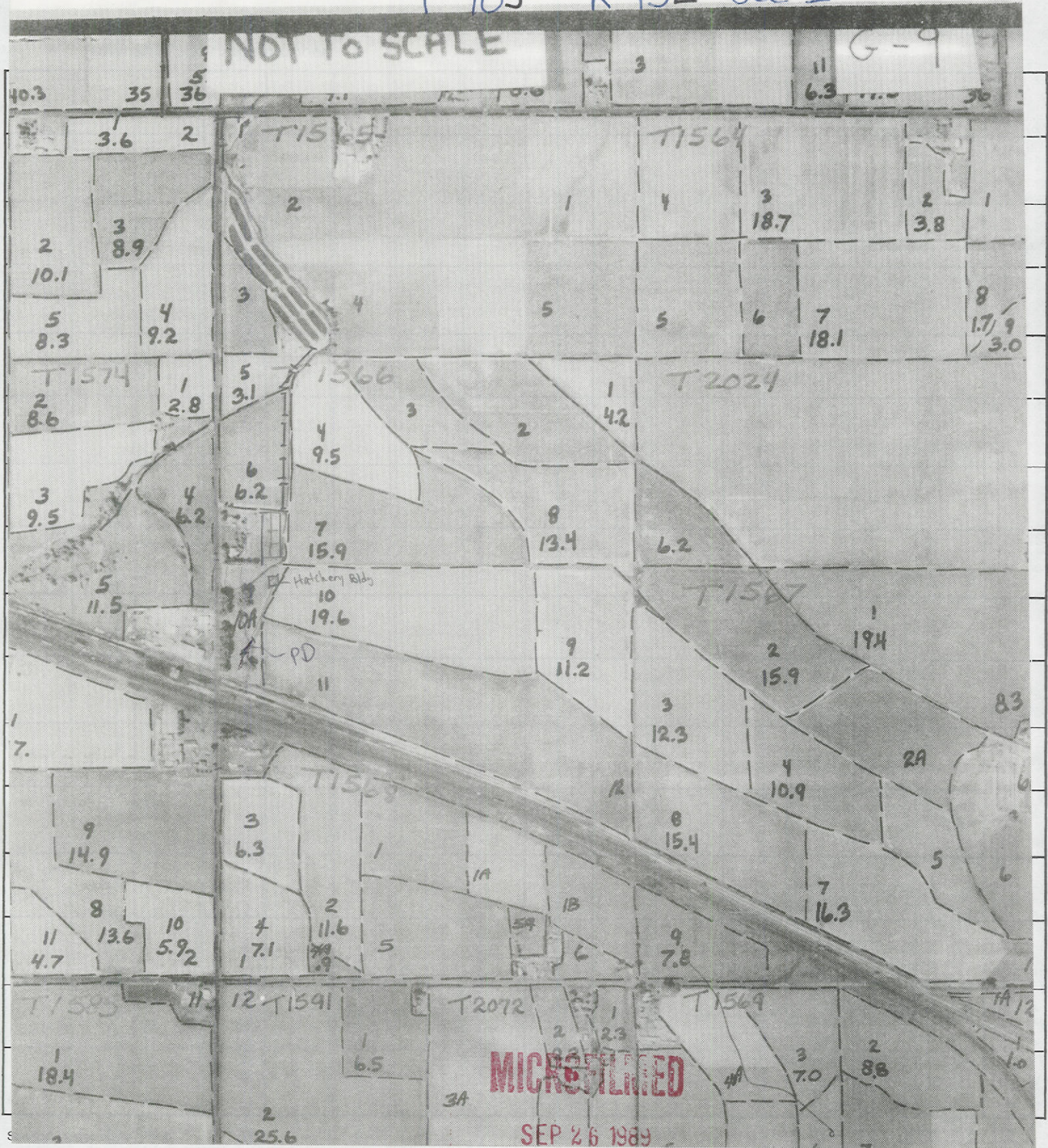
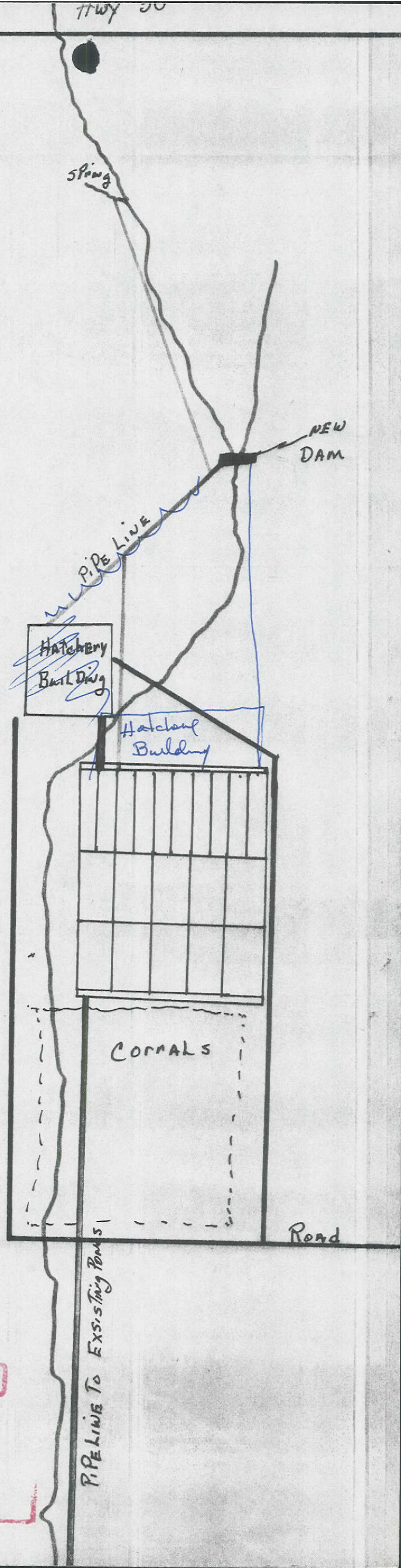


T 10S R 15E Sec 1



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

Trill West Enterprises By [Signature] Owner
(Applicant)



MICROFILMED

SEP 26 1989

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 011488 INVOICE No. L00124329Account No. 44662 7-8074Description 24329NOTICTimes 2 Lines 28

Tab Lines _____

**LEGAL ADVERTISING
INVOICE**

SOLD TO: STATE OF IDAHO
DEPT. OF WATER RESOURCES
2148 4th Ave East
TWIN FALLS,
ID 83301

\$ 24.50 ok 47-8074
2/12/88
MB

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

C. M. Viers, being duly sworn,

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

NOTICE OF APPLICATION

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 010788, or once a

WEEK for 2 consecutive WEEKS, the first
publication thereof being on the 010788, and the last pub-
lication thereof being on the 011488, and said

NOTICE OF APPLICATION

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

C. M. Viers

SUBSCRIBED AND SWORN BEFORE ME THIS THE 15

day of January 1988

Sheryl M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

24329
**NOTICE OF APPLICATION
FOR WATER PERMIT**
The following application(s) has
been filed to appropriate the public
waters of the State of Idaho:
47-8074
TRI-WEST ENTERPRISES, FISH
DIVISION
C/O RICHARD E. EGGLESTON, 101
FOURTH AVE. SOUTH, BUHL, ID
83316
Source: UNNAMED STREAM trib.
to CEDAR DRAW
Diversion Pt: NWNWSW Sec 01 T
10S R 15E; 2 miles NW of Filer.
Use: FISH PROP. (14.0 CFS)
Date Filed: 12/02/1987
In: SWNW NWSW Sec 01 T 10S R
15E
The permits will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of Wa-
ter Resources, Southern Region, 2148
Fourth Avenue East, Twin Falls,
Idaho 83301 on or before January 25,
1988.
R. Keith Higginson, Director

RECEIVED

FEB 1 1988

Department of Water Resources
Southern Region Office

MICROFILMED
SEP 26 1989

Proof of Publication
The Post-Register

RECEIVED

JAN 15 1988

Department of Water Resources
Southern Region Office

State of Idaho, }
County of Bonneville } ss

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

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 7th day of January, 1988, last publication having been made on the 14th day of January, 1988, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 14th day of January, 1988.

Notary Public

My commission expires September 30, 1988.

B10

NOTICE OF APPLICATION
FOR WATER PERMIT

The following application (s) has been filed to appropriate the public waters of the State of Idaho:

47-8074
TRI—WEST ENTERPRISES,
FISH DIVISION
C/O RICHARD E. EGGLESTON, 101
FOURTH AVE. SOUTH, BUHL, ID 83313
Source: UNNAMED STREAM trib. to CEDAR
DRAW
Diversion Pt: NWNWSW Sec 01 T 10S R 15E;
2 miles NW of Filer.
Use: FISH PROP. (14.0 CFS)
Date Filed: 12/02/1987
In: SWNW NWSW Sec 01 T 10S R 15E

The permits will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, Idaho 83301 on or before January 25, 1988.

R. Keith Higginson, Director
Published: January 7, 14, 1988

OK
MB
1/15/88

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SEP 26 1989

NOTICE OF
APPLICATION
FOR WATER PERMIT

The following applica-
tion (s) has been filed to
appropriate the public
waters of the State of
Idaho:

47-8074
TRI-WEST ENTER-
PRISES, FISH DIVISION
c/o Richard E. Eg-
gleston, 101 Fourth Ave.
South, Buhl, ID 83316
Source: UNNAMED
STREAM trib. to CEDAR
DRAW
Diversion Pt: NWNWSW
Sec. 01 T10S R 15 E; 2
miles NW of Filer.
Use: Fish Prop. (14.0
CFS)
Date Filed: 12/02/1987
In: SWNW NWSW Sec.
01 T10S R 15 E.

The permits will be
subject to all prior water
rights. Protests must be
filed with the Director,
Dept. of Water
Resources, Southern
Region, 2148 Fourth
Avenue East, Twin
Falls, Idaho 83301 on or
before January 25, 1988.
R. Keith Higginson,
Director
PUBLISH: Thursday,
January 07, and 14, 1988.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

JAN 20 1988

No 18179

I, Linda Copps McQuinn being first duly sworn upon
oath, depose and say that I am Print Clerk of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for Two
consecutive Weeks, commencing with the issue dated

January 7, 19 88, and ending with the issue dated
January 14, 19 88.

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

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

Subscribed and sworn to before me on this

Linda Copps McQuinn
January 14, 19 88
Deanna Thorne

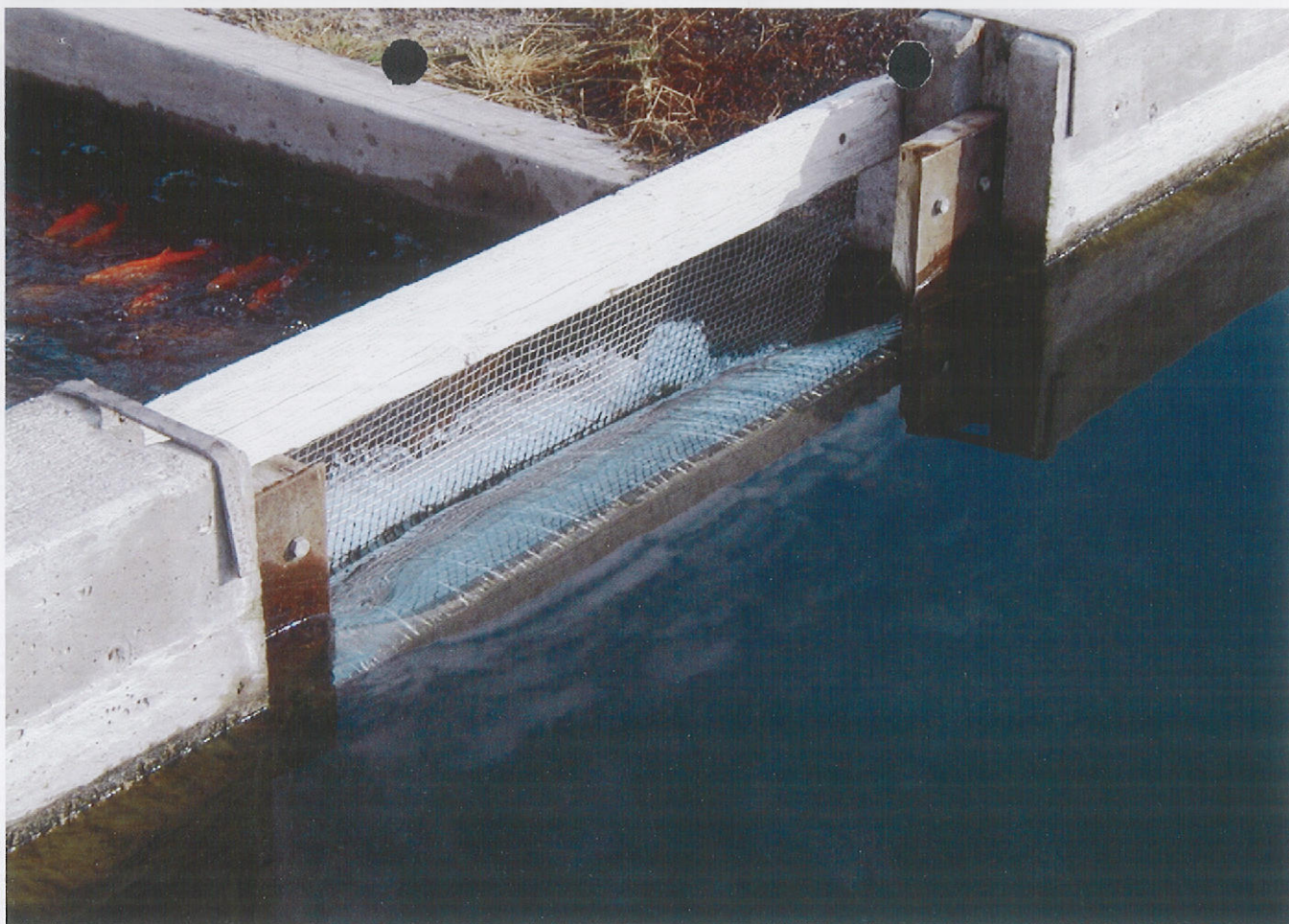
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

SEP 26 1989



Sea Pal 8/28/02

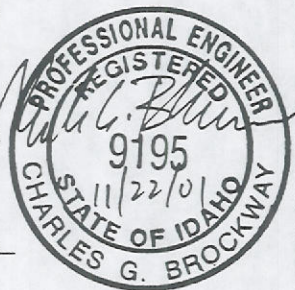
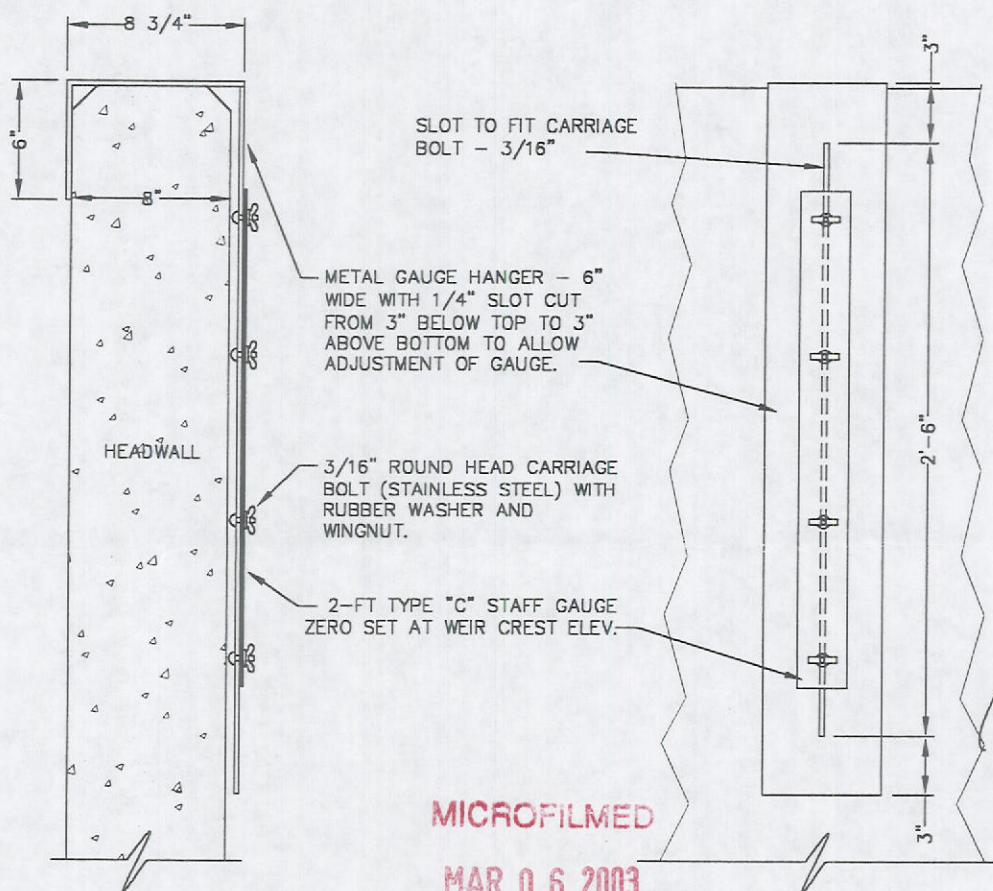
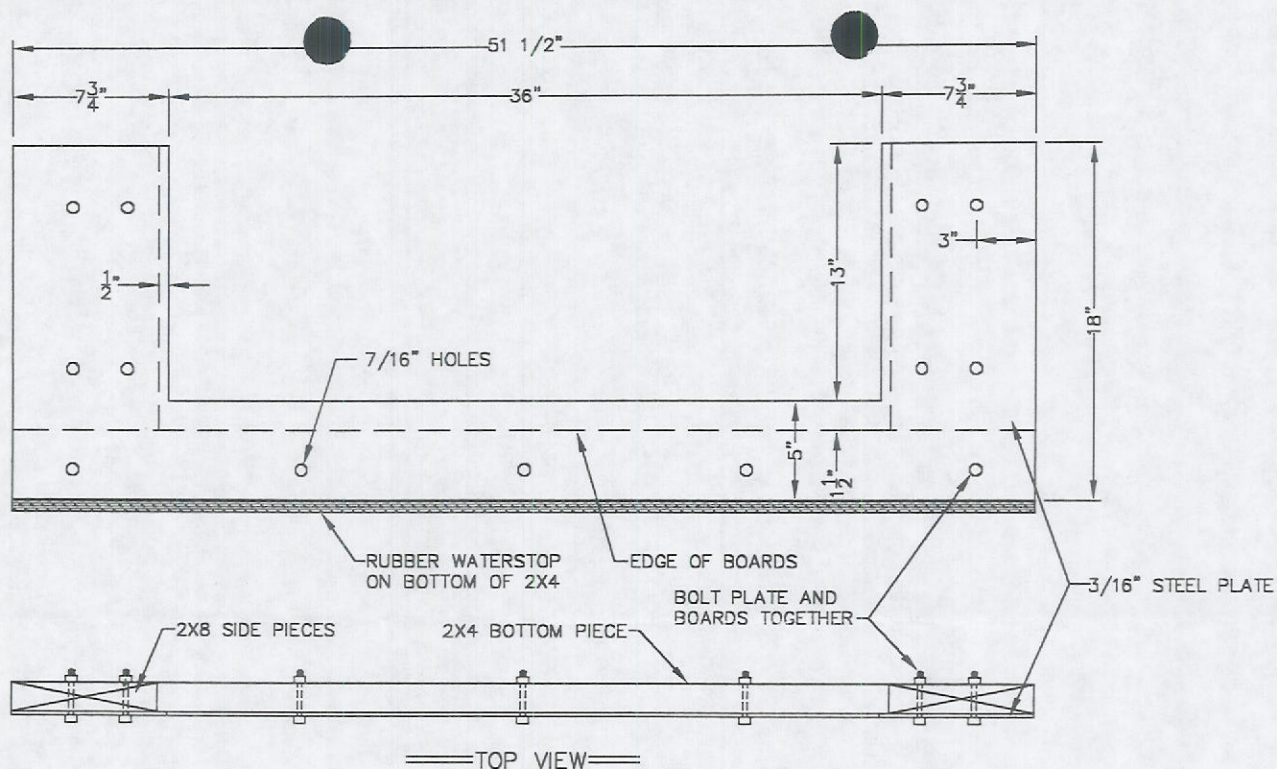
MAR 06 2003



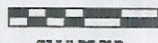
Sea Pal 2/28/02

MICROFILMED

MAR 06 2003



THIS DRAWING HAS BEEN PREPARED BY BROCKWAY ENGINEERING, PLLC FOR A SPECIFIC PROJECT TAKING INTO ACCOUNT THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT. REUSE OF THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH BROCKWAY ENGINEERING & THE CLIENT IS GRANTED.



8/31/01
REV. 11/22/01

BROCKWAY ENGINEERING, PLLC
HYDRAULICS - HYDROLOGY - WATER RESOURCES
2016 NORTH WASHINGTON, SUITE 4
TWIN FALLS, ID 83301
(208) 736-8543

PEAVEY SPRINGS DISCHARGE MEASUREMENT
WATER RIGHT 47-8074

SEA PAC OF IDAHO, INC.

PROJECT #
354-01-2001

DWG # REV



Yoder Farm - ID-002423-6

03 LAT 42° 35' 24" Dist Ponds
P. -ong 114° 39' 02"

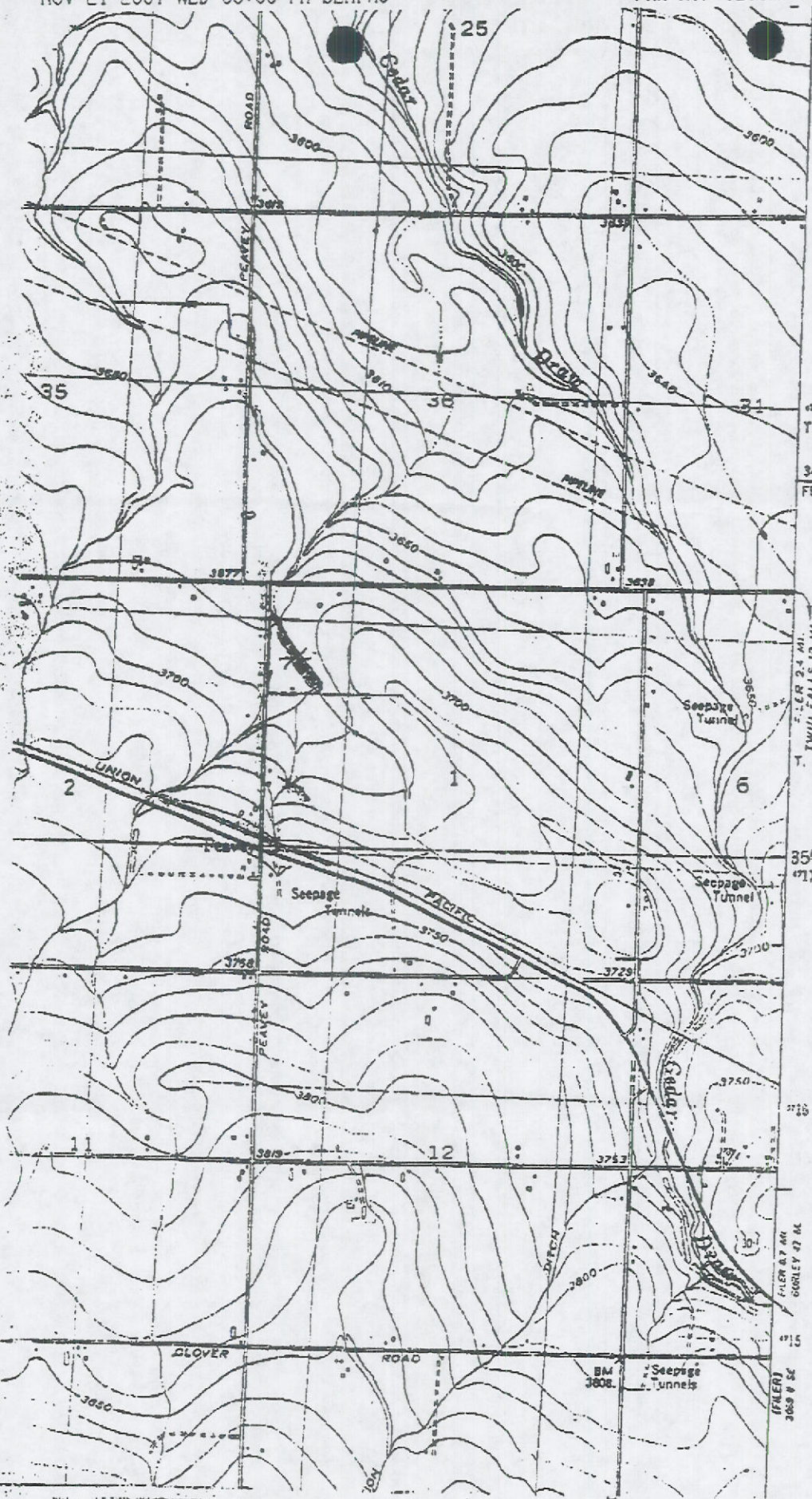
Dirt Ponds

Dirt Ponds

At 43°35' 09" Natchez
on 114°39' 03" (Quadrangle)

Matchless

(Quadrangle Tda 7 1/2 minute Series)



719
T. 9 S.
340 000
FEET.

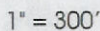
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TWIN FALLS 10 MI.

W 451039

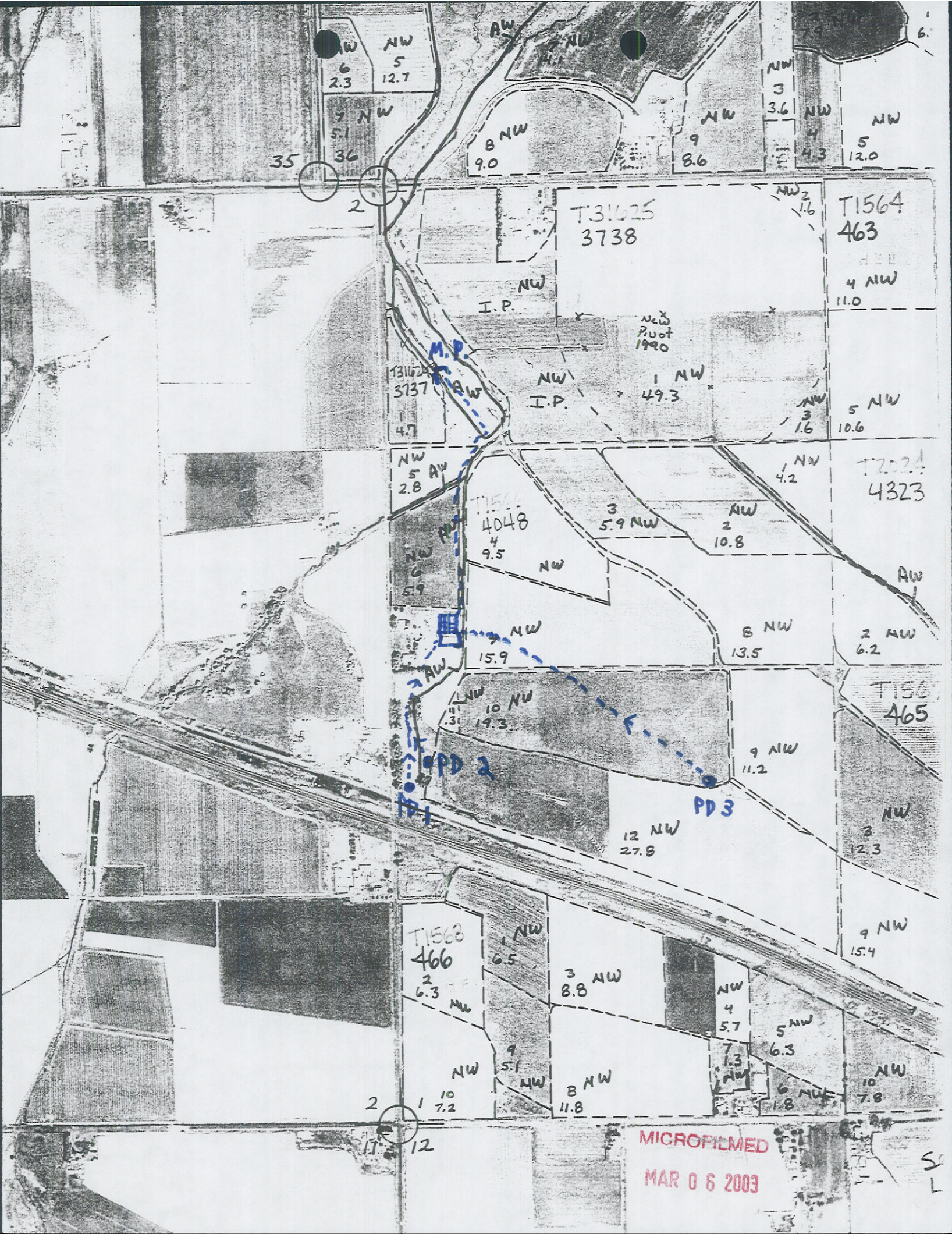
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MICROFILMED
MAR 06 2003

COUNTY ROAD 2000 E.



MICROFILMED
MAR 06 2003





Upper Left Diversion



Upper Right Diversion

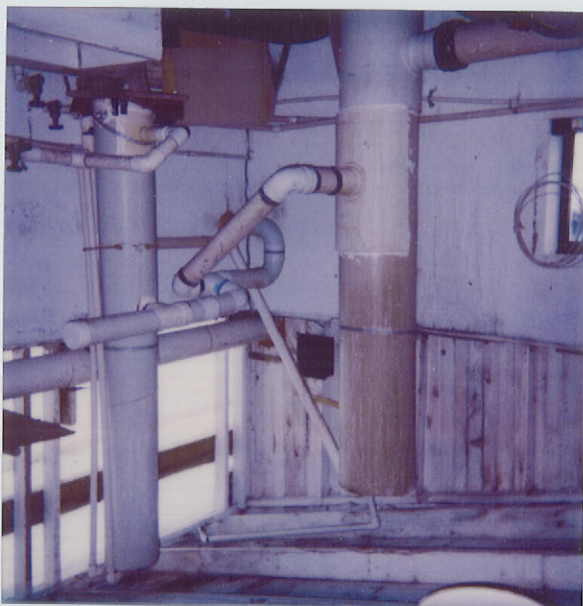


Collection Box MICROFILMED
MAR 06 2003

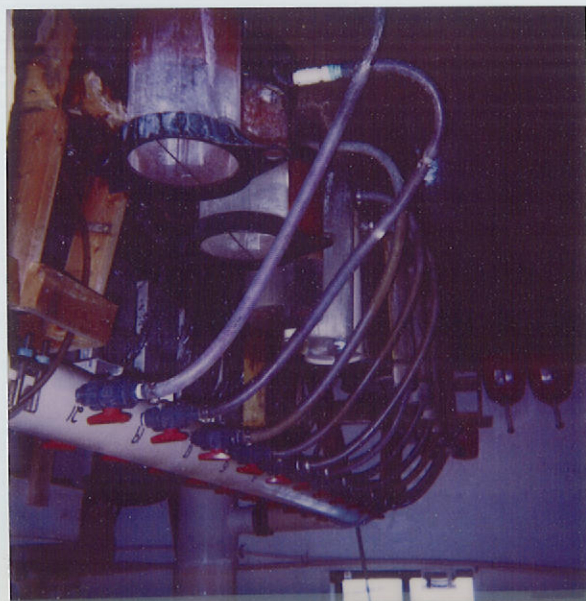
47-08074
1-24-97 JES

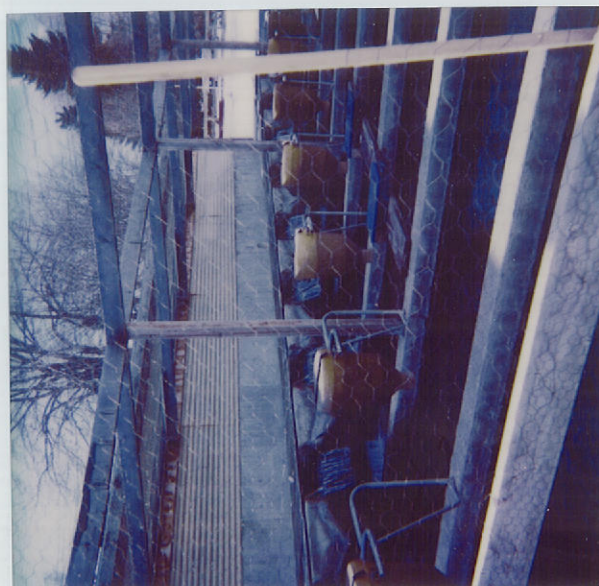
47-08074
1-24-97 JES

MICROFILMED
MAR 16 2003



Egg / Fry House





Raceways

MICROFILMED
MAR 06 2003

47-08074
1-24-97
JES



East Diversion



Pipeline From East Div. To Raceways



Lower End of Raceways



Pipeline From Raceways To Seq Pac

MICROFILMED
MAR 06 2003

47-08074
1-24-97 JES

47-08074
1-24-97 JES

MAR 06 2003
MICROFILMED

Seafac Rdceways



Measuring Point





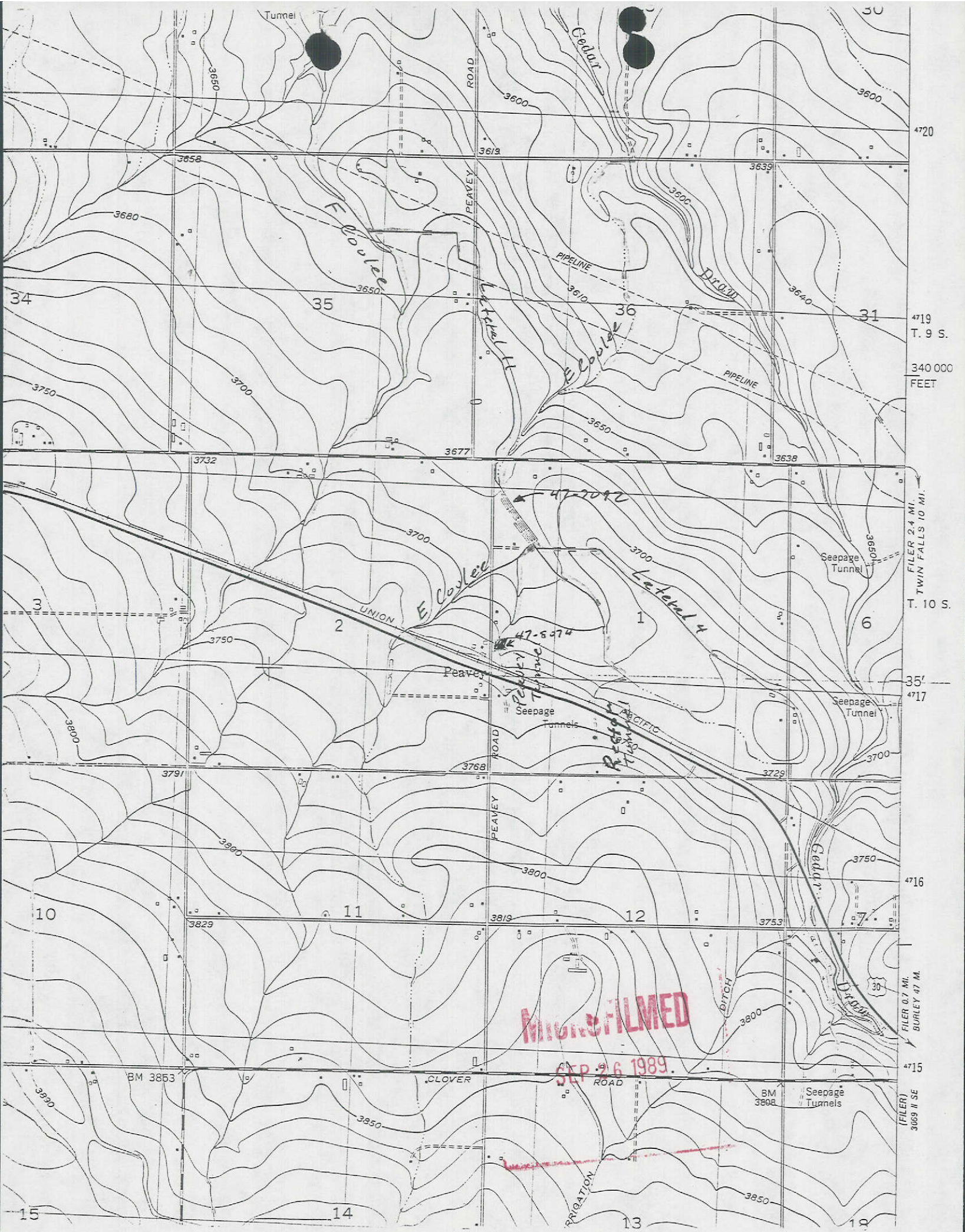
Fry-House Discharge

MICROFILMED

MAR 06 2003

47-08074

1-24-97 JES



4720

4719
T. 9 S.

340 000
FEET

4720
T. 10 S.

35'
4717

4716

4715
FILER 0.7 MI.
BURLEY 47 M.

(FILER)
3093 II SE

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 47-08074

Priority: December 02, 1987

Maximum Diversion Rate: 5.49 CFS
Maximum Diversion Volume: 3,967.6 AF

It is hereby certified that PRISTINE SPRINGS INC
201 WARM CREEK RD
JEROME ID 83338 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated December 02, 1987; and has
submitted Proof of Beneficial Use on August 18, 1994. An examination indicates that the works have a
diversion capacity of 5.49 cfs of water from:

SOURCE

UNNAMED STREAM

Tributary: CEDAR DRAW CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
FISH PROPAGATION	1/01 to 12/31	5.49 CFS	3,967.6 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM	NW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 1, Twp 10S, Rge 15E, B.M. TWIN FALLS County
UNNAMED STREAM	NW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 1, Twp 10S, Rge 15E, B.M. TWIN FALLS County
UNNAMED STREAM	NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 1, Twp 10S, Rge 15E, B.M. TWIN FALLS County

PLACE OF USE: FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	15E	1							X										

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive.
2. The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.
3. The right holder shall maintain a measuring device of a type approved by the Department as a part of the diverting works.
4. Source known locally as the Peavey Tunnel network.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 16th day of DECEMBER, 2002.

Acting for 
KARL J. DREHER
Director

MICROFILMED

MAR 06 2003

RECEIVED

DEC 12 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

Department of Water Resources

(For Licensing Purposes)
WATER RIGHT NO. 47-08074

Date of Priority: December 02, 1987

Maximum Diversion Rate: 5.49 CFS
Maximum Diversion Volume: 3,967.6 AF

Comes now **PRISTINE SPRINGS INC**
201 WARM CREEK RD
JEROME ID 83338 and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 47-08074, and requests that the permit be changed as follows:

Source: UNNAMED STREAM **Tributary:** CEDAR DRAW CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	1/01 to 12/31	5.49 CFS	3,967.6 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM	NWSW	Sec. 1, Twp 10S, Rge 15E, B.M.	TWIN FALLS County
UNNAMED STREAM	NESW	Sec. 1, Twp 10S, Rge 15E, B.M.	TWIN FALLS County
UNNAMED STREAM	NWSW	Sec. 1, Twp 10S, Rge 15E, B.M.	TWIN FALLS County

PLACE OF USE: FISH PROPAGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 15E 1							X										

Permit holder asserts that no one will be injured by such change and that such change will be made at
permit holder's own risk. Signed this 6 day of December, 2002


(Signature)

MICROFILMED

MAR 06 2003

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 47-08074

FOR DEPARTMENT USE ONLY
Preliminary check by 50 Fee = 50⁰⁰ Received by JM # C065763 Date 11/13/02

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 47-08074 with the following:

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive.
2. The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.
3. The right holder shall maintain a measuring device of a type approved by the Department as a part of the diverting works.
4. Source known locally as the Peavey Tunnel network.

Witness my hand this 16th day of DECEMBER, 2002.


Acting for KARL J. DREHER
Director

MICROFILMED

MAR 06 2003

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	47-08074	Tri-West Enterprises Fish Division	14.00
Full Assignment	47-08074	Pristine Springs, Inc.	14.00

RECEIVED

DEC 19 1994

RECEIVED

NOV 09 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 47-08074 Telephone No. 208-736-1684

2. Name(s) of Permit Holder(s): Pristine Springs Inc.

3. Mailing Address: 201 Warm Creek Road Jerome, Idaho 83338

4. Source of Water: unnamed stream If **GROUNDWATER** (well), Date Drilled: mo. na / yr. na

a. Well Driller: _____ Drilling Permit Number: _____

b. **OPTIONAL:**

Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: Fish Propagation

6. Total rate of diversion and/or volume for which proof is submitted: 14 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is **not** optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes x or No _____

Has the measuring device been installed?

Yes x or No _____

Flow Measurement Port: Is a flow measurement port required?

Yes _____ or No x

Has the measurement port been installed?

Yes _____ or No _____

8. Fee Enclosed: \$ 375.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Rick Eggleston Telephone Number: 208-736-1684

Address: 201 Warm Creek Road Jerome, Idaho 83338

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Cheryl Eggleston Sec
(include your title, if on behalf of company of organization)

Date: Nov 2, 1994

DEC 10 1994

State of Idaho

DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY

Amt. of Fee \$25.00

Date 8/18/94

Receipt No. 5017255

Receipt by [Signature]

RECEIVED

AUG 18 1994

ASSIGNMENT OF PERMIT

SEP 13 1994

Department of Water Resources
Twin Falls Region Office

To change the ownership of a permit

Department of Water Resources

I, Tule West Fish Division hereby assign to Pristine Springs Inc.
 of 201 Warm Creek Road, Jerome, Idaho 83338
 (Full Address)

All my right, title, and interest in and to Permit No. 47-08074
 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

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

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.

Made this 17 day of August, 1994.

Tule West Fish Division Cheryl G. Weston
 Permit Holder(s)

State of Idaho)
) ss
 County of Twin Falls)

On this 17 day of August, 1994, personally appeared before me
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

Marcy Brodine
 Notary Public

SEAL

Marcy Brodine
 Signature

My commission expires: 9/13/99

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 47-08074

Proposed Priority: December 2, 1987 Maximum Diversion Rate: 14.00 CFS

This is to certify, that **TRI WEST ENTERPRISES**
FISH DIVISION
101 4TH AVE. S.
BUHL, ID 833160000
has applied for a permit to appropriate water from:

UNNAMED STREAM tributary of **CEDAR DRAW**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
FISH PROPAGATION	01/01 to 12/31	14.00 CFS

LOCATION OF POINT(S) OF DIVERSION: NWNWSW Sec. 1, Township 10S, Range 15E
TWIN FALLS County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

10S 15E 1 SWNW NWSW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1994.**
2. Subject to all prior water rights.
3. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
4. Use of water under this permit shall be non-consumptive.
5. Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
6. Water shall not be diverted under this permit until a written agreement with the irrigation district or canal company serving the area containing the point of diversion is filed with the Department of Water Resources providing for the coordination of the permit use with the irrigation district or canal company operation.
7. The permit holder shall be required to provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
8. The issuance of this permit in no way grants any right-of-~~way~~ easement across the land of another.

MICROFILMED

SEP 26 1989

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 47-08074

CONDITIONS/REMARKS:

9. Assignment or sale of this permit is subject to a determination by the Department that the permit holder has proceeded to develop the permit with due diligence and without speculation.
10. Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.
11. Source known locally as Peavey Tunnel.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this

20th day of September, 1989.

for J. Keith Higginson
R. Keith Higginson, Director

MICROFILMED

SEP 26 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant TRI-WEST ENTERPRISES, FISH DIVISION Phone 543-6675
Post office address 101 4th Ave. South, Buhl, ID 83316

2. Source of water supply UNNAMED STREAM (PEAVEY TUNNEL) which is a tributary of CEDAR DRAW

3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 1 Township 10S Range 15E B.M. TWIN FALLS County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 14 for FISH PRODUCTION purposes from JAN. 1 to DEC. 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated is (a) 14 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. CONCRETE CHECK DAM DIVERSION INTO 20"
PLASTIC PIPELINE

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

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

d. Is ground water with a temperature of greater than 90°F being sought? _____

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

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SEP 26 1989

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. FISH HATCHERY AND FISH REARING

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S	15E	1							H				H						

H=Fish propagation

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 47-7092

11. a. Who owns the property at the point of diversion? JOE RAND

b. Who owns the land to be irrigated or place of use? JOE RAND

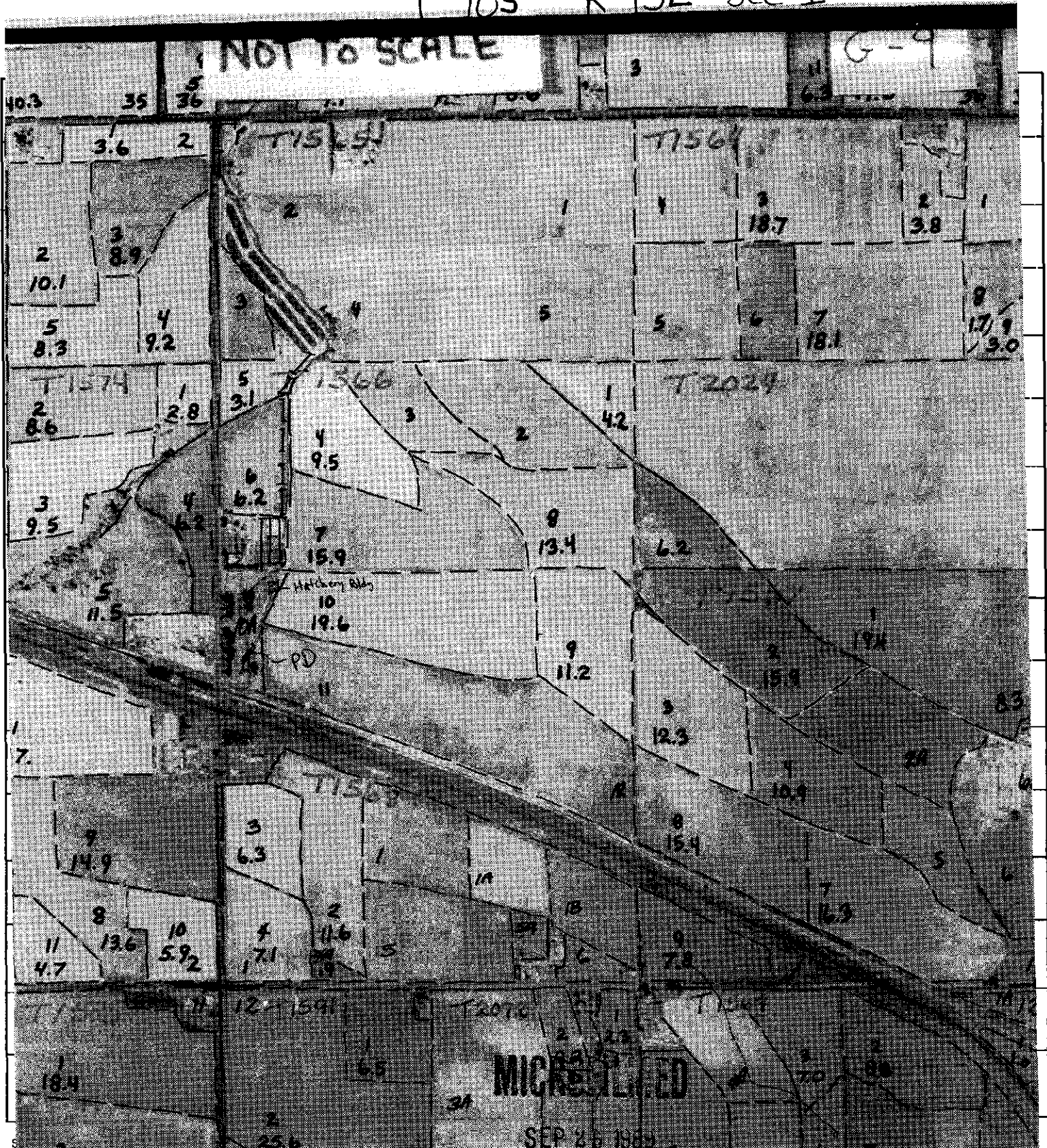
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. 20 YEAR LEASE

12. Remarks: _____

RECORDED

SEP 26 1989

T 10S R 15E Sec 1



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

Tri West Enterprises By Richard E. Eggleston Owner
(Applicant)

Received by T. Blau Date 12-2-87 Time 2:30 Preliminary check by J. F. Stanton
Fee \$ 305⁰⁰/100 Receipted by T. Blau # 44376 Date 12-2-87
Publication prepared by M. Baldwin Date 12/10/87 Published in Statewide Times News
Publication approved M. Baldwin Date 1/25/88, 2/1/88

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other: _____

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CERTIFICATE

COMPLYING WITH TITLE 53, CHAP. 5, IDAHO CODE RELATING TO THE USE OF ASSUMED OR FICTITIOUS NAMES

STATE OF IDAHO

County of Twin Falls ss.

Richard E. Eggleston and Cheryl S. Eggleston

do, each for himself, and not one for the other,
hereby certify that WE are the identical persons who are carrying on, conducting, transacting, or have an
interest in, or expect to carry on, conduct, transact or have an interest in the business of property
acquisition, sale and agricultural pursuits, construction, fish prop.
conducted at
101 4th Av. South in Buhl- Twin Falls, County, State of Idaho, under the name and style of
Tri-West Enterprises, a partnership

which name or designation is assumed or fictitious and is not the true and real name or names of all parties or
persons having an interest therein, and in compliance with the provisions of Title 53, Chap. 5, Idaho Code
we do hereby certify to the following facts:

1. That the designation, name or style under which our business is, or is to be, conducted, is as
follows: Tri-West Enterprises

2. That the true or real full name or names of the party or parties conducting or transacting, or intending
to conduct or transact said business, or having an interest therein, together with the post office address or
addresses of said person or persons, are as follows:

NAME	ADDRESS
Richard E. Eggleston	101 4th Ave. South Buhl, Idaho 83316
Cheryl S. Eggleston	101 4th Ave. South Buhl, Idaho 83316

SEP 26 1989

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RECEIVED

JAN 7 1988

Department of Water Resources
Southern Region Office

L E A S E

This LEASE is made and entered into this 7th day of January 1988 by and between Joseph and Ellen Rand, husband and wife (LESSOR) and Richard and Cheryl Eggleston, husband and wife (LESSEE).

R E C I T A L S

1. LESSOR owns real estate (LEASEHOLD) whose legal description is as follows: NW1/4 NW1/4 SW1/4 Section 1, Township 10 South, Range 15 E.B. Meridian in Twin Falls County, Idaho.
2. LESSEE wishes to lease the LEASEHOLD.
3. LESSEE owns real estate adjoining LEASEHOLD which real estate of LESSEE is more particularly described in Exhibit "A" attached hereto and by reference made a part hereof (EGGLESTON PROPERTY).
4. LESSEE desires to lease the premises for the purpose of conducting a fish propagation business.
5. The parties desire to enter a lease agreement defining their rights, duties, and liability relating to the premises.

NOW THEREFORE, the parties in consideration of the recitals, their mutual covenants and promises contained herein, and other good and valuable consideration agree as follows:

SECTION ONE

EFFECTIVE DATE. The effective date of this agreement is January 1, 1988.

SECTION TWO

LEASE TERM. LESSOR leases LEASEHOLD to LESSEE for a term of five (5) years commencing on the effective date of this

agreement. The legal description of LEASEHOLD is that set out in the RECITALS. LESSOR also grants herewith an option in LESSEE to lease LEASEHOLD for an additional five (5) year term upon the same terms and conditions as the initial term. LESSEE shall exercise his right to lease for an additional five (5) year term by written notice to LESSOR not later than six (6) months prior to the end of the initial five (5) year term.

SECTION THREE

RENT. LESSEE shall pay LESSOR annual rental in a sum of money equal to one-half the profits derived annually by LESSEE in fish propagation activity occurring on the LEASEHOLD. Profit is defined as income derived annually by LESSEE from fish propagation activities occurring on the LEASEHOLD less expenses incurred by LESSEE for fish propagation activity occurring on the LEASEHOLD. Rent shall be paid periodically during the year as each crop sale occurs. An annual accounting for each calendar year shall be made at the end of each calendar year with payment for residual annual rent paid not later than the last day in January each year.

SECTION FOUR

FISH PROPAGATION COMMITMENTS. LESSOR commits to provide capital improvements on the LEASEHOLD sufficient to efficiently utilize fourteen (14) cubic feet per second water flow. LESSEE commits to prudently operate a fish propagation enterprise at the LEASEHOLD as land, water, and improvements allow. The name of the fish propagation enterprise shall be known as Peavey Trout Farm.

SECTION FIVE

CROSS PURCHASE OPTIONS. LESSOR grants to LESSEE during the term of the lease the first right of refusal to purchase the real estate referred to as LEASEHOLD on terms and conditions as follow. LESSEE grants to LESSOR during the term of the lease a first right of refusal to purchase the real estate referred to as EGGLESTON PROPERTY described above on terms and conditions as follow. Should either party wish to sell his real estate and receive a firm and binding offer from a third party, the owner shall notify the other party of the offer, shall allow a mutually agreeable appraiser to determine fair market value of the subject property, and permit the other party to purchase the subject property by a tender of cash in the sum of the appraised value within forty-five (45) days of receipt of the appraisal.

SECTION SIX

RIGHT OF ACCESS. LESSOR grants LESSEE during the term of the lease a right of access over his property not contained in the LEASEHOLD as is necessary and convenient for LESSEE to reach the LEASEHOLD. It is understood and agreed between the parties that this right of access shall necessarily occur on real estate owned by LESSOR in Section 1, Township 10 South, Range 15 E.B. Meridian, in Twin Falls County, Idaho. In the event LESSEE purchases the real estate described by the LEASEHOLD pursuant to the first right of refusal granted LESSEE under this agreement, LESSOR also agrees to convey an access easement across his property as is necessary and convenient for LESSEE to enjoy use and ownership of the property being purchased.

SECTION SEVEN

NOTICE. All notices to be given with respect to this lease or options and other rights granted herein shall be in writing. Each notice shall be sent by certified mail, postage prepaid and return receipt requested, to the party to be notified at the last known address. Every notice shall be deemed to have been given at the time it shall be deposited in the United States mail in the manner prescribed herein. Nothing contained herein shall be construed to preclude personal service of any notice.

SECTION EIGHT

APPLICABLE LAW. This agreement shall be governed by and construed in accordance with the laws of the state of Idaho.

IN WITNESS WHEREOF the parties have executed this lease on the day and year first above written.

Joseph L. Rand
Joseph Rand

Ellen Rand

Richard Eggleston
Richard Eggleston

Cheryl Eggleston
Cheryl Eggleston

RECORDED

SEP 26 1989

STATE OF IDAHO

)

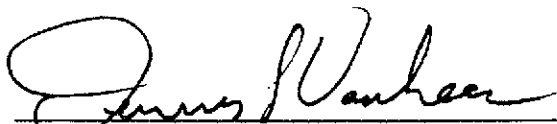
)ss.

County of Twin Falls

)

On this 7th day of January, 1988, before me, the undersigned, a Notary Public for Idaho, personally appeared Joseph Rand, known to me to be the person whose name is subscribed to in the foregoing instrument, and acknowledged to me that he executed the same.

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


NOTARY PUBLIC for IDAHO
Residing at Twin Falls
My Com. Exp. 4/22/88

STATE OF NEVADA

)

)ss.

County of Eureka

)

On this _____ day of January, 1988, before me, the undersigned, a Notary Public for Nevada, personally appeared Ellen Rand, known to me to be the person whose name is subscribed to in the foregoing instrument, and acknowledged to me that she executed the same.

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

NOTARY PUBLIC for IDAHO
Residing at _____
My Com. Exp. _____

MICROFILMED

SEP 26 1989

STATE OF IDAHO

)

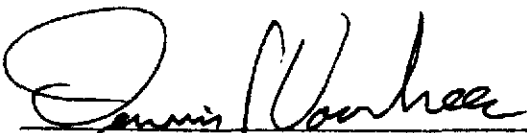
)ss.

County of Twin Falls

)

On this 7th day of January, 1988, before me, the undersigned, a Notary Public for Idaho, personally appeared Richard Eggleston and Cheryl Eggleston, known to me to be the persons whose names are subscribed to in the foregoing instrument, and acknowledged to me that they executed the same.

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


NOTARY PUBLIC for IDAHO
Residing at Twin Falls
My Com. Exp. 4/22/88

MICROFILMED

SEP 26 1989

EXHIBIT "A"

A tract of land located in Lot 4 of Section 1, Township 10 South, Range 15, E., B.M., Twin Falls County, Idaho, being more particularly described as follows:

Beginning at the Northwest corner of said Section 1; thence South 00°25'35" East along the West line of said Lot 4 for 455.46 feet to the True Point of Beginning; thence continuing South 00°25'35" East along said West line for 1093.33 feet to the South line of said Lot 4; thence North 89°38'21" East along said South line for 590.96 feet; thence North 53°41'09" East for 145.15 feet; thence North 15°54'46" East for 35.31 feet; thence North 02°40'00" West for 31.25 feet; thence North

02°10'19" East for 23.54 feet; thence North
29°30'55" West for 33.72 feet; thence North
36°24'54" West for 33.50 feet; thence North
40°37'09" West for 525.33 feet; thence North
37°40'17" West for 122.79 feet; thence North
25°21'48" West for 332.20 feet; thence North
58°34'39" West for 120.25 feet; thence South
89°34'25" West for 26.70 feet to the True Point of

Beginning.

Containing 10.53 acres, more or less.

Together with an access to repair and maintain pond easement along the Easterly sides of the above-described tract of land.

Subject to a 25-foot wide county road right-of-way along the West line of the above-described tract of land, as shown on the records of the County Recorder for Twin Falls County, Idaho.

Together with 9.00 shares of the capital stock of Twin Falls Canal Company.

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SEP 26 1989

SECTION SIX

RIGHT OF ACCESS. LESSOR grants LESSEE during the term of the lease a right of access over his property not contained in the LEASEHOLD as is necessary and convenient for LESSEE to reach the LEASEHOLD. It is understood and agreed between the parties that this right of access shall necessarily occur on real estate owned by LESSOR in Section 1, Township 10 South, Range 15 E.B. Meridian, in Twin Falls County, Idaho. In the event LESSEE purchases the real estate described by the LEASEHOLD pursuant to the first right of refusal granted LESSEE under this agreement, LESSOR also agrees to convey an access easement across his property as is necessary and convenient for LESSEE to enjoy use and ownership of the property being purchased.

SECTION SEVEN

NOTICE. All notices to be given with respect to this lease or options and other rights granted herein shall be in writing. Each notice shall be sent by certified mail, postage prepaid and return receipt requested, to the party to be notified at the last known address. Every notice shall be deemed to have been given at the time it shall be deposited in the United States mail in the manner prescribed herein. Nothing contained herein shall be construed to preclude personal service of any notice.

SECTION EIGHT

APPLICABLE LAW. This agreement shall be governed by and construed in accordance with the laws of the state of Idaho.

IN WITNESS WHEREOF the parties have executed this lease on the day and year first above written.

Joseph Rand
Joseph Rand

Ellen M. Rand
Ellen Rand

Richard Eggleston
Richard Eggleston

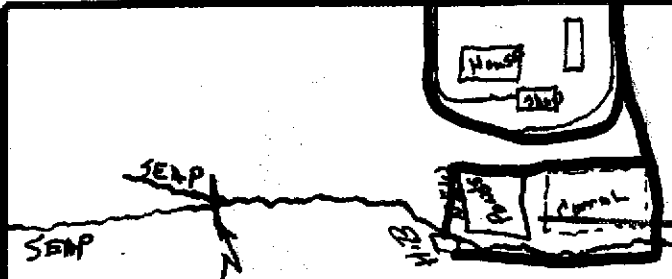
Cheryl Eggleston
Cheryl Eggleston

FILED

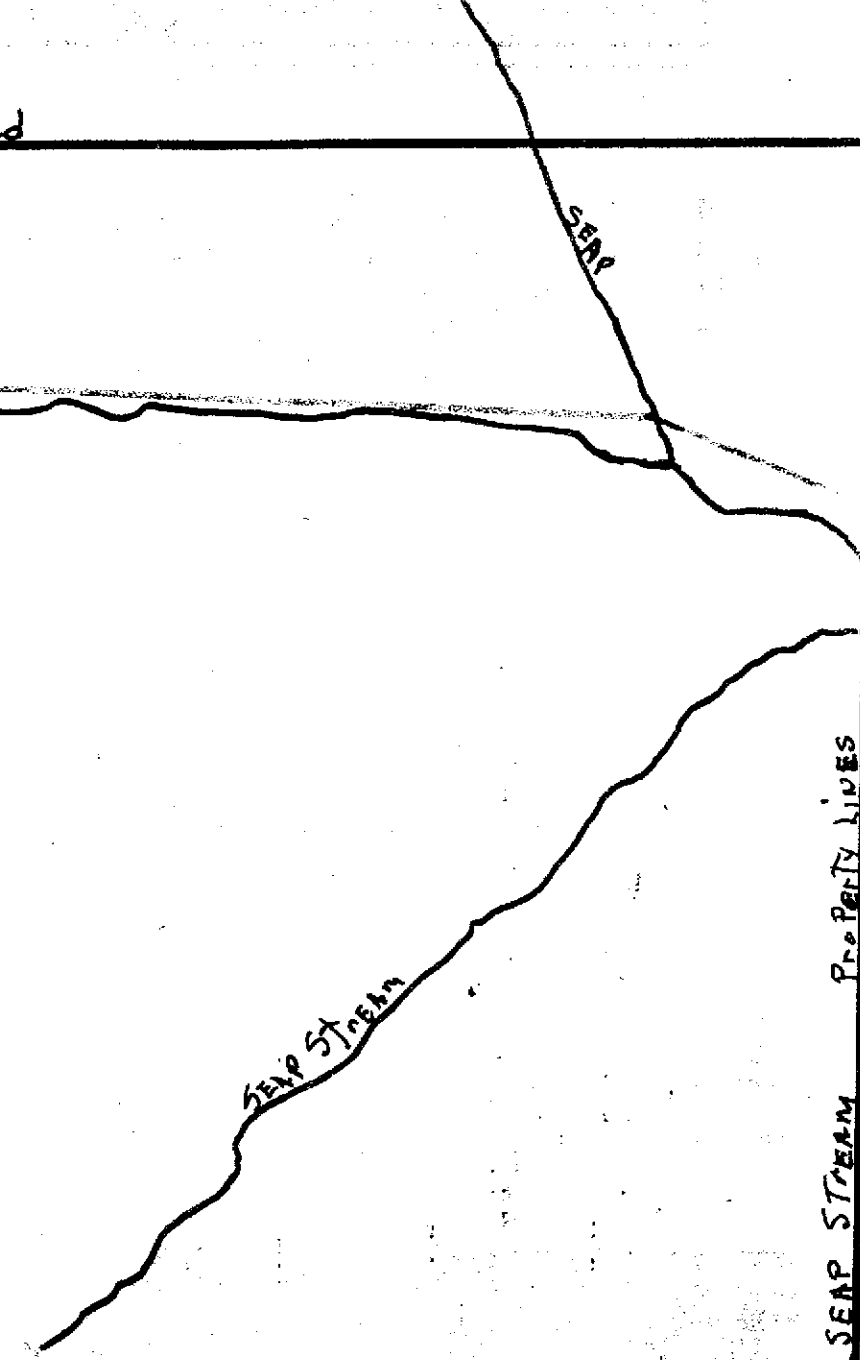
R.R. Tracks

July 30

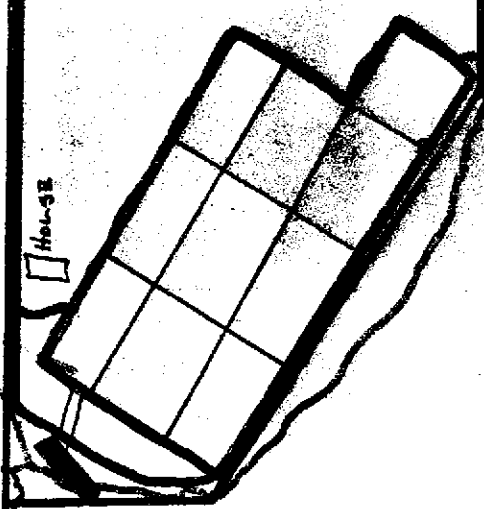
County Road



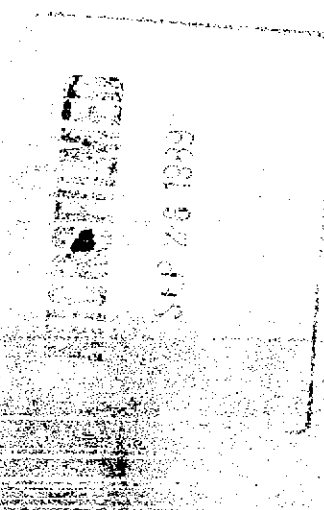
SEAP
SEAP
WIND
DANCE
+ PINE
GRASS



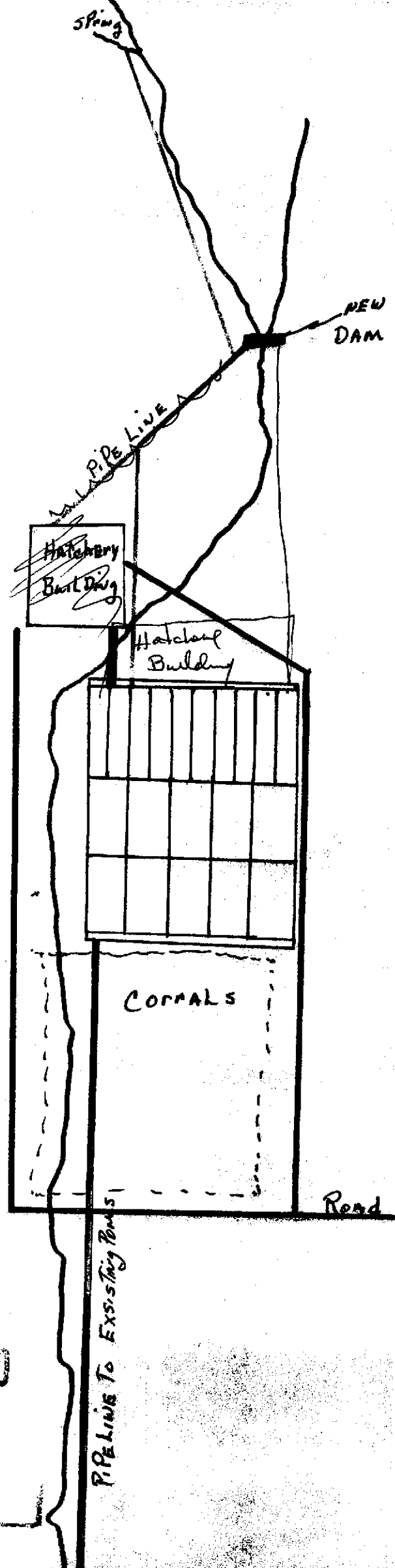
SEAP STREAM PROPERTY LINES



Pole Line Road



7127 50



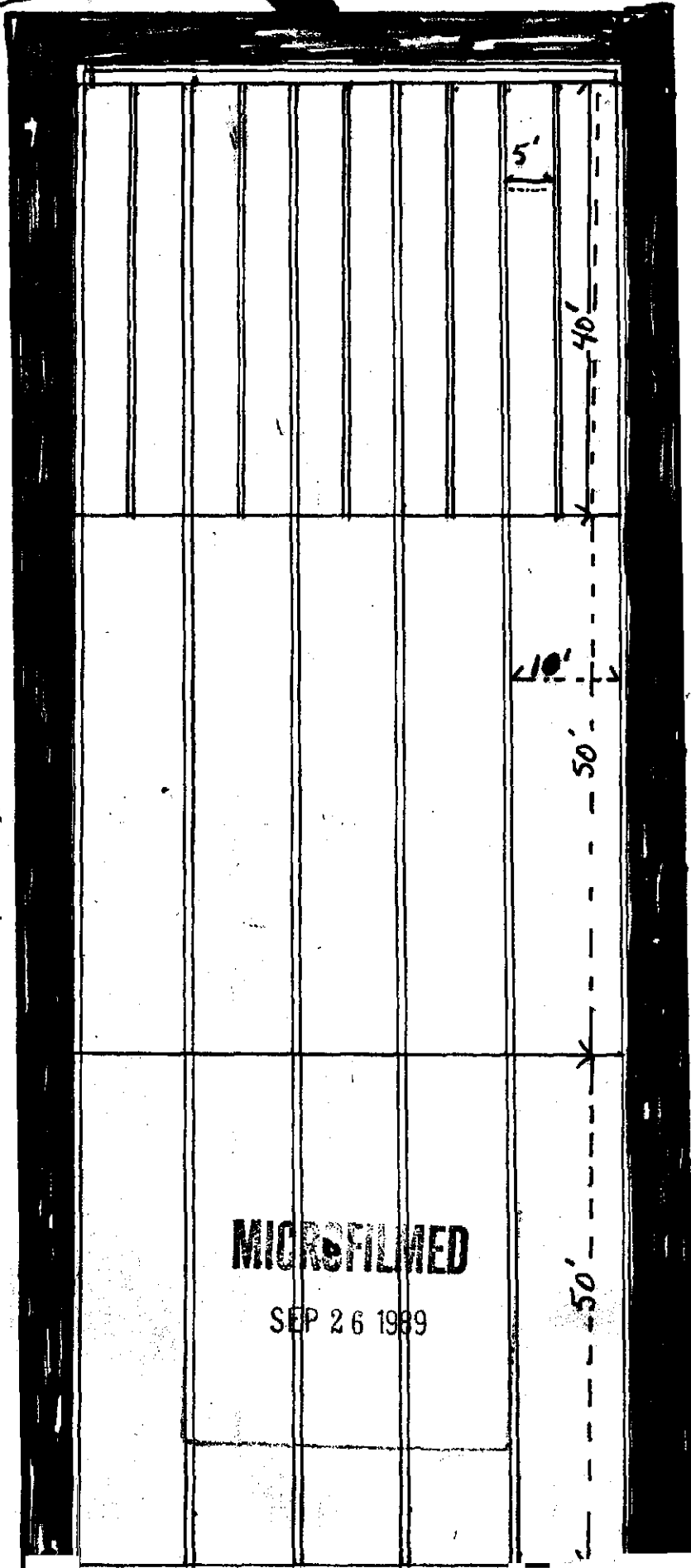
MICROFILMED

SEP 26 1989

Hatchery
Building

PIPE LINE

SEAP STREAM



TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 01-14-88 INVOICE No. LOD124329

Account No. 44662 47-8074

Description 24329NOTIC

Times 2 Lines 28

Tab Lines

**LEGAL ADVERTISING
INVOICE**

SOLD TO: STATE OF IDAHO
DEPT. OF WATER RESOURCES
2148 4th Ave East
TWIN FALLS,
ID 83301

\$ 24.50 ok 47-8074
2/12/88
MB

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

24329
**NOTICE OF APPLICATION
FOR WATER PERMIT**
The following application(s) has
been filed to appropriate the public
waters of the State of Idaho:
47-8074
TRI-WEST ENTERPRISES, FISH
DIVISION
C/O RICHARD E. EGGLESTON, 101
FOURTH AVE. SOUTH, BUHL, ID
83314
Source: UNNAMED STREAM trib.
to CEDAR DRAW
Diversion Pt: NWNWSW Sec 01 T
10S R 15E; 2 miles NW of Filer.
Use: FISH PROP. (14.0 CFS)
Date Filed: 12/02/1987
In: SWNW NWSW Sec 01 T 10S R
15E

The permits will be subject to all
prior water rights. Permits must be
filed with the Director, Dept. of Wa-
ter Resources, Southern Region, 2148
Fourth Avenue East, Twin Falls,
Idaho 83301 on or before January 25,
1988.
R. Keith Higginson, Director

C. M. Viers, being duly sworn,
deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION
attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 010788, or once a
WEEK for 2 consecutive WEEKS, the first
publication thereof being on the 010788, and the last pub-
lication thereof being on the 011488, and said

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

C. M. Viers

SUBSCRIBED AND SWORN BEFORE ME THIS THE 15

day of January 1988

Sheryl M. Lentz
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

RECEIVED

FEB 1 1988

Department of Water Resources
Southern Region Office

SEP 26 1989

Proof of Publication
The Post-Register

RECEIVED

JAN 15 1988

Department of Water Resources
Southern Region Office

State of Idaho, }
County of Bonneville } ss

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

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 7th day of January, 1988, last publication having been made on the 14th day of January, 1988, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 14th day of January, 1988.

Notary Public

My commission expires September 30, 1988.

B10

NOTICE OF APPLICATION
FOR WATER PERMIT

The following application (s) has been filed to appropriate the public waters of the State of Idaho:

47-8074

TRI-WEST ENTERPRISES,
FISH DIVISION
C/O RICHARD E. EGGLESTON, 101
FOURTH AVE. SOUTH, BUHL, ID 83313
Source: UNNAMED STREAM trib. to CEDAR
DRAW

Diversion Pt: NWNWSW Sec 01 T 10S R 15E;
2 miles NW of Filer.

Use: FISH PROP. (14.0 CFS)

Date Filed: 12/02/1987

In: SWNW NWSW Sec 01 T 10S R 15E

The permits will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, Idaho 83301 on or before January 25, 1988.

R. Keith Higginson, Director

Published: January 7, 14, 1988

OK
MB
1/15/88

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SEP 26 1989

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JAN 14 1988

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Deposited in full by check

Amount Due

31.97

Account Name: Idaho Department of Water Resources (Southern)		Account Number: #100632	
Address: 2148 4th Avenue East		City/State: Twin Falls, ID	Zip: 83301
Ordered By: Mary Baldwin	P.O. Number:	Rate: NT	Run Dates: 1988 Jan. 7, 14
Identification: Water Permit Application: Tri-West Enterprises		Estimated Inches:	Real Inches:
Number of Affidavits Requested: 1		Legal Number: #7336	

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

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

insertion(s) beginning with the issue of January 7, 19 88
and ending with the issue of January 14, 19 88

Deborah Gregory

Subscribed and sworn to before me this 14th
day of January, 19 88

Ruby Smith 293
Notary Public for Idaho, Residing at Boise, Idaho

MICROFILMED

OK
MP
1/15/88

SEP 26 1989

NOTICE OF APPLICATION FOR WATER PERMIT

The following application(s) has been filed to appropriate the public waters of the State of Idaho:

47-8074

Tri-West Enterprises
Fish Division
c/o Richard E. Eggleston
101 Fourth Ave. South
Buhl, ID 83316

Source: Unnamed Stream trib. to Cedar Draw
Diversion Pt: NWNWSW Sec 01
T 10S R 15E; 2 miles NW of Filer.
Use: Fish Prop. (14.0 CFS)
Date Filed: 12/02/1987
In: SWNW NWSW Sec. 01 T 10S R 15E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, Idaho 83301 on, or before, January 25, 1988.

R. KEITH HIGGINSON
Director

Pub. Jan. 7, 14, 1988

7336

NOTICE OF
APPLICATION
FOR WATER PERMIT

The following applica-
tion (s) has been filed to
appropriate the public
waters of the State of
Idaho:

47-8074
TRI-WEST ENTER-
PRISES, FISH DIVISION
c/o Richard E. Eg-
gleston, 101 Fourth Ave.
South, Buhi, ID 83316

Source: UNNAMED
STREAM trib. to CEDAR
DRAW

Diversion Pt: NWNWSW
Sec. 01 T10S R 15 E; 2
miles NW of Filer.

Use: Fish Prop. (14.0
CFS)

Date Filed: 12/02/1987
In: SWNW NWSW Sec.
01 T10S R15 E.

The permits will be
subject to all prior water
rights. Protests must be
filed with the Director,
Dept. of Water
Resources, Southern
Region, 2148 Fourth
Avenue East, Twin
Falls, Idaho 83301 on or
before January 25, 1988.

R. Keith Higginson,
Director
PUBLISH: Thursday,
January 07, and 14, 1988.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

No 18179

I, Linda Capps McQuinn, being first duly sworn upon
oath, depose and say that I am Print Clerk of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for Two
consecutive Weeks, commencing with the issue dated

January 7, 1988, and ending with the issue dated

January 14, 1988.

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

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

Linda Capps McQuinn
Subscribed and sworn to before me on this 14 day of

January 19, 1988.

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

OK
MB
1/25/88

SEP 26 1989

MAILED

HAEMMERLE & HAEMMERLE, P.L.L.C.

Attorneys & Counselors at Law

Fritz X. Haemmerle
Jennifer L. K. Haemmerle

P. O. Box 1800
Hailey, ID 83333

400 South Main Street, Suite 102
Tel: (208) 578-0520
Fax: (208) 578-0564

February 10, 2003

RECEIVED

FEB 12 2003

Department of Water Resources
Southern Region

Idaho Department of Water Resources
c/o Allen Merritt
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED

FEB 14 2003

Department of Water Resources

Re: *Correspondence Relating to Pristine Springs, Inc.*

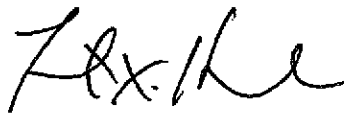
Dear Mr. Merritt:

I am in receipt of a letter dated February 7, 2003, from you to Pristine Springs, Inc. The letter is in reference to calibration devices on hot wells. In the future, please be advised that I am the representative for Pristine Springs, Inc. As such, I respectfully request that you send any correspondence relating to any water right belonging to Pristine Springs, Inc., to my Office.

If you have any questions, please do not hesitate to call. Thank you.

Sincerely,

HAEMMERLE & HAEMMERLE, P.L.L.C.



Fritz X. Haemmerle

FXH: fxh
cc: client

WR database updated - 4.4.03 - Kasi Lipe



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 17, 2002

PRISTINE SPRINGS INC
201 WARM CREEK RD
JEROME ID 83338

RE: License No. 47-8074 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a copy of the approved Application for Amendment.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

CC: KEN ASHLEY, IDA SEA

MICROFILMED
MAR 06 2003

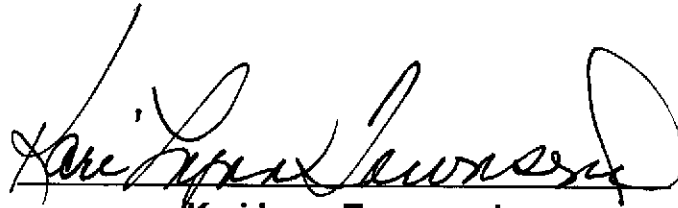
CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

47-8074

**PRISTINE SPRINGS INC
201 WARM CREEK RD
JEROME ID 83338**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**MICROFILMED
MAR 06 2003**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

Michael J. Long
MAY 6 2003

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



RECEIVED
DEC 12 2002

Department of Water Resources

December 9, 2002

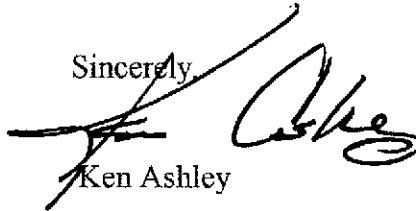
State of Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

RE: Water Right Permit No. 47-08074

Dear Sharla Curtis:

Enclosed please find the signed Application for Amendment as you requested. Thank you for removing the condition dealing with facility volume as we had discussed. Should any additional action be required on my part, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Ashley", is written over the word "Sincerely,". The signature is stylized with a large, sweeping "K" and a cursive "Ashley".

Ken Ashley

MICROFILMED

MAR 16 2003

SeaPac of Idaho

P.O. Box 546 • Buhl, Idaho 83316
(208) 326-3100 • Fax (208) 326-5935



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

November 27, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

KEN ASHLEY
SEAPAC OF IDAHO
PO BOX 546
BUHL, ID 83316

Re: Licensing Amendment 47-8074

Dear Mr. Ashley:

I received the above referenced amendment form signed by you and submitted with the \$50 filing fee. When I prepared the license for signature, I caught a mistake in the descriptions of the points of diversion. Our examiner found two of the three points of diversion within the NWSW, Section 1 rather than two points in the NESW, Section 1 as I erroneously listed on the previous amendment.

Attached is a new amendment reflecting this change. If you will sign the document and return it to me at your earliest convenience (no additional fee is required), we can then send the license to our administrator for signature. Please also note on the second page that the condition about facility volume has been removed and condition number four (4) has been edited for the specific measuring device that was recently installed.

I apologize for any inconvenience my oversight may have caused you. If you have any questions, please give me a call.

Sincerely,

Sharla Curtis
Senior Water Resource Agent

Enclosure

MICROFILMED

MAR 06 2003



RECEIVED
NOV 12 2002

Department of Water Resources

October 31, 2002

State of Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

RE: Water Right Permit No. 47-08074

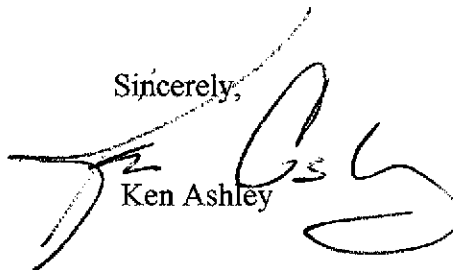
Dear Sharla Curtis

Pursuant to my discussion with Charles G. Brockway, I have signed the enclosed documents as requested. Mr. Brockway indicates that he spoke with you and it was agreed that IDWR is not permitting on the basis of facility volume and as a consequence it was agreed condition number six on page two of "Application For Amendment" would be dropped. Therefore, you will note that I have placed a deleted notation on item six.

Please send future correspondence concerning Permit NO. 47-08074 to P.O. Box 546, Buhl, Idaho 83316.

Thank you for your attention to this matter and should you have further questions, please do not hesitate to call.

Sincerely,



Ken Ashley

MICROFILMED

MAR 05 2003

SeaPac of Idaho

P.O. Box 546 • Buhl, Idaho 83316
(208) 326-3100 • Fax (208) 326-5935

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 47-08074

RECEIVED

NOV 12 2002

Department of Water Resources

Date of Priority: December 02, 1987

Maximum Diversion Rate: 5.49 CFS

Maximum Diversion Volume: 3,967.6 AF

Comes now PRISTINE SPRINGS INC
201 WARM CREEK RD

JEROME ID 83338 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 47-08074, and requests that the permit be changed as follows:

Source: UNNAMED STREAM

Tributary: CEDAR DRAW CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	1/01 to 12/31	5.49 CFS	3,967.6 AF

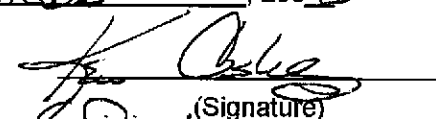
LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM	NW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 1, Twp 10S, Rge 15E, B.M.	TWIN FALLS County
UNNAMED STREAM	NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 1, Twp 10S, Rge 15E, B.M.	TWIN FALLS County
UNNAMED STREAM	NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 1, Twp 10S, Rge 15E, B.M.	TWIN FALLS County

PLACE OF USE: FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	15E	1								X									

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 31 day of October, 2002


 (Signature)
 Kristin Spring

MICROFILMED

MAR 06 2003

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 47-08074

FOR DEPARTMENT USE ONLY
Preliminary check by _____ Fee = \$50.00 Receipted by [Signature] # 0065763 Date 11-13-02

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 47-08074 with the following:

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive.
2. The right holder shall provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
3. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. Source known locally as the Peavey Tunnel network.

~~6. Facility volume = 7,365 cubic feet.~~ Delete

Witness my hand this _____ day of _____, 2002.

KARL J. DREHER
Director

MICROFILMED

MAR 06 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 27, 2002

PRISTINE SPRINGS INC
201 WARM CREEK RD
JEROME ID 83338

RE: Water Right Permit 47-08074

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has actually been developed.

As of this date, I have not received the amendment. If I do not receive the amendment within 14 days, a Water Right License will be issued for less than could have been allowed. In case the amendment form I sent you have been misplaced, a new one is enclosed. Please note that the filing fee for the amendment is \$50.00.

If you have any questions regarding this matter, please call me at 208-327-5452.

Sincerely,

Sharla R. Curtis
Sr. Water Resource Agent

SRC:klt

Enclosure

per telecon w/ Chuck Brockway Jr.
on 10/18/02, the pt holder
will sign & return amendment
next week.

SCurtis

MICROFILMED

MAR 06 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 6, 2002

PRISTINE SPRINGS INC
201 WARM CREEK RD
JEROME ID 83338

RE: Water Right Permit No. 47-08074

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

 X **Add Point(s) of Diversion**

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at (208) 327-5452.

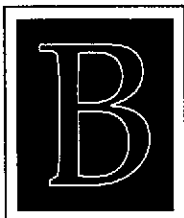
Sincerely,

Sharla Curtis
Sr. Water Resource Agent

SC:klt

Enclosure

MICROFILMED
MAR 06 2003



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

SEP - 4 2002

Department of Water Resources

August 29, 2002

Ms. Sharla Curtis
Idaho Department of Water Resources
1301 North Orchard
P.O. Box 83720
Boise, ID 83720-0098

Re: Permit 47-8074 flow measurement

Dear Ms. Curtis:

Pursuant to the conditions of the above-reference permit, a flow measurement weir has been installed at the SeaPac of Idaho facility. I made an inspection of the weir today to verify the installation. The weir is a 3.0-foot sharp-crested contracted rectangular weir and was constructed according to the drawing and specifications I prepared. The crest is fully contracted and the nappe is springing free. The dimensions of the upstream channel meet or exceed USBR criteria for standard weirs of this type and size. Approach velocity in the channel is less than 0.5 ft/sec. There is minimal leakage between the check boards - I estimated the leakage to be approximately 10 gpm.

The crest of the weir is level to within 0.015 feet (about 3/16"). A staff gauge, graduated in inches, is located on the pool sidewall 4.5 feet upstream of the weir crest. I adjusted the gauge setting so that the 10" mark was exactly equal to the average crest elevation.

I am enclosing photos of the weir for your files, along with a final rating table and curve for the weir. Please do not hesitate to call if there are any questions.

Sincerely,

Charles G. Brockway, P.E.

Enc.

cc: Gary Marquardt, SeaPac

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506



MICROFILMED
MAR 06 2003

WEIR RATING TABLE

Sea Pac of Idaho, Inc. - Peavey Spring Water

Standard contracted rectangular weir in headwall of fish holding pond.

Weir is constructed substantially according to USBR criteria.

Kindsvater and Carter (1959) equation used.

HEAD = GAUGE READING MINUS 10 INCHES.

Crest length (L) 3.00 feet

Approach channel width (B) 7.25 feet

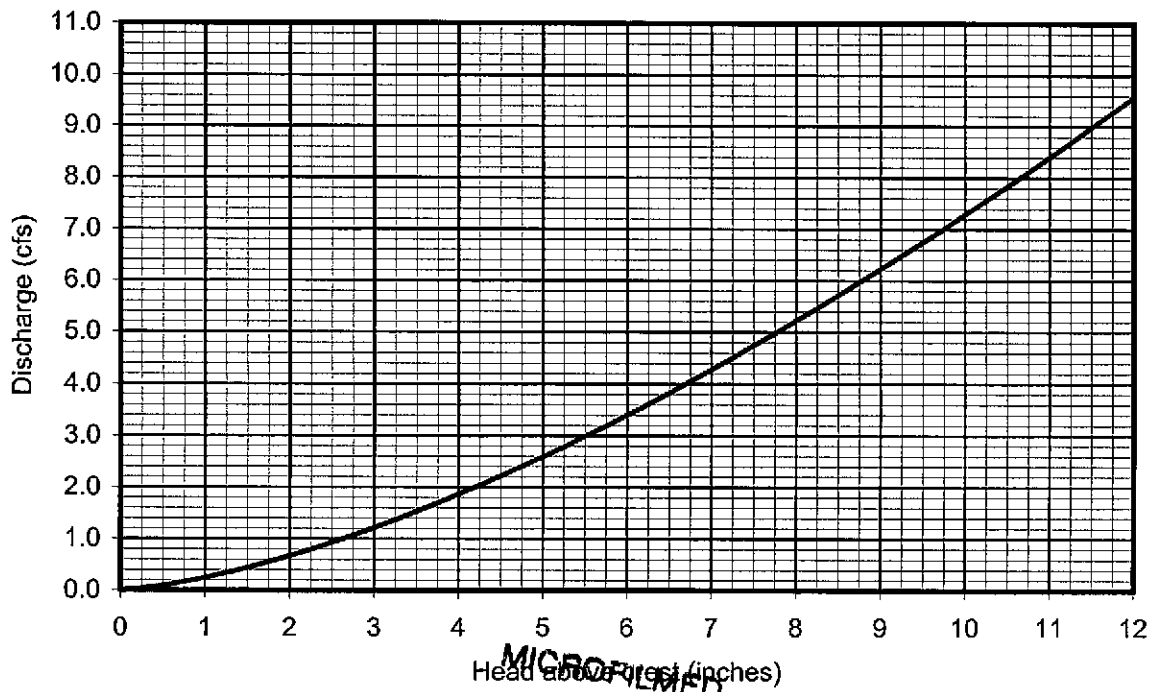
Crest to approach pool invert (P) 4.00 feet

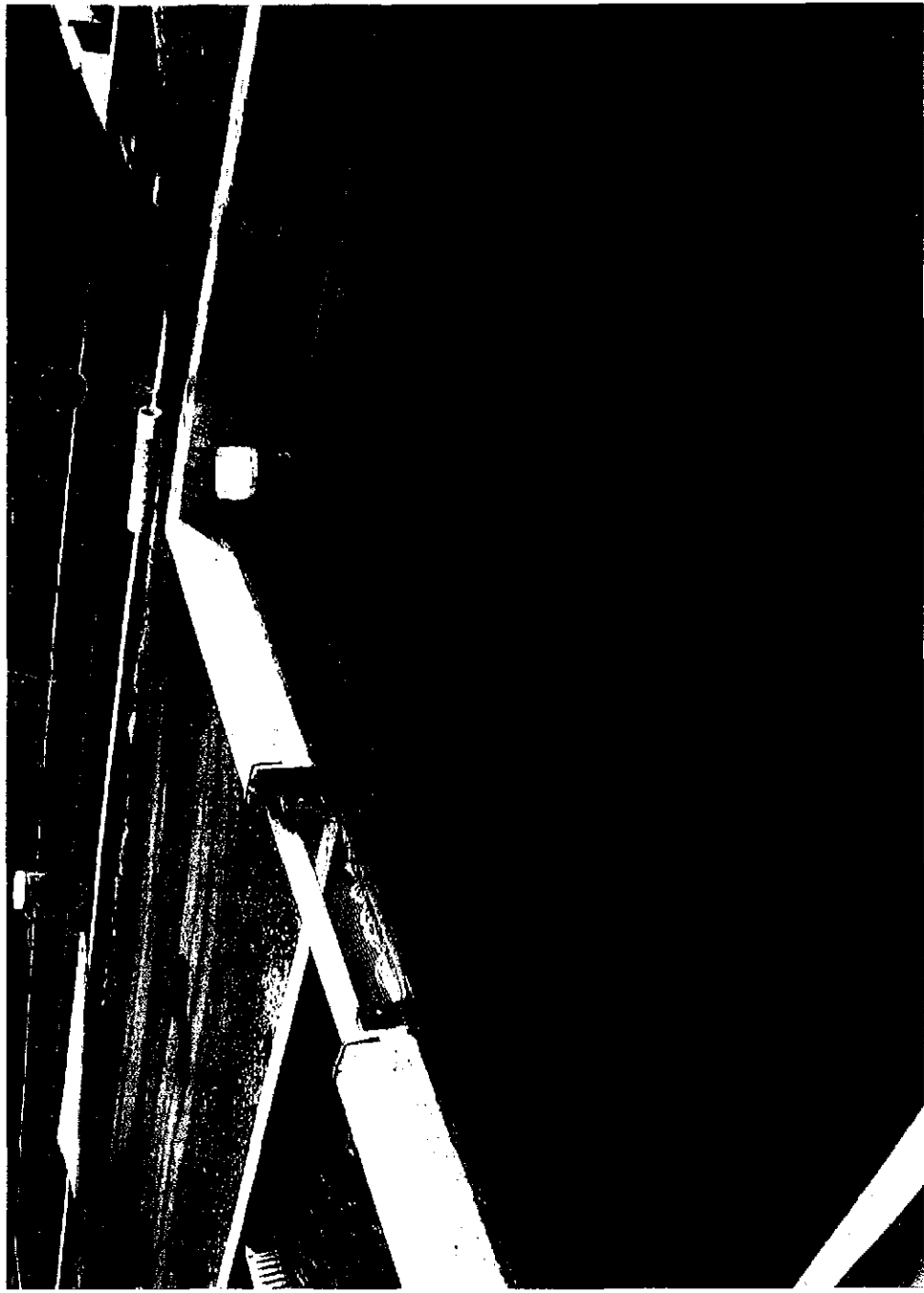
C. G. Brockway, P.E.

August 28, 2002

DISCHARGE IN CUBIC FEET PER SECOND

HEAD IN INCHES	0	1/8	1/4	3/8	1/2	5/8	3/4	7/8
1	0.24	0.29	0.33	0.38	0.44	0.49	0.55	0.61
2	0.67	0.73	0.79	0.86	0.93	0.99	1.07	1.14
3	1.21	1.29	1.36	1.44	1.52	1.60	1.69	1.77
4	1.86	1.94	2.03	2.12	2.21	2.31	2.40	2.49
5	2.59	2.69	2.78	2.88	2.98	3.09	3.19	3.29
6	3.40	3.50	3.61	3.72	3.83	3.94	4.05	4.16
7	4.28	4.39	4.51	4.62	4.74	4.86	4.98	5.10
8	5.22	5.34	5.46	5.59	5.71	5.84	5.97	6.09
9	6.22	6.35	6.48	6.61	6.75	6.88	7.01	7.15
10	7.28	7.42	7.56	7.70	7.83	7.97	8.12	8.26
11	8.40	8.54	8.69	8.83	8.98	9.12	9.27	9.42





Sea Pal 8/28/02

MAR 06 2003



Sea Pac 8/28/02

MICROFILMED

MAR 06 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

August 14, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CHARLES G BROCKWAY
BROCKWAY ENGINEERING
2016 N WASHINGTON STE 4
TWIN FALLS ID 83301

RE: Permit 47-8074

Dear Mr. Brockway:

Back in December I sent you a letter asking you to advise us as soon as the weir had been installed in regards to the above referenced permit. As of this date, I have not heard from you. I am therefore requesting an update on the situation and again request that a photo of the completed weir be submitted for inclusion in the water right file.

I look forward to hearing from you and thank you for your assistance on this matter.

Sincerely

SHARLA CURTIS
Sr. Water Resource Agent

MICROFILMED

MAR 06 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 13, 2001

CHARLES G BROCKWAY
BROCKWAY ENGINEERING
2016 N WASHINGTON STE 4
TWIN FALLS ID 83301

Re: Permit 47-8074

Dear Mr. Brockway:

We received your letter dated November 21, 2001 along with the Memo of Understanding from Twin Falls Canal Co. and the specifications for the contracted rectangular weir that is to be completed under Permit 47-8074.

The memo of understanding is acceptable and will be considered by the department as compliance with condition no. 6 of the permit approved on 9/20/89.

We are ready to issue the final license for this permit as soon as the weir has been installed. Please submit a photo of the completed weir for inclusion in the water right file as soon as it is complete.

Thank you for your assistance in this matter. Give me a call if you have any questions.

Sincerely,

Sharla Curtis
Sr. Water Resource Agent

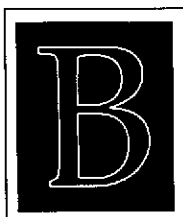
MICROFILMED

MAR 06 2003

RECEIVED

NOV 26 2001

Department of Water Resources



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

November 21, 2001

Mr. Shelley Keen
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Re: Water right 47-8074 conditions – SeaPac of Idaho, Inc.

Dear Mr. Keen:

SeaPac has decided to install a standard sharp-crested weir as described in my e-mail of August 17, 2001. I understand that this will be acceptable based on your e-mail of August 30, 2001. Enclosed is a drawing and a specification sheet detailing how the weir is to be constructed. This morning I spoke with Gary Marquardt, Production Manager at SeaPac, and he indicated he could start construction right away. Once the weir is complete, I will notify the department and provide a rating table and curve.

Also, the SeaPac staff is continuing to search their files for a document from Twin Falls Canal Company authorizing the diversion. I am enclosing a TFCC memo dated 12/31/92 that notes the facilities and perhaps implies that they are authorized. Please review and let me know if this might work.

Thanks for your patience in this matter.

Sincerely,

Charles G. Brockway, P.E.

cc: Gary Marquardt

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

MICROFILMED

MAR 06 2003

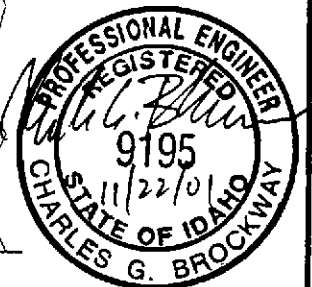
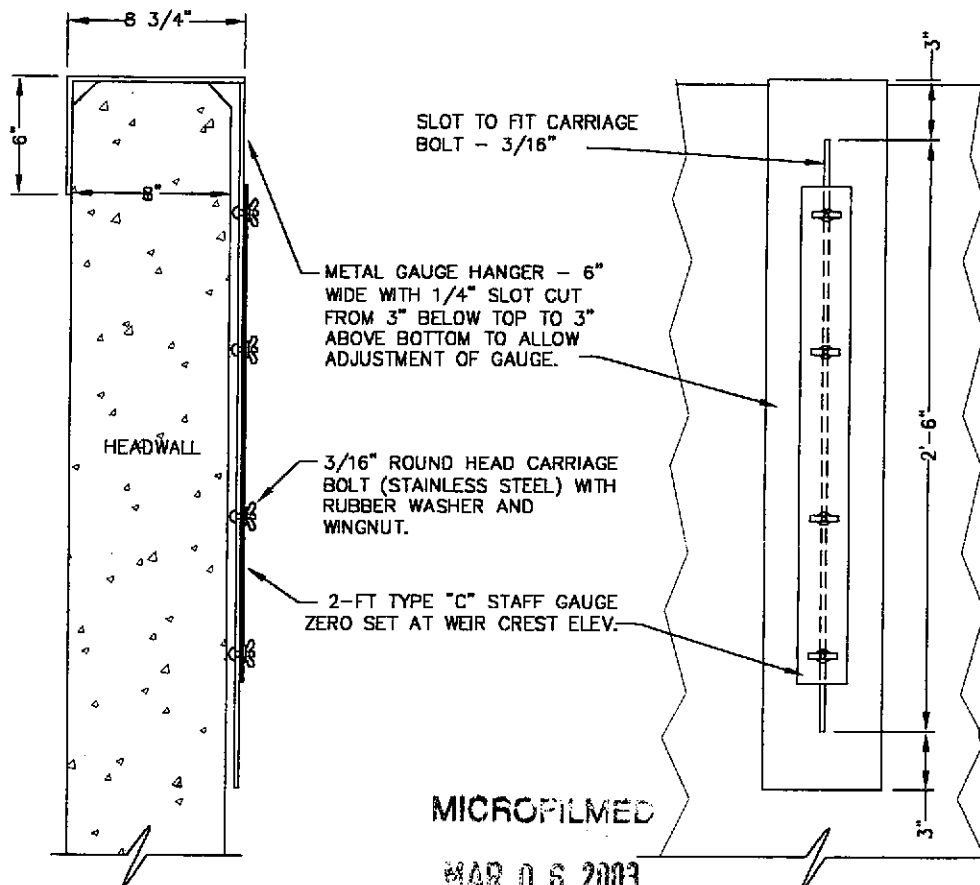
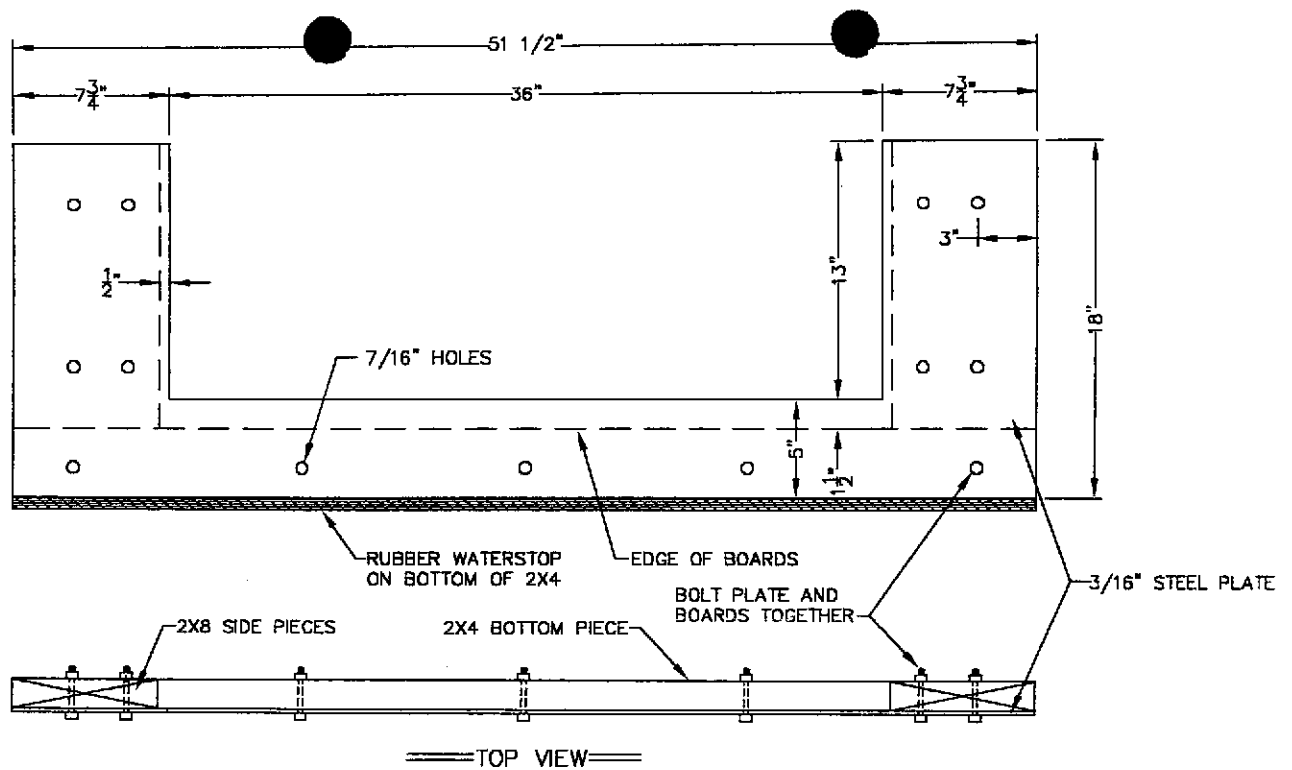
SPECIFICATIONS FOR CONTRACTED RECTANGULAR WEIR

**Project: Sea Pac of Idaho, Inc. Discharge Measurement
of Peavey Springs – Water Right 47-8074**

Brockway Engineering, PLLC
C. G. Brockway, P.E.
August 31, 2001

1. The location of the device is on the headwall at the end of the second holding pond, in the set of ponds receiving Peavey seep water. The device is to be installed in existing check board slots in the headwall.
2. The weir plate shall be 3/16" steel, fabricated as shown in the attached drawing.
3. Attach the weir plate with 3/8" bolts to one 2 x 4 x 51-1/2" board and two 2 x 8 x 14-1/2" boards as shown. Place bolts at least 3" from the outside edge of the plate to clear the check slots. From the inside edge of the steel plate cutout to the boards, there must be at least 1/2" on the sides and 1-1/2" on the bottom as shown.
4. Attach a rubber waterstop to the bottom of the lower board – this must make a watertight seal with the check board below.
5. Remove all existing check boards and replace with new boards with rubber waterstops or tongue-in-groove joints to reduce leakage to a minimum. Re-seat the boards firmly and ensure they are level. The top of the last check board should be 13" to 14" below the desired water surface elevation in the pond when the weir is operating.
6. Place the weir device and seat firmly to eliminate leakage. The crest of the weir must be level to within $\pm 1/8"$. If excessive leakage around the sides of the weir is occurring, plug the juncture between the plate and the headwall with heavy-duty weatherstripping or similar material.
7. Place the metal gauge hanger over the side wall of the holding pond, 3 feet upstream of the headwall. Attach a Type C staff gauge by bolting it through the slot in the hanger. The zero of the gauge must be at exactly the same elevation as the weir crest. This setup will allow adjustment of the gauge if the weir height is ever changed.

MICROFILMED
MAR 06 2003



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8/31/01
REV. 11/22/01

BROCKWAY ENGINEERING, PLLC
HYDRAULICS - HYDROLOGY - WATER RESOURCES
2016 NORTH WASHINGTON, SUITE 4
TWIN FALLS, ID 83301
(208) 736-8543

PEAVEY SPRINGS DISCHARGE MEASUREMENT
WATER RIGHT 47-8074

SEA PAC OF IDAHO, INC.

PROJECT #
354-01-2001

DWG #
REV





TWIN FALLS CANAL COMPANY

POST OFFICE BOX 326

TWIN FALLS, IDAHO, 83303-0326



MEMO OF UNDERSTANDING

APPLICANT NAME: Nyal Hoffman ADDRESS: Rt #1 Bx 1204
Pristine Springs Idaho

LEGAL DESCRIPTION

TOWNSHIP 10 RANGE 15 SECTION 1 DESCRIPTION _____

The maps and records of the Twin Falls Canal Company have been reviewed and the following water distribution facilities and/or drainage facilities are shown as being located on the above described property:

None

To the best of our knowledge the above are the only water distribution facilities and/or drainage facilities on the described property. If other water distribution facilities and/or drainage facilities exist on the above described property, they shall be considered as being included in the listing.

The rights-of-way for any water distribution facilities are to be accessible to employees and agents of the Twin Falls Canal Company at all times. Impediments and obstructions on the rights-of-way are prohibited.

No change shall be made in the facilities of the Twin Falls Canal Company without the written approval of the Twin Falls Canal Company.

No trees shall be planted or allowed to grow within fifty (50) feet of any underground drainage facilities.

Existing facilities for conveying waste water from adjacent property must be maintained by the applicant.

DATE 12-31-92

TWIN FALLS CANAL COMPANY

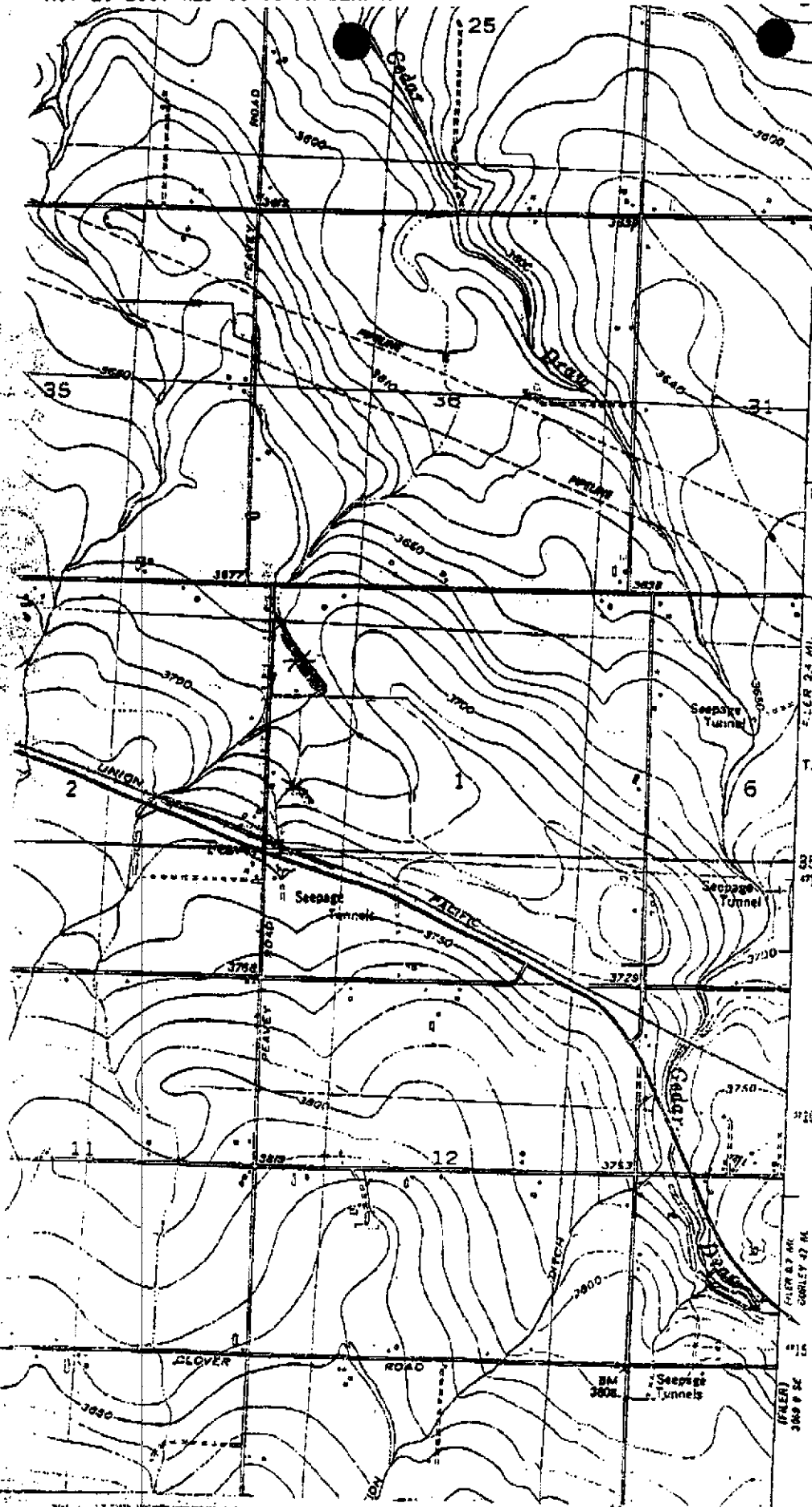
APPLICANT Nyal Hoffman

BY Sandy Shaw

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MAR 06 2013

Yoder Farm - ID:002423-6
 LAT 42° 35' 24" N
 LONG 114° 39' 02" W
 AT 42° 35' 09" N
 ON 114° 39' 03" W (Quadrangle Ida 75 minute Series)



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 MAR 06 2003

Keen, Shelley

From: Keen, Shelley
Sent: Thursday, August 30, 2001 4:54 PM
To: 'Charles G. Brockway'
Subject: RE: Water right 47-8074 conditions

Dr. Brockway,

I apologize for taking so long to get back to you on the matter of measuring devices for water right 47-8074 (Pristine Springs). We've been busy with matters related to the Thousand Springs and American Falls Ground Water Management Areas.

This afternoon Tim Luke and I discussed the need for the measuring devices. We agreed that we would probably waive the requirement for a measurement of the effluent, if the permit holder submits a written request. We also thought your suggestion for a measuring device on the second drop in the fish holding ponds would be acceptable for measuring the Peavey seeps water coming into the facility. Given the current possibility of active regulation in the Thousand Springs area to protect spring flows for fish propagation water rights, it seems prudent from the perspectives of the right holder and the department to have a means to monitor the Peavey seeps diversions as well.

I'll hold the file for 30 days. Please let me know within that time how your client wants to proceed.

Thanks.

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-327-7946
skeen@idwr.state.id.us

-----Original Message-----

From: Charles G. Brockway [mailto:cbrock4@mindspring.com]
Sent: Friday, August 17, 2001 10:04 AM
To: skeen@idwr.state.id.us
Subject: Water right 47-8074 conditions

Shelley:

I am writing with regard to the two conditions that need to be satisfied on 47-8074 before it can be licensed.

I spoke with Ken Ashley of Sea Pac about an agreement with the Twin Falls Canal Company. He says that there is a letter from TFCC expressing their agreement with the proposed use and its operation with normal company deliveries. Apparently, this letter was secured in the process of applying for the permit in 1986 or 1987. Ken says IDWR should have it in the file, but he is also trying to track it down. I have not seen the letter, and I do not know whether this will satisfy the requirement to have a "written

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8/30/2001

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Keen, Shelley

From: Charles G. Brockway [cbrock4@mindspring.com]
Sent: Friday, August 17, 2001 10:04 AM
To: skeen@idwr.state.id.us
Subject: Water right 47-8074 conditions

Shelley:

I am writing with regard to the two conditions that need to be satisfied on 47-8074 before it can be licensed.

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On the second issue, permanent measuring devices are required at the point of diversion and the point of effluent. This is not as straightforward as it may seem, since the Sea Pac water system is quite complex and involves several water sources. I am including a color map with this e-mail which shows the entire water system color-coded. The main surface water source under 47-7092 for 33 cfs is delivered from the East Coulee into fish holding ponds (location #2 on the map). This is the same headgate used to deliver TFCC shares for irrigation. The "Peavey seeps" water under 47-8074 is collected at two points in the seeps and diverted to the hatchery (location #1). It flows through the hatchery, to the main facility in a 24" pipe, and into holding ponds. The two surface water streams are combined at location #5. Groundwater pumped for process water is treated and mixed with the surface water at location #7. At this point, a pump station delivers water to the irrigation system. The mixed effluent continues to a wetlands treatment system – part of it goes through the wetlands and back to the coulee and part is shunted directly back to the coulee above the wetlands.

I inspected the facility yesterday and determined that it would be feasible to measure the Peavey seep water either at the hatchery or at the holding ponds. The hatchery has ten concrete raceways fed by a concrete head ditch with 2-foot cutouts and check boards feeding the raceways. It would be possible to install sharp-crested weirs rather than check boards in each of the ten cutouts. However, the measurement error on each weir would be additive, so this would be less accurate than measuring the entire flow with one device. A better location is on the second drop in the fish holding ponds. There is a 4-foot cutout with check boards in a concrete headwall which is well-suited to install a standard 3-foot contracted rectangular weir. Either of these locations would essentially measure the diversion from the Peavey seeps. One other options is to utilize in-pipe flow meters.

Because of the comingling that occurs in the system, it is not possible to measure the effluent of the Peavey seep water alone, if "effluent" means the water returning to the coulee. The flow at the two points of effluent to the coulee represents the seep water plus the surface water plus the canal shares plus the process water minus the irrigation pumpage minus any losses. We need to discuss the best way to satisfy the measuring device condition given the physical configuration of the system.

I hope this information is helpful. I will give you a call on Monday afternoon to discuss how best to proceed to resolve these issues quickly.

Regards,

Chuck

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8/20/2001

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 North Washington Street, #4
Twin Falls, Idaho 83301
cbrock4@mindspring.com

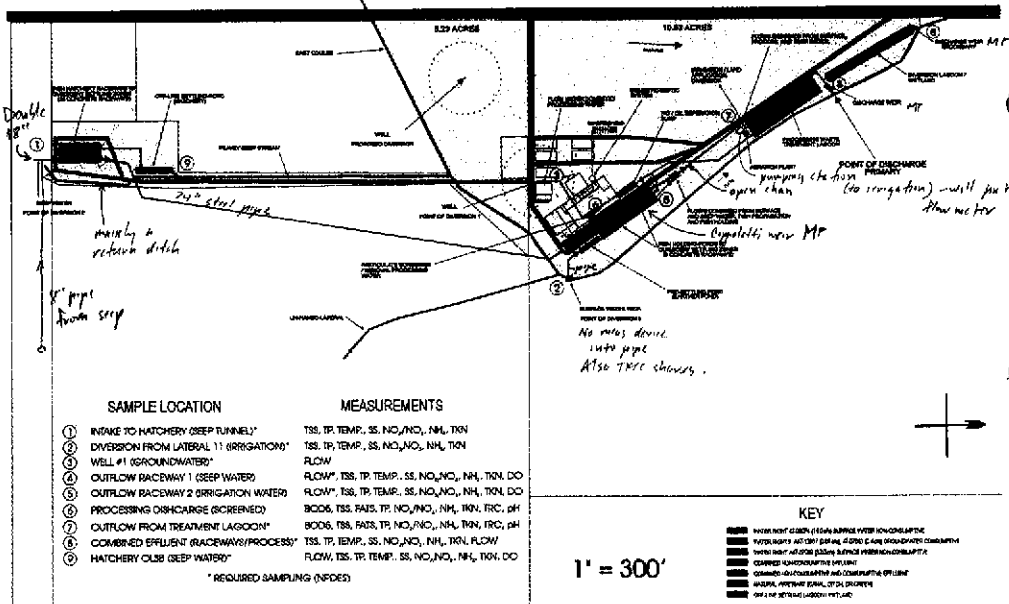
8/20/2001

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SEAPAC OF IDAHO WATER FLOW MAP SAMPLING SITES FOR STUDY

COUNTY ROAD 2000 E.



1" = 300'

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

July 18, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

PRISTINE SPRINGS INC
201 WARM CREEK RD
JEROME ID 83338

RE: Permit No. 47-8074

Dear Permit Holder:

On September 20, 1989, IDWR issued permit 47-8074 authorizing development of a right to divert 14.0 cfs from an unnamed stream for fish propagation purposes. Among others, the permit approval contained the following conditions of approval.

- Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
- Water shall not be diverted under this permit until a written agreement with the irrigation district or canal company serving the area containing the point of diversion is filed with the Department of Water Resources providing for the coordination of the permit use with the irrigation district or canal company operation.

In his field report, the examiner indicated that the two conditions listed above had not been complied with. In June of 1999, Chuck Brockway contacted the department about the status of licensing the permit and he was informed of the two conditions for which compliance or requests for waiver were required and he indicated that he would obtain the information and forward it to our office. The department has attempted numerous times to get the information from Mr. Brockway and as of this date, the information has not been forthcoming.

Before the department can issue a license for this permit, documentation of compliance with all conditions of the permit must be included in the file. Section 42-219(8) provides that in cases where the department finds that the applicant has not fully complied with the conditions of permit, it may refuse issuance of a license and void the permit.

Please provide evidence of compliance with the above conditions or a request for waiver of the conditions stating the reasons why you feel the conditions should be removed from the permit. If I do not receive the requested information within thirty days, I will take action to void your permit under the provision of Section 42-219(8) of the Idaho Code.

If you have any questions, please contact me at 208-327-7946.

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

FAX TRANSMITTAL COVER SHEET

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DATE: 5.19.10

TO:

Chuck, Sr.

FROM:

Kari Lynn

208-736-8506

IDWR

DOCUMENT

DESCRIPTION:

Permit 47-08074

Permit 32-07170 And letter of 2.22.00

~~COMMENTS:~~

Chuck, Sr. will get current
Status of requests updated to satisfy
file needs.

COVER SHEET + 5 PAGES

PLEASE CONTACT
ENTIRE DOCUMENT

Kari Lynn
327-7941

IF YOU DON'T RECEIVE THIS

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MAR 08 2003

WR0749NP
No. L47-08074

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/03/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PRISTINE SPRINGS INC 201 WARM CREEK RD JEROME ID 83338 (208) 736-1684	12/02/1987	FISH PROPAGATION	01/01 12/31	5.490 CFS	3967.60 AFA
TOTAL DIVERSION:					5.490 CFS	3967.60 AFA

Water Source: UNNAMED STREAMS ✓

Tributary to: CEDAR DRAW CREEK

Stage: LICENSE

Point(s) of Diversion Capacity: 5.490 CFS ✓

Point(s) of Diversion: T10S R15E S01 NESW ✓ NWSW ✓ TWIN FALLS County

Place of use Legal Description for: FISH PROPAGATION

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
10S	15E	1	:	:	:	:	:	:	:	:	:	:	:	:	:

Pou County: TWIN FALLS

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

47-04287 47-04288 47-04376

Other Water Rights Listing Overlapping Place(s) of use:

47-04287

Conditions of Approval:

- ✓027 - Use of water under this right shall be non-consumptive.
- ✓R43 - The right holder shall maintain a measuring device and lockable - controlling works of a type approved by the Department in a - manner that will provide the watermaster suitable control of the - diversion.
- ✓042 - The right holder shall provide the Department, upon request, - information showing volume changes per hour necessary to - maintain an adequate environment for the fish propagation - facility. Volume changes per hour shall be based upon actual - fish production.
- ✓081 - Use of water under this approval shall comply with applicable - water quality standards of the Division of Environmental Quality - of the Idaho Department of Health and Welfare.

Remarks: GEN ✓ Source known locally as the Peavey Tunnel network.
✓ Two points of diversion are located within NWSW, S1,
T10S, R15E.

Facility volume = 7,365 ft³

Dates: App. Received: 12/02/1987 Priority Date: 12/02/1987 (Priority Date Advanced.)
Proof Due Date: 09/01/1994 Proof Made Date: 11/09/1994 (Proof Received Late.)
Exam Made Date: 01/24/1997 Exam Sent to S.O.: 05/28/1999
Licensed Date:

WR0749NP
No. L47-08074

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/03/99
PAGE: 2

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 09/07/1994 User-ID: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent

Date: 10/25/1994 User-ID: CZIMMERM Subject: CORPORATE OFFICERS
The corporate officers of Pristine Springs Inc are:
Wendell Stroke, President;
Rick Eggleston, Executive Vice President & General Manager;
Kent Storke, Vice President.

Date: 11/09/1994 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Audit: 06/03/99 SCURTIS

MEMORANDUM

TO: File 47-08074

FROM: Sharla

DATE: June 1, 1999

**RE: Rate and Annual Volume for Fish Propagation Use
Description of Source**

Per a memo dated 1/15/88, volume is calculated this way:

1. Calculate changes per hour:
total flow into facility x 3600/facility volume(cf) = changes
2. Calculate annual volume:
facility volume(AF) x changes x 8760 = AFA
3. Calculate volume given by permitted flow:
flow rate(cfs) x 1.98 x 365 days = AFA
4. Recommend lower figure

-
1. 5.49 cfs x 3600/ 7,365 cf = 2.68350
 2. 0.169 AF x 2.68350 x 8760 = 3972.8 AFA
 3. 5.49 cfs x 1.98 x 365 days = 3967.6 AFA

RECOMMENDATION: 3967.6 AFA

Facility volume calculation: $2' \times 21' = 42 \text{ ft}^2$ (egg-rearing containers)
 $1.5' \times 9' \times 10/12 = 158 \text{ ft}^2$ (aluminum troughs)
 $40' \times 10' \times 23.5/12 = 3917 \text{ ft}^2$ (raceways)
 $28' \times 57/12 \times 23.5/12 = 2604 \text{ ft}^2$ (raceways)
 $10.5' \times 57/12 \times 15.5/12 = 644 \text{ ft}^2$ (raceways)
TOTAL: $42 + 158 + 3917 + 2604 + 644 = 7,365 \text{ ft}^2$

The examiner has described the diversions as being from a network of tunnels known as the Peavey Tunnel system and that these tunnels collect underground drainage. With three points of diversion described and "network of tunnels" listed, it is appropriate to list the source of water as unnamed streams. This clarification does not require an amendment, however, an amendment is still needed for the addition of two more points of diversion.

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LICENSE REVIEW CHECKLIST

PERMIT NO. 47-08074 DATE 6/1/99 REVIEWER: SHARLA

NAME OK Change/OK
 Address OK
 SOURCE OK unn. streams Does change clarify orig. Intended source? If no, Void permit
 POINT OF DIV chg Change (P39 /P47) ✓ Add (P45/P42) Feds - P40
W32 (multiple in 1/4) - 2
W36 (overlap)
W59 (subd. desc)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PLACE OF USE OK Change (P41/P47) Add (P41/P42) Feds - P43
W60 (subd. desc)
W27 (ppu acre limit)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PD & PU amend (P37) Feds - P48

RATE OF DIV
 Permitted Rate 14.0 cfs
 Fee limit 12.0 cfs \$375⁰⁰
 Measured _____ cfs
 Theoretical _____ cfs
 Recommended Total Div Rate _____ cfs

WATER USES	<u>OK</u>	Change (P46)	
<u>Fish</u>	<u>549</u> cfs	<u>see</u> af	Irrig - overlap (R58-R61, R62-R65, R66-R69)
_____	_____ cfs	<u>none</u> af	supp. gw (WB7/065/079)
_____	_____ cfs	_____ af	overlap spec. combined rts (W35)
_____	_____ cfs	_____ af	<1acre (W31)
_____	_____ cfs	_____ af	Domestic (W01/WB5/070/071/075)
TOTALS	_____ cfs	_____ af	Power (W42 or W43/025/027/R22 or R23)
			Fire (077) <u>Wtr Quality (081/087)</u>

Flow rate _____ cfs X _____ days X 1.98 = _____ af

REMARKS Source known locally as the Peavey
tunnel network.

ADD'L CONDITIONS Watermaster Control WD# _____
See R43 GW Measurement/Measuring Device
 _____ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority _____ yes ✓ no SRBA Claim _____ Adjust Memo source
 Amend letters P45 P38
P42

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUN 01 1999

DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 47-08074

1. Owner: Pristine Springs Inc. Phone No. 736-1684

Current Address: 201 Warm Creek Rd, Jerome, ID 83338

2. Accompanied by: Gary Marquardt, Bob Packard, Joe Rand EXAM DATE: 1-24-1997

Address: Gary - PO Box 546, Buhl, ID 83316 Phone No. 326-3100

Relationship to Permit Holder: Gary - manager of Sea Pac. Bob - hatchery operator

3. Source: Unnamed Stream (Peavey Tunnel) tributary to Cedar Draw Creek

B. OVERLAP REVIEW

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

2. Other water rights with the same point of diversion: 47-07092

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	NW	SW	1	10S	15E	Twin Falls	Upper left diversion
		NW	NW	SW	"	"	"	"	" right diversion
		SW	NE	SW	"	"	"	"	East diversion

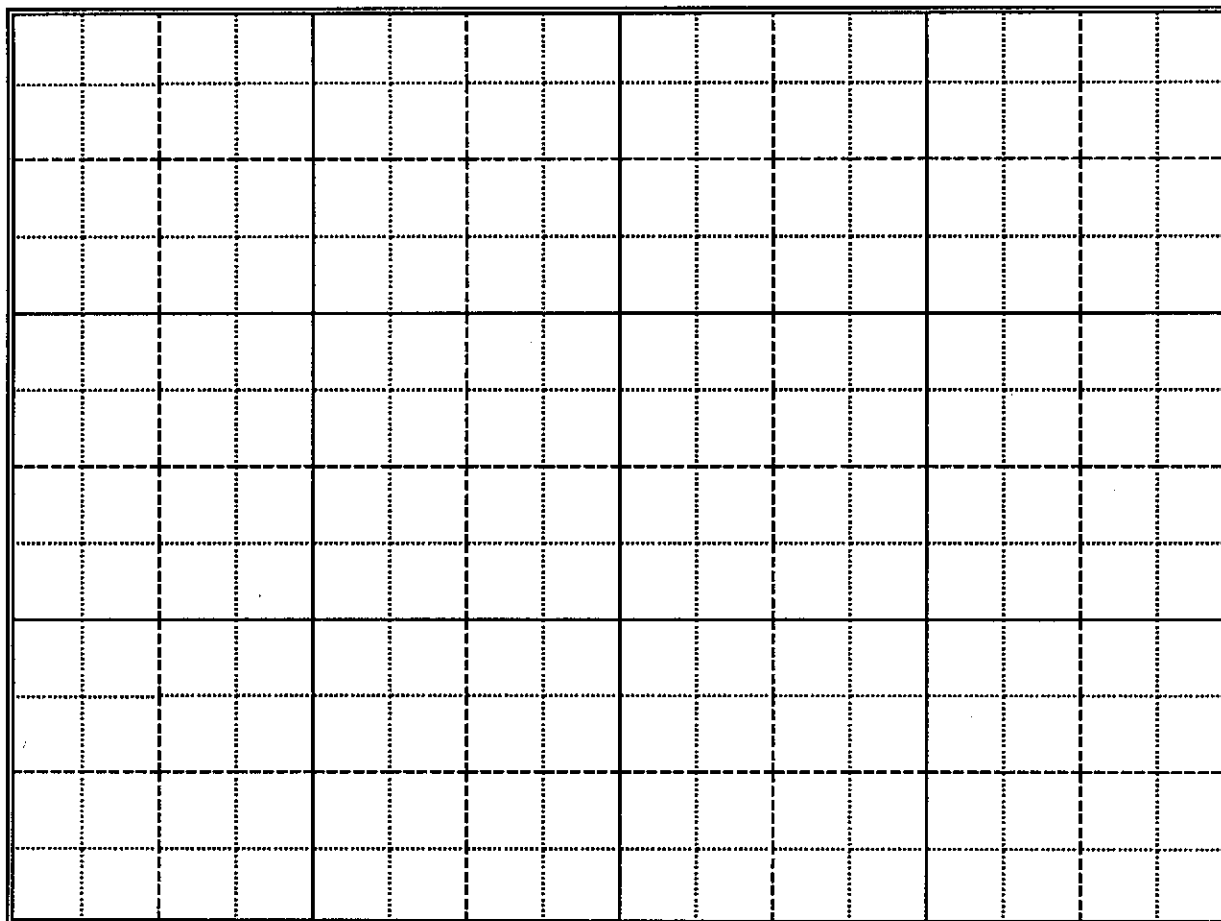
2. Place(s) of Use:

Indicate Method of Determination Aerial photo

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	15E	1							H										

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



Scale: 1" = _____

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

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

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

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
5-gallon bucket, stopwatch						
4' contracted rect. weir						

2. Measurements: Bucket - measured 5 gal per 2.0, 1.8, 1.9 sec.
Weir - 0.50' head at 1 side, 0.58' head at other side = 0.54' average

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E. NARRATIVE/REMARKS/COMMENTS

Underground flow is collected in concrete headboxes at 2 points south of the fish facility. Water is piped underground to a rectangular collection box. The combined flow is then piped underground to the egg/fry house. Water used in the building discharges into "Perry Creek" via a white plastic pipe. Outflow was measured with a bucket/stopwatch. Some water from the upper diversions goes into the raceways north of the building. The east diversion is a concrete headbox located just north of an irrigation ditch in the field east of the fish farm. A buried pipeline takes water directly into the raceways. All 3 diversions are on the Perry Tunnel, which is actually a network of tunnels that collect underground drainage from a large area surrounding the place of use.

The egg/fry house contains 21 square or ~~rectangular~~ cylindrical egg-rearing containers about 1' wide x 2' high. Fry are raised in 14 aluminum troughs 18" wide x 9' long x 10" deep. There are 25 sections of concrete raceways with a total volume of ~~1108.2~~ cubic feet. 7/65.5

The raceways discharge into a large metal pipe that runs underground almost 1/4 mile north before discharging into a concrete raceway at the SeaPac processing plant in the NW/NE Sec. 1. The measuring weir is at the lower end of the SeaPac raceway. SeaPac & Pristine Springs are sister companies that operate both facilities, but the water system is on Joe Rand's property. A little discharge water was running into a settling pond north of the Rand raceways, & this was not measured.

Due to the nature of the water source & diversion works, it is not possible to measure flows right at the diversion points. However, the only losses are via evaporation. Pipelines & impermeable raceways prevent seepage losses. The system appears to be as tight as possible for a fish-raising facility, minimizing water losses. Recommend the requirement for inlet measuring devices be removed.

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

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F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

$$5 \text{ gal} / 1.9 \text{ sec} = 161 \text{ gpm} = 0.36 \text{ cfs}$$

$$0.54' \text{ head on } 4' \text{ contracted rect weir} = 5.13 \text{ cfs}$$

$$\text{Total} = 5.49 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

$$\text{Annual volume} = 5.49 \text{ cfs} \times 1.9835 \text{ AF/day/cfs} \times 365 \text{ days/yr} = 3974.6 \text{ AFA}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Fish Propagation</u>	<u>1-1</u>	<u>12-31</u>	<u>5.49</u>	<u>Penal vol = 7360.3 afa</u>
_____	_____	_____	_____	<u>3974.6 AFA</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>5.49</u>	<u>3974.6</u>

2. Recommended Amendments

_____ Change P.D. as reflected above ☒ Add P.D. as reflected above _____ None
_____ Change P.U. as reflected above _____ Add P.U. as reflected above _____ Other

I. AUTHENTICATIONField Examiner's Name J. E. Clinton Date 5-28-99

Reviewer _____ Date _____

SEAL

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194.8
cu ft

- 21 square or cylindrical egg-rear containers about 1' w x 2' high
14 aluminium troughs 18" w x $\frac{9}{16}$ " x 10" deep for fry

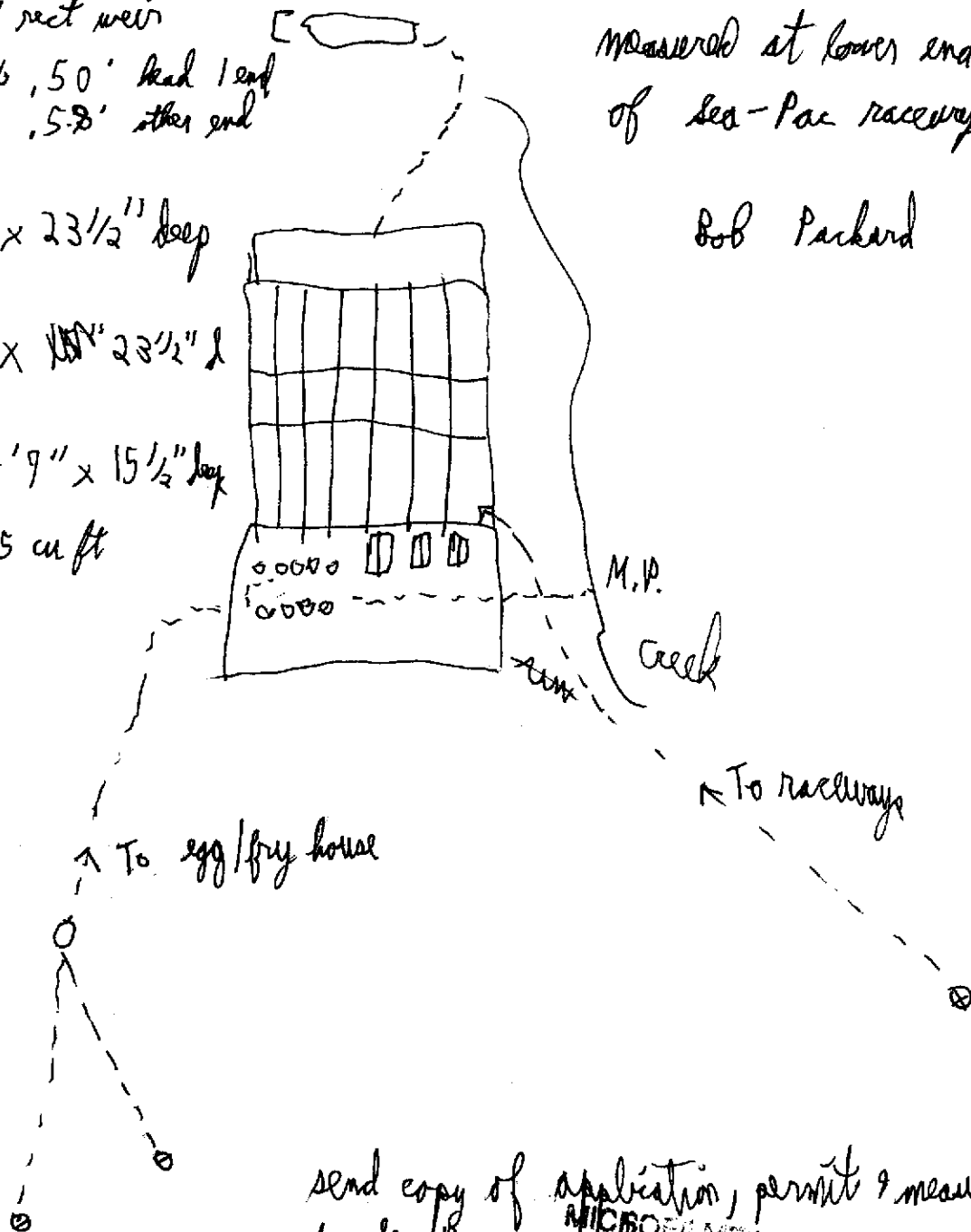
Measured 2.0, 1.8, 1.9 sec/5 gallons for hatchery discharge = 158 gpm
0.35 cfs

4' rect weir
5.13 cfs
Ab, 50' head 1 end
5.8' other end

measured at lower end
of Sea-Pac raceways

Bob Packard

- 5 - 40' x 10' x 23 1/2" deep
10 - 28' x 4' 9" x 23 1/2" d
10 - 10 1/2' x 4' 9" x 15 1/2" deep
7165.5 cu ft



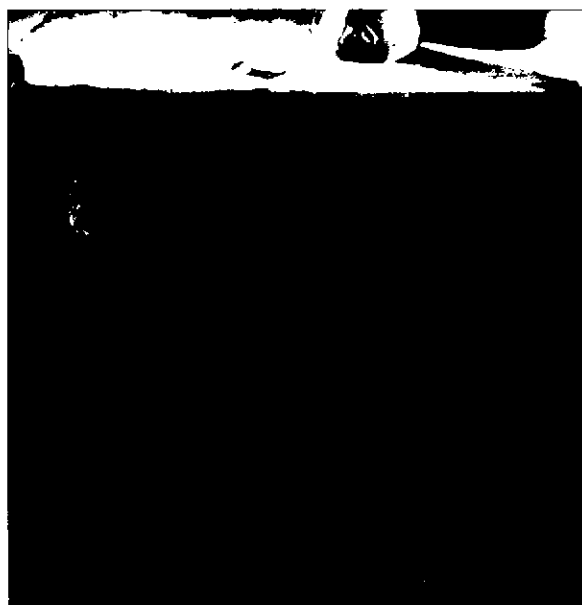
send copy of application, permit & measurements
to Sea Pac guy
MICROFILMED
MAR 6 2011



Upper Left Diversion



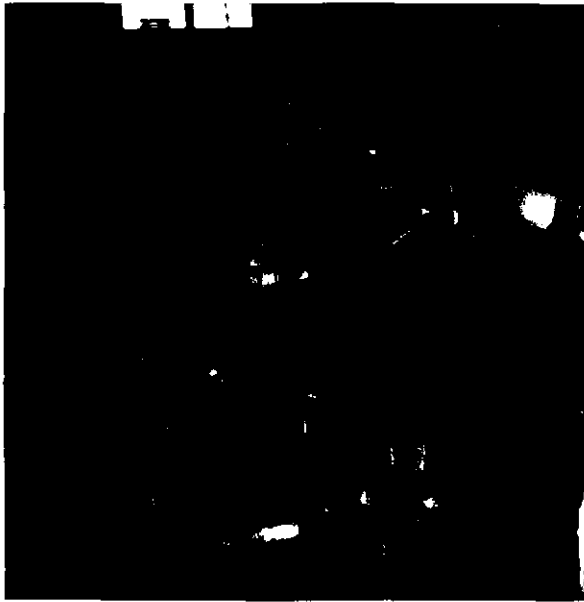
Upper Right Diversion



Collection Box

MAR 06 2003

47-08074
1-24-97 JES



Egg / Fry House



MICROFILMED
MAY 26 2003

47-08074
1-24-97 JES



Raceways

MICROFILMED
MAR 05 1997

47-08074
1-24-97
JES



East Diversion



Pipeline From East Div. To Raceways



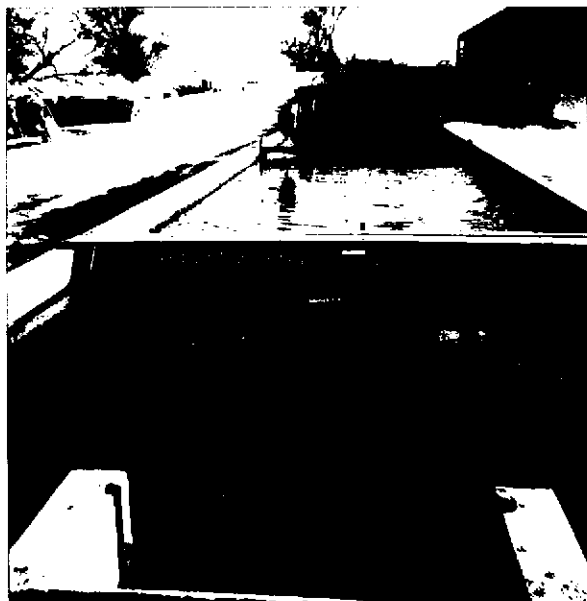
Lower End of Raceways



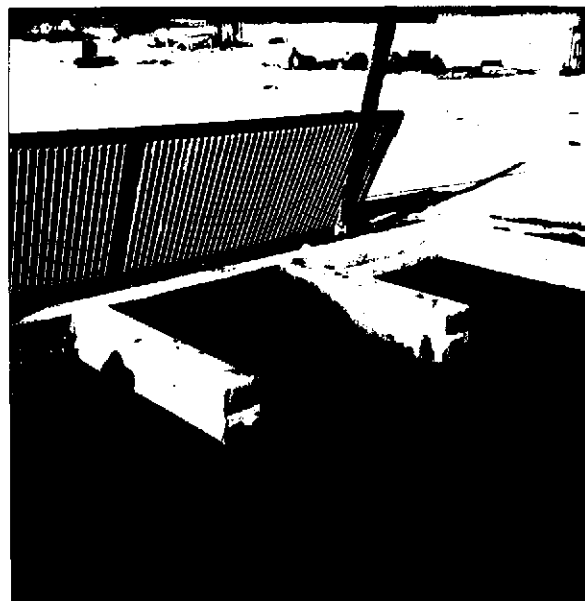
Pipeline From Raceways To SeaPac

MAR 05 2003

47-08074
1-24-97 JES



SeaPac Raceways



Measuring Point

MICRO, INC.

MAR 06 2003

47-08074

1-24-97 JES



Fry-House Discharge

MICROFILMED

1478 3 6 2003

47-08074

1-24-97 JES

RECEIVED

JAN 21 1997

TO: File

DATE: January 17, 1997

FROM: Jim Stanton Department of Water Resources

SUBJECT: Permit 47-08074, Pristine Springs Inc.

This fish facility is on land owned by Joe Rand. Mr. & Mrs. Rand were in my office today requesting that the licensing exam be completed and the license issued. We were holding up licensing due to low stream flows, as requested by Rick Eggleston. Mr. Eggleston was an officer in Pristine Springs, but according to Mr. Rand he no longer is involved with that company. The new owner of Pristine Springs apparently is not inclined to assign the permit over to Mr. Rand. Mr. Rand actually lives on the permitted place of use. The property is up for sale, but the uncertainty over the water right is holding things up. Mr. Rand very much wants the exam to be completed and the license issued, so I agreed to schedule the exam as soon as possible. My exam will contain a recommendation that copies of all correspondence be sent to him. They understand that the license will be for only the flow rate that I measure, and are willing to accept my findings. They don't want to have to go to court over this, but will if they have to. Even though the license will be issued to Pristine Springs, I told them that the license could then be changed over to Mr. Rand.

MICROFILMED

FEB 25 1997

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 47-08074 Reviewed by [Signature] Date 11/23/94

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Fish Prop.
Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit

☐ Well log in the file?

_____ Correct?

LICENSE EXAMINATION FEE

yes Required?
42500 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
yes Installed?
_____ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	_____
Date proof due	_____	_____
No. of days late	_____	_____
Priority Date	_____	_____
New Priority Date	_____	_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address _____

Proof Made 8/18/94

November 23, 1994

PRISTINE SPRINGS INC
201 WARM CREEK RD
JEROME ID 83338

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 47-08074

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

DEC 10 1994



RECEIVED
NOV 09 1994
Department of Water Resources

November 2, 1994

State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Id 83720-9000

RE: Permit #47-08074

Dear Julie,

Pristine Springs, Inc. has received a letter from the State of Idaho Department of Water Resources stating the Department will likely deny the extension request for Permit #47-08074 and suggests Pristine Springs submit proof of beneficial use since development of the water right is complete. The letter of October 27, 1994, also states if Pristine Springs withdraws the extension request within thirty (30) days and submit proof of beneficial use, the Department will apply the filing fee from the extension request to the license examination fee required for the proof. This letter also states the Department will then delay the license examination until surface water flows have recovered.

Pristine Springs, Inc. is submitting proof of beneficial use under those procedures stated in the October 27, 1994, letter from the Department and at this time withdraws the extension of time request.

Sincerely,

Cheryl Eggleston
Cheryl Eggleston
Secretary

Enclosure

mab

201 Warm Creek Road
Jerome, Idaho 83338
208-736-1684 or 736-1606
Fax: 208-736-1695

DEC 13 1994

U E G E I V E U

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AUG 18 1994

Department of Water Resources
Northern Region Office

REQUEST FOR EXTENSION OF TIME

**TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT**

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

Permit No. 47-0004 08074

AUG 15 1994

Name(s) of Permit Holder: Pristine Springs Inc.

Department of Water Resources
Northern Region Office

Mailing Address: 201 Warm Creek Road Jerome, Idaho 83338

Date Proof is Due: Sept. 1, 1994 Telephone No. 208-736-1684

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

Built to completion as planned

Costing \$ 20,000.00

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

see attached

RECEIVED

SEP 13 1994

Permit holder(s) request an extension to Sept. 1, 1994, 1999.

FEE: \$50.00

[Signature]
(Signature)*

8/12/94

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

DEC 19 1994

Signed this _____ day of _____, 19____.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 27, 1994

Pristine Springs Inc.
201 Warm Creek Rd.
Jerome, ID 83338

RE: Permit No. 47-08074

Dear Permit Holder:

I am in receipt of the extension of time request you submitted for the above referenced permit.

I am advising you that the Department will likely deny the extension request and suggest you submit proof of beneficial use since development of the water right is complete.

If you withdraw the extension request within thirty (30) days and submit proof of beneficial use, the Department will apply the filing fee from the extension request to the license examination fee required for the proof. I have enclosed a proof form and instructions for your convenience.

The Department will then delay the license examination until surface water flows have recovered.

If you do not respond within thirty (30) days, the Department will act on the extension as submitted.

If you have any questions, please do not hesitate to contact me at (208)327-7953.

Sincerely,

A handwritten signature in cursive script that reads 'Julie L. Yarbrough'.

JULIE L. YARBROUGH
Senior Secretary

Enclosure

DEC 19 1994



State of Idaho Dept. of Water Resources

For these reasons we request this permit to be extended for five years or licensed for the full amount of the original application diversion flow.

Permit # 47-08074 Flow 14 cfs

1. The adjudication process being under the status it is right now and setting flow rates within the adjudication and with out consideration of the lower flows that are out of our control.
2. The drastic decrease we are experiencing in our spring flows. We feel that it is totally unfair for the Dept. of Water Resources to request these proofs with all the water issues facing us today. It would be a disastrous impact on our water and property values. The date that was set in the original application for proof of beneficial use must take into consideration the decreased flows due to the acknowledgement of the courts that the deep well pumping directly affects these spring flows. By not extending this time frame for at least another five years to allow a level flow to be recorded would be a great loss to our company. If this time cannot be extended we request that the Dept. of Water Resources issue the licence for the full amount of the original application of 14 cfs.

DEC 19 1984



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

October 25, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

PRISTINE SPRINGS
201 WARM CREEK RD
JEROME ID 83338

Re: Permit No. 47-08074

Dear Sirs:

This letter is to acknowledge the assignment of ownership on the above referenced water right. We have modified our computer records to reflect this change in ownership.

Your request for extension of time to file proof of beneficial use will be processed and addressed separately from this assignment.

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

Sincerely,

A handwritten signature in black ink, appearing to be 'Jim Johnson', with a long horizontal line extending to the right.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:c2

DEC 19 1994



RECEIVED

SEP 23 1994

Department of Water Resources

September 21, 1994

L. Glen Saxton
Chief, Water Allocation Bureau
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

RE: Permit No 47-08074

Dear Mr. Saxton:

I received your letter of September 7, 1994 referencing permit number 47-08074 stating the proper forms had not been sent in. I am sending you copies of the Request for Extension of Time for permit number 47-08074 dated August 12, 1994, Assignment of Permit and New Property Owner Notice of Change of Water Right Ownership dated August 4, 1994. I am also enclosing receipts from the Idaho Department of Water Resources for the monies sent with these forms. The change of ownership should have been done by our lawyers when everything else was changed over but could have been missed so I sent them in as soon as I was notified of this situation.

Why you do not have these I am unable to comprehend. Evidently you should have seen these but have not maybe because of differences in location. I would like to find out if the paper work on such things is usually kept in one office or if they are shared by more than one office. If they are shared is there anyway to get everything in one place so these problems can be eliminated?

Sincerely,

Cheryl Eggleston
Cheryl Eggleston
Pristine Springs Inc.

201 Warm Creek Road
Jerome, Idaho 83338
208-736-1684 or 736-1606
Fax: 208-736-1695

DEC 19 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 7, 1994

TRI WEST ENTERPRISES
FISH DIVISION
101 4TH AVE. S.
BUHL ID 833160000

LAPSE NOTICE

RE: PERMIT NO. 47-08074

Dear Permit Holder:

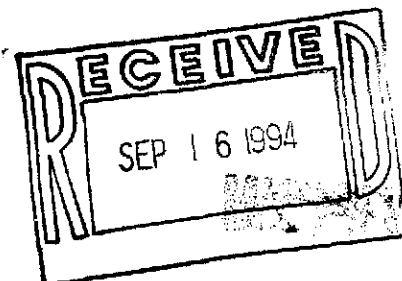
You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated June 30, 1994. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures



DEC 19 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**REQUEST FOR EXTENSION OF TIME**TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

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

Permit No. 42-08074Name(s) of Permit Holder: Pristine Springs Inc.Mailing Address: 201 Warm Creek Road Jerome, Idaho 83338Date Proof is Due: Sept. 1, 1994 Telephone No. 208-736-1684

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

Built to completion as plannedCosting \$ 20,000.00

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

see attachedPermit holder(s) request an extension to Sept. 1, 1999, 1999.

FEE: \$50.00


(Signature)*8/12/94

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

Signed this _____ day of _____, 19____.

DEC 18 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Pristine Springs, Inc.
201 Warm Creek Rd.
Jerome, ID
83338

August 15, 1994

RE: Water Permit 47-08074

Dear Sirs;

We are returning your request for extension of time and Check #8161 for the above-referenced permit. The owner of this permit is Tri West Enterprises Fish Division, and only they can take action on the permit. Enclosed is an Assignment of Permit form to change of the ownership of the permit; there is a \$25. fee for assignments. The two forms and \$75. filing fee can be submitted to this office for processing.

Sincerely,

James E. Stanton
Sr. Water Resource Agent

DEC 19 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY
Amt. of Fee \$25.00
Date _____
Receipt No. _____
Receipt by _____

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Tribal East Fish Division hereby assign to Pristine Springs Inc.
(Permit Holder)
 of 201 Warm Creek Road, Jerome, Idaho 83308
(Full Address)

All my right, title, and interest in and to Permit No. 47-08074
 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

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

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.

Made this 17 day of August, 1994.

Tribal East Fish Division Cheryl Johnston
 Permit Holder(s)

State of Idaho)
) ss
 County of Twin Falls)

On this 17 day of August, 1994, personally appeared before me
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.



marcy Brodine
 Notary Public

marcy Brodine
 Signature

My commission expires: 9/13/99

Please print or type
(see instructions on back of page)

LEGAL DESCRIPTION OF PROPERTY: Township 10 S Range 15 E
 Section 1, 1/4 of 1/4 of 1/4, Govt. Lot , BM.
 Lot , Block, , Subdivision/Townsite
 If you have additional legal descriptions, please attach separate sheet.

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Signature of Former Owner/Claimant(s): Cheryl Englesten Date Aug 4, 1994
Date

**Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner**

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No: 8017256

Date: 8/18/1994
Time: 13:10:28

Received
From: PRISTINE SPRINGS, INC

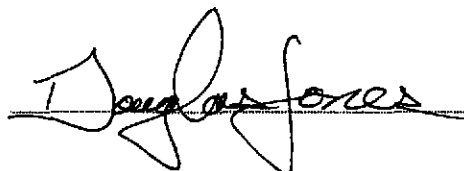
Type of Payment	Program A cct	Amount
EXTENSION OF TIME 47-8074		
64103	229 21 1155	50.00

Total

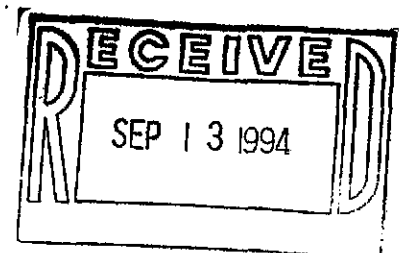
CHECK 8161

\$50.00

Region: SOUTHERN

Signature: 

DEC 19 1994



RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No: 8017255

Date: 8/18/1994
Time: 13:08:17

Received
From: PRISTINE SPRINGS, INC

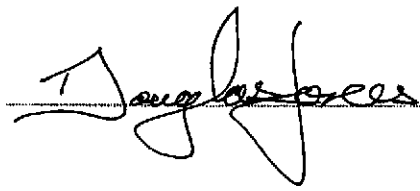
Type of Payment	Program A cct	Amount
ASSIGNMENT 47-8074	64103 229 21 1155	25.00

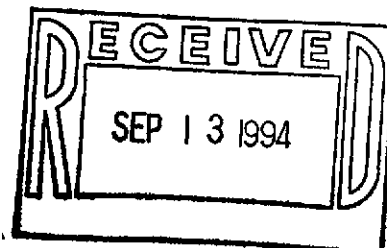
Total

CHECK 8173

\$25.00

Region: SOUTHERN

Signature: 



SEP 13 1994

MEMORANDUM

DATE: October 25, 1994
TO: File No. 47-08074
FROM: Cindy Zimmerman
SUBJECT: Corporate Officers

=====

Per telecon with Mary Baldwin of Southern Region office today, the corporate officers of Pristine Springs are:

President:
Wendell Storke

Executive Vice President and General Manager:
Rick Eggleston

Vice President:
Kent Storke

DEC 19 1994

WR0749NP
No. 47-08074

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/25/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PRISTINE SPRINGS INC 201 WARM CREEK RD JEROME ID 83338 (208) 736-1684	12/02/1987	FISH PROPAGATION	01-01 12-31	14.00 CFS	
TOTAL DIVERSION:					14.00 CFS	

Water Source: UNNAMED STREAM

Tributary to: CEDAR DRAW

Stage: PERMIT

Point(s) of Diversion: T10S R15E S01 NWNWSW TWIN FALLS County

Place of use Legal Description for: FISH PROPAGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
10S	15E	1	:																	:
			:																	:

Pou County: TWIN FALLS

Other Rights: 47-7092

Other Water Rights Listing Overlapping Place(s) of use:
47-04287

Conditions of Approval:

- 044 - Use of water under this right is subject to policies set forth
 - in the State of Idaho Water Plan, including Policy No. 5G.
- 027 - Use of water under this right shall be non-consumptive.
- 002 - Measuring devices of a type approved by the Department shall
 - be permanently installed and maintained at the point of diversion
 - and the point of effluent discharge.
- 023 - Water shall not be diverted under this right until a written
 - agreement with the irrigation district or canal company serving
 - the area containing the point of diversion is filed with the
 - Department of Water Resources providing for the coordination of
 - the permitted use with the irrigation district or canal company
 - operation.
- 042 - The right holder shall be required to provide the Department,
 - upon request, information showing volume changes per hour
 - necessary to maintain an adequate environment for the fish
 - propagation facility. Volume changes per hour shall be based
 - upon actual fish production.
- 004 - The issuance of this right in no way grants any right-of-way
 - or easement across the land of another.
- 07A - Assignment or sale of this right is subject to a determination
 - by the Department that the right holder has proceeded to develop
 - the right with due diligence and without speculation.
- 09D - Water used under this right if discharged into a natural
 - channel shall meet Idaho Water Quality Standards.

Remarks: Source known locally as Peavey Tunnel.

WR0749NP
No. 47-08074

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/25/94
PAGE: 2

Dates: App. Received: 12/02/1987 Priority Date: 12/02/1987
Proof Due Date: 09/01/1994 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 09/07/1994 User-ID: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent

Date: 10/25/1994 User-ID: CZIMMERM Subject: CORPORATE OFFICERS
The corporate officers of Pristine Springs Inc are:
Wendell Stroke, President;
Rick Eggleston, Executive Vice President & General Manager;
Kent Storke, Vice President.

Audit: 12/28/87 05/28/88 CONVERT 08/10/89 CURTIS 08/28/89 CURTIS
08/30/89 CURTIS 09/01/89 CURTIS 09/07/94 COMMENTS



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Pristine Springs, Inc.
201 Warm Creek Rd.
Jerome, ID
83338

U S G E I W R

August 15, 1994

AUG 18 1994

Department of Water Resources
Southern Region Office

RECEIVED

SEP 13 1994

Department of Water Resources

RE: Water Permit 47-08074

Dear Sirs;

We are returning your request for extension of time and Check #8161 for the above-referenced permit. The owner of this permit is Tri West Enterprises Fish Division, and only they can take action on the permit. Enclosed is an Assignment of Permit form to change of the ownership of the permit; there is a \$25. fee for assignments. The two forms and \$75. filing fee can be submitted to this office for processing.

Sincerely,

James E. Stanton

James E. Stanton
Sr. Water Resource Agent

DEC 13 1994

MEMORANDUM

RECEIVED

SEP 13 1994

Department of Natural Resources

TO: Allocations Staff, File

FROM: Douglas Jones

DATE: 9/12/94

RE: Permit 47-8074

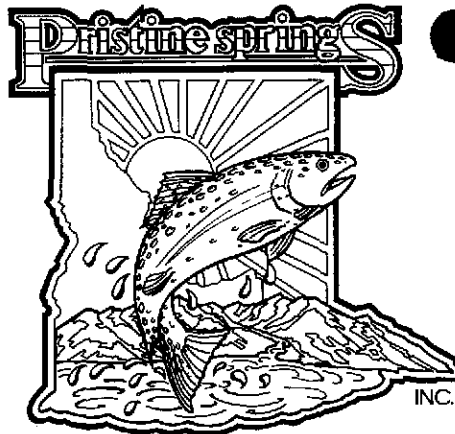
Southern region received the attached assignment of permit and request for extension of time. Suitable Fees were received & receipted, as noted on the applications.

I Field reviewed the development relative to due diligence requirements. I found that the facility has been constructed as proposed, and that speculation does not appear to be an issue.

During the review I observed a pipeline ^{was} delivering water from an unpermitted source. Combined the flows from the two sources did not exceed the permitted flow rate.

The extension of time request ~~is~~ indicates that time is needed due to decreasing flows from Twin Falls Canal Company's seep tunnel. At this time it is unclear whether 14 cfs has ever flowed from the tunnel. They state that deep wells have decreased spring flows, but there is only one irrigation well nearby - and it is senior (47-4287). I recommend that the extension of time be denied. Southern Region will work with owners to more optimally exam scheduling with spring discharges - within reasonable latitude.

DEC 19 1994



RECEIVED

SEP 13 1994

RECEIVED

AUG 15 1994

Department of Water Resources
Northern Region Office

State of Idaho Dept. of Water Resources

For these reasons we request this permit to be extended for five years or licensed for the full amount of the original application diversion flow.

Permit # 47-08074 Flow 14 cfs

1. The adjudication process being under the status it is right now and setting flow rates within the adjudication and with out consideration of the lower flows that are out of our control.
2. The drastic decrease we are experiencing in our spring flows. We feel that it is totally unfair for the Dept. of Water Resources to request these proofs with all the water issues facing us today. It would be a disastrous impact on our water and property values. The date that was set in the original application for proof of beneficial use must take into consideration the decreased flows due to the acknowledgement of the courts that the deep well pumping directly affects these spring flows. By not extending this time frame for at least another five years to allow a level flow to be recorded would be a great loss to our company. If this time cannot be extended we request that the Dept. of Water Resources issue the licence for the full amount of the original application of 14 cfs.

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

September 7, 1994

TRI WEST ENTERPRISES
FISH DIVISION
101 4TH AVE. S.
BUHL ID 833160000

LAPSE NOTICE

RE: PERMIT NO. 47-08074

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated June 30, 1994. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 9/7/94
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

DEC 13 1994

June 30, 1994

TRI WEST ENTERPRISES
FISH DIVISION
101 4TH AVE. S.
BUHL ID 833160000

PROOF DUE NOTICE

RE: PERMIT NO. 47-08074

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

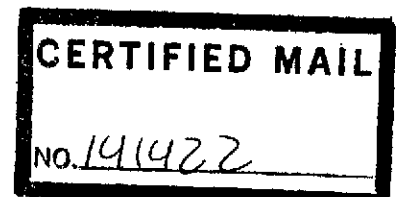
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED
JUL 10 1994



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. P47-28074
Name(s) of Permit Holder(s): TriWest Ent. & Res. Division
Post Office Address: R#1 Box 1504
Fillmore, Idaho 83316 Tel. No. 526-3237

- ☐ I hereby certify that construction of diversion works for the above referenced permit began on April 1988 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.
- ☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason financing difficulty beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

1/26/90
Date

C. E. [Signature]
Signature of Permit Holder

543-6675

TRI-WEST ENTERPRISES

FISH DIVISION

R #1 BOX 1294

FILER, IDAHO 83328

25^{USA}



RECEIVED
JAN 19 1990

IDAHO DEPARTMENT OF WATER RESOURCES

STATEHOUSE

Department of Water Resources

BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 334-7900
September 21, 1989

TRI WEST ENTERPRISES
FISH DIVISION
101 4TH AVE. S.
BUHL, ID 833160000

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P47-08074

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Please be advised that your plans for fish propagation may be subject to regulations of the Idaho Department of Fish and Game. We suggest that you check with them before starting construction.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

INDEXED

SEP 26 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY SK DATE 2/1/89 APPLICATION NUMBER 47-8074

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.) - *Certificate - DWA 7th - west*
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to present application on the back.) *No overlap - Associated w/ 47-7092*
☒ Overlapping point of diversion
☒ Yes ☐ No Field check required
Field check by Allen Merritt 3/10/88
☒ Yes ☐ No Field report attached
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send power requirement letter
☒ Yes ☐ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Power efficiency form
☐ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
Yes ☐ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
See reverse side for additional information

EST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

PROCESSING

☒ Yes ☐ No Form for advertising
☒ Yes ☐ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

☒ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☒ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

Statewide
☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest _____
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☒ Yes ☐ No Recommendations attached
☒ Yes ☐ No Measuring device required
☐ Yes ☒ No Access port required
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. _____
☒ Yes ☐ No Special conditions of approval or cover letter below. _____

OLF, ORE, 27, 23

☐ See below for additional information

Date of priority recommended *12/2/87*

By *Loren D. Halus* Date *2/1/89*

STATE OFFICE REVIEW

P17 A00 44 27 26 Oh 23 42 04 07A 09D

☐ See below for additional information

By *DOM* Date *2/28/89*

kw 2/28/89
kw 8/24/89

ADDITIONAL INFORMATION

5 yrs. is reasonable for BIL development

App. in TRUST area - NONCONSUMPTIVE

Form No.
7/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHECKLIST OF REQUIREMENTS
LARGE DIVERSION SUPPLEMENTARY
ANALYSIS SHEET*

EFFECT ON EXISTING RIGHTS

- ☐ Yes ☒ No Springs/surface streams with 5 or less existing users
☐ Identify number of impacted rights
☐ Name and address of users
☐ Location of points of diversion
☐ Nature of use of the existing rights
- ☐ Yes ☒ No Groundwater
☐ Plat showing proposed well and any other wells &/or
springs within $\frac{1}{2}$ mile radius
- ☐ Yes ☒ No Statement of design construction, or operation techniques
which will be used to reduce impact on existing rights

SUFFICIENCY OF WATER SUPPLY

- Water Requirements of Proposed Project
☐ Required diversion rate during peak use (Maximum rate)
☐ Required diversion rate during average use period
☐ Annual volume
☐ Season of use
☐ Volume to be consumptively used/year
- Quantity of Water Available from Source
☐ Flow rates for surface water sources available during peak
and average water demand period
☐ Properties of aquifers
☐ Other sources available for supplementation

GOOD FAITH, DELAY OR SPECULATION

- ☒ Copies of deeds, leases, easements, and right-of-ways from Lease from Joe / Ellen Row
- ☐ Power applications affidavit form 205/206 is required
☐ Yes ☒ No Other needed permits, licenses, or approvals required. If
yes, _____

FINANCIAL RESOURCES

- ☐ Current certified financial statement
☒ Financial commitment letter/financial statement from
committed party - Facility Existing & Paid for
- ☒ Project design/plans along with cost estimation to
complete project Facility is Existing

*For applications of more than 5 cfs. or more than 500 AF.

LOCAL PUBLIC INTEREST

Comments received from:

- | | | |
|---------------------------------------|---|--|
| ☐ City | ☐ Idaho Fish & Game | ☐ Irrigation District |
| ☐ County | ☐ Idaho Health & Welfare | ☐ Canal Company |
| ☐ Reservations | Division of Environment | ☐ Other _____ |

Project impacts/implications report

COMMENTS

No Comments Received

Form No. 202a
3/79State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: J. G. StantonAPPLICATION NUMBER: 47-8074

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☒ Yes ☐ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: Ray J. J. J.Date: 8/31/88

Comments: This water is being
reused for fish propagation -
by Applicant. No diversions between
Shad tunnel and Applicant.
Facilities are built and paid for.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

copy of lease agreement

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☒ Idaho Fish and Game Department. MB 12/10/87
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

PROCESSING:

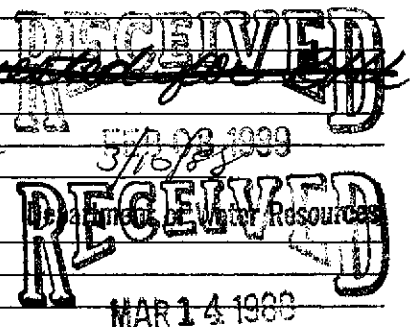
- ☐ Yes ☒ No Platted by: J Map No. BP-71
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* none for fish propagation
☐ Yes ☒ No In form for advertising. _____
☐ Yes ☒ No Final date for protests: _____
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- statewide ☒ Affidavit of publication received. Date: _____
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☒ Yes ☐ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
☒ 12/2/87 Date of priority recommended.
26, 27 Special conditions of approval or cover letter. 02, 04, 07, 09B, 23

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.
 By: MB Date: 3/1/88



Department of Water Resources

MEMORANDUM

TO: Application No. 47-8074
FROM: Gary Spackman *Gary*
DATE: August 23, 1989

RE: Compliance with Rule 4,5. of the Water Appropriation Rules
and Regulations

I have reviewed application no. 47-8074 and the information provided by the developers. I find that it substantially complies with Rule 4,5. The application can be processed for approval.

MICROFILMED
SEP 26 1989



STATE OF IDAHO

DEPARTMENT OF HEALTH
AND WELFARE

DIVISION OF ENVIRONMENTAL QUALITY

Twin Falls Field Office
Post Office Box 1626
Twin Falls, Idaho 83303-1626

RECEIVED
JUN 29 1989

June 28, 1989

Gary Spackman, Manager
Department of Water Resources
1301 North Orchard
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

Re: Water Appropriation Permit #47-8074 - Peavey Tunnel (Seep),
Twin Falls County, Idaho

Dear Mr. Spackman:

We have reviewed the above referenced application requested by Rick Eggleston for fish propagation and submit the following comments:

- 1) Since the proposed use is for fish propagation the applicant shall apply and obtain a National Pollutant Discharge Elimination System (NPDES) waste discharge permit from the U.S. EPA.
- 2) The operating facility shall comply with appropriate NPDES permit effluent discharge and monitoring requirements and maintain compliance with Idaho Water Quality Standards and Wastewater Treatment Requirements.

Should any questions arise, please contact me.

Sincerely,

Michael J. McMasters

Michael J. McMasters
Water Quality Field Supervisor

MJM/ta

cc: Susan Martin
Loren Holmes
Rick Eggleston

RECEIVED

SEP 26 1989

State of Idaho
Dept. of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

JUNE 12, 1989



RE: Application for permit to appropriate water no. 47-8074

Dear Sirs;

- 1- Practices enclosed. The distance from the source to the use is not very far and is piped. The ditch still has water in it and picks up more on down. As for the changes in water quality we clean our ponds and feel the water quality is not decreased.
- 2- The water that is available varies. When we first started to measure the water it was 6ft. and has decreased to 3ft. These measurements are a rough measure as no weir is in operation.
- 3- I have requested these letters numerous times. These people have told me they were sent out, then you tell me you did not receive them. I have again requested these letters and ask a copy be sent to me. All have said they will do this as there is no problem. The canal co. showed me a letter from the water resources in Twin Falls which states that because they did not protest this filing that they need not do anything else so they say their obligation is filled. Because of this they say their obligation is already stated by not objecting to it. If the water resource is going to make these letters of input mandatory then it should inform these agencies of this. If not go ahead with the permits. I was never informed that this was to be done before the permit was issued. I have more than exerted a reasonable effort to get these agencies to comply. I can only do so much to get them to send these letters. I get the feeling that they do not think they are important because they did not protest. I feel the same way. Why should they have to write a letter if they did not protest the filing?

SEP 28 1989

*Trickiest Ent
Cheryl Eggleston*

Tri-West Enterprises
Fish Division
R#1 Box 1204
Filer, Idaho 83328

OPERATING PRACTICES



To Whom It May Concern;

Ponds under Tri-West Enterprises Fish Division management are taken care of daily. Screens are cleaned and mort is picked.

Raceway settling areas are pumped and hauled to the fields for fertilizer or into settling ponds. Dirt ponds are dried up and cleaned and the dirt is put back on the fields or used for fill.

Tri-West Enterprises
Fish Division

Cheryl E. Lester

RECEIVED
FISH DIVISION

SEP 26 1989



STATE OF IDAHO

DEPARTMENT OF HEALTH
AND WELFARE

DIVISION OF ENVIRONMENTAL QUALITY
Twin Falls Field Office
Post Office Box 1626
Twin Falls, Idaho 83303-1626

June 7, 1989

RECEIVED

JUN 8 1989

Department of Water Resources
Southern Region Office

Gary Spackman
Department of Water Resources
1301 North Orchard
Statehouse Mail
Boise, Idaho 83720

Re: Water Appropriation Permit #47-8084 - Joe Rand, Deadmans
Gulch, Twin Falls County, Idaho

Dear Mr. Spackman:

Cheryl Eggleston recently contacted me relative to the above referenced permit indicating that our agency comments were required prior to final processing by IDWR.

A conference held on August 30, 1988 addressing protests related to the above referenced permit included specific conditions to withdraw IDHW-DEQ protests. Those conditions are as follows:

- 1) The facility shall be operated to comply with federal NPDES permit conditions and the Idaho Water Quality Standards and Wastewater Treatment Requirements.
- 2) The Idaho Department of Health and Welfare, Division of Environmental Quality (IDHW-DEQ) shall review and approve the design of the fish rearing facilities prior to construction.
- 3) An operation and maintenance plan shall be submitted to IDHW-DEQ for review and approval.

Should any questions arise, please contact me at 734-9520.

Sincerely,

M. J. McMasters

Michael J. McMasters
Water Quality Field Supervisor

RECEIVED

SEP 26 1989

MJM/ta

cc: Susan Martin
Loren Holmes
Darrell Heider
Cheryl Eggleston

RECEIVED
JUN 26 1989

EQUAL OPPORTUNITY EMPLOYER

Department of Water Resources



IDAHO FISH & GAME

REGION 4
868 East Main Street
Jerome, ID 83338
(208) 324-4350

June 6, 1989

RECEIVED
JUN 08 1989

Department of Water Resources

Mr. Loren Holmes
Department of Water Resources
Southern Region
2148 4th Ave. East
Twin Falls, ID 83301

TWC - West

Permit Tunnel

Re: Application for Permit No. 47-8074, T.V. Tunnel
14 c.f.s. for Fish Propagation, Rick Eggleston

Dear Loren:

We have reviewed the above referenced permit and have no objection to issuance.

Sincerely,

Carl H. Nellis
Supervisor, Region 4

cc: Gary Spackman, DWR, Boise
Rick Eggleston, Rt. 1, Box 1204, Filer

this file in region

Cecil D. Andrus / Governor
Jerry M. Conley / Director

RECEIVED

SEP 26 1989

RECEIVED
JUN 12 1989

Department of Water Resources



Working for wildlife since 1938



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

May 26, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Tri-West Enterprises, Fish Division
101 4th Avenue South
Buhl, ID 83316

RE: Application for permit to appropriate water no. 47-8074

Dear Sirs:

Application no. 47-8074 is being reviewed for final processing. There are a number of items of information missing from the file. Some of these items were requested by Southern Region, but were never provided to the department.

1. Please submit a statement of design construction or operation techniques which will be used to reduce impact on any existing rights. This statement should address detrimental effects caused by the depletion of flow between the point of diversion and the point of discharge back into the natural drainage. It should also discuss changes in water quality, and fluctuations in the streamflow.

2. Please submit information regarding the quantity of water available from the source. You should submit some flow measurement data from the surface water source which measures the average and peak water flows.

3. Southern Region requested that you obtain letters of comment from various government agencies and parties that might be affected. These comments have not been received by the department. I again request that you obtain letters of comment from Twin Falls County; Idaho Department of Fish & Game; the Idaho Department of Health and Welfare, Division of Environment; and any irrigation or canal company within which the point of diversion and place of use are located. You must exert a reasonable effort in attempting to obtain comments from these agencies.

We will withhold action on your application for permit until the requested information is received by the department.

Sincerely,


Gary Spackman, Manager
Water Right Permits Section

GS:ds

cc: Loren Holmes, Southern Region

MicroFILMED

SEP 26 1989

MEMORANDUM

TO: File No. 47-8074

FROM: Gary Spackman

DATE: April 3, 1989

RE: Application for permit to appropriate water no. 47-8074 in the name of Tri-West Enterprises, Fish Division

This application proposes the diversion of 14 cfs for fish propagation. It is filed in conjunction with an earlier water right no. 47-7092. The fish hatchery is either being constructed or is completed. We recently approved a transfer of the points of diversion for right no. 47-7092.

This application requests in excess of 5 cfs. The Water Appropriation Rules and Regulations require the submittal of additional information. The application appears to be seeking diversion of 14 cfs in addition to the amounts authorized under water right no. 47-7092. In other words, I do not find that this is merely reuse of water already being in a fish hatchery operation.

A checklist of requirements for large diversions is contained in the file. There is no statement of design construction or operation techniques which will be used to reduce impact on existing rights. There is a field examination by Allen Merit that may suffice for this statement. I believe, however, that an applicant should be required to evaluate the proposed system and the effect that it may have on other users.

There is no data describing the sufficiency of the water supply. The Rules and Regulations regarding this requirement appear to have been ignored.

Under financial resources, it states that the facility is existing, and implies that no other plans or cost estimates need be submitted. Perhaps this is an after the fact filing when they realize the amount of water they were diverting. I suspect, however, that this application is connected to the previously approved transfer allowing a change of the points of diversion.

Finally, comments have not been received from Twin Falls County, Idaho Fish & Game, Idaho Health and Welfare, or canal companies or irrigation districts that may be concerned with this filing.

MICROFILMED

SEP 26 1989

In my opinion, the review under the large diversion criteria was, at best, a perfunctory walk through without any analysis. The rules have not been satisfied, nor is there an explanation about why the information has not been required.

MICROFILMED

SEP 26 1989

MEMORANDUM

DATE: 01-Feb-1989

FROM: Loren Holmes *LH*

TO: Files 47-7092, 47-8074

SUBJECT: Relationship between applications

License 47-⁷⁰⁹²~~8074~~ has its original diversion point in the Twin Falls Canal Co. E Coulee. The water comes from sources locally known as the Peavey Tunnel, Rector Tunnel, and Lateral 4.

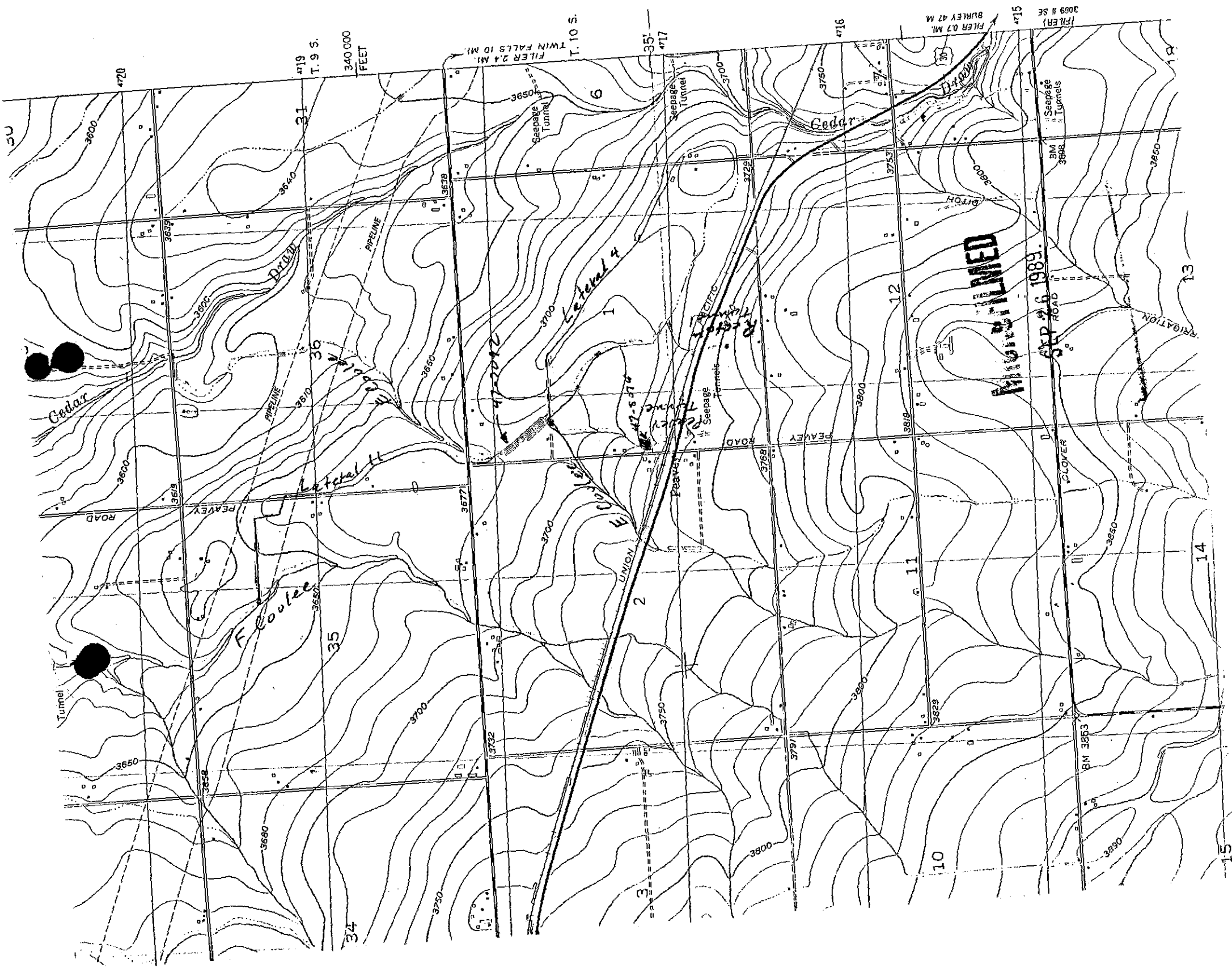
The Transfer proposes to pipe water directly from the Rector Tunnel and commingle it with the discharge from the Peavey tunnel and then pipe the combined flow to the existing fish farm.

Application 47-8074 is to appropriate water from the Peavey Tunnel for use in a new hatchery.

The Applicant has indicated that the Rector tunnel water will not join the Peavey Tunnel water until after it is discharged from the hatchery.

MicroFILMED

SEP 26 1989



04-Oct-1988

SECOND REQUEST

Tri-West Enterprises
c/o Rick Eggleston
101 4th Ave. South
Buhl, ID 83316

Re: Application for Permit No. 47-8074

Dear Mr. Eggleston:

This office is currently reviewing and processing application No. 47-8074 pursuant to Idaho statutes and the department's Rules and Regulations for Water Appropriation.

Review of your application indicates the following additional information is required to be made part of the application file pursuant to IDAHO CODE section 42-203A and the Rules and Regulations for Water Appropriation:

- ✓ 1) A certified financial statement or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the proposed use. (Rule 4,5,3,4,1)
- 2) You must seek comment on the effects of the construction and operation of the proposed project from the city and/or county within which the project is to be located, the Idaho Department of Fish and Game, the Idaho Department of Health and Welfare, Division of Environment, and any irrigation district or canal company within which the project is to be located. (Rule 4,5,3,5,1) A copy of your application is enclosed for your use in seeking comments.
- ✓ 3) Copy of Lease Agreement with a notarized signature of Ellen Rand.

The application will be held until the required additional information is be submitted. Please contact this office if you have any questions regarding this procedure.

Very truly yours,

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

SEP 26 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

07-Sep-1988

Tri-West Enterprises
c/o Rick Eggleston
101 4th Ave. South
Buhl, ID 83316

Re: Application for Permit No. 47-8074

Dear Mr. Eggleston:

This office is currently reviewing and processing application No. 47-8074 pursuant to Idaho statutes and the department's Rules and Regulations for Water Appropriation.

Review of your application indicates the following additional information is required to be made part of the application file pursuant to IDAHO CODE section 42-203A and the Rules and Regulations for Water Appropriation:

- 1) A certified financial statement or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the proposed use. (Rule 4,5,3,4,1)
- 2) You must seek comment on the effects of the construction and operation of the proposed project from the city and/or county within which the project is to be located, the Idaho Department of Fish and Game, the Idaho Department of Health and Welfare, Division of Environment, and any irrigation district or canal company within which the project is to be located. (Rule 4,5,3,5,1) A copy of your application is enclosed for your use in seeking comments.
- 3) Copy of Lease Agreement with a notarized signature of Ellen Rand.

The application will be held until the required additional information is submitted. Please contact this office if you have any questions regarding this procedure.

Very truly yours,

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

MICROFILMED

SEP 26 1989

PRE-PERMIT EXAM

Applic. No: 47-8074Date: 3/10/88Source: Unnamed Stream Trib. to: _____Stream flow data: Est. 6 cfs flowing at time
of field visit.Other uses in general area: Existing fish facilities downstream
Water enters T.F.C.C. system for
delivery below.Special considerations: Facilities under construction.Water District or Canal Company which may have jurisdiction: T.F.C.C.
Explain: Water enters laterals below for delivery
to shareholders.Do all items on application appear to be correct? Yes ☒ No _____Explain: Except hatchery building being built on
west side of stream.

Recommendation and other comments: _____

Recommend approval. Should not injure
anything any more than existing fish
facilities downstream.Signed: Alan Merritt

Persons present during review of site: _____

None**MICROFILMED**

SEP 26 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

December 16, 1987

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

Tri-West Enterprises
c/o Richard E. Eggleston
101 4th Avenue South
Buhl, ID 83316

Re: Application for Permit 47-8074

Dear Mr. Eggleston:

Legal advertising for the above mentioned application will not appear in the Times News in December as earlier correspondence incorrectly indicated.

Due to the amount of water used in the proposed application it must be advertised statewide in four major newspapers for two consecutive weeks.

The advertising should appear 1/7 & 1/14/88 concurrently in the four newspapers with final day for submitting protests being on 1/25/88.

We apologize for any inconvenience this delay may have caused you.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

mb

MICROFILMED

SEP 26 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

December 16, 1987

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

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

Re: Application for permit 47-8074

Gentlemen:

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

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

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

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

mb

Enclosure

MICROFILMED

SEP 26 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

December 15, 1987

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

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

Re: 47-8074

Gentlemen:

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

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

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Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

mb

Enclosure

INDEXED
SEP 26 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

December 15, 1987

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

Lewiston Morning Tribune
505 C Street
Lewiston, ID 83501

Re: Application for Permit #47-8074

Gentlemen:

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

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

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

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

mb

Enclosure

MICROFILMED

SEP 26 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

December 15, 1987

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

Idaho Statesman
Box 40
Boise, ID 83707

Re: 47-8074

Gentlemen:

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

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

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Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

mb
Enclosure

MICROFILMED

SEP 26 1989

NOTICE OF APPLICATION FOR WATER PERMIT

The following application (s) has been filed to appropriate the public waters of the State of Idaho:

47-2074

TRI-WEST ENTERPRISES, FISH DIVISION

C/O RICHARD E. EGGLESTON, 101 FOURTH AVE. SOUTH, BUHL, ID 83316

Source: UNNAMED STREAM trib. to CEDAR DRAW

Diversion Pt: N4NN5W Sec 01 T 10S R 15E; 2 miles NW of Filer.

Use: FISH PROP. (14.0 CFS)

Date Filed: 12/02/1987

In: SWNN NW5W Sec 01 T 10S R 15E

The permits will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, Idaho 83301 on or before January 25, 1988.

R. Keith Higginson, Director

Published 1/07 & 1/14/88

MICROFILMED
SEP 26 1989

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OK
MB
12/22/87

NOTICE OF
APPLICATION
FOR WATER PERMIT
The following applica-
tion (s) has been filed to
appropriate the public
waters of the State of
Idaho:

47-8074
TRI-WEST ENTER-
PRISES, FISH DIVISION
c/o Richard E. Eg-
gleston, 101 Fourth Ave.
South, Buhl, ID 83316
Source: UNNAMED
STREAM trib. to CEDAR
DRAW
Diversion Pt: NWNWSW
Sec. 01 T10S R 15 E; 2
miles NW of Filer.
Use: Fish Prop. (14.0
CFS)
Date Filed: 12/02/1987
In: SWNW NWSW Sec.
01 T 10S R 15 E.

The permits will be
subject to all prior water
rights. Protests must be
filed with the Director,
Dept. of Water
Resources, Southern
Region, 2148 Fourth
Avenue East, Twin
Falls, Idaho 83301 on or
before January 25, 1988.
R. Keith Higginson,
Director
PUBLISH: Thursday,
January 07, and 14, 1988.

Times News

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SEP 26 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

December 10, 1987

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

Idaho Dept. of Fish & Game
P.O. Box 428
Jerome, ID 83338

Re: Application for Permit 47-8074

Gentlemen:

Enclosed for your information is a copy of an application for water permit which has been filed with this office.

If you have any questions or need additional information regarding this application, please feel free to contact this office.

Very truly yours,

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

LH:MB

Enclosure

MicroFILMED

SEP 26 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

December 10, 1987

Tri-West Enterprises
c/o Richard E. Eggleston
101 4th Ave. South
Buhl, ID 83316

RE: 47-8074

Dear Mr. Eggleston:

We have commenced processing of your Application for Permit No. 47-8074. Advertising should appear in the Times News on 12/17 & 12/24/87 with final date for timely protests ending January 4, 1988.

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

If the necessary material is received before January 4, 1988 there should be no additional delay in handling your application.

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

Very truly yours,

Loren O. Holmes
Southern Region Manager

LOH:MB

MICROFILMED

SEP 26 1989



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

Cecil Andrus
Governor

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

R. Keith Higginson
Director

December 10, 1987

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

Re: Application for Permit 47-8074 & Transfer 47-7092

Gentlemen:

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

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

Very truly yours,

Mary Baldwin (LW)

Mary Baldwin
Secretary/Office Coordinator

Enclosures

RECEIVED

SEP 26 1989

NOTICE OF APPLICATION FOR WATER PERMIT

The following application (s) have been filed to appropriate the public waters of the State of Idaho:

47-8074

Tri-West Enterprises, Fish Division
101 4th Ave. South
Buhl, ID 83316

Date Filed: December 2, 1987

Source: Unnamed Stream (Peavey Tunnel)

Diversion Pt: NW1/4NW1/4SW1/4, Sec. 1, T10S, R15E, Twin Falls County; 2 miles NW of Filer.

Use: Fish Production (14.0 cfs) from 1/1 to 12/31

In: SW1/4NW1/4, NW1/4SW1/4, Sec. 1, T10S, R15E

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, ID 83301 on or before January 4, 1988.

R. Keith Higginson

Published 12/17 & 12/24/87

RECEIVED

SEP 26 1989

1) Water District Basin # 47

☒

Other (describe): _____