

RECEIVED

MAR 5 1971

Affidavit of Publication

COPY OF NOTICE

Title of Notice

State of Idaho, }
County of Gooding } SS.

Department of Water Administration

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that The Farmers National Bank of Buhl, Buhl, Idaho has received an approved Permit No. 33281/36-2708 issued by the Idaho Department of Water Administration authorizing the diversion of 200 cubic feet per second of water from Clear Lake Stream, tributary to the Snake River. The priority to be established under this permit is September 28, 1966 and the permit was approved October 28, 1966.

Water is to be diverted by dam, ditch, flume, pipe and headgate from a point within the NW 1/4 SE 1/4 (2 points), Sec. 2, T. 9S, R. 14E, B.M., Gooding County, to be used for fish hatchery and fish processing purposes.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before October 28, 1973. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. Keith Higginson,
Director
Idaho Dept. of Water
Administration
Statehouse, Boise, Idaho
1-21-2tc

Al Hazen, 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 21 day of January, 1971, and the date of the last publication was on the 28 day of January, 1971.

Al Hazen

Subscribed and sworn to before me this 2

day of March, 1971
(SEAL)

Audrey C. Belster
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 _____

6 pt. per line, straight	15c
6 pt. per line, tabular	20c
6 pt. per line, successive insertion	10c

Duplicate No. 990

36 2708

RECEIVED

APR 11 2000

Department of Water Resources

2000 APR 10 AM 10:17

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

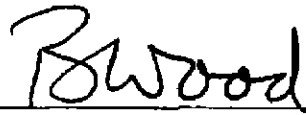
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)	ORDER OF PARTIAL DECREE
)	
Case No. 39576)	For Water Right 36-02708
_____)	

The Notice of Challenge filed in the above subcase having been heard and ruled upon, IT IS
THEREFORE ORDERED that water right 36-02708 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 20 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 36-02708

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

NAME & ADDRESS: CLEAR SPRINGS FOODS INC
THE PROSPECT CO
PO BOX 712
BUHL ID 83316

SOURCE: SPRINGS TRIBUTARY: CLEAR LAKES

SOURCE IS ALSO KNOWN AS CLEAR SPRINGS.

QUANTITY: 200.00 CFS
144540.0 AFY

PRIORITY DATE: 09/28/1966

POINT OF DIVERSION: T09S R14E S02 SESWNE Within GOODING County
LOT 5 (SWSENE)
NENWSE

MULTIPLE POINTS OF DIVERSION LOCATED IN T09S, R14E, S02, LOT 5 (SWSENE), SESWNE, NENWSE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	FISH PROPAGATION	01-01 12-31	200.00 CFS 144540.0 AFY

PLACE OF USE: FISH PROPAGATION Within GOODING County
T09S R14E S02 NWSE

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

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.

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

MICROFILMED
OCT 02 2002

FACTS

Clear Lakes diverts water from springs commonly known as "Clear Lakes Springs" pursuant to water right nos. 36-02708 and 36-07004, to operate its fish hatchery. Water right no. 36-02659, for 100 cfs, is the most senior right to the springs and water right no. 36-07004, for 75 cfs, is the third priority right to the springs. The second priority water right to the springs, no. 36-02708 for 200 cfs, is owned by Clear Springs Foods, Inc. ("Foods") to rear fish in its hatchery, located adjacent to Clear Lakes' hatchery.

The Director issued Amended Watermaster Instructions for Distribution of Water Among Water Rights Nos. 36-02659, 36-02708, 36-07004, 36-7201 and 36-07218 on June 13, 2002. Those Amended Watermaster Instructions provide in relevant part that:

9. If the total flow is less than 375 cfs (± 5 cfs), then the watermaster is to adjust the 6-ft adjustable weir such that the first 100 cfs of spring flows goes to Clear Lakes, the next 200 cfs of spring flows or part thereof goes to Clear Springs, and any remaining flow goes to Clear Lakes.
10. If an adjustment to the 6-ft adjustable weir is required, the watermaster should do the following (subject to further confirmation):
 - (a) Determine the required increase or decrease in flows to Clear Lakes to provide the flows to Clear Lakes and Clear Springs set forth in 9. above.
 - (b) Measure the height in feet of the gate stem above the adjusting wheel nut on the 6-ft adjustable weir discharging from the west diversion pool and subtract 0.64 (datum adjustment) from the measured gate stem height.
 - (c) Subtract (b) from the gage reading (in feet) from the staff gage in west diversion pool above Clear Springs' 22-ft weir.
 - (d) Determine discharge through the 6-ft adjustable weir using the attached table for the 6-ft adjustable weir.
 - (e) Add or subtract the required change in flows to Clear Lakes from (a) above to the measured discharge through the 6-ft adjustable weir determined from

(d) and determine what the change in height for the gate stem measured from the adjusting wheel nut on the 6-ft adjustable weir should be to provide the changed flow to Clear Lakes.

- (f) Adjust the 6-ft adjustable weir up or down with the handwheel to achieve the required gate stem height as determined in (e).
- (g) Repeat (a) through (f), if necessary, after allowing sufficient time for the change in flows to stabilize through the hatcheries.

On June 19, 2002 the watermaster sent a "Notice of Intent to Redistribute Flows" to Clear Lakes and to Foods. The watermaster's letter gave notice that the watermaster would reduce Clear Lakes' diversions by 27 cfs in 14 days, on July 3, 2002. The letter also advised Clear Lakes that it "may file a petition with the Director of IDWR within 15 days of receipt of this notice seeking a hearing pursuant to Idaho Code § 42-1701A(3)." On July 5th, 2002, pursuant to the Director's instructions, the watermaster adjusted the headgate for Clear Lakes' senior water right no. 36-02659 in accordance with her June 19, 2002 Notice of Intent to Redistribute Flows.

On June 20, 2003, the watermaster issued a Notice of Intent to Resume Administration of Clear Lakes Area Water Rights. The Notice states that the watermaster intended to reduce the distribution of water to Clear Lakes in the amount of 14 cfs by adjusting "the elevation of the 6-foot weir in order that the Clear Springs right no. 36-2708 is satisfied." As explained by the Director's July 23, 2003 letter to Clear Lakes' attorney Charles Honsinger, the watermaster's "adjustments to the 6-ft adjustable weir at the joint diversion structure" on July 23, 2003 "did not provide the full amount of water to which Clear Springs is entitled to receive and apply to beneficial use under its water right no. 36-02708." On July 29, 2003, Tim Luke, IDWR Water Distribution Section Manager sent a Memorandum to Watermaster Cindy Yenter authorizing her,

pursuant to Idaho Code § 42-607, to investigate alternative or additional steps necessary to "shut or fasten" the diversion for Clear Lakes water right no. 36-07004 in such manner as may be necessary to accomplish the distribution of water set forth in instruction no. 9.

The issue of whether the Watermaster is authorized to investigate and implement "alternative or additional steps necessary to "shut or fasten" the diversion for Clear Lakes water right no. 36-07004" is not an issue that has previously been raised before IDWR.

On July 31, 2003, in a Memorandum to Tim Luke, Watermaster Cindy Yenter set forth the additional steps required to redistribute flows at the Clear Lakes and Clear Springs joint diversion under the present spring flow conditions:

If total spring flows are less than 375 cfs *and* discharge at the joint diversion (west pool) falls to less than about 225 cfs, additional steps are required in order to distribute the full 200 cfs to the Clear Springs right no. 36-2708. Those steps are:

- 1) Insert dam boards in the channel slots located immediately behind the Clear Lakes 8-ft fixed weir, to partly or completely block the flow of water over the 8-ft weir. Since this is not an official measuring point, dam boards do not have to completely seal.
- 2) Simultaneously, lower the adjustable weir until the staff gage in the joint diversion pool reads 1.53'.
- 3) Calculate head at the adjustable weir to estimate flow over the weir.

The "additional steps" suggested by the Watermaster were not contemplated in the June 13, 2002 Amended Watermaster Instructions, and in fact set forth not only additional steps, but additional conditions under which those steps are applied. The June 13, 2002 Amended Watermaster Instructions provide that "[i]f the total flow is less than 375 cfs (\pm 5 cfs), then the watermaster is to adjust the 6-ft adjustable weir", whereas the additional steps proposed by the watermaster are conditioned on circumstances when "total spring flows are less than 375 cfs *and* discharge at the joint diversion (west pool) falls to less than about 225 cfs."

On August 1, 2003, Clear Lakes' counsel's wrote to the Watermaster expressing concerns that the proposed implementation of additional steps did not give Clear Lakes adequate time to evaluate impacts of the additional steps, and that Clear Lakes was entitled to administrative remedies because the Watermaster's proposed additional steps amended "final" Watermaster instructions. The Director replied to Clear Lakes' counsel's correspondence in his letter of August 4, 2003, stating that he believed the steps identified by the Watermaster were consistent with his prior instructions and that he did not intend to issue further instructions.

BASIS FOR PETITION

IDWR's July 3, 2003 Order Denying Petition to Initiate Contested Case issued In the Matter of June 20, 2003 Notice of Intent to Resume Administration of Clear Lakes Area Water Rights states that Idaho Code § 42-1701A(3)

applies where the aggrieved person has not previously been afforded an opportunity for a hearing on the matter. If petitioner believes there are new or different actions by IDWR or new or different issues before the agency that have not been previously raised or decided, petitioner may file a petition that clearly identifies the new issues and the grounds for review.

The issues of whether the Watermaster can investigate or implement "alternative or additional steps necessary to "shut or fasten" the diversion for Clear Lakes water right no. 36-07004" and whether the June 13, 2002 Amended Watermaster Instructions should be modified so as to provide for additional steps under different conditions clearly raises "new or different" issues that have "not been previously raised or decided." Accordingly, Clear Lakes is entitled to a hearing on these issues.

AUTHORITIES FOR THIS PETITION

This petition is filed pursuant to the following:

1. Idaho Code, Title 42, Chapter 6, and the Director's February 19, 2002 Final Order Creating Water District 130, under which IDWR has ongoing responsibility to administer water rights in Water District 130.
2. I.C. § 42-1701A(3);
3. IDAPA 37.01.01.104, which provides that a formal proceeding must be initiated by a pleading listed in IDWR Rules 210-280;
4. IDAPA 37.01.01.230.01(c), which provides for petitions initiating contested cases;

Dated this 15th day of August, 2003.

RINGERT CLARK, CHARTERED

By: Charles L. Honsinger
Charles L. Honsinger
Ringert Clark Chartered
Attorneys for Petitioner

MEMORANDUM

TO: THE FILES 36-2708, 36-7004, 36-7201 AND 36-7218
and w.d. 130

FROM: Deborah Gibson

DATED: August 5, 2003

Refer to Water Right File No. 36-2659 for documentation filed in the matter of Petition to Modify Amended Watermaster Instructions for Distribution of Water Among Water Right Nos. 36-2659, 36-2708, 36-7004, 36-7201 and 36-7218 in Water District No. 130. Petitioner: Clear Lakes Trout Company, Inc. & Respondent: Clear Springs Foods, Inc.

Note: This matter was appealed to the Fourth Judicial District Court in Ada County, No. CV-OC-0304746D, on June 19, 2003.

MICROFILMED
AUG 17 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

April 11, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Larry Cope
Clear Springs Foods, Inc.
P. O. Box 712
Buhl, ID 83316

Kay Hardy
Clear Lakes Trout Co.
1301 South Vista
Boise, ID 83705

Fax: (208) 543-5608

Fax: (208) 342-4252

VIA FIRST CLASS MAIL AND FACSIMILE

Re: Administration of Water Rights Nos. 36-020708, 36-07004, and 36-07218

Dear Larry and Kay:

Thank you for meeting with me at the shared diversion works for your facilities last Tuesday, April 2. Based on the location of the shared diversion works in relationship to the locations for the various springs discharging into the pool regulated by the diversion works, I believe that Water Rights Nos. ~~36-020708~~, 36-07004, and 36-07218 will be subject to administration through the watermaster for the new Water District No. 130.

To develop what I determine to be appropriate instructions for the watermaster, I am reviewing the following documents:

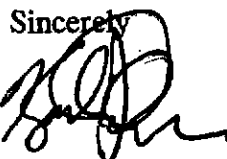
1. Agreement between Clear Lakes Trout Company and Clear Springs Trout Company dated March 13, 1980, and signed by Earl M. Hardy and John C. Hepworth, respectively. (Provided by Larry Cope on April 2, 2002)
2. Letter from John C. Hepworth to Randall C. Fredericks dated March 10, 1980. (Provided by Larry Cope on April 2, 2002)
3. Letter from Randall C. Fredericks to John Hepworth dated March 13, 1980. (Provided by Larry Cope on April 2, 2002)
4. Letter from Randall C. Fredericks to John Hepworth dated March 20, 1980, and "approved" by John C. Hepworth on March 20, 1980. (Provided by Larry Cope on April 2, 2002)

MICROFILMED

APR 11 2002

5. Stipulation for Dismissal with Prejudice, Clear Lakes Trout Company v. Clear Springs Trout Company and Clear Springs Trout Company v. Idaho Power Company, Case No. 16626, District Court of the Fifth Judicial District, dated March 20, 1980. (Provided by Larry Cope on April 2, 2002)
6. Report on Water Measurement and Distribution prepared for Clear Lakes Trout Company and Clear Springs Trout Company by C. E. Brockway and Keith E. Anderson, dated December 1988. (Provided by Larry Cope on April 2, 2002)
7. Order on Motion to Alter or Amend Judgment or in the Alternative, Motion to Reconsider Memorandum Decision and Order on Challenge (Clear Lakes v. Clear Springs / Separate Source), Case No. 39576, District Court of the Fifth Judicial District In Re SRBA, dated August 15, 2000.
8. Supreme Court of the State of Idaho 2002 Opinion No. 17, In Re SRBA Case No. 39576; Clear Springs Foods, Inc. v. Clear Lakes Trout Company; Filed January 18, 2002.
9. Memorandum to Terry Huddleston from Butch Fahrenwald, dated February 21, 2002, setting forth tabular listing of measured flows to Clear Springs Foods Clear Lake Farm, Idaho Trout Producers Clear Lake Farm, and total flow on quarterly basis beginning October 13, 1982, through January 16, 2002. (Provided by Larry Cope on April 2, 2002)
10. Table of measured water flows to Clear Springs Foods - Clear Lake Farm, Idaho Trout Producers - Clear Lake Farm, and totals, on approximately weekly basis beginning July 12, 2000, through December 10, 2001.

If either of you have other pertinent information that you believe I should consider in developing my instructions to the watermaster on administering the subject water rights, please submit such information to me, with copies to the other party, by April 25, 2002.

Sincerely


Karl Dreher
Director

MICROFILMED

OCT 02 2002

c: John Simpson – Facsimile to (208) 344-6034
Dan Steenson – Facsimile to (208) 342-4657

Affidavit of Publication

RECEIVED

MAR 10 1971

Department of Water Administration

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 21 day of January, 1971, and the date of the last publication was on the 28 day of January, 1971.

Thomas D. Miller
Subscribed and sworn to before me this 1

day of February, 1971
(SEAL)

Harvey 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 2708

COPY OF NOTICE

Title of Notice

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that The Farmers National Bank of Buhl, Buhl, Idaho has received an approved Permit No. 33281/36-2708 issued by the Idaho Department of Water Administration authorizing the diversion of 200 cubic feet per second of water from Clear Lake Stream, tributary to the Snake River. The priority to be established under this permit is September 28, 1966 and the permit was approved October 28, 1966.

Water is to be diverted by dam, ditch, flume, pipe and headgate from a point within the NW 1/4 SE 1/4 (2 points), Sec. 2, T. 9S, R. 14E, B.M., Gooding County, to be used for fish hatchery and fish processing purposes.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before October 28, 1973. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. Keith Higginson,
Director
Idaho Dept. of Water
Administration
Statehouse, Boise, Idaho
1-21-2tc

(Id	
7 pt. per line, straight20c
7 pt. per line, tabular20c
7 pt. per line, successive insertions10c
6 pt. per line, straight15c
6 pt. per line, tabular20c
6 pt. per line, successive insertion10c

No 990

T.8S., R.14E. B.M. Ida.
T.9S., R.14E. B.M. Ida.

Lot 4 Lot 3 Lot 2 Lot 1 Lot 4 Lot 3 Lot 2 Lot 1

P.D. #2

RD #1



T.9S., R.14E. B.M. Ida.
GOODING COUNTY

APPROVED
OCT 23 1966
33281
REGISTERED PROFESSIONAL ENGINEER

REFERENCE DRAWINGS

- ZD-2101 Power Site
- ZD-2324 Property Map
- TR-3516 Contour Map
- TR-3518 Contour Map
- TD-2544 Lands in Vicinity of Clear Lakes
- TD-3283 Trans Line Clear Lakes To 1000 Springs
- Buhl 44KV Trans. Line
- ZD-3980 Road From Clear Lakes To Buhl Hwy.
- TE-4094 Headworks & Spillway 1937.
- ZD-4168 Property Boundaries
- ZD-4629 Plan & Profile of Penstock & Yard Layout.

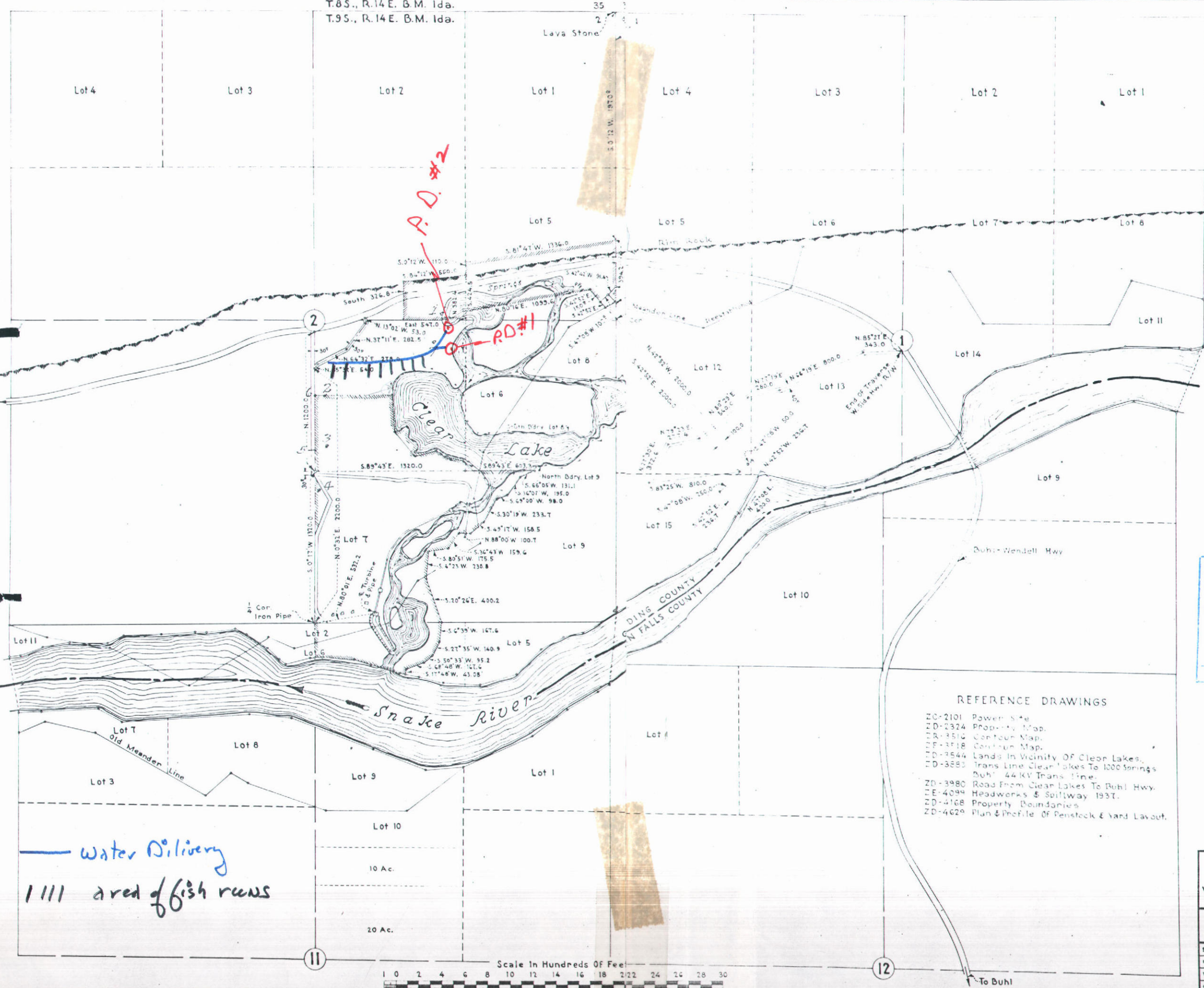
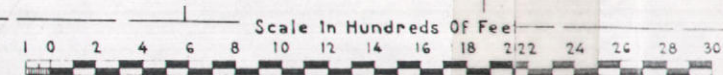
36-2708
33281

PERMANENT RECORD MAPS
LAND OWNERSHIP
VICINITY OF CLEAR LAKES

IDAHO POWER CO,
BOISE, IDAHO

SCALE: 1" = 400'	DATE July 3, 1952
DR. I.L.M.T.	APPROVED
TR. I.L.M.T.	
CH	D-10912

Water Delivery
1111 area of fish runs



August 24, 1972

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

Attn: Mr. Bobby Fleenor

Re: Permit No. 36-7218

Dear Mr. Fleenor:

Enclosed please find a rating curve and rating table for the inlet structure of the main channel of the Clear Springs Trout Company facilities. The inlet was modified as outlined in my letter of June 28 and an enameled staff gage mounted on the west wingwall of the inlet structure.

The rating was obtained by current metering the rectangular channel downstream of the inlet. Flow conditions are smooth in both bays of the inlet structure and the flow passes through critical depth at the end of the constriction. However, at flows in excess of 225 cfs the water surface impinges on the bottom of the concrete cover over the channel and the rating curve will be less valid.

The upstream conditions are stable and no changes are contemplated which would interfere with the current rating. Photographs of the structure and upstream conditions will be sent to you by the Clear Springs Trout Co.

Your letter of July 12 indicated that an annual check of the rating curve would be required. Is a one point check of the curve sufficient or must the entire curve be run each year?

Sincerely,

C. E. Brockway, P.E.

Enclosures

CEB:dw

cc: Clear Springs Trout Co.
Mr. John Hepworth

36 2708

CLEAR SPRINGS TROUT CO.
MAIN CANAL INLET
STRUCTURE

RATING CURVE
August 1972

400

$$Q = 115.6 h^{.92}$$

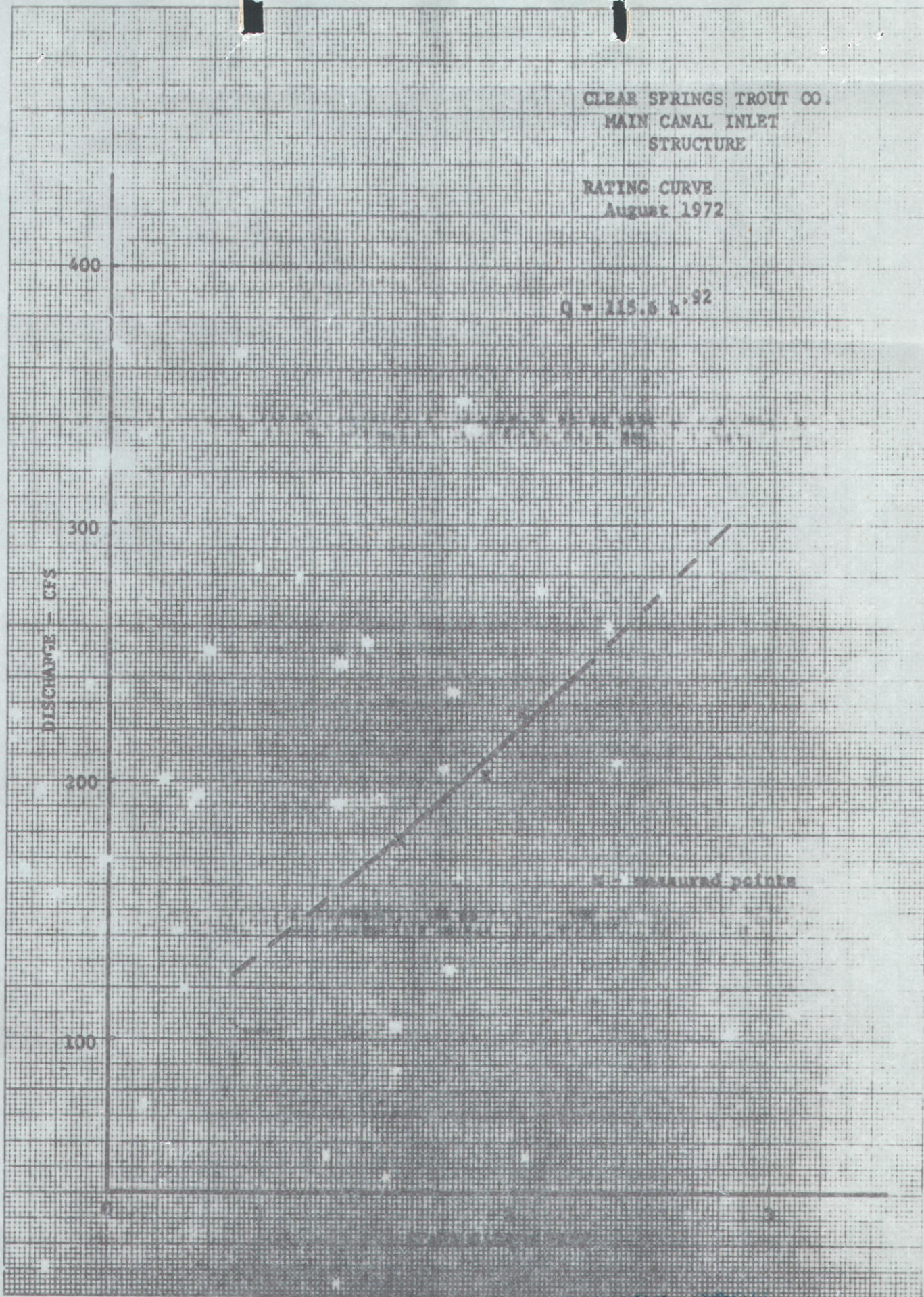
DISCHARGE - CFS

300

200

100

x - measured points



36 2708

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Department of Water Resources

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Water Right 36-02708

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NAME & ADDRESS: CLEAR SPRINGS FOODS INC
THE PROSPECT CO
PO BOX 712
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SOURCE: SPRINGS TRIBUTARY: CLEAR LAKES
SOURCE IS ALSO KNOWN AS CLEAR SPRINGS.

QUANTITY: 200.00 CFS
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PRIORITY DATE: 09/28/1966

POINT OF DIVERSION: T09S R14E S02 SESWNE Within GOODING County
LOT 5 (SWSENE)
NENWSE

MULTIPLE POINTS OF DIVERSION LOCATED IN T09S, R14E, S02,
LOT 5 (SWSENE), SESWNE, NENWSE.

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
FISH PROPAGATION 01-01 12-31 200.00 CFS
144540.0 AFY

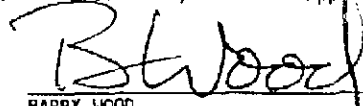
PLACE OF USE: FISH PROPAGATION Within GOODING County
T09S R14E S02 NNSE

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
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ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

RULE 54(b) CERTIFICATE

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

MICROFILMED

JAN 23 2003

This
Right has been
Decreed in the
SRBA.

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 33281/36-2708 Priority Sept. 28, 1966 Amount 200 cfs

THIS IS TO CERTIFY, that Clear Springs Trout Company
of Buhl, Idaho, has complied with the terms and conditions of Permit
No. 33281/36-2708 issued pursuant to Application for Permit dated September 28, 1966,
and has submitted proof to the Department of Water Administration on September 25, 1972,
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 228.8 cfs of water from Clear Lake stream,
tributary to the Snake River, and that the permit holder has applied to a beneficial use
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Fish Propagation</u>	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>200</u> cfs and	<u>144,540</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 200 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
144,540 acre feet per year, said waters to be diverted within the _____
NW¹/₄SE¹/₄ Sec. 2, Twp. 9 S, Rge. 14 E, B. M. in the County of Gooding

Description and location of place of use:

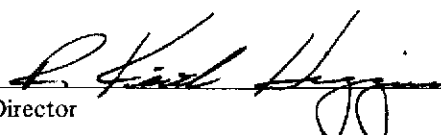
Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
<u>9 S</u>	<u>14 E</u>	<u>2</u>																	

Total number of acres irrigated _____

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, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21st day of
February, 19 73.


Director

Affidavit of Publication

COPY OF NOTICE
Title of Notice

State of Idaho, }
County of Gooding } SS.

Al Hagen, 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 21 day of January, 1971, and the date of the last publication was on the 28 day of January, 1971.

Alfred E. Hagen

Subscribed and sworn to before me this 2

day of March, 1971
(SEAL)

Audrey C. Belsler
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

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that The Farmers National Bank of Buhl, Buhl, Idaho has received an approved Permit No. 33281/36-2708 issued by the Idaho Department of Water Administration authorizing the diversion of 200 cubic feet per second of water from Clear Lake Stream, tributary to the Snake River. The priority to be established under this permit is September 28, 1966 and the permit was approved October 28, 1966.

Water is to be diverted by dam, ditch, flume, pipe and headgate from a point within the NW ¼ SE ¼ (2 points), Sec. 2, T. 9S, R. 14E, B.M., Gooding County, to be used for fish hatchery and fish processing purposes.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before October 28, 1973. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. Keith Higginson,
Director
Idaho Dept. of Water
Administration
Statehouse, Boise, Idaho
1-21-2tc

6 pt. per line, straight	15c
6 pt. per line, tabular	20c
6 pt. per line, successive insertion	10c

Duplicate No. 990

36 2708

Lib 4
Department of Water Resources

A S S I G N M E N T

For value received, I hereby assign all of my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 3328/3 ²⁷⁰⁸ to Clear Springs Trout Co., a corporation of Buhl, Idaho.

* _____

J. P. Hamilton
Permit Holder

Wife of Permit Holder

STATE OF IDAHO)
County of Twin Falls)

On this 15th day of February, 19 73, before me, a Notary Public for the State of Idaho, residing at Buhl, Idaho, personally appeared J. P. Hamilton known to me to be the person ^{xxx} whose name is subscribed to the within instrument, and duly acknowledged to me that he executed the same as president of said corporation.

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 12-11-76

John A. Stewart
Notary Public, Residing at _____

* If fractional part of permit is to be assigned, the fractional part of the land to which the assigned fraction is appurtenant should be described by legal subdivisions.

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 21 day

of January, 1971, and the date of the last publication was on the 28 day of January, 1971

Thomas D Miller
 Subscribed and sworn to before me this 1

day of February, 1971
 (SEAL)

Harry C. Belcher
 NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice..... _____

Number of Insertions _____

_____ Lines at 14c _____ 36 2708

_____ Lines at 10c _____

TOTAL COST _____

COPY OF NOTICE

Title of Notice

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that The Farmers National Bank of Buhl, Buhl, Idaho has received an approved Permit No. 33281/36-2708 issued by the Idaho Department of Water Administration authorizing the diversion of 200 cubic feet per second of water from Clear Lake Stream, tributary to the Snake River. The priority to be established under this permit is September 28, 1966 and the permit was approved October 28, 1966.

Water is to be diverted by dam, ditch, flume, pipe and headgate from a point within the NW 1/4 SE 1/4 (2 points), Sec. 2, T. 9S, R. 14E, B.M., Gooding County, to be used for fish hatchery and fish processing purposes.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before October 28, 1978. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. Keith Higginson,
 Director
 Idaho Dept. of Water
 Administration
 Statehouse, Boise, Idaho
 1-21-2tc

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

No. 990

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 33281/36-2708)
in the name of the FARMERS NATIONAL BANK)
OF BUHL)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

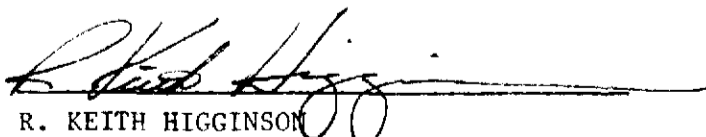
WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 33281 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.
 - b. The permittee will not be required to submit proof of completion of works as originally specified, but will be required to submit proof to the Department of Water Administration of the application of the water to beneficial use on or before October 28, 1973. The permit holder should be aware that failure to complete one-fifth (1/5) of the works within one-half (1/2) of the time originally set for completion of works may be grounds for cancellation at the instance of the Department.

Dated this 3 day of November, 1970.


R. KEITH HIGGINSON
Director

36-2708
33281

Application For Permit

To Appropriate the Public Waters of the State of Idaho *36-2708* *See assignment*

APPLICATION No. 41239
PERMIT No. 33281
DISTRICT No.

1. Name of Applicant: Jess O. Eastman, Jr.
Postoffice address: Route #4, Buhl County: Gooding State: Idaho

I. If applicant is a corporation, give:
(a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

II. The financial resources of the applicant are:
(a) Cash on hand: \$10,000.00 (c) Bond to be issued:
(b) ~~Treasury~~ stock: \$20,000.00 (d) Other resources: \$5,000.00

2. Quantity of water claimed: 200.00 second feet cubic feet per second.

3. Source of water supply: Clear Lake stream which is a tributary of Snake River.

4. Location of point of diversion: two points within the NW¹/₄ SE¹/₄ ~~XXXXXX~~ feet distant from the
corner of Section 2, T. 9 S, R. 14 E, B.M., and is in the
of section, T., R., B. M., County of Gooding

5. Water is to be used for Fish Hatchery and fish processing.

6. If for mining, milling, power or manufacturing purposes, give:
(a) Point of use of water: feet distant from corner of Section
T., R., B.M., in the of Section of, T., R., B.M.
(b) Amount of power generated: H.P., under feet head.
(c) Water is to be returned to at a point feet
distant from the corner of Section, T., R., B.M., in the
of Section, T., R., B.M.

7. Estimated cost of works: \$ 140,000.00

8. Kind of works: (1) Diversion dam - ditch, flume and pipe. Headgate and ditch #2

9. Height of dam approx. 2 feet; length of dam at top approx 50 feet; length of dam at bottom 50 feet
feet; material used in dam: cement

10. Size of headgate: Width 6 feet; height 8 feet.

11. Ditch: Width at bottom 6 feet; width at water line 8 feet; depth of water 3 feet;
dimensions of flume: 6-8-3-

Diameter of pipe 72 inches; length of conduit approx 15 feet miles.
Average grade per mile 18 feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 2 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: N/A

16. (a) Is reservoir to be used? no If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

/s/ JESS O. EASTMAN, JR. *Applicant.*

By *Agent.*

Date of first receipt at Department of Reclamation: September 28, 1966 2:45 P.M.

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 33281
 Recorded in Book 116 Page 33281 Approved October 28, 1966
 This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
 Bond in the sum of \$ to be filed on or before
 Work to begin on or before December 28, 1966 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
 One-fifth of the work above specified to be completed on or before April 28, 1969
 The whole of said work to be completed on or before October 28, 1971
 Beneficial use of water appropriated in accordance herewith, to be made on or before October 28, 1973

WITNESS My hand this 28th day of October, 1966.

/s/ R. KEITH HIGGINSON
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, Governor of the State of Idaho, and LOUIS E. CLAPP, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 28th day of October, 1966.

STATE OF IDAHO

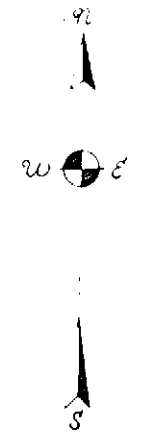
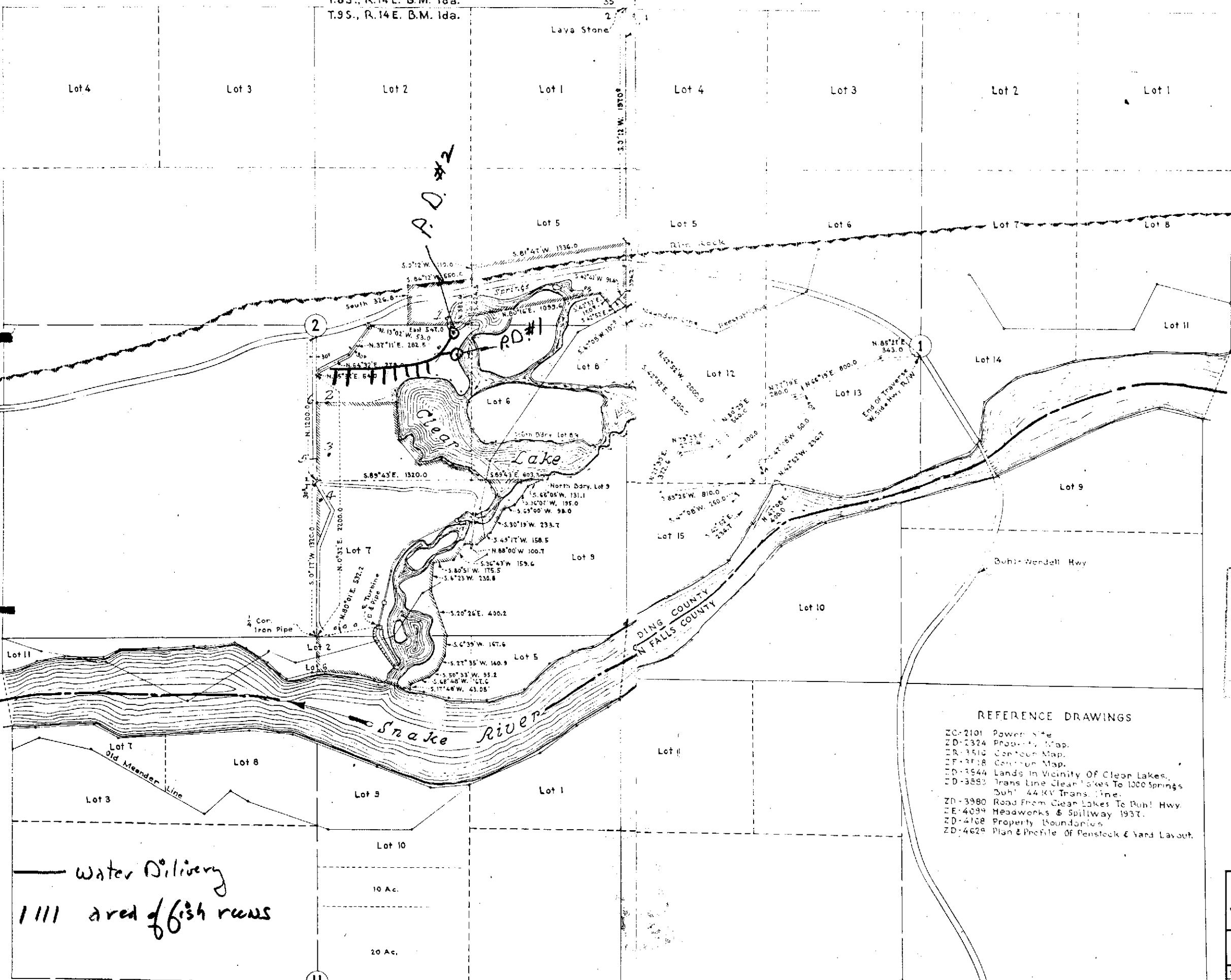
Countersigned:
 (SEAL) By /s/ LOUIS E. CLAPP Secretary of State. By /s/ ROBERT E. SMYLIE Governor.

REMARKS: The consumptive use would be .02 c.f.s. for processing.

14.

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	
			FISH PROPAGATION																
			LICENSE ISSUED FOR 200 FEET. LICENSE PAGE NO. _____																

T.8S., R.14E. B.M. Ida.
T.9S., R.14E. B.M. Ida.



T.9S., R.14E. B.M. Ida.
GOODING COUNTY

APPROVED
OCT 23 1966
33281
LAWYER

- REFERENCE DRAWINGS
- ZD-2101 Power Site
 - ZD-2324 Property Map
 - TR-3510 Contour Map
 - TR-3518 Contour Map
 - ED-1544 Lands in Vicinity of Clear Lakes
 - ED-3553 Trans Line Clear Lakes To 1000 Springs
 - Duh! 44 KV Trans. Line
 - ZD-3980 Road From Clear Lakes To Buhl Hwy
 - ZE-4094 Headworks & Spillway 1937
 - ZD-4168 Property Boundaries
 - ZD-4629 Plan & Profile of Penstock & Yard Layout

Water Delivery
1111 area of fish runs

PERMANENT RECORD MAPS
LAND OWNERSHIP
VICINITY OF CLEAR LAKES

IDAHO POWER CO,
BOISE, IDAHO

SCALE: 1" = 400' DATE July 3, 1952

DR. D.M.T.	APPROVED	D-10912
TR. D.M.T.		
EN.		



ASSIGNMENT

For value received, we hereby assign all of our right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 33281 to Clear Springs Trout Company, an Idaho Corporation, with its principal place of business at Buhl, Idaho, which was incorporated August 26, 1966, authorized capital stock of \$300,000.00 of which \$150,000.00 has been paid in. The original permit was appropriated October 28, 1966, and recorded in Book 116.

/s/ Jess O. Eastman Jr.
Permit Holder
/s/ Delva Eastman
Wife of permit holder

STATE OF IDAHO)
 : SS.
County of Twin Falls)

On this 23rd day of December, 1966, before me, a Notary Public for the State of Idaho, residing at Buhl, Idaho personally appeared Jess O. Eastman, Jr. and Delva Eastman, husband & wife, known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they 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 January 1, 1969

/s/ Wm. L. Nungester

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sell, assign and transfer unto the Farmers National Bank of Buhl, Idaho, the following: Application for permit to appropriate the public waters of the State of Idaho, Application #41239. Permit #33281, approved October 28, 1966, on Page 33281 in Book 116. Such approval being given to Jess O. Eastman, Jr., as per the permission granted on land owned by Garth E. Brush.

This assignment is for the purpose of securing a loan from the Farmers National Bank of Buhl, Idaho, to Clear Springs Trout Co. The condition of this assignment is that upon full payment of the loan made, the assignment of said loan, this assignment shall be in full force and effect. In the event of nonpayment at maturity of said loan, this assignment shall be in full force and effect. A copy of the promissory note which this assignment is to be security for shall be attached to the assignment as executed as evidence of the obligation secured.

Signed at Buhl, Idaho this 8th day of November, 1967.

CLEAR SPRINGS TROUT COMPANY

By /s/ JESS O. EASTMAN, Jr.
President

(S E A L)

ATTEST:

/s/ JOHN C. HEYWORTH,
Secretary

Accepted: We hereby acknowledge acceptance of the above assignment.

Department of Reclamation

By /s/ M. RUSSELL BOSCH
Administrative Assistant

Date: April 3, 1968

State of Idaho)
 : ss
County of Twin Falls)

On this 7th day of November, 1967, before me, the undersigned, a Notary Public for the State of Idaho, personally appeared Jess O. Eastman, Jr., and John C. Hepworth, known to me to be the President and Secretary, respectively, of Clear Springs, Trout Company., and known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that the Clear Creek Trout Company executed the same.

In witness whereof, I have hereunto set my hand and seal the day and year in this certificate first above written.

/s/ WILLIAM L. NUNGESTER, Notary Public for Idaho
residing at Buhl, Idaho

Rec. No. 33321 received

7.4.75

Address all communications to

(Form No. 1)

P. O.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

RECEIVED
JUL 28 1966
2:45 P.M.
Department of Reclamation

Application No. 41239
Permit No. 33281
District No. _____

1. Name of Applicant: Jess O. Eastman, Jr.
Post Office address Rt. 4 Buhl, Idaho County Gooding State Idaho

If applicant is a corporation, give:

- (a) Date and place of incorporation: _____
- (b) Amount of Capital stock: \$ _____ (c) Amount paid in: \$ _____
- (d) Names and addresses of directors: _____

The financial resources of the applicant are: (a) Cash on hand: \$ 10,000.00
(b) ~~Property~~ stock: \$ 20,000 (c) Bonds to be issued: _____
(d) Other resources: \$ 5,000.00

2. Quantity of water claimed: 200 second feet 4.0 cfs cubic feet per second

3. Source of water supply: Clear Lake ~~stream~~ stream
which is tributary of Snake River

4. Location of point of diversion: 2 points within the ~~Northwest Quarter of Southeast Quarter (NW 1/4 SE 1/4)~~
of Section 2, Twp. 9 S., Rge. 14 E. B. M., and is in the
of Section _____, Twp. _____, Rge. _____ B. M., County of Gooding

5. Water is to be used for: Fish Hatchery and fish processing

6. If for mining, milling, power or manufacturing purposes, give:
- (a) Point of use of water: _____ feet distant from _____ corner of Section _____
Twp. _____, Rge. _____, B. M., in the _____ of Section _____, Twp. _____, Rge. _____, B. M.
 - (b) Amount of power generated: _____ H. P., under _____ feet head.
 - (c) Water is to be returned to _____ at a point _____ feet
distant from the _____ corner of Section _____, Twp. _____, Rge. _____, B. M., in the
_____ of Section _____, Twp. _____, Rge. _____, B. M.

7. Estimated cost of works: \$ 140,000.00

8. Kind of works: (1) Diversion dam--ditch, flume and pipe. Headgate and ditch #2
Approx. (Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam 2 feet; length of dam at top Approx. 50 feet; length of dam at bottom 50 feet
feet; material used in dam cement
(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)

10. Size of headgate: Width 6 feet feet; Height 8 feet

11. Ditch: Width at bottom 6 feet; Width at water line 8 feet; Depth of water 3 feet;
Dimensions of flume 6-8-3; Diameter of pipe 7.2 inches;
Length of conduit Approx. 15 feet ~~miles~~ Average grade per mile 18 feet.

33281

16. (a) Is reservoir to be used? No (If so, fill in (b) and (c) below.)

(b) Name of reservoir and number of Storage Permit:

(c) Date of filing of Application for Storage Permit and Name of Applicant:

Remarks: The Consumptive use would be 0.02 C.F.S. for processing

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.

Jess O. Eastman Jr.
Applicant.
By _____, Agent

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, Garth E. Brush, of _____, County of Gooding, State of Idaho, do hereby certify that I am the owner of the land on which the spring mentioned in the application of Jess O. Eastman Jr. is located, to-wit: NW 1/4 SE 4 2-9S R 14 E BM

and that I do hereby grant unto the said Jess O. Eastman Jr. permission to file on the said spring as set forth in the foregoing application.

Garth E. Brush

STATE OF IDAHO)
County of Twin Falls) ss.

On this 26 day of July, 1966 before me, a Notary Public for the State of Idaho, residing at Buhl, Idaho, personally appeared Jess O. Eastman known to me to be the person whose name is subscribed to the foregoing certificate, and acknowledged to me that he executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

My commission expires Dec 11, 1967
John A. Heworth
Notary Public.

33281

RKH

Approval of State Reclamation Engineer

33281

The number of this permit is.....

Recorded in Book 116 Page 33281 Approved OCT 28 1966

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$..... to be filed before.....

Work to begin on or before December 28, 1966, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before April 28, 1969

The whole of said work to be completed on or before October 28, 1971

Beneficial use of water appropriated in accordance herewith, to be made on or before October 28, 1973

Witness my hand this 28th day of October, 1966

R. Keith Higgins
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE Governor of the State of Idaho,

and LOUIS E. CLAPP, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to

be hereunto affixed, this 28th day of October, 1966.

Countersigned:
By *Louis E. Clapp*
Secretary of State.

STATE OF IDAHO
By *Robert E. Smylie*
Governor.

No. 33281

PERMIT

Date of first receipt at office of State Reclamation Engineer

September 28, 1966 2:45 P.M.

Returned to applicant for correction

Corrected application received

Fees, \$ 54.75

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or Fraction

Thereof .25

33281

This
Right has been
Decreed in the
SRBA.

MICROFILMED

JAN 29 2000

6

REPORT ON WATER MEASUREMENT AND DISTRIBUTION

PREPARED FOR

CLEAR LAKES TROUT COMPANY

AND

CLEAR SPRINGS TROUT COMPANY

BUHL, IDAHO

BY

C.E. BROCKWAY, P.E.

AND

KEITH E. ANDERSON, P.E.

DECEMBER 1988

MICROFILMED

JAN 29 2003

INTRODUCTION

Water distribution from the common pool, currently supplying the majority of water for commercial fish production at Clear Springs Trout Company and Clear Lakes Trout Company, is governed by a distribution "agreement" based on water permit amounts and priorities. Up to a total discharge of 375 cfs, Clear Springs Trout Company is entitled to 53.33 percent of the flow and Clear Lakes Trout Company is entitled to the remaining flow or 46.67 percent. Above a total discharge of 375 cfs, Clear Lakes Trout Company is entitled to 175 cfs maximum and all of the remainder is available to Clear Springs Trout Company.

DISTRIBUTION FACILITIES

In order to effect the division of water from the main pool, four weirs were constructed at the outlet. Two weirs, a nominal 22-ft and a nominal 10-ft weir divert to the main Clear Springs headworks. A nominal 8-ft and adjustable 6-ft weir divert to the Clear Lakes facility. The total water supply for Clear Springs Trout Company included in the "agreement" includes the following:

1. Discharge from the pool through the 22-ft weir
2. Discharge from the pool through the 10-ft weir
3. Discharge through the buried 10-inch diameter pipe to the hatchery holding pond
4. Discharge through two small buried pipes into the main headrace
5. Discharge into the "wet lab" at the research center from the collector above the county road.

Discharge for Clear Lakes Trout Company included in the "agreement" includes the following:

1. Discharge measured through the six (6), 10-foot weirs at the outlet from the east ponds
2. Discharge through the 40-inch weir near the hatchery holding ponds, identified as the "west weir"
3. Discharge to the holding pond sorting trough through a perforated 10-inch PVC pipe.

MICROFILMED

-1-

JAN 29 2003

STATEMENT OF THE PROBLEM

Proper distribution of the total flow depends on accurate measurement of all component flows and efficient regulation of the division of flows from the main pool. The water measurement devices currently in place are capable of measuring the flows within the accuracies expected of any reasonable field installations. It should be noted that expected accuracies of field weir installations are at best within plus or minus 5 percent or less.

In order to assure accurate and equitable water distribution, all measuring devices should be properly maintained and be accessible to operators from both companies on a reasonable basis. In addition, all measuring devices should be believable by all parties so that distribution of the total flow can be on the basis of gage readings and associated discharges and not plagued with distrust over the devices.

Fluctuations in total spring flow available to both facilities occur throughout the year. The minimum flow generally occurs during April or May and maximum flow occurs during September or October, just after the irrigation season. For purposes of regulation between users, evaluation and adjustment, if required, should occur at least quarterly (April-July-October-January). The attached hydrographs of Box Canyon and Blue Lakes Springs are typical of spring flows from the Snake Plain aquifer.

Preparation of the weir rating tables and curves included in this report were based upon field surveys made by the authors on August 2, 1988, using standard weir discharge formulas (corrected for velocity of approach where applicable).

RECOMMENDED MEASUREMENT AND ADJUSTMENT PROCEDURE

1. Determination of total Clear Springs discharge
 - a. Read staff gage in main Clear Springs pool above 22-ft weir.
 - b. Determine discharge through 22-ft and 10-ft Clear Springs weirs from combined discharge table.
 - c. Add one (1) cfs to account for discharge of pipe into Clear Springs holding ponds and minor flow from pipes into headrace (if pipes are flowing).

- d. Read the weir measuring the discharge from the wet lab at the Clear Springs Research Laboratory.
 - e. Determine the discharge for the wet lab effluent, from the table for the Clear Springs wet lab weir, or use the average flow estimated at 0.5 cfs.
 - f. Sum of these three entries is the total Clear Springs discharge.
2. Determination of total Clear Lakes discharge
- a. Read staff gage in pool above 40-inch west weir.
 - b. Determine discharge through west weir from table for Clear Lakes west weir discharge.
 - c. Read staff gages on each of the six 10-ft Clear Lakes east weirs.
 - d. Determine the discharge through each of the six Clear Lakes east weirs from the table for Clear Lakes east weirs.
 - e. Add 0.20 cfs to account for flow in the hatchery holding ponds through the perforated PVC pipe (if operating).
 - f. Add the discharge from each of the six east weirs, the west weir, and the hatchery pipe to determine the total Clear Lakes discharge.


ADJUSTMENT OF DISCHARGE

- a. Add the total of Clear Springs and Clear Lakes discharge to determine total spring flow.
- b. If the total flow is less than 375 cfs, multiply the total flow by 0.5333 to determine the Clear Springs allowable discharge and multiply the total flow by 0.4667 to determine the Clear Lakes allowable flow. If the total discharge is greater than 375 cfs, the Clear Lakes allowable flow is 175 cfs and all remaining flow is to Clear Springs.
- c. If the Clear Springs and Clear Lakes measured total discharges are within 5 cfs of the allowable flows, then no adjustment should be made at that time.

- d. If an adjustment is required, determine the required increase or decrease in Clear Lakes flow to meet the discharges as required under the "agreement" which was calculated in step b. above.
- e. Read the staff gage on the 6 (six)-foot adjustable weir diverting to Clear Lakes from the main pool.
- f. Determine the discharge through the 6 (six)-foot adjustable weir, based on the staff gage reading, using the table for the six (6)-foot adjustable weir.
- g. Add or subtract the required change in Clear Lakes discharge as determined in step d. to the 6 (six)-foot adjustable weir discharge and determine the staff gage reading required to permit this discharge as determined from the table for the 6 (six)-foot adjustable weir.
- h. Adjust the 6 (six)-foot adjustable weir up or down with the handwheel to achieve the required staff gage reading as determined in step g.

This procedure could be repeated, if necessary, after allowing sufficient time for the change in discharge to progress through the system. However, it is unlikely that the differences would warrant additional changes.

C. E. Brockway 1/20/99
C. E. Brockway, P.E.

Keith E. Anderson
Keith E. Anderson, P.E. 12/2/88


CLEAR SPRINGS-CLEAR LAKES FLOW DISTRIBUTION

A. CLEAR SPRINGS DISCHARGE

- 1. Combined 22- and 10-ft weirs gage _____ ft _____ cfs
- 2. Hatchery and seep pipes (1.0 cfs if flowing) _____ cfs
- 3. Wet lab weir gage _____ ft (or 0.5 cfs) _____ cfs
- Total Clear Springs Discharge _____ cfs

B. CLEAR LAKES DISCHARGE

- 1. East Weirs
 - No. 1 gage _____ ft _____ cfs
 - No. 2 gage _____ ft _____ cfs
 - No. 3 gage _____ ft _____ cfs
 - No. 4 gage _____ ft _____ cfs
 - No. 5 gage _____ ft _____ cfs
 - No. 6 gage _____ ft _____ cfs
 - Total of six east weirs _____ cfs
- 2. West weir gage _____ ft _____ cfs
- 3. Hatchery pipe (0.2 cfs if flowing) _____ cfs
- Total Clear Lakes Discharge _____ cfs

C. TOTAL COMBINED DISCHARGE _____ cfs
(Clear Springs plus Clear Lakes)

D. ALLOWABLE DISCHARGES UNDER "AGREEMENT"

- 1. Clear Lakes Trout Co.
Total Combined Discharge x 0.4667 _____ cfs
(maximum 175 cfs allowable)
- 2. Clear Springs Trout Co.
Total Combined Discharge minus allowable
Clear Lakes Trout Co. discharge _____ cfs
- 3. Difference between Clear Lakes measured and
allowable discharge _____ cfs
(if 5 cfs or less, do not adjust flow)

E. DISCHARGE ADJUSTMENT (IF REQUIRED)

- 1. Clear Lakes adjustable weir gage _____ ft _____ cfs
- 2. Correction required (+ or - from D.3 above) _____ cfs
- 3. New adjustable weir gage needed _____ ft _____ cfs

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JAN 29 2000

CLEAR SPRINGS - Combined Weirs

DISCHARGE (CFS)

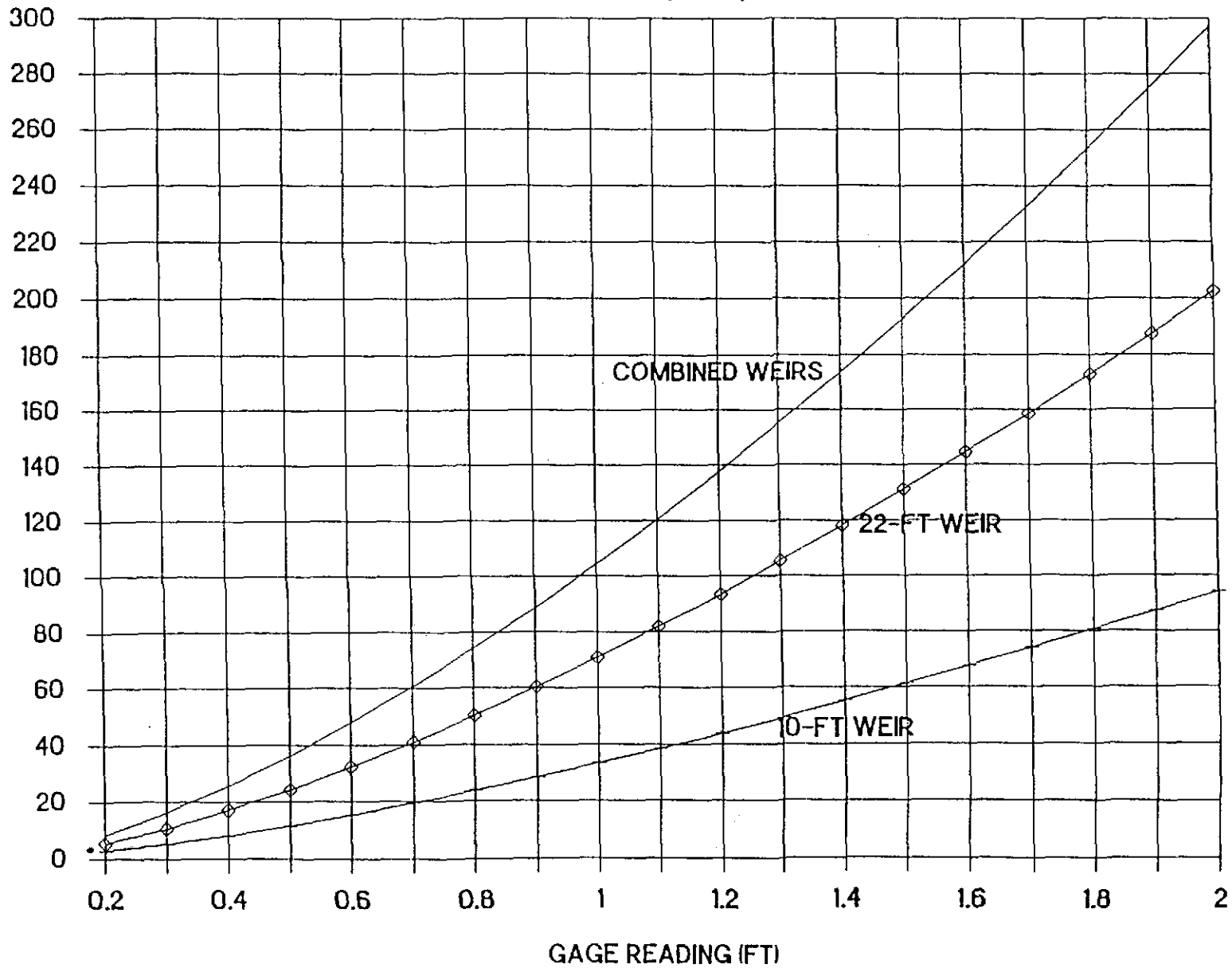
GAGE READING	0	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09
0.2 :	8.58	9.28	10.00	10.73	11.48	12.25	13.04	13.84	14.65	15.49
0.3 :	16.33	17.20	18.07	18.96	19.87	20.79	21.72	22.67	23.63	24.60
0.4 :	25.59	26.59	27.60	28.62	29.66	30.71	31.77	32.84	33.93	35.02
0.5 :	36.13	37.25	38.38	39.52	40.67	41.83	43.01	44.19	45.39	46.60
0.6 :	47.81	49.04	50.28	51.52	52.78	54.05	55.32	56.61	57.91	59.22
0.7 :	60.53	61.86	63.19	64.54	65.89	67.26	68.63	70.01	71.40	72.80
0.8 :	74.21	75.63	77.05	78.49	79.93	81.39	82.85	84.32	85.80	87.28
0.9 :	88.78	90.28	91.80	93.32	94.84	96.38	97.93	99.48	101.04	102.61
1.0 :	104.19	105.77	107.37	108.97	110.58	112.19	113.82	115.45	117.09	118.74
1.1 :	120.39	122.05	123.72	125.40	127.09	128.78	130.48	132.18	133.90	135.62
1.2 :	137.35	139.08	140.83	142.58	144.34	146.10	147.87	149.65	151.44	153.23
1.3 :	155.03	156.83	158.65	160.47	162.29	164.13	165.97	167.82	169.67	171.53
1.4 :	173.40	175.27	177.15	179.04	180.94	182.84	184.74	186.66	188.58	190.50
1.5 :	192.44	194.37	196.32	198.27	200.23	202.20	204.17	206.14	208.13	210.12
1.6 :	212.11	214.12	216.12	218.14	220.16	222.19	224.22	226.26	228.30	230.35
1.7 :	232.41	234.47	236.54	238.62	240.70	242.79	244.88	246.98	249.08	251.19
1.8 :	253.31	255.43	257.56	259.69	261.83	263.98	266.13	268.28	270.45	272.61
1.9 :	274.79	276.97	279.15	281.34	283.54	285.74	287.95	290.16	292.38	294.60
2.0 :	296.83	299.07	301.31	303.56	305.81	308.06	310.33	312.59	314.87	317.15

MICROFILMED

JAN 23 2009

CLEAR SPRINGS TROUT COMPANY

WEIR CURVES-22-FT.10-FT. COMBINED



1942 S. 2. WAT
DISCHARGE (CFS)

CLEAR SPRINGS - 22-Ft. Weir

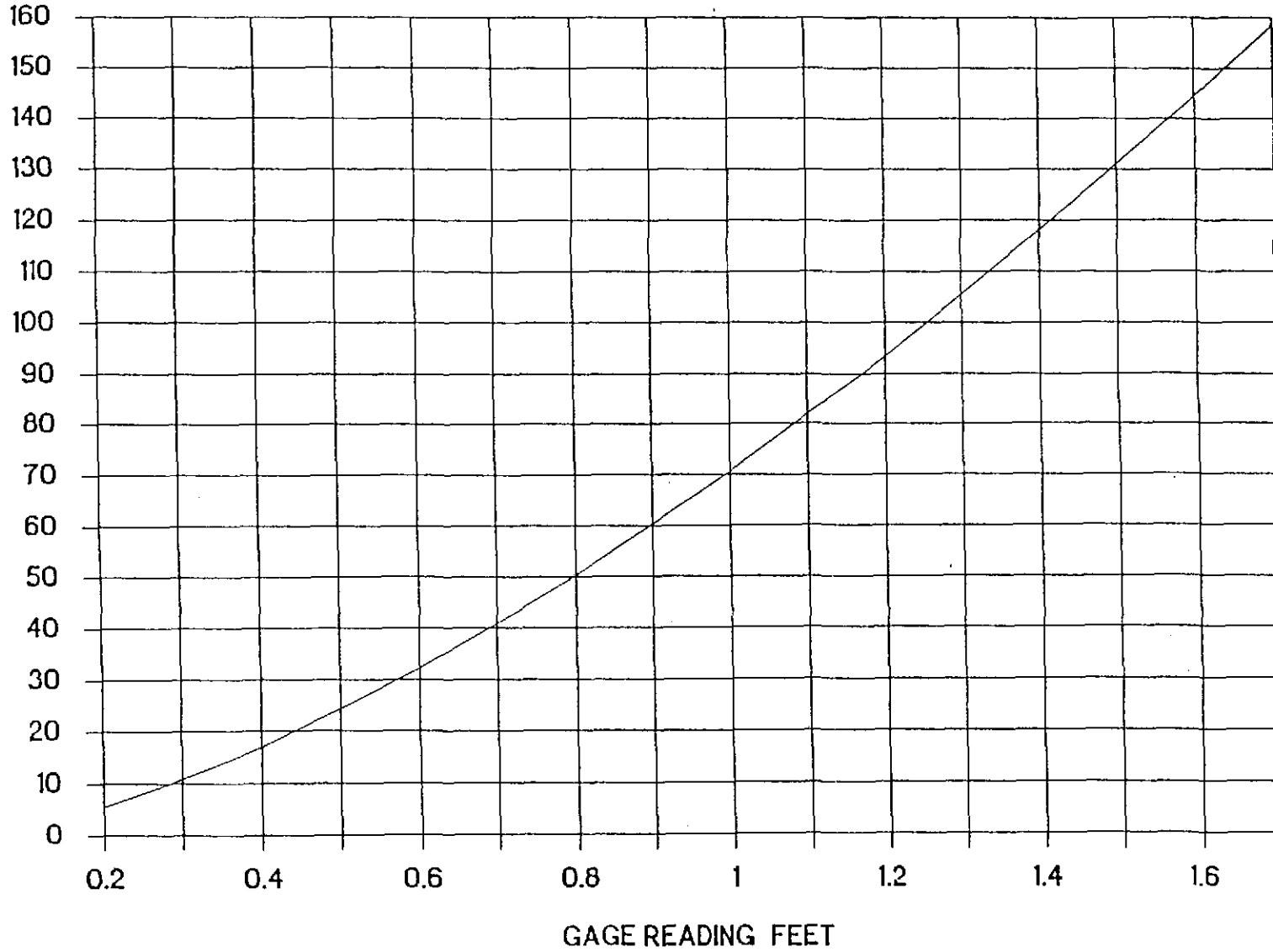
GAGE READING	DISCHARGE (CFS)									
	0	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09
0.2 :	5.60	6.07	6.55	7.05	7.56	8.08	8.61	9.16	9.71	10.27
0.3 :	10.85	11.44	12.03	12.64	13.25	13.88	14.51	15.16	15.81	16.48
0.4 :	17.15	17.83	18.52	19.21	19.92	20.64	21.36	22.09	22.83	23.58
0.5 :	24.33	25.10	25.87	26.64	27.43	28.22	29.03	29.83	30.65	31.47
0.6 :	32.30	33.14	33.99	34.84	35.70	36.56	37.43	38.31	39.20	40.09
0.7 :	40.99	41.90	42.81	43.73	44.65	45.58	46.52	47.46	48.42	49.37
0.8 :	50.33	51.30	52.28	53.26	54.25	55.24	56.24	57.24	58.25	59.27
0.9 :	60.29	61.32	62.35	63.39	64.44	65.49	66.54	67.60	68.67	69.74
1.0 :	70.82	71.90	72.99	74.09	75.19	76.29	77.40	78.52	79.64	80.76
1.1 :	81.90	83.03	84.17	85.32	86.47	87.63	88.79	89.96	91.13	92.31
1.2 :	93.49	94.67	95.87	97.06	98.26	99.47	100.68	101.90	103.12	104.34
1.3 :	105.57	106.81	108.05	109.29	110.54	111.79	113.05	114.31	115.58	116.85
1.4 :	118.13	119.41	120.69	121.98	123.28	124.58	125.88	127.19	128.50	129.82
1.5 :	131.14	132.46	133.79	135.13	136.46	137.81	139.15	140.50	141.86	143.22
1.6 :	144.58	145.95	147.32	148.70	150.08	151.47	152.86	154.25	155.65	157.05
1.7 :	158.45	159.86	161.28	162.69	164.12	165.54	166.97	168.40	169.84	171.28
1.8 :	172.73	174.18	175.63	177.09	178.55	180.02	181.49	182.96	184.44	185.92
1.9 :	187.40	188.89	190.38	191.88	193.38	194.88	196.39	197.90	199.42	200.94
2.0 :	202.46	203.99	205.52	207.05	208.59	210.13	211.67	213.22	214.77	216.33

CLEAR SPRINGS - 10-Ft. Weir

GAGE READING	DISCHARGE (CFS)									
	0	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09
0.2 :	2.98	3.21	3.44	3.68	3.92	4.17	4.42	4.68	4.94	5.21
0.3 :	5.48	5.76	6.04	6.33	6.62	6.91	7.21	7.51	7.82	8.13
0.4 :	8.44	8.76	9.08	9.41	9.74	10.07	10.41	10.75	11.10	11.44
0.5 :	11.80	12.15	12.51	12.87	13.24	13.61	13.98	14.36	14.74	15.12
0.6 :	15.51	15.90	16.29	16.68	17.08	17.49	17.89	18.30	18.71	19.12
0.7 :	19.54	19.96	20.38	20.81	21.24	21.67	22.11	22.54	22.99	23.43
0.8 :	23.88	24.32	24.78	25.23	25.69	26.15	26.61	27.08	27.54	28.02
0.9 :	28.49	28.97	29.44	29.93	30.41	30.90	31.38	31.88	32.37	32.87
1.0 :	33.37	33.87	34.37	34.88	35.39	35.90	36.41	36.93	37.45	37.97
1.1 :	38.49	39.02	39.55	40.08	40.61	41.15	41.69	42.23	42.77	43.31
1.2 :	43.86	44.41	44.96	45.52	46.07	46.63	47.19	47.75	48.32	48.89
1.3 :	49.46	50.03	50.60	51.18	51.76	52.34	52.92	53.50	54.09	54.68
1.4 :	55.27	55.87	56.46	57.06	57.66	58.26	58.86	59.47	60.08	60.69
1.5 :	61.30	61.91	62.53	63.15	63.77	64.39	65.01	65.64	66.27	66.90
1.6 :	67.53	68.16	68.80	69.44	70.08	70.72	71.36	72.01	72.66	73.31
1.7 :	73.96	74.61	75.27	75.92	76.58	77.24	77.91	78.57	79.24	79.91
1.8 :	80.58	81.25	81.93	82.60	83.28	83.96	84.64	85.32	86.01	86.70
1.9 :	87.39	88.08	88.77	89.46	90.16	90.86	91.56	92.26	92.96	93.67
2.0 :	94.37	95.08	95.79	96.51	97.22	97.94	98.65	99.37	100.09	100.82

CLEAR SPRINGS TROUT COMPANY

CLEAR SPRINGS 22 FT WEIR RATING CURVE



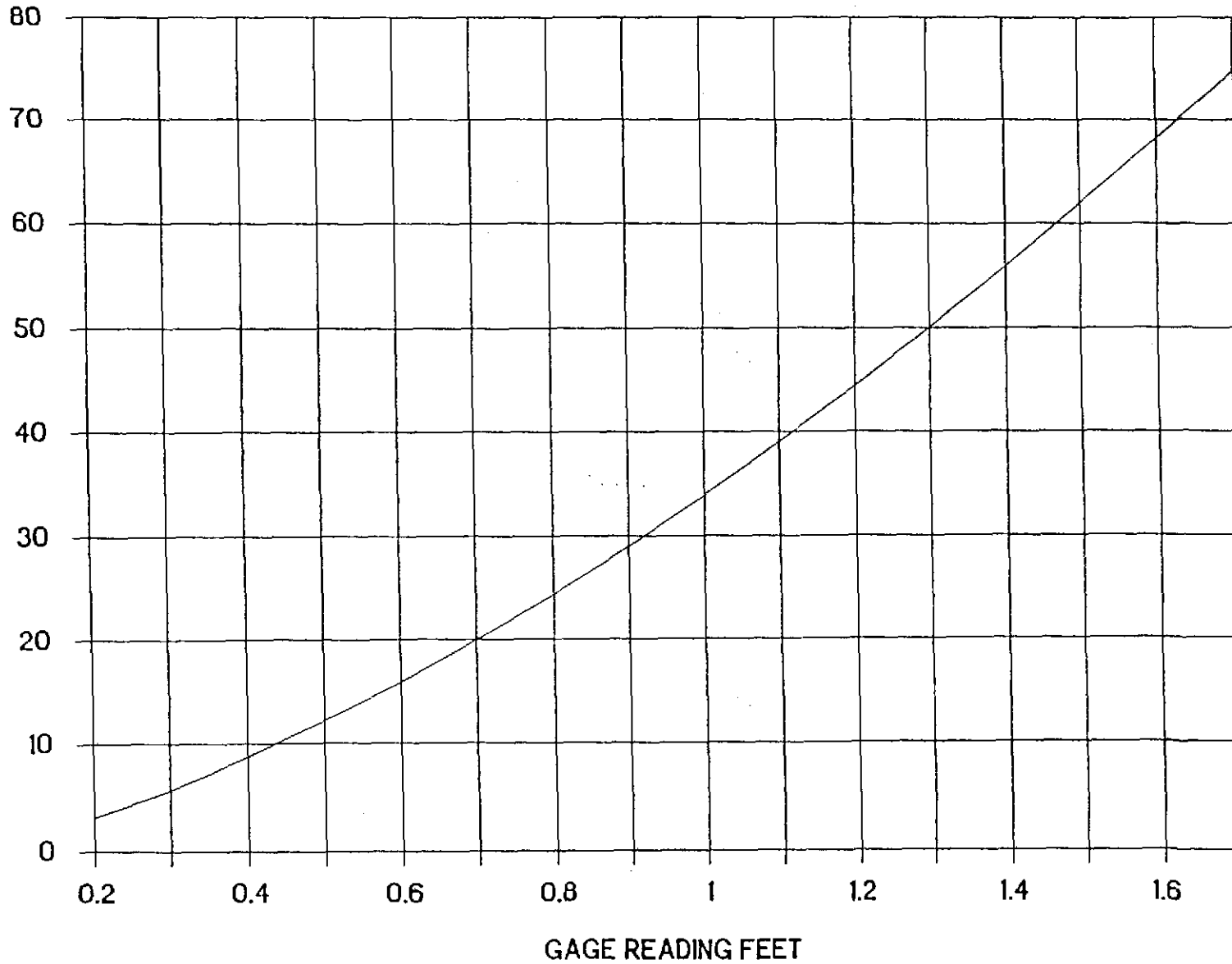
DISCHARGE CFS

GAGE READING FEET

1000 2 2001

CLEAR SPRINGS TROUT COMPANY

CLEAR SPRINGS 10 FT WEIR RATING CURVE



1007 6 2 2011
DISCHARGE CFS
MICROFILMED

CLEAR LAKES - 10-Ft. (East) Weirs

DISCHARGE (CFS)

(Corrected For Velocity Of Approach)

GAGE READING	0	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09
0.3 :	5.49	5.77	6.05	6.34	6.63	6.93	7.23	7.53	7.84	8.16
0.4 :	8.48	8.80	9.12	9.45	9.79	10.13	10.47	10.81	11.16	11.52
0.5 :	11.88	12.24	12.60	12.97	13.35	13.72	14.10	14.49	14.87	15.26
0.6 :	15.66	16.06	16.46	16.86	17.27	17.68	18.10	18.52	18.94	19.36
0.7 :	19.79	20.22	20.66	21.10	21.54	21.98	22.43	22.88	23.34	23.80
0.8 :	24.26	24.72	25.19	25.66	26.13	26.61	27.09	27.57	28.06	28.55
0.9 :	29.04	29.53	30.03	30.53	31.04	31.54	32.05	32.57	33.08	33.60
1.0 :	34.12	34.65	35.17	35.70	36.24	36.77	37.31	37.85	38.40	38.95
1.1 :	39.50	40.05	40.61	41.16	41.73	42.29	42.86	43.43	44.00	44.57
1.2 :	45.15	45.73	46.32	46.90	47.49	48.08	48.68	49.27	49.87	50.47
1.3 :	51.08	51.69	52.29	52.91	53.52	54.14	54.76	55.38	56.01	56.64
1.4 :	57.27	57.90	58.54	59.18	59.82	60.46	61.11	61.75	62.41	63.06
1.5 :	63.72	64.37	65.04	65.70	66.36	67.03	67.70	68.38	69.05	69.73

CLEAR LAKES - 40-In. (West) Weir

DISCHARGE (CFS)

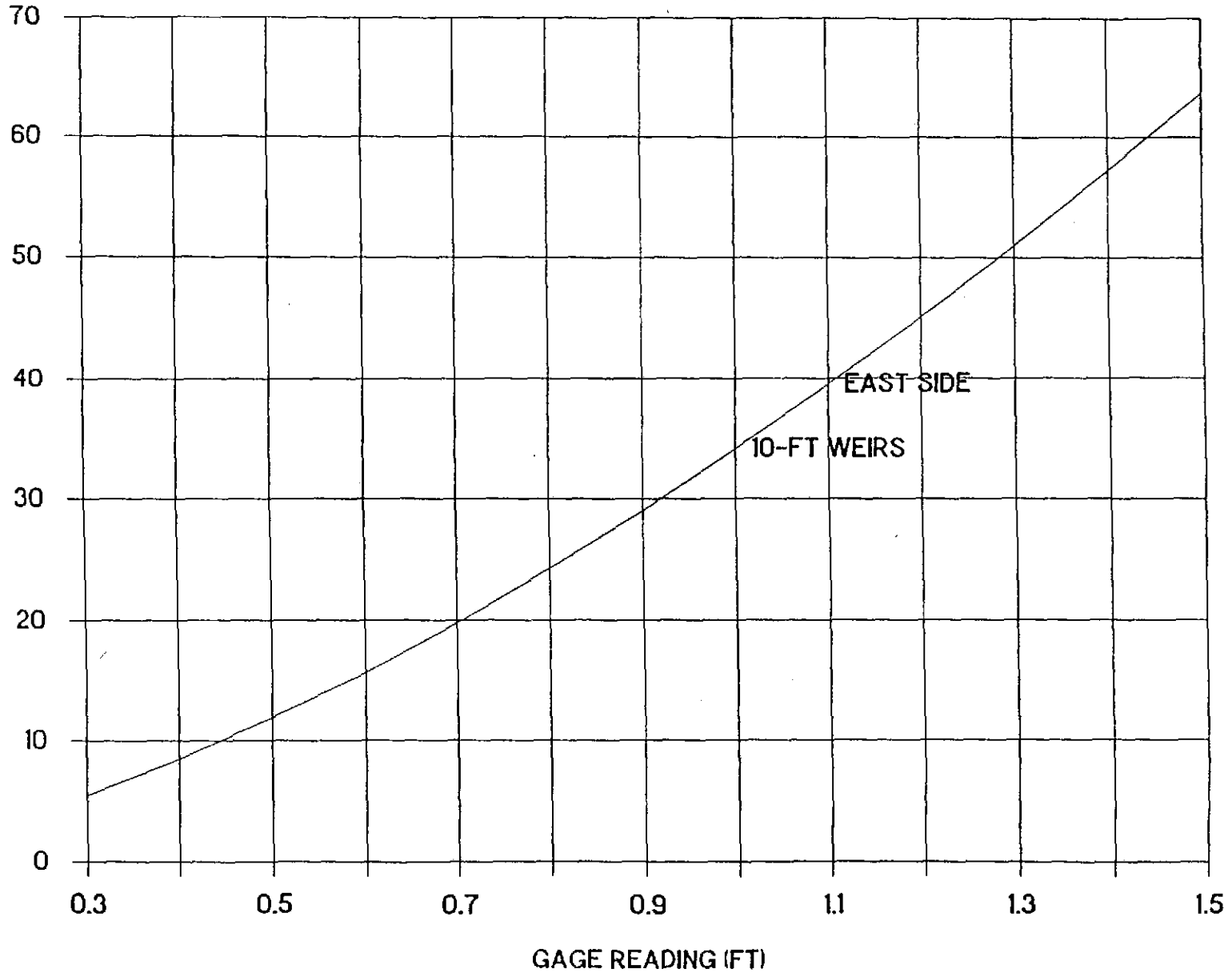
GAGE READING	0	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09
0.5 :	3.92	4.03	4.15	4.26	4.38	4.50	4.61	4.73	4.85	4.97
0.6 :	5.09	5.22	5.34	5.46	5.59	5.72	5.84	5.97	6.10	6.23
0.7 :	6.36	6.49	6.62	6.75	6.89	7.02	7.15	7.29	7.42	7.56
0.8 :	7.70	7.84	7.98	8.11	8.26	8.40	8.54	8.68	8.82	8.97
0.9 :	9.11	9.25	9.40	9.55	9.69	9.84	9.99	10.14	10.28	10.43
1.0 :	10.58	10.73	10.89	11.04	11.19	11.34	11.50	11.65	11.81	11.96
1.1 :	12.12	12.27	12.43	12.59	12.74	12.90	13.06	13.22	13.38	13.54
1.2 :	13.70	13.86	14.02	14.19	14.35	14.51	14.68	14.84	15.00	15.17
1.3 :	15.33	15.50	15.67	15.83	16.00	16.17	16.34	16.50	16.67	16.84
1.4 :	17.01	17.18	17.35	17.52	17.69	17.87	18.04	18.21	18.38	18.56
1.5 :	18.73	18.90	19.08	19.25	19.43	19.60	19.78	19.96	20.13	20.31
1.6 :	20.49	20.66	20.84	21.02	21.20	21.38	21.55	21.73	21.91	22.09
1.7 :	22.27	22.45	22.64	22.82	23.00	23.18	23.36	23.55	23.73	23.91
1.8 :	24.09	24.28	24.46	24.65	24.83	25.02	25.20	25.39	25.57	25.76
1.9 :	25.94	26.13	26.32	26.50	26.69	26.88	27.06	27.25	27.44	27.63
2.0 :	27.82	28.01	28.19	28.38	28.57	28.76	28.95	29.14	29.33	29.52

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JAN 29 2003

CLEAR LAKES TROUT CO -EAST SIDE WEIRS

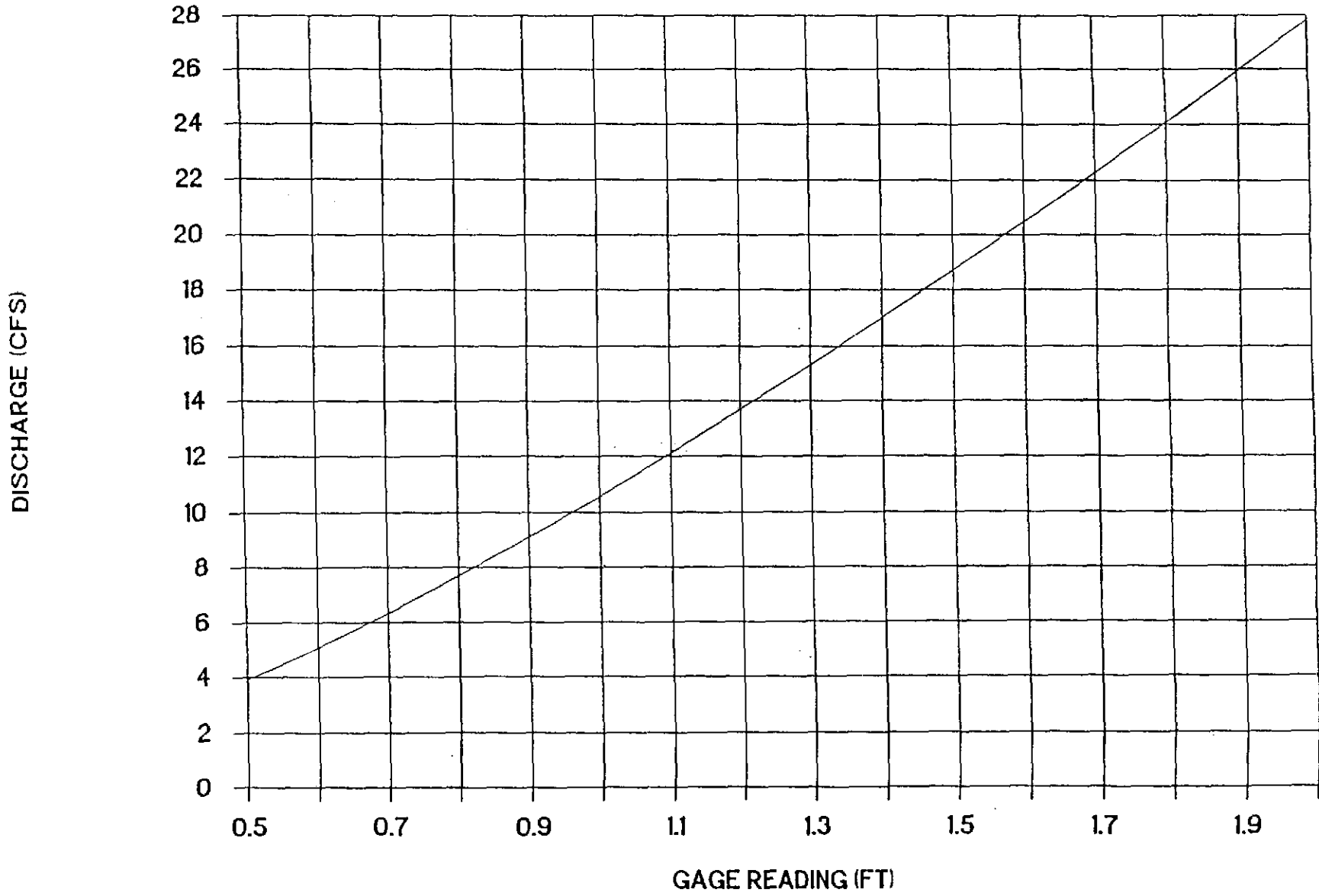
RATING FOR EACH OF THE SIX WEIRS



DISCHARGE (CFS)
MICROFILMED
8/22/82

CLEAR LAKES TROUT COMPANY

WEST WEIR RATING CURVE



JAN 29 2013

MICROFILM

CLEAR LAKES - 6-Ft. Adjustable Weir

DISCHARGE (CFS)

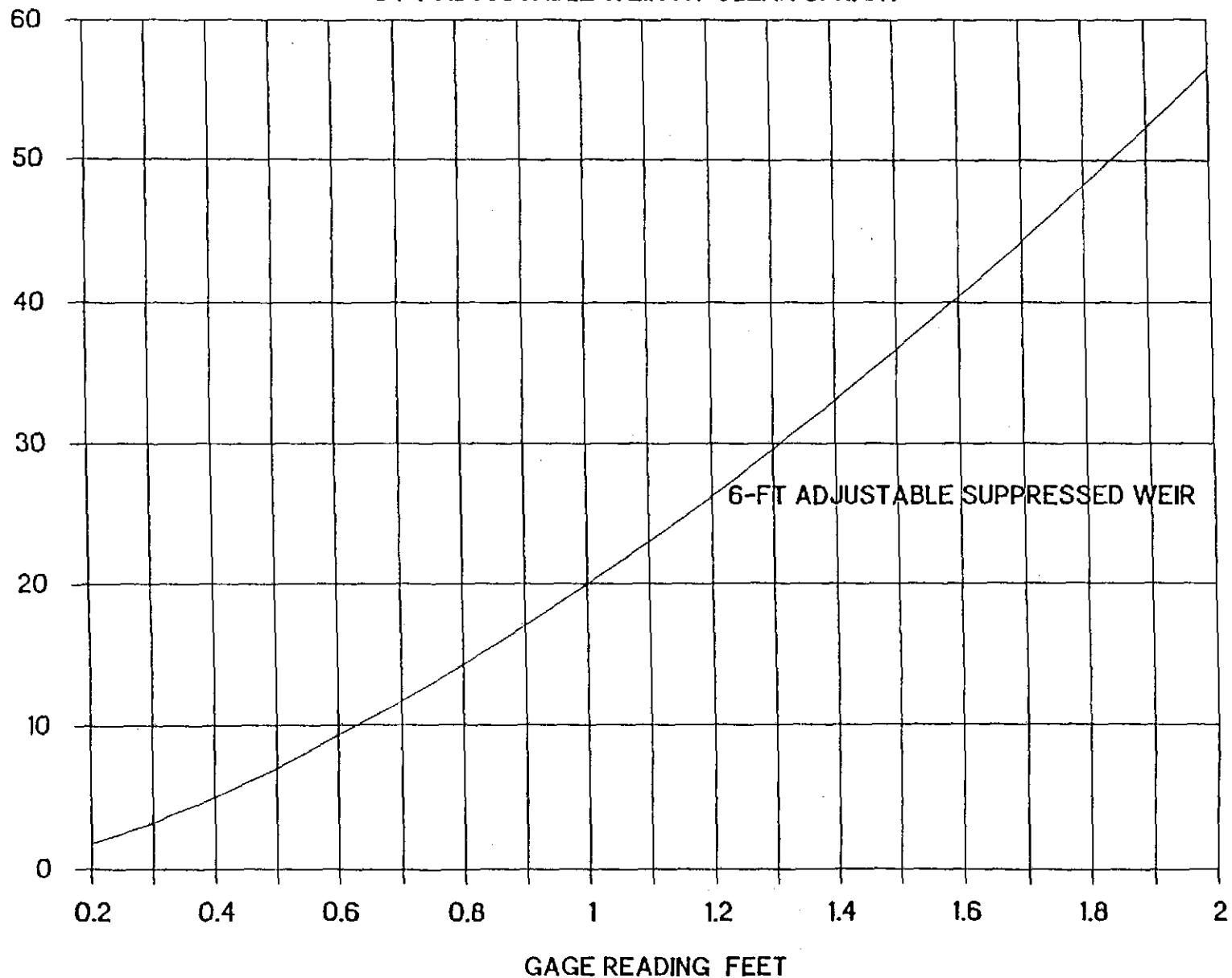
GAGE READING	0	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09
0.2 :	1.79	1.92	2.06	2.20	2.35	2.50	2.65	2.80	2.96	3.12
0.3 :	3.28	3.45	3.62	3.79	3.96	4.14	4.32	4.50	4.68	4.87
0.4 :	5.05	5.25	5.44	5.63	5.83	6.03	6.23	6.44	6.64	6.85
0.5 :	7.06	7.28	7.49	7.71	7.93	8.15	8.37	8.60	8.83	9.05
0.6 :	9.29	9.52	9.75	9.99	10.23	10.47	10.71	10.96	11.20	11.45
0.7 :	11.70	11.95	12.21	12.46	12.72	12.98	13.24	13.50	13.76	14.03
0.8 :	14.30	14.57	14.84	15.11	15.38	15.66	15.93	16.21	16.49	16.78
0.9 :	17.06	17.34	17.63	17.92	18.21	18.50	18.79	19.09	19.38	19.68
1.0 :	19.98	20.28	20.58	20.89	21.19	21.50	21.80	22.11	22.42	22.74
1.1 :	23.05	23.37	23.68	24.00	24.32	24.64	24.96	25.29	25.61	25.94
1.2 :	26.26	26.59	26.92	27.26	27.59	27.92	28.26	28.60	28.93	29.27
1.3 :	29.61	29.96	30.30	30.65	30.99	31.34	31.69	32.04	32.39	32.74
1.4 :	33.10	33.45	33.81	34.17	34.53	34.89	35.25	35.61	35.97	36.34
1.5 :	36.71	37.07	37.44	37.81	38.18	38.56	38.93	39.30	39.68	40.06
1.6 :	40.44	40.82	41.20	41.58	41.96	42.35	42.73	43.12	43.51	43.90
1.7 :	44.29	44.68	45.07	45.46	45.86	46.25	46.65	47.05	47.45	47.85
1.8 :	48.25	48.65	49.06	49.46	49.87	50.28	50.68	51.09	51.50	51.91
1.9 :	52.33	52.74	53.16	53.57	53.99	54.41	54.83	55.25	55.67	56.09
2.0 :	56.51	56.94	57.36	57.79	58.22	58.64	59.07	59.50	59.94	60.37

MICROFILMED

MAY 29 2003

CLEAR LAKES TROUT COMPANY

6 FT ADJUSTABLE WEIR AT CLEAR SPR. DIV

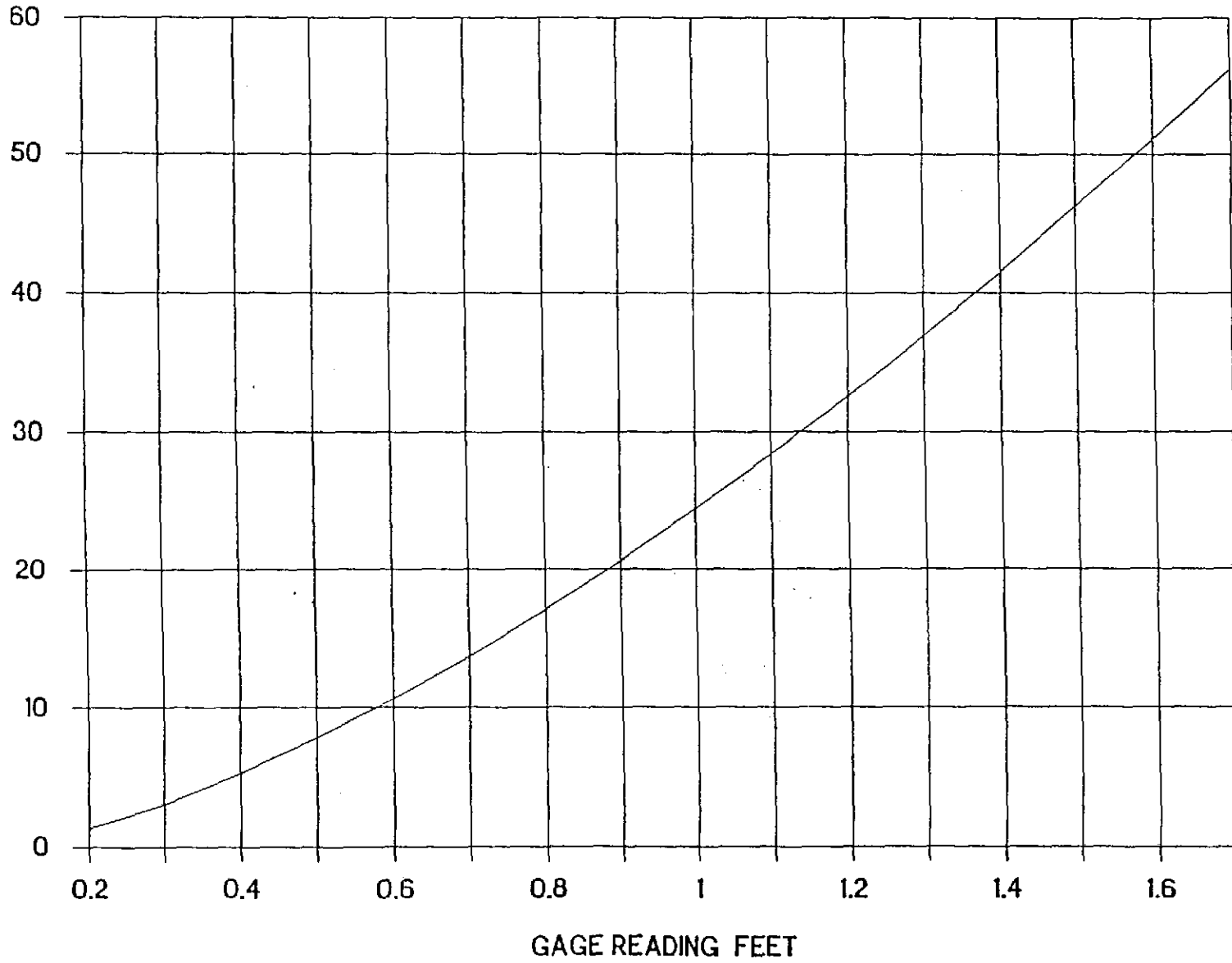


DISCHARGE CFS
MICROPLUMED
CAN 2 2000

6-FT ADJUSTABLE SUPPRESSED WEIR

CLEAR LAKES TROUT COMPANY

8 FT WEIR AT CLEAR SPRINGS DIVERSION



DISCHARGE CFS

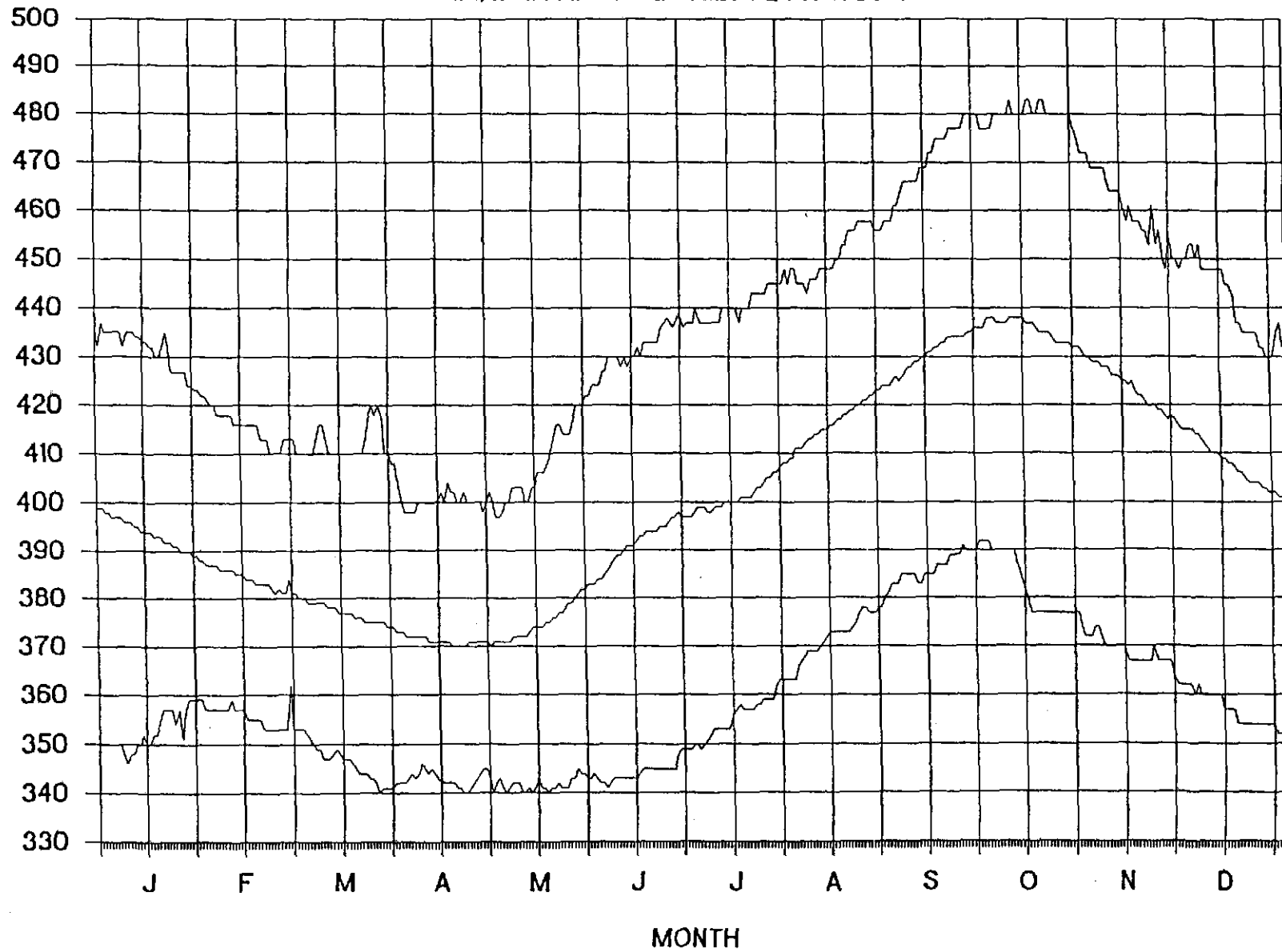
JAN 2 9 2003
MICROFILMED

GAGE READING FEET

BOX CANYON SPRING

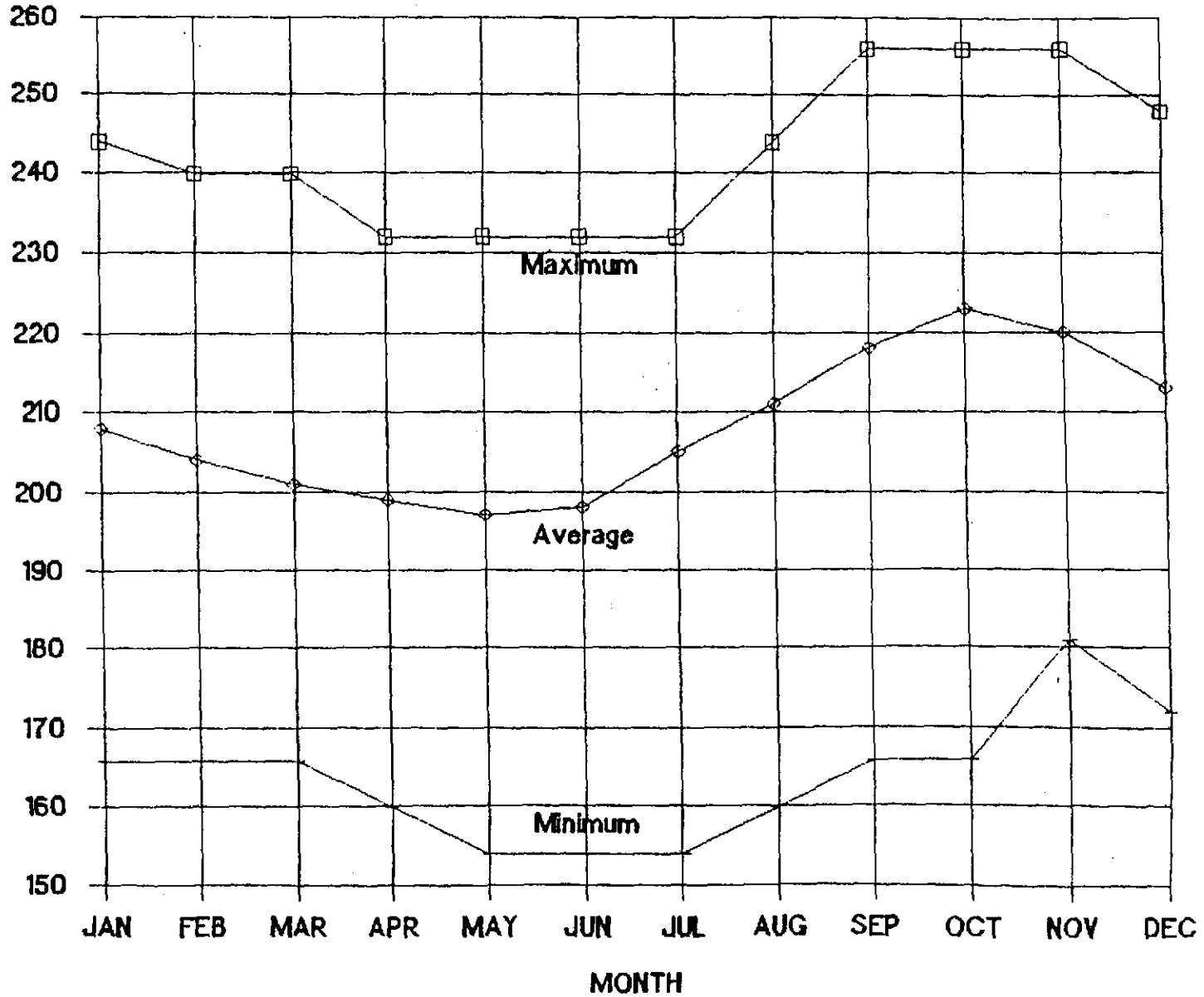
MIN, MAX AND AVG DAILY FLOW 1950-83

DISCHARGE-CFS
MICROINCHES
JAN 2 9 2003



BLUE LAKES SPRING NR TWIN FALLS

AVERAGE DAILY FLOW USGS DATA



0000 5 2 1971
DISCHARGE(CFS)
MICRON LAKES
144 2 3 1980

February 22, 1973

Re: Permit No. 33281/36-2708

Clear Springs Trout Co.
Buhl,
Idaho 83316

Gentlemen:

Enclosed is a copy of the Water License issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosure

36 2708

CLEAR SPRINGS TROUT CO.
MAIN CANAL INLET
RATING TABLE

Staff Gage Reading (ft)	Discharge (cfs)
.60	72.3
.70	83.3
.80	94.1
.90	104.9
1.00	115.6
1.10	126.2
1.20	136.7
1.30	143.8
1.40	157.5
1.50	167.9
1.60	178.1
1.70	188.4
1.80	198.5
1.90	208.6
2.00	218.7
2.10	228.8
2.20	238.8
2.30	248.7
2.40	258.7
2.50	268.6

August 24, 1972

State Department of Water Administration
Cathouse Annex 2
Boise, Idaho 83707

Airtel Mr. Bobby Fleenor

Re: Permit No. 36-7218

Dear Mr. Fleenor:

Enclosed please find a rating curve and rating table for the inlet structures of the main channel of the Clear Springs Trout Company facilities. The inlet was modified as outlined in my letter of June 28 and an enameled staff gage mounted on the west wingwall of the inlet structure.

The rating was obtained by current metering the rectangular channel downstream of the inlet. Flow conditions are smooth in both bays of the inlet structure and the flow passes through critical depth at the end of the constriction. However, at flows in excess of 225 cfs the water surface impinges on the bottom of the concrete cover over the channel and the rating curve will be less valid.

The upstream conditions are stable and no changes are contemplated which would interfere with the current rating. Photographs of the structure and upstream conditions will be sent to you by the Clear Springs Trout Co.

Your letter of July 12 indicated that an annual check of the rating curve would be required. Is a one point check of the curve sufficient or must the entire curve be run each year?

Sincerely,

C. E. Brockway, P.E.

Enclosures

CEB:dw

cc: Clear Springs Trout Co.

Mr. John Hepworth

36 2708

CLEAR SPRINGS TROUT CO.
MAIN CANAL INLET
STRUCTURE

RATING CURVE
AUGUST 1972

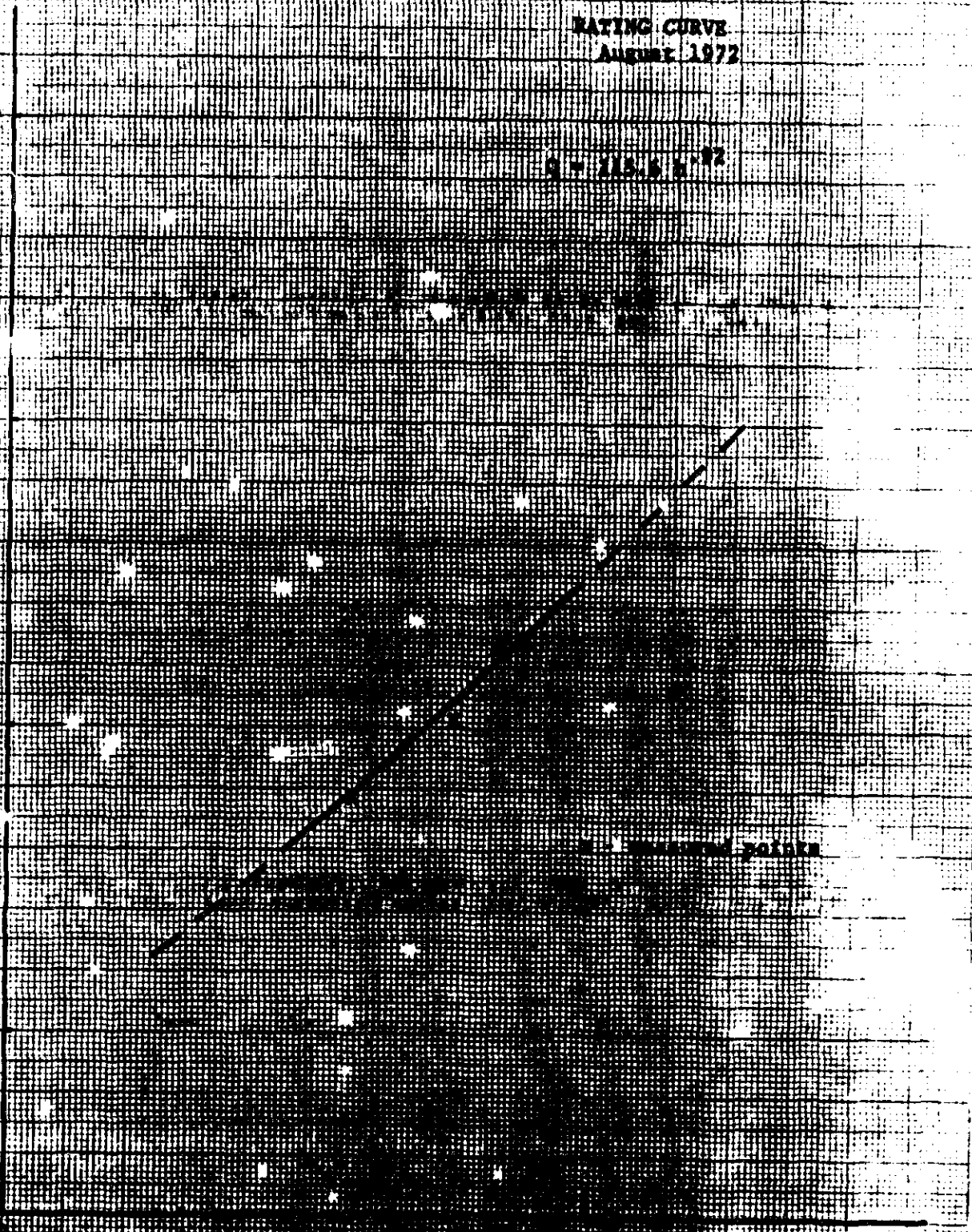
DISCHARGE - CFS

400

300

200

100



K&E 10 X 10 TO THE CENTIMETER 46 1510
10 X 25 CM. MADE IN U.S.A.
KEUFFEL & ESSER CO

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

25
4
Department of Water Administration

1. a) Name of Permit Holder The Farmers National Bank of Buhl

b) Post Office Address Buhl, Idaho 83316

2. Permit Number 33281/36-2708

3. Date of Priority that you are prepared to establish September 28, 1966

4. a) Source from which water was appropriated Clear Lake stream, tributary to Snake River

b) Location of the point of diversion: NW 1/4 SE 1/4, Section 2

Township 9 South, Range 14 East Boise Meridian, Other points of diversion: _____

Two points of diversion located within same area described above.

5. a) The amount of water and use to which the water has been applied:

amount 200 c.f.s. for fish propagation purposes from January 1 to December 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated _____ 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: metering by staff gauge the rectangular channel downstream of inlet. C. E. Brockway, P.E. designed measuring device & made Measurement.

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: Pipeline to buildings. Canal from source of water to place of use.

b) Describe the agreement or understanding by which you take water from the works: Part of pipeline and canal located on property owned by Idaho Power Company. Installation made with consent of Idaho Power.

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) Earthen canal diverts water from springs and carries water into rectangular cement ditch, from which water is delivered to raceways for fish. Pipeline delivers water to buildings.

b) Describe the type and size of measuring device which you have installed at your point of diversion: Staff gauge mounted on west wingwall of rectangular cement inlet structure. See C. E. Brockway's letters to department dated June 28 and August 24, 1972.

c) Give well drillers name and address and date the well was completed nonapplicable

Exam typed 10-10-72 by [Signature]

RECEIVED
SEP 26 1972
Department of Water Administration

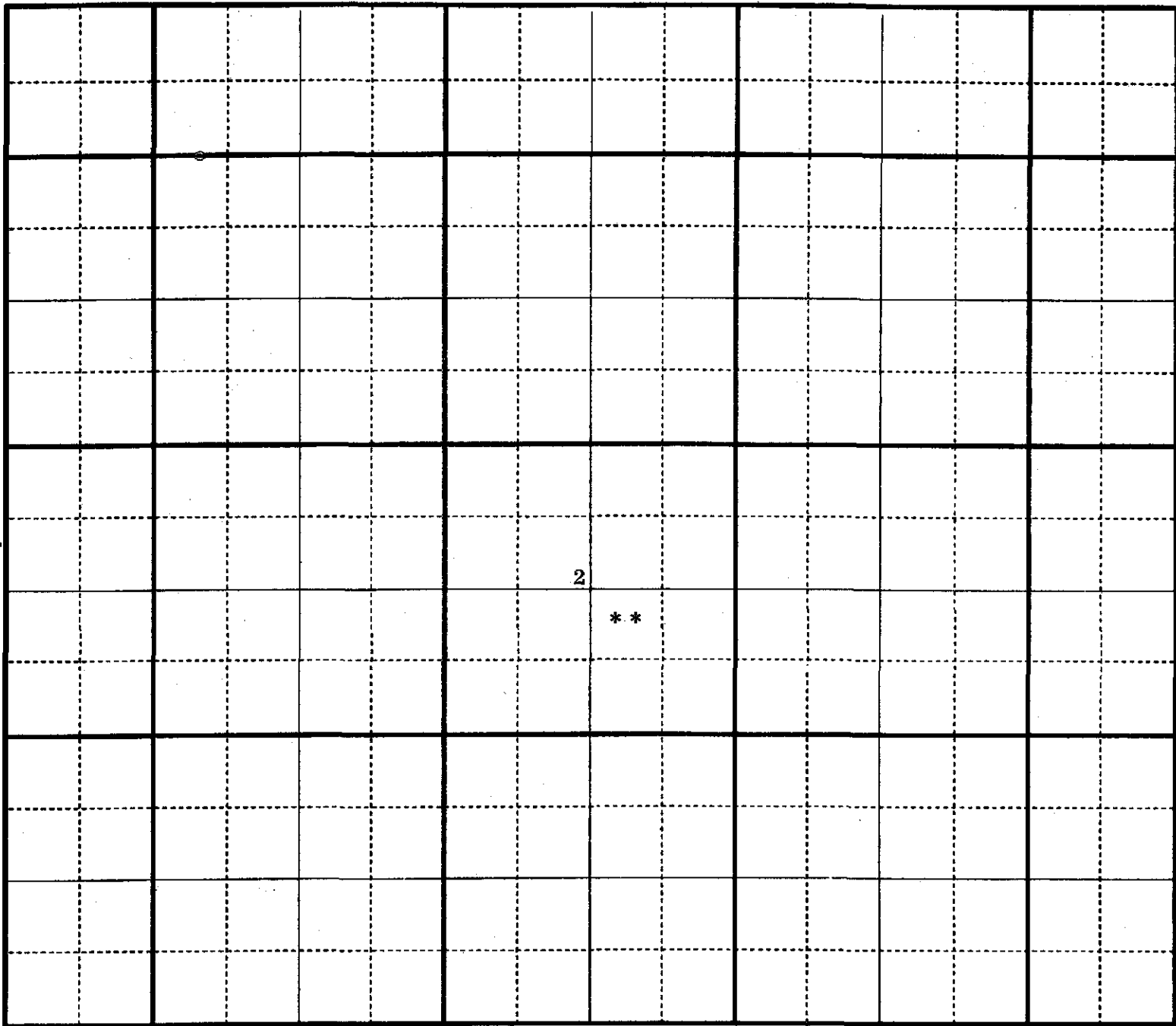


Diagram of System

DATE OF EXAM OCT 19, 1972

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= 144,540 AF/Ann. from _____ to _____
FISH POND Livestock Q= 200.0 c.f.s. V= ~~144,540~~ AF/Ann. from JAN 1 to DEC 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 228.8 C.F.S Method of measurement PARSHAL FLUME

Total Q recommended 200.0 C.F.S Meter No. _____ Type _____ Condition _____

Total V recommended 144,540. Ac. Ft/ANN

Recommended Amendments:

P.D. JUST ONE POINT OF DIV. NWSE, SEC. 2 T9S-R14E.
Place of Use _____
Other _____
None

MEASUREMENT CALCULATION:

200.0 c.f.s x 1.98 Ac Ft x 365 days = ¹⁴⁴⁵⁴⁰ ~~144540~~ Ac Ft/ANN.
Read on STAFF GAUGE 2.1 THEN CURVE READS - 228.8 C.F.S.

SYSTEM DESCRIPTION:

Several Springs divert INTO A POND AND IS THEN CONVEYED
OVER A PARSHAL FLUME MEAS. Here THEN GO'S ON INTO CON-
crete FISH PONDS.
FLUME WAS DESIGNED by C.E. BROCKWAY, P.E.

REMARKS:

JUST ONE POINT OF DIV. NWSE, Sec. 2 T9S-R14E.
NECESSARY

Examiner's Signature GARY LEE FUNDERBURG Date 10-19-72

Checked by Bob Haynes Date 1-3-73

Approved by _____ Date _____

October 10, 1972

Re: Permit No. 33281/36-2708

The Farmers National Bank of Buhl
Buhl,
Idaho 83316

Gentlemen:

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 will schedule the examination to be made as soon as possible; if you have any questions regarding the field exam please contact our Southern District Office at 1041 Blue Lakes Blvd. North, Twin Falls, Idaho.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

cc: John C. Hepworth

bc: Southern District Office
Enc: Field exam report

36 2708

February 22, 1972

Re: Permit No. 33281/36-2708 - The Farmers National Bank of Buhl

Mr. John C. Hepworth
HEPWORTH, NUNGESTER & FELTON
1020 Main
Buhl, Idaho 83316

Dear John:

Pursuant to our telephone conversation of February 17, 1972, please find enclosed a beneficial use affidavit with instructions in connection with the above referenced permit.

If you should have any questions, please feel free to contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB

Enclosures

36 2708

March 25, 1971

Re: Permit No. 33281/36-2708 - The Farmers National Bank of Buhl

Mr. John C. Hepworth
HEPWORTH, NUNGESTER & FELTON
1020 Main
Buhl, Idaho 83316

Dear Mr. Hepworth:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

We received an affidavit for this permit on March 5, 1971, from Mr. J. P. Hamilton, President of the Farmers National Bank of Buhl, and acknowledged the same to him. Please forgive our error in not sending you a copy of the above mentioned acknowledgement letter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

36 2708

LAW OFFICES
HEPWORTH, NUNGESTER, AND FELTON
PROFESSIONAL CENTER AREA CODE 208
1020 MAIN PHONE 543-4368
BUHL, IDAHO--83316

JOHN C. HEPWORTH
WM. L. NUNGESTER
MICHAEL H. FELTON

March 9, 1971

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

Re: Affidavit of Publication
Permit No. 33281/36-2708

Dear Sir:

The enclosed affidavit of publication, dated February 1, 1971, was sent to our office and Mr. Hepworth asked that I forward it to you.

Very truly yours,

HEPWORTH, NUNGESTER & FELTON

Alta Gannon
Alta Gannon, Secretary

Enclosure

36 2708

March 12, 1971

Re: Permit No. 33281/36-2708

The Farmers National Bank of Buhl
P.O. Box 392
Buhl, Idaho 83316

Attn: J. P. Hamilton

Gentlemen:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

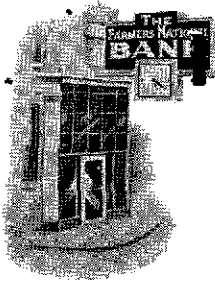
Since proof of beneficial use of the water is not required until October 28, 1973, the Department will notify you sixty days in advance of this date as to further requirements. We wish to advise you, however, that if you have fulfilled the requirements under the permit, you may submit proof at any time prior to the above mentioned date.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

36 2708



The Farmers National Bank of Idaho

P. O. BOX 392

PHONE 543-4331

FROM THE DESK OF J.P. Hamilton

March 3, 1971

Department of Water Administration

Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho

Re: Permit # 33281-35-2708

Gentlemen:

As per your letter of January 7, 1971 regarding the above numbered permit, we are enclosing an Affidavit of Publication showing the Notice of Existing Water Permit as shown in the Gooding Leader.

I trust this is the information needed.

Very truly yours,

J.P. Hamilton
J.P. Hamilton
President

JPH/jw
Enclosure

36 2708

February 25, 1971

Re: Permit No. 33281/36-2708

Farmers National Bank of Buhl
Post Office Box #391
Buhl, Idaho 83316

Gentlemen:

As of this date we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit. Proof of beneficial use is not required until October 28, 1973. However, many newspapers do not keep copies of these advertisements in their files. We, therefore, recommend that you obtain this affidavit from the Gooding County Leader, Gooding, Idaho and submit it to the Department as soon as possible. This insures that when you are ready to submit proof of beneficial use there will be no unnecessary delay or added expense.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:CM

36 2708

January 7, 1971

Re: Permit No. 33281/36-2708

Farmers National Bank of Buhl
Post Office Box # 391
Buhl, Idaho 83316

Gentlemen:

The legal notice for the above-referenced permit is being published in the
Gooding County Leader, Gooding, Idaho on January 21, 1971
and January 28, 1971.

You will be required to submit an affidavit of publication to this department.
The affidavit may be obtained from the above-mentioned newspaper upon payment of
the bill of publication.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:CM

cc: John C. Hepworth
1020 Main Street
Buhl, Idaho 83316

36 2708

January 6, 1971

Re: Permit No. 33281/36-2708

The Gooding County Leader
Post Office Box #56
Gooding, Idaho 83330

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit to us a galley proof for our 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 the Department of Water Administration immediately.

The expense of the publication is to be paid by John C. Hepworth, 1020 Main Str., Buhl, Idaho, to whom you should furnish an affidavit of publication.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:CM

Enc: Legal Notice

36 2708

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that the Farmers National Bank of Buhl, Buhl,
Idaho has received an approved Permit No.
33281/36-2708 issued by the Idaho Department of Water Administration auth-
orizing the diversion storage/ of 200 cubic feet per second acre/feet
per/annum/ of water from Clear Lake stream, trib. to the Snake River.
The priority to be established under this permit is September 28, 1966
and the permit was approved October 28, 1966.

Water is to be diverted by dam, ditch, flume, pipe, and headgate
from a point within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ (2 pts), Sec. 2, T. 9S, R. 14E, B.M.,
Gooding County
to be used for fish hatchery and fish processing purposes
id/thead/

Proof of the application of the water to beneficial use is to be sub-
mitted to the Department on or before October 28, 1973. Any protests
against the issuance of the license for the above referenced permit should
be filed with the Idaho Department of Water Administration within ten (10)
days of the last date of publication of this notice or prior to the licensing
of the permit. Licensing may commence prior to the date beneficial use proof
is due without further notice.

R. KEITH HIGGINSON, Director
Idaho Dept. of Water Administration
STATEHOUSE, Boise, Idaho

Published in the Gooding County Leader, Gooding, Idaho
on January 21, 1971 and January 28, 1971.

Permit No. 36-2708

Director:

You are hereby authorized to have the above notice published at my expense
in the Gooding County Leader of Gooding, Idaho;
published in the county in which the works are situated.

John C. Hazzards
(Signature)
4-5-71
(Date)

1020 B Main
(Address)
Buhl, Idaho

November 10, 1970

Re: Permit No. 33281 (New No. 36-2708)

Farmers National Bank of Buhl
P.O. Box 391
Buhl, Idaho 83316

Gentlemen:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department; previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply them upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

Enc: Order
Advertising package

cc: Clear Springs Trout Co.
P.O. Box 106, Buhl

36-2708

33281

CLEAR SPRINGS TROUT CO.

Ted Eastman, President and General Manager

Buhl, Idaho 83316

AREA CODE 208
PHONE 543-4316

Department of Water Administration

October 16, 1970

Donald W. McEldowney
Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr McEldowney:

This letter is in reply to your letter of October 5, concerning
Permit No. 33281 (New NO. 36-2708).

Please be advised that this permit is still in the name of the
Farmers National Bank of Buhl.

Sorry for the delay in answering your letter.

Yours truly,



V. Jerry Craner
Bookkeeper

36-2708
33281

October 5, 1970

Re: Permit No. 33281 (New No. 36-2708)

Mr. Jess O. Eastman, Jr.
Route 4
Buhl, Idaho 83316

Dear Mr. Eastman:

In connection with the above referenced permit, our files show that you assigned this permit to the Farmers National Bank of Buhl, Idaho. The assignment states: "The condition of this assignment is that upon full payment of the loan made, the assignment shall be null and void. In the event of nonpayment at maturity of said loan, this assignment shall be in full force and effect."

Would you please advise this office if this permit is still in the name of the Farmers National Bank of Buhl or if the loan has been repaid and the permit is again in the name of the Clear Springs Trout Company.

Your immediate attention to this matter would be most appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

36-2708
33281

September 10, 1968

*JD-
Permit # 2144
10-2-68
ef*

RE: Permit 33281

Earl Hardy
1220 Vista Avenue
Boise, Idaho

Dear Mr. Hardy:

Enclosed herewith is a copy of the above referenced permit you requested per phone call of the 9th.

The fee for this copy is \$1.50 which you may remit at your earliest convenience.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRBrejw

Enclosure

C
O
P
Y

33281

April 4, 1968

RE: Permit 33281
Jess O. Eastman, Jr.

J. P. Hamilton
The Farmers National Bank of Buhl
P.O. Box 391
Buhl, Idaho 83316

Dear Mr. Hamilton:

Per your request we have shown on our records
the agreement between your office and the above
referenced party concerning Permit 33281.

We are returning your copy of this agreement
acknowledging acceptance thereof.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRBsejw

Enclosure

C
O
P
Y

33281



The Farmers National Bank of Dubl Idaho

P. O. BOX 391

PHONE 543-4331

FROM THE DESK OF J.P. Hamilton

March 28, 1968

RECEIVED

MAR 29 1968

Department of Reclamation

Department of Reclamation
State of Idaho
107 Statehouse
Boise, Idaho 83701

Re: Assignment of water right
Clear Springs Trout Co.

Gentlemen:

As per your previous instructions, we are enclosing an original and duplicate assignment whereby Jess O. Eastman, Jr., holder of Permit #33281 has assigned his right to this water as per the terms of the enclosed assignment.

Would you kindly acknowledge and return the original of this assignment for our files here.

The duplicate of this assignment along with a copy of the Promissory Note given to us by the obligors is enclosed.

Sincerely yours,

J.P. Hamilton
President

JPH/jw

33281



Clear Springs Trout Co.

\$0,000.00

BUHL, IDAHO,

March 12, 1968

\$5000.00 annually beginning March 12, 1969 and \$5000.00 each March 12th thereafter with the last payment due March 12, 1974 interest to be paid in addition to principal payment

THE FARMERS NATIONAL BANK OF BUHL AT BUHL, IDAHO

Thirty Thousand & 00/100

DOLLARS

Seven

percent per annum

lawful money of the United States of America, with interest thereon, in like money, at the rate of Annually from Date until paid.

The undersigned agree to pay costs of collection or an attorney's fee incurred, in case payment shall not be made at maturity. The makers, sureties, guarantors and endorsers hereof severally waive presentation for payment, notice of dishonor, protest and notice of protest.

Security R/E

Clear Springs Trout Co.

P.O. Route 4

John C. Heggseth Pres

L.D. No. 61289

John C. Heggseth Sect

Due as above

2128

RECEIVED

MAR 29 1967

Department of Reclamation

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ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sell, assign, and transfer unto the Farmers National Bank of Buhl, Idaho, the following: Application for permit to appropriate the public waters of the State of Idaho, Application #41239, Permit #33281, approved October 28, 1966, on Page 33281 in Book 116. Such approval being given to Jess O. Eastman, Jr., as per the permission granted on land owned by Garth E. Brush.

This assignment is for the purpose of securing a loan from the Farmers National Bank of Buhl, Idaho, to Clear Springs Trout Co. The condition of this assignment is that upon full payment of the loan made, the assignment shall be null and void. In the event of nonpayment at maturity of said loan, this assignment shall be in full force and effect. A copy of the promissory notes which this assignment is to be security for shall be attached to the assignment as executed as evidence of the obligation secured.

Signed at Buhl, Idaho, this 8th day of November, 1967.

CLEAR SPRINGS TROUT CO.

By Jess O. Eastman Jr.
President



ATTEST:
John C. Hepworth
Secretary

Accepted:
We hereby acknowledge acceptance of the above assignment.

Date _____

Department of Reclamation
By Dr. Russell South

1.

33281

September 26, 1967

RE: Permit 33281
Jess O. Eastman, Jr.

J. P. Hamilton
President
Farmers National Bank of Buhl
P.O. Box 391
Buhl, Idaho 83316

Dear Mr. Hamilton:

We have had numerous requests from other lending organizations regarding the assignment of the water right or to hypothecate the right. It is possible to have the permit assigned and we are enclosing the forms. Other agencies do not require the assignment of the permit. They only request that we mark the permit to indicate the loan and that no assignments or amendments be made prior to the notification of the lending organization. This our office will do, therefore you can either have the permit assigned to you from the owner or notify us to mark our files accordingly.

If we can be of further assistance please let us know.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw

Encl: Assignment form

33281



The Farmers National Bank of Publ. Idaho

P. O. BOX 391

PHONE 543-4331

FROM THE DESK OF J.P. Hamilton
September 25, 1967

Reclamation Engineer
State of Idaho
Boise, Idaho

Re: Jess O. Eastman, Jr.
Application #41239
Permit #33281

Dear Sir:

We have made a loan committment to the above named party for the purpose of improving the real estate appurtenant to the above water right.

Our question is, what does your department require in order for us to take an assignment or hypothocate the water rights appurtenant to this land.

Would you kindly mail us the forms which you require in order for this organization to hypothocate the water, or, if you have no forms available, the forms which you would require in order for us to hypothocate this water until such time as our loan is paid off.

Thanks for your prompt attention to this matter.

Sincerely yours,

J.P. Hamilton
President

JPH/jw

23281

January 12, 1967

RE: Permit 33281
Jess O. Eastman, Jr., Original permit holder
Clear Springs Trout Company, Assignee

Hepworth, Nungester and Felton
Farmers National Bank Building
Buhl, Idaho 83316

Gentlemen:

Enclosed herewith is departmental receipt No. 33578
in the amount of 50¢ which covers the recording fee for
the assignment on the above referenced permit which has
been returned to your office.

Very truly yours,

M. RUSSELL BOSCH
Office *M. Bosch*

MRB:ejw

Encl: Receipt

C
O
P
Y

33281

LAW OFFICES
HEPWORTH, NUNGESTER, AND FELTON
FARMERS NATIONAL BANK BUILDING
BUHL, IDAHO - 83316

JOHN C. HEPWORTH
WM. L. NUNGESTER
MICHAEL H. FELTON

January 11, 1967

AREA CODE 208
PHONE 543-4368

RECEIVED
JAN 12 1967

Department of Reclamation

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho 83701

Atten: M. Russell Bosch Re: Permit 33281
Jess O. Eastman, Jr., Original
permit holder - Clear Springs
Trout Company, Assignee

Dear Mr. Bosch:

Please find enclosed our check in the amount
of 50¢ which is the fee for recording the assignment
on the above referenced permit.

Thank you.

Very truly yours,

HEPWORTH, NUNGESTER & FELTON

Alta Gannon
Alta Gannon, Secretary

Encl.

33281

Don W. Samuelson
XXXXXXXXXXXXXXXX

January 10, 1967

RE: Permit 33281
Jess O. Eastman, Jr., Original permit holder
Clear Springs Trout Company, Assignee

Hepworth, Nungester and Felton
Farmers Home National Bank Building
Buhl, Idaho 83316

Gentlemen:

Enclosed herewith is the assignment on the above re-
ferenced permit which has been recorded in this office.

The fee for this assignment is 50¢ which you may remit
to this department at your earliest convenience.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw

Encl: Assignment

33281

C
O
P
Y

January 5, 1967

RE: Permit 33281
Jess O. Eastman

John C. Hepworth
Attorney at Law
Farmers National Bank Building
Buhl, Idaho 83316

Dear Mr. Hepworth:

This is in reply to your letter of January 3, 1967, regarding the above numbered permit. We have filed the information compiled by Mr. Paul E. Newton. Since both points of diversion still remain in the 40 acre subdivision no further action is required.

We haven't received an assignment from Mr. Eastman to the Clear Springs Trout Company. We are enclosing a form for this purpose. The fee for the assignment will be \$1.00.

If we can be of further assistance in this matter please let us know.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw

Encl: Assignment form

33281

C
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33281

LAW OFFICES

HEPWORTH, NUNGESTER, AND FELTON

FARMERS NATIONAL BANK BUILDING

BUHL, IDAHO -- 83316

RECEIVED
JAN 4 1967

Department of Reclamation

January 3, 1967

AREA CODE 208
PHONE 543-4368

JOHN C. HEPWORTH
WM. L. NUNGESTER
MICHAEL H. FELTON

State of Idaho
Department of Reclamation
Boise, Idaho

Attention: Mr. Russell Bosch

Re: Clear Springs Trout Co.,
Permit #33281

Dear Mr. Bosch:

I am writing in regard to the above captioned permit issued to Jess O. Eastman, Jr. The permit has now been assigned to Clear Springs Trout Company. The Application for Permit speaks of two points of diversion within a forty acre area. A survey has been completed by Mr. Paul E. Newton and the two points of diversion are more particularly described in his survey. I am enclosing a copy of his report to us describing the two points of diversion and ask that these descriptions be included in the file.

If there is anything further we should do in this connection, I would appreciate being advised.

Very truly yours,

HEPWORTH, NUNGESTER & FELTON



John C. Hepworth

JCH: ag

Encl.

33281

Phones:
Office 733-8002
Home 733-7696

Paul E. Newton
Consulting Engineer
1418 Blue Lakes Blvd. North
TWIN FALLS, IDAHO 83301

Professional Registration
in Idaho
JAN 4 1967
Oregon
Wyoming
Department of Reclamation

LEGAL DESCRIPTION

TED EASTMAN

Two points of water diversion for Clear Springs
Trout Company, Inc.

Existing Diversion Point:

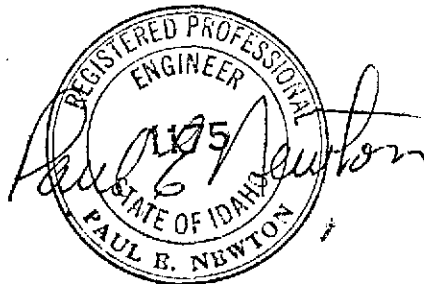
A Point of Diversion of water located in the NW $\frac{1}{4}$,
SE $\frac{1}{4}$, Section 2, T 9S, R 14E, B.M., Gooding County, Idaho,
and more specifically described as follows:

From the East Quarter Corner of said Section 2, T 9S,
R 14E, B.M., a distance of 1536.77 feet on a bearing of
S 80° 27.1'W to the Point of Diversion.

Additional Proposed Diversion Point:

A Point of Diversion of water located in the NW $\frac{1}{4}$,
SE $\frac{1}{4}$, Section 2, T 9S, R 14E, B.M., Gooding County, Idaho
and more specifically described as follows:

From the East Quarter Corner of said Section 2, T 9S,
R 14E, B.M., a distance of 1452.86 feet on a bearing of
S 73° 03.1'W to the Point of Diversion.



23281

Eastman Hatchery

33281

Ponds 120' x 20' 48 ponds assume 3' depth

Ponds 60' x 10' 8 ponds assume 2' depth

$$\text{Volume}_1 = 120 \times 20 \times 3 \times 48 = 345,600$$

$$\text{Volume}_2 = 60 \times 10 \times 2 \times 8 = 9,600$$

Total Volume 355,200 cu. ft.

2.25 changes per hr 799,200 gal.

$$799,200 \text{ ft}^3/\text{hr} = 222 \text{ ft}^3/\text{hr}$$

33281

Re: Permit No. 33281

Jess O. Eastman, Jr.
Route #4
Buhl, Idaho

Dear Mr. Eastman:

We enclose Permit No. 33281 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

~~XXXXXXXXXXXX~~ Departmental Receipt No. 33321 which was issued covering payment in the amount of \$ 54.75 for the filing fee of the above mentioned permit, was mailed to you at an earlier date.

Very truly yours,

Enc. permit

M. RUSSELL BOSCH
Office Manager

MRB:ejw

33281

DEC 27 1966

Department of Reclamation

ASSIGNMENT

We _____ our
 For value received, I hereby assign all of my right, title and
 interest in and to Permit to appropriate the Public Waters of the State of Idaho,
 No. 33281 to Clear Springs Trout Company, an Idaho Corporation,
 of with its principal place of business at Buhl, Idaho, which was
incorporated August 26, 1966, authorized capital stock of \$300,000.00
* of which \$150,000.00 has been paid in. The original permit was
appropriated October 28, 1966, and recorded in Book 116.

Jess O. Eastman, Jr.
 Permit Holder

Delva Eastman
 Wife of Permit Holder

STATE OF IDAHO)
) ss.
 County of Twin Falls)

On this 23rd day of December, 1966, before me, a Notary Public
 for the State of Idaho, residing at Buhl, Idaho
 personally appeared Jess O. Eastman, Jr. and Delva Eastman, husband & wife,
 are
 known to me to be the persons whose names I subscribed to the within instrument,
 and duly acknowledged to me that they 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 Jan 1 1969

Wm. L. [Signature]
 Notary Public, Residing at _____

* If fractional part of permit is to be assigned, the fractional part of the land to
 which the assigned fraction is appurtenant should be described by legal subdivisions.

33281

LAW OFFICES
HEPWORTH, NUNGESTER, AND FELTON
FARMERS NATIONAL BANK BUILDING
BUHL, IDAHO -- 83316

December 24, 1966

JOHN C. HEPWORTH
WM. L. NUNGESTER
MICHAEL H. FELTON

RECEIVED
DEC 27 1966

AREA CODE 208
PHONE 543-4368

Department of Reclamation

State of Idaho
Department of Reclamation
Atten: Russell Bosch
Boise, Idaho

Dear Sir:

We are enclosing an Assignment executed by
Jess O. Eastman, Jr. and Delva Eastman and ask that you
record said instrument. Please bill us and we will remit
the cost of recording as soon as possible.

Thank you.

Very truly yours,

HEPWORTH, NUNGESTER & FELTON

Alla Gannon
Secretary

ag

Encl.

*E.J.
Record this +
send and letter to
Hepworth for the 504
B*

33281

33281

October 25, 1966

RE: Application 41239
Jess O. Eastman, Jr.

Harry Povey
Attorney at Law
115 Second Street West
Twin Falls, Idaho

Dear Mr. Povey:

According to Idaho Statutes, Section 42-204, a performance bond must be furnished by the above permit holder prior to December 26, 1966. This is to be in the amount of \$1,000.00.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRS:efw

33-281

33281

September 20, 1966

RE: Application 41239
Jess O. Eastman, Jr.

Harry Povey
Attorney at Law
115 Second Street West
Twin Falls, Idaho

Dear Mr. Povey:

Enclosed is departmental receipt No. 33405 in the amount of \$.75 which covers the fee for a copy of a map requested by your letter of August 24, 1966.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:efw

Encl: Receipt

33281

33281

September 16, 1966

Re: Application No. 41239
Jess O. Eastman, Jr.

Mr. Harry Povey
Attorney at Law
Box 344
Twin Falls, Idaho

Dear Mr. Povey:

We have your letter of September 9, 1966 in which you ask if there is a requirement for an engineer's certificate in connection with this application, since it asks for over 25 c.f.s. of water .

The only provision of which I am aware in our statutes requiring such a certificate is in connection with proof of completion of works under Sec. 42-214, Idaho Code, therefore such a certificate is not required at this time.

Very truly yours,

R. KEITH HIGGINSON
State Reclamation Engineer

33281

HARRY POVEY
ATTORNEY AT LAW
115 2ND STREET WEST
TWIN FALLS, IDAHO

TELEPHONE 733-3181

P. O. Box 344

September 9, 1966

33281
Mr. R. Keith Higginson
State Reclamation Engineer
Department of Reclamation
Capitol Building
Boise, Idaho.

RECEIVED
SEP 12 1966

Department of Reclamation

In re Application No. 41239
Jess O. Eastman Jr.

Dear Mr. Higginson:

I received your letter of September 2, 1966 and herewith enclose my check for 75¢ to cover fees for copy of map filed in connection with the above permit.

Inasmuch as this application is for 200 second feet, over 25 second feet, please advise me whether or not the engineer's certificate required by your regulations was filed and if so please send me a copy and advise your fees.

Thanking you, I remain,

Very truly yours,

Harry Povey

HP/p
Enc.

33281 H

September 2, 1966

33281

RE: Application 41239
Jess O. Eastman, Jr.

Harry Povey
Attorney at Law
P.O. Box 344
Twin Falls, Idaho

Dear Mr. Povey:

As requested by your letter of August 29, 1966, we are forwarding a copy of the map that was submitted with the application in compliance with Article 42-202 of the Idaho Code. There is a 75¢ fee for this copy which you may remit to our department.

Also enclosed is departmental receipt No. 33380 in the amount of \$1.00 for the copy of the application.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRBsejw

Encs: Copy
Receipt

33281

HARRY POVEY

ATTORNEY AT LAW
115 2ND STREET WEST
TWIN FALLS, IDAHO

TELEPHONE 733-3181

P. O. Box 344

August 29, 1966

RECEIVED
AUG 30 1966

Department of Reclamation

23281
Mr. M. Russell Bosch
Office Manager
Department of Reclamation
Capitol Building,
Boise, Idaho.

In re Application No. 41239
Jess O. Eastman Jr.

Dear Mr. Bosch:

I wish to thank you for the copy of the above application and herewith enclose my check for \$1.00 to cover your fees.

Your regulations and the statutes require that a map be furnished and if the amount of water claimed exceeds 10 cubic feet per second (application is for 200 cubic feet per second) maps must be drawn by an engineer or draftsman and conform to the requirements of page 4-B of your regulations. Please advise if these maps were filed with the application and if so, please furnish me with copies and advise your charges.

Thanking you for your early attention, I remain,

Very truly yours,

Harry Povey

HP/p
Enc.

42-202

33039

33281/8

33281

August 26, 1966

RE: Application No. 41239
Jess O. Eastman, Jr.

Harry Povey
Attorney at Law
115 Second Street West
Twin Falls, Idaho

Dear Mr. Povey:

Enclosed is a copy of the above referenced application you requested in your letter of August 24, 1966. This application is being held for advertising however.

There is a \$1.00 fee for the enclosed copy which you may remit to this office.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRBiejw

Encl: Copy of Application

33281

HARRY POVEY

ATTORNEY AT LAW
115 2ND STREET WEST
TWIN FALLS, IDAHO

TELEPHONE 733-3181

P. O. Box 344

August 24, 1966

RECEIVED
AUG 25 1966

Department of Reclamation

33281
Mr. Carl E. Tappan
Commissioner of Reclamation
Department of Reclamation
Capitol Building
Boise, Idaho.

Dear Mr. Tappan:

Will you please furnish me with a copy, which need not be certified, of Application for Water Permit No. 41239 filed July 29 in your office by Jess O. Eastman Jr. for trout hatchery purposes on waters flowing into Clear Lakes.

Please advise charges and I will forward check. Your early attention will be appreciated.

Thanking you and with kind regards, I remain,

Very truly yours,

Harry Povey

HP/p

Being held for advertising \$100

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RECEIVED
AUG 3 1966

Department of Reclamation

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF IDAHO, IN ACCORDANCE WITH THE
PROVISIONS OF SECTION 52-203, IDAHO CODE

NOTICE IS HEREBY GIVEN, That Jess O. Eastman, Jr., of Route 4, Buhl, County of Gooding, and State of Idaho, has made Application No. 41239 on the 28th day of July, 1966, to appropriate 200 c.f.s. of water from Clear Lake Stream, tributary of Snake River, for fish hatchery purposes, with a consumptive use of 0.02 c.f.s. for fish processing purposes.

That the point of diversion is 2 points within the NW $\frac{1}{4}$ Sec. 2, T. 9 S., R. 14 E., B.M.

The place of use of said water is in the NW $\frac{1}{4}$ Sec. 2, T. 9 S., R. 14 E., B.M.

That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said application.

Dated this 29th day of July, 1966

R. Keith Higginson
R. KEITH HIGGINSON
Deputy State Reclamation Engineer

Date of First Publication August 4, 1966

Date of Last Publication August 18, 1966

Last Date for Protest September 9, 1966

SERVICE OF THE FOREGOING, by copy, is hereby acknowledged this 1st day of August, 1966.

Jess O. Eastman Jr.
Applicant

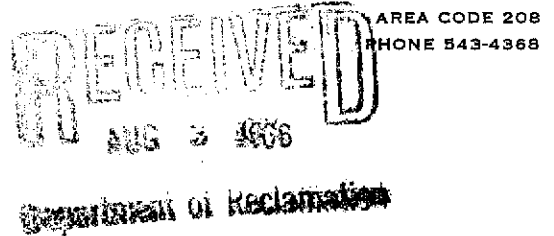
By _____

33281

LAW OFFICES
HEPWORTH AND NUNGESTER
FARMERS NATIONAL BANK BUILDING
BUHL, IDAHO -- 83316

JOHN C. HEPWORTH
WM. L. NUNGESTER
MICHAEL H. FELTON

August 2, 1966



State of Idaho
Department of Reclamation
107 Statehouse
Boise, Idaho, 83701

Re: Application No. 41239

Dear Sir:

Enclosed is a rough design of the proposed fish hatchery as prepared by Jess O. Eastman, Jr. At the time we filed the application last Thursday, it was suggested that a plan be submitted demonstrating our use for the amount of water filed on. We submit this with that in mind.

I am also enclosing a copy of Notice of Application for Permit to Appropriate the Public Waters of the State of Idaho, pursuant to your letter of July 29, 1966.

Very truly yours,

HEPWORTH, NUNGESTER & FELTON


John C. Hepworth

JCH: jw

Encls. 2

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NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 52-203, IDAHO CODE

NOTICE IS HEREBY GIVEN, That Jess O. Eastman, Jr., of Route 4, Buhl, County of Gooding, and State of Idaho, has made Application No. 41239 on the 28th day of July, 1966, to appropriate 200 c.f.s. of water from Clear Lake Stream, tributary of Snake River, for fish hatchery purposes, with a consumptive use of 0.02 c.f.s. for fish processing purposes.

That the point of diversion is 2 points within the NW¼SE¼, Sec. 2, T. 9 S., R. 14 E., B.M.

The place of use of said water is in the NW¼SE¼, Sec. 2, T. 9 S., R. 14 E., B.M.

That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said application.

Dated this 29th day of July, 1966

R. Keith Higginson
R. KEITH HIGGINSON
Deputy State Reclamation Engineer

Date of First Publication July 27, 1966

Date of Last Publication 8-18-66

Last Date for Protest September 9, 1966

SERVICE OF THE FOREGOING, by copy, is hereby acknowledged this _____ day of _____, 1966.

Applicant

By _____

33281

33281

July 29, 1966

RE: Application No. 41239

Jess O. Eastman, Jr.
Route 4
Buhl, Idaho

Dear Mr. Eastman:

Enclosed are three copies of a legal notice in regard to the above noted permit application. Kindly check to be sure there are no errors.

Complete the blank spaces at the bottom of each notice. Give the original to a paper printed in Gooding County for publication in three (3) successive weekly issues, first publication within ten (10) days of your receipt of this notice. Return one copy to this office and keep one copy for your file.

Remit the affidavit of publication promptly after the last publication.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:mr

Enc. legal notice 3

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Legal Notice 33281

First published in the Irrigationist, Wendell, Idaho, Thursday, August 4, 1966, for three consecutive issues ending on Thursday, August 18, 1966.

**NOTICE OF APPLICATION
FOR PERMIT TO
APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF IDAHO, IN ACCORDANCE
WITH THE PROVISIONS OF
SECTION 52-203, IDAHO CODE**

NOTICE IS HEREBY GIVEN, That Jess O. Eastman, Jr., of Route 4, Buhl, County of Gooding, and State of Idaho, has made Application No. 41239 on the 28th day of July, 1966, to appropriate 200 c.f.s. of water from Clear Lake Stream, tributary of Snake River, for fish hatchery purposes, with a consumptive use of 0.02 c.f.s. for fish processing purposes.

That the point of diversion is 2 points within the NW 1/4 SE 1/4, Sec. 2, T. 9 S., R. 14 E., B.M.

The place of use of said water is in the NW 1/4 SE 1/4, Sec. 2, T. 9 S., R. 14 E., B.M.

That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said application.

Dated this 29th day of July, 1966.

R. KEITH HIGGINSON
Deputy State
Reclamation Engineer