

MEMORANDUM

TO: Files 27-07013/07020

FROM: Sharla

DATE: December 18, 1998

RE: Facility Volume, Ownership Issues, Misc. Information

I received these files from Cindy Hodges and was asked to review for licensing. After reading through all the material Cindy had collected and reviewing the files, the following is a breakdown of events and documents relative to ownership changes.

June 1916 -- Pambrun's certificates of competency (these documents have nothing to do with the place of use under the two permits)

June 1917 -- Deed from Pambrun to H.C. Rich (Lots 9-12, Section 31 and other lots not part of the permits' places of use)

June 1920 -- Deed from H.C. and Edna Rich to Chase Rich (Lots 9-12, Section 31 and other lots not part of the permit's places of use)

May 1927 -- Deed from Bingham County to Heber (Chase) Rich, Jr. (Lots 9-12, Section 31 and other lots not part of the permit's places of use) -- there is no other documentation in the files to show the chain between Chase Rich and Bingham County

December 1968 -- Lease from Leva Rich to Idaho Springs Trout Co.

June 1970 -- Leva Rich's deed of gift to Myrthon, Violet, Roland and LaRue Rich (Lots 9-12, Section 31 and other lots not part of the permits' places of use)

March 1971 -- Application for Permit No. 27-07013 filed (Thousand Springs Trout Farms Inc.) listing place of use as Lots 9-14, Section 31

August 1971 -- Permit 27-07013 was approved with a condition that no assignment, selling or transferring of ownership was allowed without the department's approval

November 1971 -- Application for Permit 27-07020 was filed (Thousand Springs Trout Farms Inc.) listing place of use as Lots 9-12, Section 31

January 1972 -- Permit 27-07020 was approved with no special conditions regarding assignment, selling or transferring ownership

December 1982 – Deed of distribution from Leva Hoge (representative of Leva Rich) to Myrthon and Roland Rich (Lots 9-12, Section 31 and other lots not part of the permits' places of use) – this deed appears to be a moot point since the property had already been deeded as a gift in June 1970

February 1994 – Lease between Leva Rich and Idaho Springs Trout (a division of Thousand Springs Trout Farms Inc.) expires

January/February 1997 – flood wiped out most of the outlets and silted in a lot of the ponds. Keith Wilson told me in a phone conversation 12/16/98 that it's going to take a considerable amount of time and effort to reconstruct the system and an extension of time to avoid forfeiture will no doubt be filed soon since last use appears to be the summer of 1994.

June 1998 – Change of Ownership form filed in Snake River Basin Adjudication from Aqua Life to Roland Rich

August 1998 – Letter from Greg Taylor to Roland and Violet Rich notifying them that the claims were changed back to Aqua Life as they had been filed – stated that Aqua Life claims they don't have the property but still own the water rights

The permits are in the name of Thousand Springs Trout Farms Inc.; none of the deeds, etc. submitted are acceptable to change the name on the permits. A license for 27-07013 should be issued; the Snake River Basin Adjudication staff can then do what they think is appropriate as to ownership change(s).

The facility volume was calculated based on the pond information sheets. The numbering system on these sheets is slightly different from the 1977 examiner's diagram and other maps outlining the raceways. But all the diagrams correspond with one another and only the physical numbering differs from one map/diagram to another. Per a discussion with Keith Wilson, an average depth of seven (7) feet was used to calculate the facility volume as follows:

Pond #	Cubic Feet	Pond #	Cubic Feet	Pond #	Cubic Feet
A1	1764	A15(E12)	6552	D2	46,200
A2(E5)	2078	A16(E13)	6552	D3	47,957
A3(E6)	2078	B1	16,422	D4	44,702
A4(E7)	2078	B2	19,320	D5	30,968
A5(E8)	2078	B3	17,976	D6	31,185
A6(E9)	2078	B4	18,480	D7	31,185
A11(E10)	3927	B5	21,168	D8	49,518
A12(E11)	3927	C1	27,489	E1	124,740
A13(E3)	8190	C2	93,380	E2	130,410
A14(E4)	8190	D1	32,928		
				TOTAL	833,520

The adjustments to licensing recommendations for Permit No. 27-07013/07020 are as follows:

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

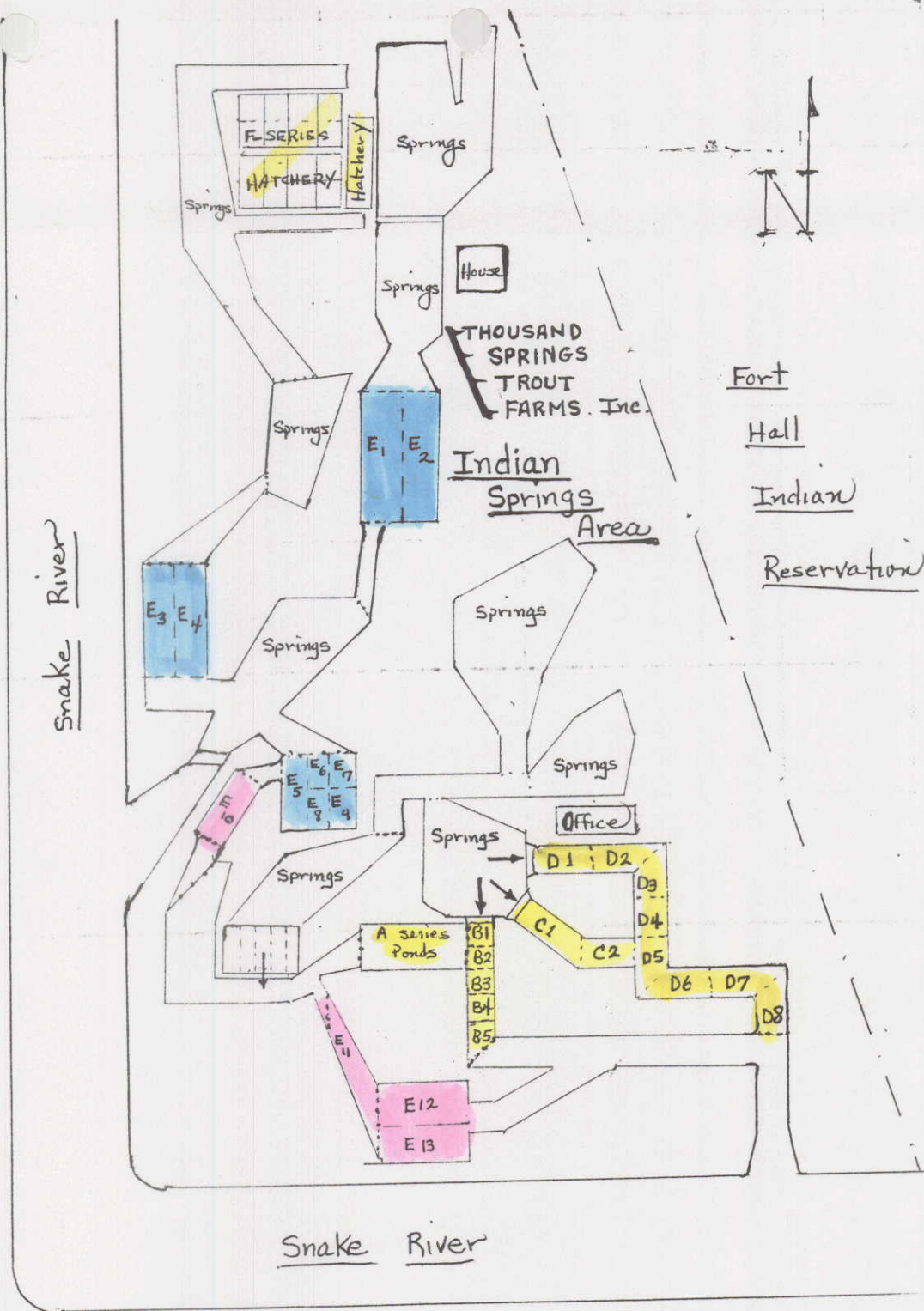
T3S, R34E, S29 – SWSW (Lot 16)
S31 – NENE (Lots 9 and 13), SWNE (Lot 14),
SENE (Lot 10), NESE (Lot 11), NWSE (Lot 12)

2. Place(s) of use:

T3S, R34E, S29 – SWSW (Lot 16)
S31 – NENE (Lots 9 and 13), SWNE (Lot 14),
SENE (Lot 10), NESE (Lot 11), NWSE (Lot 12)

The springs locations and raceway locations are also located within Lot 16 as identified on the attached topo map.

At the time the original field examination report was written, regional personnel recommended that a separate field exam take place for 27-07020 to determine if additional flow had been developed or if rate measured was a result of the springs not flowing at their peak. The report was changed to include both rights under the one exam and while additional paperwork was collected by regional personnel at a later date and added to the exam, another measurement never occurred. That becomes a moot point at this date because of the fact that the 1997 flood wiped out the outlets of the ponds/raceways and silted in most of the ponds. The licenses will be issued on the findings of the examiner in 1977.

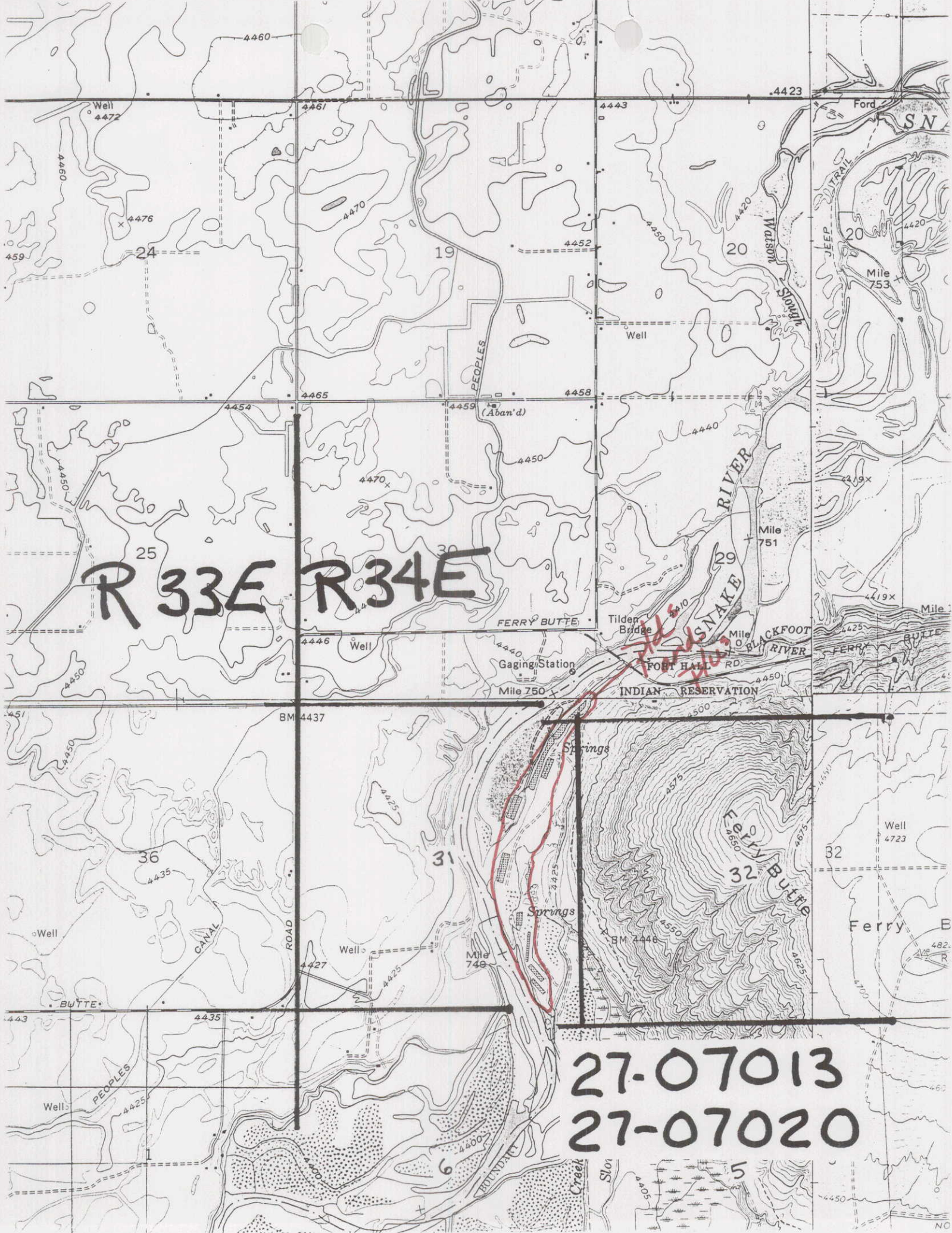


ARK 12/9/77

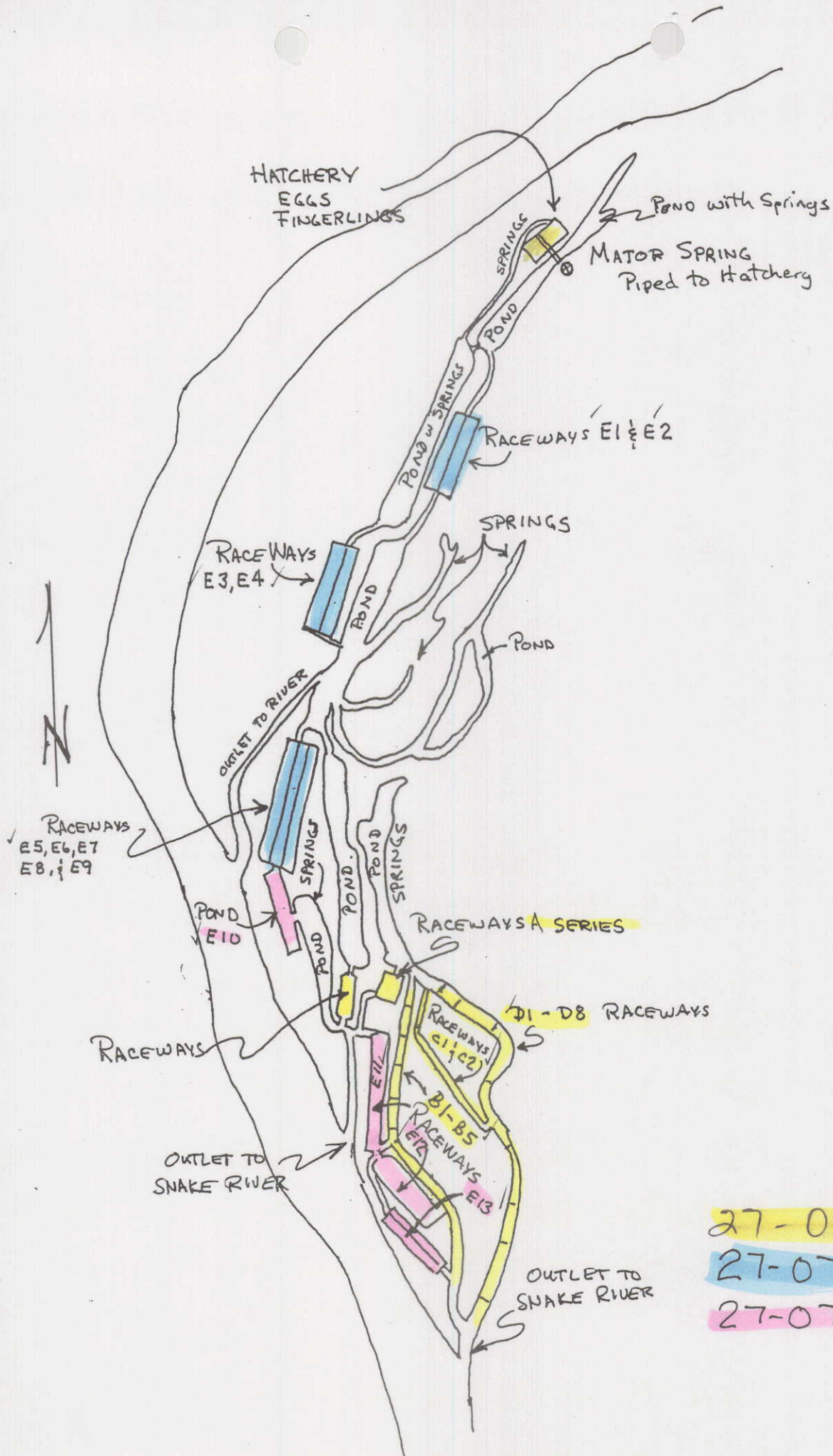
27-04001

07013

07020



27-07013
27-07020



27-04001
 27-07013
 27-07020

CXN 266-62

an approximate location
for the section corner common
to Sections 29 and 30 and 31 and
32 or T3S R34E



A.10 cfs

27-04001

Exhibit C

A F F I D A V I T

STATE OF IDAHO)
 : SS
COUNTY OF ADA)

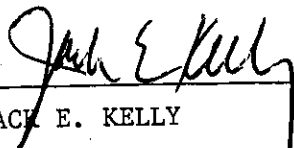
Jack E. Kelly, being first duly sworn on his oath, deposes and says:

I am a registered professional engineer residing in Boise, Idaho. I am a partner in the consulting engineering firm of Anderson & Kelly which specializes in water resource work.

I have personally visited a series of springs known as Indian Springs located just west of Ferry Butte (Gibson Butte) and just east of the Snake River below its confluence with the Blackfoot River in Bingham County, Idaho. On April 16, 1970 I observed the use of water on that date and measured the flow of the water with a flow meter. The water being used was in constructed channels that the owner refers to as run and identifies with a letter designation. In run (A) I measured 15.75 cfs, run (B) 9.23 cfs, runs (C & D) combined 14.23 cfs, and run F, 1.89 cfs, making a total of 41.10 cfs in used on that date.

On April 16, 1970 I measured a total of about 130 cfs of water from spring arising on the property. Old check dams and fish screen lead me to believe that much of this water had been used in the past. The flow of the springs are expected to vary from season to season and from year to year. Therefore, I intended to make additional measurement to better document the flows. The management of the dike impounding the water in the large spring area north of Run

A is also a factor affecting the total flow of the springs. The practice is to back water up over the spring area in order to gain additional head for the water released into the runs. By raising and lowering the head on the spring area itself the flow from the spring area would be reduced or increased. The measurements made on April 16, 1970 indicate the flow rate with the head on top of the spring that they were using to operate on that given date.



JACK E. KELLY

Subscribed and sworn to before me this 29th day of
June, 1970.



Notary Public residing in Boise, Idaho

MY Commission expires Jan 21, 1974

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FACTER

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springs there are numerous
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a regarding the hot springs
a County,⁹² and in Camas
published accounts. The

ok Basin, Cassia County, Idaho: Idaho
e, Camas and Elmore Counties, Idaho

descriptions of tributary valleys at the end of this report include data
on springs within them.

SPRINGS IN THE FORT HALL BOTTOMS

GENERAL FEATURES AND DISCHARGE

Springs rise at intervals for a distance of 10 miles or more along the
Fort Hall bottoms and adjacent to the Portneuf River near its mouth.
Most of these springs rise on the valley floor at heights of 10 to 15

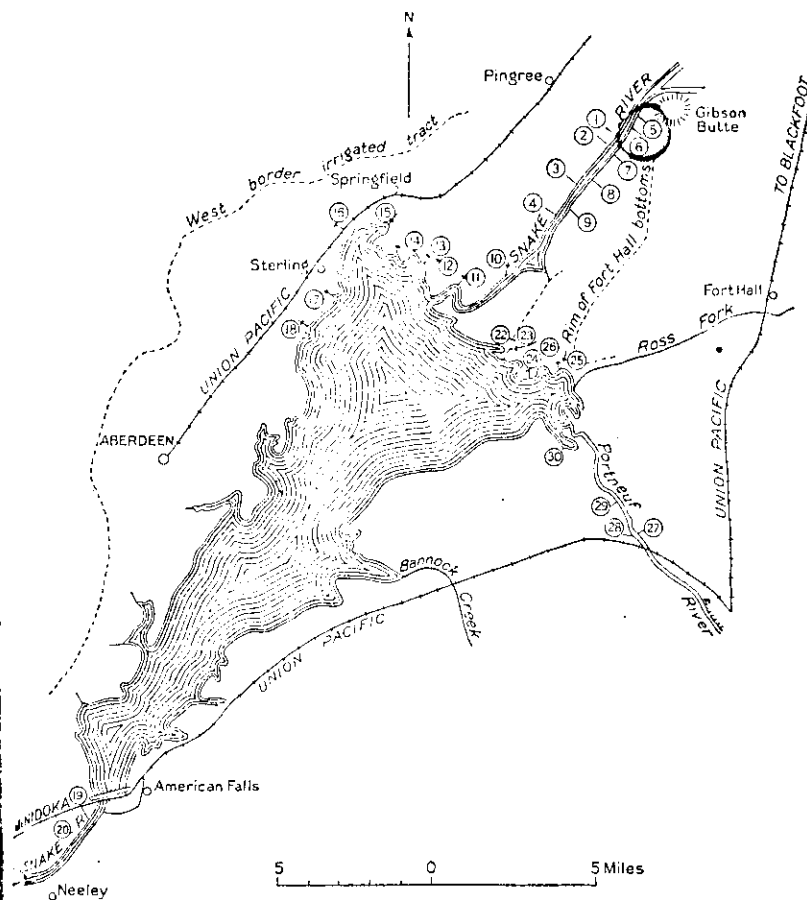


FIG. 11.—Sketch map showing the location of spring-measuring stations in the vicinity of the American Falls Reservoir. (See table, p. 138, for explanation of numbers.)

above the river. They have a fairly uniform aggregate discharge
about 1,400 second-feet, and most of them issue from basalt which
underlies the alluvium in this area. The flow and the names of 30
the larger springs in the vicinity of the American Falls Reservoir
given below. The location of the stations where the flow from
these springs was measured is shown in figure 11. Additional details

will be found on plate 19. Most of the stations are on creeks formed from a series of springs that are known under a common name.

Mean discharge, in second-feet, of springs in the vicinity of American Falls Reservoir,
Idaho

No. on fig. 11	Name	Discharge	No. on fig. 11	Name	Discharge
1	Rich	18.6	16	Artesian	5.8
2	Johannes	7.2	17	Sterling	6.2
3	Thorn	20.2	18	Colburn	1.8
4	Log Cabin	34.9	19	Ruger	23.8
5	Indian No. 1	47.3	20	Davis	
6	Indian No. 2	21.9	21	Franklin	37.8
7	Indian No. 3	163.5	22	Dig Jimmy	44.8
8	Indian No. 4	3.8	23	Big Spring	29.8
9	Indian No. 5	19.3	24	Kinney	13.8
10	Pyle	14.0	25	Clear	7.8
11	McTucker	26.4	26	Pocatello City	
12	Hull	7.1	27	Batise	10.8
13	Tanner	2.2	28	Fish Hatchery	7.8
14	Crystal	32.8	29	Wide	60.8
15	Danielson	51.1	30		

On September 14, 1925, Batise Spring, on the west side of the Portneuf River about 4 miles northwest of Pocatello, discharged about 50 second-feet,⁹⁴ and the Fish Hatchery Springs, about 1½ miles downstream from Batise Spring, about 75 second-feet.⁹⁵ Wide Creek, which is among the largest of the spring-fed streams in this area, a tributary to the Portneuf River from the south, had an average discharge during 1926 of 60 second-feet at a point near the center of the W½ sec. 26, T. 5 S., R. 33 E.⁹⁶ The largest spring-fed tributary to the Portneuf River is Big Spring Creek, which had an average discharge of 442 second-feet of spring water during the irrigation season of 1926 at a point in the SE¼ sec. 9, T. 5 S., R. 33 E.⁹⁶ This stream rises in spring pools on the south side of Gibson Butte and flows into the Portneuf River from the north. Clear Creek, also spring-fed, had an average discharge during 1926 of 120 second-feet at a point in the SW¼ sec. 11, T. 5 S., R. 33 E.⁹⁶ This stream flows into Ross Fork and thence into the Portneuf. Ford Creek is a tributary to Clear Creek from the west and has an average flow of about 7 second-feet. Another spring-fed tributary to the Portneuf from the north is Kinney Creek, which had a discharge of about 28 second-feet during 1926 at a point near the center of sec. 15, T. 5 S., R. 33 E.

The ground-water contours (pl. 19) indicate that the springs bordering the Fort Hall bottoms should be divided into two groups. Batist Spring, Fish Hatchery Spring, and Wide Creek, in the Portneuf Valley form one group, and Big Spring Creek, Clear Creek, and Kinney Creek, the waters of which come from the valley of the Snake River north and east of Fort Hall, form the other group.

¹⁴ Meinzer, O. E., Large springs in the United States: U. S. Geol. Survey Water-Supply Paper 557, p. 11, 1927.

⁹⁴ *Idem*, p. 52.

⁸⁸ Smith, T. R., Hydrometric report on the American Falls Reservoir area for 1926 (unpublished rept. U. S. Bur. Reclamation, American Falls, Idaho, 1927).

In addition to these springs by 13 springs in the Aberdeen springs issue from the basal from under the irrigated area the Snake River. At most by the American Falls lake

The Portneuf and the Snake rivers and by inflow rising location of the larger of the two are given in figure 11. The Blackfoot River and American has a total gain, exclusive of about 2,500 second-feet,

The origin of the springs about 1,400 second-feet, have been variously attributed down the valley of the Por drainage basin of that stream: (1) contributions from the drainage of the foot River; (2) precipitation; (3) underflow along the Snake River. Analysis is made of the possible

POSSIBLE SUPPL.

The average annual run for the years 1920 to 1924 depth of 0.26 foot over 1 Study of the records for t Creek leads to the conclu holdovers, the average ru streams in the same period foot. The smaller relativ thus indicated may be as through the springs near t of 0.06 foot over the Por about 49,500 acre-feet, or of the springs in the Fort

A possibility of a slight
The Blackfoot River is flow
River Valley in a canyon
gaging stations measuring
ground water moving pas
might not be measured a

¹¹ Smith, T. R., *op. cit.*

27-07013

Township 3 South
Range 34 East

Sec. 30

Sec. 29

Sec. 31

Sec. 32

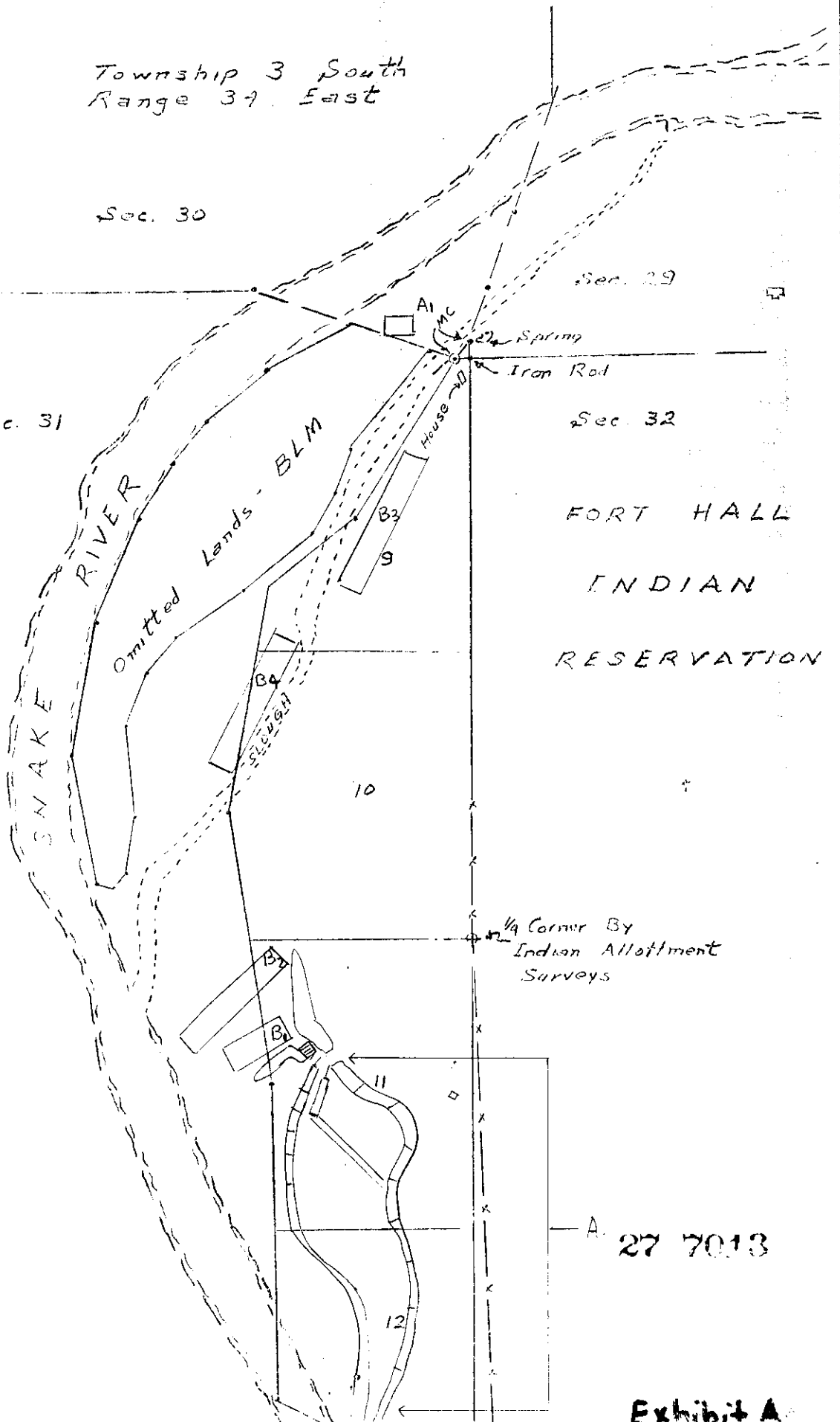
FORT HALL

INDIAN

RESERVATION



Scale 1" = 660'



A. 27 7013

Exhibit A

INDIAN SPRINGS

LEGEND FOR MAP:

A. Under old filing

1. Present water use 40 cfs
2. Pounds production 350,000/year
3. 17 ponds of the following construction: concrete intake and discharge, gravel bottom
4 ponds of all concrete construction
4. Status: constructed and in use

A1. Under old filing

1. Present use 3 1/2 cfs
2. Pounds production 6,000/year, plus incubation of 20 million eggs
3. 8 ponds of steel construction, 1 metal building with 12 hatching troughs and 6 incubators
4. Status: constructed and in use

B1. New filing

1. Present use 16 cfs
2. Pounds production 40,000/year plus 30 million trout eggs
3. One pond of concrete construction, divided by five parallel walls
4. Status: constructed and in use

27 7013

Exhibit A

B2. New filing

1. Require 16 cfs
2. Pounds production 90,000/year
3. Two ponds in a series with concrete intake and discharge systems and gravel bottom
4. Status: partially constructed

B3. New filing

1. Require 29 cfs
2. Pounds production 170,000/year
3. Two ponds in parallel with concrete intake and discharge systems and gravel bottoms
4. Status: partially constructed

B4. New filing

1. Require 29 cfs
2. Pounds production 170,000/year
3. Two ponds in parallel with concrete intake and discharge systems and gravel bottoms
4. Status: partially constructed

70.00 cfs

27 7013

Exhibit A

TROUT PRODUCTION AND WATER REQUIREMENTS AT INDIAN SPRINGS:

Efficiency and success in rearing trout is dependent upon the use of sufficient water for the specific conditions encountered. Factors which were examined at Indian Springs in determining proper water use were:

1. Size of fish to be held. Purpose for holding fish.
2. Oxygen content of water.
3. Factors which affect oxygen content including gravity and water re-use.

Based on these factors water requirements are as follows:

B1. This is a modern spawning facility designed for optimum egg production. We know from our experience in handling gravid females and mature males that these animals are under great physiological stress. Therefore, optimum conditions are to be provided by 1.5 complete water exchanges per hour equal to 16 cubic feet per second.

B2. This facility also requires 1.5 exchanges per hour or 16 cfs. This requirement is based on a need to hold fingerling fish which are greater oxygen consumers than large trout. Also, water in the second pond in this series will not attain oxygen saturation due to a lack of sufficient elevation drop to attain aeration.

B3. A planned use of 29 cfs will allow one water exchange per hour, the minimum exchange level that can be used without serious oxygen depletion.

B4. This facility is identical in size and planned use as B3; therefore, we require 29 cfs here.

27 7013

2013

INDIAN SPRINGS

LEGEND FOR MAP AND DIAGRAM:

A. Under old filing

1. Present water use 131 cfs
2. Pounds production 850,000 per year plus 30 million trout eggs
3. Ponds now in operation: 17 ponds of concrete intakes and discharges with gravel bottoms; 4 ponds of all concrete construction; 8 steel rearing raceways; one metal hatching building with 24 hatching troughs and 6 incubators; one concrete spawning pond divided by six parallel concrete walls; one spawning building; 5 ponds in a series with concrete intake and discharge systems and gravel bottoms.

B. New filings reusing discharge water of most of the above-mentioned ponds

B1. A gravel and dirt dam built across the spring system to pick up the discharge waters already used in the hatchery facility and 4 concrete and gravel ponds. Gravel and dirt dam to be constructed with bypass valves so that all water can be discharged if necessary and with a permanent fish bypass built into the dam for migratory fish.

B2. A concrete intake system screened to keep out wild fish and designed with a concrete weir and water control dam boards.

B3, B4, B5. 500 foot long ponds in parallel with concrete intake and discharge systems and gravel bottoms. Ponds B3 and B4 to use 20 cfs each and B5 to

use 16 cfs. Pounds production 340,000 per year.

B6, B7. Two ponds 500 feet in length in a series with concrete intake and discharge systems and gravel bottoms to reuse the water from ponds B3, B4, and B5. Pounds production 170,000 per year.

B8. Water will be discharged from B6 and B7 into a flume system carrying the water to ponds B10 and B11. Diversion will be made at B8 by a gravel and dirt dam. Regulating headgates will be installed in B8 so that all water can be released if necessary. Flume will pick up water from present spawning pond and from present rearing ponds.

B9. Gravel and dirt dam will divert water from present rearing ponds into ponds B10 and B11 via a concrete flume. B9 will have control gates for releasing all water if necessary.

B10, B11, B12, B13. Concrete intake weir and water control dam boards will regulate flows of water into B10 and B11 and on into B12 and B13. These ponds will use the entire discharge system from ponds B3, B4, B5, B6, and B7, a total of 56 cfs, from the spawning pond a total of 40 cfs, and from the fingerling ponds a total of 24 cfs, for a combined total flowing into B10 and B11 of 120 cfs. Pounds production for B10, B11, B12, and B13 400,000 per year. These four ponds to have concrete intakes and discharges with gravel bottoms. Water will discharge from B12 and B13 through an old dam diversion structure and into the Snake River.

27 7000

EXHIBIT A

Township 3 South
Range 34 East

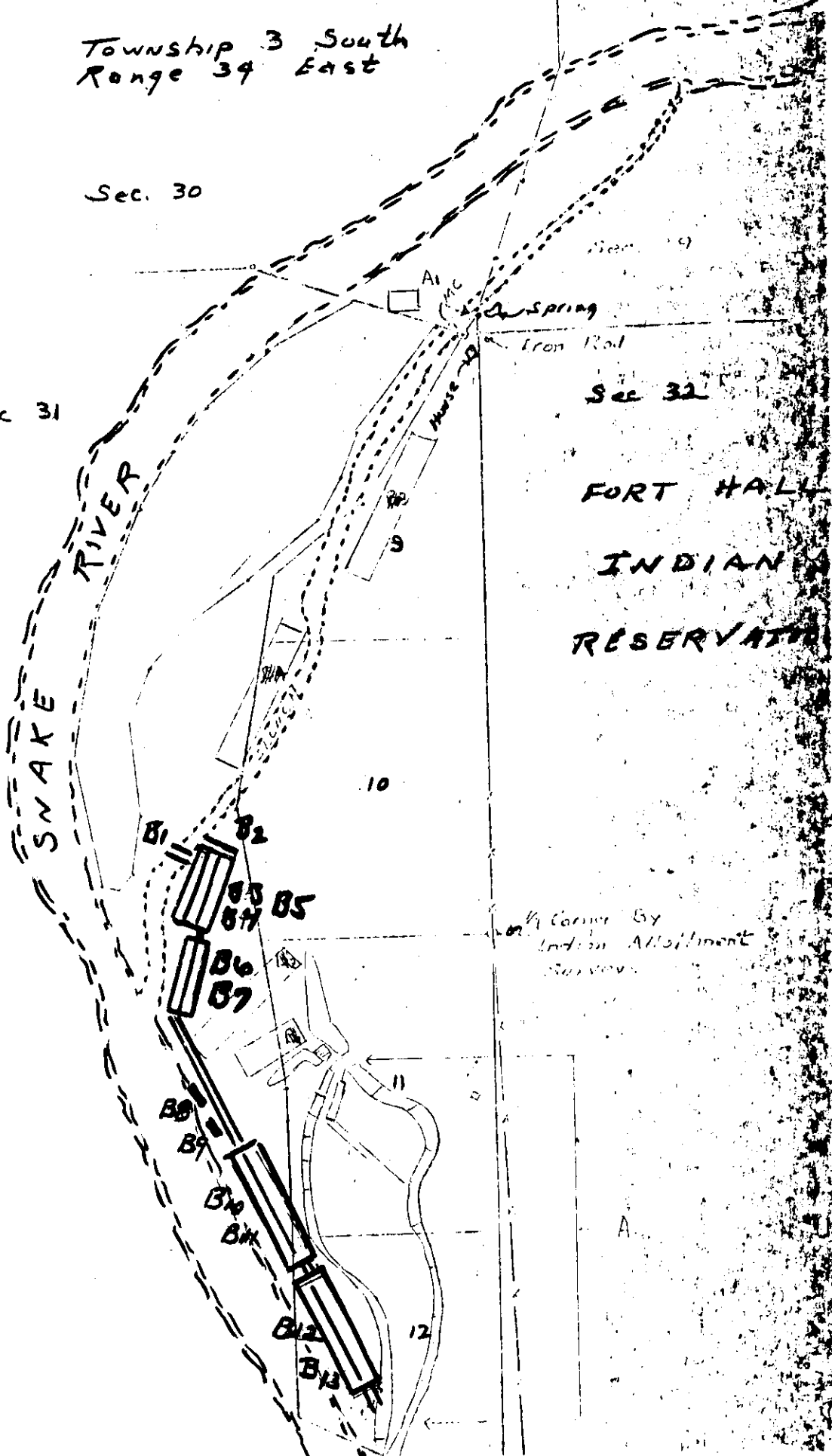
Sec. 30

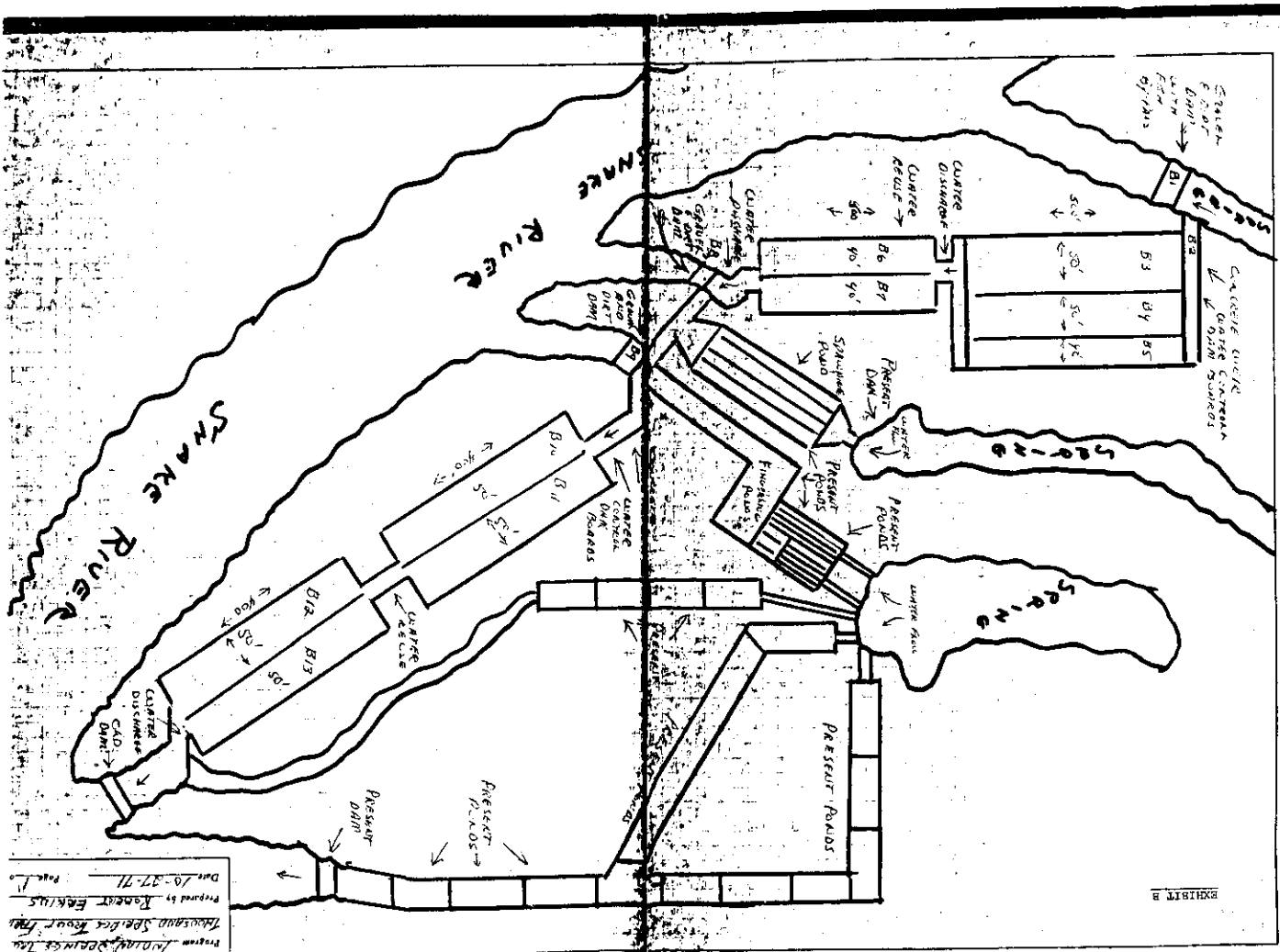
Sec 31

Sec 32

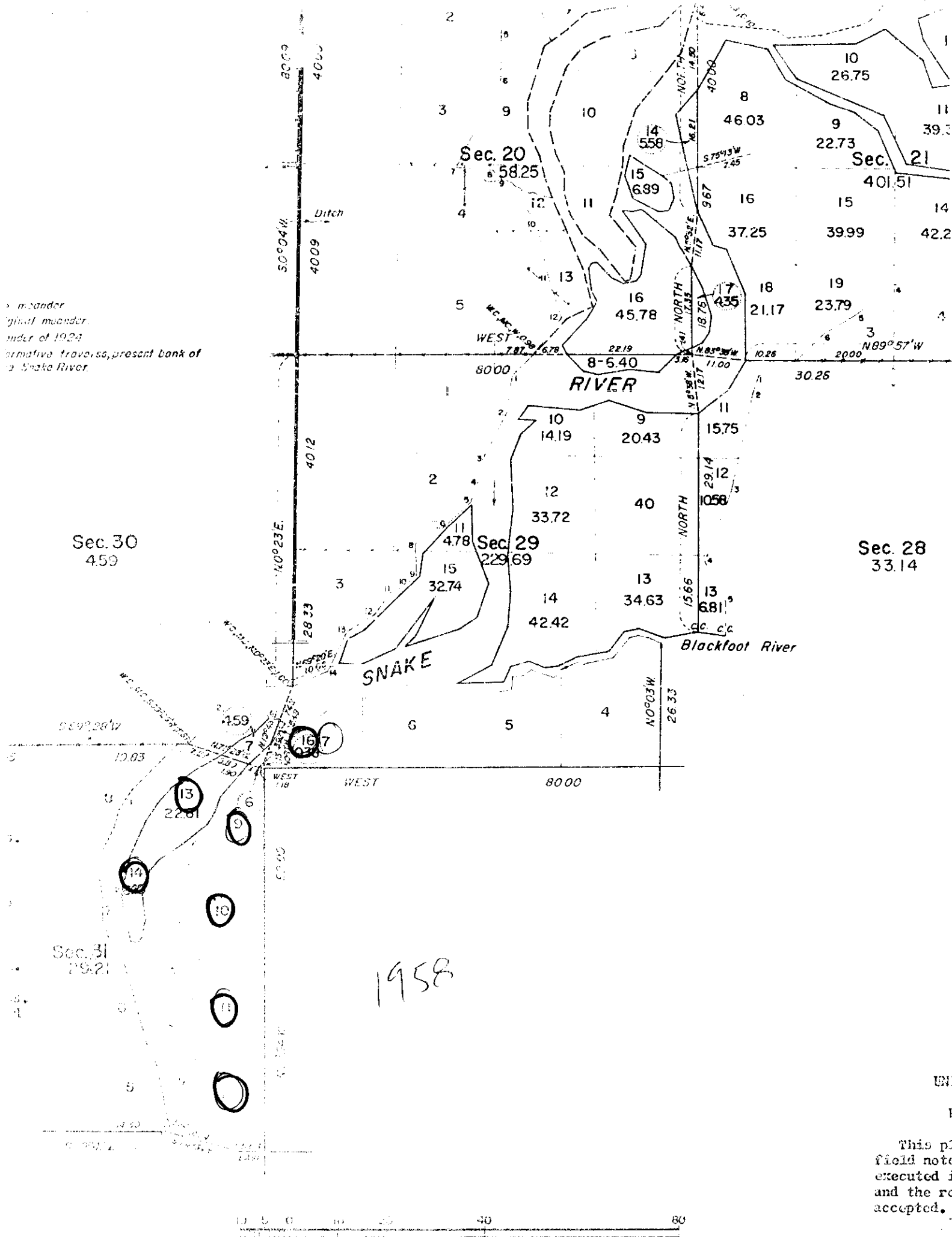
FORT HALL
INDIAN
RESERVATION

Scale 1" = 660'





* meander
 original meander
 under of 1924
 formative traverse, present bank of
 Snake River.



This plan
 field note
 executed i
 and the re
 accepted.

