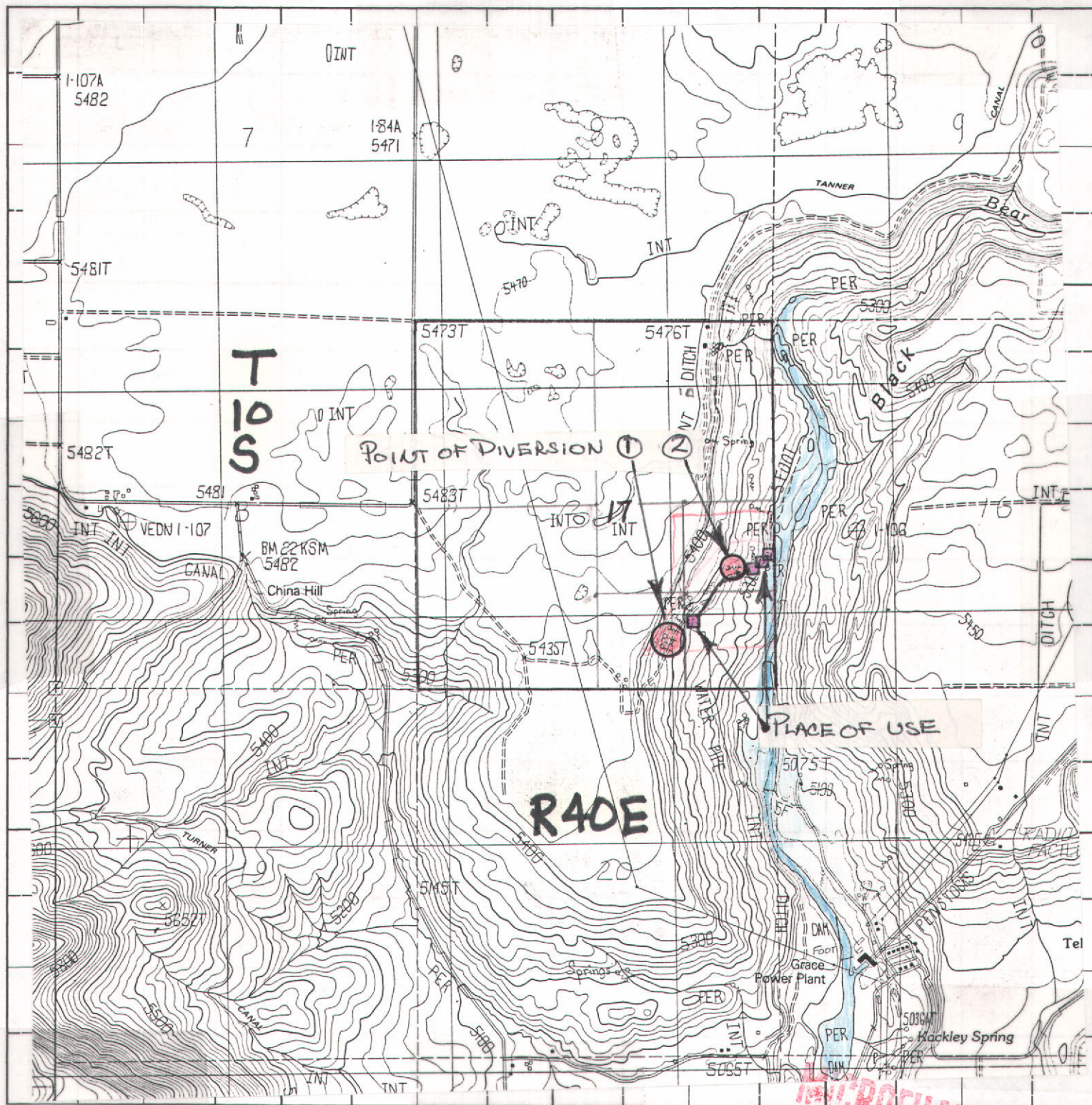


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



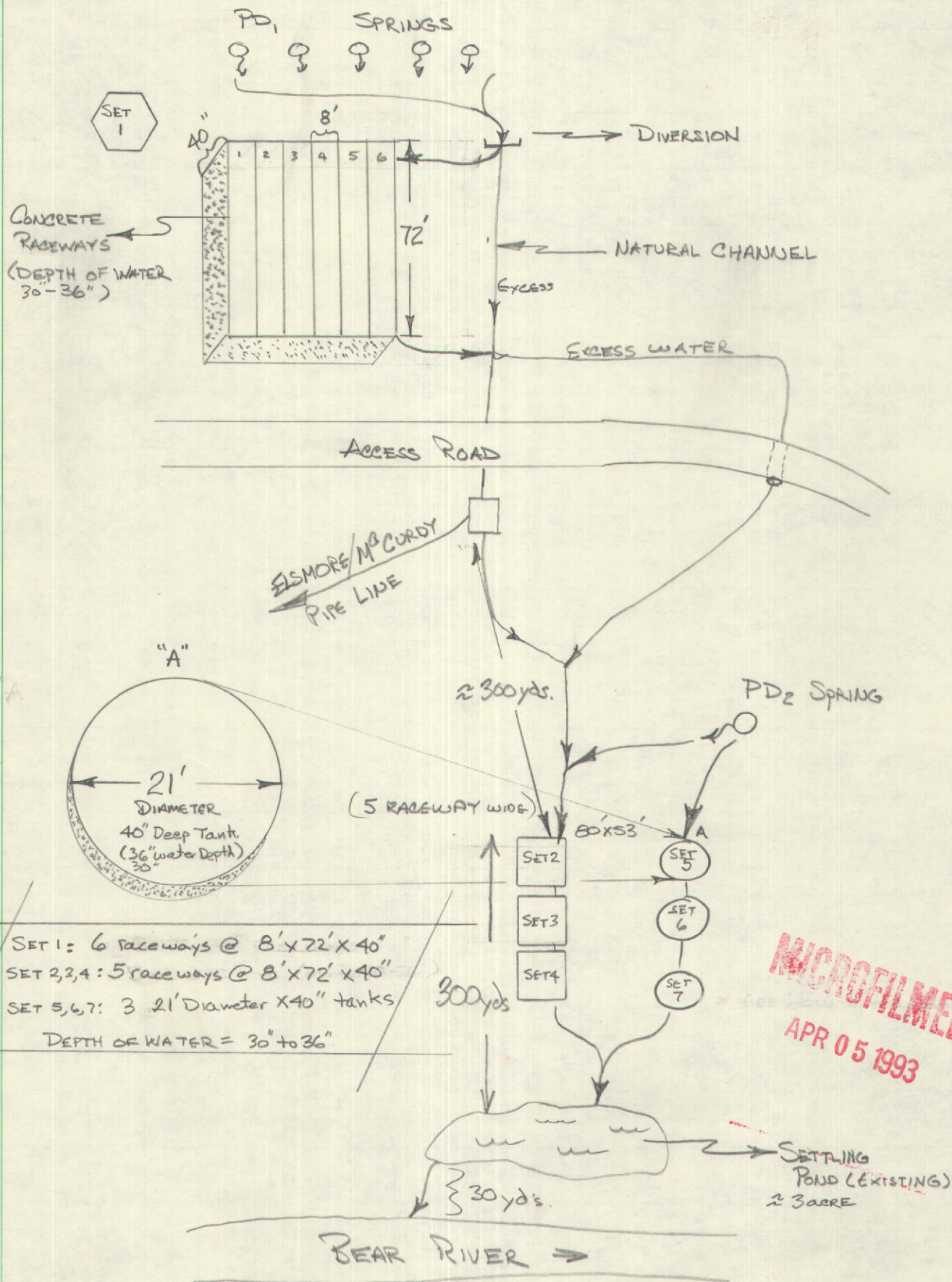
Scale: 2 inches equal 1 mile.

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

*George C. Kimball*  
(Applicant)

APR 05 1933

|        |            |          |
|--------|------------|----------|
| 42-381 | 50 SHEETS  | 5 SQUARE |
| 42-382 | 100 SHEETS | 5 SQUARE |
| 42-389 | 200 SHEETS | 5 SQUARE |



# Affidavit of Publication

County of Caribou  
State of Idaho

ss.

Mark Steele

being duly sworn on his oath,  
states:

That he is Publisher  
of the Caribou County Sun, a  
newspaper of general circulation  
in Caribou County, Idaho, pub-  
lished weekly at Soda Springs in  
said County that said newspaper  
has been published in said County  
uninterruptedly and continuously  
for over seventy-eight consecutive  
weeks, prior to the first publica-  
tion of the annexed notice or  
advertisement;

That the annexed notice was  
published as per clipping attached  
in the regular and entire edition of  
said newspaper and not in any

supplement thereof for 2  
successive weekly issues thereof,  
the date of the first publication

being the 21st day of  
May, 19 87

The date of the last publication

being the 28th day of  
May, 19 87

Subscribed and sworn to before

me this 29th day  
of May, 19 87

Notary Public, residing  
at Soda Springs, Idaho

(SEAL)

My Commission expires the  
1st day of March

19 88

## PUBLIC NOTICE

### First Time Published

#### NOTICE OF APPLICATION FOR WATER RIGHT

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

13-7444

KIMBALL, GEORGE C. AND-OR  
BEVERLY

BOX 121, GRACE, ID 83241

Source: SPRINGS trib. to BEAR  
RIVER

Diversion Pt: SESWSE NESWSE  
SWNESE Sec 17 T 10S R 40E

Use: FISH PROP. (20.0 CFS)

Date Filed: 05-07-1987

In: NESE SESE Sec 17 T 10S R 40E

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,  
Suite 15, Idaho Falls, Idaho 83402 on or  
before JUNE 8, 1987.

KEN DUNN,

Director

Published May 21, and 28, 1987 in  
the Caribou County Sun.

RECEIVED  
JUN 18 1987

Department of Water Resources  
Eastern District Office

APR 05 1993

NOTICE OF  
APPLICATION FOR  
WATER RIGHT

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

13-7444

KIMBALL, GEORGE C.  
&/or BEVERLY

BOX 121,  
GRACE, ID 83241

Source: SPRINGS trib.  
to BEAR RIVER.

Diversion Pt: SESWE  
NESWE SWNESE Sec  
17, T 10S, R 40E;

Use: FISH PROP.  
(20.0 CFS)

Date Filed: 05/07/1987

In: NESE SESE Sec 17,  
T 10S, R 40E.

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,  
Suite 15, Idaho Falls,  
Idaho 83402 on or before  
JUNE 8, 1987.

KEN DUNN, Dir.

PUBLISH: Thursday,  
May 21 and 28, 1987.

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS }

ss.

No 17426

I, Linda Copps McGuire 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

May 21, 1987, and ending with the issue dated  
May 28, 1987.

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.

Linda Copps McGuire  
Subscribed and sworn to before me on this 28 day of

APR 05 1993

May, 1987.  
Dianna Shuler  
Notary Public in and for the County of Twin Falls,  
State of Idaho, residing at Twin Falls, Idaho

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

Date 052887 INVOICE No. L00106679  
Account No. 44660  
Description 06675NOTIC  
Times 2 Lines 23  
Tab Lines \_\_\_\_\_

**LEGAL ADVERTISING  
INVOICE**

SOLD TO: DEPT. OF WATER RESOURCES  
150 SHOUP AVE. SUITE 15  
IDAHO FALLS  
ID 83402 \$ 20.13

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.*

06675  
NOTICE OF APPLICATION  
OF WATER RIGHT  
The following application(s) have  
been filed to appropriate the public  
waters of the State of Idaho:  
13-7444  
KIMBALL, GEORGE C. &/or  
BEVERLY  
BOX 121, GRACE, ID 83241  
Source: SPRINGS trib. to BEAR  
RIVER  
Diversion Pt: SESWSE NESWSE  
SWNESE Sec 17 T 10S R 40E  
Use: FISH PROP. (20.0 CFS)  
Date Filed: 05/07/1987  
In: NESE SESE Sec 17 T 10S R 40E  
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, Suite 15, Idaho Falls, Ida-  
ho 83402 on or before JUNE 8, 1987.  
KEN DUNN, Dir.

**AFFIDAVIT OF PUBLICATION**

STATE OF IDAHO, ss.  
County of Nez Perce

J. L. Blackwell, being duly sworn,  
deposes and says, I am the Legal Clerk  
of the Tribune Publishing Company, a corporation organized and existing  
under and by virtue of the laws of the State of Idaho, publishers of the  
LEWISTON MORNING TRIBUNE, a newspaper of general circulation  
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston  
Morning Tribune is an established paper and has been published 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, 21 time(s). Publication be-  
ing on 052187, or once a  
WEEK for 2 consecutive WEEKS, the first  
publication thereof being on the 052187, and the last pub-  
lication thereof being on the 052887, and said

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

J. L. Blackwell  
SUBSCRIBED AND SWORN BEFORE ME THIS THE \_\_\_\_\_  
day of June 1987

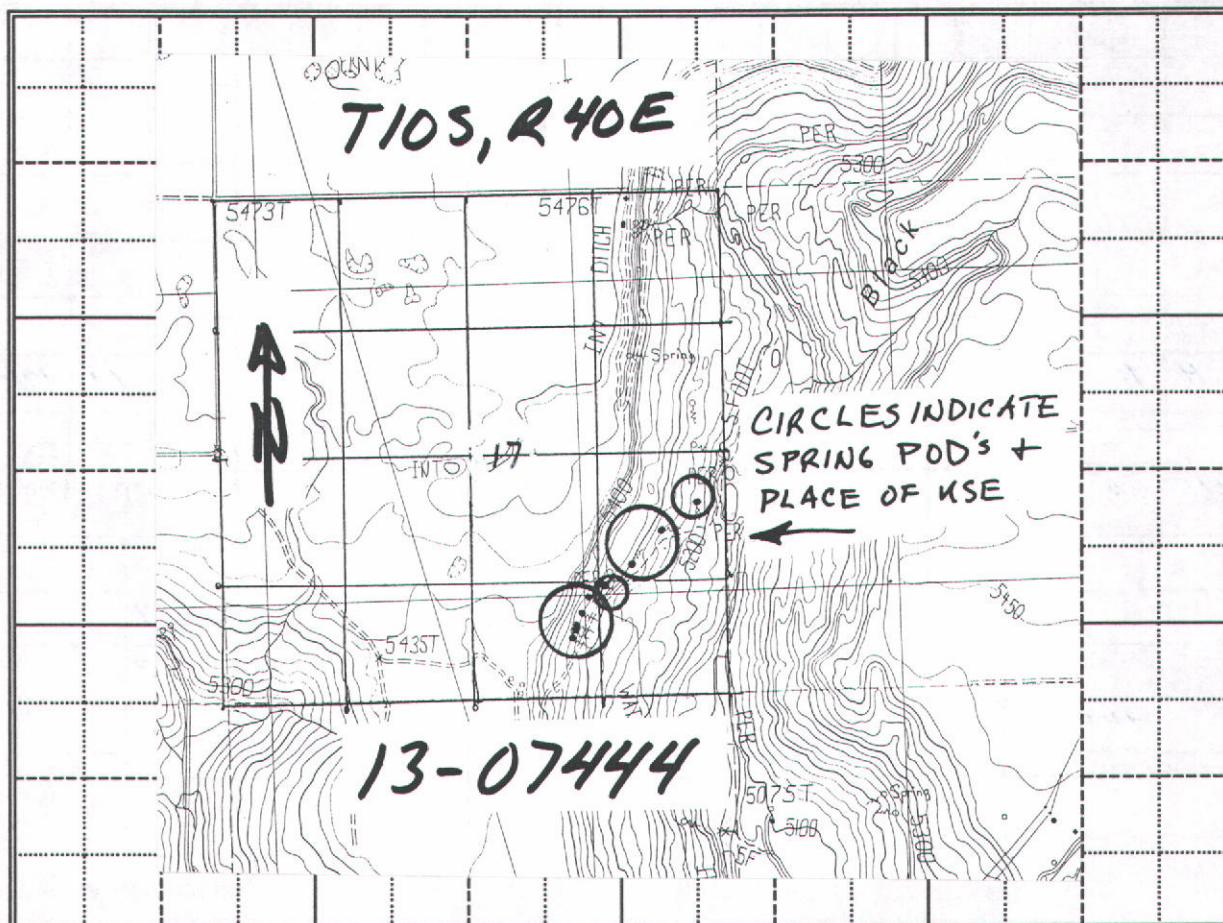
Sheryl M. Lantz  
Notary Public in and for the State of Idaho,  
residing at Lewiston, therein.

RECEIVED  
JUN 4 1987

Department of Water Resources  
Eastern District Office

APR 05 1993

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  
*PARTIAL*

4.

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
| <i>N/A</i>                            |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

\*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 |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements: *TYME-FLYTE, POLYSONIC METER # 740263*  
*PY6HY METER # 090171*  
*AA METER # 090127*

**MICROFILMED**

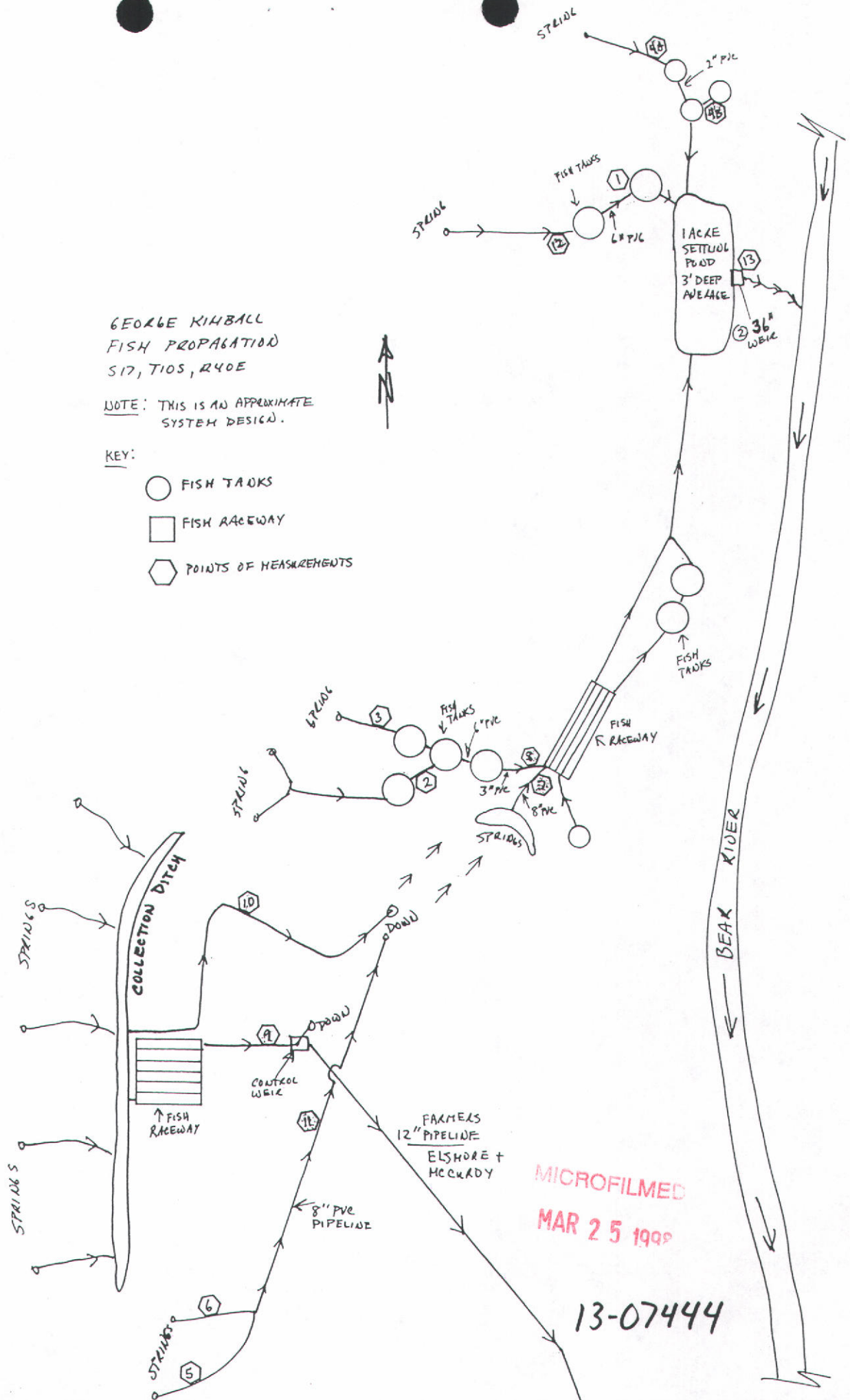
**MAR 25 1998**

GEORGE KIMBALL  
FISH PROPAGATION  
SITE, TIOS, R40E

NOTE: THIS IS AN APPROXIMATE  
SYSTEM DESIGN.

KEY:

- FISH TANKS
- FISH RACEWAY
- ⬡ POINTS OF MEASUREMENTS



MICROFILMED  
MAR 25 1999

13-07444

# FISH PROPAGATION

4 of 5



VIEW OF  
MIDDLE FISH  
RACEWAY  
HOLDINGS  
TANKS



VIEW OF  
MAIN SPRING  
SOURCE

MICROFILMED  
MAR 25 1998

13-07444

# FISH PROPAGATION

5 of 5



LOWER  
HOLDING TANK  
#1



VIEW OF  
SETTLING  
POND POINT  
OF DISCHARGE  
BACK TO RIVER.

MICROFILMED

MAR 25 1998

13-07444

FISH PROPAGATION

2 of 5



POINT OF  
DIVERSION  
HEASLEHENT  
POINT.



POINT OF  
DIVERSION

MICROFILMED  
MAR 25 1998

13-07444

GEORGE C. KIMBALL  
FISH PROPAGATION

1 of 5



OVERVIEW  
OF PLACE  
OF USE

SPRING ARE  
LOCATED  
AT VARIOUS  
POINTS ALONG  
BASE OF  
LAVA  
NORTH PORTION



OVERVIEW  
OF SOUTHERN  
PORTION OF  
PLACE OF USE

MICROFILMED

MAR 25 1998

13-07444

FISH PROPAGATION

3-15

LARGE SPAID  
SOURCE

FEEDS UPPER  
AND MIDDLE  
FISH RACEWAYS



POINT OF  
MEASUREMENT

FLOW FROM  
TOP RACEWAY



MICROFILMED

MAR 25 1998

13-07444

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 13-07444

Priority: May 7, 1987

Maximum Diversion Rate: 20.00 CFS  
Maximum Diversion Volume: 14454.0 AF

This is to certify, that GEORGE C KIMBALL  
BEVERLY KIMBALL

PO BOX 121  
GRACE ID 83241

has complied with the terms and conditions  
of the permit, issued pursuant to Application for Permit dated May 7, 1987; and  
has submitted Proof of Beneficial Use on March 15, 1993. An examination indicates  
that the works have a diversion capacity of 23.300 cfs of water from:

SPRINGS tributary to BEAR RIVER

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| FISH PROPAGATION      | 01/01 to 12/31       | 20.00 CFS                | 14454.0 AF           |

LOCATION OF POINT(S) OF DIVERSION:

NENESE , Sec. 17, Township 10S, Range 40E  
SWNESE , Sec. 17, Township 10S, Range 40E  
NESWSE , Sec. 17, Township 10S, Range 40E  
NWSESE , Sec. 17, Township 10S, Range 40E  
CARIBOU County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

10S 40E 17                      NESE                      SWSE                      SESE

## CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.

MICROFILMED

MAR 25 1998

State of Idaho  
Department of Water Resources

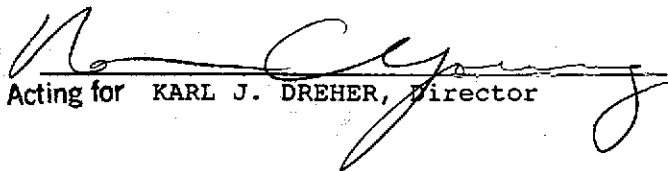
# WATER RIGHT LICENSE

WATER RIGHT NO. 13-07444

## CONDITIONS OF APPROVAL AND REMARKS

6. 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.
7. 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.
8. 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.
9. Use of water under this right shall be non-consumptive.
10. Measuring devices of a type approved by the Department shall be permanently maintained at the points of diversion and the point of effluent discharge.
11. There are numerous springs located in each of the ten acre tracts listed above as points of diversion.
12. Facility volume = 27,734 cubic feet.
13. The right holder shall implement reasonable modifications to the diversion and conveyance facilities in order to more effectively conserve and control water diverted under this right.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.  
Witness the seal and signature of the Director, affixed at Boise, this 17<sup>TH</sup>  
day of FEBRUARY, 1998.

  
Acting for KARL J. DREHER, Director

MICROFILM

State of Idaho  
Department of Water Resources

RECEIVED

JAN 20 1998

Department of Water Resources

**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 13-07444**

Date of Priority: May 7, 1987

Maximum Diversion Rate: 20.00 CFS

Maximum Diversion Volume: 14454.0 AF

Comes now

GEORGE C KIMBALL  
BEVERLY KIMBALL

PO BOX 121  
GRACE ID 83241

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. 13-07444, and requests that the permit be changed as follows:

Source: SPRINGS

tributary to BEAR RIVER

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| FISH PROPAGATION      | 01/01 to 12/31       | 20.00 CFS                | 14454.0 AF           |

LOCATION OF POINT(S) OF DIVERSION:

NENESE , Sec. 17, Township 10S, Range 40E  
SWNESE , Sec. 17, Township 10S, Range 40E  
NESWSE , Sec. 17, Township 10S, Range 40E  
NWSESE , Sec. 17, Township 10S, Range 40E  
CARIBOU County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

|            |      |      |      |
|------------|------|------|------|
| 10S 40E 17 | NESE | SWSE | SESE |
|------------|------|------|------|

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

Signed at Grace, this 12 day of JAN, 1998.

MIC. 1-1-98

MAR 1 1998

George C Kimball  
(Signature)

State of Idaho  
Department of Water Resources

**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 13-07444**

\*\*\*\*\*

**FOR DEPARTMENT USE ONLY**

Preliminary check by SVK Fee = 5000 Received by VS # CA1214 Date 1/20/98

**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. 13-07444 with the following;

**CONDITIONS OF APPROVAL AND REMARKS**

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
6. 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.
7. 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.
8. 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.
9. Use of water under this right shall be non-consumptive.

MICROFILMED

MAR 25 1998

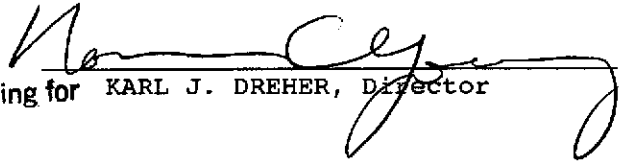
State of Idaho  
Department of Water Resources

**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 13-07444**

**CONDITIONS OF APPROVAL AND REMARKS**

10. Measuring devices of a type approved by the Department shall be permanently maintained at the points of diversion and the point of effluent discharge.
11. There are numerous springs located in each of the ten acre tracts listed above as points of diversion.
12. Facility volume = 27,734 cubic feet.
13. The right holder shall implement reasonable modifications to the diversion and conveyance facilities in order to more effectively conserve and control water diverted under this right.

Witness my hand this 17<sup>TH</sup> day of FEBRUARY, 1990.

  
Acting for KARL J. DREHER, Director

RECORDED

MAR 25 1990

RECEIVED

MAR 15 1993

OFFICE USE ONLY

Amt. of Fee \$ 575.00  
Date 3-75-93  
Receipt No. C-26991  
Receipt by ju

RECEIVED

MAR 15 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**PROOF OF BENEFICIAL USE** Department of Water Resources

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. 13-07444 Telephone No. 208-425-3239  
2. Name(s) of Permit Holder(s): George C Kimball  
3. Mailing Address: Box 121 Grace - Ida - 83241  
4. Source of Water: Black Canyon Springs

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 20 cfs OR \_\_\_\_\_ acre/feet

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

Measuring device: Required? ☒ Yes \_\_\_\_\_ No Installed? ☒ Yes \_\_\_\_\_ No

OR

Flow Measurement Port: Required? \_\_\_\_\_ Yes ☒ No Installed? \_\_\_\_\_ Yes ☒ No

8. Fee Enclosed: \$ 575.00 (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.

George Kimball 208-425-3239  
Name Telephone No.

Box 121 Grace Ida. 83241  
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.

3/11/93  
Date

George C Kimball owner  
Signature (and title, if on behalf of a company or organization)

APR 05 1993

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 13-07444

Proposed Priority: May 7, 1987 Maximum Diversion Rate: 20.00 CFS  
This is to certify, that **GEORGE C KIMBALL**

**BEVERLY KIMBALL**  
BOX 121  
GRACE ID 83241

has applied for a permit to appropriate water from:

**SPRINGS**

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       | 20.00 CFS                |

LOCATION OF POINT(S) OF DIVERSION:

SWNESE , Sec. 17, Township 10S, Range 40E  
NESWSE , Sec. 17, Township 10S, Range 40E  
SESWSE , Sec. 17, Township 10S, Range 40E  
CARIBOU County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

10S 40E 17

NESE

SESE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **April 1, 1994**.
2. Subject to all prior water rights.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
4. 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.
5. In the event that water used under this right should be discharged into a natural channel, settling ponds will be required which are capable of reducing the silt load to such a level that the quality of the water would not be impaired for other beneficial uses.
6. Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
7. 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.

**RECEIVED**

**APR 05 1993**

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

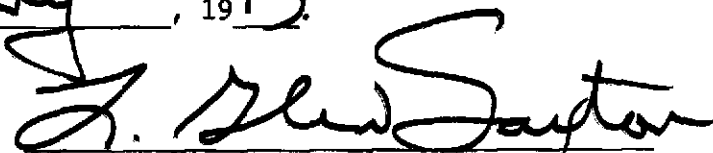
NO. 13-07444

CONDITIONS/REMARKS:

9. Use of water under this right shall be non-consumptive.

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

23<sup>rd</sup> day of February, 1993

for   
R. Keith Higginson, Director

RECORDED

APR 05 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant George C. Kimball or Beverly Kimball Phone 425-3239  
Post office address Box 121 Grace, Idaho 83241
2. Source of water supply Springs which is a tributary of Bear River
3. Location of point of diversion is SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_  
Sec. 17 Township 10S Range 40E B.M. Caribou County; additional  
points of diversion if any: NE1/4SW1/4SE1/4; SW1/4NE1/4SE1/4, Sec. 17, T. 10S, R. 40E, B.M.
4. Water will be used for the following purposes:  
Amount 20.0 cfs 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) 20.0 cfs and/or (b) \_\_\_\_\_  
cubic feet per second                      acre feet per annum
6. Proposed diverting works:
  - a. Description of ditches, flumes, pumps, headgates, etc. Cement & earth diversion will collect  
springs into raceways. Gravity feed into plant.
  - 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  
1 years (minimum 1 year).

RECORDED

APR 05 1993

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. H/Fish Propagation. This will be an egg taking station with 12,000 to 15,000 adult fish.

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 | 40E   | 17   |     |     |     |     |     |     |     |     |     |     |     |     | H   |     |     | H   |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated \_\_\_\_\_

10. Describe any other water rights used for the same purposes as described above. Applicant has contacted down-stream users & has tentatively worked out any potential conflicts.

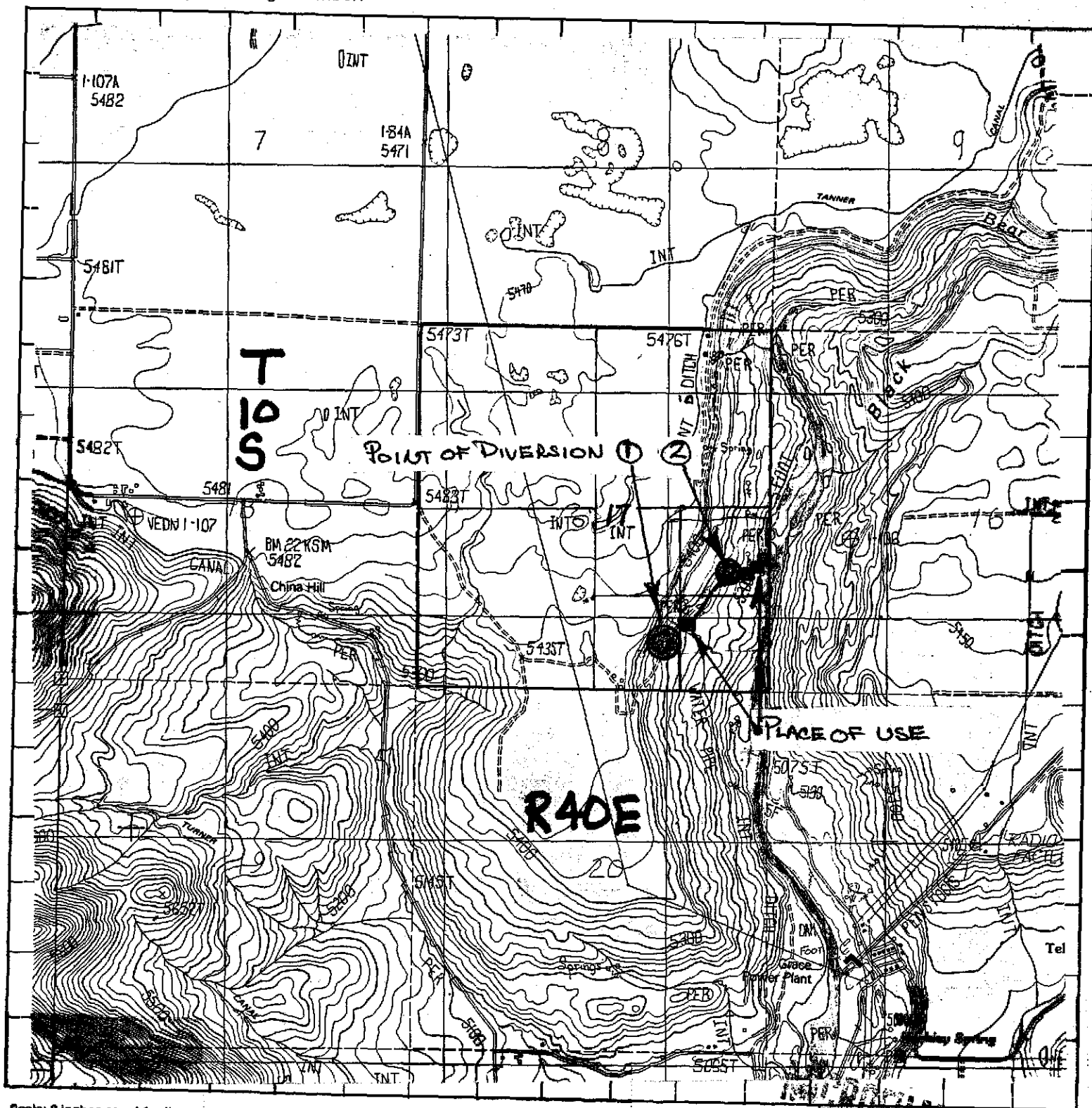
- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. \_\_\_\_\_

12. Remarks: See attached specifications on plant size etc...

Point of effluent is: NE1/4 SE1/4 Sec. 17 T10S R40E B.M.

APR 05 1993

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



Scale: 2 inches equal 1 mile.

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

*George C. Kimball*  
(Applicant)

APR 25 1993  
RECEIVED

Received by 261 Date 5/7/87 Time 5:05 Preliminary check by HWS  
Fee \$ 425<sup>00</sup> Receipted by 41179 SSV # 41179 Date 5/7/87  
Publication prepared by CW Date 5-13-87 Published in James River  
Oregon City Sun  
Neweston Pub  
Publication approved dfg Date 6-18-87 Idaho Statesman  
5/21 & 5/28/87

### 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.

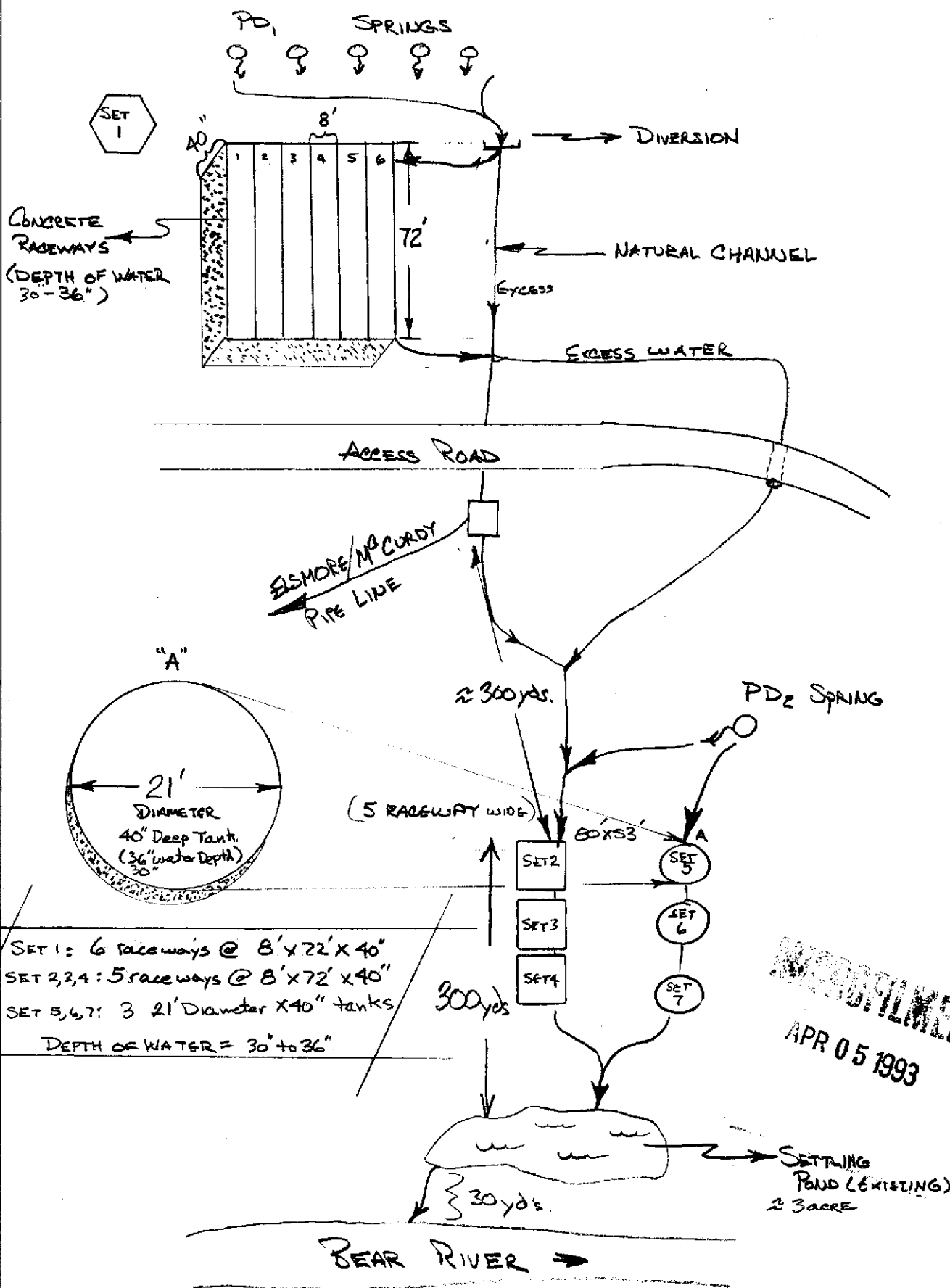
d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim 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:

RECORDED

APR 05 1993

# BLACK CANYON TROUT FARM - PROPOSED DEVELOPMENT EST. COST \$30,000.00



SET 1: 6 Raceways @ 8' x 72' x 40"  
SET 2,3,4: 5 Raceways @ 8' x 72' x 40"  
SET 5,6,7: 3 21' Diameter x 40" tanks  
DEPTH OF WATER = 30' to 36"

RECEIVED  
APR 05 1993

# Warranty Deed

THIS INDENTURE, Made this 28th day of May  
in the year of our Lord One Thousand Nine Hundred and Eighty-five, between  
EVERETT W. SMITH AND VIOLA P. SMITH, husband and wife  
of Grace, County of Caribou, State of Idaho  
the parties of the first part, and

GEORGE C. KIMBALL AND BEVERLY KIMBALL, husband and wife  
of Grace, County of Caribou, State of Idaho  
the parties of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of  
SIXTY THOUSAND AND NO/100 ----- DOLLARS,  
lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt  
whereof is hereby acknowledged

, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties  
of the second part, and to their heirs and assigns forever: All that certain lot  
piece or parcel of land situate, lying and being in the County of Caribou State of Idaho, bounded  
and more particularly described as follows, to-wit:

Township 10 South, Range 40 East of the Boise Meridian:

Section 17: Beginning at the East Quarter corner of said Section 17,  
and running  
thence West 1320 feet;  
thence South 630 feet;  
thence South 28° 00' West 1450 feet;  
thence South 59° 00' East 292 feet;  
thence North 31° 00' East 161 feet;  
thence North 41° 00' East 188 feet;  
thence North 88° 00' East 1545.11 feet,  
to the East line of said Section 17;  
thence North along the East Section line 1726.85 feet,  
to the point of beginning.

Subject to taxes accruing from date of closing, reservations in United States  
Patent, and such exceptions and reservations as are normally included in owners'  
policies of title insurance issued by title companies in this area.

Reserving, also, unto parties of the first part, all right, title and interest  
in and to that certain Oil and Gas Lease issued by said parties of the first part  
to Rex L. Randolph, for a base term of 10 years, dated August 12, 1981, recorded  
March 22, 1982, under recorder's instrument No. 111637, in the Microfilm Records  
of Caribou County, Idaho.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and  
the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident  
unto the said parties of the second part, and to their heirs and assigns forever. And the said  
parties of the first part, and their heirs the said premises in the quiet and peaceable possession  
of the said parties of the second part their heirs and assigns against the said parties of the  
first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming  
or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and  
seals the day and year first above written.  
Signed, Sealed and Delivered in the Presence of

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Everett W. Smith* [Seal]  
EVERETT W. SMITH  
*Viola P. Smith* [Seal]  
VIOLA P. SMITH  
\_\_\_\_\_  
\_\_\_\_\_  
APR 05 1993 [Seal]

STATE OF IDAHO,  
County of Caribou

ss.

On this

28th day of May

in the year 1985, before me

the undersigned

a

Notary Public

in and for said County and State, personally appeared

EVERETT W. SMITH AND VIOLA P. SMITH, husband and wife

known to me to

be the person s whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

*Rona Jean Benson*

Notary Public.

Residence and P. O. Address Soda Springs, Idaho  
Commission expires: August 15, 1985

124526  
WARRANTY DEED

EVERETT W. SMITH AND VIOLA P.

SMITH, husband and wife

TO

GEORGE C. KIMBALL and BEVERLY  
KIMBALL, husband and wife

Dated May 28, 1985

STATE OF IDAHO,

County of Caribou } ss.

I hereby certify that this instrument was filed for  
record at the request of

Caribou Title Company

at \_\_\_\_\_ minutes past 3:00

o'clock P. M., this 29th day

of May, A. D. 1985

in my office and duly recorded in the micro-

film records of said county.

CORRECTION

Ex-Officio Recorder.

By *[Signature]* Deputy.

Fee, \$ 4.00

GEO. PRIMBS & SONS, INC., POCAHELLO, IDAHO

APR 05 1985

# Affidavit of Publication

County of Caribou  
State of Idaho

ss.

Mark Steele

being duly sworn on his oath,  
states:

That he is Publisher  
of the Caribou County Sun, a  
newspaper of general circulation  
in Caribou County, Idaho, pub-  
lished weekly at Soda Springs in  
said County that said newspaper  
has been published in said County  
uninterruptedly and continuously  
for over seventy-eight consecutive  
weeks, prior to the first publica-  
tion of the annexed notice or  
advertisement;

That the annexed notice was  
published as per clipping attached  
in the regular and entire edition of  
said newspaper and not in any

supplement thereof for 2  
successive weekly issues thereof,  
the date of the first publication

being the 21st day of  
May, 19 87

The date of the last publication

being the 28th day of  
May, 19 87

Subscribed and sworn to before

me this 29th day  
of May, 19 87

Notary Public, residing  
at Soda Springs, Idaho

(SEAL)  
My Commission expires the  
1st day of March

APR 05 1993 19 88

## PUBLIC NOTICE

### First Time Published

#### NOTICE OF APPLICATION FOR WATER RIGHT

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

13-7444

**KIMBALL, GEORGE C. AND-OR  
BEVERLY**

**BOX 121, GRACE, ID 83241**

**Source: SPRINGS trib. to BEAR  
RIVER**

**Diversion Pt: SESWSE NESWSE  
SWNESE Sec 17 T 10S R 40E**

**Use: FISH PROP. (20.0 CFS)**

**Date Filed: 05-07-1987**

**In: NESE SESE Sec 17 T 10S R 40E**

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,  
Suite 15, Idaho Falls, Idaho 83402 on or  
before JUNE 8, 1987.

**KEN DUNN,**

**Director**

Published May 21, and 28, 1987 in  
the Caribou County Sun.

RECEIVED  
JUN 18 1987

Department of Water Resources  
Eastern District Office

**NOTICE OF  
APPLICATION FOR  
WATER RIGHT**

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

13-7444

KIMBALL, GEORGE C.

&/or BEVERLY

BOX 121,

GRACE, ID 83241

Source: SPRINGS trib.

to BEAR RIVER.

Diversion Pt: SEWSE

NESWSE SWNESE Sec

17, T10S, R 40E;

Use: FISH PROP.

(20.0 CFS)

Date Filed: 05/07/1987

In: NESE SESE Sec 17,

T 10S, R 40E.

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,  
Suite 15, Idaho Falls,  
Idaho 83402 on or before  
JUNE 8, 1987.

KEN DUNN, Dir.

PUBLISH: Thursday,  
May 21 and 28, 1987.

**Affidavit of Publication**

STATE OF IDAHO,

COUNTY OF TWIN FALLS }

ss.

**No 17426**

I, Linda Capps McSwine 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

May 21, 1987, and ending with the issue dated  
May 28, 1987.

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.

Linda Capps McSwine  
Subscribed and sworn to before me on this 28 day of

May, 1987  
Dianna Thru

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

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

Date \_\_\_\_\_ INVOICE No. \_\_\_\_\_  
Account No. \_\_\_\_\_  
Description \_\_\_\_\_  
Times \_\_\_\_\_ Lines \_\_\_\_\_  
Tab Lines \_\_\_\_\_

**LEGAL ADVERTISING  
INVOICE**

SOLD TO: \$ \_\_\_\_\_

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.

86675  
**NOTICE OF APPLICATION  
OF WATER RIGHT**  
The following application(s) have  
been filed to appropriate the public  
waters of the State of Idaho:  
13-7144  
KIMBALL, GEORGE C. & BEVERLY  
BOX 121, GRACE, ID 83241  
Source: SPRING NEAR  
RIVER  
Diver:  
SWN:  
Use: P  
Date:  
In: NESE SESE Sec 17 T10S R 40E  
The permit(s) will be subject to  
all prior water rights. Protests must  
be filed with the Dept. of  
Water Resources, Eastern Region,  
150 Shoup, Suite 15, Idaho Falls, Ida-  
ho 83402 on or before JUNE 8, 1987.  
KEN DUNN, Dir.

**AFFIDAVIT OF PUBLICATION**

STATE OF IDAHO, ss.  
County of Nez Perce

\_\_\_\_\_, being duly sworn,  
deposes and says, I am the \_\_\_\_\_  
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

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

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.

SUBSCRIBED AND SWORN BEFORE ME THIS THE \_\_\_\_\_  
day of \_\_\_\_\_

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

**RECEIVED**  
JUN 4 1987

Department of Water Resources  
Eastern District Office

APR 05 1993

# The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

## LEGAL ADVERTISING INVOICE

Amount Due

30.18

|                                               |             |                 |                    |       |              |
|-----------------------------------------------|-------------|-----------------|--------------------|-------|--------------|
| Account Name                                  |             |                 | Account Number     |       |              |
| Idaho Department of Water Resources (Eastern) |             |                 | #100564            |       |              |
| Address                                       |             | City/State      |                    | Zip   |              |
| 150 Shoup, Suite 15                           |             | Idaho Falls, ID |                    | 83402 |              |
| Ordered By                                    | P.O. Number | Rate            | Run Dates          |       |              |
| Michele Davis                                 |             | NT              | 1987<br>May 21, 28 |       |              |
| Identification                                |             |                 | Estimated Inches   |       | Real Inches  |
| Application: Kimball                          |             |                 |                    |       |              |
| <div>1 Number of Affidavits Requested</div>   |             |                 |                    |       | Legal Number |
|                                               |             |                 |                    |       | #5384        |

RECEIVED  
MAY 29 1987

Department of Water Resources  
Eastern District Office

STATE OF IDAHO )  
 ) ss.  
COUNTY OF ADA )

### NOTICE OF APPLICATION FOR WATER RIGHT

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

13-7444

Kimball, George C.

&/or Beverly

Box 121

Grace, ID 83241

Source: Springs trib. to  
Bear River

Diversion Pt: SESWSE NESWSE  
SWNESE Sec. 17 T 10S R 40E

Use: Fish Prop. (20.0 CFS)

Date Filed: 05/07/1987

In: NESE SESE Sec. 17 T 10S  
R 40E

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 Ave., Suite 15, Idaho Falls, Idaho 83402 on or before June 8, 1987.

KEN DUNN  
Director

Pub. May 21, 28, 1987

5384

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 May 21, 19 87

and ending with the issue of May 28, 19 87

Deborah Gregory

Subscribed and sworn to before me this 28th

day of May, 19 87

Connie Blackburn

Notary Public for Idaho, Residing at Boise, Idaho



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

February 18, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

GEORGE C KIMBALL  
BEVERLY KIMBALL  
PO BOX 121  
GRACE ID 83241

RE: WATER RIGHT NO. 13-07444

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. 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 of the Department unless a party petitions for reconsideration or files an exception and/or brief 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 twenty-one (21) 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

MICROFILMED

MAR 25 1998

### ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

### FINAL ORDER

The Department 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 Department 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.

MICROFILMED

MAR 25 1998

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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

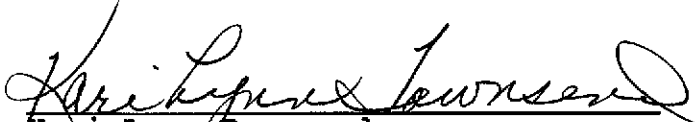
MAR 25 1998 3

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of February, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 13-07444

GEORGE C KIMBALL  
BEVERLY KIMBALL  
PO BOX 121  
GRACE ID 83241

  
Kari Lynn Townsend  
Secretary

MICROFILMED

MAR 25 1998



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

January 6, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

GEORGE C KIMBALL  
BEVERLY KIMBALL  
PO BOX 121  
GRACE ID 83241

RE: WATER RIGHT NO. 13-07444

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 that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the point(s) of diversion and place(s) of use developed are in locations other than what was described on your permit. Therefore, before a license can be issued, your permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the point(s) of diversion and place(s) of use and other information as it 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.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

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

Sincerely,

Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

MAR 25 1998

**MEMORANDUM**

**TO: File 13-07444**

**FROM: Sharla**

**DATE: January 6, 1998**

**RE: Telecon**

On this date, Pete Peterson called in response to my letter requesting information on a measuring device(s) for this fish propagation facility. Pete told me that Mr. Kimball does have a measuring device; it is sufficient and his controlling works are probably the best of anyone else's fish facilities in the area. I told him we would retain the measuring device condition on the license.

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MAR 25 1998



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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

January 2, 1998

Pete Peterson  
2483 Riverdale Rd.  
Preston, ID 83263

RE: Water Right 13-07444

Dear Mr. Peterson,

We are in the process of reviewing permit number 13-07444 for licensing. I have enclosed a profile report describing this permit. During the field examination in January of 1996, our examiner found no measuring device installed. One of the conditions of this permit required that a permanent measuring device be installed. Do you know if the right holder has installed a measuring device?

Is a measuring device necessary for regulation of this right? If so, we will hold licensing the right until the condition is complied with and will retain the condition when the license is issued. If it is not necessary, we will simply remove the condition.

I appreciate your input in this matter. Please contact me within 15 days so we can proceed with our review. If you have any additional questions, please feel free to contact me at (208) 327-5452.

Sincerely;

Sharla Curtis  
Water Resource Agent

SC:cb  
Enclosure

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MEMORANDUM

TO: File 13-07444

FROM: Sharla

DATE: October 29, 1997

RE: Annual Volume for Fish Propagation Use/Telecon with Right Holder Concerning  
Number of P/D's

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. 20.0 cfs x 3600/ 27,734 cf = 2.596
  2. .6367 AF x 2.596 x 8760 = 14,479.2 AFA
  3. 20.0 cfs x 1.98 x 365 days = 14,454.0 AFA

RECOMMENDATION: 14,454.0 AFA

On October 27, Mr. Kimball called in regards to the status of this right. I told him it was being reviewed for licensing and I took the opportunity to ask him about the number of springs located per ¼¼. He said there are numerous springs in each ¼¼, really too numerous to count or to try to describe. A remark will be added explaining the "numerous" springs.

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# LICENSE REVIEW CHECKLIST

PERMIT NO. 13-07444

DATE 5/16/97

REVIEWER: SHARLA

NAME Change OK Address Change street addr, keep PO Box  
 SOURCE Change OK Is change clarification of originally intended source? Yes  
 POINT OF DIV Change OK If not, prepare Notice of Intent to Void Amendment required Yes  
 PLACE OF USE Change OK Amendment required Yes telecon 10/27 springs too numerous to count  
 Does map agree with written description? Yes no

OVERLAPS P/D P/U

## RATE OF DIV

Permitted Rate 20.0 cfs  
 Fee limit 20.0 cfs \$575.00  
 Measured 23.3 cfs  
 Theoretical      cfs

Recommended Total Div Rate 20.0 cfs

ANNUAL VOLUME/  
 NATURE OF USES Use Fish Volume Calculation 14,454.0 af  
volume based on Change = 14,479.2  
 SUBTOTAL      af

Flow rate 20 cfs X 365 days X 1.9835 = 14,481 af  
 Total volume recommended      af  
 (SUBTOTAL or Flow Rate, whichever is less)

REMARKS Facility volume = 27,734 cubic ft.

CONDITIONS For Watermaster Control WD# 11  
GW Measurement/Measuring Device  
Overlap  
Use-specific conditions 042,027 R0  
 Advancement of Priority Date Required yes no

SRBA Claim Filed NA 1st Amend Letter P37, P38  
 Adjustment Memo volume 2nd Amend Letter P42

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**  
**RECEIVED**

**A. GENERAL INFORMATION**

JAN 22 1996 Permit No. 13-7444

1. Owner: GEORGE C. KIMBALL Department of Water Resources Phone No. (208) 425-3239

Current Address: 1681 BLACK CANYON LANE, GRACE, ID 83241

2. Accompanied by: OWNER EXAM DATE: 2/12/95

Address: N/A Phone No. N/A

Relationship to Permit Holder: N/A

3. Source: STRINGS tributary to BEAR RIVER

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: POSSIBLE

**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 |
|-----------|-----------|-----|-----|-----|------|------|------|---------|---------------------------------|
|           |           | NE  | SW  | SE  | 17   | 10S  | 40E  | CARIBOU | U.S. G.S. TOPO MAP              |
|           |           | NW  | SE  | SE  | 17   | 10S  | 40E  |         |                                 |
|           |           | NE  | NE  | SE  | 17   | 10S  | 40E  |         |                                 |
|           |           | SW  | NE  | SE  | 17   | 10S  | 40E  |         |                                 |

**2. Place(s) of Use:**

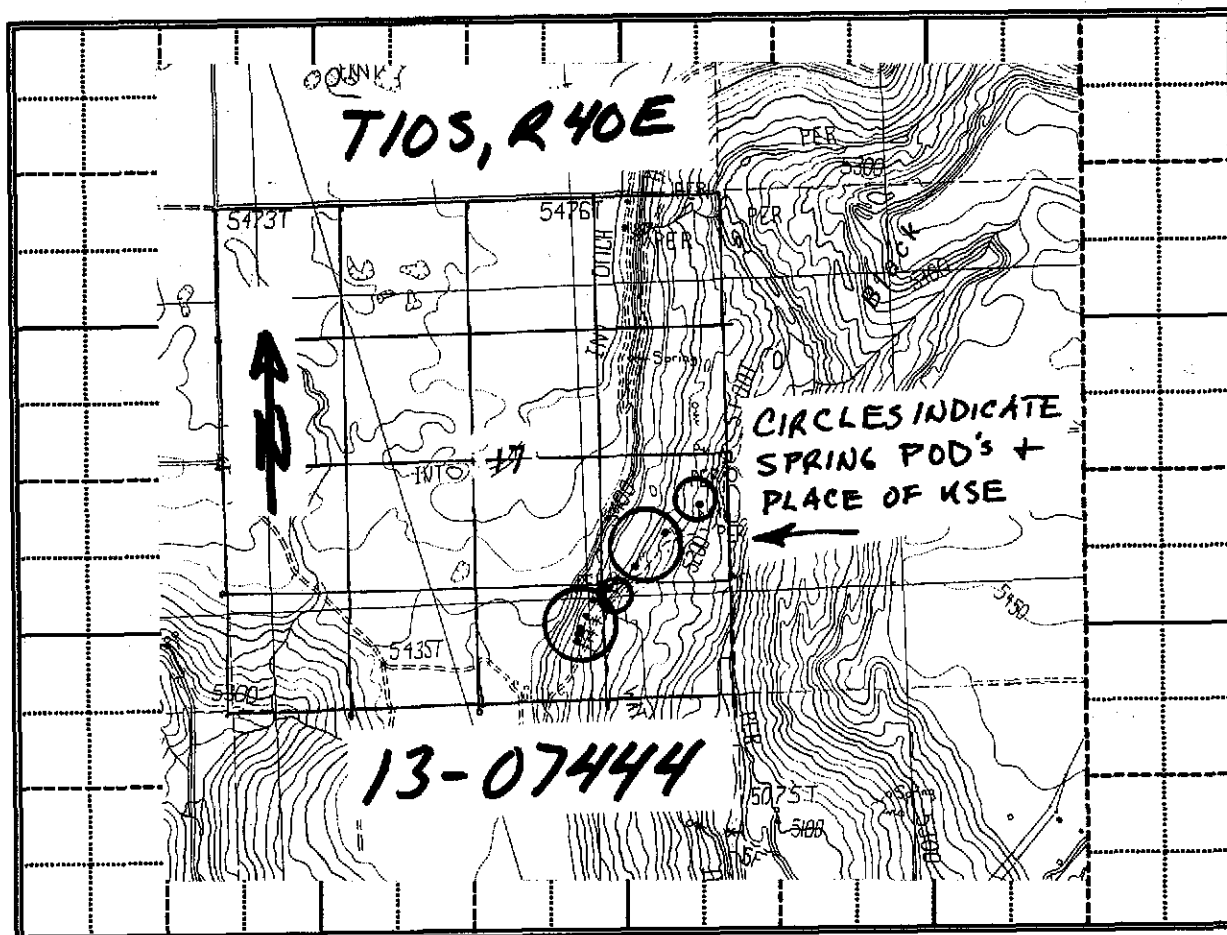
Indicate Method of Determination ON SITE INSPECTION

| 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 | 40E | 17  |    |    |    |    |    |    |    |    |    |    |    |    | H  |    | H  | 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  
P.A.T.I.A.C.

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 |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements: TYME-FLYTE, POLYSONIC METER # 7H0263  
PYGMY METER # 090171  
AA METER # 090127

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**E. NARRATIVE/REMARKS/COMMENTS**

*See attached Page*

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

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## F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

POINTS 4A - 12  $Q = 23.3 \text{ cfs}$

$Q$  LIMITED BY PERMIT TO 20 CFS

## G. VOLUME CALCULATIONS

### 1. Volume Calculations for Irrigation:

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

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

$V = \text{Smaller of } V_{IR} \text{ and } V_{D.R.} =$  \_\_\_\_\_

### 2. Volume Calculations for Other Uses:

SYSTEM CUBIC FOOT CAPACITY (NOT INCLUDING PIPING)

$\frac{27,734 \text{ cu.ft.}}{43,560 \text{ cu.ft./af}} = 0.6 \text{ afa}$

## H. RECOMMENDATIONS

### 1. Recommended Amounts

| Beneficial Use          | Period of Use |              | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|-------------------------|---------------|--------------|------------------------------|--------------------------|
|                         | From          | To           |                              |                          |
| <u>FISH PROPAGATION</u> | <u>1/1</u>    | <u>12/31</u> | <u>20.0</u>                  | <u>0.6 af</u>            |
| _____                   | _____         | _____        | _____                        | _____                    |
| _____                   | _____         | _____        | _____                        | _____                    |
| _____                   | _____         | _____        | _____                        | _____                    |
| _____                   | _____         | _____        | _____                        | _____                    |
| Totals:                 |               |              | <u>20.0 cfs</u>              | <u>0.6 af</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. AUTHENTICATION

Field Examiner's Name SIMPKINS Date 1/12/96

Reviewer [Signature] Date 1-16-96

SEAL

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MAR 25 1998

E. NARRATIVE

ON 7/17/95 A BENEFICIAL USE FIELD EXAM WAS CONDUCTED WITH GEORGE C. KIMBALL ON PERMIT # 13-07444, FOR FISH PROPAGATION.

WATER FROM THIS SYSTEM IS TAKEN FROM NUMEROUS SPRINGS WHICH SURFACE ALONG A BASALT BLUFF, USED IN THE PROCESS OF FISH PROPAGATION AND RETURNED TO THE BEAR RIVER (NON-CONSUMPTIVE). THE ENTIRE AREA IS MADE UP OF UNCONSOLIDATED FRACTURED BASALT, SOME AREAS OVERLAYED WITH GRAVELS AND SOIL.

THE SYSTEM CONSISTS OF:

UPPER RACEWAYS -- 6 TANKS -- 52.5' X 8' X 2.5' = 5,250 CUFT

MIDDLE RACEWAYS -- 10 TANKS -- 80' X 6' X 2.5' = 12,000 CUFT

CIRCULAR -- 6 TANKS -- 20' X 2.5' = 4,712 CUFT

CIRCULAR -- 3 TANKS -- 30' X 2.5' = 5,301 CUFT

CIRCULAR -- 4 TANKS -- 10' X 1.5' = 471 CUFT

VARIOUS PIPING SYSTEMS MOVE WATER THROUGH OUT THE SYSTEM BETWEEN TANKS AND RACEWAYS. MOST WATER IS DISCHARGED INTO THE ONE (1) ACRE POND (THREE FEET DEEP ON AVERAGE) THAT IS LOCATED AT THE BOTTOM OF THE SYSTEM AND ABOVE THE BEAR RIVER. CONSIDERABLE WATER IS LOST IN COLLECTION CHANNELS AND STREAM CHANNELS DUE TO NATURAL FRACTURES THROUGH OUT THE AREA, THEREFORE DOES NOT SHOW IN THE PONDS DISCHARGE RATE (SEE VOLUME CALCULATIONS SHEET).

13-07444

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MAR 25 1998

AA METER River at 11/2/95 13-7444

| Angle coef. adjacent | Dist. from initial point | Width                   | Depth | Observation depth | Revolutions | Time in seconds | VELOCITY |                  | Adjusted for hor. angle or | Area | Discharge |
|----------------------|--------------------------|-------------------------|-------|-------------------|-------------|-----------------|----------|------------------|----------------------------|------|-----------|
|                      |                          |                         |       |                   |             |                 | At point | Mean in vertical |                            |      |           |
| L                    | 0                        | MEASUREMENT POINT (#9)  |       |                   |             |                 |          |                  |                            |      |           |
|                      | 1.0                      | 1.5                     | .44   |                   | 20          | 51              | .892     |                  |                            | .66  | 0.5887    |
|                      | 2.0                      | 1.0                     | .54   |                   | 40          | 51              | 1.76     |                  |                            | .54  | 0.9504    |
|                      | 3.0                      | 1.0                     | .38   |                   | 40          | 62              | 1.45     |                  |                            | .38  | 0.551     |
|                      | 4.0                      | 1.5                     | .36   |                   | 30          | 47              | 1.44     |                  |                            | .54  | 0.7776    |
|                      |                          |                         |       |                   |             |                 |          |                  |                            |      | 2.87 cfs  |
|                      |                          | MEASUREMENT POINT (#10) |       |                   |             |                 |          |                  |                            |      |           |
| L                    | 0                        |                         |       |                   |             |                 |          |                  |                            |      |           |
|                      | .5                       | 1.0                     | .4    |                   | 240         | 40              | 13.36    |                  |                            | .4   | 5.345     |
|                      | 1.5                      | 1.0                     | .4    |                   | 240         | 40              | 13.36    |                  |                            | .4   | 5.345     |
|                      | 2.5                      | 1.0                     | .4    |                   | 240         | 40              | 13.36    |                  |                            | .4   | 5.345     |
|                      |                          |                         |       |                   |             |                 |          |                  |                            |      | 16.04 cfs |
|                      |                          | Inflow Measurement      |       |                   |             |                 |          |                  |                            |      |           |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Water District 01  
DISCHARGE MEASUREMENT NOTES

Sta. No. #9

GEORGE C. KIMBALL

Date 11/2/1995 Party SIMPKINS

Width Area Vel. G. H. Disch.

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

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

| GAGE READINGS |          |        |         |  | Type of meter                                    |
|---------------|----------|--------|---------|--|--------------------------------------------------|
| Time          | Recorder | Inside | Outside |  | Date rated for rod, other.                       |
|               |          |        |         |  | Meter ft. above bottom of weight.                |
|               |          |        |         |  | Spin before meas. after                          |
|               |          |        |         |  | Meas. plots % diff. from rating                  |
|               |          |        |         |  | Wading, cable, ice, boat, upstr., downstr., side |
|               |          |        |         |  | bridge feet, mile, above, below                  |
|               |          |        |         |  | gage, and                                        |
|               |          |        |         |  | Check-bar, found                                 |
|               |          |        |         |  | changed to at                                    |
|               |          |        |         |  | Correct                                          |
|               |          |        |         |  | Levels obtained                                  |

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section

Flow Weather

Other Air °F@

Gage Water °F@

Record removed Intake flushed

Observer

Control

Remarks

G. H. of zero flow ft.

2.00 IN U  
 ZERO MODE CLEAR  
 MODE SELECT INPUT  
 OUTER DIAMETER 4.5001 IN  
 PIPE MATERIAL ? PUC  
 WALL THICKNESS 0.1320 IN  
 INNER LINING ? NO LING.  
 KIND OF FLUID ? WATER  
 SENSOR MOUNTING ? U  
 TYPE OF SENSOR ? SMALL  
 DATA CHANGE ? NO  
 SPACING 2.648 IN U  
 11-02 14:1600 \*H  
 +003.10 % AI2  
 MODE SELECT TO CHECK  
 0159.1 MMSEC  
 100.53 % T0  
 11-02 14:1900 \*H  
 +003.10 % AI2  
 ZERO MODE CLEAR  
 ZERO MODE SET ZERO  
 ZERO MODE ZERO OPR  
 11-02 14:2100 \*R  
 + 1.896E 2GPM  
 11-02 14:2200 \*R  
 + 5.798E 2GPM  
 11-02 14:2200 \*R  
 + 5.860E 2GPM

#12  
 13-7444

MODE SELECT TO CHECK  
 0298.1 MMSEC  
 100.49 % T0  
 OUTER DIAMETER 8.1500 IN  
 PIPE MATERIAL ? PUC  
 WALL THICKNESS 0.1709 IN  
 INNER LINING ? NO LING.  
 KIND OF FLUID ? ANOTHER  
 SOUND VELOCITY 1450 M/S~  
 SENSOR MOUNTING ? U  
 TYPE OF SENSOR ? SMALL  
 DATA CHANGE ? NO  
 SPACING 5.640 IN U  
 11-01 16:0600 \*H  
 +002.20 % AI2  
 ZERO MODE CLEAR  
 ZERO MODE AUT ZERO  
 ZERO MODE ZERO OPR  
 11-01 16:0700 \*R  
 +473.396E 0GPM

13-7444  
 #11

13-07444 #8  
 MODE SELECT INPUT  
 OUTER DIAMETER 3.4900 IN  
 PIPE MATERIAL ? PUC  
 WALL THICKNESS 0.1640 IN  
 INNER LINING ? NO LING.  
 KIND OF FLUID ? WATER  
 SENSOR MOUNTING ? U  
 TYPE OF SENSOR ? SMALL  
 DATA CHANGE ? NO  
 SPACING 1.788 IN U  
 ZERO MODE CLEAR  
 MODE SELECT TO CHECK  
 0118.9 MMSEC  
 100.65 % T0  
 11-02 14:4000 \*H  
 +003.00 % AI2  
 ZERO MODE CLEAR  
 ZERO MODE SET ZERO  
 ZERO MODE ZERO OPR  
 11-02 14:4300 \*R  
 + 1.056E 2GPM  
 11-02 14:4400 \*R  
 + 1.114E 2GPM

13-07444 #7  
 MODE SELECT INPUT  
 OUTER DIAMETER 8.1500 IN  
 OUTER DIAMETER 3.4902 IN  
 PIPE MATERIAL ? PUC  
 OUTER DIAMETER 8.1500 IN  
 PIPE MATERIAL ? PUC  
 WALL THICKNESS 0.1710 IN  
 INNER LINING ? NO LING.  
 KIND OF FLUID ? WATER  
 SENSOR MOUNTING ? U  
 TYPE OF SENSOR ? SMALL  
 DATA CHANGE ? NO  
 SPACING 5.801 IN U  
 ZERO MODE CLEAR  
 MODE SELECT TO CHECK  
 0292.2 MMSEC  
 100.17 % T0  
 11-02 14:5100 \*H  
 +003.10 % AI2  
 ZERO MODE AUT ZERO  
 ZERO MODE ZERO OPR  
 11-02 14:5200 \*R  
 +651.184E 0GPM

# Inflow Measurements

MICROFILMED  
 MAR 25 1982

13-07444

FLOW MEASUREMENT  
TAPES

13-07444

13-07444

## VOLUME CALCULATIONS

UPPER RACEWAY 52.5' X 8' X 2.5'  
6 TANKS 1,050 cu ft. X 6 TANKS = 5,250 X 7.4805 = 39,272.625 cfs  
OF

MIDDLE RACEWAY 80' X 6' X 2.5'  
10 TANKS = 1,200 X 10 = 12,000 cu ft X 7.4805 = 89,766 gals.

CIRCULAR TANKS ⑥ 20' X 2 1/2' = 4,712.4 X 7.4805 = 35,251.108 cfs  
= 785.4 X 6

CIRCULAR TANKS ③ 30' X 2 1/2' = 5,301.45 X 7.4805 = 39,657.497 cfs  
1,767.15 X 3

CIRCULAR TANKS ④ 10' X 18" = 471.24 X 7.4805 = 3,525.1108  
117.81 X 4 = 27,734 cu ft. 207,472.34 cfs

POOD 3' DEEP X 325,850 = 977,550 gals  
1 ACRE (NATURAL POOD) NOT COUNTED  
DISCHARGE ① 36" X .36"  
② 36" X 1.1'

\* BASED ON ATTACHED MAP

## MEASUREMENT POINTS

TESTS ON 11/2/95

|    |       |     |                 |                   |
|----|-------|-----|-----------------|-------------------|
| 4A | 0.116 | CFS | BRACKET + WATCH |                   |
| 4B | 0.178 | "   | "               | "                 |
| 7  | 1.45  | "   | POLYSONIC       | 651,148 E - 06 PH |
| 8  | 0.248 | "   | "               | 1,114 E - 26 PH   |
| 9  | 2.87  | "   | AA METER        |                   |
| 10 | 16.04 | "   | AA METER        |                   |
| 11 | 1.05  | "   | POLYSONIC       | 473,396 E - 06 PH |
| 12 | 1.30  | "   | "               | 5,860 E - 26 PH   |

23.3 CFS

TESTS ON 7/17/95

## OTHER POINTS OF MEASUREMENTS

|    |           |                                                                                 |
|----|-----------|---------------------------------------------------------------------------------|
| 1  | 0.53 CFS  | } NOT USED DUE TO OVERLAP OF<br>OTHER POINTS OF MEASUREMENT<br>TAKEN ON 11/2/95 |
| 2  | 0.54 CFS  |                                                                                 |
| 3  | 0.756 CFS |                                                                                 |
| 5  | 0.25 CFS  |                                                                                 |
| 6  | 0.539 CFS |                                                                                 |
| 13 | 13.01 CFS | DISCHARGE                                                                       |

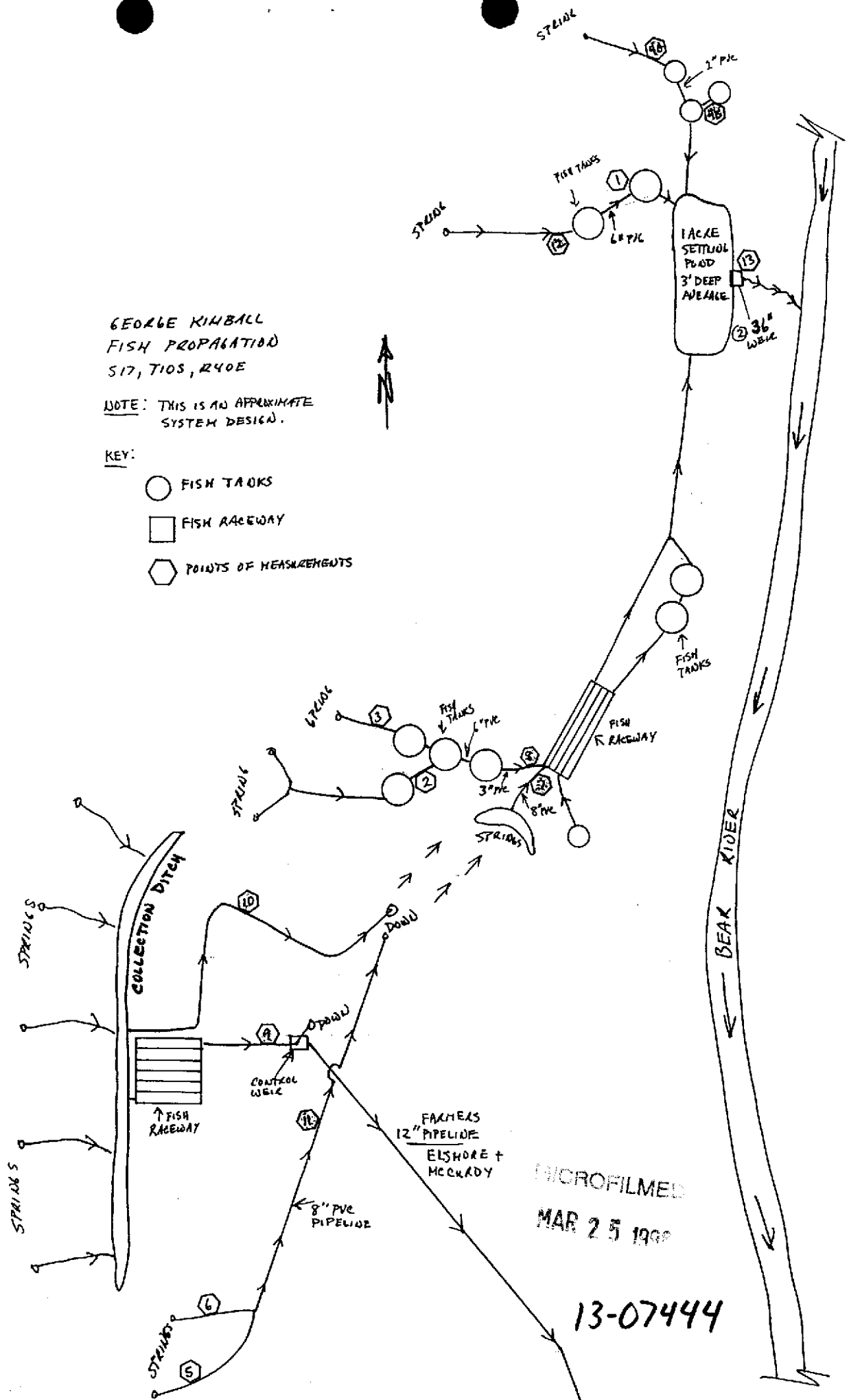
MICROFILMED  
MAR 23 1996

GEORGE KIMBALL  
FISH PROPAGATION  
SITE, TIOS, R40E

NOTE: THIS IS AN APPROXIMATE  
SYSTEM DESIGN.

KEY:

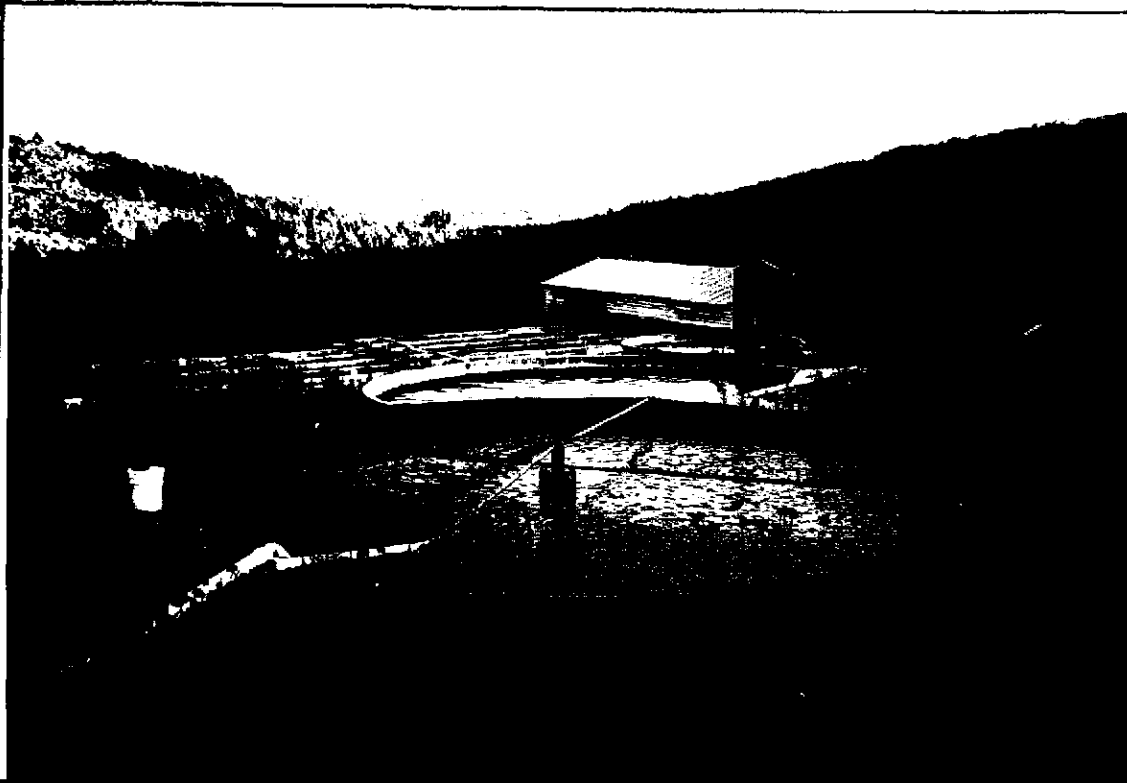
- FISH TANKS
- FISH RACEWAY
- ⬡ POINTS OF MEASUREMENTS



FISH PROPAGATION

4 of 5

VIEW OF  
MIDDLE FISH  
RACEWAY  
HOLDINGS  
TANKS



VIEW OF  
MAIN SPRING  
SOURCE



MICROFILMED

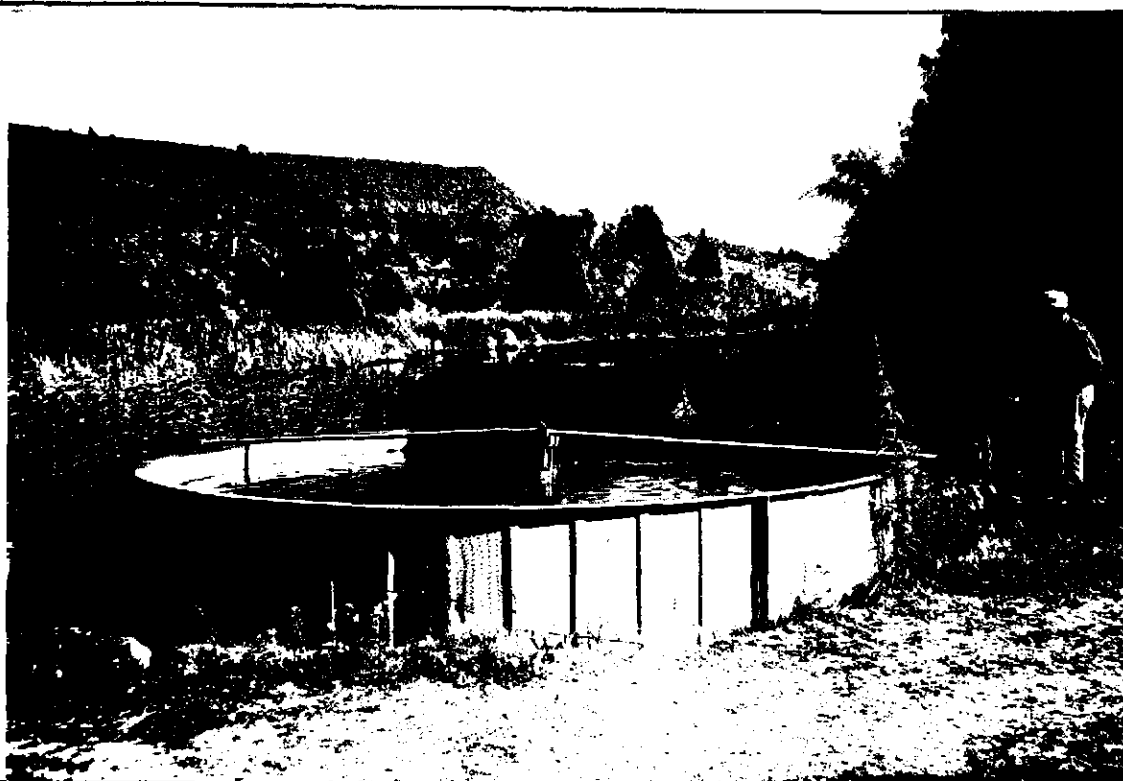
MAR 25 1998

13-07444

# FISH PROPAGATION

5 of 5

LOWER  
HOLDING TANK  
#1



VIEW OF  
SETTLING  
POUD POINT  
OF DISCHARGE  
BACK TO RIVER.



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13-07444

MAR 25 1998

FISH PROPAGATION

2 of 5

POINT OF  
DIVERSION  
HEAVY MEENT  
POINT.



POINT OF  
DIVERSION



MICROFILMED

MAR 25 1938

13-07444

GEORGE C. KIMBALL  
FISH PROPAGATION

1 of 5

OVERVIEW  
OF PLACE  
OF USE

SPRINGS ARE  
LOCATED  
AT VARIOUS  
POINTS ALONG  
BASE OF  
LAHA

NORTH PORTION

OVERVIEW  
OF SOUTHERN  
PORTION OF  
PLACE OF USE

13-07444

MAR 25 1958

FISH PROPAGATION

3-15

LARGE SPRING  
SOURCE

FEEDS UPPER  
AND MIDDLE  
FISH RACEWAYS



POINT OF  
MEASUREMENT

FLOW FROM  
TOP RACEWAY



MICROFILMED

MAR 25 1988

13-07444

March 18, 1993

GEORGE C KIMBALL  
BEVERLY KIMBALL  
BOX 121  
GRACE ID 83241

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07444

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 EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson  
Secretary/Records Manager

c: IDWR - Region

RECORDED  
APR 05 1993

ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE

Permit No. 13-07444 Reviewed by Rlg Date 3/16/93

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 propagation  
Correct Uses? yes

SOURCE OF WATER

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

LICENSE EXAMINATION FEE

yes Required?  
575 Amount Submitted  
yes Correct?

MEASURING DEVICE

yes Required?  
yes Installed?  
NA Waiver requested?

PRIORITY CALCULATION

Date proof received NA  
Date proof due \_\_\_\_\_ - \_\_\_\_\_  
No. of days late \_\_\_\_\_ = \_\_\_\_\_  
Priority Date \_\_\_\_\_ + \_\_\_\_\_  
New Priority Date ✓ \_\_\_\_\_

DEFICIENCIES OR ACTION ITEMS

*proof acceptable*

DATA ENTRY

New Address \_\_\_\_\_

Proof Made 3/15/93  
3/19/93



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

February 24, 1993

GEORGE C KIMBALL  
BEVERLY KIMBALL  
PO BOX 121  
GRACE ID 83241-0121

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07444

Dear Permit Holder(s):

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

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

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 be advised that water quality is subject to regulations of the Idaho Department of Health and Welfare. We suggest that you check with them before starting construction.

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,

BRENDA L. MILLER  
Water Resource Agent

BLM:cz

Enclosure

MICROFILMED  
APR 05 1993

# APPLICATION FOR PERMIT REVIEW

Application #: 13-7444 Date: 2-19-93 Reviewer: Brenda Miller

## SYSTEM COMPLETED:

No - 26A-P17  
 Complete in 1 year - P16  
 Yes  
 Proof not submitted - P16  
 Proof submitted - N/A

AREA OF CONCERN? YES

BEAR RIVER BASIN  
MONITORIUM

## GROUNDWATER:

GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)  
 - No measurement required <flow chart>  
 LT. 0.2 cfs - No measurement required <flow chart>

## Drilling Permit:

Approved w/permit - P99 Permit No. \_\_\_\_\_  
 Not included - 046-46A-46B-P23 (after 7/1/87), N/A

SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>  
 LOCATION:

Water Districts - WD No. 11  
 Surface water - R04, R04-01H-P01 (LT.2 w/pump)  
 R04-01J-P08 (GT.2), NMR <flow chart>  
 Groundwater - P05  
 Irrigation Districts - 023  
 Canal Co. Areas - 023  
 Drainage Districts - 024  
 Boise Front (63) - 058 (Groundwater)  
 Swan Falls Flag - \_\_\_\_\_ (1, Blank or Other)  
 Trust - 051-052-053-P74 (Consumptive Uses)  
 Non Trust <1> - 048-049

## RIVER BASINS:

(Surface Water) Water District Control Condition &....  
 Boise (63) - 05A & 11E  
 Payette (65) - 047-P04, 059-P71  
 Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

## USE:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),  
 042(req.), 002-P06(MD), 07A(Spec.),  
 044(Policy 5G)  
 Power - Use Power Review  
 Mining - 06A, 010, or 09E-P10 & 054(req.)  
 Storage - 18A-for multiple measuring devices(In WD),  
 18B-P09(Size)  
 Rec/Wildlf/Aes - 027(Non-Consumptive)  
 Domestic - 021 (Boise River - upstream from L Peak)  
 (restricted areas) 27A (Payette River & main tributaries)

## OWNERSHIP:

Non land owner - 004

## PROTESTED:

Agreement - 020

Beneficial Use Due Date - 04-01-1994

Other Conditions/Remarks: -

SEE Jim's memo for pre-existing  
 use dates. →

MEMORANDUM

**Date:** October 9, 1992  
**From:** Jim Johnson  
**To:** File  
**Subject:** Telecon w/ George Kimball

=====

Mr. Kimball called in response to my letter of September 13, 1992 to inform me that the water use identified under this application had already been developed and used for several years.

This application should be processed.

MICROFILMED  
APR 05 1993



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 13, 1992

George C. Kimball  
Box 121  
Grace, Idaho  
83241

RE: Application for Permit No. 13-07444

Dear Mr. Kimball,

On May 7, 1987 you filed an application for permit to divert Spring water in the amount of 20.0 cubic feet per second for Fish Propagation. Enclosed is a copy of your application. The Department has held processing your application because of uncertainty with availability of unappropriated flows in the Bancroft Lund area.

The Department is now considering taking action on this application. **Please advise me within fifteen (15) days** as to whether you are still interested in pursuing the development you proposed on your application. If I do not hear from you, I will assume that you are no longer interested in this application and I will proceed with voiding the application.

If you have any questions, let me know, my phone number is 327-7947.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the typed name and title.

Jim Johnson  
Water Rights Supervisor

enclosure

APR 05 1993

State of Idaho  
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

13-7444

INITIAL REVIEW BY: HWJ

APPLICATION NUMBER: Kimball

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: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

32,493 cf Volume of Facility should be covered by 20 ft

SEND COPIES TO:

- ☒ Idaho State Health Department.  
☒ Idaho Fish and Game Department.  
☐ Idaho Department of Lands.  
☐ U.S. Bureau of Land Management.  
☐ U.S. Forest Service.  
☒ Other WD #11

Copies sent by:

Date:

llc

5-27-87

dag

6-4-87

PROCESSING:

- ☐ Yes ☒ No Platted by: \_\_\_\_\_ Map No. \_\_\_\_\_  
☐ Yes ☒ No Other rights on same place of use. 13-7219 comes from adjacent Springs  
☐ Yes ☐ No\* In form for advertising.  
☐ Yes ☒ No Final date for protests: 6-8-87  
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- statewide ☒ Affidavit of publication received. Date: 6-18-87  
☒ 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? #11 ✓  
7 May 1987 Date of priority recommended.  
Special conditions of approval or cover letter. \_\_\_\_\_

Conditions of Approval 02, 05 (W.D. #11), 07A, 09D, 27, 33, 42

By: Ernest Carlson

Date: 30 June, 1987

STATE OFFICE REVIEW:

L06, L16

02 05 (11, Bear River)

07A 09D 27 33 42

☐ See attached sheet for more information.

By: KW 7/7/87

Date: \_\_\_\_\_

JUL 07 1987

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH  
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH  
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH  
lot (R)

IDAHO STREAM CODE INDEX

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lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH  
lot (R)

IDAHO STREAM CODE INDEX

13.5111



# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans  
Governor

A. Kenneth Dunn  
Director

150 Shoup — Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

June 12, 1987

Caribou County Sun  
P.O. Box 815  
Soda Springs, Idaho 83276

Re: Applications No. 13-7444, Kimball; 11-7364, 11-7365, 11-7366,  
13-4289, 13-4292, 13-4293, 13-7441, 13-7442, 13-7443,  
29-7825, 29-7826, 29-7827, 29-7829, 29-7830, BLM.

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced applications. The legal notices were to have been published in your paper on May 21, and May 28, 1987.

Your cooperation in this matter is greatly appreciated.

Sincerely,

Deena Green  
Office Secretary

RECEIVED

APR 05 1993

June 4, 1987

Pete Peterson  
Water District #11  
Rt 2, Box 657  
Preston, Idaho 83263

Re: Application for Permit No. 13-7444, Kimball

Dear Sir:

We are enclosing a copy of an application that may be of interest to you. Please review the application and submit any comments you may have to our Department as soon as possible.

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

Respectfully submitted,

Ernest Carlsen  
Assistant Regional Manager

EC/dg

Enclosure

May 27, 1987

State of Idaho  
Department of Fish & Game  
5205 So. 5th Ave.  
Pocatello, Idaho 83205

Re: Application for Permit No. 13-7444, KIMBALL

Gentlemen:

We are enclosing a copy of an application that may be of interest to you. Please review the application and submit any comments you may have to our Department as soon as possible. The last date for protest is June 8, 1987 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,

Ernest Carlsen  
Assistant Regional Manager

EC/cw

Enclosure

APR 05 1993

May 27, 1987

George C. or Beverly Kimball  
Box 121  
Grace, Idaho 83241

RE: Application for Permit No. 13-7444

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 13-7444. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Caribou County Sun, Times News, Lewiston Tribune, and Idaho Statesman. The advertisement will be published for two 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 in 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,

Ernest Carlsen  
Assistant Regional Manager

EC/cw

APR 05 1988

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

150 Shoup Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

MAY 13, 1987

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

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before JUNE 8, 1987.

Yours truly,

Michelle Davis  
Office Secretary

Encl.

RECEIVED

APR 05 1993

*Ad. Rec'd*

/0514 legl Id dpt water resources/  
Kimball-180-2202 004.9 IN 05/15  
10:31

**NOTICE OF  
APPLICATION FOR  
WATER RIGHT**

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

**13-7444**

**KIMBALL, GEORGE C.  
&/or BEVERLY**

**BOX 121,**

**GRACE, ID 83241**

**Source: SPRINGS trib.  
to BEAR RIVER.**

**Diversion Pt: SESWSE  
NESWSE SWNESE Sec  
17, T 10S, R 40E;**

**Use: FISH PROP.**

**(20.0 CFS)**

**Date Filed: 05/07/1987  
In: NESE SESE Sec 17,  
T 10S, R 40E.**

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,  
Suite 15, Idaho Falls,  
Idaho 83402 on or before  
JUNE 8, 1987.  
KEN DUNN, Dir.  
PUBLISH: Thursday,  
May 21 and 28, 1987.

**RECEIVED**  
**APR 05 1993**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

150 Shoup Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

MAY 13, 1987

Lewiston Morning Tribune  
505 "C" Street  
Lewiston, Idaho 83501

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before JUNE 8, 1987.

Yours truly,

Michele Davis  
Office Secretary

Encl.

RECEIVED  
APR 05 1993

Rec'd

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

150 Shoup Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

MAY 13, 1987

The Idaho Statesman  
P. O. Box 40  
Boise, Idaho 83707

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before JUNE 8, 1987.

Yours truly,

Michele Davis  
Office Secretary

Encl.

RECEIVED  
APR 05 1987

*App. Rec'd*

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

150 Shoup Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

MAY 13, 1987

Caribou County Sun  
P. O. Box 815  
Soda Springs, Idaho 83276

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before JUNE 8, 1987.

Yours truly,

Michele Davis  
Office Secretary

Encl.

RECEIVED  
MAY 14 1987

APR 05 1993

NOTICE OF APPLICATION FOR WATER RIGHT

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

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, Suite 15, Idaho Falls, Idaho 83402 on or before JUNE 8, 1987.

KEN DUNN, Dir.

Published 5/21 & 5/28/87.

**MICROFILMED**

APR 05 1993

**NOTICE OF APPLICATION  
FOR WATER RIGHT**

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

**13-7444**

**KIMBALL, GEORGE C. AND-OR  
BEVERLY**

**BOX 121, GRACE, ID 83241**

**Source: SPRINGS trib. to BEAR  
RIVER**

**Diversion Pt: SESWSE NESWSE  
SWNESE Sec 17 T 10S R 40E**

**Use: FISH PROP. (20.0 CFS)**

**Date Filed: 05-07-1987**

**In: NESE SESE Sec 17 T 10S R 40E**

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,  
Suite 15, Idaho Falls, Idaho 83402 on or  
before JUNE 8, 1987.

**KEN DUNN,**

**Director**

**Published May 21, and 28, 1987 in  
the Caribou County Sun.**

RECEIVED  
MAY 28 1987

13-7444

KIMBALL, GEORGE C. &/or BEVERLY

BOX 121, GRACE, ID 83241

Source: SPRINGS trib. to BEAR RIVER

Diversion Pt: SESWSE NESWSE ~~SWNESE~~ Sec 17 T 10S R 40E

Use: FISH PROP. (20.0 CFS)

Date Filed: 05/07/1987

In: NESE ~~SESE~~ Sec 17 T 10S R 40E

RECORDED

APR 05 1993