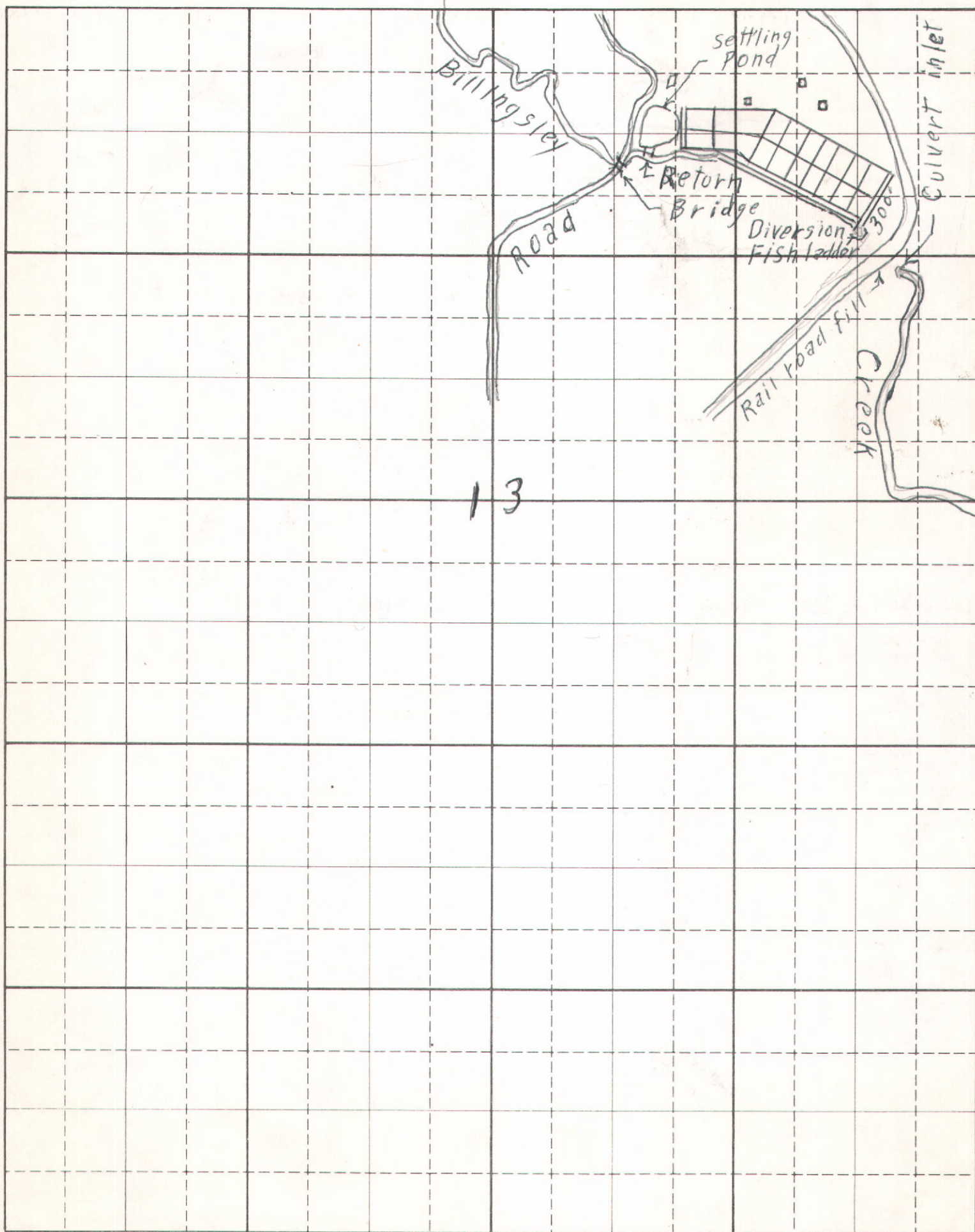


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

T7S R 13E B M



Scale: 8 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.

Blind Canyon Aqua Ranch Inc.

president

(Applicant)

secretary

Geo. H. Lemmon
J. Patrick Windes

Billingsley Creek

71978.9 for 15 raceways



To Hydro Plant

43187.4 ft³ in use now

76777.5 ft³ total

94'

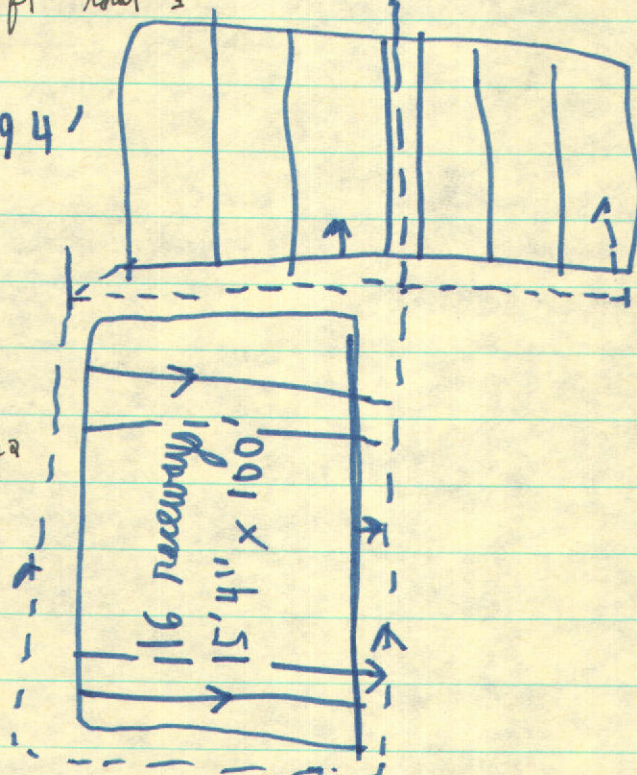
15'4" W

3'4" deep

9 in use

7 $\frac{1}{2}$ dry 3-4 years

81678.2 ft³



10' Wein

12' Wein

124865.6 ft³ volume now

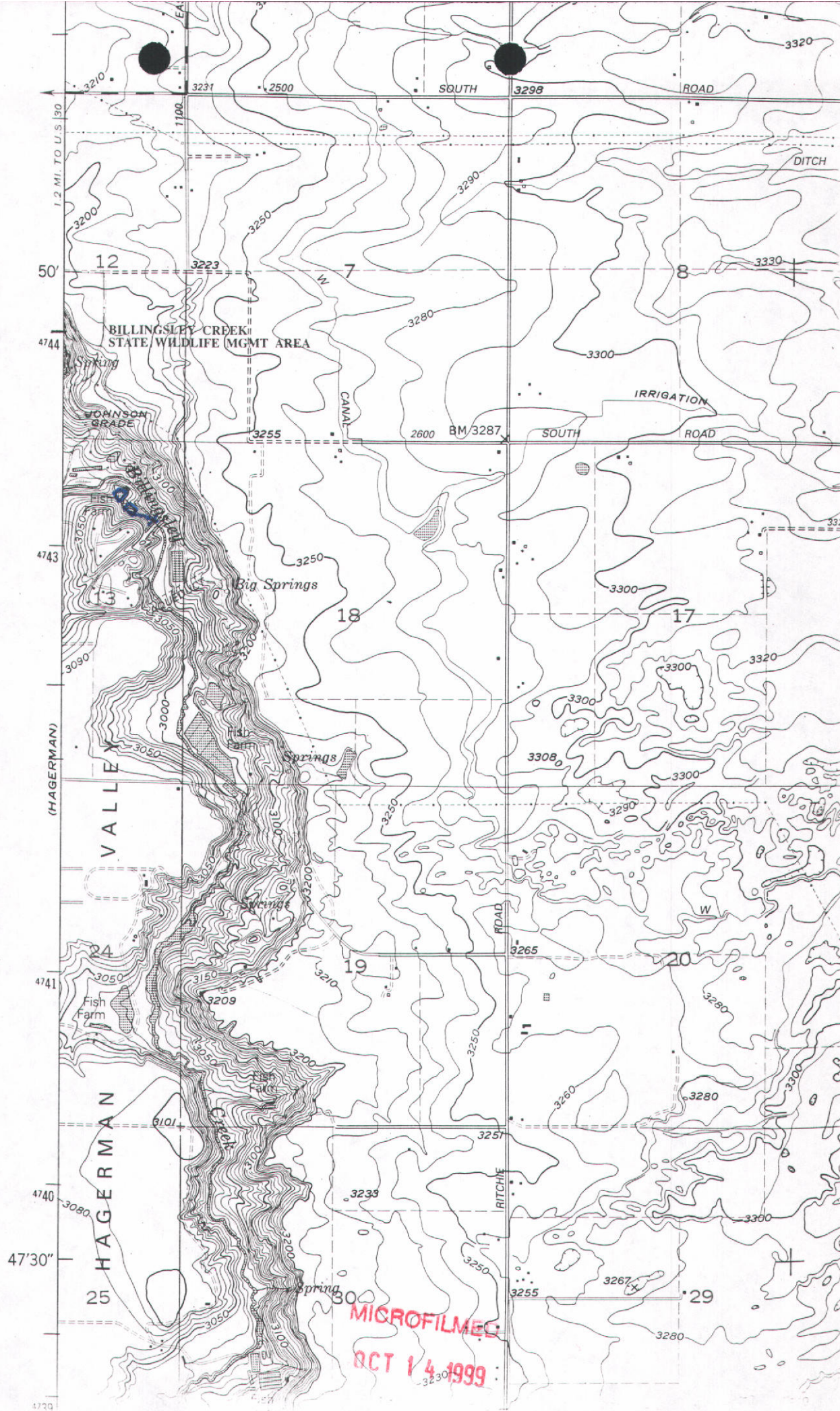
158455.7 ft³ total

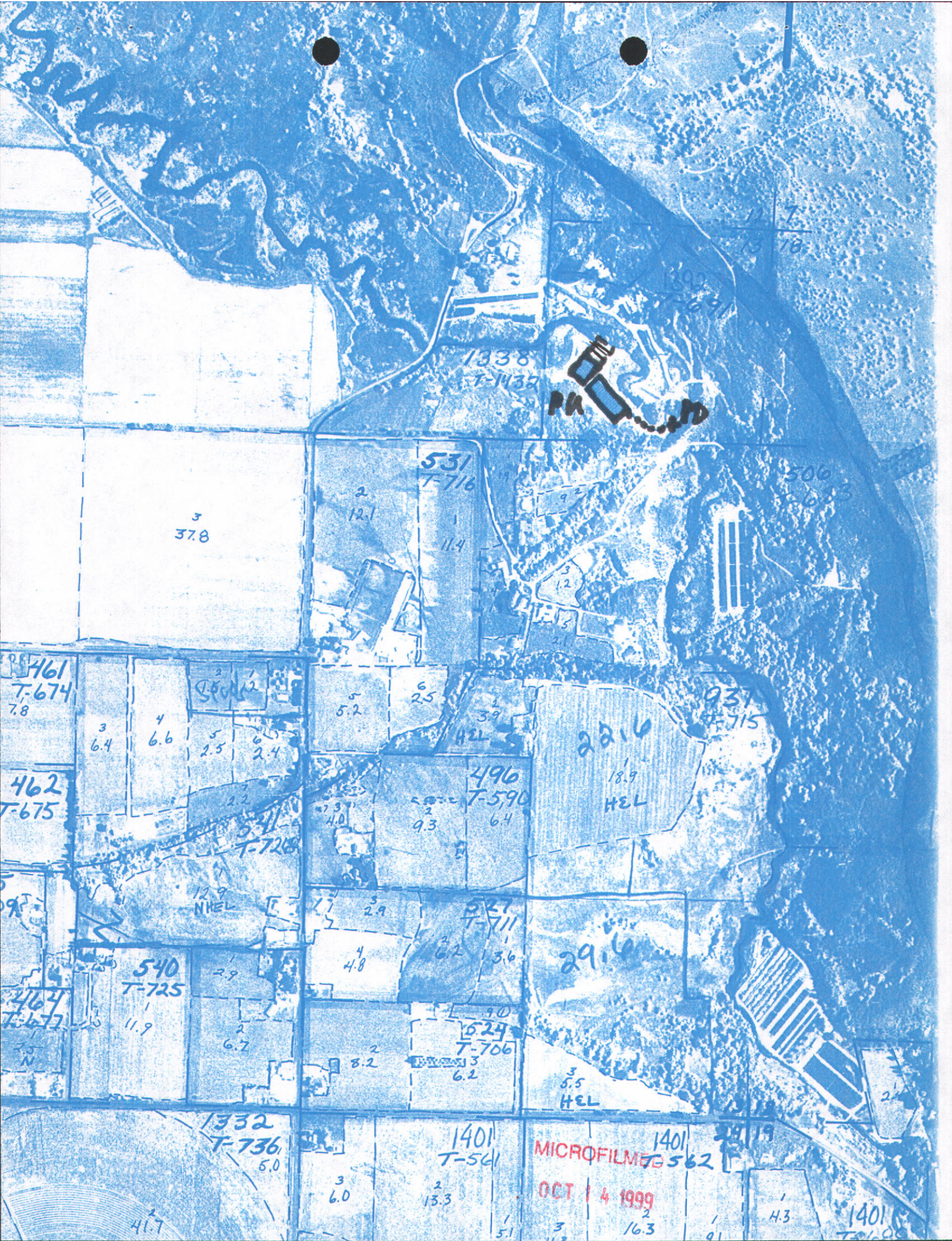
RR Grad

PD

MICROFILMED

OCT 14 1999







Raceways



Unused Raceways Above
Power Plant

MICROFILMED

OCT 14 1999

36-7725

11-8-96 JES



Diversion Works



Delivery Canal To P/U

16' Weir
To Raceways,
12' Weir In
Background



MICROFILMED
OCT 14 1999

36-7725
11-8-96 JES



Diversion Canal Under Construction

MICROFILMED

OCT 14 1999

36-07725

JES

State of Idaho
Department of Water Resources

AMENDED

Water Right License

AMENDED

WATER RIGHT NO. 36-07725

Priority: November 29, 1976

Maximum Diversion Rate: 100.00 CFS

Maximum Diversion Volume: 71071.7 AF

This is to certify, that CLEAR LAKES TROUT CO INC

1301 VISTA AVE

BOISE ID 83705

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 29, 1976; and has submitted Proof of Beneficial Use on January 29, 1987. An examination indicates that the works have a diversion capacity of 120.200 cfs of water from:

BILLINGSLEY CREEK

tributary to SNAKE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	100.00 CFS	71071.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SENESE , Sec. 13, Township 07S, Range 13E
GOODING County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

07S 13E 13

NENE

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 36A.
3. Right 36-08089 is also diverted through the point of diversion described above.
4. Rights 36-07725 and 36-08089 when combined shall not exceed a total diversion rate of 120.2 cfs and a total annual maximum diversion volume of 87022.1 af.
5. The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.

MICROFILMED

FEB 11 2000

State of Idaho
Department of Water Resources

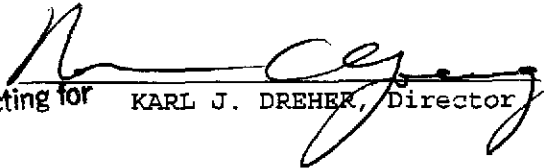
AMENDED

Water Right License

AMENDED

WATER RIGHT NO. 36-07725

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 7th day of FEBRUARY, 2000.


Acting for KARL J. DREHER, Director



MICROFILMED

FEB 11 2000

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF WATER RIGHT)
LICENSE NO. 36-07725 IN THE NAME) **ORDER GRANTING PETITION**
OF CLEAR LAKES TROUT COMPANY INC.) **FOR RECONSIDERATION**
_____)

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the issuance of a water right license, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On September 28, 1999, the Department issued Water Right License No. 36-07725 (license) to Clear Lakes Trout Company, Inc., (right holder) for the diversion and use of 100 cfs of water from Billingsley Creek for fish propagation purposes in Gooding County.
2. The license was issued as a preliminary order (order) of the Department pursuant to §67-5243, *Idaho Code*, and Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730).
3. Rule 730.02.a. of the Department's Rules of Procedure (IDAPA 37.01.01.730.02.a.) provides in pertinent part as follows:

Any party may file a petition for reconsideration of this preliminary order with the hearing officer issuing the order within fourteen (14) days of the service date of this order. The hearing officer issuing this order will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

4. On October 12, 1999, the Department received a petition for reconsideration of the order (petition) from an attorney representing the right holder (petitioner). The petitioner specifically requests the removal of three conditions placed on the license.

CONCLUSIONS OF LAW

1. The petition was filed timely.
2. The Department should grant the petition.

MICROFILMED

FEB 11 2000

ORDER

IT IS HEREBY ORDERED that the petition for reconsideration of the preliminary order issuing Water Right License No. 36-07725 is **GRANTED** pursuant to §67-5243, *Idaho Code*.

IT IS FURTHER ORDERED that within 30 days of this order the department will set a date, time, and location for an informal conference to consider the issue(s) raised in the petition.

Dated this 2ND day of NOVEMBER, 1999.



NORMAN C. YOUNG
Administrator, Water Management Division

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-07725

Priority: November 29, 1976 Maximum Diversion Rate: 100.00 CFS
Maximum Diversion Volume: 71071.7 AF

This is to certify, that CLEAR LAKES TROUT CO INC

1301 VISTA AVE

BOISE ID 83705

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 29, 1976; and has submitted Proof of Beneficial Use on January 29, 1987. An examination indicates that the works have a diversion capacity of 120.200 cfs of water from:

BILLINGSLEY CREEK

tributary to SNAKE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	100.00 CFS	71071.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SENENE , Sec. 13, Township 07S, Range 13E
GOODING County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

07S 13E 13

NENE

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 36A.
3. The right holder shall provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
4. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
5. Facility Volume = 153657.1 cubic feet.
6. Right 36-08089 is also diverted through the point of diversion described above.
7. Rights 36-07725 and 36-08089 when combined shall not exceed a total diversion rate of 120.2 cfs and a total annual maximum diversion volume of 87022.1 af.

SUPERSEDED

MICROFILMED

OCT 14 1989

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-07725

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 28th day of September, 1999.

Acting for

EARL J. DREHER, Director

SUPERSEDED

MICROFILMED
OCT 14 1999

RECEIVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

Receipt # 40662
Reviewed by 98
Sent to region

JAN 29 1987

PROOF OF BENEFICIAL USE JAN 30 1987

Department of Water Resources
Southern Region Office

Department of Water Resources

The Idaho Department of Water Resources will consider this for permit holder(s) has 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 36-7725

Name(s) of Permit Holder: Fisheries Development Co.

Post Office Address: c/o Nyal Hoffman, Rt. 1, Filer, ID 83328

Telephone No.

Source of Water: Billingsley Creek

Extent of Use:

Domestic (number of households)

Stockwater (number and type of stock)

Irrigation (acres)

Other/Remark 100 cfs for fish prop.

Total rate and/or volume for which proof is submitted 100 cfs acre-feet

Show the date water was first diverted and beneficially used under this permit: January 30, 1987

Measuring Device: Required? ☒ Yes ☐ No
Installed? ☒ Yes ☐ No

Fee enclosed \$ None 600.
(See License Examination Fee Schedule)

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

Person to contact to accompany the Department representative during the field examination:

326-5680

~~That will be done by Charles Brockway, P.E.~~ Nyal Hoffman
(Name)

~~733 H / 423-4694~~
(Telephone Number)

(Address)

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.

1-29-87
Date

Nyal Hoffman Pres. F.D.
Signature of Permit Holder (and title, if appropriate)

MICROFILMED
MAR 20 1987

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Orginial Permit	36-7725	Blind Canyon Aqua Ranch Inc.	100.0 cfs
Full Assignment	36-7725	Raleigh W. Stevens	100.0 cfs
Full Assignment	36-7725	Fisheries Development Co, &/or Mac C. Martin &/or Jeffrey M. &/or Joy Martin &/or Michael K. &/or Vicki Martin	100.0 cfs
Full Assignment	36-7725	Fisheries Development Company	100.0 cfs
Full Assignment	36-7725	Clear Lakes Trout Co., Inc.	100.0

MICROFILMED
MAR 20 1991

ASSIGNMENT OF PERMIT

XX FISHERIES DEVELOPMENT COMPANY, hereby assign to CLEAR LAKES TROUT CO., INC.
of 1301 Vista Ave., Boise, Idaho 83705

Address

CHECK ONE



All my right, title, and interest, in and to Permit No. 36-7725
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 list-
ing 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 19th day of September, 19 86

FISHERIES DEVELOPMENT COMPANY

BY

Nyal Hoffman Pres.

Permit Holder

Attest Judith C. Hoffman, Secy
Spouse of Permit Holder

State of Idaho

County of Blaine) ss.

On this 19th day of September, 1986, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that ~~XXXXXX~~ executed the same.

Notary Public residing at

Blaine, Idaho

My commission expires 6-30-91

MAR 20 1987

RECEIVED

FEB 04 1987

Department of Water Resources

MICROFILMED

Department of Water Administration

RECEIVED

JUN 12 1984

ASSIGNMENT OF PERMIT

Mac C. Martin, Jeffrey M. Martin and Joy Martin, husband and wife,
Michael K. Martin and Vicki Martin, hereby assign to FISHERIES DEVELOPMENT COMPANY
 husband and wife,
an Idaho corporation, Route 1, Filer, Idaho
 Address Department of Water Resources

CLICK ONE

- ☒ All my right, title, and interest, in and to Permit No. 36-7725
 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 list-
 ing 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 12th day of August, 1983.

Mac C. Martin
 Permit Holder

Permit Holder

Michael K. Martin
 Permit Holder

Permit Holder

Mac C. Martin
 Permit Holder

Permit Holder

State of Idaho)
 County of Twin Falls) ss.

On this 12th day of August, 1983, personally
 appeared before me the signer(s) of the above instrument, who duly acknowledged
 to me that Mac C. Martin executed the same.



REVA A. JOHNSON
 NOTARY PUBLIC STATE OF IDAHO
 Residing at Twin Falls, Idaho
 Commission for Life Term

Reva A. Johnson
 Notary Public residing at

Twin Falls, Idaho

My commission expires: Life

STATE OF Idaho)
County of Bonneville) ss.

On this 12 day of August, 1983, before me, the undersigned, a Notary Public in and for said State, personally appeared JEFFREY M. MARTIN and JOY MARTIN, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Doris Toone
NOTARY PUBLIC
Residence: Idaho Falls, Idaho

STATE OF Idaho)
County of Bonneville) ss.

On this 12 day of August, 1983, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL K. MARTIN and VICKI MARTIN, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Doris Toone
NOTARY PUBLIC
Residence: Idaho Falls, ID

RECORDED
INDEXED

FROM

Robyn

DATE

4-20-82

TO

SUBJECT

All of the following files are connected. Review these before licensing

36-7697

36-7731

36-7725

36-7800

36-7080 (Field exam done)

36-7664

36-8074

Do Not Film

SIGNATURE

MICROFILMED

QUITCLAIM DEED

RECEIVED

APR 22 1985

Department of Water Resources
SALT LAKE COUNTY, UTAH

OK to process
as assignment
RC 5-3-83

THIS INDENTURE, made this 27th day of October, 1982, by and between RALEIGH W. STEVENS as Trustee of the Estate of Grace S. Henry, party of the first part, and FISHERIES DEVELOPMENT COMPANY, an Idaho Corporation, MAC C. MARTIN, an unmarried man, JEFFREY M. MARTIN and JOY MARTIN, husband and wife, and MICHAEL K. MARTIN and VICKI MARTIN, husband and wife, whose address is 664 Buchanan, Twin Falls, Idaho 83301, party of the second part,

WITNESSETH:

That the party of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00) to him in hand paid by the parties of the second part, receipt whereof is hereby acknowledged, and of other good and valuable consideration, does hereby sell, convey, remise, release and forever quitclaim unto the said party of the second part, their heirs and assigns forever, all the right, title, interest, claim and demand which the said party of the first part now has or may hereafter acquire, in and to the real property situate in the County of Gooding, State of Idaho, to-wit:

As described in Exhibit "A" attached hereto and by reference incorporated herein as though fully set forth herein.

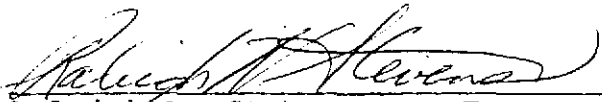
THIS DEED IS GIVEN IN FULL AND COMPLETE SATISFACTION OF THAT CERTAIN JUDGMENT ENTERED JANUARY 22, 1982 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL OF THE STATE OF IDAHO, IN AND

FOR THE COUNTY OF TWIN FALLS, CASE NO. 32008,
IN FAVOR OF FISHERIES DEVELOPMENT COMPANY, AN
IDAHO CORPORATION AND AGAINST RALEIGH W.
STEVENS AND VIRGINIA STEVENS IN THE AMOUNT OF
\$326,698.66 AND IN FULL AND COMPLETE
SATISFACTION OF THAT CERTAIN JUDGMENT ENTERED
JANUARY 22, 1982 IN THE DISTRICT COURT OF THE
FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS,
CASE NO. 32008, IN FAVOR OF MAC C. MARTIN,
MICHAEL K. MARTIN AND VICKI MARTIN, HUSBAND
AND WIFE, AND JEFFREY M. MARTIN AND JOY
MARTIN, HUSBAND AND WIFE, AND AGAINST RALEIGH
W. STEVENS AND VIRGINIA STEVENS IN THE AMOUNT
OF \$75,000.00 and costs. BY ACCEPTANCE
HEREOF GRANTEEES AGREE THAT THE SAID JUDGMENTS
ARE FULLY AND COMPLETELY SATISFIED.

All of the provisions of the attached
"Estoppel Affidavit" are by this reference
incorporated herein and made a part thereof.

TO HAVE AND TO HOLD the same, together with all and
singular, the appurtenances and privileges thereunto belonging or
in anywise appertaining, and all estate, right, title, interest
and claim whatever, of the party of the first part thereto,
either at law or in equity, to the only proper use, benefit and
behoof of the parties of the second part, and their assigns
forever.

IN WITNESS WHEREOF, the party of the first part has set
his hand the day and year first above written.


Raleigh W. Stevens, as Trustee of
the Estate of Grace S. Henry

MICROFILMED

STATE OF IDAHO

County of Gooding

)
) ss.
)

On this 27th day of October, 1982, before me, the undersigned, a Notary Public in and for said State, personally appeared RALEIGH W. STEVENS, known or identified to me to be the person whose name is subscribed to the foregoing instrument as Trustee of THE ESTATE OF GRACE S. HENRY, and acknowledged to me that he executed the same.

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

Dany W. Shaw
Notary Public for Idaho
Residing at Gooding Idaho

MICROFILMED

The following described real estate, all in Gooding County,
Idaho:

Township 7 South, Range 13 East of the Boise Meridian.

Section 13: Part of the NW1/4NE1/4 described as follows: Beginning NE corner of said NW1/4NE1/4; thence South along the East line of said NW1/4NE1/4, 395.00 feet, to true point of beginning; thence South along the said East Line of NW1/4NE1/4, 390.18 feet; thence N 88° 39' W, 659.40 feet to a County Road; thence N 14° 29' E, along said County Road, 257.71 feet to the centerline of an access road; thence along the centerline of said access road the following courses and distances: N 83° 58' E, 510.02 feet; N 46° 25' E, 100.00 feet; N 82° 02' E, 25.35 feet to the true point of beginning. TOGETHER WITH ALL water and ditch rights appurtenant thereto.

Township 7 South, Range 13 East of the Boise Meridian.

Section 13, NE1/4NE1/4. EXCEPTING THEREFROM a tract of land described as follows: Commencing at the Northwest corner of NE1/4NE1/4; thence East 250 feet; thence South 350 feet; thence West 250 feet; thence North 350 feet to the point of beginning. ALSO EXCEPTING THEREFROM a tract of land described as follows: Beginning at the Northeast corner of Section 13, thence N 89° 56' W, 701.46 feet along the Northerly boundary of Section 13 to the TRUE POINT OF BEGINNING; thence N 89° 56' 40" W, 364.78 feet along the Northerly boundary of Section 13; thence S 0° 01' 21" W, 450.00 feet; thence S 79° 33' 59" E, 110.84 feet to the center of an existing driveway; thence N 28° 35' 10" E, 534.93 feet to a point in the Northerly boundary of Section 13, THE TRUE POINT OF BEGINNING. TOGETHER WITH all water and ditch rights appurtenant thereto.

TOGETHER WITH all right, title and interest in and to the following:

Application for Water Right Permit No. 36-7080
for 17.2 CFS.

Application for Water Right Permit No. 36-7664
for 10 CFS.

Application for Water Right Permit No. 36-7725
for 100 CFS.

Application for Water Right Permit No. 36-7731
for 18 CFS.

Application for Water Right Permit No. 36-7800
for 8 CFS.

Application for Water Right Permit No. 36-8074
for 100 CFS for hydropower.

EXHIBIT "A" of EXHIBIT 5

ESTOPPEL AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Gooding)

RALEIGH W. STEVENS as Trustee of the Estate of Grace S. Henry, being first duly sworn, desposes and says:

1. That he made, executed and delivered the attached Quitclaim Deed, as Grantor, to Fisheries Development Company, an Idaho Corporation, Mac C. Martin, an unmarried man, Jeffrey M. Martin and Joy Martin, husband and wife, and Michael K. Martin and Vicki Martin, husband and wife, as Grantees.

2. Said Deed is an absolute conveyance of title to the real estate, Water Applications, Permits and Rights therein described to the Grantees named therein, in effect as well as in form, and is not intended as a mortgage, trust conveyance, or security of any kind. The consideration for said Deed is payment to Grantor of the sum of One Dollar (\$1.00) by Grantees, receipt of which is hereby acknowledged, and the full and complete satisfaction of that certain Judgment entered January 22, 1982 in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, Case No. 32008, in favor of Fisheries Development Company, an Idaho Corporation and against Raleigh W. Stevens and Virginia Stevens in the amount of \$326,698.66 and in full and complete satisfaction of that certain Judgment entered January 22, 1982 in the District Court of the Fifth Judicial District of the State of Idaho, in and for the

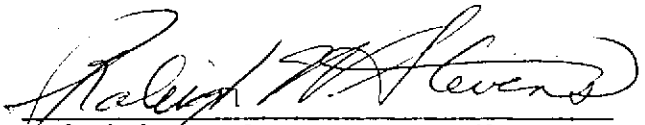
EXHIBIT 6

MICROFILMED

County of Twin Falls, Case No. 32008, in favor of Mac C. Martin, Michael K. Martin and Vicki Martin, husband and wife, and Jeffrey M. Martin and Joy Martin, husband and wife, and against Raleigh W. Stevens and Virginia Stevens in the amount of \$75,000.00 and costs.

3. The said Deed was voluntarily executed and delivered by the undersigned to Grantees and is intended to convey to Grantees all estate, right, title, interest and claim whatever, of Grantor in and to the property therein described,

4. This affidavit is made for the protection and benefit of the aforementioned Grantees, their heirs, successors and assigns, and all other parties hereafter dealing with or who may acquire an interest in the property described in the Deed to which this affidavit is attached.


Raleigh W. Stevens, as Trustee
of the Estate of Grace S. Henry

RECORDED

STATE OF IDAHO)
) ss.
County of Gooding)

On this 27th day of October, 1982, before me, the undersigned, a Notary Public in and for said State, personally appeared RALEIGH W. STEVENS, known or identified to me to be the person whose name is subscribed to the foregoing instrument as Trustee of THE ESTATE OF GRACE S. HENRY, and acknowledged to me that he executed the same.

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

Dary W. Shaw
Notary Public for Idaho
Residing at Gooding Idaho

97689

STATE OF IDAHO, COUNTY OF GOODING, ss.

Filed for record at the request of Manning Holmes Winnill

12 min. past 9 A 3rd day

of November, 1982

Emmanuel T. Clements Recorder

By Virginia Estep, Deputy

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

RECEIVED

SEP 26 1980

To provide additional time in which to submit
proof of beneficial use on a water right permit

Department of Water Resources

RALEIGH W. STEVENS

(Name)

of Route One, Hagerman, Idaho 83332

(Address)

State of IDAHO, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Waters of the State of Idaho No. 36-7725.

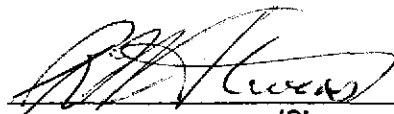
That under the terms and conditions of said permit, work thereunder was required to be completed on or before February 1, 1982.

That he has heretofore performed the following work described under said permit: There has been 15,000 yards of overburden removed to make room for the ponds. There has been rock fill hauled to reinforce the abutment and the cement flume. A consulting engineer has been employed and is working on the justifications for our receiving box and entry into the flume which will be inside of the old railway tunnel. The work involved is very expensive and the EPA pond has been completely finished. The U.S. Corps of Engineers Cease and Desist Order has been complied with and the illegal wetlands established by a third party has been corrected.

Costing \$ 294,000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Litigation to protect the quality of water under this permit is pending before the Idaho Supreme Court. A major washout of the project and the failure of others to follow construction directions have each necessitated additional time and money on the project. Only seasonal construction is possible in many phases of the project. The volume of water is substantial and to be integrated with other water.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to February 1, 1987.



(Signature)*

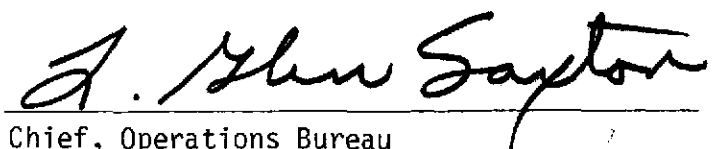
*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to February 1, 1987.

IT IS FURTHER ORDERED that this permit shall not be assigned or sold without first securing the written approval of the Department of Water Resources.

Signed this 2nd day of November, 1981.


Chief, Operations Bureau

\$15.00 fee received by _____

Date 12-10-80

Receipt # 17411

RECEIVED

December 29, 1976

RECEIVED

DEC 30 1976

Department of Water Resources
Salem, Oregon

Idaho Department of Water Resources
State of Idaho

Re: Application No. ~~37-7540~~

36-7725

Gentlemen:

We have this day assigned to Raleigh V. Stevens, Route one Hagerman Idaho, all the right title and interest to Application No. 37-7540 and the right title and interest to the ensuing water permit No. 37-7540.

Very truly yours,
Blind Canyon Aquac Ranch Inc.

by Geo. H. Lemmon President

George Lemmon, President

State of Idaho
County of Gooding

George Smith
Notary Public

Comm. Expires 9-15-80

MICROFILMED

RECEIVED

NOV 20 1976

Department of Water Resources
Southern District Office

Identification No. _____

Application No. 37-7540

36-7735

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

ASSIGNED TO: RALEIGH W. STEVENS (TYPE OR PRINT IN INK)

12/30/76

Route #1

Hagerman, ID

1. Name of applicant Blind Canyon Aqua Ranch Inc. Phone: 837-4806 or 536-2513

post office address Hagerman, Idaho 83332

2. Source of water supply Billingsley Creek which is a tributary of Snake River

3. a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 13 Township 7s
Range 13E B.M. Gooding County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Billingsley creek at a point in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 13 Township 7s Range 13E B.M. Gooding County

4. Water will be used for the following purposes:

Amount 100 for fish culture purpose from January 1 to December 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated:

a. 100 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. A diversion dam and short canal to fish ponds. A fish ladder and creek bypass will be built into the diversion dam. A settling pond and return structure will return the water ~~the water~~ to Bilingsley creek from the ponds.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

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

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.

b. Estimated construction cost is \$ 110,000.

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: N $\frac{1}{2}$ $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 13 Township 7S
Range 13E B.M.

(2) Amount of power to be generated: _____ hp under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

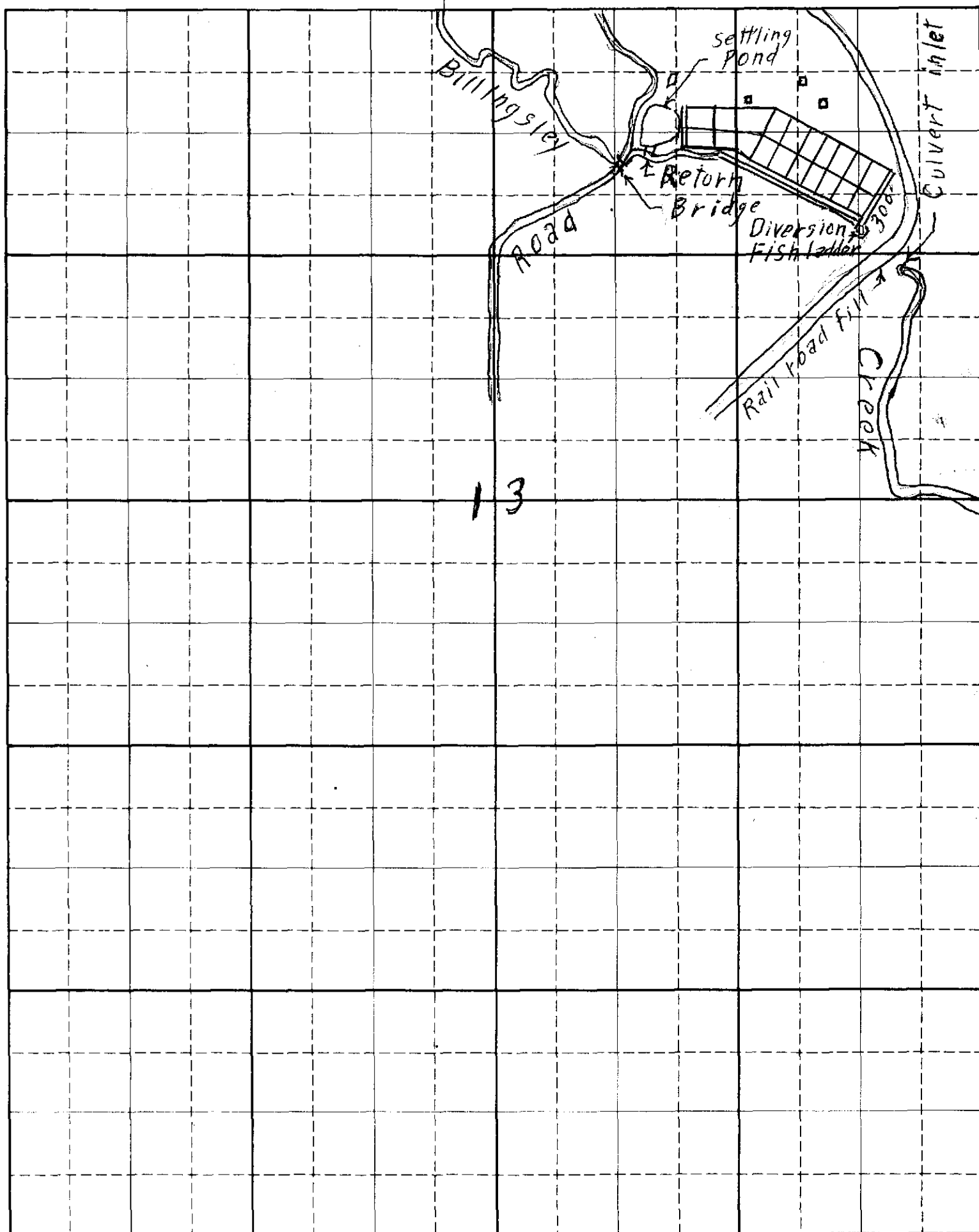
(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: Fish culture--proposed production of 1,000,000 pounds annually, that is, 10,000 pounds per sec. ft.

MICROFILMED

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

T7S R 13E B M



Scale: 8 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.

Blind Canyon Aqua Ranch Inc.

president

(Applicant)

secretary

Geo. H. Lemmon
J. Patrick Windes

Proposed priority 11/29/76

Received by JS Date 11-29-76 Time 1:30 PM

Preliminary check by RLM Fee: \$1615.00 #2252

Received by LM Date 11-29-76

Publication prepared by LM Date 12-9-76

Published in Gooding County Leader

Publication dates 12-16-76 & 12-23-76

Publication approved by Date 12-14-76

Priority reduced to _____ Reason _____

Protests filed by: Gordon Ravenscroft

Protest
Witness

Marsha Ravenscroft

Copies of protests forwarded by LM 12-29-76

Hearing held by _____ Date _____

Recommended for approval denial by MLS

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. 37-7540, 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 February 1, 19 82.

c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons:

Witness: my hand this 24 day of February 19 77

Director

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Gooding } SS.

Kim R. Compton
being first duly sworn,

deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 16 day of December

19 76, and the date of the last publication was on the 23

day of December 19 76

Kim R. Compton

Subscribed and sworn to before me this 23

day of December 19 76
(SEAL)

Garner H. Hall
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 44 44

Number of Insertions 2 2

Lines tabular at 315c

44 Lines straight at 44 21c 9.24

44 Subsequent lines at 44 15c 6.60

TOTAL COST 15.84

COPY OF NOTICE

(Part 1)

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Blind Canyon Aqua Ranch, Inc., Hagerman, Idaho 83332 has on 11-29-76 submitted Application No. 37-7540 for a permit to appropriate 100 cubic feet per second of water from Billingsley Creek by means of diversion dam and short canal to fish ponds. A fish ladder and creek bypass will be built into the diversion dam. A settling pond and return structure will return the water to Billingsley Creek from the ponds within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7S, Rge. 13E, B.M., Gooding County to be used from January 1 to December 31 for fish culture within the N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7S, Rge. 13E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before January 3, 1977.

/s/ R. Keith Higginson
Director

Pub: 12-16, 23

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

N^o 1049

C-K
NM
12-29-76



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 8, 2000

CLEAR LAKES TROUT CO INC
1301 VISTA AVE
BOISE ID 83705

RE: WATER RIGHT NO. 36-07725

Dear Water Right Holder:

I have enclosed Water Right License 36-07725, which the Department of Water Resources amended on February 7, 2000, in response to your petition for reconsideration, which was granted on November 2, 1999. The license was amended to remove or change the approval conditions addressed in your petition. The amended license supersedes the license issued September 28, 1999.

The amended license is an amended preliminary order of the Department issued pursuant to Section 67-5243, *Idaho Code*, and Rule 730 of the Department's Rules of Procedure. A preliminary order issued by the Department 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 described in the enclosed information sheet.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

Cc: Dan Steenson

Enclosures

MICROFILMED
FEB 11 2000

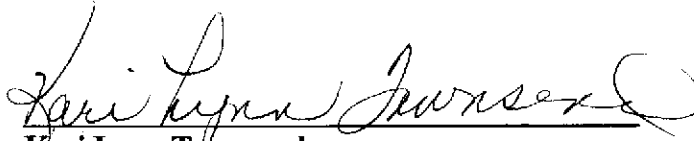
CERTIFICATE OF MAILING

I hereby certify that on the **8th** day of **February, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **AMENDED PRELIMINARY ORDER (License to Appropriate Water)** to the person(s) listed below:

Water Right No. 36-07725

**CLEAR LAKES TROUT CO INC
1301 VISTA AVE
BOISE ID 83705**

**DANIEL V STEENSON
RINGERT CLARK CHARTERED
PO BOX 2773
BOISE ID 83701-2773**


Kari Lynn Townsend
Secretary

MICROFILMED
FEB 11 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order 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 the 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 a 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, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a 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.

ORAL ARGUMENT

If the Department grants a petition to review a 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 a 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.



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

~~October 19, 1999~~
Nov. 2

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DANIEL V STEENSON
RINGERT CLARK CHARTERED
PO BOX 2773
BOISE ID 83701-2773

RE: WATER RIGHT NOS. 36-08089 36-07725

Dear Mr. Steenson:

I have enclosed copies of the orders granting your petitions for reconsideration of the preliminary orders issuing Water Right License Nos. 36-08089 and 36-07725. As indicated in the orders, the department will contact you soon to arrange for an informal conference to discuss the issues raised in your petitions.

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

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

Enclosures

MICROFILMED

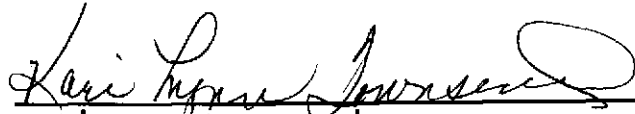
FEB 11 2000

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of November, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Rights 36-08089 & 36-07725

DANIEL V STEENSON
RINGERT CLARK CHARTERED
PO BOX 2773
BOISE ID 83701-2773


Kari Lynn Townsend
Secretary

MICROFILMED

FEB 11 2000

DANIEL V. STEENSON (ISB #4332)
CHARLES L. HONSINGER (ISB #5240)
S. BRYCE FARRIS (ISB #5636)
RINGERT CLARK CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

RECEIVED

OCT 12 1999

Department of Water Resources

Attorneys for Clear Lakes Trout Co.

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

_____)
IN THE MATTER OF PROPOSED LICENSE)
36-07725 IN THE NAME OF CLEAR LAKES) PETITION FOR RECONSIDERATION
TROUT COMPANY)
_____)

COMES NOW, Clear Lakes Trout Company (hereinafter referred to as "Clear Lakes"), by and through its attorneys, Ringert Clark, Chartered, and hereby petitions the Director of the Idaho Department of Water Resources to reconsider his decision to place certain conditions in the proposed license for water right number 36-07725, and requests instead that the Director strike or modify the conditions. This petition is filed pursuant to I.C. § 67-5243.

This Petition for Reconsideration addresses three (3) conditions placed in the proposed license for water right number 36-07725. Each of the three conditions is addressed in the petition in the order in which it appears in the proposed license.

A. Condition Number 3 - Volume Changes Per Hour

Condition Number 3 in proposed license number 36-07725 states as follows:

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

production.

The condition is apparently based at least in part upon IDAPA 37.03.02.035.01.k, effective July 1, 1993. As Clear Lakes applied for the Permit upon which this proposed license is based on November 29, 1976, and submitted Proof of Beneficial Use on January 29, 1987, any condition included pursuant to a regulation first effective in 1993 (after any action that Clear Lakes could have taken with respect to the licensure of this water right) is a retroactive application of that regulation.

Clear Lakes does not understand the language of the condition. By its language, the condition assumes that Clear Lakes is able to measure "volume changes per hour." Without knowing what is meant by that term, Clear Lakes does not know whether it is able or will be able to measure "volume changes per hour." The condition also seems to imply that the license holder manipulates the volume of water flowing through the fish propagation facilities to manipulate fish production. In fact, Clear Lakes maximizes its fish production using the volume of water available and does not manipulate water volumes to make changes in fish production.

Moreover, the term "volume changes per hour" is ambiguous. If the condition is construed to require Clear Lakes to measure some aspect of water volume used on an hourly basis, the requirement is unduly burdensome on Clear Lakes as the water right owner. The clause "maintain an adequate environment for fish production" is also ambiguous; additionally, it appears to limit Clear Lakes only to maintaining an adequate environment for fish production, thereby preventing Clear Lakes from maintaining the most advantageous environment for fish production within the elements of the water right. The sentence "[v]olume changes per hour shall be based upon actual fish production" appears to be intended to limit the production of fish by the license holder to a certain level. The Department of Water Resources cannot add a condition to a license that limits the license

holder to a certain level of fish production when the license holder is otherwise operating within the elements of the licensed water right.

Finally, there is no basis in the Idaho Code for the proposed condition, and no need for the proposed condition - the elements of the water right adequately define the water right. For these reasons, the Director should not include this condition in the license.

B. Condition Number 4 - Water Quality Standards

Condition Number 4 in proposed license number 36-07725 states as follows:

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

First, the Department of Water Resources has no jurisdiction over water quality and cannot properly include this condition in any water right license. Second, the condition states that the use of water is to comply with water quality standards. However, State jurisdiction and the applicable water quality standards regulate the discharge of water only. Thus even if IDWR had jurisdiction over water quality, the condition as written does not match the applicable DEQ regulations. Third, licensed conditions with language similar to this have been removed from IDWR's recommendations of fish propagation water rights in the SRBA. For these reasons the condition should be removed from the proposed license.

C. Condition Number 5 - Facility Volume

Condition Number 5 in proposed license number 36-07725 states that the facility volume is 153,657.1 cubic feet. Whether this proposed condition can be included in the description of a water right is currently at issue in front of the SRBA District Court. Clear Lakes therefore requests that the Director either remove this condition or include language providing for its removal or

ineffectiveness in the event that SRBA District Court, or the Idaho Supreme Court on appeal of the issue, determines that facility volume cannot be included as a condition in a water right.

D. Conclusion

Clear Lakes respectfully requests that the Director remove each of the three conditions discussed in this Petition. Clear Lakes reserves the right to add other reasons for removal or modification of the specified conditions through the administrative process.

In the event that the Director does not remove the condition, Clear Lakes requests that a scheduling conference be held to determine whether Clear Lakes will have an opportunity to conduct discovery and have an evidentiary hearing on the matters discussed in this Petition. The grounds for such discovery and hearing are that this proposed license is the first notice Clear Lakes has had of the proposed conditions. As a result, Clear Lakes has neither an adequate opportunity to discover the basis for the three conditions, nor an adequate opportunity to respond.

Respectfully submitted this 12th day of October, 1999.

RINGERT CLARK, CHARTERED



Daniel V. Steenson

Attorney for Clear Lakes Trout Co.



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

September 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CLEAR LAKES TROUT CO INC
1301 VISTA AVE
BOISE ID 83705

RE: WATER RIGHT NO. 36-07725

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 described in the enclosed information sheet.

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

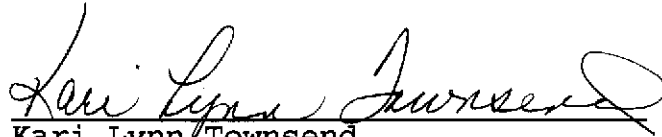
OCT 14 1999

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of September, 1999, 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. 36-07725

CLEAR LAKES TROUT CO INC
1301 VISTA AVE
BOISE ID 83705


Kari Lynn Townsend
Secretary

MICROFILMED
OCT 14 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

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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 a 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, a preliminary order will become a final order of the Department.

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ORAL ARGUMENT

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MICROFILMED

OCT 14 1993

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a 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:

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- (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.

MICROFILMED
OCT 14 1993

LICENSE REVIEW CHECKLIST

Permit No. 36-07725 Date: 9/20/99 Reviewer: Kay Walker

Change/OK

Name/Address

Source

Point of Diversion:

Does change clarify original intended source? If no, void permit.

Change (P39/P47) Add (P45/P42) Feds (P43)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

Change (P41/P47) Add (P41/P42) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s):

File reviewed ☒ Profile reports printed ☒

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 100. cfs

Fee Limit 100. cfs

Measured 120.2 cfs

Theoretical _____ cfs

Recommended Total Diversion Rate 100.

Water Uses

Change (P46)

Irrigation _____ cfs _____ af

Stockwater _____ cfs _____ af

Domestic _____ cfs _____ af

Fish 100. cfs _____ af

_____ cfs _____ af

Total _____ cfs _____ af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/079)

overlap spec combined rts (W35)

>1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (081/R07)

Payette - (W22/047/27A)

Volume Determination

see attachment

_____ cfs x 1.9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks:

Additional Conditions _____ Watermaster Control

_____ GW Measurement/Measuring Device

_____ Other

Trust (052/R55 - remove 051)

Non-trust (048/049)

Advance Priority?

yes
no

If yes, explain why below.

SRBA Claim?

yes

Adjust memo _____

Amend Letters

Permit No. 36-07725
Reviewed by KW 9/20/99

FISH PROPAGATION

The following is a standard formula for determining the annual volume required for a fish propagation facility.

1. Calculate changes per hour:

Flow into facility x 3600 sec / facility volume (cubic feet) = changes

2. Calculate annual volume:

Facility volume (acre feet) x changes x 8760 hrs/year = acre feet per annum

3. Calculate volume given by permitted flow:

Flow rate (cfs) x 1.9835 x 365 days = acre feet per annum

4. Recommend lower figure.

1. 100 cfs x 3600 sec per hour / 153657.1 cf = 2.3 changes.

2. 3.53 af x 2.3 x 8760 hrs per yr = 71071.7 afa.

3. 100 cfs x 1.9835 x 365 days = 72397.8 afa.

Recommendation: 71071.7 afa

(Review Application Processing Memo #15 (8/7/79) and #50 (4/1/91) for additional information concerning fish propagation use.

MICROFILMED

SEP 24 1999

DATE: 09/17/99
PAGE: 1

Stage: PERMIT

GOODING County

NE

Presumption Flag:

RECEIVED

AJ5809NP
No. 36-07725

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/17/99
PAGE: 2

Comments:

Date: 06/06/1991 User-ID: STERLING Subject: COPIED FROM REMARKS
***** MEMO TO FILE *****
CLAIMANTS DID NOT WANT THE NON-IRRIGATION USES TO SHOW 1,000,000
LBS. OF FISH PRODUCTION PER YEAR.

***** CLF 10-4-88 *****

Date: 06/03/1992 User-ID: THORNTON Subject: RECOMMENDATION - STAGE OF WATER RIGHT
AT TIME OF RECOMMENDATION, THIS PERMIT HAS YET TO BE FIELD
EXAMINED. ACCORDING TO J. STANTON, PERMITTEE RECENTLY (WITHIN
THE LAST MONTH) STATED THAT THE WATER WAS NOT CURRENTLY RUNNING
INTO THE PONDS DESCRIBED ON THE PERMIT AND THE FIELD EXAM COULD
NOT BE CONDUCTED, HOWEVER, IT IS EXPECTED TO BE DONE WITHIN THIS
FIELD SEASON.

Date: 09/24/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/23/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 6/4/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/20/1992 User-ID: THORNTON Subject: NOTICE OF ERROR RECONCILIATION
CHANGED FLAG FROM A TO B - NO CHANGE.
SENT LETTER TO RINGERT.

Date: 01/05/1996 User-ID: DSWITH Subject: NAME AND/OR ADDRESS CHANGE
THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE
ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A
K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT
OWNER CHANGE.
*CONFORMED NAME/ADDRESS TO AVOID DUPLICATE MAILING LABELS.

Audit:

06/06/91 STERLING	06/03/92 THORNTON	06/04/92 THORNTON	07/18/92 POST-STD
08/28/92 PR-PRODM	09/24/92 SCHULTZ	10/20/92 THORNTON	11/02/92 CPSSAW
12/05/92 ADT-SHAW	06/07/93 CMT-SEIF	09/15/93 UPD-SCHU	03/29/95 POST-STD
01/05/96 DSWITH	01/30/96 CAN-DSWI		

RECEIVED
SEP 21 1999

Conditions of Approval:

- the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
- 016 - See remarks for additional conditions of approval.

Remarks:

GEN FEET OF HEAD = 40 HORSEPOWER = 420
SUFFICIENT WATER SHALL BE LEFT UNDIVERTED FROM BILLINGSLEY CR.
SO THAT THE FLOW OF WATER IN BILLINGSLEY CR. BETWEEN THE P/D &
THE POINT WHERE THE WATER IS RETURNED TO THE CREEK IS AT LEAST
25 CFS.

Dates:

App. Received: 06/02/1982
Proof Due Date: 04/01/1994
Exam Made Date: 11/08/1996
Exam Sent to S.O.: 11/22/1996
Priority Date: 03/31/1994
Licensed Date:

Misc:

Water District Number: 36A Field Exam Fee: R (Received)

Audit:

09/22/87 05/28/88 CONVERT 03/14/89 CURTIS 04/04/94 YARBROUG
11/13/96 ABATES 11/25/96 JSTANTON 11/25/96 ABATES

*SRBA ref'd.
again*

ENCLOSURE
10-1-88

Memorandum

To: Files 36-07725 & 36-08089

From: Kay Walker 

Date: 09/17/99

Re: Licensing Recommendations

.....

.....

In recommending a rate of flow for these rights, I reviewed the measurement by Chuck Brockway and also spoke with Cindy Hodges from the Water Distribution Section of IDWR. Cindy recommended I look at the annual reports submitted to the water distribution section by the permit holder. In looking at the file, I found annual reports for the years 1996, 1997 & 1998 for the diversion under these permits.

I averaged the measurements made for the 3 years in the reports and found an average of 95.3 cfs in 1996, average of 105.0 cfs in 1997, and an average of 120.7 cfs in 1998. The total average diversion for those 3 years was 107.0 cfs. The measurement made by Brockway in 1991 was 99.2 cfs for the 16' weir and 21.0 cfs for the 12' weir. Since both weirs are in use together the capacity measured by Brockway totals 120.2 cfs.

I recommend we allow the permitted amount of 100.0 cfs for license 36-07725 since the amount Brockway measured could be diverted at this point. I also think we should allow 120.2 cfs for license 36-08089 with a condition limiting both rights, when combined, to 120.2 cfs as measured by Brockway.

MICROFILMED

SEP 21 1999

.....

SUPPLEMENT TO BASIN 36/37 SURFACE WATER
OPEN CHANNEL DIVERSION LOG SHEETS

IDWR CALCULATION FOR ANNUAL/SEASONAL VOLUME

DIVERSION NAME: Fisheries Development at Billingsley Creek
WATER SOURCE: Billingsley Creek
WATER RIGHT OWNER: Clear Lakes Trout Co.
REPORT DATES: 1/1 - 4/23, 1998 * 113 DAYS
MAX FLOW: 129.50 cfs
WATER RIGHT NO: 36-07725
WATER RIGHT LIMIT: 100.00 cfs
DAYS OVER LIMIT: 0

CFS	AF CONV	DAYS	AF
124.60	1.9835	11	2718.6
124.10	1.9835	7	1723.1
116.00	1.9835	7	1610.6
126.10	1.9835	7	1750.8
126.60	1.9835	12	3013.3
125.60	1.9835	9	2242.1
129.50	1.9835	7	1798.0
125.10	1.9835	13	3225.8
122.70	1.9835	8	1947.0
123.60	1.9835	7	1716.1
117.30	1.9835	7	1628.7
115.90	1.9835	7	1609.2
116.80	1.9835	7	1621.7
106.90	1.9835	3	636.1
109.60	1.9835	1	217.4

1810.4

Average = 120.7 cfs

TOTALS 113 27,458.6 acre-feet

* Diversion washed out - no measurements for balance of year

Prepared: 04/14/99
By: chodges

MICROFILMED
9-17-99

SUPPLEMENT TO BASIN 36 SURFACE WATER
OPEN CHANNEL DIVERSION LOG SHEETS

IDWR CALCULATION FOR ANNUAL/SEASONAL VOLUME

DIVERSION NAME: FISHERIES DEVELOPMENT/BILLINGSLEY CK
WATER SOURCE: BILLINGSLEY CREEK
WATER RIGHT OWNER: CLEAR LAKES TROUT CO
REPORT DATES: ALL YEAR (1996)
MAX FLOW: 127.2

CFS	AF CONV	DAYS	AF
100.20	1.9835	8	1590.0
96.30	1.9835	58	11078.6
94.40	1.9835	4	749.0
98.20	1.9835	39	7596.4
94.20	1.9835	3	560.5
92.50	1.9835	14	2568.6
90.60	1.9835	30	5391.2
85.00	1.9835	12	2023.2
83.10	1.9835	7	1153.8
81.30	1.9835	7	1128.8
102.10	1.9835	7	1417.6
94.80	1.9835	7	1316.3
86.80	1.9835	42	7231.0
77.10	1.9835	7	1070.5
75.10	1.9835	7	1042.7
72.40	1.9835	7	1005.2
74.20	1.9835	14	2060.5
79.50	1.9835	14	2207.6
88.70	1.9835	7	1231.6
110.10	1.9835	7	1528.7
65.60	1.9835	7	910.8
99.20	1.9835	7	1377.3
108.10	1.9835	7	1500.9
127.20	1.9835	7	1766.1
121.70	1.9835	7	1689.7
118.00	1.9835	4	936.2
115.00	1.9835	13	2965.3
119.20	1.9835	7	1655.0
114.00	1.9835	6	1356.7

TOTALS 366 68,110.0

Average = 95.3 cfs

Prepared: 12/03/97
By: chodges

INFORMED
12/11/97

SUPPLEMENT TO BASIN 36 SURFACE WATER
OPEN CHANNEL DIVERSION LOG SHEETS

IDWR CALCULATION FOR ANNUAL/SEASONAL VOLUME

DIVERSION NAME: Fisheries Development
WATER SOURCE: Billingsley Creek
WATER RIGHT OWNER: Clear Lakes Trout
REPORT DATES: 1/1-12/31, 1997 365 DAYS
MAX FLOW: 133
WATER RIGHT LIMIT: 100 cfs (permit)
DAYS OVER LIMIT: 205

CFS	AF CONV	DAYS	AF
133.0	1.9835	7	1846.6
130.5	1.9835	7	1811.9
130.1	1.9835	7	1806.4
130.0	1.9835	6	1547.1
124.0	1.9835	7	1721.4
123.6	1.9835	2	490.3
118.8	1.9835	39	9190.0
118.3	1.9835	7	1642.5
117.4	1.9835	7	1630.0
116.9	1.9835	9	2086.8
115.9	1.9835	23	5287.4
114.7	1.9835	7	1592.6
114.0	1.9835	7	1582.6
111.5	1.9835	7	1548.1
110.3	1.9835	7	1530.9
108.3	1.9835	7	1503.7
107.8	1.9835	7	1496.7
107.1	1.9835	5	1062.2
103.9	1.9835	7	1443.2
103.4	1.9835	3	615.3
102.0	1.9835	9	1820.9
100.2	1.9835	18	3577.4
99.2	1.9835	7	1377.3
98.2	1.9835	6	1168.7
96.3	1.9835	8	1528.1
95.3	1.9835	15	2835.4
94.4	1.9835	14	2621.4
94.2	1.9835	1	186.8
93.4	1.9835	14	2593.6
91.5	1.9835	9	1633.4
90.6	1.9835	11	1976.8

88.7	1.9835	24	4222.5
87.8	1.9835	9	1567.4
86.8	1.9835	7	1205.2
85.9	1.9835	13	2215.0
84.1	1.9835	7	1167.7
83.1	1.9835	5	824.1
80.4	1.9835	10	1594.7

TOTALS

365 75,552.1

Average = 105.0 cfs

Prepared: 08/25/98
By: chodges

REPRODUCTION
NOT PERMITTED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 26 1996

Department of Water Resources

A. GENERAL INFORMATION

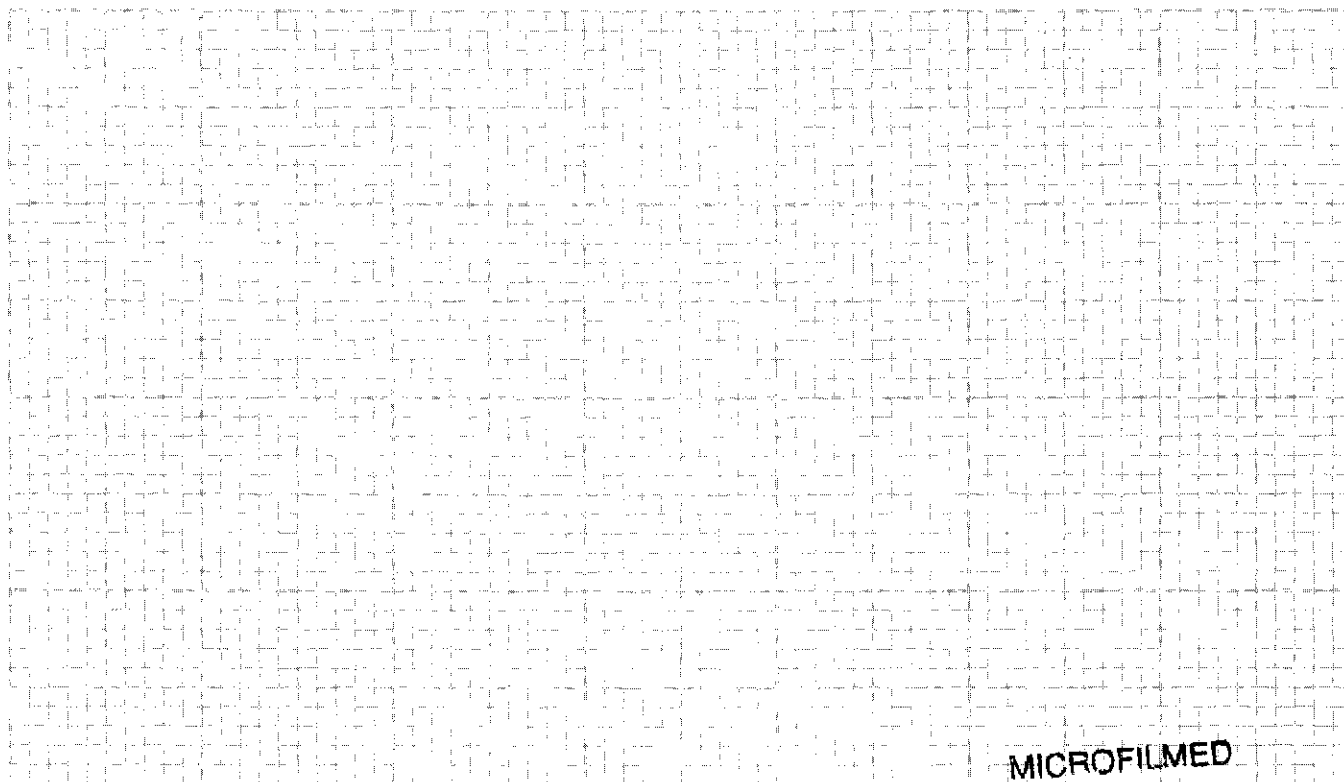
1. Owner: Clean Lakes Trout Co. Permit No. 36-07725
Current Address: 1301 Vista Ave., Boise, ID 83705 Phone No. 342-0090
2. Accompanied by: Nyal Hoffman EXAM. DATE: 11-8-96
Address: 2122 E 3950 N, Filer, ID 83320 Phone No. 326-5680
Relationship to Permit Holder: agent for owner
3. Source: Billingsley Creek tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with same place of use: None ☐ Copies Attached
2. Other water rights with same point of diversion: 36-08089 (hydropower)
☐ Copies Attached ☒ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached



Scale: 1" = _____

OCT 14 1999

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and place(s) of use (required).
- ☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.)
- ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

3.

Narrative: Description (As operating at time of measurement, indicate pressure, number of sprinklers, etc.)

Concrete diversion structure with control gates, concrete head ditch to commercial trout-raising facility. Same diversion system also provides water for power production under Permit 36-08089 (licensing exam also conducted today). Water for fish production is measured thru a 16' broad-crested weir at the upstream end of the facility. Water going directly to the power plant goes thru a 12' weir. Two sets of 16 concrete raceways exist (32 total), but only 25 raceways are now in use due to damage from land movement & due to reduced water flows in Billingsley Creek.

☐ See Remarks on page 4 for continuation

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

5.

Point(s) of Diversion:

[illegible]

9.

Place(s) of Use:

Indicate Method of Determination

[illegible]

Do not use this space

66b, 4, 120

MICROFILMED

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

Measured 9-27-1991 by Dr. Charles Brockway. I measured 1.44' head on 16' weir during expt. Only 0.1' head on 12' weir, & weir approach was quite weedy.

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

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

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

This is not to be confused with other fish facilities located in the same 40 but at a lower elevation on the north side of Billingsley Creek. Not to exceed 120.2 cfs when combined with 36-08089. The FERC requires a bypass flow of 70 cfs in Billingsley Creek from 10-1 to 11-15, and as cfs the rest of the year. The Bypassway measurements were made during the lower bypass requirement. Mr. Earl Hardy (property owner) said that all of these bypassways have been used within the last 5 years, and that he plans to use all but one of the bypassways in the future. So I am recommending the facility volume for 31 bypassways.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Diversion	Facility Annual Volume
Fish Propagation	From 1-1 To 12-31	99.2	153657.2 ft ³

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

J. AUTHENTICATION

Field Examiner's Name J E Stinton
 Signature J E Stinton
 Certification Date 11-22-96
 Field Report Preparation Date 11-22-96

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

Billingsley Creek

71978.9 for 15 raceways



To Hydro Plant

43187.4 ft³ in use now

76777.5 ft³ total

94'

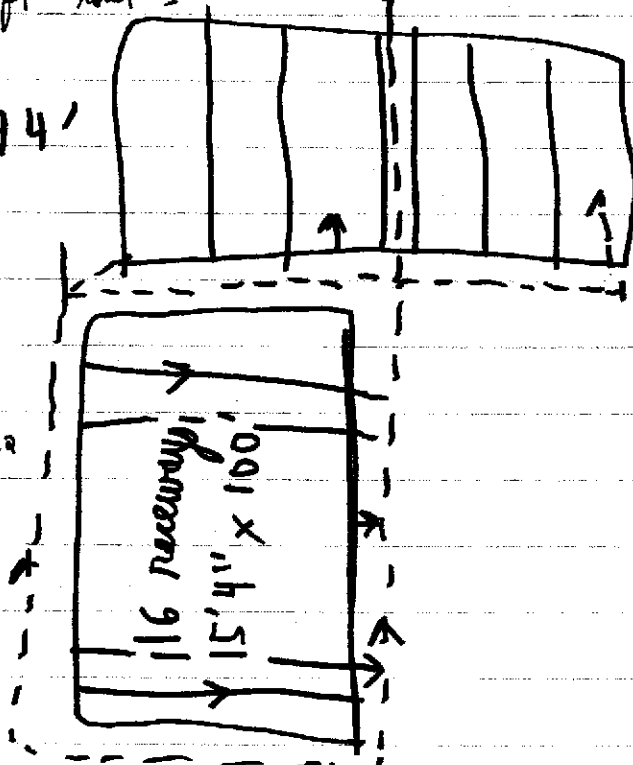
15'4" w

3'4" deep

9 in use

7E dry 3-4 years

81678.2 ft³



16' 12' weir

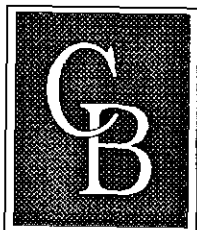
124865.6 ft³ volume now

158455.7 ft³ total

RR Grad

PD

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OCT 14 1999



CHARLES
BROCKWAY
ENGINEERING

December 14, 1991

Mr. Jim Stanton
Idaho Department of Water Resources
220 Shoshone Street East
Twin Falls, Idaho 83301

RECEIVED

DEC 17 1991

Department of Water Resources
Southern Region Office

Subject: Fisheries Development Water Measurement Devices

Dear Jim:

Enclosed are the rating tables for the 16 and 12 foot wide broad crested weirs at the Fisheries Development facility near Hagerman. These weirs were computer calibrated based on as-built dimensions from a survey of the facility on October 28, 1990.

On September 27, 1991, I visited the site to review performance of the weirs and obtain staff gage measurements. Both weirs were working satisfactorily with adequate water level drop. The tail water elevation is near maximum before submergence begins to affect the rating. Discharge based on the current rating curve is accurate.

The following measurements were obtained:

16 foot broad crested weir gage reading= 1.57 ft

Discharge= 99.2 cfs

12 foot broad-crested weir gage reading= 0.71 ft

Discharge= 21.0 cfs

Please call if you have additional questions.

Sincerely,

C.E. Brockway P.E.

cc: Earl Hardy, Idaho Trout Processors

CHARLES E.
BROCKWAY,
PHD., P.E.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208•733•0938

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OCT 14 1992

FISHERIES DEVELOPMENT BROAD CRESTED WEIR RATING TABLES
 BASED ON RESURVEY 10/28/90 BY C.E. BROCKWAY

RECEIVED

16 FT BROAD CRESTED WEIR

DEC 17 1991

Department of Water Resources
 Southern Region Office

WIDTH 16.05 FT
 SILL HEIGHT 2.976 FT
 THROAT LENGTH 3.00 FT
 GAGE DISTANCE 3.00 FT UP STREAM OF START OF RAMP
 GAGE ZERO IS 0.003 FT BELOW AVERAGE SILL HEIGHT
 $Q = 49.73 \cdot (H + 0)^{1.5375}$

READING	0	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09
0.5	17.0	17.5	18.0	18.6	19.1	19.7	20.2	20.8	21.4	21.9
0.6	22.5	23.1	23.7	24.3	24.9	25.5	26.1	26.7	27.3	27.9
0.7	28.5	29.2	29.8	30.5	31.1	31.8	32.4	33.1	33.7	34.4
0.8	35.1	35.8	36.4	37.1	37.8	38.5	39.2	39.9	40.6	41.4
0.9	42.1	42.8	43.5	44.3	45.0	45.7	46.5	47.2	48.0	48.7
1.0	49.5	50.3	51.0	51.8	52.6	53.4	54.2	54.9	55.7	56.5
1.1	57.3	58.1	59.0	59.8	60.6	61.4	62.2	63.1	63.9	64.7
1.2	65.6	66.4	67.3	68.1	69.0	69.8	70.7	71.6	72.4	73.3
1.3	74.2	75.1	75.9	76.8	77.7	78.6	79.5	80.4	81.3	82.2
1.4	83.1	84.1	85.0	85.9	86.8	87.8	88.7	89.6	90.6	91.5
1.5	92.5	93.4	94.4	95.3	96.3	97.3	98.2	99.2	100.2	101.2
1.6	102.1	103.1	104.1	105.1	106.1	107.1	108.1	109.1	110.1	111.1
1.7	112.1	113.2	114.2	115.2	116.2	117.3	118.3	119.3	120.4	121.4
1.8	122.5	123.5	124.6	125.6	126.7	127.7	128.8	129.9	130.9	132.0
1.9	133.1	134.2	135.3	136.3	137.4	138.5	139.6	140.7	141.8	142.9
2.0	144.0	145.1	146.3	147.4	148.5	149.6	150.7	151.9	153.0	154.1

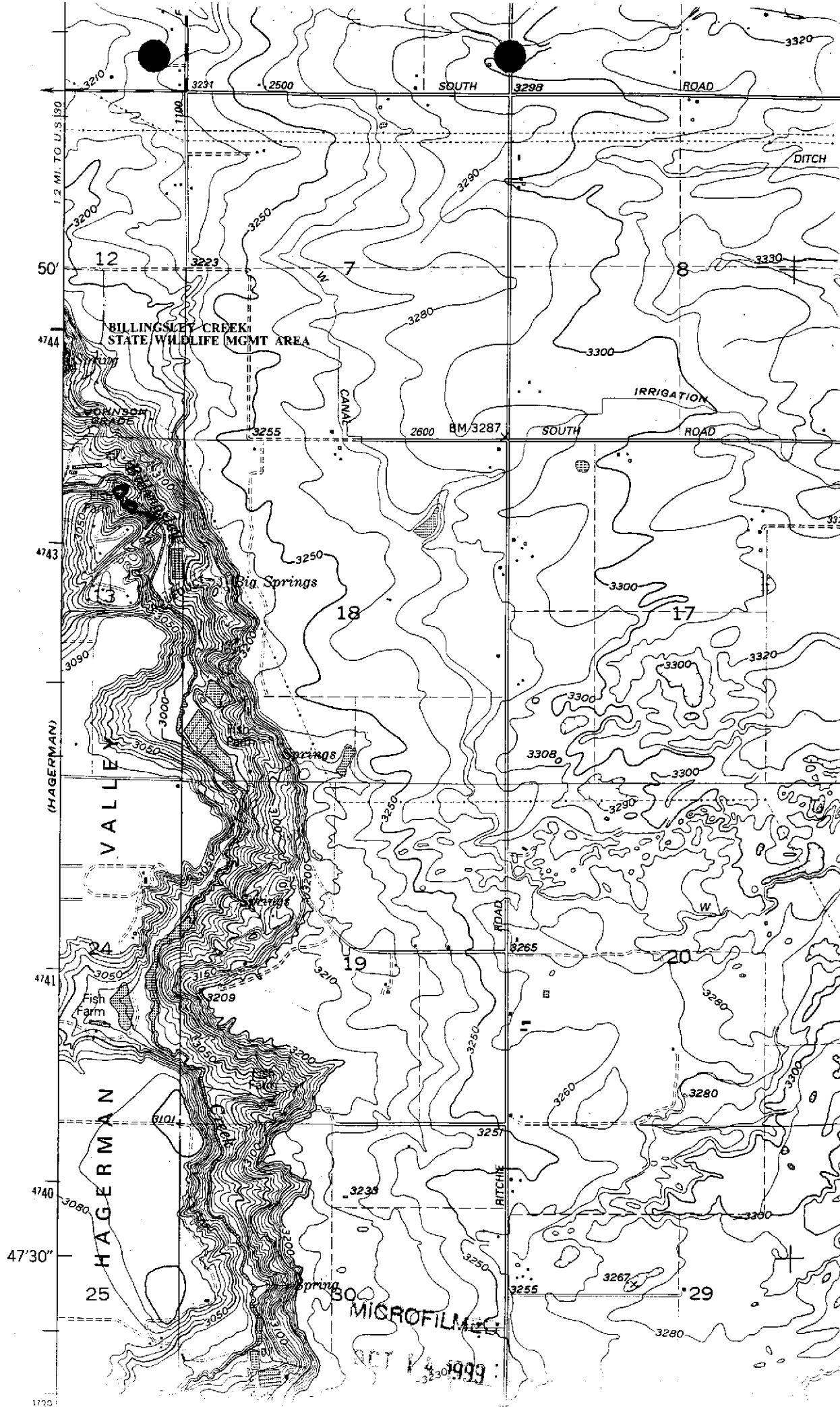
12 FT BROAD CRESTED WEIR

WIDTH 12.10 FT
 SILL HEIGHT 3.009 FT
 THROAT L. 3.00 FT
 GAGE DISTANCE 3.00 FT UP STREAM OF START OF RAMP
 GAGE ZERO IS 0.011 FT BELOW AVERAGE SILL HEIGHT
 $Q = 36.74 \cdot (H + -0.001)^{1.5542}$

READING	0	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09
0.5	12.0	12.4	12.8	13.2	13.6	14.0	14.4	14.8	15.2	15.7
0.6	16.1	16.5	16.9	17.4	17.8	18.3	18.7	19.2	19.6	20.1
0.7	20.5	21.0	21.5	21.9	22.4	22.9	23.4	23.9	24.4	24.9
0.8	25.4	25.9	26.4	26.9	27.4	27.9	28.4	28.9	29.5	30.0
0.9	30.5	31.1	31.6	32.2	32.7	33.2	33.8	34.4	34.9	35.5
1.0	36.0	36.6	37.2	37.8	38.3	38.9	39.5	40.1	40.7	41.3
1.1	41.9	42.5	43.1	43.7	44.3	44.9	45.5	46.1	46.8	47.4
1.2	48.0	48.6	49.3	49.9	50.5	51.2	51.8	52.5	53.1	53.8
1.3	54.4	55.1	55.7	56.4	57.1	57.7	58.4	59.1	59.8	60.5
1.4	61.1	61.8	62.5	63.2	63.9	64.6	65.3	66.0	66.7	67.4
1.5	68.1	68.8	69.6	70.3	71.0	71.7	72.4	73.2	73.9	74.6
1.6	75.4	76.1	76.9	77.6	78.3	79.1	79.8	80.6	81.4	82.1
1.7	82.9	83.6	84.4	85.2	85.9	86.7	87.5	88.3	89.1	89.8
1.8	90.6	91.4	92.2	93.0	93.8	94.6	95.4	96.2	97.0	97.8
1.9	98.6	99.4	100.3	101.1	101.9	102.7	103.5	104.4	105.2	106.0
2.0	106.9	107.7	108.5	109.4	110.2	111.1	111.9	112.8	113.6	114.5

MICROFILMED

OCT 14 1995



3
37.8

1838
T-1435

531
T-116

461
T-674
7.8

3 4 5 6
6.4 6.6 2.5 2.4

5.2

6.5

2216
18.9
HEL

462
T-675

496
T-590
9.3 6.4

T-726

12.9
HEL

497
T-711

2916

540
T-725

4.8

524
T-706
6.2

5.5
HEL

1332
T-736
6.0

1401
T-561

1401
MICROFILM 562

OCT 1999

3 16.3

4.3

1401

41.7

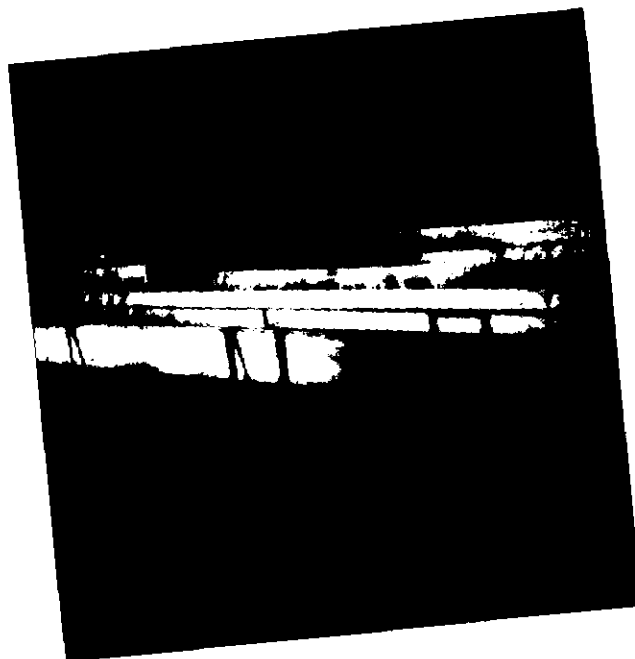
6.0

13.3

91



Rdcewqys



Unused Rdcewqys Above
Power Plant

MICROFILMED

OCT 14 1993

36-7725
11-8-96 JES



Diversion Works

Delivery Canal To P/U

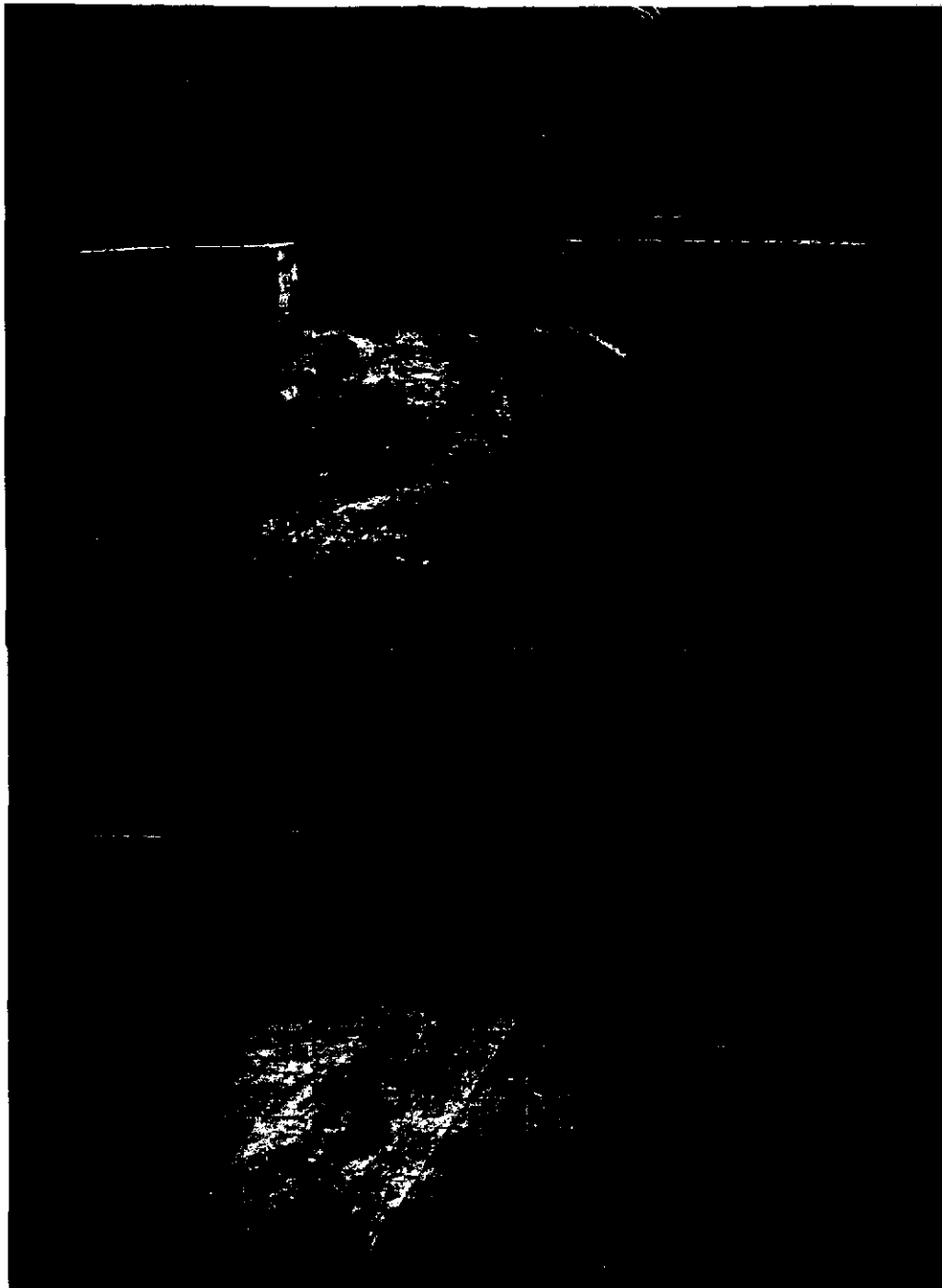
16' Weir
To Raceways,
12' Weir In
Background



MICROFILMED

OCT 14 1989

36-772S
11-8-96 JES



Diversion Canal Under Construction

MICROFILMED

OCT 14 1999

36-07725

JES

March 12, 1987

RE: Permit No. 36-7725

Clear Lakes Trout Co., Inc.
1301 Vista Ave.
Boise, ID 83705

Dear Permit Holders:

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosure

MICROFILMED

MAR 20 1987

Permit No. 36-7725

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? Yes
2. Notary? Yes
3. a. Full Assignment? Yes
b. Partial Assignment?
4. "No assignment" condition on permit? Yes - Ok Development already occurred.
5. Commencement of Works received? Yes
 - a. Commencement of works requested?
 - b. Show Cause Order drafted & sent?
 - c. Cancellation necessary?
6. Affidavit of residency required? NO
7. Extension granted due to litigation?
(If yes, commencement of works is not required.)

UPDATE

1. ~~Type~~ permit summary sheet. ✓
2. Coding sheet. ✓
3. Acknowledgement letter type.
4. Copy to region.

Shoula

Shoula

#1

Shoula

Date 3-4-87

Employee Jm

INDEXED
MAR 20 1987

FROM

Beta Fleck

TO

File 36-7725

SUBJECT

*Returned B/U Notice*DATE *1-20-1987*

Per conversation with Loren Holmes of our Southern Region, has an address of Rt. 1, Filer, Id 83328. I'm forwarding the notice to this address.

MICROFILMED*Phone 326-5680*

MAR 20 1987


SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

State House
Boise, Idaho 83720

DEC 18 1985

Department of Water Resources

MAR 20 1986



Undelivered
Addressed Incorrectly

Postage and Fees
Not to be paid by addressee
The post office in Idaho
will not return to the sender

CHIEF

DATE

12286

NOT NOTICE

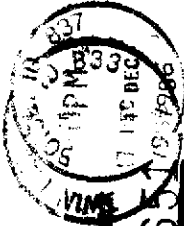
DEC 8

NOT NOTICE

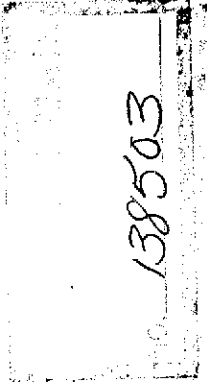
12-17

RETURN

Postage and Fees
Not to be paid by addressee
The post office in Idaho
will not return to the sender



942651985



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
NOVEMBER 30, 1986

138503

FISHERIES DEVELOPMENT CO.
C/O NYAL HOFFMAN, PRES.
P.O. BOX 421
TWIN FALLS, ID 83303

PROOF DUE NOTICE

RE: PERMIT NO. 36-7725

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 FEBRUARY 1, 1987. (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 COMPLETED 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,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

MAR 20 1987

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM

Glin

MAR 20 1987

DATE

9-11-86

TO

File 36-7725

SUBJECT

Ira Beer (788-4116) Called and wanted to know whether the Dept would approve another ext request in conn w/ this permit. I told him I could not answer that question, but I advised him of reasons allowed for

SIGNATURE

2/2

INTER-DEPARTMENT MEMO — 1

FROM

DATE

TO

SUBJECT

approval of extensions.
i.e. (Sec 42-204 I.C. - due diligence
and litig - usual extension reasons).

MICROFILMED

MAR 20 1987



SIGNATURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

MAR 20 1987



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 19, 1984

RE: Water Right Nos. 36-7080, 36-7664, 36-7725, 36-7731 & 36-8074

Fisheries Development Company
c/o Nyal Hoffman, President
Box 421
Twin Falls, ID 83303

Dear Mr. Hoffman:

We are in receipt of the Assignments of Permit that you provided to our office. With regard to each of the assignments, we offer the following.

Right 36-7080 is a licensed right as mentioned in my letter of May 2, 1984. We have placed the assignment of the right in the file for future reference. Since we sent you a copy of this license in our correspondence of May 2, we are not enclosing another copy with this letter.

Rights 36-7664, 36-7725 and 36-7731 are all still in permit form. We have enclosed copies of these rights for your records. Please note the conditions of approval for each of these rights that are necessary for developing these permits into licensed water rights.

As for Right 36-8074; as mentioned in our letter of May 2, 1984, this right was withdrawn by the applicants before it had become a permit. I am returning the assignment of this right to you. The right does not exist any more. I am enclosing a copy of the withdrawal from our microfiche records for your information.

If you have any questions or if we can be of any assistance to you, please feel free to contact our office.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc
Enclosures

MICROFILMED

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? ✓
2. Notary? ✓
3. a. Full Assign?
b. Partial Assign?
4. "No assignment" condition on permit? yes - OK
5. Commencement of works received? yes - see extension
6. Affidavit of Residency required? NO

1. Type Permit Summary sheet ✓
2. Coding sheet ✓
3. Acknowledgement letter type #1
4. Copy to region kw

Date: 6-14-84

Employee: R. Walker

Fisheries Development Company

P.O. BOX 421
TWIN FALLS, ID 83303
(208) 326-5680



June 11, 1984

RECEIVED
JUN 12 1984

STATE OF IDAHO
Department of Water Resources
State Office
450 W. State St.
Boise, Idaho 83720

Department of Water Resources

RE: Permits # 36-7725, 37-7080
36-7664, 36-8074 and 36-7731

Gentlemen:

As per your recommendation please find enclosed the
"Assignment of Permit" documents for above numbered permits
to be placed of record with the Department of Water Resources.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Nyal Hoffman". The signature is written in dark ink and is positioned above the printed name.

Fisheries Develop. Co.
Nyal Hoffman, President



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

May 2, 1984

RE: Water Right Nos. 36-7080, 36-7664, 36-7725, 36-7731, 36-7800,
36-8058 & 36-8089

Nyal Hoffman
Box 421
Twin Falls, ID 83303

Dear Mr. Hoffman:

Upon receipt of the Affidavits for Water Rights to be used for power purposes for Permit Nos. 36-7800, 36-8058 and 36-8089, I have reviewed your water rights and find the following:

Your letter of April 11, 1984, is sufficient in answer to the Department's Order to Show Cause of March 30, 1984. We will not, at this time, take any further action in regard to cancelling these permits.

The proof of beneficial use of Permit No. 36-7731 is due on July 1, 1984, and the proof of Permit No. 36-7800 is due on August 1, 1984. In your letter regarding these permits, I note that you wish to file an extension of time for these permits. I am enclosing two applications for extension of time with instructions, for your use in this matter.

I have also noticed that Permit Nos. 36-7731, 36-7800, 36-7725 and 36-7664 belong to Fisheries Development Co., Mac C. Martin, Jeffrey M. &/or Joy Martin, and Michael K. &/or Vicki Martin. Even though you now own Fisheries Development Company, the Company and the Martins are the owners of these water right permits. It would be in your interest to have the Martins assign their interest in these permits to you since you are now the owner. I have enclosed four assignment forms for your convenience.

Permit Nos. 36-8058 and 36-8089 (which were approved in January and March of 1984, respectively), are in good standing at this time. Be sure to submit a statement of commencement of works as noted on the Orders approving these permits.

MICROFILMED

Nyal Hoffman
May 2, 1984
Page 2

Right 36-7080 is now a licensed water right in the name of Fisheries Development Company, Mac D. Martin, Jeffrey M. & Joy Martin, and Michael K. & Vicki Martin. Since this right has been licensed, it is appurtenant to the land for which it was issued. I am enclosing a copy of the License for your records.

As for the Affidavits you submitted, as mentioned in the beginning of this letter, I have included them in the water right file for which they are appurtenant.

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

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc

Enclosures

cc: Southern Region

RECEIVED
MAY 10 1984
FBI - MEMPHIS



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

August 5, 1983

Fisheries Development Co.
Mac C. Martin
Jeffrey M. & Joy Martin
Michael K. & Vicki Martin
664 Buchanan
Twin Falls, Id 83301

Dear Ladies & Gentlemen,

This office acknowledges assignment of the following water rights to you.

Permit No. 36-7080
Permit No. 36-7664
Permit No. 36-7725
Permit No. 36-7731
Permit No. 36-7800
Application for Permit No. 36-8074

Enclosed for your records are copies of those listed water rights. Be sure to note on the Permits the special conditions of Approval on the fourth page that identifies requirements necessary for developing the permits into licensed water rights.

Enclosed also are several Affidavit for Water Rights to be used for Power purposes. Please have one form completed by each party owning interest in Application for Permit No. 36-8074 and return to our office.

If you have any further questions, please contact me at 334-4123.

Sincerely

ROBYN CARLSON
Technical Records Specialist

RC:jvv
Enclosure

cc: Nyal Hoffman
Rt. 1
Filer, Id 83328

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

August 4, 1983

Nyal Hoffman
Rt. 1
Filer, Id 83328

RE: Water Right Assignment for 36-7080, 36-7080,
36-7664, 36-7725, 36-7731, 36-7800, & 36-8074

Dear Mr. Hoffman,

Thank you for your letter of July 14, 1983. Enclosed you will find a copy of the acknowledgement letter for the above referenced water right.

In your letter you also stated Water Right No. 36-8089. Our records show this right as a protested Application for permit in the name of Fisheries Development Co.

If you have any further questions, please do not hesitate to contact our office.

Sincerely

ROBYN CARLSON
Technical Records Specialist

RC:jvv
Enclosure

UNRECORDED

Nyal Hoffman
Rt 1
Filer, Idaho 83328
July 14, 1983

RECEIVED

JUL 15 1983

STATE OF IDAHO
Department of Water Resources

Dear Sirs:

As we are in the final negotiation in the purchase of the stock in Fisheries Development, an Idaho corporation, owned by Mac Martin, an unmarried man, Jeffery M. Martin and Joy Martin, husband and wife, and Michael K. Martin and Vicki Martin, husband and wife.

We would like the information as to the status of the following water applications:

-36-7080	17.2	C.F.S.	Fish Propagation
-36-7664	10	C.F.S.	Fish Propagation
-36-7725	100	C.F.S.	Fish Propagation
-36-7731	18	C.F.S.	Fish Propagation
-36-7800	8	C.F.S.	Fish Propagation
-36-8074	100	C.F.S.	Hydro Electric
36-8089	150	C.F.S.	Hydro Electric

We are particularly concerned with application # 367725 in this amount of 100 C.F.S. Fish Propagation. In reviewing this application and its extension, we find that your department must approve any sale or assignment.

In a telephone conversation with Mr. Fleenor on July 14, 1983, he indicated that as long as Fisheries Development remain owner nothing as far as permits are concerned, is changed.

We need a letter from your department affirming this position.

We plan to develop this property as soon as possible and try to restore the construction damage that has been done.

As time is of the essence in this transaction any considerations by your department soon would be greatly appreciated.

Sincerely yours,

Nyal Hoffman
Nyal Hoffman

MATTHEW MULLANEY, Attorney at Law

Suite 308 / The Hoff Building / 802 West Bannock Street / Boise, Idaho 83702 / 208-344-2860

RECEIVED

NOV 12 1981

Department of Water Resources

Don

no response req'd.

November 9, 1981

Idaho Department of Water Resources
Statehouse
Boise, ID 83720

Attn: Jim Johnson

Re: Permit 36-7725

Gentlemen:

We are in receipt of the extension of Permit No. 36-7725 to February 1, 1987. We note the condition that the permit not be sold or assigned without the prior approval of the Idaho Department of Water Resources. We object to that condition. We question the enforceability of the provision, and we doubt the appropriateness of the provision in this permit. This water predates the avalanche of fish propagation filings. Your own field investigation indicates that Mr. Stevens has already cleared the land in preparation for development of this water. Mr. Stevens has taken substantial steps and spent a great deal of money to develop this water and other water on his property.

It is not our intention actively to contest this condition now. If Mr. Stevens at some point were to elect to sell or assign this permit, there would be absolutely no basis not to approve that sale or assignment. At the same time, in order that our silence not be deemed tacit consent, we note our objection.

Very truly yours,

Matthew Mullaney
MATTHEW MULLANEY, Esq.

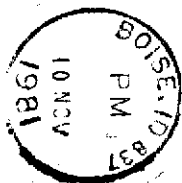
MM/mh

cc: R. W. Stevens

MICROFILMED

MATTHEW MULLANEY, Attorney at Law

Suite 308 / The Hoff Building / 802 West Bannock Street / Boise, Idaho 83702



Idaho Department of Water Resources
Statehouse
Boise, ID 83720



ROUTING SLIP

TO: Jim

FROM: Dave T.

DATE: 10/21 TIME: _____

PER:	
Our Conversation	☐
Your Request	☐
The Attached	☒

FOR YOUR:		REVIEW AND:	
Information	☐	Take Proper Action	☒
Approval	☐	Comment	☐
Signature	☐	Draft A Reply	☐

ATTACHED TO BE:			
Posted	☐	Returned To Me	☐
Circulated	☐	Filed	☐
Distributed	☐	Copied (_____ copies)	☐

I just rec'd Loren's memo. Apparently it has been misplac
One



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

November 4, 1981

RE: Permit No. 36-7725

Raleigh W. Stevens
Route #1
Hagerman, ID 83332

Dear Mr. Stevens:

Enclosed is a copy of your approved request for extension of time in which to submit proof of beneficial use on Water Permit No. 36-7725.

Please note that your extension has been granted to February 1, 1987 as you requested. Also please note the condition that before you can assign this permit, written approval from the Department is required.

If you have any questions on this, please let me know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

cc: Matt Mullaney
Attorney at Law
802 West Bannock Street
Hoff Bldg., Suite 308
Boise, ID 83702

MICROFILMED

RECEIVED

INTER-DEPARTMENT MEMO — 1

SEP 22 1981

DATE

9/18/81

FROM Loren Holmes

Department of Water Resources

TO Dave Tathill, File 36-7725

MICROFILMED

SUBJECT Exam on Request for extension of Time.

The Application was sent late for exam after its receipt in Sept 1980. I examined the site & found that land had been cleared & leveled for the fish raceways, but no other work in connection with this Permit had been done. The Amount of money which was referred to in the Extension request is probably the amount spent on Development in connection with all Permits on this place of which there are several.

LH

SIGNATURE

MEMORANDUM

TO: Southern Regional Office

February 5, 1981

FROM: L. Glen Saxton

Re: Extension of time request on 36-7725 -- Raleigh W. Stevens

In September, 1980, the state office received an extension of time request for permit No. 36-7725. Proof is not due on the permit until February 1, 1982. In the past, the Department normally has not taken action on extension requests any sooner than within six months of the proof due date.

Enclosed is a copy of the extension request.

Please field review the development to date noting the stated \$294,000 spent to date on the project.

Please respond by memo with your field examination findings.

Enclosure

RECEIVED

MATTHEW MULLANEY, Attorney at Law

Suite 308 / The Hoff Building / 802 West Bannock Street / Boise, Idaho 83702 / 208-344-2860

NOV 24 1980

Department of Water Resources

November 13, 1980

Jim Johnson
Water Distribution Supervisor
State of Idaho Department of Water Resources
Statehouse
Boise, ID 83720

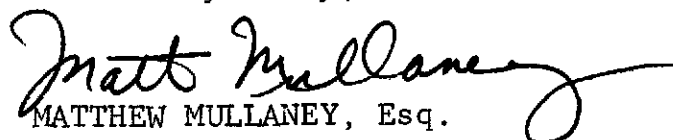
Re: Permit L 36-7725

Dear Jim:

Raleigh Stevens would like you to act on his Request for an Extension of Time now rather than return it for re-filing at a later point in time.

If there are any further questions in this regard, please call. Otherwise, we would hope to have the favorable action of the Department on this request for extension in the near term.

Yours very truly,


MATTHEW MULLANEY, Esq.

MM/mh

cc: Raleigh Stevens

MICROFILMED

CONVERSATION MEMORANDUM

DATE Oct 8 1980

FILE 36-7725

NAME OF PARTY MATT MULLANEY

EMPLOYEE _____

RE: Extension of time request

I called Matt to inform him that if we took action on the extension request now we would not be able to extend it beyond 5 years, which would be until Oct 1, 1985.

He said he would talk to his client and let us know.

RECEIVED

RECEIVED

MATTHEW MULLANEY, Attorney at Law
Suite 308 / The Hoff Building / 802 West Bannock Street / Boise, Idaho 83702 / 208-344-2860

OCT 6 1980

Department of Water Resources

October 2, 1980

Jim Johnson
Water Distribution Supervisor
State of Idaho Department of Water Resources
Statehouse
Boise, ID 83720

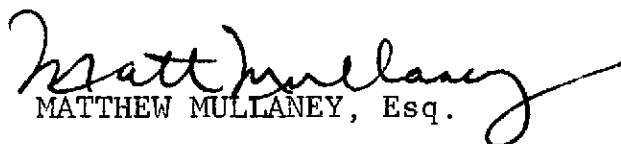
Re: Permit L 36-7725

Dear Jim:

I have your letter of October 1, 1980 returning the Request for Extension of Time filed on behalf of R. W. Stevens. I can appreciate your standard policy, but we do have reasons for filing for the extension now. This is a major project involving the integration of spring water and stream water totalling something like 130 c.f.s. Mr. Stevens has already expended \$294,000 on the project. He does not now expect to complete the project within the first five years of the permit. There has been so much litigation and protests involving Stevens and others in the Hagerman Valley that we want the Request for Extension considered by the Department now, so that in the event of any problem or challenge, it can be resolved without an hiatus in the permit. If there is going to be a problem with extending the time to complete this project, Stevens wants to know now and not a year from now after he has spent so much more money.

We would like you to reconsider your action. The Request for Extension and fee are enclosed.

Very truly yours,


MATTHEW MULLANEY, Esq.

MM:mh
encls.

October 1, 1980

Matthew Mullaney
Attorney at Law
802 West Bannock St.
Boise, Idaho 83702

Dear Mr. Mullaney,

We recently received from you a request for an extension of time to apply the water in Permit 36-7725 to Beneficial Use.

In reviewing this request I noted that proof is not due until February 1, 1982.

Our office generally will not accept a request for an extension 6 months prior to this date. However, if you have a special reason for your early request we will take it into consideration.

This office will send Mr. Stevens a proof due notice 60 days prior to the February 1, 1982 date. I would suggest that you hold off on requesting an extension of time until you are in receipt of our letter. Until then I am returning the request of extension, along with your check No. 723/92-6 for \$15.00.

If you have any questions on this matter you can contact me at 334-4162.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:mr

Enclosure

RECEIVED
OCT 1 1980
WATER DIVISION

RECEIVED

MATTHEW MULLANEY, Attorney at Law

Suite 308 / The Hoff Building / 802 West Bannock Street / Boise, Idaho 83702 / 208-344-2860

SEP 26 1980

Department of Water Resources

September 25, 1980

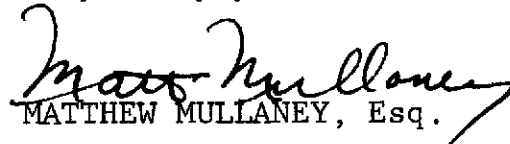
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Attention: Permit Section

Gentlemen:

Enclosed is the application of Raleigh W. Stevens for extension of time to apply the water in Permit # 36-7725 to beneficial use. Also enclosed is my ~~trust~~ account check in the amount of \$15.00 for the filing fee.

Very truly yours,


MATTHEW MULLANEY, Esq.

MM:mh
encls.

MICROFILMED

RECEIVED

MAR 20 1977

Department of Water Resources
Southern District Office

Hagerman, Idaho
March 3, 1977

ok to file

Dept. of Water Resources
1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301

RECEIVED

MAR 8 1977

Re: Application for permit #37-7540

Department of Water Resources
Southern District Office

Dear Mr. Steele:

In answer to your request of January 31, 1977:
I have made a tentative drawing of the Indian
Springs Fish Hatchery which is the most desirable
form, but maybe greatly modified in the future for
various reasons.

As to water quality at the discharge, there is incorporated in construction a continuous settleable solids removal system which will remove silt carried in the incoming water as well as the off-fall from the fish and feed. Ahead of each drop structure is a perforated pipe connected to a drain pipe down the middle of the ponds. This removes the settleable solids at each drop structure. Ahead of the outlet is a centrifugal settling pond to separate the settleable solids from the discharge water before being returned to Billingsley Creek. From the settling the sludge is pumped to settling ponds to be dried and harvested for fertilizer and potting soil.

Sincerely yours

Geo. H. Lemmon

Geo. H. Lemmon
Hagerman, Idaho

MICROFILMED

RECEIVED

DEC 23 1976

Department of Water Resources
Southern District Office

Box 368
Hagerman, ID 83332
26 December, 1976

3DF

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. N.
Twin Falls, ID 83301

The following is a letter of protest against the application #37-7540 of Blind Canyon Aqua Ranch, Inc. Hagerman, Idaho 83332.

As this proposed project would border our property on the south and east we have felt the need to protest it for the following reasons:

- (1) The proposed stream diversion would remove Billingsley Creek from our view, as it makes a bend in front of our property, to be replaced by cement and gravel fish ponds. As one of the main reasons for our purchase of this home and property was its location on the stream it would ruin our view, do away with the peace and quiet of the whole area, and completely destroy our property values, for which we paid a premium.
- (2) By turning an area of the size proposed into fish ponds all of the present wildlife habitat would be destroyed. At the present time this area is not being hunted and would continue not to be hunted, thus making it a good bird and small animal refuge.
- (3) The stream in its present condition has enough fish food, fish manure, and other pollutants in it without adding a hatchery of this size to it. This year the stream has taken on an unpleasant odor and a murky gray color that it has not had in the twenty some years that I have lived in the area.

Because this project would destroy our peace and quiet; ruin the natural beauty of the stream and the surrounding area; do away with existing and irreplaceable wildlife habitat; possibly add to the pollution of Billingsley Creek; and in general downgrade the quality of the surrounding area we request that this protest against the granting of this application be given your consideration.

Sincerely,

Marsha Ravenscroft
Marsha Ravenscroft
Gordon Ravenscroft
Marsha Ravenscroft

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

December 29, 1976

Gordon and Marsha Ravenscroft
Box 368
Hagerman, Idaho 83332

Re: Application for Permit No. 37-7540 - Blind Canyon Aqua Ranch, Inc.

Dear Mr. and Mrs. Ravenscroft:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

Michael L. Steele
Southern Region Supervisor

MLS:lm

RECEIVED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES SOUTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

December 29, 1976

Blind Canyon Aqua Ranch Inc.
Hagerman, Idaho 83332

Re: Application for Permit No. 37-7540 - Blind Canyon Aqua Ranch Inc.

Gentlemen:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 37-7540. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
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If we may be of any assistance, please contact us.

Very truly yours,

Michael L. Steele
Southern Region Supervisor

MLS:lm
Encl.
cc: IDWR - Boise

RECEIVED
JAN 1 1977
SOUTHERN DISTRICT
DEPARTMENT OF WATER RESOURCES
TWIN FALLS, IDAHO

RECEIVED

February 13, 1977

FEB 15 1977

Department of Water Resources
Southern District Office

To: Idaho Department of Water Resources

RE Application No. 37-7540

Blind Canyon Aqua Ranch, Inc.

The herein above, water application has been assigned from Blind Canyon Aqua Ranch, Inc. by George Lemmon President to Raleigh W. Stevens.

The undersigned did file a protest against this application.

The undersigned do hereby remove their protest and express no objection to application no. 37-7540 in favor of Raleigh W. Stevens.

Dorothy Ravenscroft
Marsha E. Ravenscroft

MICROFILMED

RECEIVED

JAN 21 1977

Department of Water Resources
Southern District Office

December 29, 1976

RECEIVED

DEC 30 1976

Department of Water Resources
Southern District Office

Idaho Department of Water Resources
State of Idaho

Re: Application No. 37-7540

Gentlemen:

We have this day assigned to Raleigh W. Stevens, Route one Haggerman Idaho, all the right title and interest to Application No. 37-7540 and the right title and interest to the ensuing water permit No. 37-7540.

Very truly yours,
Blind Canyon Aqua Ranch, Inc.

by

Geo. H. Lemmon

President

George Lemmon, President

State of Idaho
County of Gooding

Leah L. Smith
Notary Public

Comm. Expires 9-15-80

MICROFILMED

Gordon Ravenscroft
Box 368
Hagerman, Idaho
83332

MICROFILMED

**RETURN RECEIPT
REQUESTED**

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

CERTIFIED

No. 235641

MAIL



February 25, 1977

Re: Permit No. 37-7540

Raleigh W. Stevens
Route #1
Hagerman, ID 83332

Dear Mr. Stevens:

Enclosed is a copy of your approved Application for Permit No. 37-7540 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit

MICROFILMED

January 31, 1977

Geo. H. Lemmon
Blind Canyon Aqua Ranch, Inc.
Hagerman, Idaho 83332

RE: Application For Permit #37-7540

Dear Mr. Lemmon:

With regards to your application for 100 cubic feet per second from Billingsley Creek; a question arises to the water quality of the stream below your discharge point.

Would you please submit any proposals you may have regarding treatment of the water.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sb

MICROFILMED

RECEIVED

DEC 28 1976

Department of Water Resources
Southern District Office

Box 368
Hagerman, ID 83332
26 December, 1976

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. N.
Twin Falls, ID 83301

The following is a letter of protest against the application #37-7540 of Blind Canyon Aqua Ranch, Inc. Hagerman, Idaho 83332.

As this proposed project would border our property on the south and east we have felt the need to protest it for the following reasons:

(1) The proposed stream diversion would remove Billingsley Creek from our view, as it makes a bend in front of our property, to be replaced by cement and gravel fish ponds. As one of the main reasons for our purchase of this home and property was its location on the stream it would ruin our view, do away with the peace and quiet of the whole area, and completely destroy our property values, for which we paid a premium.

(2) By turning an area of the size proposed into fish ponds all of the present wildlife habitat would be destroyed. At the present time this area is not being hunted and would continue not to be hunted, thus making it a good bird and small animal refuge.

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Sincerely,

Gordon Ravenscroft
Marsha Ravenscroft

Gordon Ravenscroft
Marsha Ravenscroft

MICROFILMED

*Protest
Withdrawn
2/15/77*

December 29, 1976

Blind Canyon Aqua Ranch Inc.
Hagerman, Idaho 83332

Re: Application for Permit No. 37-7540 - Blind Canyon Aqua Ranch Inc.

Gentlemen:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 37-7540. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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If we may be of any assistance, please contact us.

Very truly yours,

Michael L. Steele
Southern Region Supervisor

MLS:lm
Encl.
cc? IDWR - Boise

MICROFILMED

December 29, 1976

Gordon and Marsha Ravenscroft
Box 368
Hagerman, Idaho 83332

Re: Application for Permit No. 37-7540 - Blind Canyon Aqua Ranch, Inc.

Dear Mr. and Mrs. Ravenscroft:

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Very truly yours,

Michael L. Steele
Southern Region Supervisor

MLS:lm

MICROFILMED

FROM Gary Funderburg

DATE 12-8-76

TO File

SUBJECT Re: Application #37-7540

On 12-6-76, I made a field visit for Application #37-7540, Surface Water Application from Billingsley Creek.

At the point where the Applicant proposed to divert the water, there appears sufficient amount of water for the proposed use. There are other users below and above the proposed place of use, both consumptive and non-consumptive uses. There are springs located on the property that has a permit for fish propagation. These springs are a tributary to Billingsley Creek, and will be picked up for fish propagation. Applicant proposed to change the stream channel for the construction of the fish ponds. If the water is not consumed and returned to its natural channel, the proposed application should not affect prior rights.

SIGNATURE

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No 37-7540 - Blind Canyon Aquaranch, Inc.

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) Rgh 12/8/76

In form to receipt

(2) _____

Send Copies to:

Idaho State Health Department

Idaho Fish and Game Department

Bureau of Land Management

(3) _____

Request Special Use Permit from U.S.F.S.

Request Easement from B.L.M.

Request Information from Applicant

(4) Rgh 12/8/76

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) mls 4-17-77

Critical groundwater area: yes _____ no ☒

(8) _____ D.N.A.

Groundwater levels:

_____ Declining, ☒ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) _____

Affidavit of Publication received(date) 12-28-76

(12) mls 4-17-77

Final date for protests January 3, 1977

Protests received: yes ☒ no _____

(13) _____

Removed 2-15-77
All requested information received from agencies or
applicant: yes _____ no _____

(14) mls 4-17-77

Action recommended:

☒ Approve _____ Deny

Proposed Priority

Reason for Reduction

☒ Measuring device required

See attached sheet for other conditions of
approval

No special conditions for approval

Field Checked by LLS

Date 12-6-76

Comments attached

(15) District Southern

By Michael Steh Date 4-17-77

Copy sent to Boise 12-9-76 10/

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Blind Canyon Aqua Ranch Inc.

Hagerman, Idaho 83332

has on 11-29-76 submitted Application No. 37-7540

for a permit to appropriate 100 cubic feet per second ~~xxxxxx feet per second~~

of water from Billingsley Creek

by means of a diversion dam and short canal to fish ponds. A fish ladder and creek
bypass will be built into the diversion dam. A settling pond and return structure will
~~xxxxxxxxxxxx~~ return the water to Billingsley Creek from the ponds

within the NELNE $\frac{1}{2}$, Sec. 13, Twp. 7S, Rge. 13E, B.M., Gooding County

to be used from January 1 to December 31

for fish culture

within the NELNE $\frac{1}{2}$, Sec. 13, Twp. 7S, Rge. 13E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before January 3, 1977.

R. KEITH HIGGINSON

Director

Published in the Gooding County Leader

on December 16 and December 23, 1976.

MICROFILMED

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Blind Canyon Aqua Ranch, Inc., Hagerman, Idaho 83332 has on 11-29-76 submitted Application No. 37-7540 for a permit to appropriate 100 cubic feet per second of water from Billingsley Creek by means of diversion dam and short canal to fish ponds. A fish ladder and creek bypass will be built into the diversion dam. A settling pond and return structure will return the water to Billingsley Creek from the ponds within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7S, Rge. 13E, B.M., Gooding County to be used from January 1 to December 31 for fish culture within the N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7S, Rge. 13E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before January 3, 1977.

/s/ R. Keith Higginson
Director

Pub: 12-16, 23

December 9, 1976

Gooding County Leader
P. O. Box 56
Gooding, Idaho 83330

Re: Application for Permit No. 37-7540 - Blind Canyon Aqua Ranch Inc.

Gentlemen:

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

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

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

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:lm

Enclosure

Bill submitted: _____

MICROFILMED