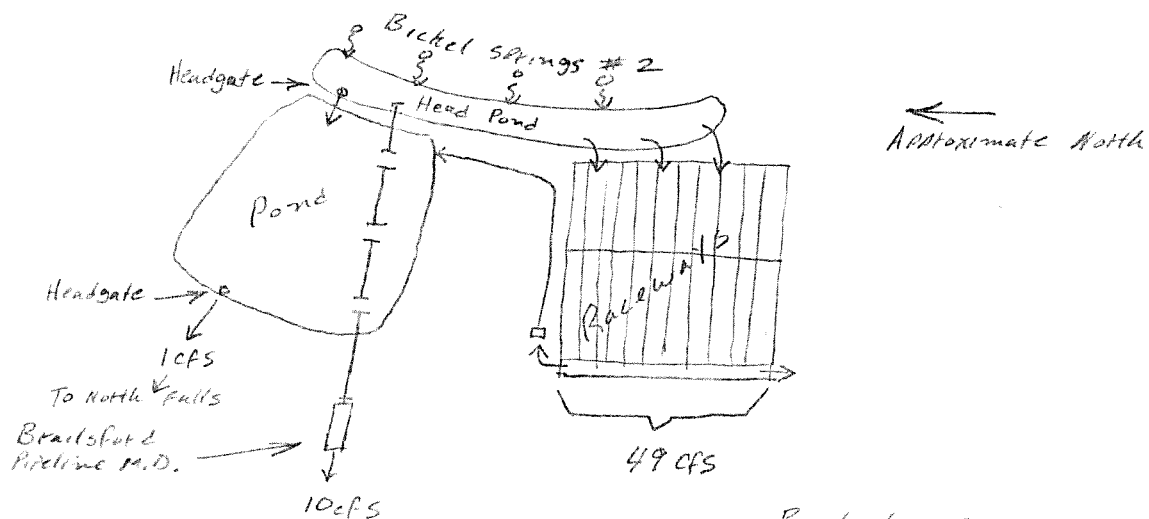
MICROFILMED



$$Q = 3.33 H^{3/2} (L - 0.2H) \Rightarrow 14.83 \text{ CFS}$$

$$d/H = 0.72 \Rightarrow C' = 0.68 \text{ (Table 13, USBR Water Measurement manual)}$$

$$\therefore Q = \underline{\underline{10.08 \text{ cfs}}}$$



Bickel Springs #2
 Lot 8 Sec 6 T8S R4E
 9-19-80

Determination of Discharge Coefficient
for 2" board Weirs at trout raceway discharges

$$\text{Volume of Bucket} = .722 \text{ ft}^3$$

$$\text{Width of Bucket} = .84 \text{ ft}$$

$$\text{Width of Weir} = 4.5 \text{ ft}$$

$$\text{Average time to fill} = 2.46 \text{ sec}$$

$$\text{Average Head} = .21 \text{ ft}$$

$$\frac{.722 \text{ ft}^3}{2.46 \text{ sec}} \Rightarrow \frac{.293 \text{ cfs}}{.84 \text{ ft}} \Rightarrow .349 \text{ cfs/ft}$$

$$.349 \text{ cfs/ft} \times 4.5 \text{ ft} = 1.572 \text{ cfs @ } H = .21 \text{ ft.}$$

$$\text{Weir formula: } Q = CLH^{3/2}$$

$$C = \frac{Q}{LH^{3/2}} = \frac{1.572}{4.5(.21)^{1.5}} = \underline{\underline{3.631}}$$

Sherl L. Chapman

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

January 25, 1985

Mr. Loren Holmes
Department of Water Resources
1041 Blue Lakes Blvd., North
Twin Falls, Idaho 83301

Dear Loren:

Enclosed you will find the report and proposal for Southern Idaho PCA on Valley Trout Farms permit 36-7072. Accompanying the report are several photographs that show different locations of areas of interest. I would appreciate your review of the report and your recommendation for approval of our proposal if you concur.

If you have any questions or need additional information, please give me a call.

The PCA needs to move ahead rapidly with this so anything you can do to help would be greatly appreciated. Additionally, at the conclusion of your review, the PCA would like to have the photos back since these are the only copies.

Sincerely yours,



Sherl L. Chapman
Consultant

SLC:kje
cc:Mr. Dick Weathered

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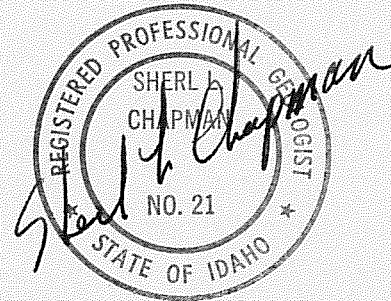
GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

Sherl L. Chapman

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

TO: Mr. Loren Holmes
FROM: Sherl L. Chapman, Consultant
DATE: January 24, 1985
SUBJECT: Proposal For Licensing Permit 36-7072



This firm was contacted by the Southern Idaho Production Credit Association with regard to problems they were incurring during attempts to license 36-7072 for property assumed by the PCA. The area where the springs issue is very complex and because of the type of construction done by the original owner, Mr. Ken Ellis, a number of problems became apparent when proof of beneficial use needed to be completed. After reviewing the problems on site with personnel of the Department of Water Resources, it appeared that modification of the original permit conditions might be appropriate in order to ease the burden on the PCA, meet the State requirements for licensing of water rights and protect existing water rights on the northwest end of the spring area.

The original permit required measuring devices on all diversions but because of the existing construction of diversion facilities and canals serving the raceways, many of them would require significant modification and reconstruction in order to allow installation of any type of accurate measuring device. The potential requirement of reconstruction will create an undue financial and time burden on the PCA since the potential selling price of the facility is much reduced from its actual worth. 2

Upon examination of the area, it is also apparent that measuring devices are not needed at most diversion sites because of very little or no potential for any future water right interference. Water discharges directly from the springs on the facility property, flows through the raceways and directly into the Snake River adjacent to the property. The only area where other water rights exist and interference may possibly occur is on the northwest corner of the property where two other water rights exist and specific diversion facilities are already constructed. State proof of beneficial use and licensing requirements may be met by reduction of the measuring device requirements and other water rights may still be protected.

Water rights in the area include the Brailsford Brothers Inc. permit, 36-7085, the Bob Brailsford application, 36-7786, the Ardell G. Hill water right license, 36-7866, and the

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

Mr. Loren Holmes
January 24, 1985
Page 2

Standal-Lemmon application, 36-7121. All other water right applications or permits at this location are in the name of Valley Trout Farms Inc., now assumed by the PCA. Both Brailsford and Hill have diversion facilities as noted in #1 and #2 on the accompanying photographs, but the Standal-Lemmon application has not received the benefit of any work.

Several photographs of the area accompany this report and on those photographs several circles with numbers may be observed. The following is a description of the facilities located at each numbered site.

1. A recently constructed diversion flume belonging to Mr. Ardell G. Hill for irrigation. This diversion is covered by water right license 36-7866.
2. A diversion facility for the Bob Brailsford pipeline, which is noted by an arrow below the numerical designation, this diversion is under permit 36-7085 and also includes a stipulated 10.5 cfs right referred to by Mr. Loren Holmes in his letter of November 29, 1984.
3. Discharge from the northwesternmost raceway which flows back into the springs feeding the raceway and diversions 1 and 2.
4. Discharge through a pipeline from the northwestern raceway. The discharge from the pipeline can be seen directly below the numbered circle with the water cascading over a bluff and into a ditch at the bottom of the bluff.
5. The discharge from the same raceway to the next raceway to the southeast. Water flows from this point underground to the raceway and then is discharged from the smaller raceway over the bluff to the same ditch that the #4 discharge enters.
6. This is the approximate location of the diversion into one of the lower larger raceways and where one of the measuring devices would have to be installed unless the State waives the requirement at this location.
7. A diversion into the same raceway as #6 with the water source being springs to the southeast.
8. A diversion into the southeasternmost raceway from the large ditch and the "Bridal Veil Springs" to the southeast.

The major concern expressed by the Department of Water Resources during the field examination was: 1. That other water rights be protected from injury, and 2. That the Department be able to accurately determine the amount of water used for beneficial use for licensing. Because only the

SIX-ROCK MFD

Mr. Loren Holmes
January 24, 1985
Page 3

Brailsford and Hill rights are developed and the Standal-Lemmon application is to the southeast of the existing facility, it appears that the only measuring devices needed to actually protect other water rights would be for the raceway diversions facilities effecting springs supplying diversion point 1 and 2. These rights could be protected by closing the discharge from the raceway located at point #3, which merely returns water to the initial springs, and installing inline flow meters in the discharge pipes at locations 4 and 5. It is also suggested that Brailsford and Hill be required to provide measuring devices at diversion points 1 and 2 because of the potential for those facilities to significantly deplete the springs from which all three receive water and 36-7072 carries the earliest priority date. }

Measuring devices at points 6, 7 and 8 are unnecessary since they lie wholly upon the Valley Trout Farm's property and there is no opportunity for other water rights to be obtained from these facilities nor is it intended that access be granted to those facilities. The Standal-Lemmon application would be developed off the property to the southeast and at the time of development, if it did proceed, measuring devices could be required allowing installation at the time of initial construction.

In addition to the lack of necessity for the measuring devices at these points, significant difficulty exists with any type of installation of measuring devices at this point in time. During the initial construction, the original applicant constructed the ditches and diversion facilities so flat and low that very little head is available to allow accurate measuring by weirs, flumes or even submerged orifices. In many cases the water is diverted directly from the flat low lying ditch into the raceway and there is not even sufficient pipe to allow installation of an inline flow meter. If the State requires that measuring devices be installed at these locations, significant expense and time will be involved in reconstructing the ditches, building up banks and constructing large measurement facilities because of the large amount of water involved at these locations. In addition to the concern over expense, the time frame would be lengthy and the Southern Idaho PCA is now in the position of possibly being able to sell the property and at least recover some of its expenses. Lengthy time delays may significantly jeopardize their opportunity to divest themselves of the property.

The Southern Idaho Production Credit Association therefore proposes that:

1. The discharge from the northwesternmost raceway at site #3 be permanently closed. why?

RECORDED

Mr. Loren Holmes
January 24, 1985
Page 4

2. Inline flow meters be installed at locations 4 and 5. Such flow meters would provide instantaneous readings of flow and a totalizing register for volume passing the measurement site.
3. That the State require measuring devices at diversion sites 1 and 2 for Hill and Brailsford in order to adequately protect the Valley Trout water right.
4. The State measure the flow for proof of beneficial use utilizing current meters or other measuring equipment as necessary to determine the total quantity of water available to the facility for operation under a license to be issued for 36-7072.
5. If the State does ^{from me} not have the time or facilities at this point to make the proof of beneficial use measurements that Southern Idaho PCA be allowed to obtain a certified water measurement at these locations in these manners in order to effectuate licensing.
6. The State of Idaho Department of Water Resources expedite licensing in order to allow Southern Idaho PCA to divest itself of the subject property in as rapid a manner as possible.

Southern Idaho PCA understands the concern of the Department of Water Resources personnel with regard to protection of other water rights in this area. Additionally, they further understand the need for protection of Idaho's water resources, particularly from waste and overuse. However, because of the nature of the fish propagation facility, there is no means by which the owners of the property, whether it be Southern Idaho PCA or others, can increase the flow from the springs and exceed the water flow that is presently being used. It appears quite unnecessary then that permanent water measurement facilities be installed in areas that are difficult for construction as well as expensive. Certainly protection of the Hill and Brailsford water rights is necessary and Southern Idaho PCA fully agrees with that concept and is willing to install the appropriate measuring equipment at the locations necessary to protect those rights. Southern Idaho PCA urges the Department of Water Resources to favorably consider this proposal and act expeditiously.

If you have any questions regarding the proposal or need additional information, the Department of Water Resources should contact either Sherl Chapman, 410 S. Orchard, Suite 144, Boise, Idaho 83705, 344-6690 or Richard Weathered, Senior Loan Officer, Southern Idaho Production Credit Association, 834 Falls Avenue, Suite 1050, Blue Lakes Office Park, Twin Falls, Idaho 83301, 734-2820.

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