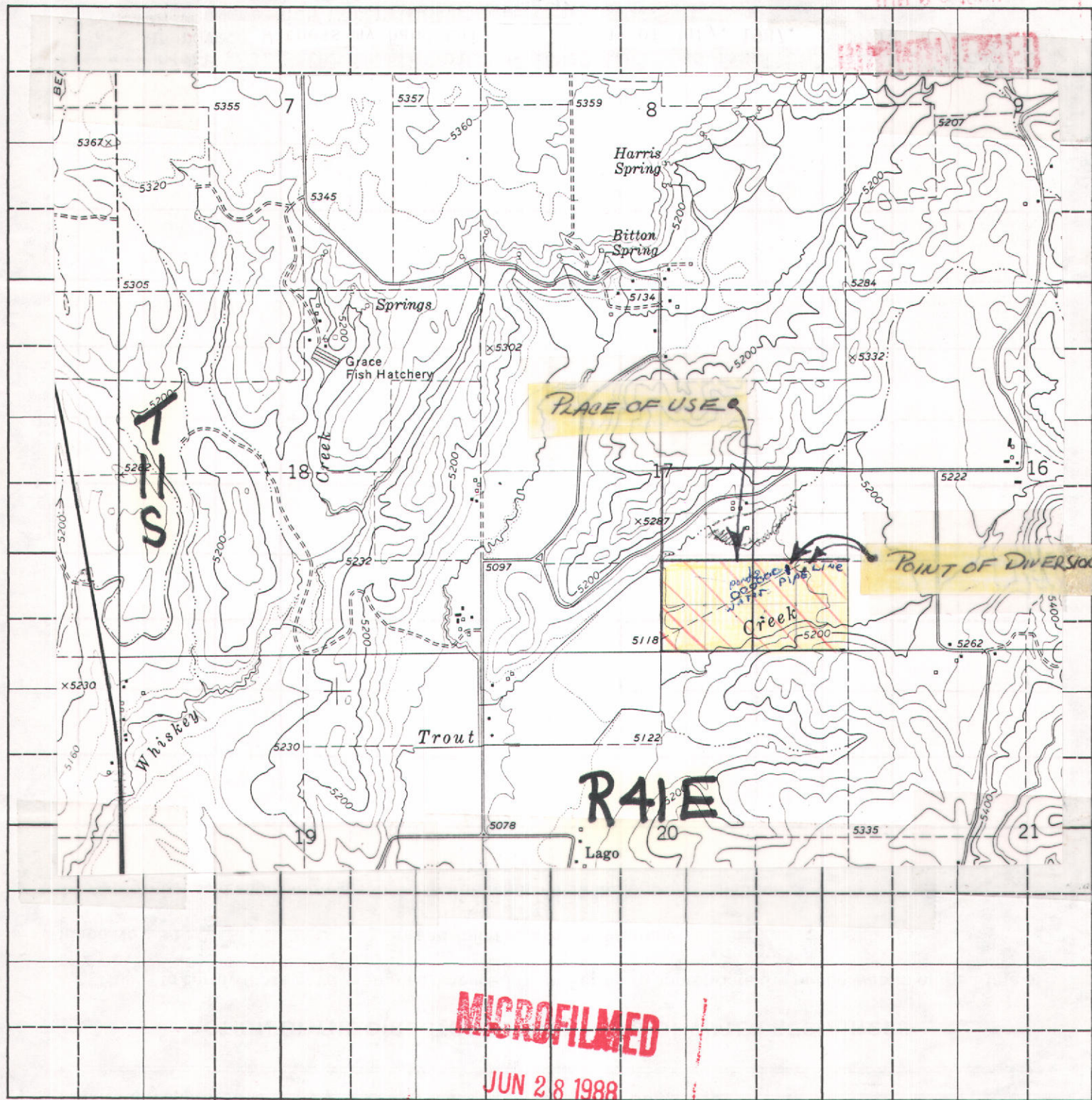


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



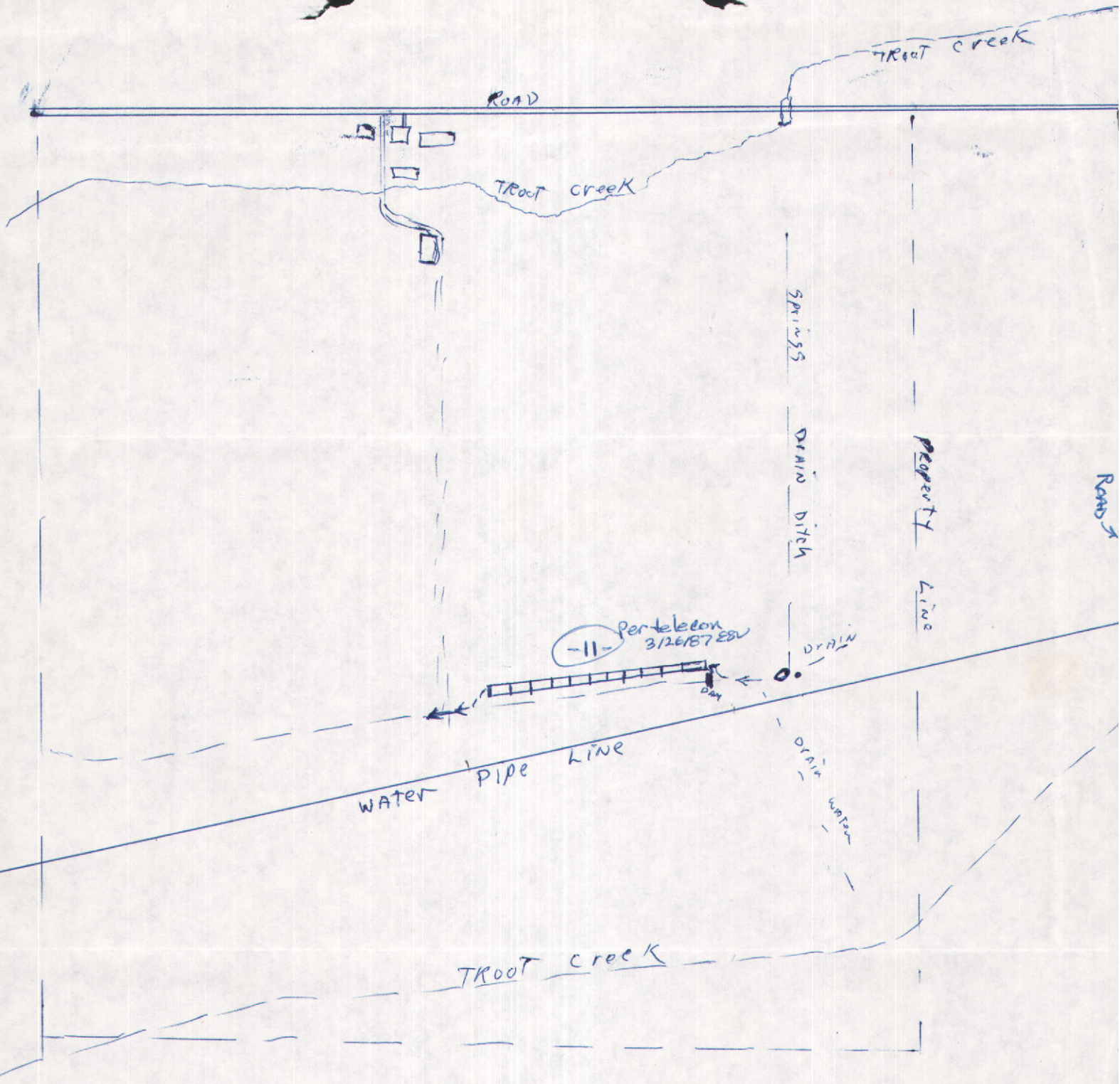
Scale: 2 inches equal 1 mile.

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.

Jay W. Barker
(Applicant)

N

Jay W. Barker



MICROFILMED

JUN 28 1988

We would start with
just a few ponds
and increase as the
business grows.

5

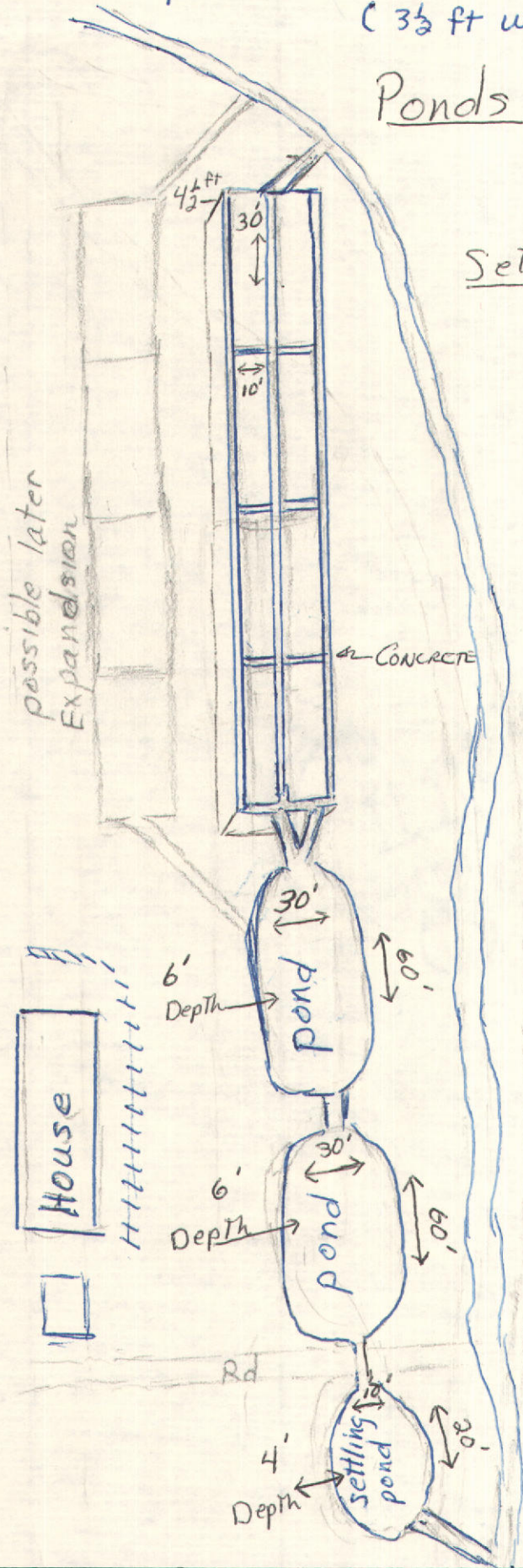
Ponds
Concrete Bottoms
And sides
Size
10' wide
30' Long
3 1/2' Tall walls
(6 inches wide)

Cold Springs Trout Farm

Runs and pond description: Runs $4\frac{1}{2}$ ft. deep 10 ft. wide 30 ft. long
($3\frac{1}{2}$ ft water)

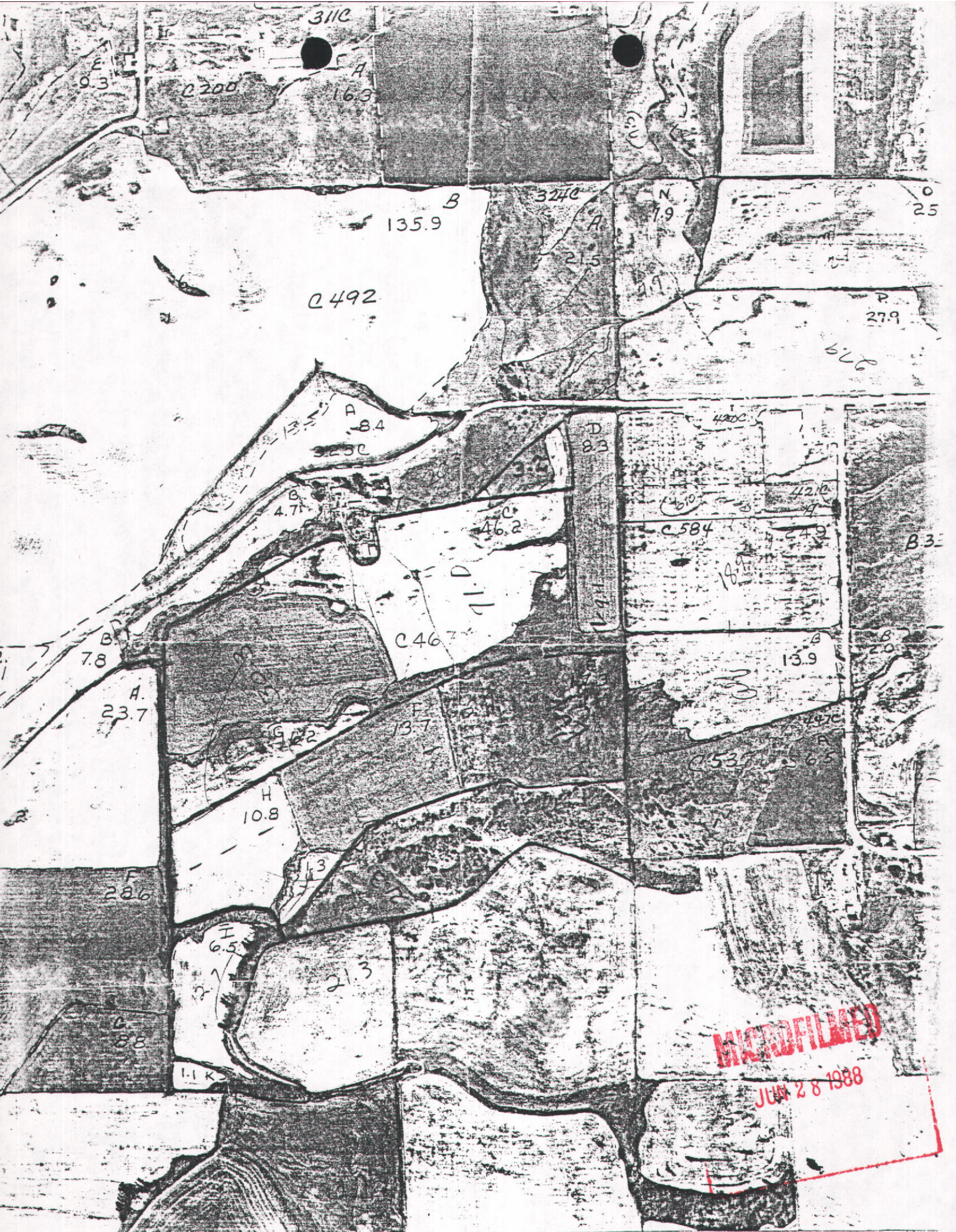
Ponds 6 ft deep 30 ft wide
60 ft long

Settling Pond 4 ft deep
20 ft long
10 ft wide

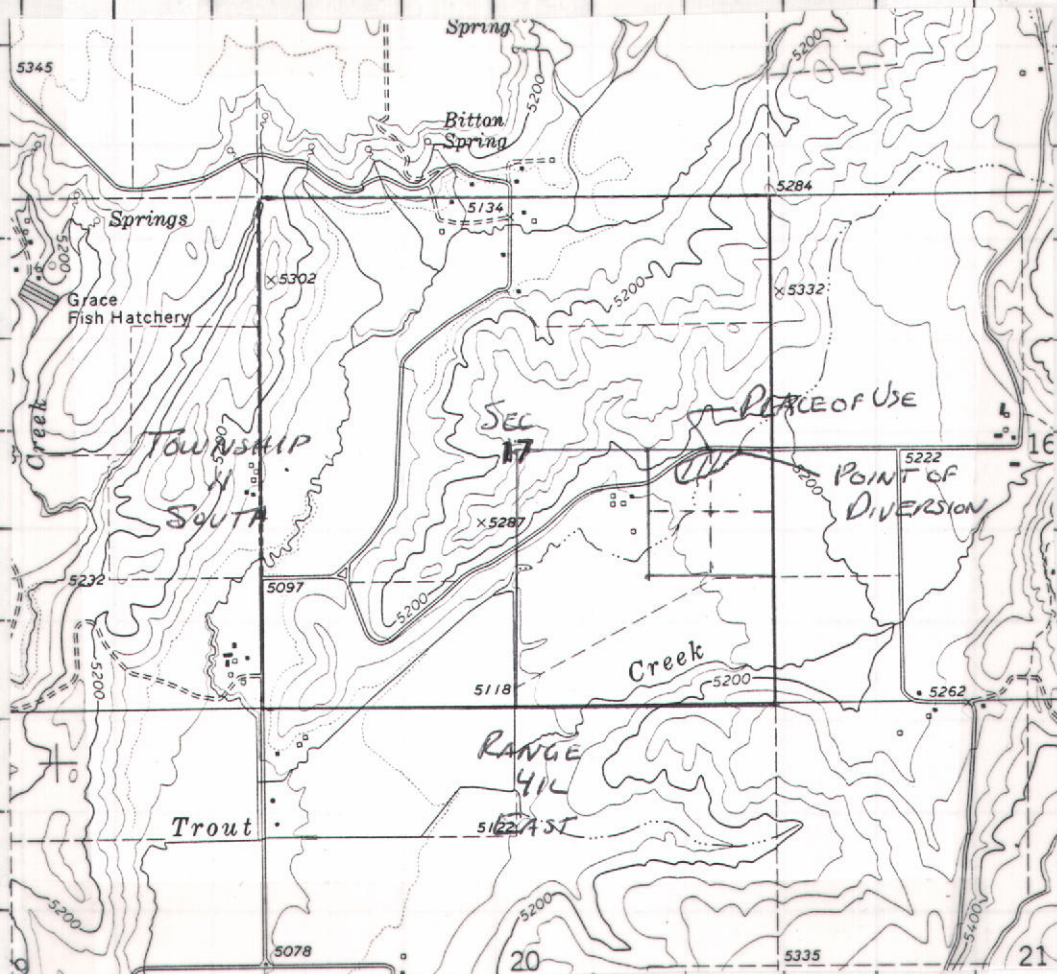


MICROFILMED

JUN 28 1988



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.

Meriam D. Barker
(Applicant)

RECEIVED

MAY 21 1987

Department of Water Resources
Eastern District Office

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 16th day of
April, 1987

The date of the last publication
being the 23rd day of

April, 1987

Subscribed and sworn to before

me this 19th day
of May, 1987

Notary Public, residing
at Soda Springs, Idaho

(SEAL)
My Commission expires the
1st day of March
1988.

PUBLIC NOTICE

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT (Corrected Notice)

Notice is hereby given that Applica-
tion for Permit No. 13-7438 in the name
of Jay W. and-or Mirjam D. Barker,
North Ogden, Utah was filed for the
diversion of 10 cfs of water from Trout
Creek, tributary to Bear River, the point
of diversion within the NE $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$, Sec. 17, T. 11S, R. 41E, B.M.,
Caribou County, the water is to be used
for fish propagation, Jan. 1 to Dec. 31,
within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 17, T. 11S, R. 41E, B.M.

The applicant now proposes to amend
Application No. 13-7438 for the diver-
sion of 3.0 cfs of water from unnamed
springs within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 11S, R.
41E, B.M., for use within the SW $\frac{1}{4}$
SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 11S, R.
41E, B.M.

Any protest to the proposed amending
of the application must be filed with the
Department of Water Resources, 150
Shoup Ave., Suite 15, Idaho Falls,
Idaho, 83402 on or before May 4, 1987.

A. KENNETH DUNN

Director

Published April 16 and 23, 1987 in
the Caribou County Sun.

MICROFILMED

JUN 28 1988

TRIBUNE PUBLISHING COMPANY, INC.

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

Date 121186 INVOICE No. L00094090Account No. 44660Description 94090NOTICTimes 2 Lines 23

Tab Lines _____

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

STATE OF IDAHO
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.

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 regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION FOR

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication beginning on 120486

WEEK for 2 consecutive WEEKS, or once a publication thereof being on the 120486, and the last publication thereof being on the 121186, and said

NOTICE OF APPLICATION FOR

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

J. L. BlackwellSUBSCRIBED AND SWORN BEFORE ME THIS THE 17day of December 1986Sheryl M. Lentz

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

**NOTICE OF APPLICATION
FOR WATER RIGHT**

94090

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

13-7438

BARKER, JAY W. &/or MIRJAM D.
1350 EAST 2600 NORTH, NORTH
OGDEN, UT 84404

Source: TROUT CREEK trib. to
BEAR RIVER

Diversion Pt: NENESE Sec. 17 T 11S
R 41E

Use: FISH PROP. (10.0 CFS)

Date Filed: 11/18/1986

In: NESE NWSE Sec. 17 T 11S R 41E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before DECEMBER 22, 1986

KEN DUNN, Dir.

RECEIVED
MICROFILMED
DEC 19 1986 JUN 28 1988

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:

13-7438

BARKER, JAY W. &/or
MIRJAM D.
1350 EAST 2600
NORTH OGDEN, UT
84404

Source: TROUT CREEK
trib. to BEAR RIVER
Diversion Pt: NENESE
Sec 17 T 11S R 41E
Use: FISH PROP.
(10.0 CFS)

Date Filed: 11/18/1986
In: NESE NWSE Sec 17 T
11S R 41E

The permit(s) will be
subject to all prior water
rights. Protests must be
filed with the Director,
Dept. of Water
Resources, 150 Shoup
Ave., Suite 15, Idaho
Falls, Idaho 83402 on or
before DECEMBER 22,
1986.

KEN DUNN, Director
PUBLISH: Thursday,
December 4 and 11,
1986.

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF TWIN FALLS } ss.

No 16933

I, Linda Capps McSaine 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
December 4, 1986, and ending with the issue dated
December 11, 1986.

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.

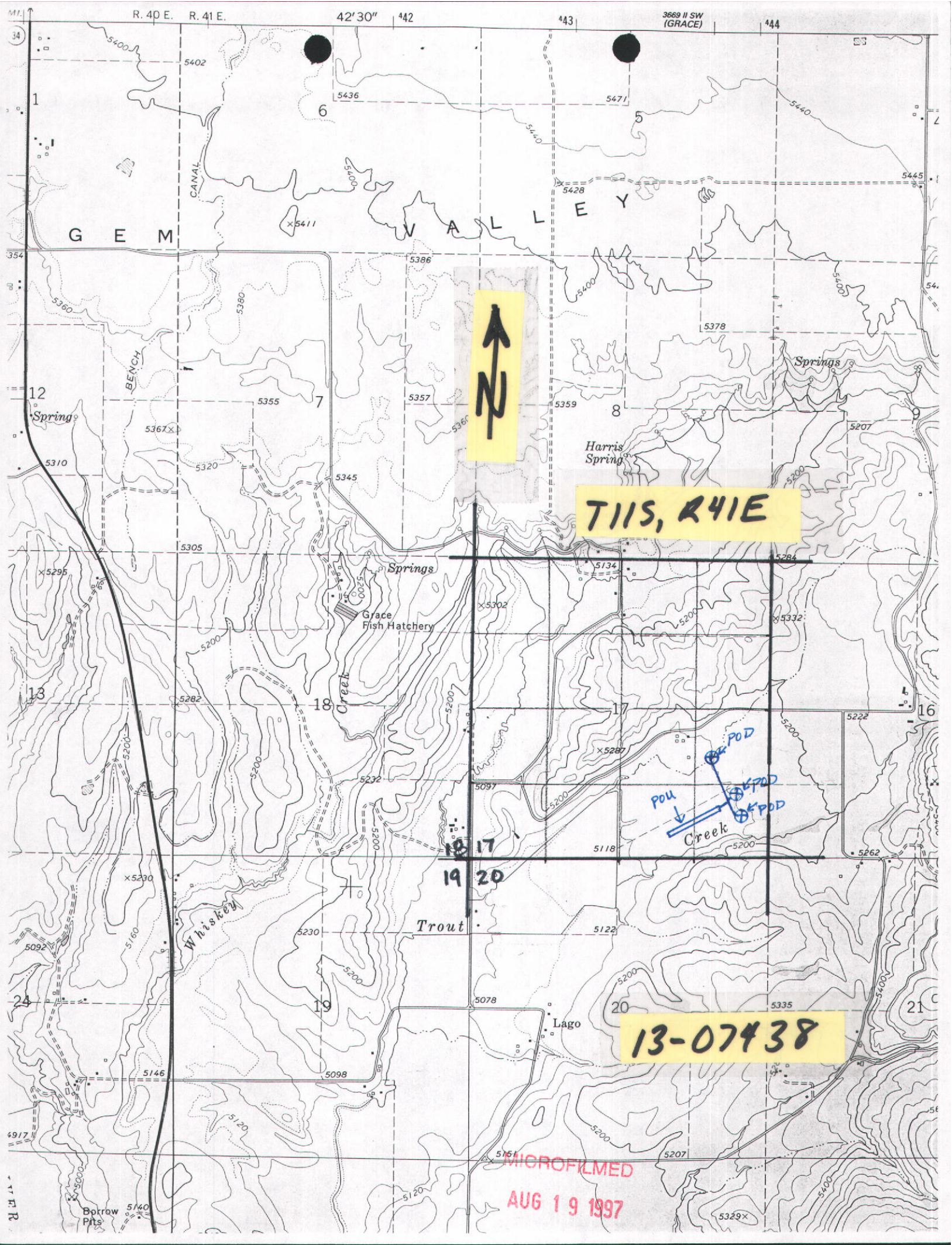
And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week
has been designated as the day on which legal notice by law or by order of any court of com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; and
that at the head of the editorial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

JUN 28 1988

Subscribed and sworn to before me on this 11 day of

December, 1986.

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



R. 40 E. R. 41 E.

42' 30" 442

443

3669 II SW
(GRACE)

444

G E M

V A L L E Y



T11S, R41E

13-07438

MICROFILMED
AUG 19 1997

BRENT CHRISTENSEN
FISH PROPAGATION

1 of 2



OVERVIEW
OF VALLEY
PLACE OF
USE + PLACE
OF DIVERSION

BARRIED
COLLECTION
SYSTEM



FOOD STORAGE
SHED - FISH

MICROFILMED
AUG 19 1997

13-07438

FISH PROPAGATION

2/2

SPRING
WATER
FLOW
INLET
TOP OF
SYSTEM
11 TANKS

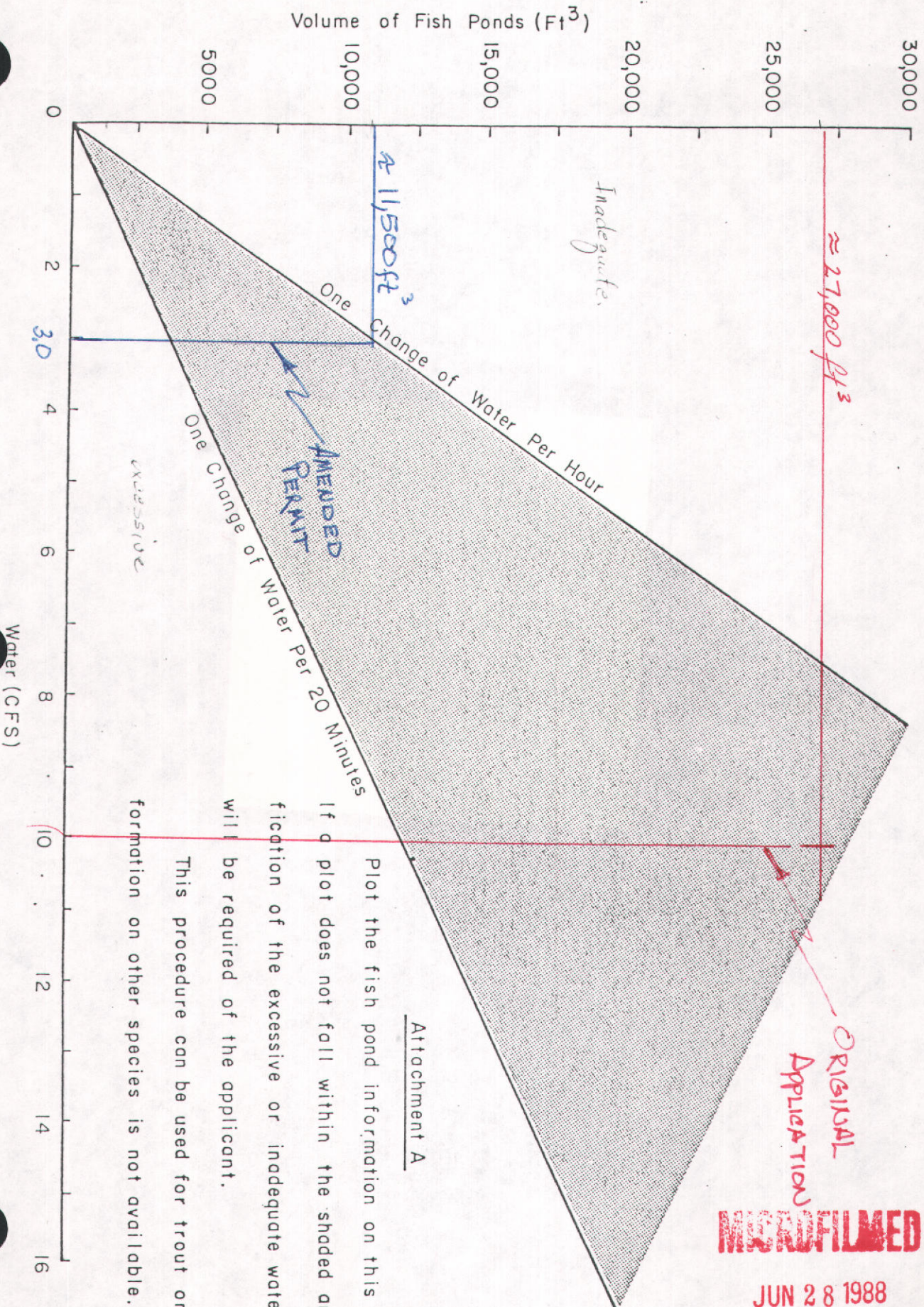


FISH
HOLDING
PONDS
CURRENTLY
EMPTY



MICROFILMED
AUG 19 1997

13-07438



Plot the fish pond information on this graph. If a plot does not fall within the shaded area, justification of the excessive or inadequate water supply will be required of the applicant. This procedure can be used for trout only. If information on other species is not available.

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:

13-7438

BARKER, JAY W. AND-OR
MIRJIM D.
1350 EAST 2600 NORTH, NORTH
OGDEN, UT 84404

Source: TROUT CREEK trib. to
BEAR RIVER

Diversion Pt: NENESE Sec 17 T 11S
R 41E

Use: FISH PROP. (10.0 CFS)

Date Filed: 11-18-1986

In: NESE NWSE Sec 17 T 11S R
41E

The permit(s) will be subject to all
prior water rights. Protests must be filed
with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite 15,
Idaho Falls, Idaho 83402 on or before
DECEMBER 22, 1986.

KEN DUNN, Director

Published Dec. 4 and 11, 1986 in the
Caribou County Sun.

MICROFILMED

JUN 28 1988

*connection will be
made for 2nd pub.*

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-07438

Priority: November 18, 1986

Maximum Diversion Rate:

2.06 CFS

Maximum Diversion Volume:

1488.8 AF

This is to certify, that BRENT CHRISTENSEN
SUSAN CHRISTENSEN

2275 BEACH LAGO RD

GRACE ID 83241

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 18, 1986; and has submitted Proof of Beneficial Use on January 4, 1993. An examination indicates that the works have a diversion capacity of 2.060 cfs of water from:

SPRINGS

tributary to TROUT CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	2.06 CFS	1488.8 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNESE , Sec. 17, Township 11S, Range 41E
NESESE , Sec. 17, Township 11S, Range 41E
CARIBOU County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

11S 41E 17

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 must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.

AUG 19 1997

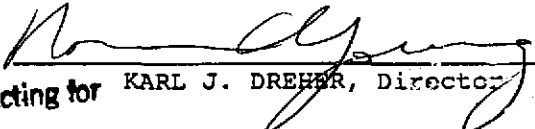
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 13-07438

CONDITIONS OF APPROVAL AND REMARKS

6. Water used under this right if discharged into a natural channel shall meet Idaho Water Quality Standards.
7. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
8. Use of water under this water right will be regulated by the watermaster of State Water District No. 13Q.
9. Use of water under this right shall be non-consumptive.
10. Two points of diversion located in NESESE, S17, T11S, R41E.
11. Facility volume = 9,856 cubic feet.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 14TH
day of August, 1977.


Acting for KARL J. DREHER, Director

MICROFILMED

AUG 19 1987

Department of Water Resources

Maximum Diversion Rate: 2.06 CFS
Maximum Diversion Volume: 1488.8 AF

and represents to the Director of the

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 13-07438, and requests that the permit be changed as follows:

tributary to TROUT CREEK

ANNUAL VOLUME

1488.8 AF

SWNESE , Sec. 17, Township 11S, Range 41E
NESESE , Sec. 17, Township 11S, Range 41E
CARIBOU County

TWN RGE SEC

11S 41E 17

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 6:00 A.M, this 7 day of August, 1997

MICROFILMED Brent Christensen
 (Signature)

AUG 19 1937

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-07438

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 5000 Received by LS # 1039812 Date 8/11/97

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. 13-07438 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 must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.
6. Water used under this right if discharged into a natural channel shall meet Idaho Water Quality Standards.
7. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
8. Use of water under this water right will be regulated by the watermaster of State Water District No. 13Q.
9. Use of water under this right shall be non-consumptive.
10. Two points of diversion located in NESESE, S17, T11S, R41E.
11. Facility volume = 9,856 cubic feet.

Witness my hand this 14TH day of AUGUST, 1997.

MICROFILMED

AUG 19 1997

Karl J. Dreher
Acting for KARL J. DREHER, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 13-07438)
IN THE NAME OF BRENT & SUSAN CHRISTENSEN) ORDER OF
REINSTATEMENT

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before January 1, 1993; and,

WHEREAS, the Department sent a lapse notice in error; and,

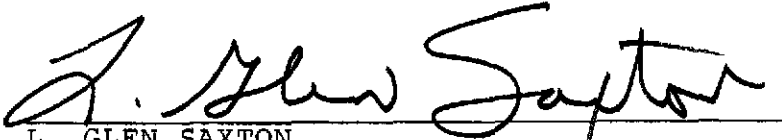
WHEREAS, on January 4, 1993, the permit holder submitted proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstate upon a showing of reasonable cause; and,

WHEREAS, the permit holder provided a reasonable showing why the permit should be reinstated by submitting a proof of beneficial use;

IT IS, THEREFORE, HEREBY ORDERED that permit no. 13-07438 be REINSTATED with no advance in priority.

Dated this 6th day of January, 1993.


L. GLEN SAXTON
Chief, Water Allocation Bureau

RECEIVED

JAN 21 1993

RECEIVED

JAN 4 1993

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY

Amt. of Fee \$ 150.00Date 1-5-93Receipt No. CP26430Receipt by bf

PROOF OF BENEFICIAL USE

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

1. Permit No. 13-07438 Telephone No. 427-6207
2. Name(s) of Permit Holder(s): Brent + Susan Christensen
3. Mailing Address: 2275 Bench Lago Rd - Grace, Idaho 83241
4. Source of Water: 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 3.0 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: \$ _____ (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.

Brent Christensen 427-6207
Name Telephone No.

2275 Bench Lago Rd. Grace, Id 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.

12-30-92
Date

Brent Christensen
Signature (and title, if on behalf of a company or organization)

JAN 21 1993

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	CFS
Original App.	13-07438	Jay W Barker	3.0
Full Assignment	13-07438	Brent Christensen Susan Christensen	3.0 ~~3.0~~

RECEIVED

JAN 21 1993

State of Idaho
Department of Water Resources

RECEIVED

DEC 24 1992

Department of Water Resources

ASSIGNMENT OF PERMIT

I, Jay W Barker, hereby assign to Brent & Susan Christensen
of 2275 Bench Lago Rd. Grace, Id 83241
Address

All my right, title, and interest in and to Permit No. 13-07438
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of
the State of Idaho. (Describe that portion of the permit being
assigned by listing the acreage within each 40 acre subdivision, the
point of diversion and the amount of water in cubic feet per second for
direct diversion, or acre feet for storage)

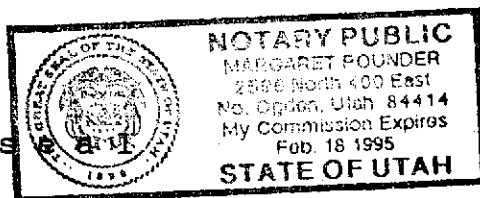
Made this 17th day of December, 1992.

Jay W. Barker
Permit Holder

Miriam D Barker
Spouse of Permit Holder

State of Utah)
County of Weber) SS

On this 17th day of December, 1992, personally appeared before
me the signer(s) of the above instrument, who duly acknowledged to me that
he (she) (they) executed the same.



Margaret Pounder
Notary Public residing at
North Ogden

My commission expires:
2-18-95

JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR PERMIT

AMENDED

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Jay W. and/or Mirjam D. Barker Phone 801-782-8582
Post office address 1350 East 2600 North, North Ogden, Utah 84404

2. Source of water supply Unnamed Springs which is a tributary of Trout Creek

3. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 17 Township 11S Range 41E B.M. Caribou County; additional
points of diversion if any: NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SEC. 17 T 11S R41E B.M.

4. Water will be used for the following purposes:

Amount 3.0cfs 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) 3.0cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Attached

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 beneficial use is
5 years (minimum 1 year).

MICROFILMED

JUN 28 1988

*kw 7/13/87

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/Commercial Fish Propagation. (F.P.)

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	
11S	41E	17															F.P.	F.P.	

Total number of acres to be irrigated _____

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

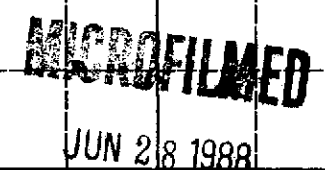
- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

RECEIVED

JUN 28 1988

1990



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.

Jay W. Barker
(Applicant)

Proposed Priority 11/18/86

Received by CW Date 3-24-87 Time 12:25 Preliminary check by ESV

Fee \$ \$20⁰⁰ Received by MD # 41141 Date 4-2-87

Publication prepared by MD Date 4-8-87 Published in Caribou County Sun 4-16 + 4-23-87

Publication approved CW Date 5-21-87

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. 13-7438, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before
January 1, 1993.

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: The permit holder shall be required to provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.

Assignment or sale of this permit is subject to a determination by the Department that the permit holder has proceeded to develop the permit with due diligence and without speculation.

Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.

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

Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.

Use of water under this permit shall be non-consumptive.

Use of water under this permit is subject to control by the watermaster of State Water District NO. 130, Trout creek.

Prior to placing water to beneficial use under this permit, the permit holder must determine the rate of loss within his facilities and provide a source of augmentation water to mitigate all losses.

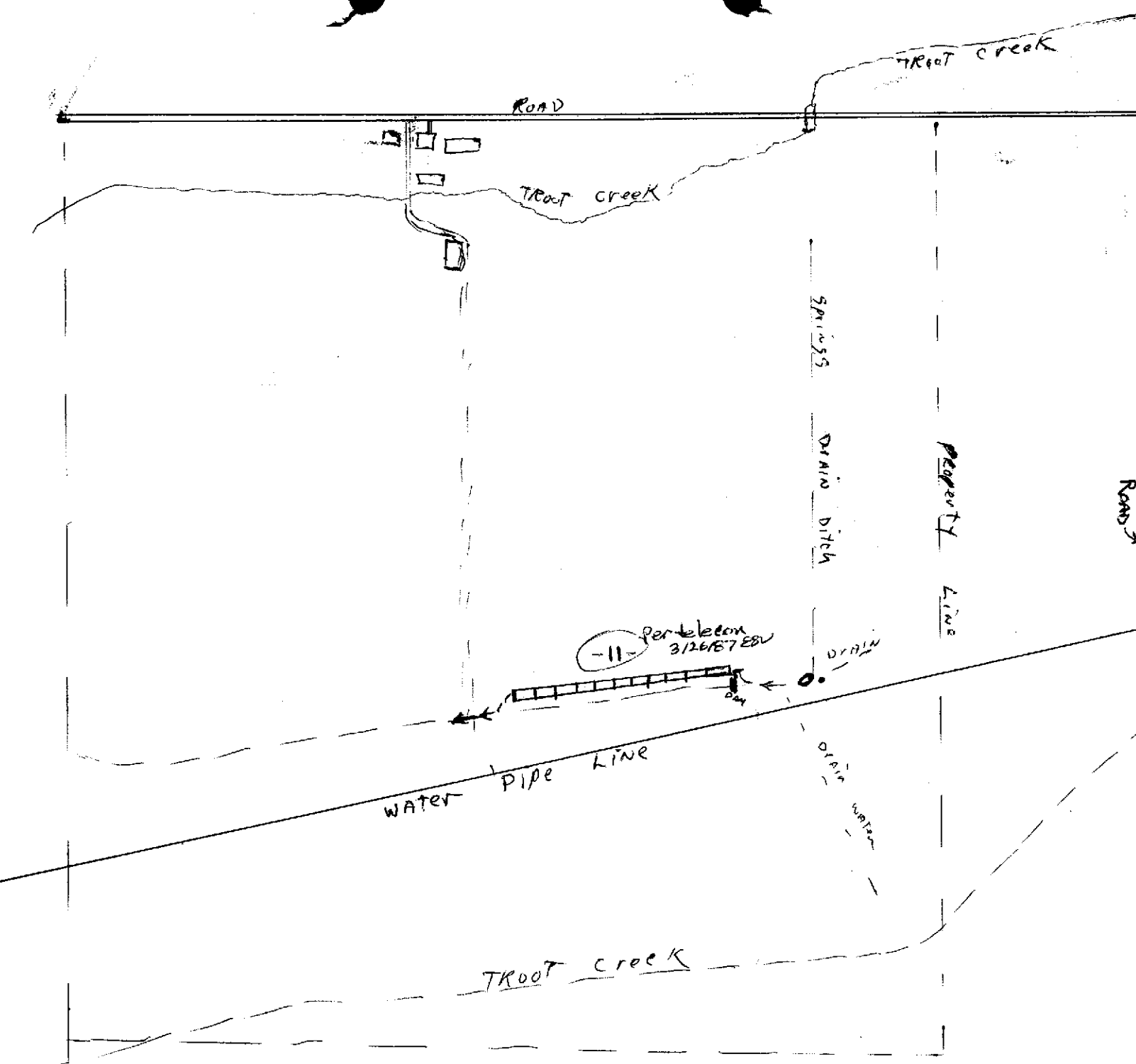
Witness my hand this 25TH day of January, 1988.

JUN 28 1988

R. Keith Higgins
Director

N

Jay W. Barker



MICROFILMED

JUN 28 1988

We would start with
Just a few ponds
and increase as the
business grows.

Ponds
Concrete bottoms
and sides
Size
10' wide
30' long
3 1/2' tall walls
(curved wide)

Cold Springs Trout Farm

Runs and
pond description:

Runs

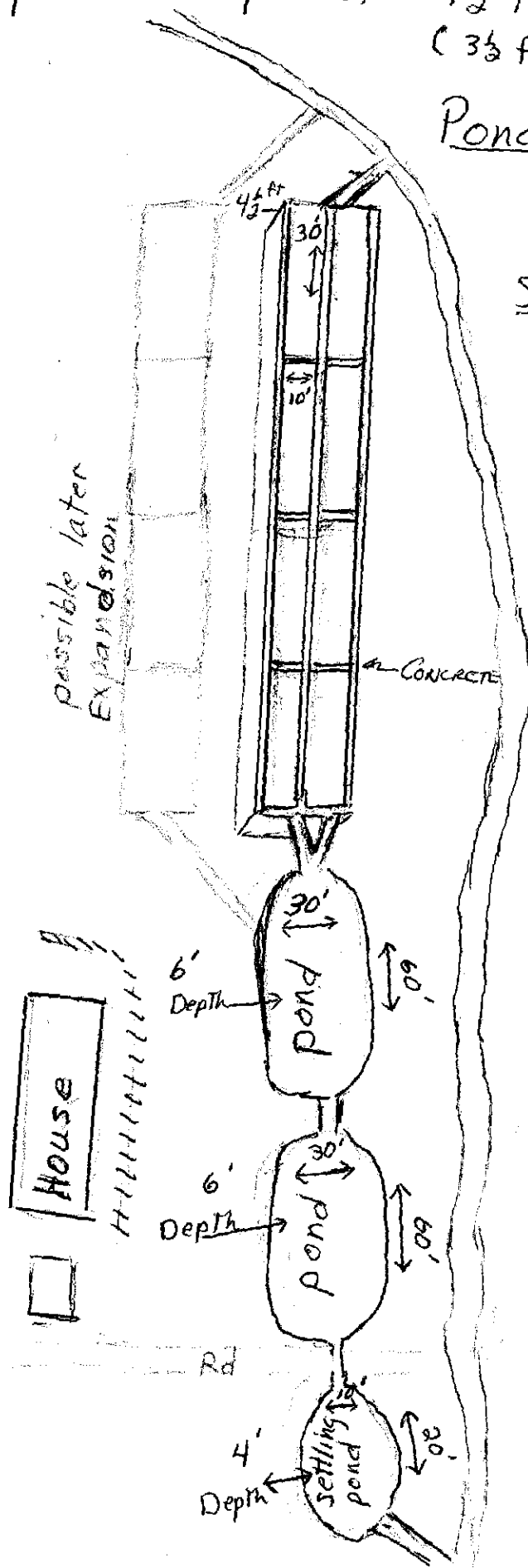
4½ ft. deep 10 ft. wide 30 ft. long
(3½ ft water)

Ponds

6 ft deep 30 ft wide
60 ft long

Settling Pond

4 ft deep
20 ft long
10 ft wide



MICROFILMED

JUN 28 1988

JUN 28 1988

REAL ESTATE PURCHASE AND SALE AGREEMENT
(With Earnest Money Provision)
THIS CONTRACT CONTROLS THE TERMS OF SALE OF THE PROPERTY.
READ CAREFULLY BEFORE SIGNING; IF ANY QUESTION, CONSULT YOUR ATTORNEY.

RE-21
REV. 8-79

Ogden, Utah xxx November 10, 1986
Jay Ward Barker and Mirjam D. Barker, husband and wife

(hereinafter called "Buyer") agrees to purchase, and the undersigned Seller agrees to sell the following described real estate hereinafter referred to as "premises" located in
Lago County of Caribou
State of Idaho, commonly known as the Allam K. Ruud farm, being 170 acres, more or less
legally described as: per attachment A

(A FULL AND COMPLETE LEGAL DESCRIPTION MUST BE INSERTED, ATTACHED OR WRITTEN ON THE REVERSE HEREOF PRIOR TO EXECUTION BY SELLER. Buyer hereby authorizes broker to insert over his signature the correct legal description of the premises if unavailable at time of signing, or to correct the legal description previously entered if erroneous or incomplete.)

1. TOTAL PURCHASE PRICE IS ONE HUNDRED THIRTY THOUSAND AND NO/100-----
DOLLARS (\$130,000.00*** payable as follows:

A. Earnest Money.

a. Buyer deposits and receipt is acknowledged of ONE THOUSAND AND no/100----- Dollars (\$**1,000.00****) Dollars

evidenced by ☒ Cash, ☐ Personal Check, ☐ Cashiers Check, ☐ Note due, paid or delivered as earnest money in part payment of the purchase price for the premises.

b. Buyer further agrees on or before _____ day of _____ 19____ to pay or deliver as additional earnest money in part payment of the purchase price for the premises ----- Dollars

(\$-----) evidenced by ☐ Cash, ☐ Personal Check, ☐ Note due, or -----

c. All Earnest Money and this agreement shall be held by Esterholdt Realty Idaho Trust Account for the benefit of the parties hereto.

B. Balance of purchase price to be paid as follows:

Balance of \$129,000.00 to be paid in cash at closing.

Sale is subject to buyers obtaining a loan in the amount of \$110,000.00 secured by properties located in Utah. Buyers to make application within seven (7) working days from acceptance of offer.

2. Buyer's offer is made subject to the acceptance of Seller on or before twelve o'clock midnight of November 18, 1986
If Seller does not accept this agreement within the time specified, the earnest money shall be refunded to Buyer on demand.

3. Title of Seller is to be conveyed by Warranty deed, unless otherwise provided, and is to be marketable and insurable except for rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights of way and easements established or of record. Liens, encumbrances or defects to be discharged by Seller may be paid out of purchase money at date of closing. Any liens, encumbrances or defects which are to be discharged or assumed by Buyer or to which title is taken subject to (not otherwise set forth above) are: NONE

4. The parties designate _____ Title company to provide the necessary title insurance and commitment for title insurance at the sellers expense as required by this agreement. MB A.K.R. 31 1986

5. It is hereby agreed that the "closing agent" for the transaction represented by this agreement shall be _____ The closing date shall be on or before _____ prior to closing Where not otherwise provided in this agreement or by law, the parties shall each pay one-half of said closing agents fee.

6. Within _____ days after acceptance by seller, or upon removal of any liens, encumbrances or defects to title by Seller, as provided herein, whichever is later, Buyer and Seller shall deposit with the "closing agent" all funds and instruments to complete the sale in accordance with terms and conditions hereof. Upon receipt of the items specified in the preceding sentence the closing agent shall close this transaction.

7. All attached floor coverings, attached television antenna, attached plumbing, bathroom and lighting fixtures; window screens, screen doors, storm windows, storm doors, shades, venetian blinds, curtain rods, trees, plants, shrubbery, water heating apparatus and fixtures, attached fireplace equipment, awnings, ventilating, cooling and heating systems including built in and "drop in" ranges, (but excepting all other ranges) fuel tanks and irrigation fixtures and equipment, all water and water rights, and ditches and ditch rights appurtenant thereto that are now on or used in connection with the premises shall be included in the sale unless otherwise provided herein.

The following items of property now on the premises are specifically excluded from the sale: NONE

The following items of personal property are specifically included in the sale: Double wide house, irrigation sprinkler hand lines, water shares

8. Taxes and water assessments (using the last available assessment on _____ basis), rents, insurance, interest and reserves on liens, encumbrances or obligations assumed and utilities shall be pro-rated as of _____ day of _____ 19____ or on the day of closing, whichever shall last occur. Buyer shall pay for fuel in tank, the amount to be determined by a supplier at Seller's expense. MB A.K.R. 31 1986

9. Seller shall deliver possession of the premises to Buyer on or before _____ day of _____ 19____ or on the date of closing, whichever shall last occur. MB A.K.R. 31 1986

10. The parties agree that this agreement contains the following additional terms and conditions: Permits from both State Water Resources division and Fish and Game division to use ten second feet of water from Trout Creek to raise fish. Buyers to make application within seven working day following acceptance.

11. The provisions contained on the reverse side of this page shall also constitute part of the agreement of the parties. Each of the parties acknowledges reading this agreement in full.

Listing Broker: ESTERHOLDT REALTY Selling Broker: ESTERHOLDT REALTY Ted Ransom
By 782-3044
1350 East 2600 North, Ogden, Utah 84404
Buyer Jay Ward Barker Buyer's Address 801-782-8582
Buyer Mirjam D. Barker Buyer's Phone

On this date, _____ I/We hereby approve and accept the sale set forth in the above agreement and

agree to carry out all the terms thereof on the part of the Seller and the undersigned further agrees to pay a commission of SIX (6) % of selling price or,

SEVEN THOUSAND EIGHT HUNDRED AND NO/100----- DOLLARS (\$**7,800.00****)

to the above broker for services. In the event earnest money is forfeited, it shall be apportioned to the Seller and Brokers equally after payment of costs set out in the above agreement provided the amount to brokers does not exceed the agreed commission. I/We further acknowledge receipt of a true copy of this agreement with the complete legal description of the premises inserted and signed by both parties.

Seller Allan K. Ruud Seller's Address P.O. Box 201 Grace, Idaho 208-427-6349
Seller's Business Ph. Seller's Residence Ph.

A true copy of the foregoing agreement, signed by the Seller and containing the full and complete legal description of the premises is hereby received by _____ day of _____, 19____

STATE OF IDAHO
County of _____)
Buyer JUN 28 1988

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for said State, personally appeared

known to me to be the person(s) who signed the foregoing instrument as Seller(s) and acknowledged to me that (t)he(y) executed the same.

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

Notary Public for State of Idaho
BROKER'S COPY

Residing at

12. If financing is required, the Buyer agrees to make a best effort to procure same and further agrees to make application therefor within five (5) days after Seller's acceptance of this agreement. If VA or FHA financing is contemplated, additional provisions pertaining thereto may be attached hereto and are hereby incorporated herein by reference. The Buyer and Seller hereby authorize the party designated in Paragraph 1A(c) hereof to advance such portion of the earnest money deposited as may be required to pay initial loan charges attributable to Buyer's financing. The parties agree that the earnest money (less credit report fees, appraisal and other loan charges, if any) may be refunded in the event financing contemplated by the Buyer is not obtainable.
- If this agreement is conditioned upon Buyer obtaining FHA or VA financing, it is expressly agreed that notwithstanding any other provisions of this contract, the Buyer shall not be obligated to incur any penalty by forfeiture of earnest money, or otherwise be obligated to complete the purchase of the property described herein, unless seller has delivered to Buyers a written statement issued by the FHA or VA as applicable, setting forth an appraised value of the property (excluding closing costs) of not less than the purchase price. Seller hereby agrees to deliver said statement to the Buyer promptly after it is made available to Seller. The Buyer shall however, have the privilege and option of proceeding with the consummation of the contract without regard to such appraised value, provided the difference in excess of the appraised value is paid in cash.
13. Should the improvements on the premises be materially damaged by fire or other causes, prior to closing this sale, this agreement shall be voidable at the option of the Buyer.
14. In the event of default by either of the parties in their performance of the terms and conditions of this agreement, the defaulting party agrees to pay all attorney fees and costs incurred by the non-defaulting party.
15. The undersigned Buyer hereby acknowledges further that he has not received or relied upon any statements or representation by the undersigned broker or his representatives or by the Seller which are not herein expressed. The Buyer has entered into this agreement relying solely upon information and knowledge obtained from his own investigation or personal inspection of the premises. This agreement constitutes the whole agreement between the parties and no warranties, agreements or representations have been made or shall be binding upon either party unless herein set forth.
16. The Seller shall within a reasonable time after closing furnish to the Buyer a title insurance policy in the amount of the purchase price of the premises showing marketable and insurable title subject to the liens, encumbrances and defects elsewhere set out in this agreement to be discharged or assumed by the Buyer. Prior to closing the transaction, the Seller shall furnish to the Buyer a commitment for a title insurance policy showing the condition of the title to said premises. Buyer shall have five (5) days from receipt of the commitment or until 24 hours prior to closing, whichever is less, within which to object in writing to the condition of the title as set forth in the report. If the Buyer does not so object, the Buyer shall be deemed to have accepted the condition of the title. It is agreed that if the title of said premises is not marketable, or cannot be made so within thirty (30) days after notice containing a written statement of defects is delivered to the Seller, or if the Seller, having approved said sale fails to consummate the same as herein agreed, the earnest money shall be returned to the Buyer and Seller shall pay for the cost of title insurance, escrow and legal fees, if any.
17. This agreement shall be binding upon the heirs, personal representatives, successors and assigns of the respective parties hereto.
18. Time is of the essence of this agreement.

MICROFILMED

JUN 28 1988

Rudd
Allan ~~Rudd~~ legal description

Township 11 South, Range 41 East of the Boise Meridian:
Section 17: SE1/4.
Section 20: N1/2NE1/4.

EXCEPT THEREFROM, beginning at the center of said Section 17, and running thence East 742.5 feet; thence Southwesterly 1056 feet, more or less, to a point 742.5 feet South to the Point of Beginning; thence North 742.5 feet to the Point of Beginning.

ALSO, EXCEPT THEREFROM, Beginning at the Southeast corner of the NE1/4NE1/4, of said Section 20, and running thence North 1188 feet, more or less; thence North 53°32' West 181.5 feet, more or less; thence North 76°00' West 462 feet, more or less; thence South 49°32' West 528 feet, more or less; thence South 79°00' West 1188 feet, more or less; thence South 18°00' West 519.75 feet, more or less; thence Southeasterly in a curve 577.5 feet, more or less (this curve follows the now existing wash or ditch), to the South line of the N1/2NE1/4 of said Section 20, at a point 1947 feet West of the Southeast corner of the NE1/4NE1/4 of said Section 20; thence East 1947 feet, more or less, to the Point of Beginning.

ALSO, EXCEPT THEREFROM beginning at the Southwest corner of the NW1/4NE1/4 of said Section 20, and running thence North 957 feet; thence North 66°28' East 434 feet; thence South 63° East 162 feet; thence South 41°45' East 256 feet; thence South 79° West 200 feet, more or less; thence South 18° West 519.75 feet, more or less; thence Southeasterly in curve 577.5 feet, more or less (this curve follows existing wash or ditch), to the South line of the N1/2NE1/4 of said Section 20, at a point 693 feet East of the Point of Beginning; thence West 693 feet, more or less, to the Point of Beginning.

Together with any and all tenements, hereditaments, and appurtenances thereunto belonging or used in connection therewith.

Together with all water and water rights used upon or appurtenant to said lands, and however evidenced.

All situated in Caribou County, State of Idaho.

MICROFILMED

JUN 28 1988

**ESTERHOLDT
REALTY**

"UTAH, IDAHO, WYOMING BROKER"

BUS. (801) 782-3464
233 WEST 4350 NORTH
OGDEN, UTAH 84404

Res. (801) 782-3044


TED RANSOM
REALTOR ASSOCIATE



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Jay W. and/or Mirjam D. Barker Phone 801-782-8582
Post office address 1350 East 2600 North, North Ogden, Utah 84404

2. Source of water supply Trout Creek which is a tributary of Bear River

3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 17 Township 11S Range 41E B.M. Caribou County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 10cfs 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) 10cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Headgate from stream to canal to
fish runs and ponds.

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

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

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

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

JUN 28 1988

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. H/Commercial Fish Propagation. (F.P.)

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11S	41E	17													F.P.	F.P.			

Total number of acres to be irrigated _____

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

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

12. Remarks: _____

JUN 28 1988

[illegible]

Merjam Barber
(Applicant)

Received by S.M. Date 11-18-86 Time 3:00 P.M. Preliminary check by [initials] 11-18-86
Fee \$ 225⁰⁰ Received by [initials] # 39948 Date 11-18-86
Publication prepared by [initials] Date 11-19-86 Published in 12-4-1211-86
LEWISTON TREBUKE, Idaho STATESMAN, TIMES NEWS Carbon County Sun,
Publication approved [initials] Date 1-29-87

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.

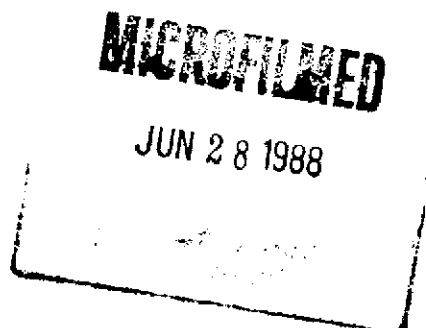
b. Proof of construction of works and application of water to beneficial use shall be submitted on or before

_____, 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:



RECEIVED

MAY 21 1987

Department of Water Resources
Eastern District Office

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 16th day of

April, 1987

The date of the last publication

being the 23rd day of

April, 1987

Subscribed and sworn to before

me this 19th day

of May, 1987

Notary Public, residing
at Soda Springs, Idaho

(SEAL)

My Commission expires the

1st day of March

1988

PUBLIC NOTICE

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT (Corrected Notice)

Notice is hereby given that Applica-
tion for Permit No. 13-7438 in the name
of Jay W. and-or Mirjam D. Barker,
North Ogden, Utah was filed for the
diversion of 10 cfs of water from Trout
Creek, tributary to Bear River, the point
of diversion within the NE $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$, Sec. 17, T. 11S, R. 41E, B.M.,
Caribou County, the water is to be used
for fish propagation, Jan. 1 to Dec. 31,
within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 17, T. 11S, R. 41E, B.M.

The applicant now proposes to amend
Application No. 13-7438 for the diver-
sion of 3.0 cfs of water from unnamed
springs within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 11S, R.
41E, B.M., for use within the SW $\frac{1}{4}$
SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 11S, R.
41E, B.M.

Any protest to the proposed amending
of the application must be filed with the
Department of Water Resources, 150
Shoup Ave., Suite 15, Idaho Falls,
Idaho, 83402 on or before May 4, 1987.

A. KENNETH DUNN

Director

Published April 16 and 23, 1987 in
the Caribou County Sun.

MICROFILMED

JUN 28 1988

RECEIVED

DEC 17 1986

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

Department of Water Resources
Eastern District Office

LEGAL ADVERTISING INVOICE

Amount Due

28.47

Account Name ID. Dept. Water Resources, Eastern			Account Number #100564	
Address 150 Shoup Ave., Suite 15		City/State Idaho Falls, ID		Zip 83402
Ordered By R.E. Carlson	P.O. Number	Rate nt	Run Dates 1986 Dec. 4, 11	
Identification Application: Jay W. Barker			Estimated Inches	Real Inches
☐ Number of Affidavits Requested 1				Legal Number #3895

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:

13-7438

Barker, Jay W.
and/or Miriam D.
1350 East 2600 North
North Ogden, UT 84404
Source: Trout Creek trib.
to Bear River
Diversion Pt: NENESE Sec. 17
T 11S R 41E
Use: Fish Prop. (10.0 CFS)
Date Filed: 11/18/1986
In: NESE NWSE
Sec. 17 T 11S R 41E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on, or before, December 22, 1986.

KEN DUNN
Director

Pub. Dec. 4, 11, 1986

3895

Laura Gay Barnes

_____, 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 December 4, 19 86

and ending with the issue of December 11, 19 86

Laura Gay Barnes

Subscribed and sworn to before me this 11th

day of December, 19 86

Connie Slackburn 8/92

Notary Public for Idaho, Residing at Boise, Idaho

RECEIVED

JUN 28 1988

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

Date 121186 INVOICE No. L00094090

Account No. 44660

Description 94090NDOTIC

Times 2 Lines 23

Tab Lines _____

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

STATE OF IDAHO
DEPT. OF WATER RESOURCES
150 SHOUF 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.

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 FOR

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 120486

WEEK for 2 consecutive WEEKS, the first
publication thereof being on the 120486, and the last pub-
lication thereof being on the 121186, and said

NOTICE OF APPLICATION FOR

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 17
day of December 1986

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

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

13-7438

BARKER, JAY W. &/or MIRJAM D.
1350 EAST 2600 NORTH, NORTH
OGDEN, UT 84404

Source: TROUT CREEK trib. to
BEAR RIVER

Diversion Pt: NENESE Sec. 17 T 11S
R 41E

Use: FISH PROP. (10.0 CFS)

Date Filed: 11/18/1986

In: NESE NWSE Sec. 17 T 11S R 41E

The permit(s) will be subject to
all prior water rights. Protests must
be filed with the Director, Dept. of
Water Resources, 150 S. SHOUF AVE.,
Suite 15, Idaho Falls, Idaho 83402 on
or before DECEMBER 27, 1986

KEN DUNN, Dir.

RECEIVED MICROFILMED
DEC 19 1986 JUN 28 1988

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:

13-7438
BARKER, JAY W. &/or
MIRJAM D.
1350 EAST 2600
NORTH OGDEN, UT
84404

Source: TROUT CREEK
trib. to BEAR RIVER
Diversion Pt. NENESE
Sec 17 T 11S R 41E
Use: FISH PROP.
(10.0 CFS)

Date Filed: 11/18/1986
In: NESE NWSE Sec 17 T
11S R 41E

The permit(s) will be
subject to all prior water
rights. Protests must be
filed with the Director,
Dept. of Water
Resources, 150 Shoup
Ave., Suite 15, Idaho
Falls, Idaho 83402 on or
before DECEMBER 22,
1986.

KEN DUNN, Director
PUBLISH: Thursday,
December 4 and 11,
1986.

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF TWIN FALLS } ss.

No 16933

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
December 7, 1986, and ending with the issue dated
December 11, 1986.

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

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week
has been designated as the day on which legal notice by law or by order of any court of com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; and
that the first 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.

JUN 28 1986

Subscribed and sworn to before me on this

Linda Capps McSwine
December 11, 1986.

11 day of

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

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 4th day of
December, 1986

The date of the last publication
being the 11th day of
December, 1986

Subscribed and sworn to before
me this 5th day
of January, 1987

Clayton Steele
Notary Public, residing
at Soda Springs, Idaho

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

1983.

PUBLIC NOTICE

Corrected Notice

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-7438

BARKER, JAY W. AND-OR
MIRJIM D.

1350 EAST 2600 NORTH, NORTH
OGDEN, UT 84404

Source: TROUT CREEK trib. to
BEAR RIVER

Diversion Pt: NENESE Sec 17 T 11S
R 41E

Use: FISH PROP. (10.0 CFS)

Date Filed: 11-18-1986

In: NESE NWSE Sec 17 T 11S R
41E

The permit(s) will be subject to all
prior water rights. Protests must be filed
with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite 15,
Idaho Falls, Idaho 83402 on or before
DECEMBER 22, 1986.

KEN DUNN, Director

Published Dec. 4 and 11, 1986 in the
Caribou County Sun.

MICROFILMED

JUN 28 1988

RECEIVED
JAN 20 1987

Department of Water Resources
Eastern District Office



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

August 14, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BRENT CHRISTENSEN
SUSAN CHRISTENSEN
2275 BEACH LAGO RD
GRACE ID 83241

RE: WATER RIGHT NO. 13-07438

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.

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AUG 19 1997

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

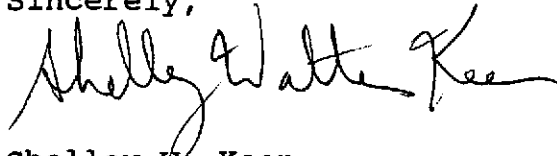
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district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

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.

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

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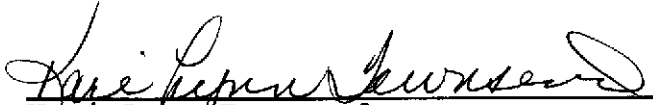
AUG 13 1997

CERTIFICATE OF MAILING

I hereby certify that on the 14th day of August, 1997, 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. 13-07438

BRENT CHRISTENSEN
SUSAN CHRISTENSEN
2275 BEACH LAGO RD
GRACE ID 83241


Kari Lynn Townsend
Secretary

MICROFILMED
AUG 19 1997



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

July 30, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BRENT CHRISTENSEN
SUSAN CHRISTENSEN
2275 BEACH LAGO RD
GRACE ID 83241

RE: WATER RIGHT NO. 13-07438

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

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

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These 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

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AUG 18 1997

MEMORANDUM

TO: File 13-07438

FROM: Sharla

DATE: July 8, 1997

RE: Annual Volume for Fish Propagation Use

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. 2.06 cfs x 3600/ 9856 cf = 0.7524

2. 0.226 AF x 0.7524 x 8760 = 1489.6 AFA

3. 2.06 cfs x 1.98 x 365 days = 1488.8 AFA

RECOMMENDATION: 1488.8 AFA

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AUG 18 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 13-07438

DATE 5/16/97

REVIEWER: SHARLA

NAME Change OK

Address Change

SOURCE ✓

Is change clarification of originally intended source?

POINT OF DIV ✓ NESE

If not, prepare Notice of Intent to Void

Amendment required YES

PLACE OF USE ✓

Amendment required NO

Does map agree with written description? ✓ yes no

OVERLAPS P/D P/U

RATE OF DIV

Permitted Rate 3.0 cfs

Fee limit 3.0 cfs \$150⁰⁰

Measured 2.06 cfs

Theoretical cfs

Recommended Total Div Rate 2.06 cfs

ANNUAL VOLUME/
NATURE OF USES ✓

Use

Fish.

Volume Calculation

1488.8 af

af

af

af

af

SUBTOTAL

af

Flow rate 2.06 cfs X 365 days X 1.98⁸⁸ = 1488.8 af

Total volume recommended af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

2 pld in NESESE, S17.

Facility volume = 9886 cubic ft.

CONDITIONS ROA Watermaster Control WD# 130

 GW Measurement/Measuring Device

 Overlap

 Use-specific conditions

042, 091, 241, 027

Advancement of Priority Date Required yes ✓ no

SRBA Claim Filed NA

1st Amend Letter 139, 138

Adjustment Memo Volume

2nd Amend Letter 147

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAR 0 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 13-7438

1. Owner: BRENT CHRISTENSEN Phone No. (208) 427-6207

Current Address: 2275 BENCH LAGO RD, GLACE, ID 84321

2. Accompanied by: OWNER EXAM DATE: 2/19/95

Address: N/A Phone No. N/A

Relationship to Permit Holder: N/A

3. Source: SPRINGS tributary to TROUT CREEK

B. OVERLAP REVIEW

1. Other water rights with the same place of use: ~~13-00781, 13-00782, 13-00783~~

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	NE	SE	17	11S	41E	CARIBOU	U.S. G.S. TOPO MAP
		NE	SE	SE	"	"	"	"	" " "

2. Place(s) of Use:

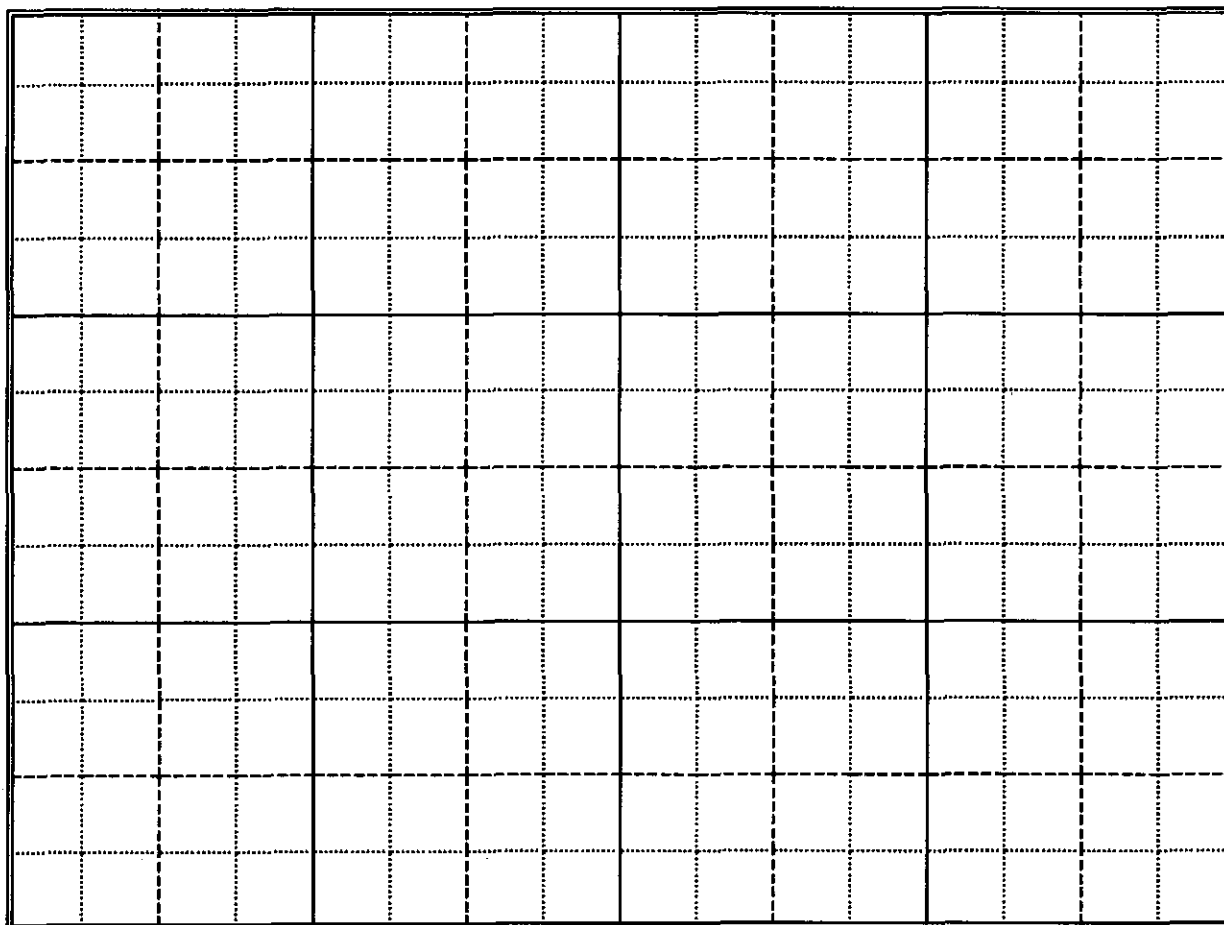
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	41E	17														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. *SEE ATTACHED MAP*



Scale: 1" = _____.

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

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

_____ Photo of Diversion and System Attached

4.

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

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

D. FLOW MEASUREMENTS

1.

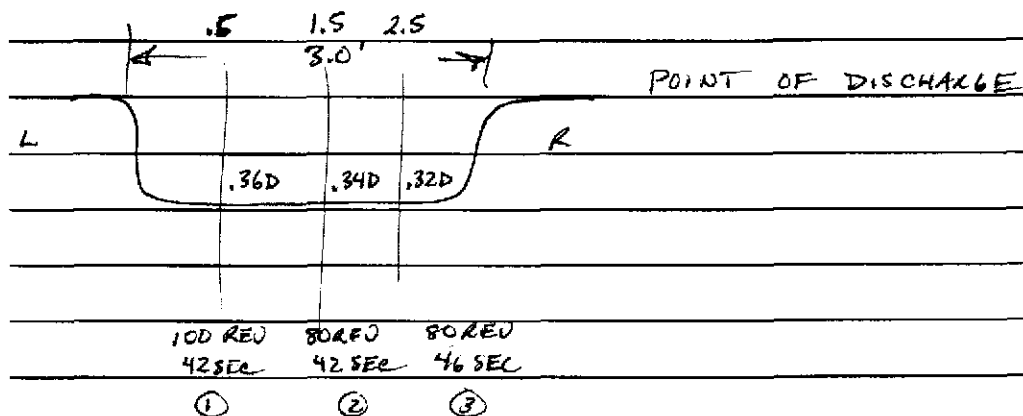
Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
<i>PYGMET METER</i>				<i>090171</i>		

2. Measurements: _____

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 JUN 18 1987

E. NARRATIVE/REMARKS/COMMENTS

SYSTEM USES BURIED COLLECTION PIPES AND DITCHES TO DIVERT SPRING WATER TO A CONCRETE RACEWAY, WITH 11 TANKS (28' LONG X 8' WIDE X 4' DEEP) USED FOR FISH PROPAGATION. THE SYSTEM IS CURRENT BEING WORKED ON TO PUT IT BACK INTO PRODUCTION.



$$(1) .36 \text{ SQ FT} \times 2.37 = 0.853$$

$$(2) .34 \text{ SQ FT} \times 1.91 = 0.649$$

$$(3) .32 \text{ SQ FT} \times 1.74 = 0.556$$

$$2.059 \text{ CFS}$$

$$\text{RACEWAY STORAGE CAPACITY} = 4' \times 8' \times 28' = 896 \text{ CU FT} \times 11$$

$$= 9,856 \text{ CU FT}$$

$$9,856 \times 7.4805 \text{ (gal/cu ft)} = 73,727.8 \text{ GALLONS}$$

$$7,4805$$

$$= 1,317 \text{ GALLONS}$$

$$\frac{73,727.8 \text{ gallons}}{325,850 \text{ gallon/af}} = 0.2 \text{ af in Raceway S Aug}$$

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

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AUG 15 1987

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

$$Q = 2.06 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>FISH PROPAGATION</u>	<u>1/1</u>	<u>12/31</u>	<u>2.06 cfs</u>	<u>0.2 af</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>2.06 cfs</u>	<u>0.2 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. AUTHENTICATIONField Examiner's Name SIMPkins Date 1/16/96Reviewer [Signature] Date 2-27-96

SEAL

MICROFILMED
AUG 13 1997

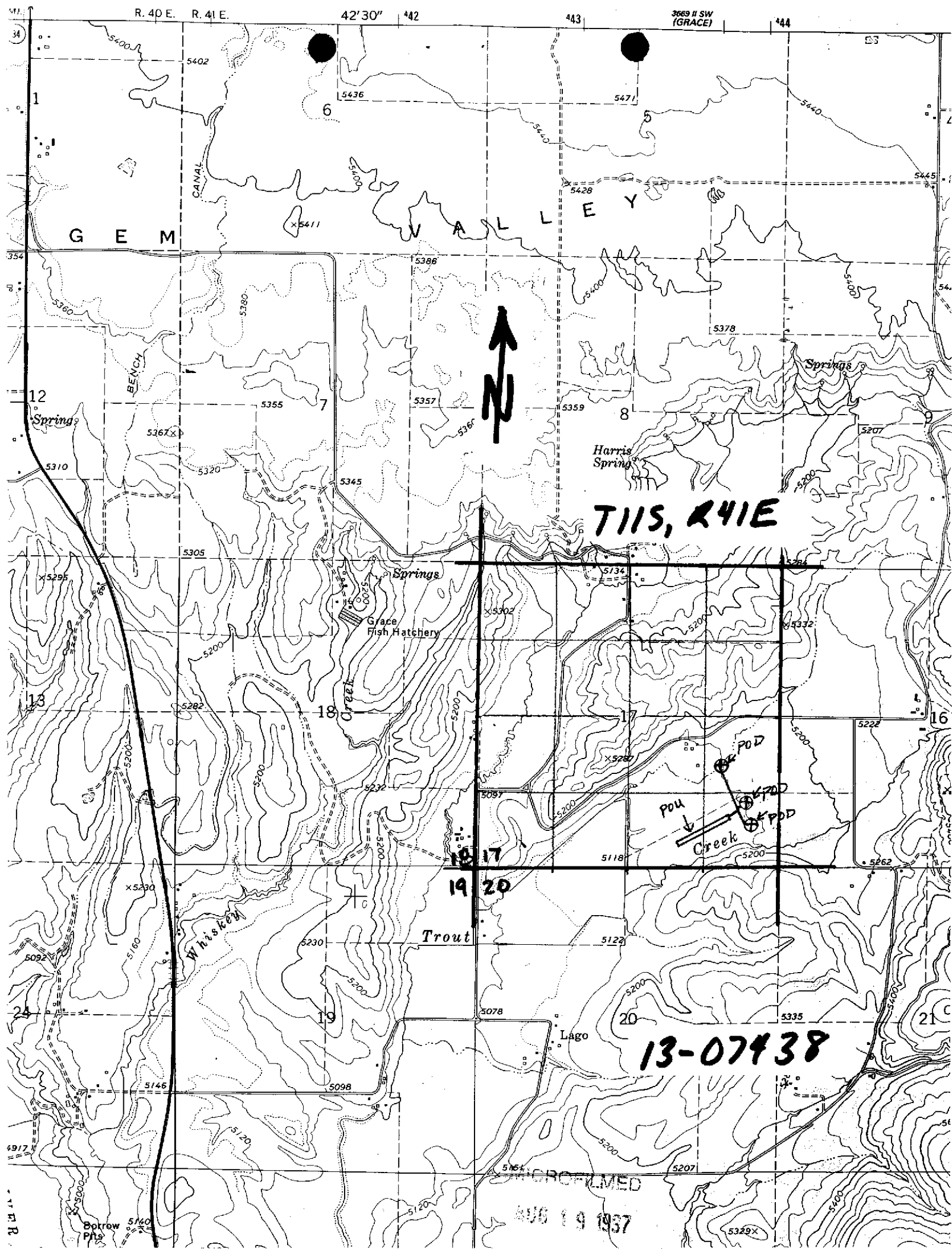
R. 40 E. R. 41 E.

42' 30" 442

443

3669 II SW
(GRACE)

444

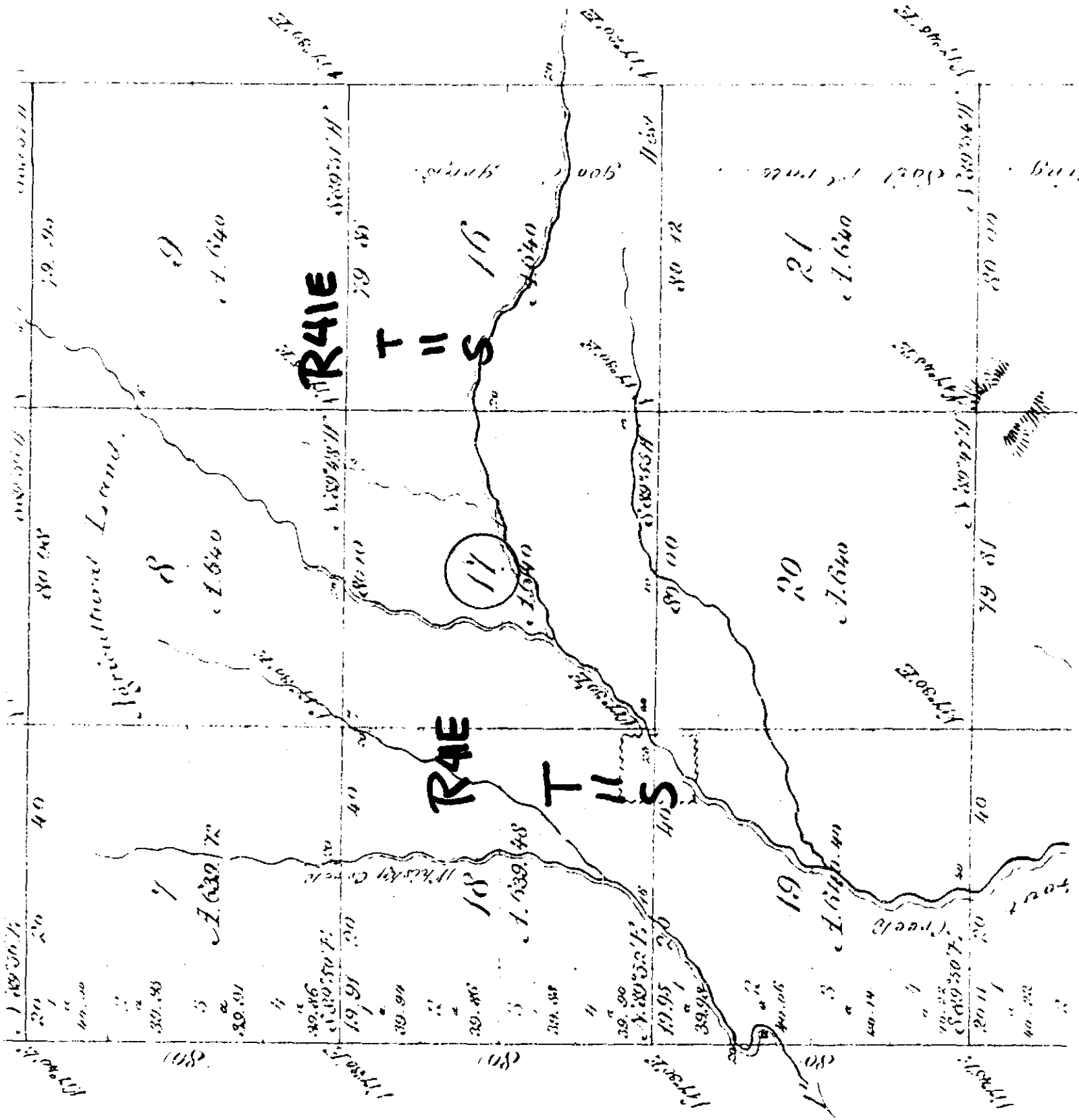


THIS, R41E

13-07438

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AUG 19 1987



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AUG 18 1987

13-07438

BRENT CHRISTENSEN
FISH PROPAGATION

1 of 2

OVERVIEW
OF VALLEY

PLACE OF
USE + PLACE
OF DIVERSION

BRAID
COLLECTION
SYSTEM

FOOD STORAGE
SHED - FISH

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AUG 18 1957

13-07438

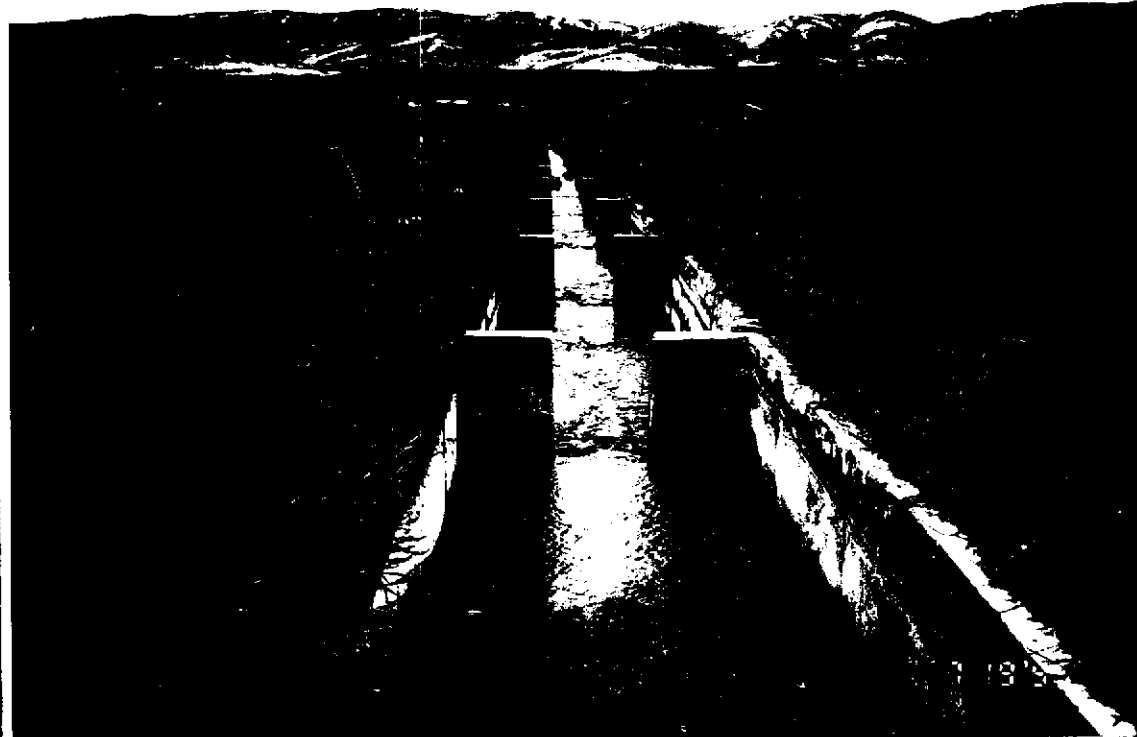
FISH PROPAGATION

2 of 2

SPRING
WATER
FLOW
INLET
TOP OF
SYSTEM
11 TANKS



FISH
HOLDING
PONDS
CURRENTLY
EMPTY



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AUG 19 1967

13-07438

January 8, 1993

BRENT CHRISTENSEN
SUSAN CHRISTENSEN
2275 BEACH LAGO RD
GRACE ID 83241

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07438

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. 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

Enclosure

RECEIVED

JAN 21 1993

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 13-07438
~~71-0744~~ Reviewed by KLg Date 1/5/93

GENERAL CONSIDERATIONS

TYPES OF USE

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

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

MEASURING DEVICE

yes Required?
50 Amount Submitted
yes Correct?
NA Required?
Installed?
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 due 1/4/93 - Received 1/4/93 - 1st Monday after a
3 day holiday weekend. Proof timely received.

Proof acceptable
& Reinstated with no advance
in priority

DATA ENTRY
New Address _____

Proof Made order
1/4/93
1/8/93 KLg

January 5, 1993

Brent & Susan Christensen
2275 Beach Lago Rd
Grace, ID 83241

LAPSE NOTICE

RE: PERMIT NO. 13-07438

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated October 31, 1992. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

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

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 1/5/93
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

RECORDED

JAN 21 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

December 28, 1992

Brent and Susan Christensen
2275 Beach Lago Rd
Grace, ID 83241

Re: Permit No. 13-07438

Dear Permit Holder:

We acknowledge receipt of the correspondence transferring ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

We also want to remind you once again that it is imperative for you to file either a request for extension of time or a proof of beneficial use form on or before January 1, 1993. There forms were previously mailed to you. You will be penalized one day on your priority date every day the Department does not have one of these forms in its possession after January 1, 1993.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

CC: IDWR - Regional Office

RECEIVED

JAN 21 1993

RECEIVED

DEC 24 1992

Department of Water Resources

Mr. Saxton

Thank you for your help in this matter. If I've read the enclosed forms correctly, I have 60 days to return the Benignial Use form along with a check for \$150.00. Please correct me if I've mis understood.

I've enclosed the Assignment of Permit form to get the ball rolling. Please direct all further correspondence to our address of Grace, Id.

Thank you

Lee Christensen

MICROFILMED

JAN 21 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

December 10, 1992

Brent Christensen
2275 Bench Lago Rd
Grace, ID 83241

RE: PERMIT NO. 13-07438 IN THE NAME OF JAY W. BARKER

Dear Mr. Christensen:

In response to your letter dated December 6, 1992, I have researched the computer based water right files of the department for water rights appurtenant to the land description you forwarded and found that only permit no. 13-07438 filed in the name of Jay Barker is in good standing. Application for permit no. 13-7486 also filed by Jay Barker was withdrawn from further consideration before the department by Barker on December 26, 1991. Hence, that application is of no further force nor effect.

The department does not have information relative to the number of shares of canal company stock that you may own. To obtain this information, you probably need to contact Barker or the entity which may be delivering irrigation water to your land such as a canal company.

The department issued permit no. 13-07438 to Jay W. Barker on January 25, 1988 authorizing the diversion and use of 3.0 cubic feet per second of water from Springs tributary to Trout Creek for fish propagation purposes. The file also shows that on October 31, 1992, the department notified Barker by certified mail that in order to complete the requirements of the permit and to develop a water right, he is required to submit "proof of beneficial use" (proof) of the water to the department on or before January 1, 1993. To date, Barker has not submitted the proof. If neither the proof nor a request for an extension of time is submitted to the department by January 1, 1993, the department will then send a "lapse notice" to Barker allowing another 60 days for the submittal before the permit becomes null and void.

Since Barker is the permit holder of record and a permit is considered "personal" property rather than "real" property, he can convey the permit to you if he completes and timely returns the enclosed "assignment" form to the department. Then you can assume the submittal responsibility in connection with the permit. Both you and Barker may have assumed that the permit was approved in

RECORDED

JAN 21 1993

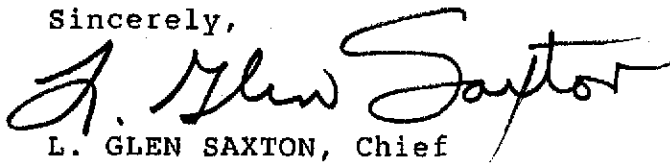
the sale of the land, but that is not the case since a permit does not represent a perfected water right appurtenant to the land.

Enclosed for your information and use are the following:

1. Copy of Permit No. 13-7438
2. Copy of the Proof Due Notice
3. Assignment form
4. Proof of Beneficial Use form and instructions
5. Request for an Extension of Time form and instructions

If you have additional questions or if we can be of further assistance, please feel free to contact the department.

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 6

RECORDED

JAN 21 1993

WR#s - 13-7438
13-7486

RECEIVED

DEC 9 1992

Department of Water Resources

December 6, 1992

Dept of Water Resources
1301 N. Orchard St.
Boise, Id 83706

Attn Mr. Glenn Saxton

Mr. Saxton

We have purchased the property of Jay Ward Barker
and Merjane D Barker, located at
2275 Birch Lago Rd. Grace, Id.

I am writing to you to find out, what, if
anything must be done to retain all
water usage rights that are now on this
property.

Mr Barker said that further work must be
done in order to retain a permit #137438.
Perhaps you can help us with this situation.

Also, is it possible to have a search done
to tell us exactly what water has been
filed on or proved up for this piece of
property and how many shares of
water do you show on record belongs
to this property. Are there any springs
that have been filed on.

MICROFILMED

Any assistance you can give will be
very helpful.

JAN 21 1993

0201 0 038

My husband and I both are away
from the phone during the day.
If you need to reach us, you can
phone me at 1-208-852-2000
during the hours of 8-5 Mon-
Friday

I've enclosed a copy of the ^{mortgage} ~~warranty~~
to show verification of our purchase.

My thanks for any assistance you
can give

MICROFILMED

JAN 21 1993

RECEIVED

DEC 9 1992

143530

Department of Water Resources

WARRANTY DEED

THIS INDENTURE, Made this 6th day of March 1992, between JAY WARD BARKER AND MIRJAM D. BARKER, husband and wife, of Ogden, Weber County, Utah, hereinafter called First Party, and BRENT CHRISTENSEN AND SUSAN MARIE CHRISTENSEN, husband and wife, of Grace, Caribou County, Idaho hereinafter called Second Party:

WITNESSETH: That the said First Party, for and in consideration of the sum of ONE HUNDRED THIRTEEN THOUSAND EIGHT HUNDRED DOLLARS, lawful money of the United States of America, to said First Party in hand paid by the said Second Party, the receipt of which is hereby acknowledged, does by these presents, Grant, Bargain, Sell and Convey and Confirm unto said Second Party, and to said Second Party's 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, more particularly described as follows, to-wit:

Township 11 South, Range 41 East of the Boise Meridian:

Section 17: SE $\frac{1}{4}$.

Section 20: N $\frac{1}{2}$ NE $\frac{1}{4}$.

ALSO, A tract of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, described as follows:

Beginning at the Southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 17, and running
thence North 0°30' East along the East boundary line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$
341 feet to the center of a County Road;
thence South 60°20' West along the center of said County Road 688
feet, more or less, to the intersection with the South boundary
line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence East along said South boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ 595 feet, more
or less, to the point of beginning.

EXCEPT THEREFROM, All that portion of SE $\frac{1}{4}$ of Section 17 lying North of County Road described as follows:

Beginning at the Northwest corner SE $\frac{1}{4}$ of Section 17, and
running
thence East 1990 feet more or less to the intersection of the North
line of SE $\frac{1}{4}$ and the Westerly right of way of North Lago County
Road;
thence Southwesterly along the Northerly right of way of the North
Lago County Road to a point 960 feet South of Northwest corner
of SE $\frac{1}{4}$;
thence North 960 feet, more or less,
to the point of beginning.

ALSO, EXCEPT THEREFROM, Beginning at the Southeast corner of
the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 20, and running
thence North 1188 feet, more or less;
thence North 53°32' West 181.5 feet, more or less;
thence North 76°00' West 462 feet, more or less;
thence South 49°32' West 528 feet, more or less;

JAN 21 1993

thence South 79°00' West 1188 feet, more or less;
 thence South 18°00' West 519.75 feet, more or less;
 thence Southeasterly in a curve 577.5 feet, more or less, (this curve follows the now existing wash or ditch) to the South line of the N $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 20, at a point 1947 feet West of the Southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 20;
 thence East 1947 feet, more or less, to the point of beginning.

ALSO, EXCEPT THEREFROM, Beginning at the Southwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 20, and running
 thence North 957 feet;
 thence North 66°28' East 434 feet;
 thence South 63°00' East 162 feet;
 thence South 41°45' East 256 feet;
 thence South 79°00' West 200 feet, more or less;
 thence South 18°00' West 519.75 feet, more or less;
 thence Southeasterly in curve 577.5 feet, more or less, (this curve follows an existing wash or ditch) to the South line of the N $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 20, at a point 693 feet East of the point of beginning;
 thence West 693 feet, more or less, to the point of beginning.

This Warranty Deed is given to correct that certain Warranty Deed executed by the above parties, dated March 6, 1992 and recorded March 6, 1992 under recorder's instrument No. 143160.

TOGETHER with all water and water rights appertanent thereto and including but not limited 3 $\frac{1}{2}$ lines of 4 in. sprinkler pipe.

SUBJECT to all easements, rights of way, and public roads or highways adjoining or crossing said property, and further subject to retention or reservation of mineral, oil and gas rights by prior owners of said real property or by the United States of America or the State of 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 First Party, and said First Party's heirs, the said premises in the quiet and peaceable possession of said Second Party, said Second Party's heirs and assigns against the said First Party, First Party's 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.

STATE OF IDAHO }
 County of Caribou } SS.

I hereby certify that this instrument was filed at the request of Caribou Title
 at 3:45 o'clock P m this 15th day of May, 1992 in my office and duly recorded in Microfilm Records _____

Rebecca Jenkins-Smith

Stephanie Lansberry
 Ex-Officio Recorder

9.00
 Deputy Chg.

JAN 31 1993

October 31, 1992

JAY W. BARKER
MIRJAM D BARKER
1350 E. 2600 N.
NORTH OGDEN UT 844040000

PROOF DUE NOTICE

RE: PERMIT NO. 13-07438

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

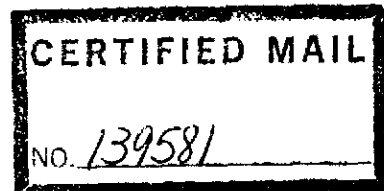
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
FEBRUARY 04, 1988

BARKER, JAY W. & MIRJAM D
1350 EAST 2600 NORTH
NORTH OGDEN, UT 84404

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-7438

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

PLEASE BE ADVISED THAT YOUR PLANS FOR FISH PROPAGATION MAY BE SUBJECT TO REGULATIONS OF THE IDAHO DEPARTMENT OF FISH AND GAME. WE SUGGEST THAT YOU CHECK WITH THEM BEFORE STARTING CONSTRUCTION.

PLEASE NOTE THE REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED A FORM ENTITLED "INSTRUCTIONS FOR PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

GARY SPACKMAN
SUPERVISOR, WATER ALLOCATION SECTION

GS: SC
ENCLOSURES

MICROFILMED

JUN 28 1988

Note
Sue Christensen
(ph 427-6309)
will be sending
on assignment
I will request
some water
vt research

NY
3-25-92

DATE

7/15/87

FROM

NCH

RECEIVED

TO

13-7438

JUN 28 1988

SUBJECT

- ① Change Water Plan Policy to 56
(was 32F)
- ② Change conditions or explain in cover letter ~~that~~ how "non consumptive" operates: (e) If the right is to be diverted when all prior rights demanding water are not being satisfied the permit holder must first have determined the rate of loss within his facilities using a procedure approved by the Director of I&WR

SIGNATURE

(over)

and ~~also~~ provide a source of augmentation
water to mitigate all losses to the stream,

INDEXED

JUN 28 1988

MEMORANDUM

TO: Water Allocation Section, Glen Saxton, Bob Fleenor, Norm Young

FROM: Gary Spackman *Gary*

DATE: July 21, 1987

Recent controversy over losses ~~occurring~~ for diversions of water for non-consumptive uses has prompted a review of our conditions for issuance of a permit. In particular, fish propagation diversions have been suspected of losing water through the delivery system. As a result, conditions were previously imposed which required installation of inlet and outlet measuring devices.

A more uniform condition should be imposed on all proposed nonconsumptive uses diverted from surface sources. The conditions should be more general to allow flexibility depending on size and the nature of the operation. Some systems may require careful engineering testing. Other systems may not merit such careful evaluation.

The following condition is proposed to replace all previous conditions which were imposed to require measurement of losses through the system:

Prior to placing water to beneficial use under this permit, the permitholder must determine the rate of loss within his facilities using a procedure approved by the Director of the Department of Water Resources, and provide a source of augmentation water to mitigate all losses.

The condition may require an interim report from the permitholder prior to placing the water to beneficial use. In most cases, however, an in depth study by the Department will probably not be necessary.

MAILED

JUN 28 1988

State of Idaho

AMENDED

Department of Water Resources

AMENDED

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: ESV

APPLICATION NUMBER: 13-7438

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.

Field check by: _____

Date: _____

Comments: _____

☒ 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.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

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 13Q-Watermaster

Copies sent by: _____

Date: _____

11/7

4-10-87

11/7

4-10-87

PROCESSING:

☐ Yes ☒ No

Platted by: _____ Map No. _____

☐ Yes ☒ No

Other rights on same place of use. Irrigation water from Trout Creek

☒ Yes ☐ No*

In form for advertising.

Final date for protests: 5-4-1987

☐ Yes ☒ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

☒ Affidavit of publication received. Date: 5-21-87

☒ 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? 13-Q

11-18-86

Date of priority recommended.

Special conditions of approval or cover letter. _____

Code 02, 05, 07A, 09D, 26, 27, 33, 42

allow the 5 yrs. requested for Bld development

By: Ernest Calver

Date: July 6, 1987

STATE OFFICE REVIEW: 42 07A 09D 26 33 27

106, 117

02 05 (13Q, Trout Creek)

RECEIVED

☐ See attached sheet for more information.

By: KW

Date: 7/13/87

JUL 16 1987

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

May 12, 1987

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

Re: Amended Application No. 13-7438 BARKER
Application for Permit No. 11-7362 D & S DEVELOPMENT
Application for Permit No. 11-7363 D & S DEVELOPMENT

Gentlemen:

Would you please submit affidavits of publication and a certified bill in connection with the above referenced applications. The legal notices were to have been published in your paper on April 16 and 23, 1987.

Your cooperation in this matter is greatly appreciated.

Sincerely,

COLLEEN WRAY
Adm. Secretary

RECEIVED

JUN 28 1988



Region 5
5205 S. 5th Avenue
Pocatello, Idaho 83201
Telephone: (208) 232-4703

April 16, 1987

Department of Water Resources
150 Shoup - Suite 15
Idaho Falls, ID 83402

RE: Application for Permit No. 13-7438, Jay W. and/or Mirjam D.
Barker from Trout Creek.

Dear Mr. Barker:

We have reviewed the application for 3.0 cfs of water from unnamed springs which are tributaries to Trout Creek and feel this diversion will not significantly effect fish and wildlife populations.

Sincerely,

David Neider
Regional Supervisor

DN/JTH/vt

MICROFILMED

JUN 28 1988

RECEIVED

APR 20 1987

Department of Water Resources
Eastern District Office

EQUAL OPPORTUNITY EMPLOYER

April 15, 1987

Jay W. and/or Mirjam Barker
1350 East 2600 North
North Ogden, Utah 84404

RE: Application for permit no. 13-7438

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit.

This office is currently in the process of advertising the application in the Caribou County Sun. 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 on the matter.

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

Enclosed is receipt No. 41141 for the amount of 20.00.

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

Sincerely,

Ernest Carlsen
Assistant Regional Manager

EC/md Enclosure

MICROFILMED

JUN 28 1988

April 10, 1987

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

Re: Application for Permit No. 13-7438, Jay W. and/or
Mirjam D. Barker

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 May 4, 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/md

Enclosure

MICROFILMED

JUN 28 1988

April 10, 1987

Mr. Clark Mickelson, Watermaster
Star Rt., Box 361-A
Grace, Idaho 83241

Re: Application for Permit No. 13-7438, Jay W. and/or
Miriam D. Barker

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 May 4, 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/md

Enclosure

RECEIVED

JUN 28 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 8, 1987

Caribou County Sun
P. O. Box 315
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 sales 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 MAY 4, 1987.

Yours Truly,

Michele Davis
Office Secretary

Encl.

MICROFILMED

JUN 28 1988

PUBLIC NOTICE

First Time Published

**NOTICE OF AMENDED
APPLICATION FOR
WATER PERMIT**

Notice is hereby given that Application for Permit No. 13-7438 in the name of Jay W. and-or Mirjam D. Barker, North Ogden, Utah was filed for the diversion of 10 cfs of water from Trout Creek, tributary to Bear River, the point of diversion within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 11S, R. 41E, B.M., Caribou County, the water is to be used for fish propagation, Jan. 1 to Dec. 31, within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 11S, R. 41E, B.M.

The applicant now proposes to amend Application No. 13-7438 for the diversion of 3.0 cfs of water within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 11S, R. 41E, B.M., for use within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 11S, R. 41E, B.M.

Any protest to the proposed amending of the application must be filed with the Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402 on or before May 4, 1987.

A. KENNETH DUNN

Director

Published April 16 and 23, 1987 in the Caribou County Sun.

RECEIVED
MAY 11 1987

APR 26 1987

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that Application for Permit No. 13-7438 in the name of Jay W. and/or Mirjam D. Barker, North Ogden, Utah was filed for the diversion of 10 cfs of water from Trout Creek, tributary to Bear River, the point of diversion within the NE1/4NE1/4SE1/4, Sec. 17, T. 11S, R. 41E, B.M., Caribou County, the water is to be used for fish propagation, Jan. 1 to Dec. 31, within the NE1/4SE1/4, NW1/4SE1/4, Sec. 17, T. 11S, R. 41E, B.M.

The applicant now proposes to amend Application No. 13-7438 for the diversion of 3.0 cfs of water ^{from UNNAMED SPRINGS} within the NW1/4SE1/4SE1/4, NE1/4SE1/4SE1/4, Sec. 17, T. 11S, R. 41E, B.M., for use within the SW1/4SE1/4, SE1/4SE1/4, Sec. 17, T. 11S, R. 41E, B.M.

Any protest to the proposed amending of the application must be filed with the Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402 on or before May 4, 1987.

A. Kenneth Dunn
Director

Published 4/16 & 4/23/87

RECEIVED

JUN 28 1988

*change made in
Caribou County sec 417-87*

CONVERSATION MEMORANDUM

DATE March 26, 1987FILE 13-7438NAME OF PARTY Miriam BarkerEMPLOYEE Eric VernerRE: Amended fish propogation application 13-7438

I contacted Mrs. Barker to clarify the plans for the fish plant. Mr. Barker did not specify in his system diagram the number of 10' x 30' x 3.5' ponds that would be built. Mrs. Barker stated they plan to have no more than 11 ponds that are indicated in the drawing. If ponds are filled this equals approximately a 11,500 cu. ft., maximum system volume. Mrs. Barker said they plan to put 4 ponds in service next spring and then add on as funds become available. At the end of 5 years they plan to have 11 ponds operating.

MICROFILMED

JUN 28 1988

INTER-DEPARTMENT MEMO — 1

FROM

ESV

DATE

3/5/87

TO

File

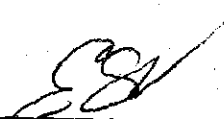
SUBJECT

Application No. 13-7438

Contacted Mrs. Barber this date by phone to follow-up on amended application sent to them on 2/2/87. Mrs. Barber voiced some confusion as to source on app. I corrected her questions and she stated that they would send the amended app. in ASF.

MICROFILMED

JUN 28 1988


SIGNATURE

February 5, 1987

Jay W. and Mirjam D. Barker
1350 East 2600 North
North Ogden, Utah 84404

RE: Amending application 13-7438

Dear Mr. and Mrs. Barker:

Pursuant to our phone conversation I have enclosed an amended application for permit regarding your fish propagation project. I have partially completed the form leaving items 16(a), 13 and the signature for your attention. Please complete these items and check the application for any errors I may have made. Upon receipt of the application, along with a \$20.00 filing fee, our office will readvertise the requested changes and continue with normal processing.

If you do not feel comfortable reading the legal descriptions of point of diversion and place of use (items 3 and 9) just pinpoint these on the map and I will determine the legal. We would also appreciate a copy of the updated system plans as soon as possible.

Thank you for your cooperation and if you need further assistance please feel free to contact our office.

Sincerely,

Eric S. Verner
Water Resource Agent

ESV/md

Enclosure: Amended Application

MICROFILMED

JUN 28 1988

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: ESV

APPLICATION NUMBER: _____

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.

Field check by: _____

Date: _____

Comments: _____

☒ 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.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

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 13 Q - watermaster

Copies sent by: _____

Date: _____

MJ

12-2-86

MJ

12-19-86

PROCESSING:

☐ Yes

☐ No

Platted by: _____ Map No. _____

☐ Yes

☐ No

Other rights on same place of use. _____

☐ Yes

☐ No*

In form for advertising.

☐ Yes

☒ No

Final date for protests: DEC. 22, 1986

☐ Yes

☒ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 1-29-87
☒ 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? _____

Date of priority recommended.

Special conditions of approval or cover letter. _____

By: _____ Date: _____

STATE OFFICE REVIEW:

☐ See attached sheet for more information.

By: _____ Date: _____

POINT OF DIVERSION AND STREAM INDEX INFORMATION

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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lot (R) REACH

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

RECEIVED

JAN 29 1987

Department of Water Resources
Eastern District Office

Jay W. Barker
Mirjam D. Barker
1350 E. 2600 N.
Ogden, Utah
84404

January 24, 1987

Department of Water Resources
150 Shoup - Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

Re: Application for permit No. 13-7438

Dear Mr. E. Carlsen:

In response to your letter about our water users permit, we have talked to Clark Mickelson about the problems you have mentioned in your letter. Mr. Mickelson informed us that we have a 2.8 cfs water right dating back to 1871, coming out of Trout Creek. We have approximately 2 to 3 cfs coming from springs and drain water located on the property. Mr. Mickelson has suggested that we use this water because it is constant year round and not to rely on the water from Trout Creek, as we had originally planned. We therefore would like to change our request from 10 cfs to 3 cfs, knowing that we would only use this water when there was a good water year. On bad years we would rely totally on the water coming from springs on the farm and our water rights. During the summer months, when the water is being used by the farmers, we would be hauling our fish to Utah to be sold and would not need as much water.

We hope that these changes will satisfy the Department of Water Resources supplemental information, rule 4,5,3,2. If there are any other questions you would like answered about our plans, we would be happy to talk to you further. We appreciated Mr. Mickelson giving us the information on the water availability on our property and feel that we have found a workable solution to our problem. We hope this will be satisfactory. Thank you for your interest in helping us get off to a successful start in Idaho.

Yours Sincerely,

Jay W. Barker

Jay W. Barker
Mirjam D. Barker

RECEIVED

JUN 28 1988

January 12, 1987

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

Re: Application No. 13-7438, Jay W. and/or Mirjam D. Barker

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on December 4, and December 11, 1986.

Your cooperation in this matter is greatly appreciated.

Sincerely,

Michele Davis
Office Secretary

MICROFILMED

JUN 28 1988

December 30, 1986

Jay W. Barker
Miriam D. Barker
1350 East 2600 North
North Ogden, Utah 84404

RE: Application for permit No. 13-7438

Dear Mr. & Mrs. Barker:

This office has completed the publication of notices announcing the above captioned application has been filed with the Department of Water Resources. Though no letters objecting to the issuance of the permit were received, the Department must still evaluate several criteria regarding the application. These criteria and the information you need to provide in order to evaluate them are described on the document enclosed with this letter. Though each item must be carefully examined, the sufficiency of the water supply is of particular importance in this case.

The application requests the year around diversion of 10 cfs from Trout Creek a tributary of the Bear River. The diversion of water from this stream during the summer is regulated by the watermaster of Water District 13Q. For many years this position has been held by Clark Mickelson. We have contacted Mr. Mickelson to gain an understanding of whether or not there is water available to satisfy your request. Based on his knowledge of the creek you could probably expect there to be water available for diversion under your permit for the entire year in three out of ten years. But in those years when the runoff is normal or below normal the entire stream is required to fill irrigation rights which are diverted upstream from your proposed project. These diversions would dewater the stream starting in July and possibly continuing until mid-September

Realizing there are periods of sixty to seventy-five days during most summers when water would not be available for diversion

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JUN 28 1988

Jay W. Barker
Mirjam D. Barker
December 30, 1986
Page two

under this permit it is important that your response to Rule 4, 5,3,2, contain an explanation of how your going to operate the proposed facility. This plan of operation must take into consideration those periods when water will not be available under the permit.

To provide ample time for you to compile and submit the necessary information this office will suspend further action on the application for up to thirty days or until the requested information is provided. Failure to submit the supplemental information is cause to void the application, so your prompt attention to this matter is vitally important.

Naturally if you have any questions feel free to contact this office.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/md

Enclosure

cc: Ted Ransom

RECEIVED

JUN 28 1988

CONVERSATION MEMORANDUM

DATE December 23, 1986

FILE 13-7438

NAME OF PARTY Clark Mickelson

EMPLOYEE Eric S. Verner

RE: The watermaster of District 13-Q, Clark Mickleson, contacted me regarding application 13-7438. The application asks to divert 10 cfs year round from Trout Creek for fish propagation. The application was advertized two weeks and no protests were filed. However, Mr. Mickleson believes there will be problems delivering water to the applicant's project. He stated that prior water rights use all available water during portions of the summer and that these rights are diverted from systems above the applicant's proposed project. I requested that Mr. Mickleson submit some documentation to the department showing the history of water delivery from Trout Creek. The Department can then determine whether there is any available water for the applicant's project. Mr. Mickleson said he would also contact the applicants and discuss his concerns with them. This office will hold the application until January 2, 1987 to allow Mr. Mickleson to submit pertinent information.

MICROFILMED

JUN 28 1988



Region 5
5205 S. 5th Avenue
Pocatello, Idaho 83204-4229
Telephone: (208) 232-4703

December 18, 1986

RECEIVED

DEC 22 1986

Department of Water Resources
Eastern District Office

Mr. Ernest Carlsen
Department of Water Resources
150 Shoup - Suite 15
Idaho Falls, ID 83402

Re: Application for Permit No. 13-7438, Jay W., and/or Mirjam D.
Barker.

Dear Mr. Carlsen:

We have reviewed the above referenced application, and feel that the approval of this water right will not significantly affect fish and wildlife resources at this time.

Sincerely,

David Neider
Regional Supervisor

DN/vt

cc: Ted Ranson

MICROFILMED

JUN 28 1988

EQUAL OPPORTUNITY EMPLOYER

December 19, 1986

Clark Mickleson
Watermaster District 13-Q
Star Route, Box 361A
Grace, Idaho 83241

RE: New water right application.

Dear Mr. Mickleson:

On November 11, 1986 Mr. and Mrs. Jay Barker of Ogden, Utah submitted an application to divert water from Trout Creek for fish propagation. As an oversight the Department failed to route a copy of the application to you for review. We apologize for this and now respectfully submit the application for your consideration.

The Barker's application was advertized and there were no protests filed during the protest period. However, we will hold the application an additional two weeks while you review it. If you have any concerns about the proposed project please notify this office before January 2, 1987.

If you need further assistance please contact this office.

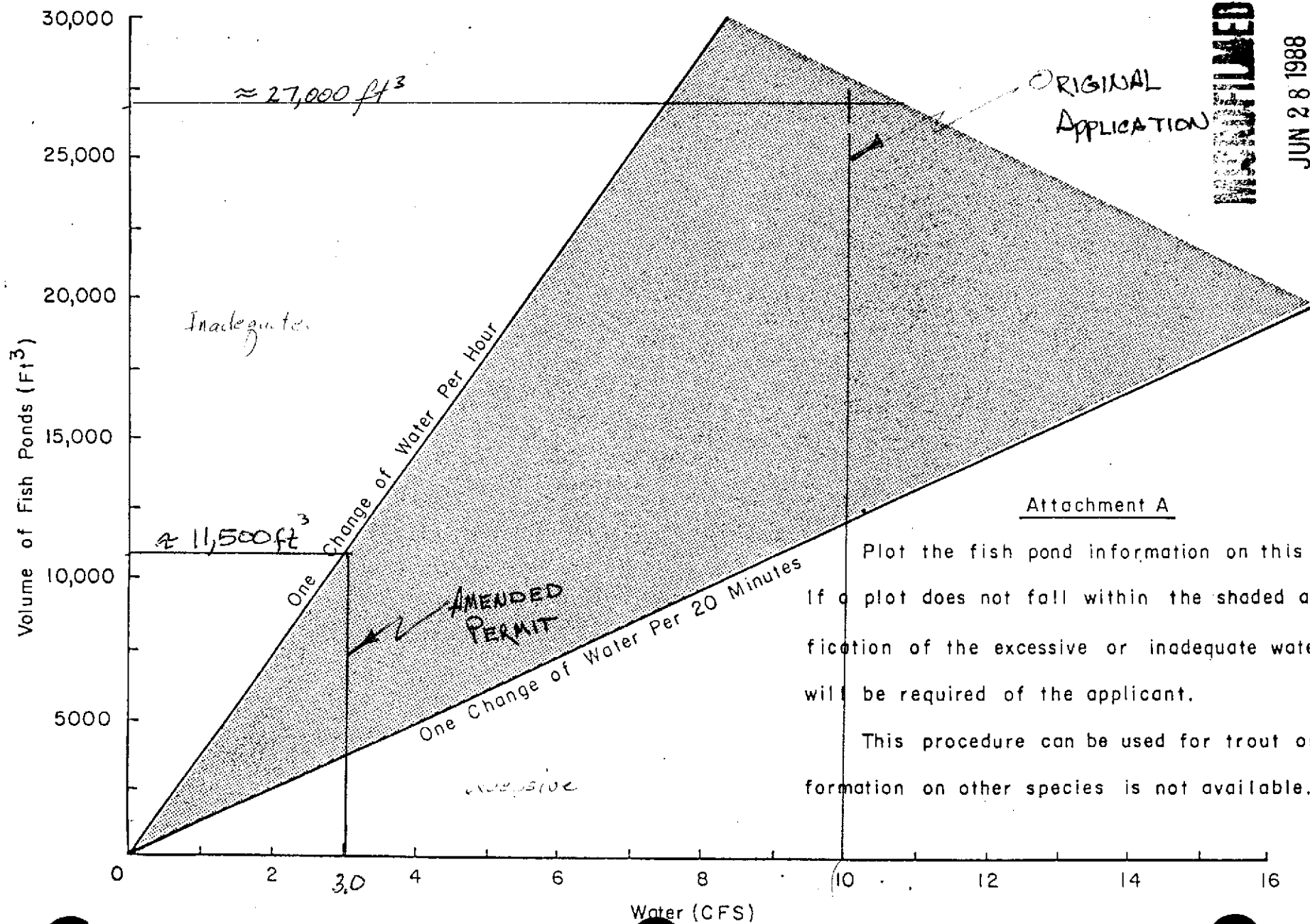
Sincerely,

Eric S. Verner
Water Resource Agent

Enclosure

MICROFILMED

JUN 28 1988



RECEIVED

JUN 28 1988

$$11 \text{ ponds} \times (10' \times 30' \times 3.5') \\ = 11,550 \text{ ft}^3$$

LEWISTON MORNING TRIBUNE

Dec. 2, 1986

RECEIVED

DEC 4 1986

Department of Water Resources
Eastern District Office

To: Donald D. Carlson

Please find enclosed Galley Proof as requested. This legal is scheduled for December 17 and 24.

Sincerely,
Jan Blackwell
Legal Clerk

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-7438

BARKER, JAY W. &/or MIRJAM D.
1350 EAST 2600 NORTH, NORTH
OGDEN, UT 84404

Source: TROUT CREEK trib. to
BEAR RIVER

Diversion Pt: NENESE Sec. 17 T 11S
R 41E

Use: FISH PROP. (10.0 CFS)

Date Filed: 11/18/1986

In: NESE NWSE Sec. 17 T 11S R 41E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before DECEMBER 22, 1986.

KEN DUNN, Dir.

MICROFILMED

JUN 28 1988

Proof 12-5-86
MD

December 2, 1986

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

Re: Application for Permit No. 13-7438,
Jay W. and/or Miriam D. Barker

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 December 22, 1986, 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/md

Enclosure

RECEIVED

JUN 28 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

NOVEMBER 26, 1986

The Idaho Statesman
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 DECEMBER 22, 1986.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

JUN 28 1988

Ass. Rec'd

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

NOVEMBER 26, 1986

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.

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Please send the affidavit of publication and publication billing to this office before DECEMBER 22, 1986.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

RECEIVED

JUN 28 1988

Off. Rec'd

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

NOVEMBER 26, 1986

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 DECEMBER 22, 1986.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

JUN 28 1988

Jeff. Rec'd

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

NOVEMBER 26, 1986

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.

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Please send the affidavit of publication and publication billings to this office before DECEMBER 22, 1986.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

JUN 28 1988

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:

13-7438

BARKER, JAY W. AND-OR
MIRJAM D.

1350 EAST 2600 NORTH, NORTH
OGDEN, UT 84404

Source: TROUT CREEK trib. to
BEAR RIVER

Diversion Pt: NENESE Sec 17 T 115
R 41E

Use: FISH PROP. (10.0 CFS)

Date Filed: 11-18-1986

In: NESE NWSE Sec 17 T 11S R
41E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before DECEMBER 22, 1986.

KEN DUNN, Director

Published Dec. 4 and 11, 1986 in the
Caribou County Sun.

Comments will be made for each party.

MICROFILMED

JUN 28 1988

NOTICE OF APPLICATION FOR WATER RIGHT

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13-7438

BARKER, JAY W. &/or MIRJAM D.

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KEN DUNN, Dir.

Published 12/4 & 12/11/86.

MICROFILMED

JUN 28 1988