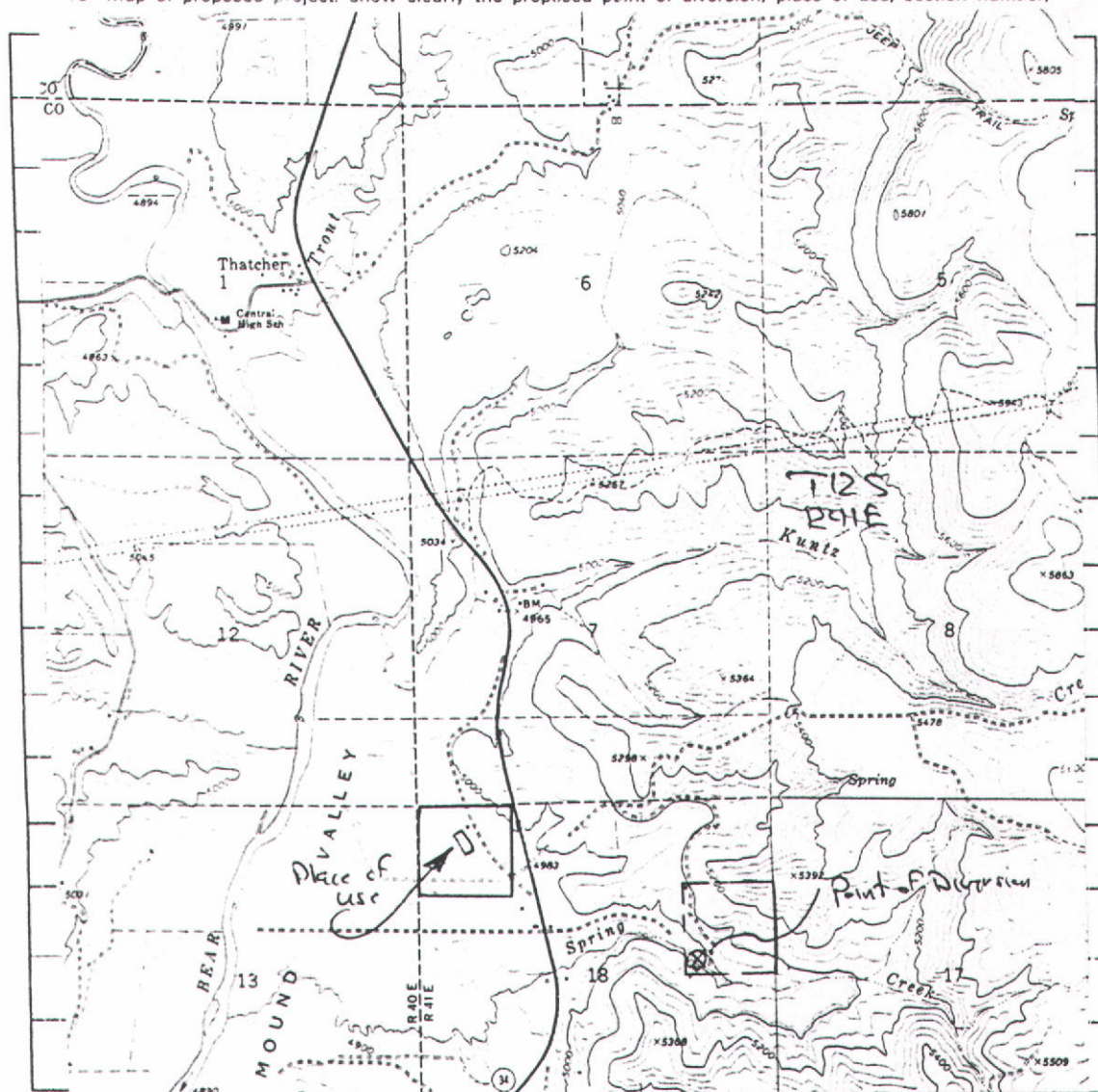


13 Map of proposed project: show clearly the proposed point of diversion, place of use, section number.

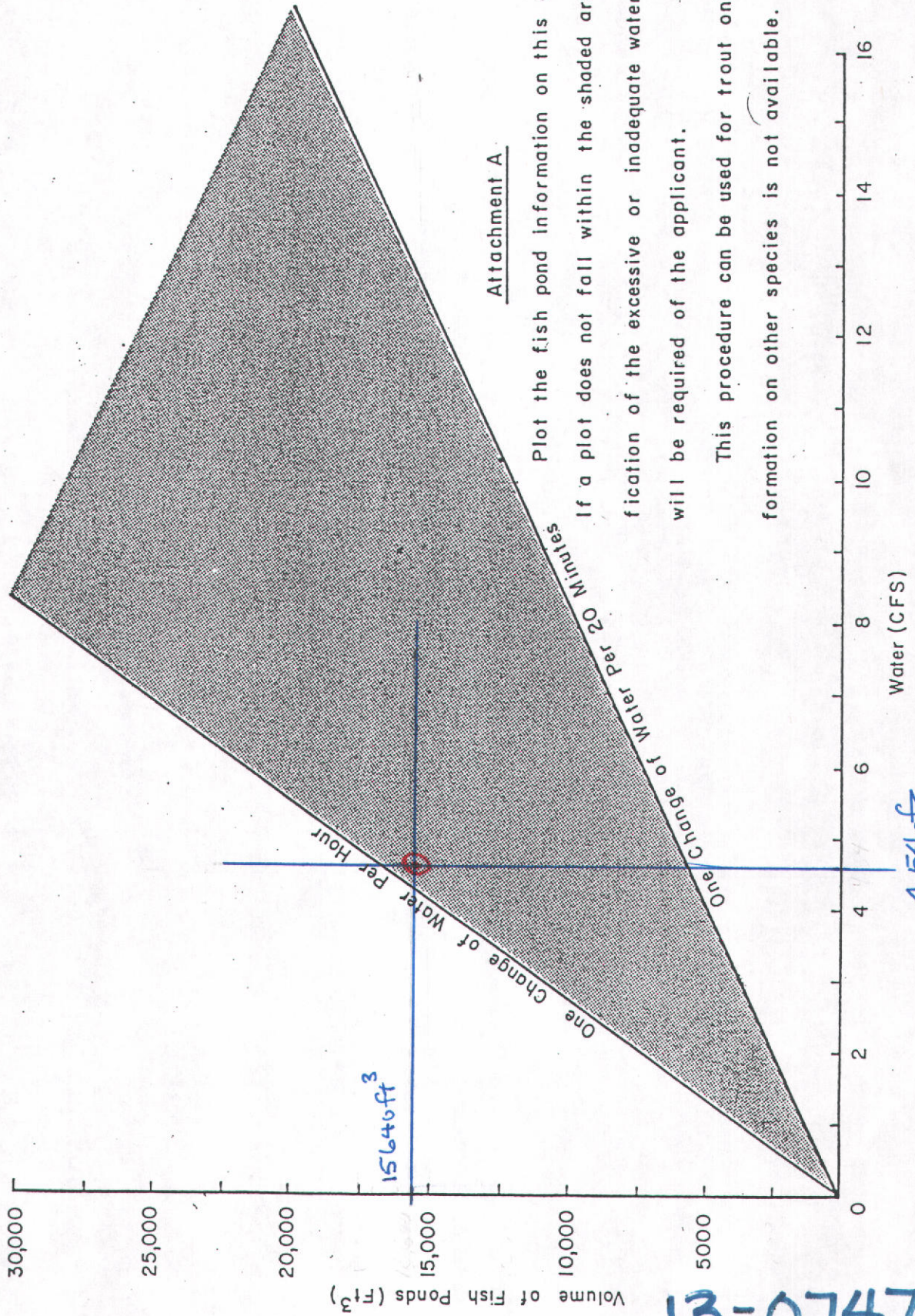


Scale 2 inches equal 1 mile

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

x James Wright
(Applicant)

Permit #
13-07471



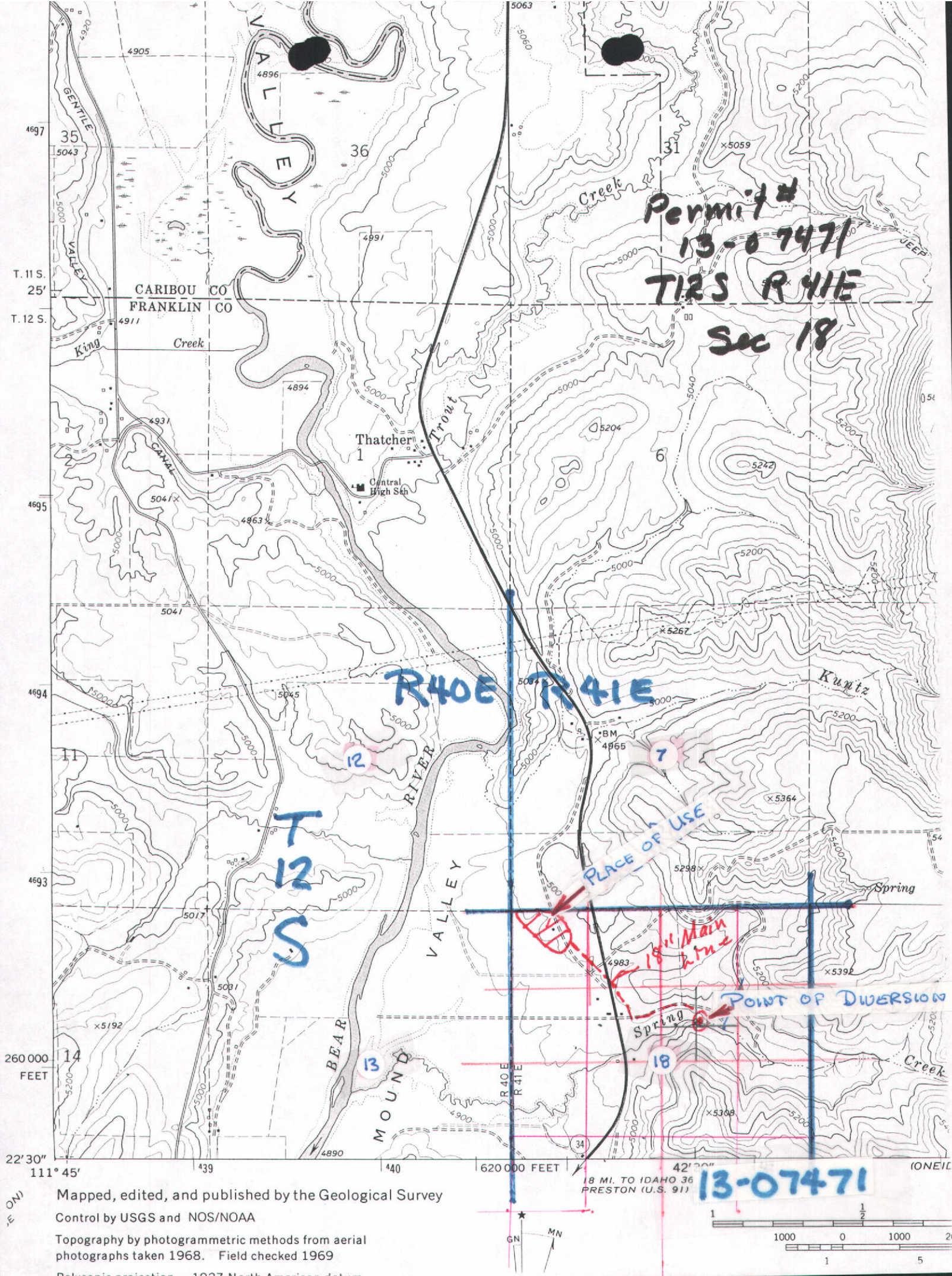
Attachment A

Plot the fish pond information on this graph.

If a plot does not fall within the shaded area, justification of the excessive or inadequate water supply will be required of the applicant.

This procedure can be used for trout only. Information on other species is not available.

13-07471



Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial photographs taken 1968. Field checked 1969

Polyconic projection 1927 North American datum

R40E R41E

PLACE OF USE

12 7
13

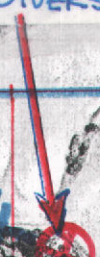


LOT 1

T17291

1819
Paul
Mendenhall

POINT OF DIVERSION



T
12
S

R41E

PIPELINE

LOT 2

LOT 3

LOT 4

18

T17290

13-07471

T17351
2 CRP
4.198-07
NHEL

4
3.5
CRP
98-07
HEL

CRP
98-07
HEL

2122
Gladys Wil
see 3

13 18
24 19

T17291 T17838 2005 T17837
CRP 98-07 HEL

Permit #13-07471



Photo of the outlet at the point of diversion.



Inlet to first of holding tanks looking North By West

13-07471

Transfer pipe.

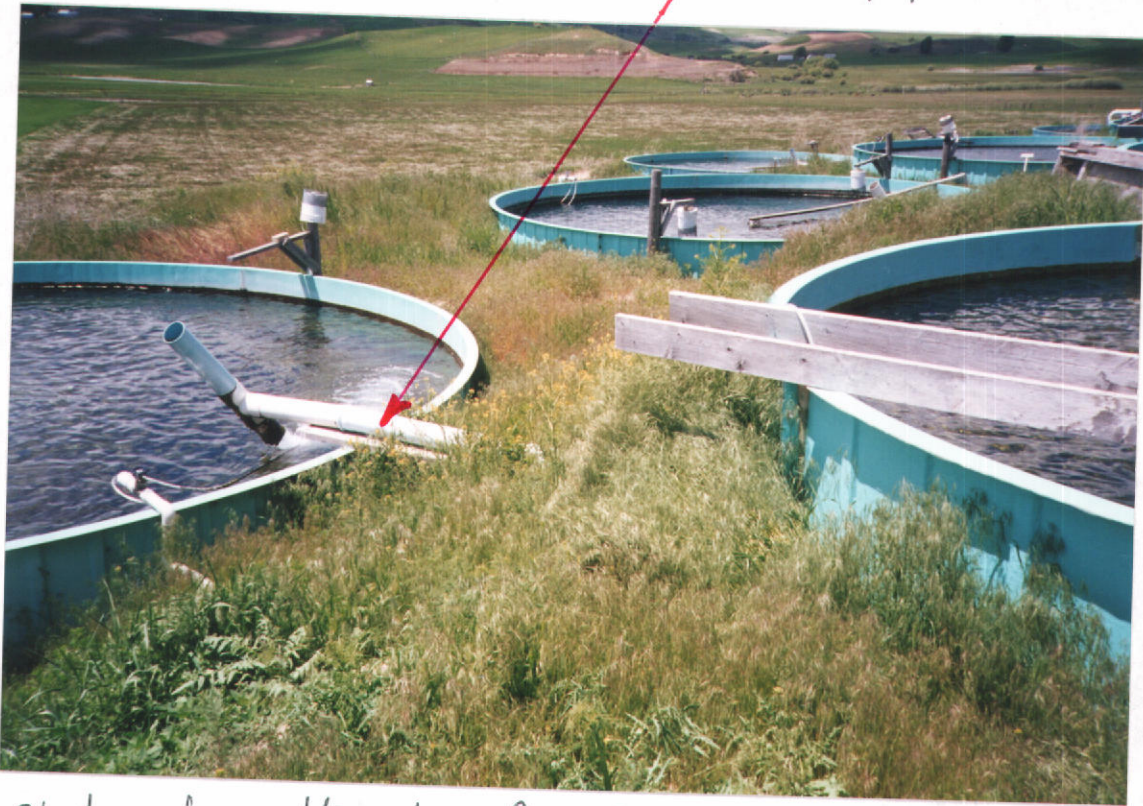


Photo of water transfer from upper tank. on
left to Lower Holding ~~back~~ Tank on Right. looking
North between upper and lower tanks.

Permit # 13-07471



Photo of all tanks and arrangement
looking West, Permit #13-07471

875

No 3248

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. Walter Ross

deposes and says:

being duly sworn,

That he is the Co-Publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

July 4, 1990, and ending with the issue of July 11, 1990.

Fee \$ 50.76

Subscribed and sworn to before me this 11 day of July, 1990.

Notary Public, Residing at Preston, Idaho

My Commission Expires Aug 14, 1995

RECEIVED

AUG - 1 1990

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07471
WRIGHT, SHERMAN A.
WRIGHT, PEGGY
16019 N. HWY 34
THATCHER, ID 81283
Source: SPRING CREEK
Tributary: BEAR RIVER
Diversion Pt: SENE Sec 18 T 12S R

41E
Use: FISH PROPAGATION (4,600 CFS)

Total Diversion: (4,600 CFS)
Date Filed: 5/22/1990
In: T12S R41E S18 NWNW
The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water

Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before JULY 23, 1990.

R. KEITH HIGGINSON,
Director
Legal No. 3248 - Publish July 4, 11, 1990.

NOV 29 1996

operation of the permit holder's fish farm since 1991. The permit holder also submitted a Commercial Fish Rearing License valid from December 18, 1992, through February 2, 1994, and further explained that he was confused about the water right licensing process and overlooked the proof submittal.

CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used within the authorized development period.

2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

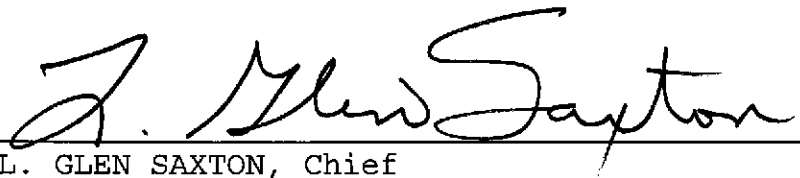
3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 13-07471 is **REINSTATED**.

IT IS **FURTHER ORDERED** that the priority date is advanced to October 29, 1996.

Dated this 14th day of November, 1996.



L. GLEN SAXTON, Chief
Water Allocation Bureau

RECEIVED

AUG 26 1996

OFFICE USE ONLY

Amt. of Fee \$ 200.00
Date 8-26-96
Receipt No. 0036400
Receipt by KLT

STATE OF IDAHO Division 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 a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 13-07471 Telephone No. 208-427-6623
2. Name(s) of Permit Holder(s): Sherman A. Wright Peggy Wright
3. Mailing Address: 16019 N. Hwy 34 Thatcher, Idaho 83283
4. Source of Water: SPRING CREEK

If **GROUNDWATER**, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)
Irrigation _____ (No. of acres) Other Fish Propagation

6. Total rate and/or volume for which proof is submitted 4.60 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Rockable
Measuring device: Required? Yes ☒ Yes ☐ No Installed? X Yes ☐ No

OR

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

8. Fee Enclosed: \$ 200.00 (See License Fee Schedule on back of Instruction Sheet)

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

Sherman A. Wright 427-6623

Name _____ Telephone No. _____
16019 N. Hwy 34 Thatcher, Idaho 83283
Address _____

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

MICROFILMED

NOV 29 1996

Aug 24/1996 Sherman A. Wright
Date Signature (and title, if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 13-07471

Proposed Priority: May 21, 1990 Maximum Diversion Rate: 4.60 CFS
This is to certify, that SHERMAN A. WRIGHT

PEGGY WRIGHT
16019 N. HWY 34
THATCHER, ID 81283

has applied for a permit to appropriate water from:

SPRING CREEK

tributary of BEAR RIVER

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	4.60 CFS

LOCATION OF POINT(S) OF DIVERSION: SENE Sec. 18, Township 12S, Range 41E
FRANKLIN County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

12S 41E 18 NWNW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1993.
2. Subject to all prior water rights.
3. Use of water under this permit shall be non-consumptive.
4. Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.
5. Use of water under this permit is subject to control by the watermaster of State Water District No. 11.
6. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
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. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
9. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
10. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.

PAGE 2

State of Idaho
Department of Water Resources

Permit To Appropriate Water

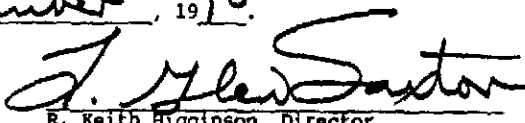
NO. 13-07471

CONDITIONS/REMARKS:

11. 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.

This permit is issued pursuant to the provisions of Section 2-204, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this

5 day of September, 1990.


for R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Sherman A. or Peggy Wright Phone 427-6623
Post office address 16019 N. Hwy 34, Thatcher, ID 81283
2. Source of water supply Spring Creek (aka Warm Creek) which is a tributary of Bear River
3. Location of point of diversion is _____ $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Govt. Lot _____
Sec. 18 Township 12S Range 41E B.M. Franklin County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 4.60cfs for Fish Propagation purposes from 1-1 to 12-31 (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) 4.60 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Pipeline in creek along ditch then to
20 holding tanks and then back to ditch and river.
 - 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? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
3 years (minimum 1 year).

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 propagation - 20 holding tanks, 30' diam. x 3' deep
circular tanks for rainbow trout production.

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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	41E	18					H												

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Arvel Alleman

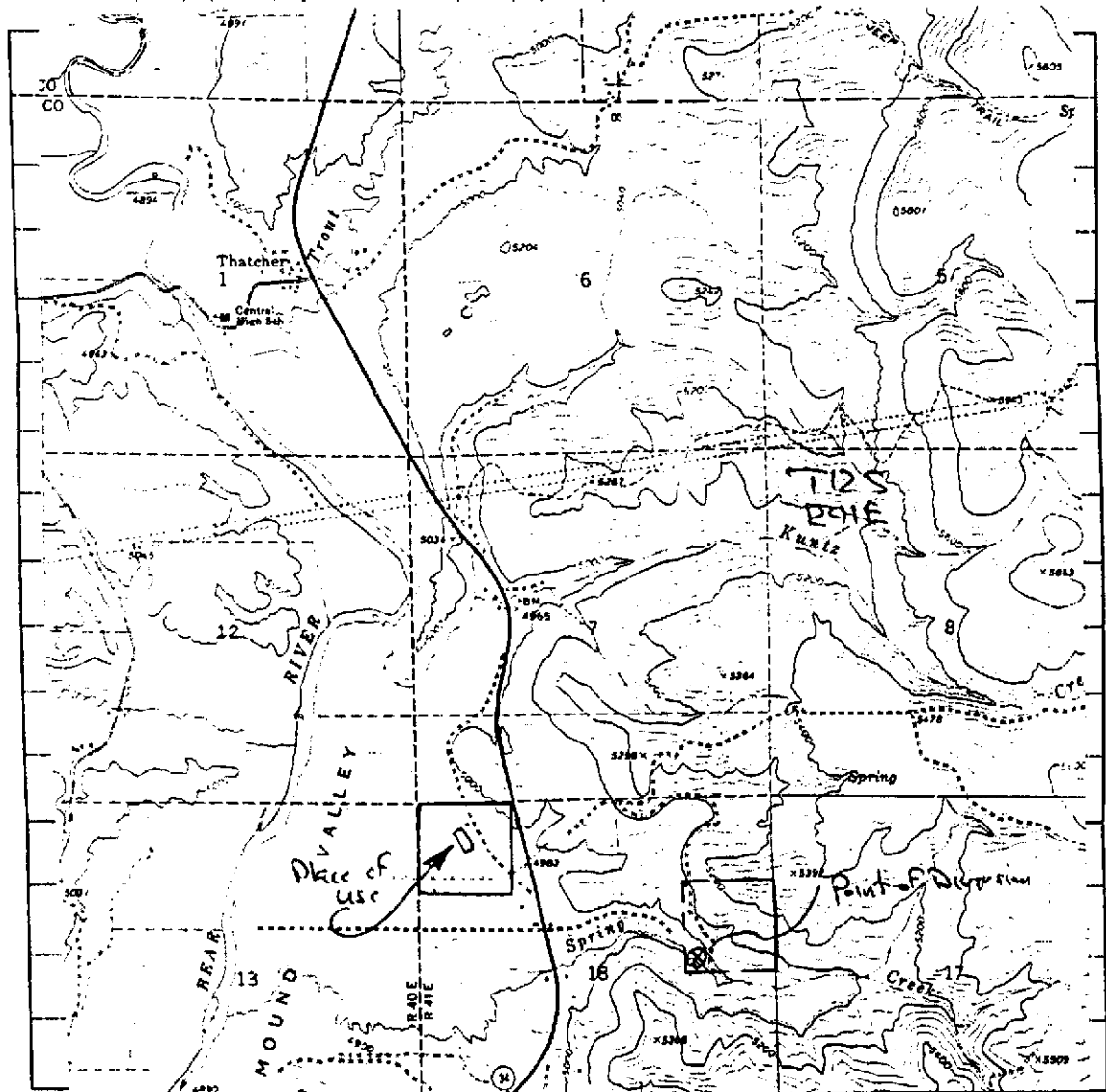
b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Easement for irrigation ditch & pipeline

13-000002, 000023, 000004

12. Remarks: Rights 11-00740, 00741 & 00742 for irrigation will be run through the
pipeline then into the tanks & back to the ditch for irrigation use.

13 Map of proposed project: show clearly the proposed point of diversion, place of use, section number.



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.

X James Wright
(Applicant)

Received by 741 Date 5-21-90 Time 12-28P Preliminary check by DN
Fee \$ 155 Received by KCW # E014650 Date 5-22-1990
Publication prepared by LB Date 7-5-12-90 Published in Preston Citizen
Publication approved LB Date 8-13-90

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:

RECEIVED^{6/92}

MAR 22 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 13-07471

1. Owner: Sherman & Peggy Wright Phone No. 208-427-4623

Current Address: 16019 N HWY 34 Thatcher, Id 81283

2. Accompanied by: Sherman Wright EXAM DATE: 6-5-98

Address: 16019 N HWY 34, Thatcher, Id, 81285 Phone No. (208) 427-6623

Relationship to Permit Holder: Owner

3. Source: Spring tributary to Bear River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 13-00802/00806/00807/00808/00809/00810/00838/00840

2. Other water rights with the same point of diversion: 2 13-00802/00803/00804/00805/00806/00807/00809
2 13-02128A

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

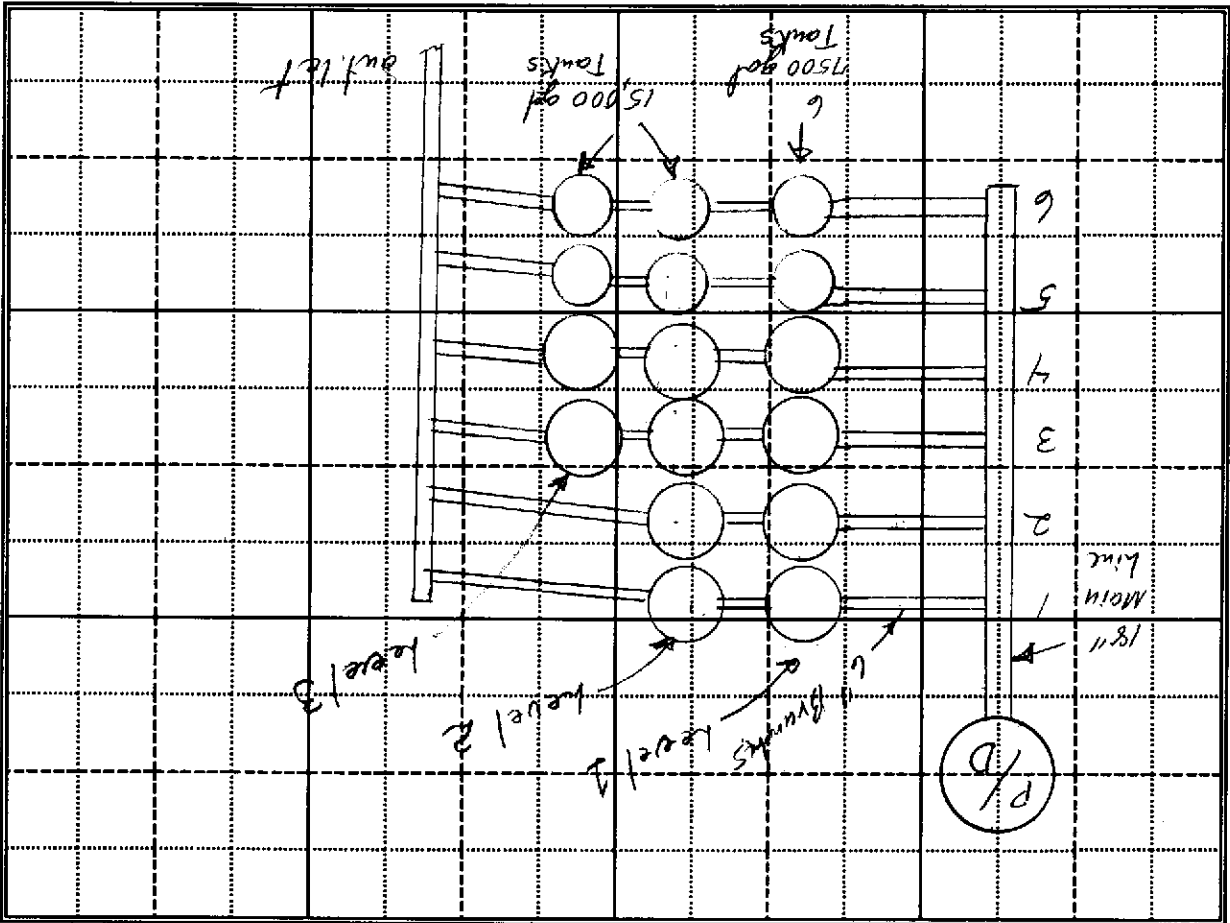
[illegible]

2. Place(s) of Use: Gov Lots

Indicate Method of Determination

[illegible]

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe l.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 of 10+ acres (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
N/A					

*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
Sonic		Polysonic	TF-P	1497145/26863	-	-

2. Measurements: See measurement table $Q = 8039.4 \text{ gpm} = 4.54 \text{ cfs}$

PRINTER USE?
YES

MODE SELECT
INPUT

OUTER DIAMETER
18.7000 IN

PIPE MATERIAL
PVC

WALL THICKNESS
0.3882 IN

INNER LINING
NO LING.

KIND OF FLUID
ANOTHER

SOUND VELOCITY
1440 M/S-

SENSOR MOUNTING
U

TYPE OF SENSOR
SMALL

DATA CHANGE
NO

SPACING
14.449 IN U

MODE SELECT
TO CHECK

0685.8 MMSEC
100.12 % T0

10-09 11:2000 *R
+003.00 % AI2

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

10-09 11:2200 *R
+187.298E 16PM

DAMPING SET
60 SEC

10-09 11:2300 *R
+186.505E 16PM

PRT PERIOD
10 MIN

PRT UNIT GPH
NO

PRT UNIT GPM
YES

PRT UNIT MGD
NO

PRT UNIT FPS

PRT UNIT MGD
NO

PRT UNIT FPS
NO

PRT UNIT INTEG
NO

PRT UNIT AI1
NO

PRT UNIT AI2
YES

START TIME
10-09 11:27

OPERATION TIME
10 HOR

10-09 11:2600 *R
+194.694E 16PM

11:27+193.902E 16PM 00R
+003.00% AI2 00R

10-09 11:3600 *R
+190.732E 16PM

10-09 11:3600 *R
+192.317E 16PM

11:37+195.223E 16PM 00R
+003.00% AI2 00R

10-09 11:3700 *R
+196.015E 16PM

10-09 11:3700 *R
+197.600E 16PM

10-09 11:3700 *R
+199.714E 16PM

10-09 11:3700 *R
+201.034E 16PM

10-09 11:3800 *R
+201.299E 16PM

10-09 11:3800 *R
+203.940E 16PM

10-09 11:3800 *R
+203.940E 16PM

10-09 11:3900 *R
+203.940E 16PM

10-09 11:4000 *R
+203.148E 16PM

10-09 11:4000 *R
+203.412E 16PM

10-09 11:4000 *R
+203.676E 16PM

10-09 11:4000 *R
+203.412E 16PM

10-09 11:4000 *R
+203.148E 16PM

PRT PERIOD
0 MIN

Permit # 13-07471

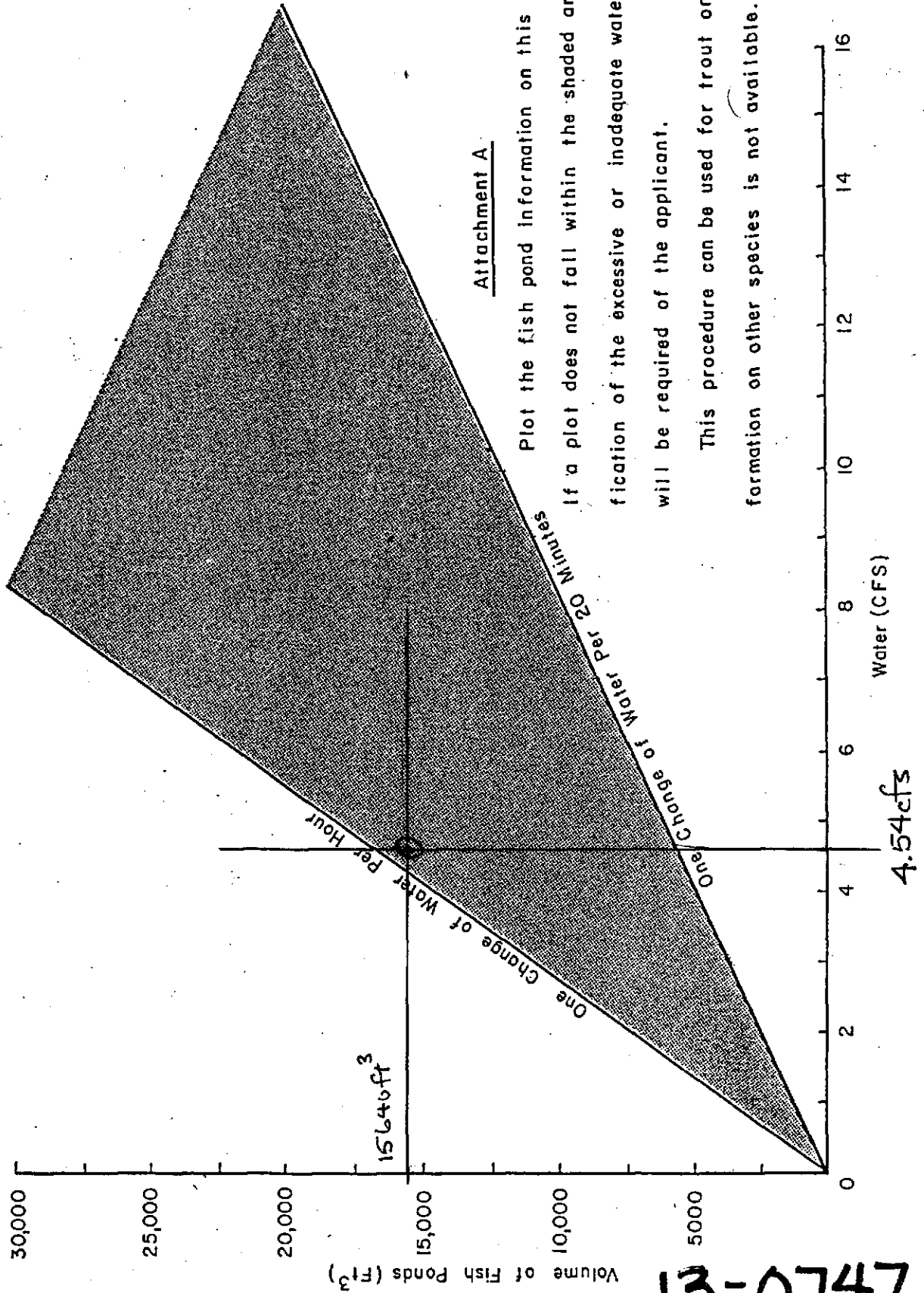
use this number

13-07471

Permit # 13-07471

11710.

Permit #
13-07471



Attachment A

Plot the fish pond information on this graph.

If a plot does not fall within the shaded area, justification of the excessive or inadequate water supply will be required of the applicant.

This procedure can be used for trout only. Information on other species is not available.

Water Requirements For Trout Rearing Facilities Based On Total Volume Of Ponds

13-07471

FISH PROPAGATION
(Memorandum 08-29-1989)
(Guideline Memorandum 04-04-1991)

Permit # 13-07471

All Fish Propagation application require additional information if use is commercial production regardless of rate of diversion.

Rate of flow evaluated by two criteria: (1) Rate available considering the nature of the source & (2) Guidelines.

All fish propagation permits within water districts and critical groundwater areas, will be conditioned as follows:

Prior to placing water to beneficial use under this permit, the permit holder shall determine the rate of loss within his facilities using a procedure approved by the Director of the Department of Water Resources, and provide a source of augmentation water to prior water rights or losses incurred.

Consider characteristics of facility determine points based on each of the seven (7) categories below:

1. Type of water supply currently used by existing facility.
 - a. surface with fish cultured upstream 1
 - b. Surface with no fish cultured upstream 2
 - c. Spring with fish cultured upstream 3
 - d. Spring with no fish cultured upstream ④
2. Average percent of existing facility's water to be used by proposed facility.
 - a. Less that 10% 1
 - b. 10% but < 25% 2
 - c. 25% but < 50% 3 *New Facility* NA=0
 - d. 50% but < 75% 5
 - e. 75% or more 7
3. Distance between existing facility intake and proposed facility discharge.
 - a. 1.0 mile or more ①
 - b. 0.50 mile to < 1.00 mile 2
 - c. 0.25 mile to < 0.50 mile 3
 - d. 0.10 mile to < 0.25 mile 5
 - e. Less than 0.10 mile 7
4. Change in elevation between discharge of new facility and intake of the existing facility.
 - a. 50 feet or more 1
 - b. > 20 feet but < 50 feet 2
 - c. > 10 feet but < 20 feet ③
 - d. > 5 feet but < 10 feet 5
 - e. Less that 5 feet 7
5. Anticipated temperature change in new facility.
 - a. Less that 1° F. ①
 - b. 2° F 2
 - c. 3° F 3
 - d. 4° F 5
 - e. 5°F 7
6. Existing facility consideration
 - a. Raises fish seasonally and proposed facility is a year round facility -3
 - b. Hatches eggs 5 *New Facility* NA=0
 - c. Existing facility is certified disease free 7
7. New facility - Spring or well source with no fish facility above ③

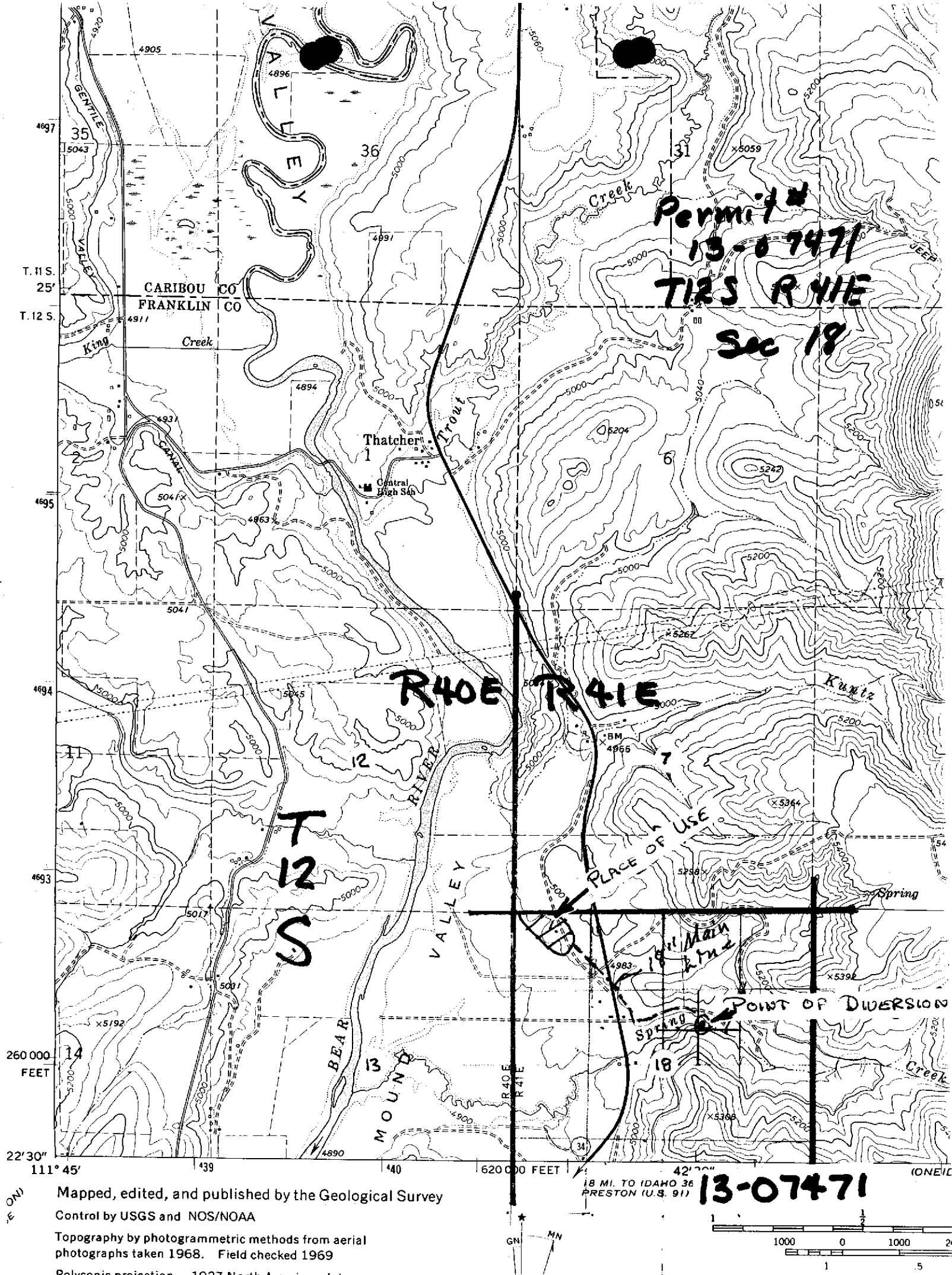
Points associated with the facility should be added & compared to the following guideline:

Total Points
① 0 - 15
16 - 20
21 or more

Guideline
① Generally Approve
Approve with conditions
Generally disapprove

6

13-07471



R40E R41E

PLACE OF USE

12

13

7

LOT 1

T17291

1819

POINT OF DIVERSION

T17351

2 CRP
4.198-07
WHEL

T
12
S

R41E

LOT 2

LINE

4
3.5
CRP
98-07
WHEL

18

LOT 3

CRP
98-07
WHEL

LOT 4

T17290

13-07471

2122
Gladys Wil

see 3

13

18

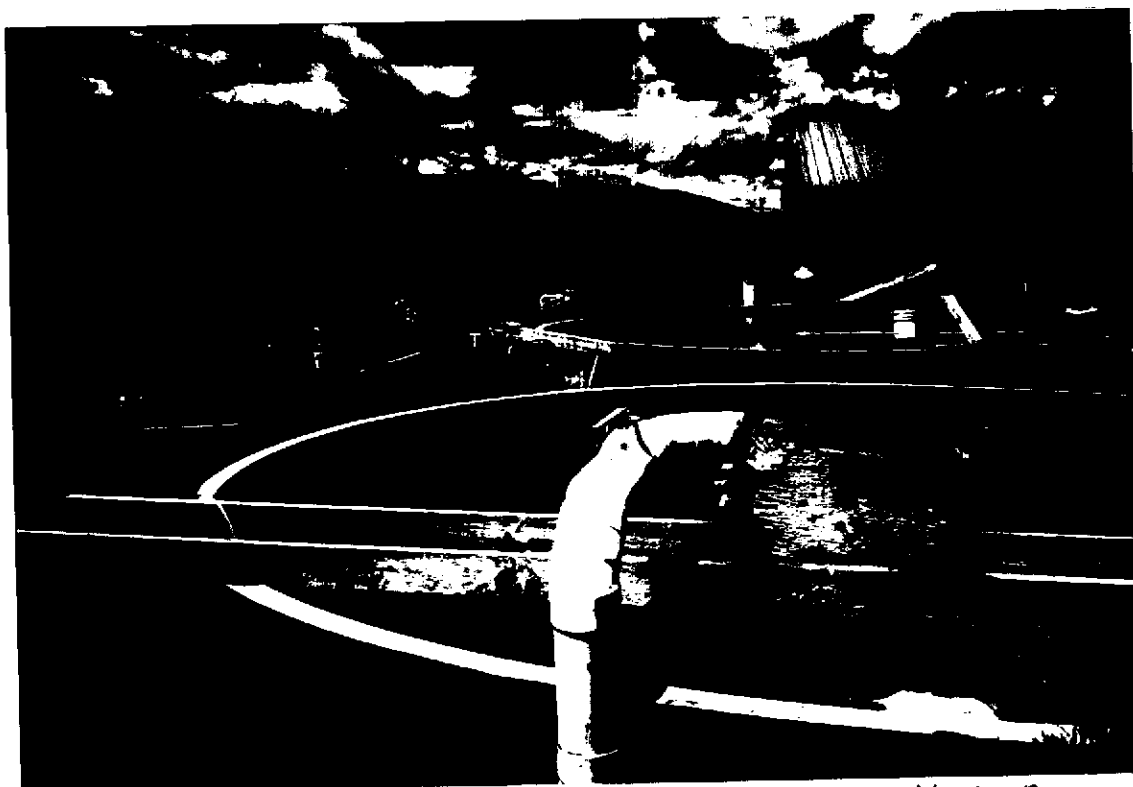
24

19

Permit #13-07471



Photo of the outlet at the point of diversion.



Inlet to first of holding tanks looking North By West

13-07471

Transfer pipe.

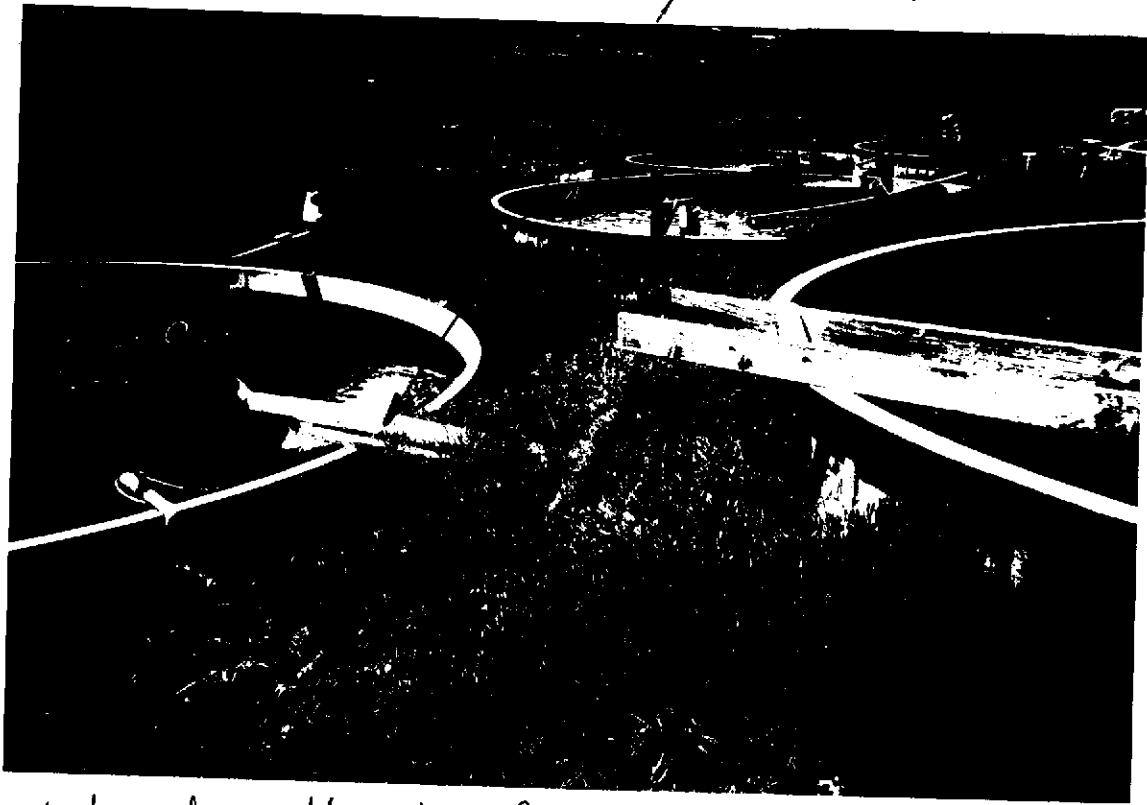


Photo of water transfer from upper tank on
left to Lower Holding ~~tank~~ Tank on Right, looking
North between upper and lower tanks

Permit # 13-07471



Photo of all tanks and arrangement
looking West, Permit #13-07471

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

Photo NEGATIVES

Permit # 13-07471

E. NARRATIVE/REMARKS/COMMENTS

The spring is collected in a 7500 gal open tank. The water is delivered to the facility through a 18" plastic main line. The water is delivered to 6 banks of banks through 6" pvc pipe. The water has air added, by passing through Screens, before it enters the first tank of each bank. The water in each bank is 22" deep. The total volume of the system needs to be reduced by a factor of $\frac{22}{36} = 0.60$

The water passes from one tank in the bank to the next until it is discharged at the bottom of the facility and used for irrigation.

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

F. FLOW CALCULATIONS

Measured Method:

$$\left(\frac{2039.4 \text{ gal/min}}{1 \text{ cfs}} \right) \left(\frac{448.18 \text{ gal/min}}{1 \text{ cfs}} \right) = 4.54 \text{ cfs}$$

Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{ir} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{dr} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{ir} \text{ and } V_{dr} =$$

2. Volume Calculations for Other Uses: Annual Volume diverted $V_d = 4.54 \text{ cfs} (1.9135)(365) = 3289.8 \text{ af}$

Tank Volume

$$7500 \text{ gal} \times 6 = 45,000$$

$$15,000 \text{ gal} \times 10 = 150,000$$

$$195,000 \times .60 = 117,000 \text{ gal} / 7.48 \text{ gal/ft}^3 = 15,640 \text{ ft}^3$$

$$17000 \text{ gal} \div 2039.4 \text{ gpm} = 57.4 \text{ min/change} = 25.1 \text{ changes/day}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Fish Propagation

From

1/1

Period of Use

To

12/31

Rate of Diversion

Q (cfs)

4.54 cfs

Annual Volume

V (afa)

3289.8

Totals:

4.54 cfs

3289.8

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. AUTHENTICATION

Field Examiner's Name

Lee L. Simmons

Date

6-5-98

Reviewer

Debra L. Brown

Date

11 Feb 99

SEAL

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 13-07471 Reviewed by [Signature] Date 11-7-96

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
no Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source
Ground water source
Drilling permit required?
Copy in the file? Drilling Permit No. _____
Amount paid for permit _____ Correct?
Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
200- Amount Submitted
yes Correct?
yes Required?
yes Installed?
Waiver requested?

PRIORITY CALCULATION

Date proof received 10-29-96 over 60
Date proof due _____ - _____
No. of days late _____ = _____
Priority Date _____ + _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

Late Reinstate & advance priority to Oct. 29, 1996.
Proof acceptable.

DATA ENTRY

New Address _____ Proof Made 10-29-96



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 14, 1996

SHERMAN A WRIGHT
PEGGY WRIGHT
16019 N HWY 34
THATCHER ID 83283

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07471

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and related documents submitted for the above referenced permit.

Enclosed is an order reinstating your permit since proof was submitted after the proof due date of October 1, 1993. Please note that the priority date has been advanced to October 29, 1996.

Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

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 the field examination, contact the **EASTERN** Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

MICROFILMED
NOV 29 1996

FAX

State Office of Water Rights

Allocations Office

Boise Idaho

Fax Number: 208 327-7866

ATTENTION: JULIE

MICROFILMED

NOV 29 1996

WRIGHT'S RAINBOWS

Sherman A. or Peggy Wright
16019 N. Hwy 34
Thatcher, Idaho 83283
(208) 427-6623

October 29, 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr.
Idaho Falls, Idaho 83402-1718

RE: Requesting that Permit to Appropriate Water Permit be Reinstated

Dear Department of Water Resources:

After calling the Department of Water Resources in Idaho Falls, and talking to a Mr. Keen, we found out that in order to have our Permit to Appropriate Water permit #13-07471, we would have to contact your office in Boise.

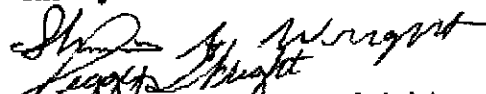
We are at this time asking your office to review the following information and please reinstate our license mentioned above.

When we were first starting to build our Rainbow Trout fish operation, a representative from the Department of Agriculture came to inspect our fish operation. After discussing our plans to build this operation further, the representative stated that we had until the project was completed to further apply for additional licenses. Sherman misunderstood and thought that this license and your license were one and the same kind. Since we had just received a letter stating that the Fish and Game were no longer handling licenses, which were for commercial fish rearing not fish propagation. After checking with your office to try and obtain a number for our license, we found out that the license had indeed lapsed. We are indeed very sorry for this gross misunderstanding and would like to at this time to have you review the enclosed information we have provided, to try and reinstate this Permit to Appropriate Water permit.

Faxed to you this day, along with this letter, is a copy of our Commercial Fish Rearing License that was valid 12-18-92 thru 02-01-94, purchased from the State of Idaho Department of Agriculture. Also there is a signed statement from our neighbor, Ida Belle Wright, who has lived to the north of us for 22 years stating that we have indeed been in the fish raising business since 1991.

We hope that this is sufficient evidence that we were in the fish raising business. If additional information is needed, please contact us at the number listed above.

Thankyou.


Sherman A. and Peggy Wright

MICROFILMED
NOV 29 1996

October 29, 1996

TO WHOM IT MAY CONCERN:

I, Ida Belle Wright living at 16499 N. Hwy 34 in Thatcher, Idaho, being neighbors to Sherman A. and Peggy Wright, have watched their fish operation since 1991.

I am stating this the 29th day of October, 1996, that they do indeed raise Rainbow Trout.

Ida Belle Wright
Signed: Ida Belle Wright

10-29-1996
Dated

MICROFILMED
NOV 29 1996

VALID
12/18/92 thru 02/01/94
License # 17

STATE OF IDAHO
DEPARTMENT OF AGRICULTURE

\$25.00

COMMERCIAL FISH REARING LICENSE

SHERMAN WRIGHT of 16019 N HWY 34 THATCHER, ID 83283,
acting as agent for WRIGHTS RAINBOWS of:

having first made an approved application and paid the license fee, as required by law, is hereby permitted
to possess, reserve, or propagate fish for the purpose of selling same on property located in:

County: FRANKLIN Twp. 12S, Rge. 41E, Sec. 18, STATE OF IDAHO,
in water obtained from SPRING CREEK

This license shall be valid only for the following kinds of fish:

1. RAINBOW TROUT

W.G. Nelson, Director
Department of Agriculture
P.O. Box 7249, Boise, ID 83707

Date Issued: 12/18/92
Issued by : PHIL MAMER, D.V.M.

MICROFILMED

NOV 29 1996

I certify that file No. 13-7471

has been reviewed and is ready to be

MICROFILMED and DESTROYED.

The attached proof report is the water right as it appeared in the database prior to final status entry and deletion from the database.

C. Zimmerman
Reviewer

3/17/94

Date

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

03/17/94 00:05:06
Page 1

Water Right Number - 13-07471

Prefix Translation: WATER RIGHT

Old (0) Number -

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

*** C - CURRENT OWNER ***
WRIGHT

SHERMAN A.

1 - 16019 N. HWY 34
2 -
3 -

City- TNATCHER
Phone - 208-427-6623
1 - 16019 N. HWY 34
2 -
3 -

State- ID Zip- 81283

WRIGHT

PEGGY

City- TNATCHER
Phone - 208-427-6623

State- ID Zip- 81283

+ - - Priority Date - + + - - Region - - - + - - - Stage - - - + - - - Status - - - +
05/21/1990 15 EASTERN P - PERMIT

+ - - Source - - - - - + - - - Tributary - - - - - +
SPRING CREEK BEAR RIVER

+ - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
12S 41E 18 SE NE (41) FRANKLIN

+ - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
19 - FISH PROPAGATION 01/01 12/31 4.600

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - +
4.600

+ - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
12S 41E 18 NW NW 19 FISH PROPAGATION (41) FRANKLIN

+ - - Diversion Means - PIPELINE IN CREEK ALONG DITCH THEN TO 20 HOLDING TANKS THEN BACK

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - Remarks - - - - - +
No Remarks found.

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

+ - - Conditions of Approval - - - - - +
027 - Use of water under this right shall be non-consumptive.
090 - Water used under this right if discharged into a natural

WRS008NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

05/17/94 00:05:06
Page 2

Water right number - 13-07471

Prefix Translation: WATER RIGHT

..... Conditions of Approval
(Condition continued from previous page)

- channel shall meet Idaho Water Quality Standards.
- 005 - Use of water under this right is subject to control by the watermaster of State Water District No. 2018TRICT.
- 026 - Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
- 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.
- 044 - Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 58.
- 004 - The issuance of this right in no way grants any right-of-way or easement across the land of another.
- 013 - A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.
- 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.

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

+ - - - - Comments - - - - -
Date: 10/06/1993 User Id: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent

+ - - Audit Fields - 06/15/90 KEISER 08/30/90 CURTIS 10/06/93 COMMENTS

..... Water Rights Dates and Flags Area
.....

Proof Due Date	- 10/01/1993	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 09/05/1990	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 11
Licensed Date	- 00/00/0000	Appl Received	- 05/22/1990	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		

October 6, 1993

SHERMAN A. WRIGHT
PEGGY WRIGHT
16019 N. HWY 34
THATCHER ID 81283

RE: PERMIT NO. 13-07471 LAPSE NOTICE

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 July 31, 1993. 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 fifteen dollar (\$15) 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 10/6/93
a copy of an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

29

July 31, 1993

SHERMAN A. WRIGHT
PEGGY WRIGHT
16019 N. HWY 34
THATCHER ID 81283

RE: PERMIT NO. 13-07471 PROOF DUE NOTICE

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 October 1, 1993. (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.

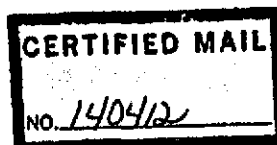
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
September 6, 1990

SHERMAN A. WRIGHT
PEGGY WRIGHT
16019 N. HWY 34
THATCHER, ID 81283

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07471

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 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.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

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.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

JUNE 27, 1990

THE PRESTON CITIZEN
P.O. BOX 472
PRESTON, ID 83263

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before JULY 23, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

13-07471

WRIGHT, SHERMAN A.
WRIGHT, PEGGY
16019 N. HWY 34
THATCHER, ID 81283

Source: SPRING CREEK

Tributary: BEAR RIVER

Diversion Pt: SENE Sec 18 T 12S R 41E

Use: FISH PROPAGATION (4.600 CFS)
Total Diversion: (4.600 CFS)

Date Filed: 5/22/ 1990

In: T12S R41E S18

NWNW

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before JULY 23, 1990.

R. KEITH HIGGINSON, Director

Published 7/ 5/1990 & 7/12/1990

21-Jun-1990

PETE PETERSON
2483 RIVERDALE RD.
PRESTON, ID 83263

RE: Application for PERMIT No. 13-07471

Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is JULY 23, 1990, and we are required to take action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Thank you for your cooperation in this matter.

Respectfully submitted,

~~Margie Jones~~
Water Rights Supervisor

HJ/rb
Enclosure

21-Jun-1990

IDAHO FISH & GAME
REGION 6
1515 E. LINCOLN RD.
IDAHO FALLS, ID 83401

RE: Application for PERMIT NO. 13-07471, 25-07569, 29-07999,
29-07998, 29-07946, 74-07293
74-07294, 75-07513, 75-07515

Dear Sir:

We are enclosing a copy of the applications that may be of interest to your department. Please review the applications and submit any comments you may have to our Department as soon as possible. The last date of protest is JULY 23, 1990, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb
enc.

21-Jun-1990

SHERMAN A. OR PEGGY WRIGHT
16019 N. HWY 34
THATCHER, ID 81283

RE: Application for Permit No. 13-07471

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Preston Citizen on JULY 5 & 12, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

CONSOLIDATED TAX NOTICE AND RECEIPT

FRANKLIN COUNTY, IDAHO 1989
REAL PROPERTY TAX

ASSESSMENT YEAR	ASSESSMENT AREA	ASSESSED VALUE	TAX AMOUNT
27-363	14	240.00	240.00

AFTER HOME EXEMPTION
22-211

TN 3
18-12-41

WRIGHT, SHERMAN A.
16019 NW HWY 34
THATCHER, ID 23233

DELINQUENT CODE

TAXABLE PROPERTY	1989	1988
COUNTY	.004482	104.00
CLEVELAND CEMET.	.000152	3.38
GRACE SCHOOL #1	.005748	119.78
LIBRARY DISTRICT	.000008	2.12
COUNTY ROAD	.001293	23.72
SUBTOTAL	.011577	257.06
TOTAL TAXES		257.06*

TOTAL ACRES: 32.00

YOUR CANCELLED CHECK IS YOUR RECEIPT
FULL LEVY SHEET IS AVAILABLE AT THE TREASURER'S OFFICE

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

WRIGHT, SHERMAN A.

240.00

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

WRIGHT, SHERMAN A.

240.00

PD BY:

1989

PD BY:

1989

ASSESSMENT YEAR	ASSESSMENT AREA	ASSESSED VALUE	TAX AMOUNT
14	128.53	128.53*	

2nd

PERSONAL CHECKS SUBJECT TO BANK CLEARANCE
DATE FOR BANK CLEARANCE IS:

MAURINE E. AINSWORTH
37 WEST ONEIDA
PRESTON, IDAHO 83263

JUNE 20, 1990

PAID BY: CHECK () CASH ()

ASSESSMENT YEAR	ASSESSMENT AREA	ASSESSED VALUE	TAX AMOUNT
14	257.06	257.06*	

FULL

TREASURER'S

PAID

14 123.53

123.53*

DEC 20 1989

FRANKLIN COUNTY

TREASURER

DECEMBER 20, 1989

PAID BY: CHECK () CASH ()

875

No 3248

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

J. Walter Ross

being duly sworn.

deposes and says:

That he is the *Co-Publisher* of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *2* consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

July 4, 19*90*, and ending with the issue of *July 11*, 19*90*.

Fee \$ *50.76*

Subscribed and sworn to before me this *11* day

of *July*, 19*90*.

Kelly M. Anderson
Notary Public, Residing at Preston, Idaho

My Commission Expires *Aug 14*, 19*95*.

DEPT. OF WATER RESOURCES

1990

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-47471

WRIGHT, SHERMAN A.

WRIGHT, PEGGY

16019 N. HWY 34

THATCHER, ID 81283

Source: SPRING CREEK

Tributary: BEAR RIVER

Diversion Pt: SENE Sec 18 T 12S R

41E

Use: FISH PROPAGATION (4,600

CFS)

Total Diversion: 14,000 CFS

Date Filed: 5/22/1990

In: T12S R41E S18 NWNW

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water

Resources, Eastern Region, 150 Shoup Avenue, Suite 116, Idaho Falls, Idaho 83402 on or before JULY 23, 1990.

By: KEITH HIGGINSON, Director

Legal Counsel, Eastern Region, July 4, 1990.