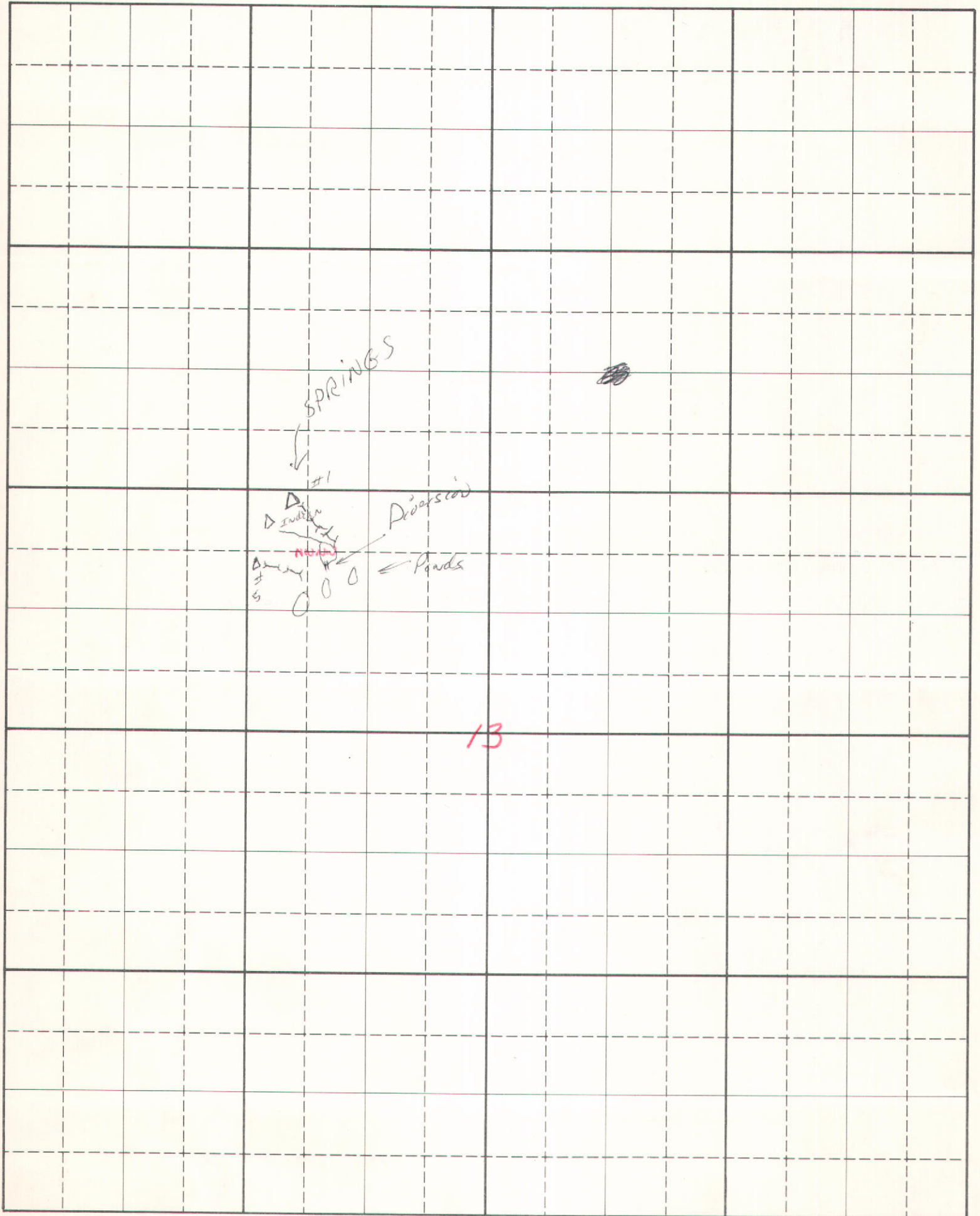


This is a map of Township 7 S, Range 13 E. The map is a 12x12 grid of sections. The township is labeled 'TWP 7 S' and the range is labeled 'RGE 13 E'. A blue rectangle highlights a 2x2 area of sections in the southeast corner of the township. The sections are numbered 12 and 13. The sections are arranged in a 2x2 grid, with section 12 in the top-left, section 13 in the top-right, section 14 in the bottom-left, and section 15 in the bottom-right. The sections are numbered 12 and 13.

Administrator, Operations Division

ok
jg

11. Map of proposed project:



Scale: 2 inches equal 1 mile

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

Robert H. Maske
(Applicant)

36-7080

MICROFILMED

Photos of Field Exam
36-07080



Sept. 19, 1979
Northwest View
of Project

↑ JUNE 26, 1979
West View of Project





Leach Spring diversion
 ← Sept. 19, 1979



Maske Spring
 ← Sept. 19, 1979

MICROFILMED



Big Pond Springs
 ← Sept. 19, 1979



Ruby Spring Collection
 ← Sept. 19, 1979

Photos for
 Field Exam

RECEIVED

APR 11 2000

Department of Water Resources

200 APR 10 AM 10:18

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

) ORDER OF PARTIAL DECREE

Case No. 39576

) For Water Right 36-07080

)
)
)
)
The Notice of Challenge filed in the above subcase having been heard and ruled upon, IT IS
THEREFORE ORDERED that water right 36-07080 is hereby decreed as set forth in the attached
Partial Decree Pursuant to I.R.C.P. 54(b).

IT IS SO ORDERED.

DATED APR 10 2000



BARRY WOOD
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

APR 11 2000

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07080

2000 APR 10 AM 10:19
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: CLEAR LAKES TROUT CO INC
1301 VISTA AVE
BOISE ID 83705

SOURCE: SPRINGS TRIBUTARY: BILLINGSLEY CREEK

SOURCES ARE ALSO KNOWN AS BIG POND SPRINGS, RUBY SPRINGS,
STEVEN SPRING, LEACH SPRING AND RAVENSCROFT SPRING.

QUANTITY: 11.54 CFS

PRIORITY DATE: 08/22/1969

POINT OF DIVERSION: T07S R13E S12 S13 SWSSE
NENENE
NWNENE
SENENE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	FISH PROPAGATION	01-01 12-31	11.54 CFS

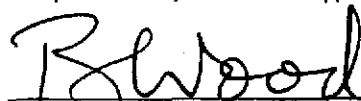
PLACE OF USE: FISH PROPAGATION Within GOODING County
T07S R13E S13 NENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


BARRY WOOD
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

• •

This
Right has been
Decreed in the
SRBA.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7080 Priority August 22, 1969 Amount 11.54 cfs

THIS IS TO CERTIFY, that Fisheries Development Company, et al.
of Twin Falls, ID, has complied with the terms and conditions of Permit
No. 36-7080 issued pursuant to Application for Permit dated August 22, 1969,
and has submitted proof to the Department of Water Resources on June 28, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 11.54 cfs of water from (6) springs,
tributary to Billingsley Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Fish Propagation	from <u>January 1</u> to <u>December 31</u> at <u>11.54</u> cfs and <u>n/a</u>		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 11.54 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
n/a acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12; NE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 13; Twp. 7S, Rge. 13E in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7S	13E	13	x																

Total number of acres irrigated _____

Facility volumes are 0.6 AF, 1.6 AF, and 5.5 AF. Use of water under this license
is subject to control by the watermaster of State Water District No. 36-A,
Billingsley Creek. Measuring devices of a type approved by this Department
shall be maintained as part of the diverting works. Return water shall be
treated to insure that the effluent meets Idaho Water Quality Standards.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 10th day of
November, 19 83.


Director

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Orginial Permit	36-7080	Herbert L. Maske	17.2 cfs
Full Assignment	36-7080	Raleigh W. & Virginia Stevens	17.2 cfs
Full Assignment	36-7080	Fisheries Development Co. &/or Mac C. Martin &/or Jeffrey M. &/or Joy Martin &/or Michael K. &/or Vicki Martin	17.2 cfs

UNCLASSIFIED

QUITCLAIM DEED

RECEIVED

APR 22 1983

Department of Water Resources
Sawtooth District Office

on 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.

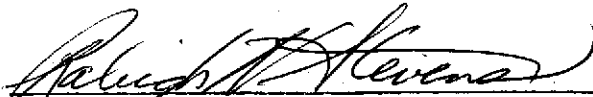
THIS DEED IS GIVEN IN FULL AND COMPLETE SATISFACTION OF THAT CERTAIN JUDGMENT ENTERED JANUARY 22, 1982 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL OF THE STATE OF IDAHO, IN AND

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

STATE OF IDAHO

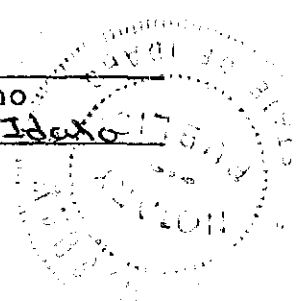
County of Gooding

)
) 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.

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



RECORDED

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)

County of Gooding)

ss.

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

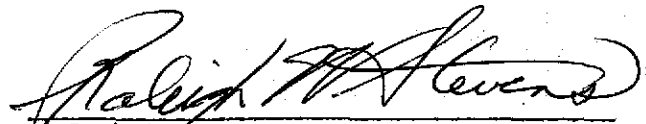
1. That he made, executed and delivered the attached Quitclaim Deed, as Grantor, to Fisheries Development Company, an Idaho Corporation, Mac C. Martin, an unmarried man, Jeffrey M. Martin and Joy Martin, husband and wife, and Michael K. Martin and Vicki Martin, husband and wife, as Grantees.

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

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

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.

Gay 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 Winnell

12 min. past 9 o'clock A. this 3rd day
of November, 1982

MARGARET F. CLEMENTS Recorder

By Virginia Estes, Deputy

RECORDED

EXHIBIT 6

APPLICATION FOR AMENDMENT

RECEIVED
DEC 21 1976

Department of Water Resources

Permit No. 36-7080

Comes now Raleigh W. Stevens of (address)

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 36-7080, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13 Twp. 7 S
 Rge. 13 E, B.M., County of Gooding. Other points of diversion:
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, Twp. 7 S, Rge. 13 E, B.M.

NO CHANGE

Amount 17.2 for Fish Prop purposes from Jan. 1 to Dec. 31 (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre feet per annum)

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated

MICROFILMED

A 12x12 grid map showing Township 7 S, Range 13 E, and Section 12 and 13. A small square is highlighted in the intersection of Range 13 E and Township 7 S.

Administrator, Operations Division

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXTENSION OF TIME

RECEIVED
NOV 21 1974
Department of Water Resources

State of Idaho)
County of Gooding)

Permit No. 36-7080

Raleigh W. & Virginia Stevens of Rt. 1 Hagerman
(name) (address)

State of Idaho, being first duly sworn, upon his oath 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. 36-7080.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before July 1, 1975, 1974.

That he has heretofore performed the following work described under said permit:
Developed 4 springs and there're in use. Cleared marsh land approximately
3 acres and filled with 7,000 yards, 80% complete. Developed another
spring with permanent weir with ground not ready to put into use. Have
partially developed another spring and built two ponds. Costing \$ \$63,000

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: In 11/9/73 my wife came down with Terminal Cancer.
We have traveled all over most of the U.S.A. See exhibit A and B. In the
fifth month I had a heart attack. You can verify with Dr. Blackburn, Boise,
Idaho. See covering letter.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to November 1, 1977.

Raleigh W. Stevens
(signature) *

Subscribed and sworn before me this 5th day of November, 1974.

seal

R. Doyle Pugmire
Notary Public residing at
Hagerman, Idaho

My commission expires 8-23-78

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Operations Division

I, A. KENNETH DUNN, Administrator of the Idaho Department of Water Resources, hereby approve the above application for extension of time for Permit No. 36-7080 to July 1, 1978.

Witness my hand this 19th day of November, 1974.

A. Kenneth Dunn
Director/Administrator, Operations Division

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Resources, State Capitol, Boise, Idaho 83720.

MICROFILMED

RECEIVED

MAY 9 1973

ASSIGNMENT

Department of Water Administration

For value received, I hereby assign my right, title, and interest in and
to Permit to Appropriate the Public Waters of the State of Idaho, No. 36-7080
to RALEIGH W. STEVENS and VIRGINIA STEVENS,
of Hagerman, Idaho.

*

H.L. Maske

Permit Holder

H.L. Maske

Thelma W. Maske

Wife of Permit Holder

Thelma W. Maske

STATE OF IDAHO)
County of Twin Falls) ss

On this 1st day of May, 1973, before me, a Notary Public for the
State of Idaho, residing at Buhl, Idaho

personally appeared H.L. MASKE and THELMA W. MASKE

are

known to me to be the person whose name is subscribed to the within instrument,
and duly acknowledged to me that he executed the same.

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

My commission expires May 1, 1973

J. M. [Signature]

Notary Public

Residing at Buhl, Idaho

* If fractional part of permit is to be assigned, the same fractional part of
the land to which the assigned fraction is appurtenant should be shown.

36 7080

Identification No.

36-7080

Application No.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

Assigned to Raleigh W. Stevens & Virginia Stevens

APPROVED

1. Name of applicant Herbert L. Maske Hagerman Idaho
 post office address Indian Springs ranch, box 233, Hagerman, Idaho 83332
2. Source of water supply 8 Springs, unnamed which is a tributary of Runs into Billingsley Creek
3. a. Location of point of diversion is N.W. Cor 1/4 of NE 1/4 of Section 13 Township 7 S
Range 13 E. 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 NE 1/4
of NE 1/4 of Section 13 Township 7 S Range 13 East B.M. Loise Meridan
4. Water will be used for the following purposes:
 Amount 17.2 for fish propagation purpose from Jan. 1 to Dec. 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. 17.2 cubic feet per second and/or
 b. _____ acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. 24" corrugated metal pipe,
collection box with steel from two springs
pipe

 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 \$ 2,000.00.
8. Description of proposed uses:
 a. If water is **not** for irrigation:
 (1) Give the place of use of water: NE 1/4 of NE 1/4 of Section 13 Township 7 S
Range 13 B.M. East of the Boise Meridian
 (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: See above

36-7080

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated.

c. Describe any other water rights used for the same purposes.

9. a. Who owns the property at the point of diversion.

b. Who owns the land to be irrigated or place of use _____
~~Herbert L. Maske~~

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

applicant to make this filing.

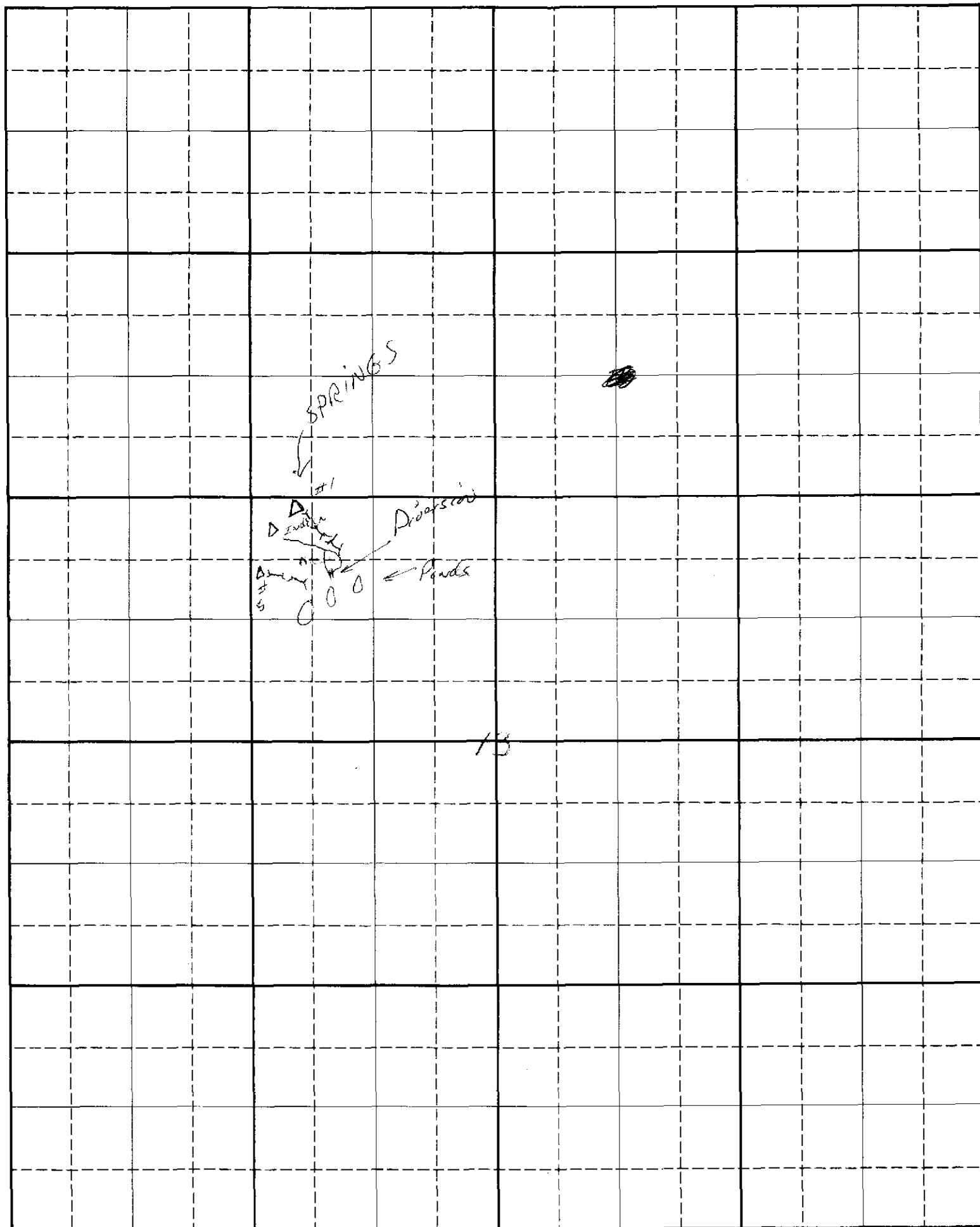
10. Remarks	Spring # 1 - 5.2 c.f.s.

(Indiam Sp.) #3 - 4.0 c.f.s.

Spring #5 - 8.0 c.f.s.

~~We contemplate building several fish ponds on our property described as mentioned above and the water that we are assuming permit to use is overflow water or surplus water from a spring adjoining our property and flows over our land and empties into Billingsley Creek on our property. We want to have this surplus water flow through the fish ponds and then empty into Billingsley Creek.~~

11. Map of proposed project:



Scale: 2 inches equal 1 mile

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

Arthur M. Maske
(Applicant)

36-7080

Received by W. W. 8-22-69 Date 8-22-69 Time 1:45
Preliminary check by W. W. Fee \$ 100.00
Received by W. W. Date 8-22-69
Publication prepared by W. W. Date 9-3-69
Published in Blindley Co. Journal
Publication dates 9-11-18-69
Publication approved W. W. Date 10-15-69
Priority reduced to _____ Reason _____
Protests filed by: None
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by W. W.

ACTION OF STATE RECLAMATION ENGINEER
APPROVED

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-7080, 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 July 1, 19 75.
- c. Other: The permit holder shall permanently install and maintain a measuring device of a type approved by the department as part of the diverting works and outlet works.

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

Witness my hand this 23rd day of July, 19 70.

J. Paul H. H.
State Reclamation Engineer

NOTICE OF AMENDMENT TO WATER PERMIT

Notice is hereby given that Raleigh W. Stevens of Hagerman, Idaho, has an approved Permit No. 36-7080 issued by the Department of Water Resources authorizing the diversion of 17.2 cubic feet of water per second from unnamed springs in the NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 13, Twp. 7 S, Rge. 13 E, B.M., Gooding County, to be used for fish propagation purposes in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7 S, Rge. 13 E, B.M.

On December 21, 1976, the Department received an application for amendment from the permit holder proposing to amend the point of diversion and place of use under said permit to include the SE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 12, Twp. 7 S, Rge. 13 E, B.M.

Any protest against approval of the amending of Permit No. 36-7080 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before January 24, 1977.

/s/ R. Keith Higginson
Director

AFFIDAVIT of PUBLICATION

RECEIVED
JAN 25 1977

State of Idaho, }
County of Gooding } SS.

Department of Water Resources
Southern District Office

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 continuous-
ly and uninterruptedly published for a period of seventy-eight consecu-
tive 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 6 day of January
1977, and the date of the last publication was on the 13
day of January 1977

Kim R. Compton

Subscribed and sworn to before me this 13
day of January, 1977
(SEAL)

Carleen Hain
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

COM OF NOTICE

(Paste Here)

W.P. 36-7080 Steese

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

Dept of Water

D.W.R.

ok

SB
1/25/77

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

18082

Nº 1064

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

P. O. Box 514
Gooding, Idaho 83330

July 15, 1970

Herbert Maske
Hagerman, Idaho

Dear Mr. Maske:

In calculating the production potential and water requirements for this project, we used the formula developed by Robert G. Piper, Assistant Director for the Fish Culture Development Center, U.S. Fish & Wildlife Service, Bureau of Sport Fisheries and Wildlife, Bozeman, Montana. The formula for carrying capacities is:

$$F = \frac{W}{L \times I}$$

F = loading factor
W = known permissible weight of fish
L = length of fish in inches
I = G.P.M. water inflow

Based on this formula, the proposed trout facility of 17.2 cfs water available, the potential production would be 237,000 pounds of trout. In studying this formula against other formulas for figuring trout production and known carrying capacities, it is possible to raise 237,000 pounds of trout with 17.2 cfs of good quality water. However, it requires a high degree of fishery management in order to achieve this production.

Springs No. 1 and 2 will flow through ponds A1, A2 and A3. However, pond A1 will be used for a fish-out pond in conjunction with the vacation cabins.

Springs No. 3 and 4 will flow through ponds B1, B2 and B3. However, pond B1 will be used for a fish-out pond in conjunction with the vacation cabins.

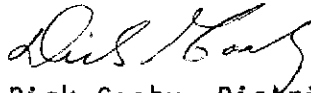
Springs No. 5, 6 and 7 will flow through ponds C1, C2 and C3. All these ponds will be used for commercial trout production.

36-7080

- 2 -

See the attached chart on individual pond production and water requirements.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dick Gooby".

Dick Gooby, District Conservationist
Soil Conservation Service

DG/ds
attachment

36-7080

Herbert Maske

Pounds Production and Water Requirements

Pond Number	Length	Width	Depth	Cu. Ft.	Loading Factor	Length	Compaction	Total Wt. lbs.	GPM	CFS
A2	75'	100'	4'	30,000	1.16	11	5.5	29,858	2340	5.2
A3	100'	100'	4'	40,000	1.16	11	5.5	29,858	2340	-
B2	75'	80'	4'	24,000	1.16	11	5.5	28,710	2250	5.0
B3	75'	60'	4'	18,000	1.16	11	5.5	28,710	2250	-
C1	100'	50'	4'	20,000	1.16	11	5.5	40,194	3150	7.0
C2	100'	50'	4'	20,000	1.16	11	5.5	40,194	3150	-
C3	100'	50'	4'	20,000	1.16	11	5.5	40,194	3150	-
Total				172,000				237,718	18,630	17.2

784
Indian Springs Ranch
Pagerman, Idaho
October 18, 1969

Mr. C. Stephen Allred, P.E.,
Acting Deputy State Reclamation Engineer
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Department of Reclamation

Dear Mr. Allred:

Re: Application for Permit #36-7080

In answer to your letter of September 26th asking for more information, I am submitting the following for your consideration:

Item 1

1. We have about \$3000.00 in cash in the Home Savings and Loan Assn. in Encino, California.
2. We have \$30,000.00 in securities with the Insurance Securities, Inc. in San Francisco, California, on which we can draw at any time or use for collateral.
3. We own 37½ acres, legal description is on application, with three new, modern homes, all elec., appraised at approx. \$100,000.00. This is all clear as we have no indebtedness of any kind.

Item #2.

We are enclosing the design we would like to use, drawn up by the U.S.. Soil Conservation in Pooding, Idaho. The water that we are applying for now runs through our 37½ acres from springs located on this property and then flows into Billingsley Creek which also runs through our property and we are asking to use the water or run it through fish ponds and then let it flow into Billingsley Creek.

Item #3.

When all of these fish ponds are completed they should produce 72,000 lbs. per year which we consider a conservative estimate.

Item #4.

If permit is received we will start construction in 1970, building a few ponds at a time until completed. It may take approx. 5 years for over all completion.

The water for which we are applying is not being used by anyone at this time.

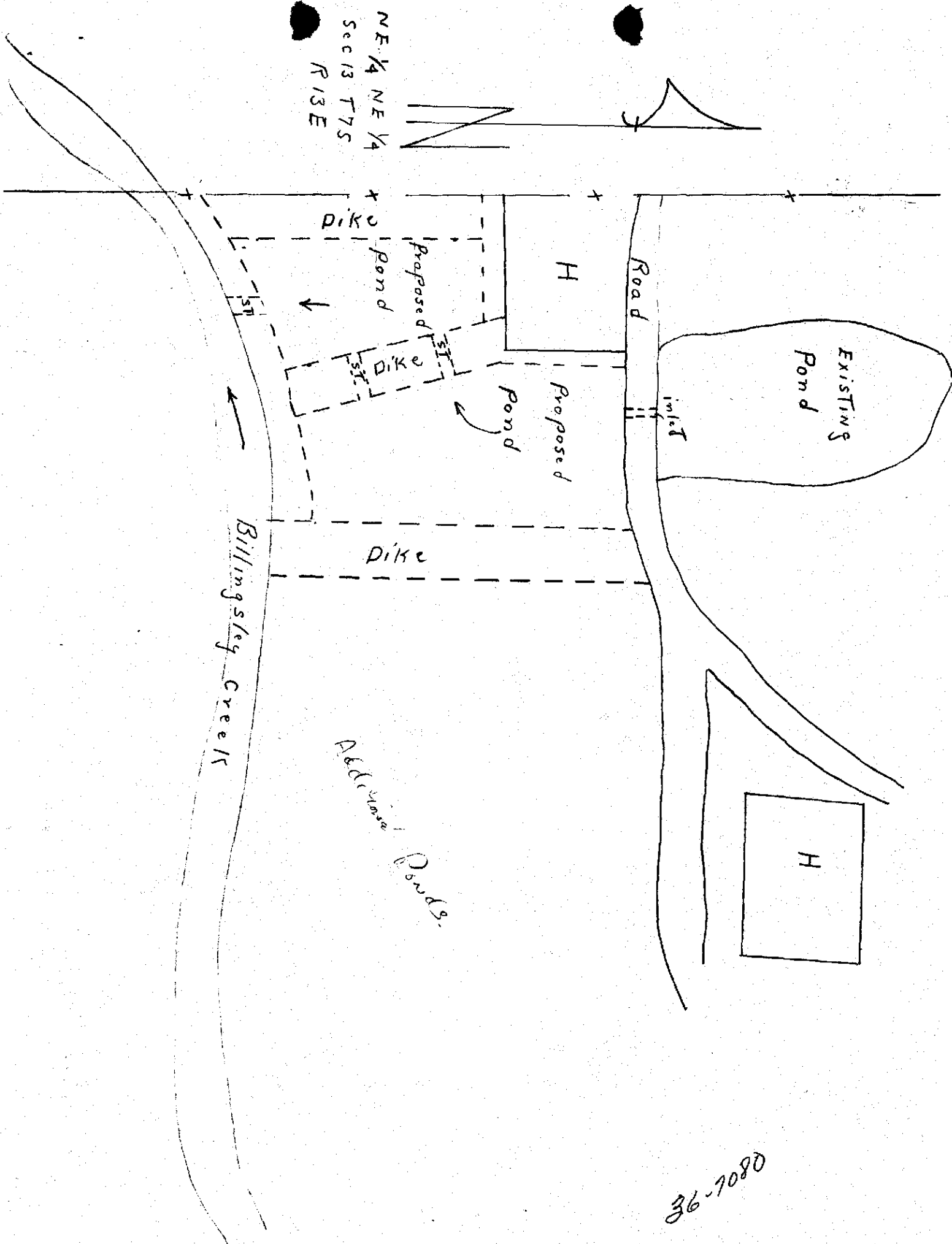
We hope this answers all of your questions and that the information will meet with your approval. If you desire anything further, please let us know.

Thank you very much.

Very truly yours,

Herbert L. Maske
Herbert L. Maske

36-7080



36-7080

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Herbert L. Maske, Indian Springs Ranch, Box 238, Hagerman, Idaho, has on August 22, 1969, applied for permit under application No. 36-7080 to divert 17.2 cubic feet per second of water from three unnamed springs tributary of Billingsley Creek. Water will be diverted by pipe and collection box within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 7 S, R. 13 E, B.M., Gooding County and is to be used from Jan. 1 to Dec. 31 for fish propagation in the NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 13, T. 7 S, R. 13 E, B.M. Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. Keith Higginson
State Reclamation
Engineer

9-11-2tc

Affidavit of Publication

State of Idaho, }
County of Gooding } SS.

Thomas D. Miller, 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 11 day of September, 1969, and the date of the last publication was on the 18 day of September, 1969.

Thomas D. Miller

Subscribed and sworn to before me this 9

day of October, 1969
(SEAL)

Andrey C. Belsher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

Lines at 14c

Lines at 10c

TOTAL COST

36-7080

COPY OF NOTICE

Title of Notice

Application for
water

Title of Notice

Herbert L. Maske
Plaintiff Attorney

Defendant

Plaintiff

Bill to

State of Idaho
Department of
Reclamation
Statehouse Annex 2
Boise, Idaho
83707

PUBLICATION RATES:

(Idaho Code, (Rev. Statutes) 1956	
7 pt. per line, straight	14c
7 pt. per line, tabular	20c
7 pt. per line, successive	
insertions	10c
6 pt. per line, straight	15c
6 pt. per line, tabular	20c
6 pt. per line, successive	
insertion	10c

Self submitted

Nº 592

10-15-69 ds

This
Right has been
Decreed in the
SRBA.

MEMORANDUM

TO: File No. 36-7731
FROM: Gary Spackman *Gary*
DATE: September 8, 1992

RE: Overlap of rights nos. 36-7080, 36-7731 and 36-7800

We have withheld issuance of a license for water right no. 36-07731 because permit no. 36-7800, which was issued for development of the same project, was found by the field examiner to be unnecessary. The examiner found that the entire use will be described by water right license no. 36-7080 and the prospective license 36-07731.

An order voiding or canceling right no. 36-7800 will be prepared.

In my discussions regarding this matter with Earl Hardy, principal for Clear Lakes Trout Company Inc., Earl disputed the volume calculations which were done by Gary Funderburg. I agreed to add the following to license no. 36-07731:

Total facility volume could fluctuate depending on the water levels maintained by the outlet structures. This license does not, however, authorize any enlargement in the physical dimensions of the raceways.

We also need to change the facility volume for right no. 36-07731 to 109,385 cubic feet or 2.5 acre-feet. Helen Harrington-Thornton recalculated the total facility volume on the attached map and computation sheet.



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:
Starehouse
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

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

CLOCK CPE

☒ All my right, title, and interest, in and to Permit No. 36
37-7080
 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.

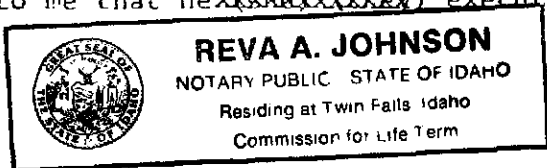
Jeffrey M. Martin
 Permit Holder
Michael K. Martin
 Permit Holder
Mac C. Martin
 Permit Holder

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
Mac C. Martin
 to me that he (she, it, they) executed the same.



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 Joone

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 Joone

NOTARY PUBLIC

Residence: Idaho Falls, Idaho

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 fluid and somewhat stylized.

Fisheries Develop, Co.
Nyal Hoffman, President

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

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.

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

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November 15, 1983

RE: Permit No. 36-7080

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

Dear Permit Holders:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

RECEIVED



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

October 18, 1983

SEE MEMO of
3-18-83 FOR
REASON FOR PROCESSING

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

Dear Permit Holders:

A representative of this Department has made an examination of the works covered by your Permit No. 36-7080, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 11.54 cfs Source: springs (6) trib. to Billingsley Creek

The maximum quantity diverted shall not exceed n/a acre feet
per year.

Point(s) of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13; Twp. 7S,
Rge. 13E, Gooding County

Beneficial use: Fish Propagation within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7S,
Rge. 13E (3 ponds).

Priority date established: August 22, 1969

Conditions: Facility Volumes are .6 AF, 1.6 AF, and 5.5 AF. Use of water
under this license is subject to control by the watermaster of State Water
District No. 36-A, Billingsley Creek. Measuring devices of a type approved
by this Department shall be maintained at the point of diversion and point
of effluent discharge. Return water shall be treated to insure that the
effluent meets Idaho Water Quality Standards.

If you do not concur with these findings please contact us within 10 days, otherwise
a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw



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



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

NOT FILMED

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

INTER-DEPARTMENT MEMO — 1

DATE 3-18-83

FROM Bob

TO Dave DAT → Jim

SUBJECT 36-7080

I asked Loren to either look at this point of diversion or have the
meas device condition at the p.d. removed and rely on the m.d. at the outlet.

He said that this place is no longer owned by Mr Stevens

Let's call up in 2 months and proceed with
licensing if Southern has not responded by then Dave

Bob

SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM Dave T

DATE 3/11/83

TO Bob F

SUBJECT

we would like to issue this license before it becomes too out-of-date. Jim Johnson called Terry Blau about the M.D. inventory - Southern hasn't completed it yet. How do you suggest that we proceed?

Dave

SIGNATURE

~~Dave~~ → Jim

what do you
suggest we do
with this one?

Jim Jim:

Are we receiving pressure
to issue the license? If not, let's
back up a bit & give Southern a
chance to complete their inventory,
and call-up in March 83

Dave

INTER-DEPARTMENT MEMO — 1

FROM Jim

DATE 6-3-82

TO File

SUBJECT LICENSING OF PERMIT 36-7080

This permit should not be licensed until the Southern Region has completed an inventory of diversions which has installed measuring devices per order dated 12-24-1980

This should be called up on Aug 1, 1982

MICROFILMED

SIGNATURE

CONVERSATION MEMORANDUM

DATE 8-10-82

FILE 36-7080

NAME OF PARTY Loren Holmes

EMPLOYEE Jim Johnson

RE: As follow-up the 6-3-82 memo

I called Loren for status of
Bullingsley Cr. Measuring Device
inventory. He reported that the
inventory had not yet been started
and would be initiated shortly.

This file should be called
up on October 1 for follow-up.

Per conversation 10-19-82 w/Loren they
have not yet started the M.D. inventory.

He also stated that no one appeared to
be using the fish propagation facilities
at the present time.

RECORDED

Jim Johnson

Hold for

Memo on

S.R. inventory
on diversions

NOY

ACTION REQUIRED

5/25/82

FROM: Norm Young

TO: Bob Fleenor

Has Southern Region followed up
on the Measuring Device Requirement
on Billingsley Creek? What is
status?

Norm: Southern has reviewed several m.d. installation and now has begun an inventory of
all diversions.

Bob

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF MEASURING DEVICES,
LOCKING DIVERSION WORKS ON DIVERSIONS
WITHIN WATER DISTRICT 36-A

ORDER

WHEREAS, the rights to the use of the waters of Billingsley Creek and Riley Creek have been determined by decrees of the Federal District Court of Idaho, Southern Region in the case of:

New International Mortgage Bank, Plaintiff

vs.

Idaho Power Company, Defendant

and the 4th Judicial District Court of the State of Idaho in the case of:

Albert H. Brailsford, et al., Plaintiff

vs.

Nellie Payne Johnson, et al., Defendant

and;

WHEREAS, It has been resolved by the waterusers of Water District 36-A that controllable diversions and measuring devices are necessary for the fair and equitable distribution of surface water within Billingsley and Riley Creek Drainage Basins; and,

WHEREAS, the watermaster of Water District 36-A has requested that the Director of the Department of Water Resources order the installation of controlling works and measuring devices on diversions within the District; and,

WHEREAS, Section 42-701, Idaho Code, requires that adequate measuring devices and headgates shall be maintained;

IT IS, THEREFORE, HEREBY ORDERED:

1) That headgates and/or controlling works capable of controlling flows of water under the various rights shall be installed at all points of diversion from surface water sources (springs, streams and creeks) within Water District 36-A Billingsley Creek and Riley Creek Drainage Basins. This requirement does not apply to diversions where:

- a. The water is to be used for single household domestic purposes only.
- b. A specific exemption is approved by the Department. An exemption can be issued only when the controlling works would be unfeasible or unnecessary.

Where water is diverted from the source and then rediverted from a man-made ditch, channel or pipeline, the headgate and/or controlling works is required only at the diversion from the source.

2) That a means of measurement of flows of water shall be provided for each diversion that requires a headgate or controlling works. The means of measurement provided shall be one of the following types:

- a. A standard measuring device of a type approved by the Department of Water Resources.
- b. A section of channel or a non-standard device which has been rated by a licensed professional engineer. Rating tables for this means of measurement must bear the stamp of the engineer making the rating and copies of the tables must be supplied to the watermaster and the Department.

In those cases where a measuring device is unnecessary even though controlling works are required, an exemption may be approved by the Department.

3) That the required headgates and/or controlling works, and means of measurement, be installed and permanently maintained on or before July 1, 1981.

4) That no water shall be delivered by the watermaster of Water District 36-A after July 1, 1981 to diversions where required headgates and/or controlling works, and means of measurement, have not been provided.

Dated this 24 day of December, 1980.


C. STEPHEN ALLRED
Director

ACTION REQUIRED

FROM: Noem

TO: SAXTON

Let's discuss. Waiving of
Measuring devices within a
water district ^{within which} ~~that~~ we are just
ordering on devices doesn't seem
prudent.

CONVERSATION MEMORANDUM

DATE 5-18-82FILE 36-7080NAME OF PARTY Doug E/99nEMPLOYEE Jim JOHNSON

RE: Doug called wanting to know the status of this right because he may become the new owner of the property as a result of ~~an~~^a sheriff sale of this date.

MR Stevens apparently has lost a court battle on ownership of the property and would be reluctant to assign his permits to the new owners.

ISSUANCE OF THE LICENSE IS BEING HELD UNTIL it can be determined if MR Stevens has complied with an order to install measuring devices at the inflow and out flow of the fish ponds. They were not installed at the time of the field exam.

Loren Holmes will be reporting on this when he returns in a couple of days.

5-19-82 - LOREN CALLED IN REFERENCE TO THIS RIGHT.

HE SAID THAT LITTLE FOLLOW-UP HAS BEEN MADE ON CHECKING TO SEE IF WATER USERS IN BILLINGSLEY (K) WERE INSTALLING MEASURING DEVICES. (See memo dated 4-30-82) To his knowledge amount of water lost by fish propagation use has never been an issue on the Stevens Rights. IN FACT he felt that more water supply may have been developed as a result of developing the water right.

(over)

MICROFILMED

He did not feel that stringent m. d. requirements were necessary in this case and felt that the m. d. ^{already} installed adequately measured the sources being used.

REPRODUCTION

TO: FILE

DATE 4-30-82

From: Jim J.

RECEIVED
PER ENQUIRY FROM NORM CONCERNING
M.D. COMPLIANCE - I CONTACTED
MATT MULLANEY THE REPRESENTING ATTORNEY
FOR THE PERMIT HOLDER IN AN ATTEMPT
TO DETERMINE IF THE PERMIT HOLDER
HAD INSTALLED ADDITIONAL MEASURING DEVICES
SINCE THE FIELD EXAM HAD BEEN COMPLETED,
IN COMPLIANCE TO AN ORDER WHICH
THE DEPARTMENT HAD SENT TO ALL
BILLINGSLEY CREEK WATER USERS TO
INSTALL M.D.

MATT WAS NOT KNOWLEDABLE
ENOUGH ABOUT THE SYSTEM TO ANSWER
PROPERLY AND REQUESTED THAT I
CORRESPOND WITH MR. STEVENS.

HE WAS ALSO CONCERNED THAT THE DEPARTMENT
WAS PICKING ON MR. STEVENS IN REQUIRING HIM
TO COMPLY WITH STRINGENT M.D. REQUIREMENTS
AND NOT REQUIRING OTHER BILLINGSLEY Cr.
WATER USERS TO DO THE SAME.

Has Measuring
Device Reg.
been complied
with? If not
it should be.
NCY



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

April 21, 1982

RE: Permit No. 36-7080

Raleigh W. Stevens & Virginia Stevens
Route #1, Box 402
Hagerman, ID 83332

Dear Mr. and Mrs. Stevens:

A representative of this Department has made an examination of the works covered by your Permit No. 36-7080, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 11.54 cfs Source: springs (6) trib. to Billingsley Creek

The maximum quantity diverted shall not exceed n/a acre feet per year.

Point(s) of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13; Twp. 7S, Rge.
13E, Gooding County

Beneficial use: Fish Propagation within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7S, Rge.
13E (3 ponds).

Priority date established: August 22, 1969

Conditions (if any): Facility Volumes are .6 AF, 1.6 AF, and 5.5 AF.
Use of water under this license is subject to control by the watermaster of
State Water District No. 36-A, Billingsley Creek. Measuring devices of a type
approved by this Department shall be maintained at the point of diversion and
point of effluent discharge. Return water shall be treated to insure that the
effluent meets Idaho Water Quality Standards.

If you do not concur with these findings please contact us within 10 days, otherwise
a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

FROM

Robyn

DATE

4-20-82

TO

File

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

SIGNATURE

Overlap Review for 36-7080

App 36-8074 (Power)

Permit 36-7697

Permit 36-7731

Permit 36-7725

Permit 36-7800

Permit 36-7664

Claim 36-4091 Irrigation

B/U

11-1-1982

B/U

7-1-1984

B/U

2-1-1987-

B/U

8-1-1984

B/U

6-1-1982

License 36-2160

gw

License 36-2602

Indian Sp.

P/D

NENE Sec. 13 T7S
R13E

This license is
for domestic &
irrigation only

P/U 4.5 ac in NENE
Sec. 13 T7S R13E

RC 4/20
82
Jui 4-21-82

December 18, 1979

Raleigh Stevens

Field Exam 36-7080

Measurements:

2.76 cfs	Total (Maske, Stevens & Leach)	Sparling Meter
-2.26 cfs	Total (Maske, Leach)	Sparling Meter
.50 cfs	Total (Stevens)	Difference
5.85 cfs	Total (Maske, Stevens, Leach, Ruby, Ravens Croft & Indian Springs) (1) 36" weir	
-5.36 cfs	Total (Ravens Croft & Indian Springs)	
0.49 cfs	Total (Ravens Croft & Indian Springs)	
10.58 cfs	Total (2) 36" weirs @ outlet. All springs	
0.96 cfs	Total water from Pond (E) to Pond (F)	Sparling Meter
11.54 cfs	Total of all springs developed	

capacity
✓

MEMO:

TO: File

FROM: Gary L. Funderburg

SUBJECT: Field Exam - 36-7080

On December 18, 1979, I made a field trip to measure the spring water that has been diverted for permit 36-7080 for fish propagation. Mac Martin with Fishery Development was present to show me the locations of the springs.

There are several springs located at the upper portion of the system. These springs are connected so the water can be used in several ponds at different locations. Maske Spring, (0.37 cfs), Leach Spring (1.89 cfs) and Steven Springs (0.50 cfs) are comingled into a 12" dia. steel pipe which conveys the water to the upper ponds (A). (See map). This water is then comingled with Ruby Springs (2.60 cfs) in pond (B) and discharged thru a concrete spill into pond C. Pond (C) spills the water into Pond (D). At this time the springs (Ravenscroft Spring, Maske Spring, Leach Spring, Steven Spring and Indian Spring) are comingled. The water is then conveyed thru a concrete ditch to Pond (E) and comingled with Big Pond Springs. At this point all the water that has been diverted from the springs for fish propagation ^{is} are all comingled in this pond. From this point there are no other springs coming into the ponds for fish propagation. After the springs are comingled in Pond (E), the water is discharged into a concrete pipe which conveys the water to (8) concrete raceways. From here the water is discharged in (2) settling ponds and the final discharge is into Billingsley Creek. Applicant filed proof of beneficial use on June 28, 1978. Department personnel has contacted applicant to complete a field report on this permit, but has had very little cooperation from applicant. On June 26, 1979, Loren Holmes, Regional Supervisor, made a field trip to applicant's place of use and found part of the ponds were being rebuilt. At this time new ponds were being constructed after proof had been submitted. Therefore, I recommend only ponds B, D, E, be licensed for fish propagation under this permit. Applicant had other permits for fish propagation to include all other ponds at the time

proof is submitted.

Leach Spring, Maske Spring and Ruby Spring and the outlet for pond B were all measured with a Sparling meter belonging to the Department of Water Resources #61015. A total flow was made with the Sparling meter of Steven Springs, Leach Springs and Maske Springs of 2.76 cfs. Maske Spring was measured of 0.37 cfs; Leach Spring was measured of 1.89 cfs, leaving a difference of 0.50 cfs for Stevens Spring. Ruby Spring was measured with Sparling meter at Ruby Springs of 2.60 cfs. At the outlet of Pond D, a 36" weir was measured at 5.85 cfs minus the Leach Spring, Maske Spring and Steven Spring and Ruby Spring leaving a difference for Ravenscroft Spring and Indian Spring of 0.49 cfs. A small portion of 0.96 cfs of water was measured in a culvert from pond E to pond F with the Sparling meter. At the bottom of the (8) concrete raceways were (2) 36" weirs which measured all the water that is being used for fish propagation of 10.58 cfs. This added with the small flow from Pond E to Pond F, 0.96 cfs is a total of 11.54 cfs.

36-070560

June 26, 1979
West View of Project

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

RECEIVED

JUL 6 1975

1. Name of permit holder Raleigh W. Stevens 837-4954
Post office address Box 402, Rt 1, Hagerman, Id Phone Southern District Office
Person to contact _____ Phone _____
2. Source of water supply: Groundwater ☐ Surface water ☒ SPRINGS, Reg/Road Camp, Chalet dam, Chalet Pond, Gatehouse pond
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 17.2 c.f.s. for fish propagation
AF/Annum (nature of use)

Period of Use: from 17 to 12-31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 36-7050
Examination for _____

4. Total amount to be appropriated:

Max Rate of Diversion 17.2 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 7S N/S, Range 13E E/W, B.M., Section 12, Subdivision SE 1/4 SE 1/4 Coaling
County, _____
Township _____ N/S, Range _____ E/W, B.M., Section 13, Subdivision NE 1/4 NE 1/4,
County _____
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4,
County _____

Other Points of Diversions: _____

Description of diverting works: waters are collected and piped to ponds

Measuring device required: yes ☒ no inlet & outlet devices

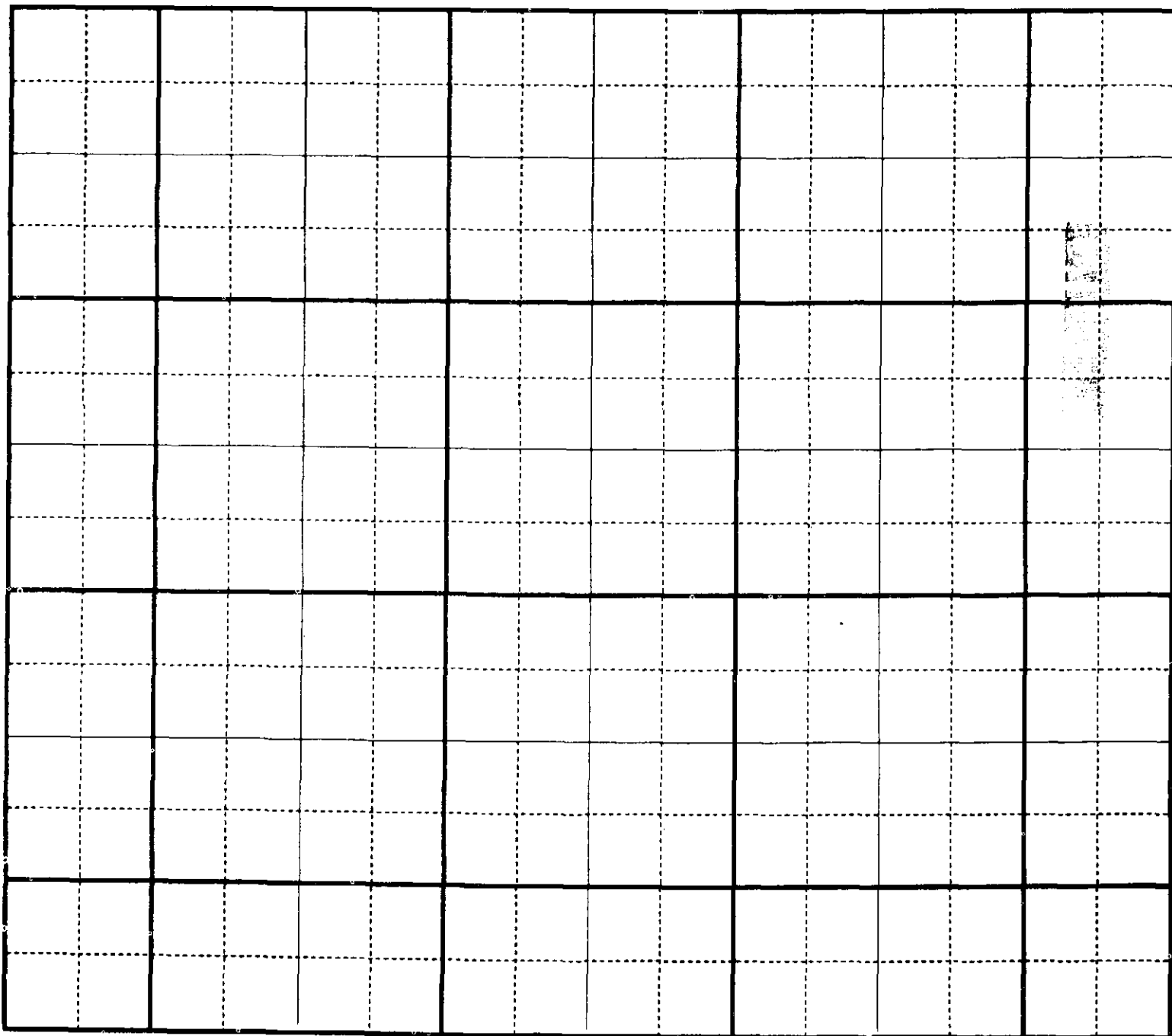
6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>7S</u>	<u>13E</u>	<u>12</u>																<u>X</u>	
		<u>13</u>	<u>X</u>																

TOTAL ACREAGE _____

UNRECORDED

Diagram of System
(SEE MAP)



DATE OF EXAM Dec- 18, 1979

ACREAGE
Found ✓
Recommended ✓

Irrigation Requirement ✓ Ac Ft/Ac

USE

Irrigation Q= c.f.s. V= AF/Ann. from to
Domestic Q= c.f.s. V= AF/Ann. from to
Livestock Q= c.f.s. V= AF/Ann. from to
Fish Propagation Q= 11.54 CFS V= N/A from 1-1 to 12-31

Is water co-mingled? yes no ✓

Name source:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4
County

Exchange? yes no

Name source exchanged with:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4
County

Point of injection:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4
County

Point of exchange:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4
County

Total Q measured 11.54 CFS Method of measurement SPARKING METER & WIERS

Total Q recommended 11.54 CFS Meter No. Type ✓ Condition ✓

Total V recommended

Recommended Amendments:

P.D.
Place of Use
Other
None

MEASUREMENT CALCULATION:

(SEE MEASUREMENT NOTES) 11.54 CFS

SYSTEM DESCRIPTION:

(SEE MEASUREMENT NOTES)

Facility Volume

✓ Pond B $32 \times 200 \times 4 = 25,600 \div 43,560 = .6 \text{ AF}$ ✓
✓ Pond D $62 \times 95 \times 12 = 70,680 \div 43,560 = 1.6 \text{ AF}$
✓ Pond E $100 \times 200 \times 12 = 240,000 \div 43,560 = 5.5 \text{ AF}$

REMARKS:

ALLEN MERRITT, MAC MARTIN, CHARLES BROCKWAY
WERE PRESENT DURING THE EXAM.

Examiner's Signature Dan Lundberg Date JAN 17/1980

Checked by Loren D. Palmer Date JAN 11, 1980

Approved by Delp Date 4-20-82

June 4-21-82 Overlap Review Attached



Leach Spring diversion
← Sept. 19, 1979



Maske Spring
← Sept. 19, 1979

UNFILMED

Big Pond Springs
← Sept. 19, 1979

Ruby Spring Collection
← Sept. 19, 1979

Photos for

March 24, 1982

RE: Permit No. 36-7080 RALEIGH W. STEVENS

Matt Mullaney
Attorney at Law
The Hoff Building, Suite 308
802 West Bannock Street
Boise, ID 83702

Dear Matt:

Thank you for calling our attention to the fact that a license had not been issued for Permit No. 36-7080. Our backlog is such that a particular license may not be issued for some time after the field exam has been completed. However, we try to respond to special requests when they arise and we will place this right on top of our pile of licenses to do. Mr. Stevens should be receiving correspondence concerning licensing within a couple of weeks.

I hope this meets with your approval.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

MATTHEW MULLANEY, Attorney at Law

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

RECEIVED

MAR 23 1982

Department of Water Resources

March 22, 1982

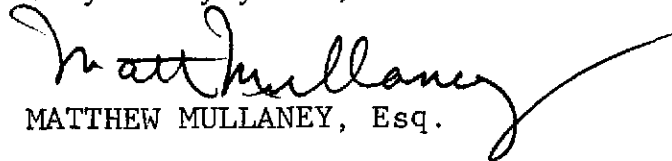
Idaho Department of Water Resources
Attn: Jim Johnson
Statehouse
Boise, ID 83720

Gentlemen:

Raleigh W. Stevens has made proof of beneficial use on Permit 36-7080. There was a field inspection on December 18, 1979. Please advise why a license has not issued in this matter to date.

Thank you for your attention to this matter.

Very truly yours,


MATTHEW MULLANEY, Esq.

MM/mh

cc: Client

WATER RIGHT NUMBER 36-7080

OWNER LAST NAME - MASKER
OWNER LAST NAME - FISHERIES DEVELOPMENT CO.
OWNER LAST NAME - MARTIN
OWNER LAST NAME - MARTIN
OWNER LAST NAME - MARTIN
OWNER LAST NAME - MARTIN
OWNER LAST NAME - MARTIN

MARTIN

ADDRESS LINE 1 - 660 RICHMOND

ADDRESS LINE 3 -

SOURCE - SPRINGS

STAGE - PERMIT 2

TOTAL DIV. VOLUME -

DIVERSION POINT - NEAR 13 07S 13E LOT

SESE 12 07S 13E LOT

FROM - 01-01 TO - 12-31 USE - FISH PROP.

USE - FISH PROP.

USE - FISH PROP.

DEGREE NAME -

REMARKS - MEASURING DEVICES AT PT. OF DIVERSION & OUTLET WORKS.

NOV IRRIG USE - See Lic.

OTHER RIGHTS FOR SAME USE -

PROOF DUE - 07-01-1978 PERMIT/DENIED - 07-23-1970 PROTESTED -

PROOF MADE - P. FLD EXAM - COND. OF APPROVAL - 14

DIVERSION MEANS - PIPE, COLLECTION BOX & PUMPS.

FIRST NAME - HERBERT L.
FIRST NAME -
FIRST NAME - MAC C.
FIRST NAME - JEFFREY M.
FIRST NAME - JOY
FIRST NAME - MICHAEL K.

VICKI

ADDRESS LINE 2 -

CITY - TWIN FALLS

PRINCIPAL OF - RILLINGSLEY CREEK

PRIORITY - 08-22-1969

WATER DIST. - 36A

CITY/CAREY ACT -

CITY -

COUNTY -

GOODING

RIGHT BASIS -

TOTAL DIV. RATE -

CFS

TRACT SESE LOT

TRACT NESE LOT

TRACT NESE LOT

DATE -

TOTAL ACRES

0

STATE - ID

ZIP CODE - 83301

TOTAL DIV. RATE -

CFS

TRACT SESE LOT

TRACT NESE LOT

TRACT NESE LOT

DATE -

TOTAL ACRES

0

TOTAL ACRES

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When licenser
letter is sent
out send a copy
to Nancy Woods
P.O. Box 172
Hagerman, ID

June 30, 1978

Re: Permit No. 36-8080

Raleigh W. Stevens
Route 1
Hagerman, ID 83332

Dear Mr. Stevens:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Twin Falls.

Sincerely,

JANICE RENK
Water Rights

MICROFILMED

Identification No. _____

Permit No. _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

JUN 28 1978

Department of Water Resources

1. a) Name of Permit Holder RALEIGH W. STEVENS
b) Post Office Address BOX 402 - ROUTE 1, HAGERMAN IDAHO 83332
2. Permit Number 36-7080
3. Date of Priority that you are prepared to establish 8-22-69
4. a) Source from which water was appropriated 8 SPRINGS UNNAMED - WHICH RUN INTO BILLINGSLEY CREEK
b) Location of the point of diversion: 7 SPRINGS - NE 1/4 NE 1/4 SE 1/4, Section 13
7S Township 13E Range 13E Boise Meridian, Other points of diversion: THE RAILROAD GAP, NE 1/4-NE 1/4, CHALET DAM NE 1/4-NE 1/4, CHALET POND NE 1/4-NE 1/4, 8' HEADGATE NE 1/4-NE 1/4, GATEHOUSE POND NE 1/4-NE 1/4, ALL IN SECT 13, TWP 7S RANGE 13E
5. a) The amount of water and use to which the water has been applied:
Amount 4.7 CFS for FISH PROPAGATION purposes from JAN 1 to DEC. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount 4.5 CFS for FISH PROPAGATION purposes from JAN. 1 to DEC. 21 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount 8 for FISH PROPAGATION purposes from JAN. 1 to DEC 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 17.2 CFS cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: DIETERICH STANDARD, ANNULAR EAGLE EYE METER ENGINEERED ESPECIALLY FOR THIS PROJECT, WATER MEASURED BY ALBERT GREGG, IDAHO POWER CHIEF MAINTENANCE ENGINEER, JACOB WANSTRON, WESTERN CONSTRUCTION AND R.W. STEVENS, MARINE ENGINEER
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
NOT APPLICABLE
b) Describe the agreement or understanding by which you take water from the works:
NOT APPLICABLE
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) ALL WATER IS FIRST GATHERED IN A GATHERING BOX OR DAM AND TRANSPORTED BY PIPE TO PONDS
b) Describe the type and size of measuring device which you have installed at your point of diversion: WATER ORIGINATING AT RAILROAD GAP IS MEASURED BY A PERMANENTLY INSTALLED WEIR THE BALANCE OF ALL WATER IS MEASURED BY DIETERICH STANDARD ANNULAR AND EAGLE EYE METER. ALL ANNULARS WERE ESPECIALLY ENGINEERED FOR THE EXACT PIPELINES USED
c) Give well driller's name and address and the date the well was completed:
NOT APPLICABLE
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
TROUT FARMING AT INDIAN SPRINGS RANCH, NE 1/4 NE 1/4 SECTION 13 TWP 7S RANGE 13E B.M. GOODING COUNTY, IDAHO

Exam typed 6-30-78 by W

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

N/A

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated _____

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

6/26/78
(Date)

R W Stevens
(Signature)

State of Idaho)
County of Gooding) ss.

On this 26th day of JUNE, 1978, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Clifton E. Jensen
Notary Public residing at HAGERMAN, IDA.
LIFETIME Commission

My commission expires LIFETIME



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

April 28, 1978

CERTIFIED MAIL

138748

Re: Permit No. 36-7080

Raleigh W. Stevens
Route 1
Hagerman, Idaho 83332

Dear Mr. Stevens;

One of the conditions of approval of your water Permit No. 36-7080 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before July 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

Norman C. Young
NORMAN C. YOUNG
Administrator,
Resources Administration Division

NCY:jfr

Encl: Proof affidavit

MICROFILMED

February 17, 1977

Re: Permit No. 36-7080

Raleigh W. Stevens
Route 1
Hagerman, Idaho 83332

Dear Mr. Stevens:

Enclosed is a copy of the approved application for amendment issued on the above referenced permit.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:JFR

Encl.

RECEIVED

January 31, 1977

Mr. Raleigh W. Stevens
Route #1
Hagerman, Idaho 83332

RE: Application For Amendment #36-7030

Dear Mr. Stevens:

With regards to your application for 17.2 cubic feet per second from unnamed springs which run into 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

INTER-DEPARTMENT MEMO — 1

FROM Gary Funderburg

DATE 1/3/77

TO File

SUBJECT

On 12/30/76, I made a field visit for surface water application #36-7080 proposed point of diversion and place of use.

The applicant propose to divert the waters of Billingsley Cr. and run the water through several race ways and discharge the water back into Billingsley Cr. Applicant intends to build settling ponds before the water is discharged back into the creek. There is a filing, Application #36-7659 for fish propagation at the same area. Several springs arise at the location where race ways will be built. This water will also be used in connection with Billingsley Cr. to raise fish. Water quality may be an important part of this application, for there are several fish propagation areas above and below the proposed use.

Applicant was present during field visit. There seems to be sufficient amount of water for the proposed use.

Gary

SIGNATURE

MICROFILMED

December 27, 1976

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

Re: Application for Amendment No. 36-7080 - Raleigh W. Stevens

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

NOTICE OF AMENDMENT
TO WATER PERMIT

Notice is hereby given that Raleigh W. Stevens of Hagerman, Idaho, has an approved Permit No. 36-7080 issued by the Department of Water Resources authorizing the diversion of 17.2 cubic feet of water per second from unnamed springs in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7 S, Rge. 13 E, B.M., Gooding County, to be used for fish propagation purposes in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7 S, Rge. 13 E, B.M.

On December 21, 1976, the Department received an application for amendment from the permit holder proposing to amend the point of diversion and place of use under said permit to include the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, Twp. 7 S, Rge. 13 E, B.M.

Any protest against approval of the amending of Permit No. 36-7080 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before
January 24, 1977.

R. KEITH HIGGINSON
Director

Published in the Gooding County Leader at Gooding, Idaho, on January 6
and January 13, 1977.

Copy
MICROFILMED

LEGAL — le

**NOTICE OF AMENDMENT
TO WATER PERMIT**

Notice is hereby given that Raleigh W. Stevens of Hagerman, Idaho, has an approved Permit No. 36-7080 issued by the Department of Water Resources authorizing the diversion of 17.2 cubic feet of water per second from unnamed springs in the NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 13, Twp. 7 S, Rge. 13 E, B.M., Gooding County, to be used for fish propagation purposes in the NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 13, Twp. 7 S, Rge. 13 E, B.M.

On December 21, 1976, the Department received an application for amendment from the permit holder proposing to amend the point of diversion and place of use under said permit to include the SE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 12, Twp. 7 S, Rge. 13 E, B.M.

Any protest against approval of the amending of Permit No. 36-7080 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before January 24, 1977.

/s/ R. Keith Higginson
Director

Pub: 1-6, 13

DB 1/6/77

R
S

R
S

R BAR S RANCH

R. W. STEVENS

ROUTE ONE

208/837-4954

HAGERMAN, IDAHO 83332

December 27, 1976

D. Darlene Reich
Water Rights Supervisor
Dept. of Water Resources
Statehouse
Boise, Idaho 83720

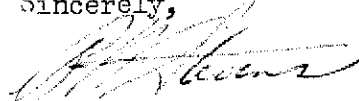
Dear Ms. Reich:

I received your letter saying that my amendment had to be advertised in the paper. I think that this is probably the best procedure.

I appreciate your help and interest. I contacted my neighbors on the domestic water spring and as I expected, they were appreciative and pleased.

Again thank you for your courtesy and extra services.

Sincerely,



R. W. Stevens

RWS/dlp

RECEIVED

INTER-DEPARTMENT MEMO — 1

DEC 23 1976

DATE 12/21/76

FROM State Office

Department of Water Resources
Southern District Office

TO Southern Regional Office

SUBJECT Permit No. 36-7080 - Raleigh W. Stevens

Herewith forwarding an application for amendment in connection with the above subj permit which needs to be advertised.

Also attached is a sample 'advertising form' for your use along with a copy of the permit as issued.

If there are no protests received, please return the original amendment app along with the affidavit of publication and any other correspondence to this office for final action.

Should you have questions, please contact us.


SIGNATURE

December 21, 1976

Re: Permit No. 36-7080

Mr. Raleigh W. Stevens
Route # 1
Hagerman, ID 83332

Dear Mr. Stevens:

This is to advise that I mis-informed you this date regarding the application for amendment filed in connection with the above referenced permit.

The Department is going to cause notice of the proposed amendment to be published in the newspaper. The publication should appear in the Gooding County Leader in the very near future.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

RECEIVED
DEC 23 1976
WATER RIGHTS DIVISION

November 20, 1974

Re: Permit No. 36-7080

Raleigh W. & Virginia Stevens
Route #1
Hagerman, ID 83332

Dear Mr. & Mrs. Stevens:

Enclosed is a copy of the approved application for extension of time submitted in connection with the above referenced permit.

The time within which to submit proof of beneficial use has been extended to July 1, 1978.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosure

RECEIVED
NOV 22 1974

From the desk of:

R. W. STEVENS
ROUTE ONE
HAGERMAN, IDAHO 83332

November 5, 1974

Telephone 208/837-4954

RECEIVED

NOV 12 1974

Department of Water Resources

Darlene Reich
State of Idaho
Dept. of Water Resources
Statehouse
Boise, Idaho 83702

Darlene Reich:

I am a gentleman that came into your office and asked for an extension of time. Note enclosure. You asked me especially to call to your attention the reasons why I was asking for an extension of time so early. I can finish the job by bringing in a large crew and haywiring what has to be done. To date, it has been a very good job. I would also waste a lot of money and it would present quit a problem to me as I cannot do any of the actual work of engineering since my heart attack, and my only compitent engineerer is not going to be with me until the 15th of June, 1975.

You will note on my exhibit A & B how much traveling and nursing I have had to do for my wife. You may verify this by calling Dr. Luce at Mountain States Tumor Institute in Boise.

I mentioned that I too have had trouble. Simply that of a heart attack at the St. Alphonsus Hospital. Dr. Blackburn, Boise, Idaho, is my Doctor.

Time is of the essence in that if I am not given the extension, I can't afford to loose what I already have done. So we will have to find a crew to work into the winter. I just hate to think of the type of work that they would turn out.

Would you please let me know at your earliest possible time, if my application for extension is favorablly received. It will be a good 2½ summers before it is built into really sound and workable operations with an expenditure of approximately \$75,000, which includes a filtering and settling pond system.

Very truly yours,


R. W. Stevens

RECEIVED

RWS:je

Encl.

6-24-74 Mrs. Stevens had a Complete Blood Count at MSTI

6-28-74 Mrs. Stevens was again given another BCG Immunotherapy by her husband.

It is understandable that from March 5, 1974 through May 31, Mrs. Stevens' life has had to be very dormant and confined. This confinement has been necessary due to her numerous extensive surgeries and her severe medical treatment. If treatment and results continue as well as at present, from June 1, 1974 until approximately December 31, 1975, Mrs. Stevens will be classed as partially disabled.

In signing this statement and history of Virginia Stevens' malignant melanoma, it must be thoroughly understood that numerous surgeons, doctors, and medical research scientists, as well as hospitals and tumor institutes in various parts of the United States, have been involved.

The hereinabove history is true to the best of my knowledge as born out by my telephone consultations, communications with the above mentioned individuals and institutes, as well as Mrs. Stevens' medical file.

Signed: Roy O. Shaub M.D. 7-1-74
562 B Shoup Ave. W., Twin Falls, Id.

Roy O. Shaub M. D.

EXHIBIT "B"

- 4-4-74 On an examination, I discovered a reoccurring melanoma and discussed with Mrs. Stevens the availability of several surgeons in Boise and the Mountain States Tumor Institute. I gave Mrs. Stevens the photostats of her comprehensive file to give to MSTI.
- 4-8-74 Dr. Everett Jones Sr. referred Mrs. Stevens to Mountain States Tumor Institute with a special request for Dr. James Luce to examine her. Following Dr. Luce's physical examination, he ordered a brain scan, liver scan, upper GI, small bowel, colon, barium enema, with the understanding that the various lab work be on his desk upon his return from five days in Tennessee.
- 4-19-74 Dr. Luce gave a complete examination and was in some doubt as to the possibility of a shadow on the liver which could possibly be a melanoma. He asked for another liver scan.
- 4-22-74 Another liver scan, which was negative, was read by Dr. Luce. After an extended phone consultation he referred Mrs. Stevens to M. D. Anderson Hospital and Tumor Institute in Houston, Texas. Dr. Luce recommended that a tumor be removed from the left subgluteal area.
- 5-6-74 to 5-17-74
M.D. ANDERSON HOSPITAL AND TUMOR INSTITUTE , HOUSTON, TEXAS
Treatment = Chemo-immunotherapy, combining immunotherapy with BCG and Chemotherapy with two drugs called Methyl Ccnu and Imidazole Carboxamide.
- Mrs. Stevens' husband was trained at M.D. Anderson Hospital to administer the Immunotherapy.
- 5-22-74 Dr. Luce preformed a physical examination and took a blood count.
- 5-28-74 Blood count was taken in Boise, at MSTI.
- 6-3-74 Blood Count was taken in Boise, at MSTI.
- 6-7-74 Blood Count was done at Magic Valley Memorial Hospital, Twin Falls. I sent the report to Dr. Luce.
- 6-14-74 Blood count was done at Magic Valley Memorial Hospital. After a study, I reported to Dr. Luce that Mrs. Stevens' white corpustles and platelettes were sufficiently high to start another treatment of chemotherapy.
- 6-17-74 Dr. Luce made a complete physical examination and started the first of five Chemotherapy treatments.
- 6-18-74 MSTI preformed a 12-channel blood count, and took a chest X-Ray. Mrs. Stevens had her second Chemotherapy.
- 6-19, 20, 21-74 At the request of Dr. Luce, Mrs. Stevens made trips to my office in Twin Falls where I preformed the next three Chemotherapy treatments.
- 6-22-74 The patient was given a day of rest.
- 6-23-74 Mrs. Stevens' husband administered a BCG Immunotherapy.

Partial Medical History of Virginia Stevens

EXHIBIT "A"

- 12- 7-73 CEDARS OF LEBANON HOSPITAL - LOS ANGELES, CALIFORNIA
Resection metastatic malignant melanoma, left thigh.
Followed up by numerous consultations after complete hematological
examination with comprehensive interpretation.
- 3- 5-74 CEDARS OF LEBANON HOSPITAL , - LOS ANGELES, CALIFORNIA
Radical dissection, left leg and groin with application of skin graft.
- 4- 6-74 SAINT ALPHONSUS HOSPITAL - BOISE, IDAHO
IH Breast biopsy with frozen section sigmoidoscopy.
- 5- 1-74 SAINT ALPHONSUS HOSPITAL - BOISE, IDAHO
OH Surgical excision of lesion from left subgluteal area
2 x 1.7 x 1 cm.

MICROFILMED

September 18, 1974

Federal Land Bank of Gooding
Attn: Allan McCombs
121 4th Ave., West
Gooding, ID 83330

Dear Mr. McCombs:

Enclosed is a copy of License No. 36-2602, Permit No. 36-7080, Permit No. 36-7159,
and the Memorandum Decision and Order issued on Permit No. 36-7159.

The fee for the copies is \$2.75 which you may remit to this office at your earliest
convenience.

If you have any questions concerning this matter, please contact us.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JG
Enclosures

MICROFILMED

May 9, 1973

Re: Permit No. 36-7080

Raleigh W. Stevens & Virginia Stevens
Hagerman,
Idaho 83332

Dear Mr. & Mrs. Stevens:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department's records changed.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:jc

36 7080

DAVE P. NICHOLSON
Real Estate Broker

HAGERMAN, IDAHO 83332
Telephone 837-4731

June 29, 1972

Mr. Keith Higginson, Director
Idaho Water Resources,
Boise, Idaho

Dear Mr. Higginson:

I need some information concerning the water rights, or filings on the springs and stream (Billingsly Creek) on NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 13-7-13 less tax 15. This property is in the name of Herbert L. Maske.

I would like to know the amount of water filed on and allowed to Mr. Maske. The source of the water and how long the water rights are allowed for.

Also if the property changes ownership, does that effect the water rights.

An early reply will certainly be appreciated very much.

Thanks kindly,

David P. Nicholson

36 7080

James and Hobday
March 26, 1971

James and Hobday
Attorneys at Law
P. O. Box 176
Gooding, Idaho 83330

Gentlemen:

Returned herewith is your receipt No. 5618 in the amount of \$2.25
for copies of permit No. 36-7080 (Herbert L. Maske),
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

36 7080

LAW OFFICES

JAMES, HOBDEY & SHAW

125 FIFTH AVENUE WEST
GOODING, IDAHO 83330

ANDREW F. JAMES
CECIL D. HOBDEY
CHAS. C. SHAW

P. O. BOX 176
TELEPHONE 934-4429
AREA CODE 208

March 25, 1971

Department of Water Administration
State of Idaho
Boise, Idaho 83707

Re: Permit 36-7080

Gentlemen:

We inclose herewith our check in the amount of \$2.25
in payment of your fees in the above matter.

Sincerely yours

Cecil D. Hobdey

CDH:fm
Encl.

36-7080

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse -- Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

July 12, 1971

Re: Permit No. 36-7080
" " 36-2043

John A. Rosholt
PARRY, ROBERTSON, DALY & LARSON
P. O. Box 525
Twin Falls, Idaho 83301

Dear John:

Our records do not show any additional filings on Blue Lakes, Alpheus Creek or Sunnybrook Creek for the Blue Lakes Country Club. We are under the understanding that somewhere in an Escrow file, there exists an assignment of an interest in a Perrine and City of Twin Falls permit. We believe it is on Perrine's portion for approximately 5 cubic feet per second. This has never been filed with the Department; therefore, we are not a party to it and it is not binding on the Department. We would be fearful, should such an assignment exist in Escrow in that if Perrine should submit a portion (partial) proof of beneficial use, the balance of the permit would be cancelled and the Country Club would lose out entirely.

As to Big Springs, we are enclosing a copy of Permit No. 16980, renumbered 36-2043. This is on Big Springs Wateruser's Assn. The spring listed as the source of water supply is (Big Springs) Durfee Secor Spring, tributary to Billingsley Creek. This is a copy of the only permit we have that directly lists the spring in question. We have discussed this permit in our previous conversations. We are also enclosing a copy of Permit No. 36-7080, in the name of Maske, which we understand may cover the same springs.

If we can assist you further, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/bb

Enclosures

36 7080

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215

May 14, 1971

Re: Nos. 36-7159
36-7160
36-7080
36-7092

Law Offices of
JAMES, HOBDEY & SHAW
125 Fifth Avenue West
Gooding, Idaho 83330

ATTENTION: Cecil D. Hobdey

Dear Mr. Hobdey:

We are in receipt of the documents submitted in connection with the above referenced applications and permits. Before we could process these applications and permits, the Department will require the following:

Application for Permit No. 36-7159 could only be amended by submitting an amendment application to replace it. There would be a \$10.00 fee required for this transaction.

Application for Permit No. 36-7160 will require a \$10.00 fee before we can continue with its processing.

Permit No. 36-7080 appears to be in order and there are no further requirements at this time.

Permit No. 36-7092 could only be changed if an amendment were submitted to change it. We are enclosing such an amendment form for your consideration in this matter.

As soon as we are in receipt of the clarifications required for the above applications and permits, we shall continue with their processing.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

36 7080

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

June 30, 1971

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

RECEIVED
JUL 1 1971
TELEPHONE
(208) 733-9722

Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Attn: Don McEldowney

Re: Blue Lakes

Dear Don:

Would you check your records to determine whether or not you have any unlicensed permits in the name of the Blue Lakes Country Club filed on Blue Lake or Alpheus Creek somewhere in Section 28, Township 9 South, Range 17 East, Boise Meridian. If so, would you kindly send me copies of any such permits.

Also, some time ago I checked with you by telephone concerning the water rights on Big Spring located in the Southwest Quarter of Section 18 and on what we think is called Potter's Springs located in the Southwest Quarter of Section 19, all in Township 7 South, Range 14 East, Boise Meridian, Gooding County, Idaho. I presume that both springs are covered by the Idaho Power Company decree of the valley. I am interested in those additional permits that may now be filed on either of the springs. The one exception would be the permits of Norwood if in fact your Department thinks they are filed on Big Spring in Section 18. Please send me copies of permits which might be outstanding on either of the two springs.

Thanks again for your continuing help.

Sincerely,



JOHN A. ROSHOLT

JAR:php

35 7096

ANDREW F. JAMES
CECIL D. HOBDEY
CHAS. C. SHAW

LAW OFFICES
JAMES, HOBDEY & SHAW
125 FIFTH AVENUE WEST
GOODING, IDAHO 83330

P. O. BOX 176
TELEPHONE 934-4429
AREA CODE 208

April 30, 1971

Department of Water Administration
State of Idaho
Boise, Idaho
83707

Re: Application No. 36-7159
Re: Application No. 36-7160
Permit No. 36-7080

Gentlemen:

In connection with the above we inclose the following:

- (1) Amended application for permit in application No. 36-7160.
This amendment is made for the purpose of properly identifying the points of diversion and the place of use.
- (2) With respect to 36-7159 and 36-7092 may this serve as notification that the intended place of use as set forth in each of the numbered applications contains a typographical error in referring to the 1st Half SE $\frac{1}{4}$, Section 13, Twp. 7 S., R. 13 E.B.M. and the same should be corrected to read as the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Twp. 7 S., R. 13 E.B.M.
- (3) In support of the application 36-7160 we inclose herewith original agreement executed by the Hagerman Water Users Association.
- (4) In support of 36-7080 we inclose herewith affidavit.

Respectfully yours

Cecil D. Hobdey
Cecil D. Hobdey

CDH:fm
Encis.

36 7080

JAMES, HOBDEY & SHAW

ANDREW F. JAMES
CECIL D. HOBDEY
CHAS. C. SHAW

125 FIFTH AVENUE WEST
GOODING, IDAHO 83330

P. O. BOX 176
TELEPHONE 934-4429
AREA CODE 208

April 30, 1971

Department of Water Administration
State of Idaho
Boise, Idaho
83707

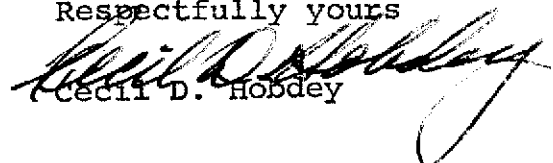
Re: Application No. 36-7159
Re: Application No. 36-7160
Permit No. 36-7080

Gentlemen:

In connection with the above we inclose the following:

- (1) Amended application for permit in application No. 36-7160.
This amendment is made for the purpose of properly identifying the points of diversion and the place of use.
- (2) With respect to 36-7159 and 36-7092 may this serve as notification that the intended place of use as set forth in each of the numbered applications contains a typographical error in referring to the East Half SE $\frac{1}{4}$, Section 13, Twp. 7 S., R. 13 E.B.M. and the same should be corrected to read as the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Twp. 7 S., R. 13 E.B.M.
- (3) In support of the application 36-7160 we inclose herewith original agreement executed by the Hagerman Water Users Association.
- (4) In support of 36-7080 we inclose herewith affidavit.

Respectfully yours


Cecil D. Hobdey

CDH:fm
Encls.

100 7 11

March 23, 1971

Re: Permit No. 36-7080 - Herbert L. Maske

James, Hobdey & Shaw
125 5th Avenue W
Gooding, Idaho 83330

ATTENTION: Cecil D. Hobdey

Dear Mr. Hobdey:

We are enclosing the copies for permit no. 36-7080 that you requested. There is a large map in the file that we do not have the facilities to copy in our office. If you desire a copy of this, we will have it reproduced at your expense. The fee for the enclosed copies will be \$2.25.

If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/bb
Enc: copies

36 7080



Indian Springs Ranch

HAGERMAN, IDAHO 83332

July 20, 1970

Mr. Donald W. McEldowney;
Appropriation Supervisor,
Department of Water Administration
State of Idaho
Statehouse, Annex 2
Boise, Idaho

Dear Mr. McEldowney:

In reply to your letter of July 9th we are enclosing revised plans, specifications and drawings for application for permit No. 36-7080.

We hope this information meets with your approval and that we may receive permit for 17.2 cubic feet-second at this time as we are anxious to go forward with this project.

Very truly yours,

Herbert L. Maske

Enc: Letter dated July 15, 1970 from
United States Dept. of Agriculture
Soil Conservation Bureau
Mr. Dick Gooby, District Conservationist
Soil Conservation Service, Gooding, Idaho.

36-7080

July 9, 1970

Re: Application for permit no. 36-7080

Mr. Herbert L. Maske
Indian Springs Ranch
P.O., Box 238
Hagerman, Idaho 83332

Dear Mr. Maske:

We have appreciated the opportunity to discuss your application. We feel that in order to better evaluate our conversation of July 9, 1970, it will be necessary for you to submit revised plans, specifications, and drawings in order to better justify the 17.2 cubic feet/second, which you have requested. Would you therefore supply the Department with the additional requested information on or before August 10, 1970.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

36-7080

C
O
P
Y

July 1, 1970

Re: Application for Permit No. 36-7080

Mr. Herbert L. Maske
Indian Springs Ranch
P.O. Box 238
Hagerman, Idaho 83332

Dear Mr. Maske:

In final review of your application, we find that in the information you have submitted, there is only justification for the department to approve a maximum of 7.20cfs for your fish propagation purposes.

If you can supply additional information that will justify the additional 10cfs you have asked for, please submit it on or before July 15, 1970. If we do not receive additional information by this date, we will process your permit for a maximum of 7.2cfs.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/cm

36-7080

April 24, 1970

Mr. Dennis M. Olsen
Petersen, Moss & Olsen
485 East Street
Idaho Falls, Idaho 83401

Dear Mr. Olsen:

This letter is to inform you of an informal conference to be held to discuss the applications filed in connection with Billingsley Creek. This conference will be held on May 12th, at 1:30 p.m., in the District Court room at Twin Falls, Idaho.

Very truly yours,

C. Stephen Allred, Deputy
State Reclamation Engineer

CSA:kh

36-7080
Advised by phone
on 5-8-70 that
conference cancelled

LAW OFFICES

JAMES, HOBDEY & SHAW

125 FIFTH AVENUE WEST
GOODING, IDAHO 83330

ANDREW F. JAMES
CECIL D. HOBDEY
CHAS. C. SHAW

P. O. BOX 176
TELEPHONE 934-4429
AREA CODE 208

March 19, 1971

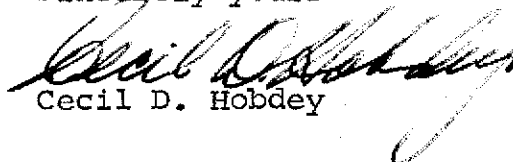
Department of Water Administration
State of Idaho
Boise, Idaho

Gentlemen:

Would you kindly send us a copy of the various
filings and documents in the filing of Herbert
Maske, application No. 36-7080.

We will promptly remit upon receipt of your statement
for the copying charges.

Sincerely yours


Cecil D. Hobdey

CDH:fm

36-7080

July 23, 1970

Re: Permit No. 36-7080

Mr. Herbert L. Maske
Indian Springs Ranch
Box 238
Hagerman, Idaho 83332

Dear Mr. Maske:

Enclosed is a copy of your approved Application for Permit No. 36-7080. 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.

Very truly yours,

C. Stephen Allred
Deputy Director

CEA:kh

Enclosures: Copy of permit
Receipt No. 3536 for \$100
1 informational letter

36-7080

April 24, 1970

Re: Application for Permit No. 36-7080

Mr. Herbert L. Maske
Indian Springs Ranch
Box 238
Hagerman, Idaho 83332

Dear Mr. Maske:

This letter is to advise you that an informal conference will be held to discuss your above numbered application for permit, as well as all the other applications filed in connection with Billingsley Creek. This conference will be held on May 12th, at 1:30 p.m., in the District Court room at Twin Falls, Idaho.

Very truly yours,

C. Stephen Allred, Deputy
State Reclamation Engineer

CSA:kh

36-7080

C
O
P
Y

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

September 30, 1969

Re: Application for Permit No. 36-7080 - Herbert L. Maske
36-7081 - Richard L. Cook
36-7082 - Vay Cook
37-7051 - James Allan & Sons

Gooding County Leader
Box 56
Gooding, Idaho 83330

Gentlemen:

Would you please submit affidavits of publication and certified bills in connection with the above referenced. The legal notices were to be published in your paper on September 11 and 18, 1969.

As the above permit applications cannot be approved until we are in receipt of the affidavits, it is important that we receive them as soon as possible.

Your prompt attention to this matter is appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

36-7080

September 26, 1969

Re: Application for Permit No. 36-7080

Mr. Herbert L. Maske
Indian Springs Ranch,
Box 238
Hagerman, Idaho

Dear Mr. Maske:

In order to further consider your application for permit, we will require some additional information not included with your application.

1. A financial statement indicating the resources available to you to complete the project as described in the application (see Section 42-203, Idaho Code).
2. A preliminary design of the hatchery facilities indicating size of raceways, general layout, size of pipelines or other diversion works, and such other information as will fully describe the method and means of diversion and verify the need for the quantity of water you have asked to appropriate.
3. A justification, based upon the preliminary design and the estimated production of the hatchery, for the amount of water requested.
4. An estimated schedule of construction giving dates for the start of construction, finish of construction, and the date that full operation of the hatchery is anticipated.

You should be aware that all applications, if approved, will require the installation and maintenance of adequate measuring devices, both at the point of diversion and the point of return of the water to the river. These devices must be of a type approved by the Department of ~~Sanitation~~ ^{Recreation}. They

36-7080

Mr. Herbert L. Maske
September 26, 1969
Page 2,

can be of any generally recognized standard measuring device. You should include the installation of these devices in your preliminary plans for construction.

I would appreciate receiving this information by October 27, 1969.
Thank you for your cooperation.

Very truly yours,

C. Stephen Allred, P. E.
Acting Deputy State
Reclamation Engineer

CSA:tg

Enc: none

36-7080

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

September 3, 1969

Re: Application for Permit No. 36-7080 - Herbert L. Maske
36-7081 - Richard L. Cook
36-7082 - Vay Cook
37-7051 - James Allan & Sons

Gooding County Leader
Box 56
Gooding, Idaho 83330

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 date. If you cannot publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Legal notices (4)

36-7080
-OVER-

NOTICE OF APPLICATION
FOR WATER
 Notice is hereby given that
 Herbert L. Maske, Indian
 Springs Ranch, Box 238, Ha-
 german, Idaho, has on August
 22, 1969, applied for permit
 under application No. 86-7080
 to divert 17.2 cubic feet per
 second of water from three un-
 named springs tributary of Bill-
 ingley Creek. Water will be
 diverted by pipe and collection
 box within the NE 1/4 NE 1/4,
 Sec. 13, T. 7 S, R. 13 E, B.M.,
 Gooding County and is to be
 used from Jan. 1 to Dec. 31 for
 fish propagation in the NE 1/4-
 NE 1/4, Sec. 13, T. 7 S, R. 13
 E, B.M. Any protest against
 this application must be filed
 with the Department of Re-
 clamation within ten days from
 the last date of this notice.
 R. Keith Higginson
 State Reclamation
 Engineer
 9-11-2tc

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Herbert L. Maske, Indian Springs Ranch,
Box 238, Hagerman, Idaho, has on August 22, 1969,
applied for permit under application No. 36-7080
to divert ~~6666~~ 17.2 cubic feet per second ~~4466/feet~~
of water from three unnamed springs tributary of Billingsley Creek.
Water will be diverted by pipe and collection box

within the NE¹/₄NE¹/₄, Sec. 13, T. 7 S, R. 13 E, B.M., Gooding County

and is to be used from Jan. 1 to Dec. 31 for fish propagation

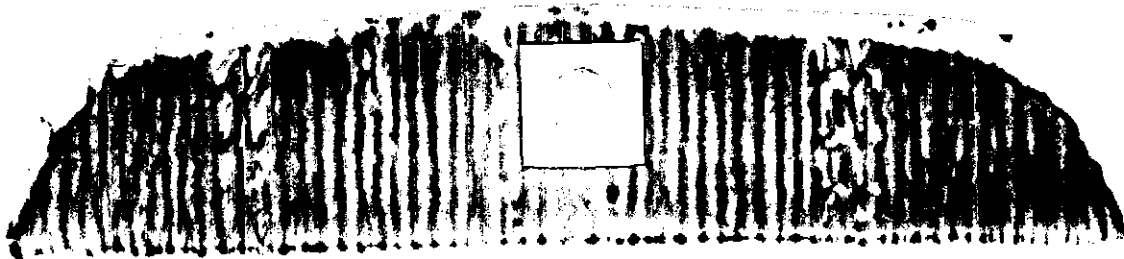
in the NE¹/₄NE¹/₄, Sec. 13, T. 7 S, R. 13 E, B.M.

Any protest against this application must be filed with the Department
of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Gooding County Leader, Gooding, Idaho,
on September 11 and September 18, 1969.

36-7080



*In place of
Other map.*