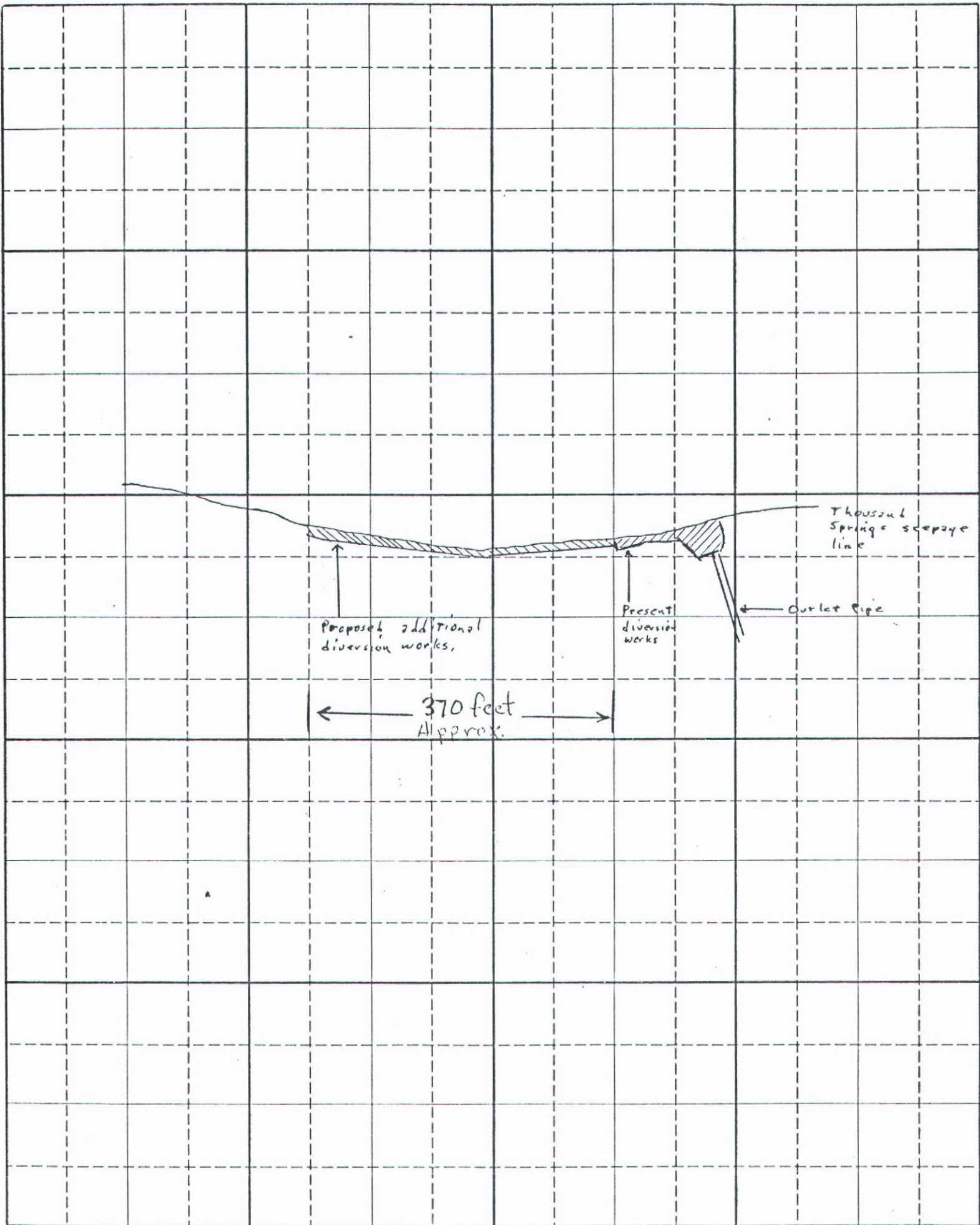
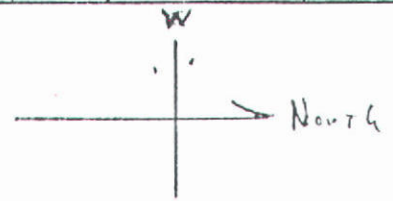




SCALE: $\frac{1}{16}$ Inches Equal 1 Mile. Draw Plan in Ink.

MICROFILMED
JAN 19 1995



RECEIVED

Affidavit of Publication

SEP 5 1972

Department of Water Administration

State of Idaho } ss.
County of Gooding }

Mary Ann 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 24 day

of August, 1972, and the date of the last publication

was on the 31 day of August, 1972

Subscribed and sworn to before me this 31

day of August, 1972
(SEAL)

Audrey C. Belsher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

.....Lines at 14¢

.....Lines at 10¢

TOTAL COST.....

COPY OF NOTICE

Title of Notice

Change of Water Right
Title of Notice

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT
NO. 36-2048**

Notice is hereby given that Thousand Springs Trout Farm, Inc., of P.O. Box 232, Buhl, Idaho, has applied to the Dept. of Water Administration for a change of the point of diversion of the waters of Clear Springs, tributary to the Snake River. The right sought to be changed is evidenced by License No. 18605/36-2048 and is recorded as follows:

Amount: 20 cfs
Priority: 4/11/1938
Point of diversion: Lot 5, Sec. 2, Twp. 9S, Rge. 14E, B.M., Gooding County.

The water is used for fish hatchery purposes within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, Twp 9S, Rge. 14E, B.M. from January 1 to December 31.

**TO BE CHANGED AS
FOLLOWS**

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, Twp. 9S, Rge. 14E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Dept. of Water Administration, Statehouse — Annex 2, Boise, Idaho, on or before September 11, 1972.

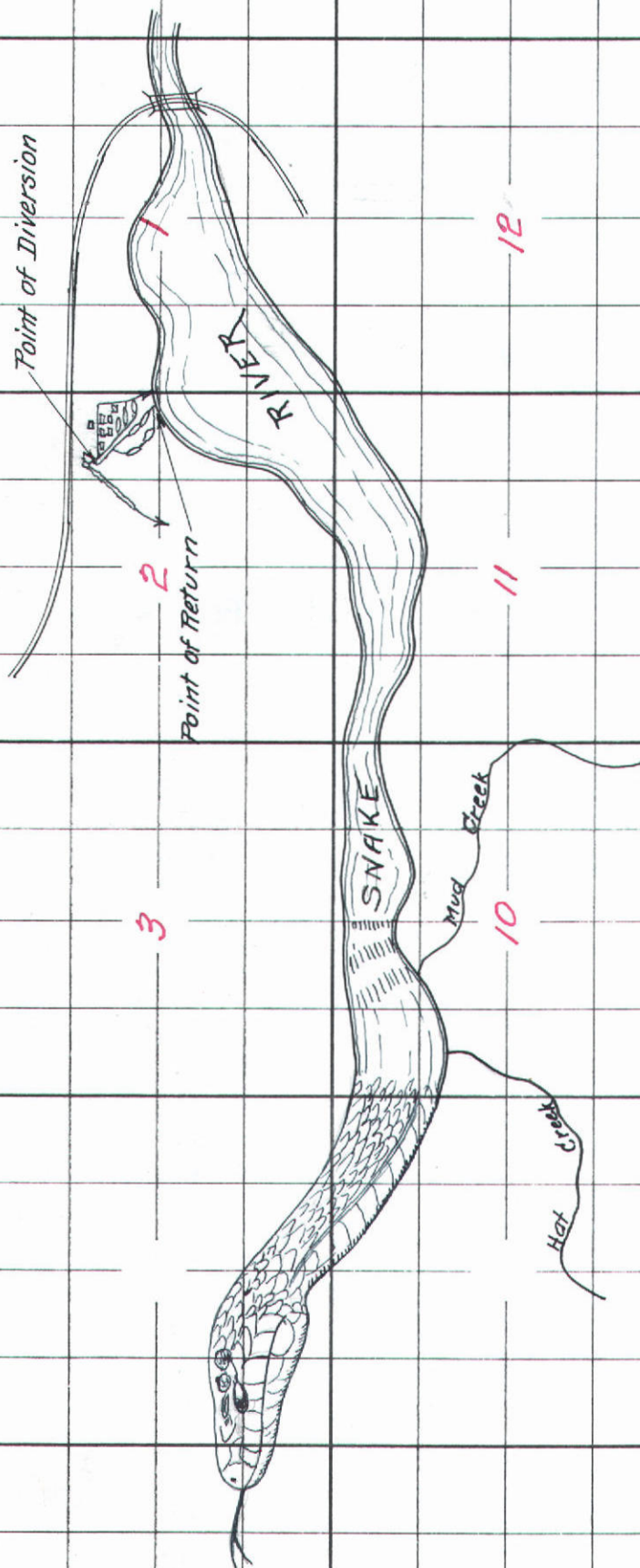
R. KEITH HIGGINSON,
Director

8-24-2tc

(10
7 p
7 p
7 p
Insertions.....10c
6 pt. per line, straight 15c
6 pt. per line, tabular 20c
6 pt. per line, successive
insertions.....10c

No. 1597

JAN 19 1995



NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 1:09 p. m. on the 11th day of February, 1939, at Twin Falls, County of Twin Falls, State of Idaho, before Georgie Sudderth, Notary Public in the office of Harold Wm. Merritt, Engineer, proof will be submitted of the completion of works for the diversion of twenty (20) cubic feet per second of the waters of Clear Springs (tributary of Clear Lakes) and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 18605, heretofore issued by the Dep't of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation, holding said permit, are J. W. Tingey P. O. Box 615, Buhl, Idaho.

2. Said works of diversion will be fully completed on the date set forth for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit, is twenty (20) cubic feet per second.

3. The use to which said water has been applied is fish hatchery purposes and the amount applied to beneficial use is twenty (20) cubic feet per second.

4. The place where said water is used is Lots five (5) and twelve (12), in Section one (1), and Lots five (5) and eight (8), in Section Two (2), all in Township 9 South, Range 14 E.B. M., Gooding County, Idaho.

5. The date of priority which said user is prepared to establish is April 11, 1938.

18605 JAMES SPOFFORD
1-12-4t Commissioner of Reclamation

Affidavit of Publication

State of Idaho, County of Gooding—ss.

A. G. Power being duly sworn, says that he is of lawful age and is the Printer of THE GOODING INDEPENDENT, a weekly newspaper of general circulation published at Gooding, in the County of Gooding, State of Idaho; that the attached printed copy hereto annexed was published in THE GOODING INDEPENDENT, in the regular edition thereof and not in a supplement, for

..... 4 consecutive weeks, commencing on the 12.

day of January, 1939, and ending on the 2.

day of February, 1939

A. G. Power Printer.

Subscribed and sworn to before me this 12 day of

Feb 1939.

Lenna W. Lucke

Notary Public, in and for the County of Gooding
State of Idaho

My commission expires Dec 2 1940.

18605

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 1:00 p. m. on the 11th day of February, 1939, at Twin Falls, County of Twin Falls, State of Idaho, before Georgie Sudderth, Notary Public in the office of Harold Wm. Merritt, Engineer, proof will be submitted of the completion of works for the diversion of twenty (20) cubic feet per second of the waters of Clear Springs (tributary of Clear Lakes) and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 18605, heretofore issued by the Dept of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation, holding said permit, are J. W. Tingey P. O. Box 615, Buhl, Idaho.

2. Said works of diversion will be fully completed on the date set forth for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit, is twenty (20) cubic feet per second.

3. The use to which said water has been applied is fish hatchery purposes and the amount applied to beneficial use is twenty (20) cubic feet per second.

4. The place where said water is used is Lots five (5) and twelve (12), in Section one (1), and Lots five (5) and eight (8), in Section Two (2), all in Township 9 South, Range 14 E.B. M., Gooding County, Idaho.

5. The date of priority which said user is prepared to establish is April 11, 1938.

JAMES SPOFFORD

1-12-41 Commissioner of Reclamation

RECEIVED

FEB 9 1939

Department of

Affidavit of Publication

State of Idaho, County of Gooding—ss.

J. W. Tingey being duly sworn, says that he is of lawful age and is the Printer of THE GOODING INDEPENDENT, a weekly newspaper of general circulation published at Gooding, in the County of Gooding, State of Idaho; that the attached printed copy hereto annexed was published in THE GOODING INDEPENDENT, in the regular edition thereof and not in a supplement, for

..... 4 consecutive weeks, commencing on the 12

day of January .. 1939 and ending on the 2

day of February .. 1939

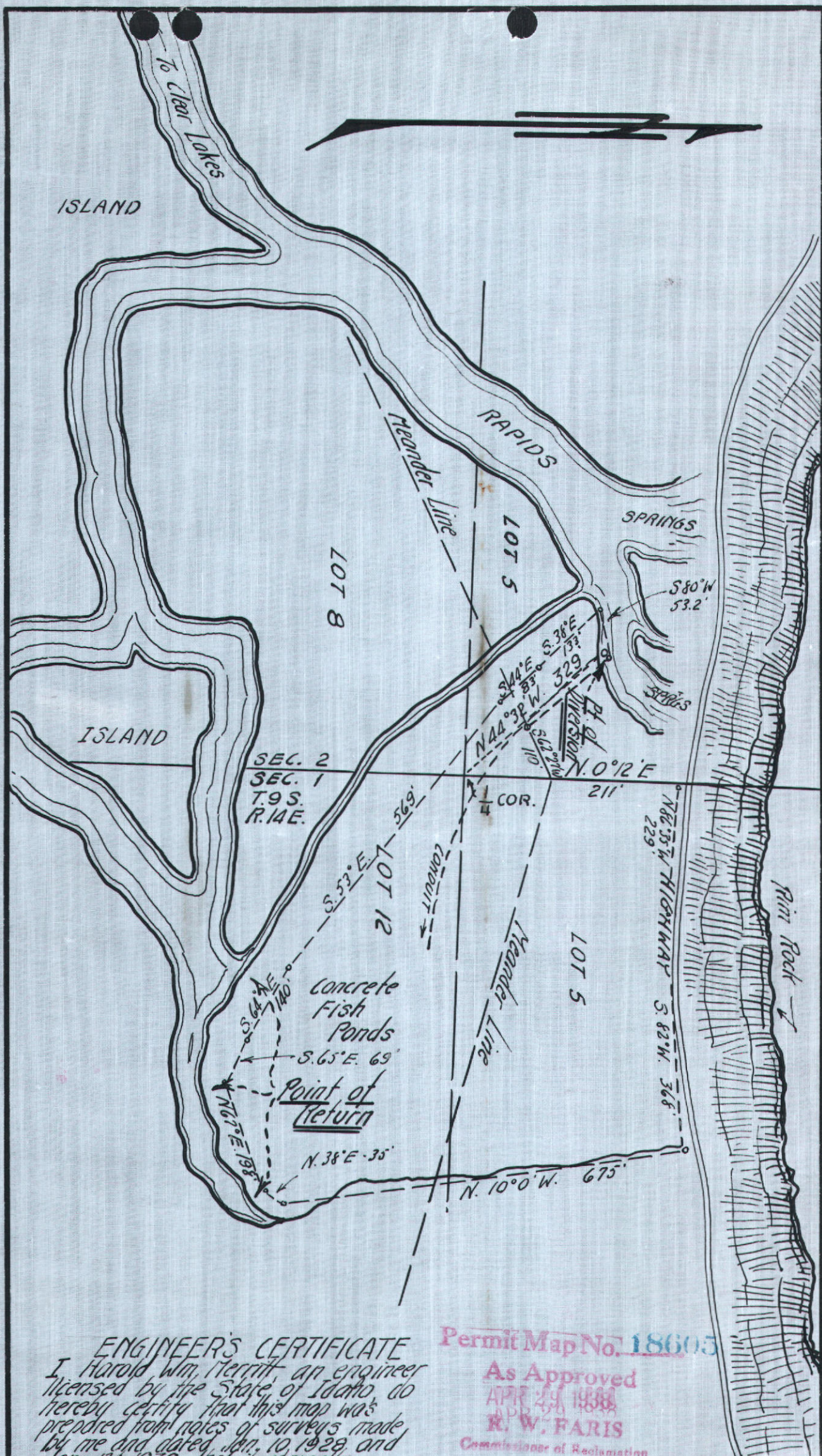
J. W. Tingey, Printer.

Subscribed and sworn to before me this 8th .. day of

Feb .. 1939 ..
Georgie Sudderth

Notary Public, in and for the County of Gooding
State of Idaho

My commission expires Nov. 22 .. 1940 ..



ENGINEER'S CERTIFICATE
 I, Harold Wm. Merritt, an engineer
 licensed by the State of Idaho, do
 hereby certify that this map was
 prepared from notes of surveys made
 by me and dated Jan. 10, 1928 and
 Jan. 17, 1938, that it correctly
 represents the works described in the
 accompanying application, and that
 no part of the 102 acres under
 indicated traverse is less than 10 ft.
 above the normal water level of
 Clear Lakes.

Harold Wm. Merritt
 Engineer

Permit Map No. 18605

As Approved

APR 29 1938

R. W. FARIS

Commissioner of Reclamation

MAP OF
 PORTION OF CLEAR LAKES
 GOODING CO. - IDAHO

To Accompany Application
 for Permit

By J. W. TINGEY

Buhl-Idaho Apr. 7, 1938

Scale - 1" = 200'

18605

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 36-02048

2000 APR 10 AM 10:19

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: SPRINGS TRIBUTARY: CLEAR LAKES

SOURCE IS ALSO KNOWN AS CLEAR SPRINGS.

QUANTITY: 20.00 CFS

PRIORITY DATE: 04/11/1938

POINT OF DIVERSION: T09S R14E S02 LOT 5 (SESENE) Within GOODING County

MULTIPLE POINTS OF DIVERSION LOCATED IN T09S, R14E, S02,
LOT 5 (SESENE).

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	FISH PROPAGATION	01-01 12-31	20.00 CFS

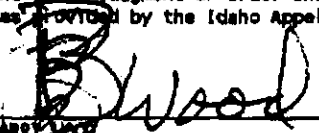
PLACE OF USE: FISH PROPAGATION Within GOODING County
T09S R14E S01 Lot 5 (SWNW) Lot 12 (NWSW)
S02 Lot 5 (SENE) Lot 8 (NESE)

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.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

JUN 27 2003

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-02048

PAGE 1
MAR-13-2000

This
Right has been
Decreed in the
SRBA.

State of Idaho
License and Certificate of Water Right

Water License No. 18605
Water District No. _____

Amount 20 second feet
Priority April 11, 1938

THIS IS TO CERTIFY that **J. W. TINGEY**
of **Buhl, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **April 11**, 19 **38**; that Permit No. **18605**
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
20 second feet, was issued thereunder on **January 13**, 19 **40**, showing that said works
were completed on the **11th** day of **February**, 19 **39**; and that on the **11th**
day of **February**, 19 **39**,

J. W. TINGEY

of **Buhl**, State of **Idaho**, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of **Clear Springs**
, a tributary of **Snake River**, for the purpose of **fish hatchery**
, under Use Permit No. **18605** of the Commissioner of Reclamation,
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume **7**
of Licenses, at page **3971**, on the **13th** day of **January**, 19 **40**;

The right hereby confirmed dates from **April 11**, 19 **38**;

The Point of Diversion is located in **Lot 5**
in the **14** Range, **2** Sec. **2**, Tp. **9 S.**, R. **14 E.**, **B. M. Gooding County**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed **20**
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this **13th** day of **January**, 19 **40**

JAMES SPOFFORD
Commissioner of Reclamation

(SEAL)

RECORDED
JAN 19 1940

Nº 18605
36-2048

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 25942
Permit No. 18605
District No.

1. Name of Applicant: **J. W. Tingey**

Postoffice address **Buhl** County: **Twin Falls** 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: **\$500.00**
(b) Treasury stock:
(c) Bonds to be issued:
(d) Other resources: **\$60,000.00 valuation.**
2. Quantity of water claimed: **Twenty (20)** cubic feet per second.
3. Source of water supply: **Clear Springs (head of Clear Lakes),** which is a tributary of **Snake River**
4. Location of point of diversion: **N. 44° 32' W. 329** feet distant from the **E $\frac{1}{2}$** corner of Section **2**, T. **9 S.**, R. **14 E.**, B. M., and is in ~~the~~ Lot **5** of Section **2**, T. **9 S.**, R. **14 E.**, B. M., County of **Gooding, Idaho**
5. Water is to be used for: **Fish Hatchery**
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 , 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: \$ **800.00**
8. Kind of works: **Rock and concrete div. dam and conduit of pipe and ditch.**
9. Height of dam **3** feet; length of dam at top **20** feet; length of dam at bottom **20** feet; material used in dam: **Lava rock and concrete**
10. Size of headgate: Width feet; height feet.
11. Ditch: Width at bottom **4** feet; width at water line **7** feet; depth of water **1 $\frac{1}{2}$** feet; dimensions of flume:
Diameter of pipe **18** inches; length of conduit **(560 ft.) .106** miles.
Average grade per mile **75** feet.
12. The time required for the completion of such work is **One (1)** years.
13. The time required for the complete application of the water to the proposed use is **Two (2)** additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.

15. (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 waters of the State of Idaho as herein set forth.

J. W. Tingoy Applicant.

By

HAROLD WM. MERRITT *Agent.*
Engineer
Twin Falls, Idaho

Date of first receipt at Department of Reclamation: 9:00 A. M., Apr. 11, 1938

Returned to applicant for correction: **April 11, 1938**

Corrected application received: **Apr. 19, 1938**

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is **18605**

Recorded in Book **68** Page **18605** Approved **Apr. 29, 1938**

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 **June 28, 1938** 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 **October 29, 1938**

The whole of said work to be completed on or before **April 29, 1939**

Beneficial use of water appropriated in accordance herewith, to be made on or before **April 29, 1941.**

Witness my hand this 29th day of April, 1938.

R. W. FARIS
Commissioner of Reclamation.

Remarks: See below.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
Remarks: This application for 20 Sec. ft. is to supplement water used under permit No. 16817, for fish hatchery purposes. Point of diversion will be 12 ft. S. 79° 00' W. of pt. of diversion under above permit and conduit of steel pipe and concrete lined ditch will parallel conduit of above permit and 12 ft. southwesterly from same. 60 ft. of the conduit will be 18" steel pipe and the remaining 500 ft. will be open ditch, concrete lined and of dimensions indicated. This water is on land under 99 year lease to the applicant. In testimony whereof, we, BARZILLA W. CLARK, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have hereunto 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 29th day of April, 1938. (SEAL) Countersigned: By IRA H. MASTERS Secretary of State STATE OF IDAHO By BARZILLA W. CLARK Governor PERMIT NO. 18605 Certificate of Completion of Works. TO ALL WHOM IT MAY CONCERN: This is to certify that J. W. TINGEY, of Buhl, County of Twin Falls, and State of Idaho, the holder of Permit No. 18605, issued upon Application No. 25942, bearing date of priority of April 11, 1938, authorizing the diversion of twenty (20) second feet of the waters of Clear Springs (head of Clear Lake), a tributary of Snake River, County of Gooding, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use twenty (20) second feet of the waters of Clear Springs; that the point of diversion of said waters is in Lot 3, Section 2, Township 9 South, Range 14 East, B.M. Witness my hand this 13th day of January, A. D. 1940. Proof of completion of works made February 11, 1939 Certificate of Completion of Works issued January 13, 1940. JAMES SPOFFORD Commissioner of Reclamation LICENSE ISSUED FOR 20 SEC. FT. Page 3971																			

Send copy of all correspondence to 1,000 Springs

Trout Farms, Inc.'s attorney: (per ltr of 9/18/72)

Ted Eberle

Eberle, Berlin, Kading, Turnbow & Gillespie

P.O. Box 1368

Boise, Idaho

83701

Send copy of all correspondence

This
Right has been
Decreed in the
SRBA.

MICROFILMED
JUN 27 2003

MEMORANDUM

To: Files 36-02048, 36-02703 and 36-07148 in the name of
Thousands Springs Trout Farms, Inc.

From: L. Glen Saxton *LS*

RE: STATUS OF APPLICATION FOR TRANSFER NO. 1945 FILED IN
1972 IN THE NAME OF THOUSAND SPRINGS TROUT COMPANY

Date: January 6, 1995

The department should consider that the application for transfer filed in connection with the files above are moot and should not be further considered by the department.

The reasons justifying no further action include the following:

1. The present owner of the water rights is different than the applicant for the transfer.
2. The change which was proposed appears to have been claimed on the Snake River Basin Adjudication claims filed on these rights. In addition, the present owner's attorney had no response relative to continuing interest in the application.
3. The files have been languishing in department files since 1981 without any indication of continuing interest.

RECEIVED

JAN 19 1995

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

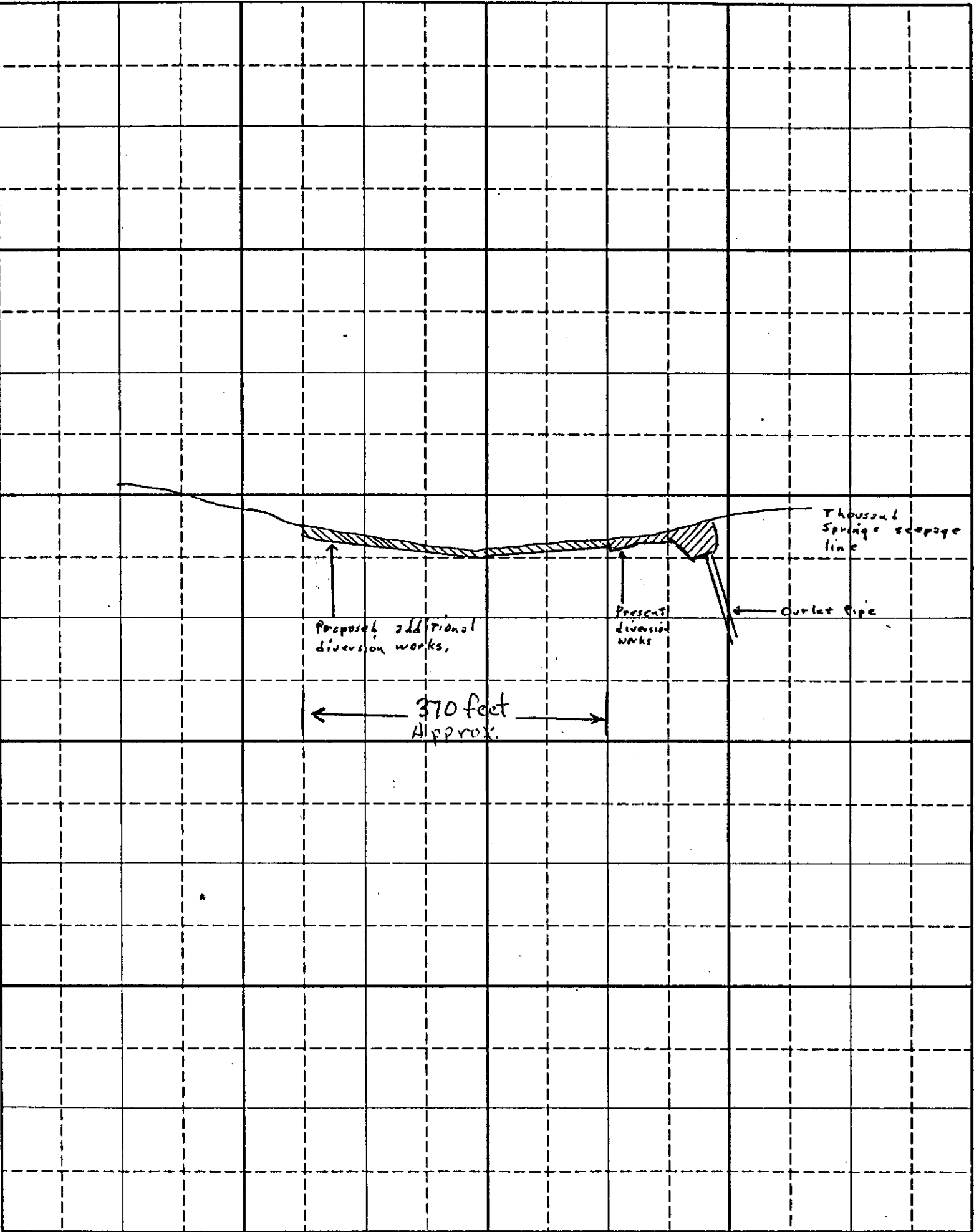
1. Name of Right Holder Thousand Springs Trout Farm, Inc.
Post office address P. O. Box 232, Buhl, Idaho 83316
2. Right obtained by:
a. Decree to Not Applicable in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court. County of _____.
- b. License No. 18605 issued by the State of Idaho, Department of Reclamation.
3. Source of water Clear Springs tributary to Snake River
(Name of stream or source)
4. Date of Priority April 11, 1938
5. Amount of water a. 20.0 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Fish hatchery from January 1 to December 31
(Month, Day) (Month, Day)
7. Original location of point of diversion is Lot 5 SE ¼ NE ¼ of Section 2,
Township 9 South, Range 14 East, B.M., in Gooding County;
Additional points of diversion, if any None

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9 S.	14 E.	1										X							

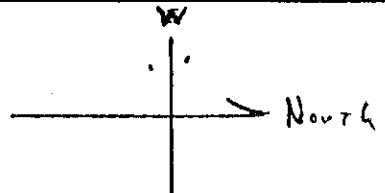
RECEIVED
JAN 19 1995

Total number of acres presently irrigated _____



SCALE: $\frac{1}{16}$ Inches Equal 1 Mile. Draw Plan in Ink.

MICROFILMED
JAN 19 1995



b. Do you intend to make the transfer permanent? Not Applicable.

c. Are you completely abandoning the lands previously irrigated by the right? If not, explain your plans:
Not Applicable.

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: Not Applicable.

e. Indicate on the above plat the new land to be irrigated and the point of diversion. Not Applicable.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Robert Ekins
(signature of applicant)

Subscribed and sworn to before me this 25th day of July, 1972

Louise D. Matthews
(notary public)

My commission expires Jan. 1, 1973

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. _____,
and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:
- _____
- _____
2. Denial of said application is for the following reasons: _____
- _____

Witness my hand this _____ day of _____, 19____.

State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by <u>ED</u>	Date <u>8-10-72</u>	Protest filed by:	Date
Prelim. check by <u>BDF</u>	Date <u>8/10/72</u>		
Fee received by <u>ED</u>	Date <u>8-10-72</u> Fee \$ <u>30.00</u>		
Approved for publication by _____			
Published in _____	Dates _____		
Hearing held _____			
Watermaster Recommendation sent _____			

Rec'd #8700

RECORDED
JAN 10 1975



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 26, 1994

Patrick D. Brown
Hepworth, Nungester & Lezamiz
P.O. Box 389
133 Shoshone St. N
Twin Falls, ID 83303-0389

RE: LICENSES ~~36-02048~~, 36-02703 AND 36-07148 AND CLAIM TO WATER
RIGHT NO. 36-04013

Dear Mr. Brown:

I have recently been reviewing protested matters which are pending before the department in an effort to update department files and to dispose of as many pending matters as possible. I am corresponding with you, since the adjudication data base shows that your client, Clear Springs Trout Company or Clear Springs Foods, Inc. is the owner of record of the above referenced water rights.

As background for you, department files show that on August 10, 1972, Thousand Springs Trout Co. (applicant) filed application for transfer no. 1945 (application) with the department involving the above referenced water rights. The application proposed to change the existing point of diversion by adding a second point of diversion in lot 5 (SE1/4NE1/4) Section 2, T9S, R14E. The proposed change was protested in September 1972 by Clear Lakes Trout Co. and by Clear Springs Trout Co.

In April 1981, Thousand Springs Trout Co. assigned the water rights to Clear Springs Trout Co. The recommendation of these rights in the SRBA shows multiple points of diversion in the SE1/4SE1/4NE1/4 Section 2, T9S, R14E, BM.

It appears that the protested application for transfer is now moot and needs no longer be considered as a contested matter for the following reasons:

1. The present owner of the water rights is different than the applicant for the transfer.
2. The change proposed on the application may have already been made since the SRBA claims show multiple points of diversion in the SE1/4SE1/4NE1/4 Section 2, T9S, R14E, BM.

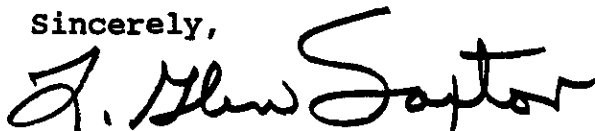
Microfilm

JAN 19 1995

3. There apparently is no continuing interest in the protested transfer matter, since it has languished in department files since 1981 (for 13 years).

The purpose of this letter is to request any clarifying information you can provide in this matter. Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "L. Glen Saxton".

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region

RECEIVED

JAN 19 1995

HAWLEY TROXELL ENNIS & HAWLEY
ATTORNEYS AND COUNSELORS

ROBERT I. TROXELL
JESS B. HAWLEY, JR.
PAUL B. ENNIS
JOHN T. HAWLEY
THOMAS A. MILLER
M. NEAL NEWHOUSE
CRAIG L. MEADOWS
ROBERT L. BILOW
JOSEPH D. McCOLLUM, JR.
WAYNE B. SLAUGHTER, JR.
GARY D. BABBITT
P. CRAIG STORTI
MERLYN W. CLARK
RICHARD F. GOODSON
CARL W. HARDER
PHILLIP M. BARBER
EDWIN V. APEL, JR.
KAREN L. LANSING
EUGENE A. RITTI
RICHARD G. SMITH
JOHN F. KURTZ, JR.
P. MARK THOMPSON
LINDA L. HOLDEMAN

May 6, 1981

ONE CAPITAL CENTER
POST OFFICE BOX 1617
BOISE, IDAHO 83701

TELEPHONE
(208) 344-6000

State of Idaho
Department of Water Resources
450 West State Street
Boise, Idaho 83720

RE: Water License Nos. 32600/36-3734,
28339/36-2414,
27848/36-2379,
17850/36-2703 and
18605/36-2048,

Claims to a Water Right Nos. 36-4011, 36-4013
and 36-4014 and Water Permit No. 36-7148,
Thousand Springs Trout Farms, Inc.

Gentlemen:

We write as attorneys for Thousand Springs Trout Farms, Inc. Our client has recently sold and subleased to Clear Springs Trout Co. real property which it owned or leased within the State of Idaho. Pursuant to the agreement between said parties, all of Thousand Springs Trout Farms, Inc.'s interest in and to the above referenced Water Licenses, Claims to a Water Right and Water Permit appurtenant to the land in question was also transferred and assigned to Clear Springs Trout Co. As collateral security for the deferred balance of the purchase price, Clear Springs Trout Co. has mortgaged to Thousand Springs Trout Farms, Inc. all of its newly acquired right, title and interest in and to the above referenced Water Licenses, Claims to a Water Right and Water Permit.

Please find the following enclosed in connection with the above referenced matter:

1. Three original Notice of Lienholder's Interest concerning Claims to a Water Right Nos. 36-4011, 36-4013 and 36-4014 and one copy thereof.
2. Executed original and one copy of the Assignment of Permit No. 36-7148 from Thousand Springs Trout Farms, Inc. to Clear Springs Trout Co.

RECEIVED
JAN 19 1985

HAWLEY TROXELL ENNIS & HAWLEY

Department of Water Resources

Page Two

May 6, 1981

3. Executed original and one copy of the Assignment of Permit No. 36-7148 from Clear Springs Trout Co. to Thousand Springs Trout Farms, Inc. as collateral security for the deferred balance of the purchase price.

4. Four copies of this letter.

I have enclosed a copy of this letter for you to place in each one of your files concerning the above referenced Water Licenses.

Please file and acknowledge the enclosed original Notice of Lienholder's Interest. Please return to our office as soon as possible the copy of the enclosed Notice of Lienholder's Interest stamped with your filing data and acknowledged by the Department of Water Resources.

Would you also file the enclosed Assignment of Permit No. 36-7148 from Thousand Springs Trout Farms, Inc. to Clear Springs Trout Co. and subsequent thereto, file the Assignment of Permit No. 36-7148 from Clear Springs Trout Co. to Thousand Springs Trout Farm, Inc. as collateral security for the deferred balance of the purchase price. Please return to our office the enclosed copy of each Assignment of Permit stamped with your filing data.

If you have any questions whatsoever concerning this matter, please give me a call. Thank you in advance for your usual time and consideration.

Very truly yours,

RICHARD F. GOODSON

RFG:pe

encls.

cc: Mr. George T. Hill
Mr. John Hepworth

MICROFILMED
JAN 19 1995

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval of)
Applications for Transfer of Water Right No.'s)
36-2048, 36-2703, and 36-4013 and Application)
for Amendment to Water Right No. 36-7148 in)
the name of THOUSAND SPRINGS TROUT FARMS, INC.)

NOTICE OF CONFERENCE

AND/OR HEARING

On August 10, 1972, Thousand Springs Trout Farms, Inc. filed with the Department of Water Administration three (3) Applications for Transfer of Water Right No.'s 36-2048, 36-2703, and 36-4013 and one (1) Application for Amendment to Water Right No. 36-7148 to appropriate the public waters of the State of Idaho. In September, 1972, the Department received protests against approval of said applications from Earl M. Hardy and Clear Springs Trout Company.

The Department has set the matter of protests for conference and/or hearing for Thursday, February 7, 1974, at 9:00 a.m., in the office of the Department of Water Administration, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protests or the applications. Any and all costs incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Bobby D. Fleenor
BOBBY D. FLEENOR
Assistant Director

BDF:JC

RECORDED
JAN 19 1975

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse -- Annex 2
Boise, Idaho 83720
(208) 384-2190



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

December 20, 1973

Re: Application for Transfer of Water Right No. 's 36-2048, 36-2703, & 36-4013
Application for Amendment to Water Right No. 36-7148

Eberle, Berlin, Kading, Turnbow, & Gillespie
Attn: Warren E. Jones
Capital Park Plaza
300 N. 6th Street, Box 1368
Boise, Idaho 83701

Dear Mr. Jones:

We are porposing to set the date for hearing on the above referenced applications on February 7, 1974.

Please let us know if you have a conflict on that date, and if so, which days in February you would be available.

Sincerely,


BOBBY D. FLEENOR
Assistant Director

BDF:JC

cc: Thousand Springs Trout Farms, Inc.

RECORDED

JAN 19 1995

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

December 20, 1973

Re: Application for Transfer of Water Right No. ~~36-2048~~, 36-2703 & 36-4013
Application for Amendment to Water Right No. 36-7148

Parry, Robertson, Daly & Larson
Attn: John A. Rosholt
Idaho First National Bank Bldg.
P. O. Box 525
Twin Falls, Idaho 83301

Dear Mr. Rosholt:

We are proposing to set the date for hearing on the above referenced applications on February 7, 1974.

Please let us know if you have a conflict on that date, and if so, which days in February you would be available.

Sincerely,


BOBBY D. FLEENOR
Assistant Director

BDF:JC

cc: Earl M. Hardy

JAN 19 1995

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

December 20, 1973

Re: Application for Transfer of Water Right No.'s 36-2048, 36-2703, & 36-4013
Application for Amendment to Water Right No. 36-7148

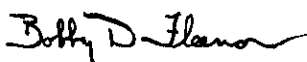
Clear Springs Trout Company
Attn: John C. Hepworth, Sec.
1020 Main Street
Buhl, Idaho 83316

Dear Mr. Hepworth:

We are proposing to set the date for hearing on the above referenced applications on February 7, 1974.

Please let us know if you have a conflict on that date, and if so, which days in February you would be available.

Sincerely,


BOBBY D. FLEENOR
Assistant Director

BDF:JC

MICROFILMED

JAN 19 1995

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE
CHARTERED

ATTORNEYS AND COUNSELORS AT LAW
CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

T. H. EBERLE
JAMES L. BERLIN
R. B. KADING, JR.
R. M. TURNBOW
JAMES R. GILLESPIE
JOHN L. RUNFT
KENNETH L. PURSLEY
WILLIAM J. MCKLVEEN
DALE G. HIGER
WARREN E. JONES
PETER C. JENKINS
MARK S. GESTON
MICHAEL A. GREENE

TELEPHONE (208) 344-8523

JOHN B. BELL
COUNSEL

J. L. EBERLE (1987-1994)
DALE O. MORGAN (1914-1970)

December 10, 1973

Mr. Bobby D. Fleenor
Assistant Director
State of Idaho
Department of Water Administration
614 State Street
Statehouse - Annex 2
Boise, Idaho 83720

Re: Application for Transfer of Water Right Nos.
36-2048, 36-2703 and 36-4013; Application
for Amendment to Water Right No. 36-7148

Dear Mr. Fleenor:

In response to your letter dated December 4, 1973,
please be advised that this firm will be available for a
hearing in the above matter anytime after January 18, 1974,
with the exception of the following dates: February 4, 12
and 13; March 6; April 17 through 24.

If I can be of further assistance, please let me
know.

Yours truly,

Warren E. Jones

WEJ:gw
cc: Robert Erkins

JAN 19 1974

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

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

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

TELEPHONE
(208) 733-3722

December 6, 1973

DEC 7 1973

Department of Water Administration

Mr. Bobby D. Fleenor
Assistant to the Director
Idaho Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83720

RE: Application for Transfer of Water Right
No.'s 36-2048, 36-2703 and 36-4013,
and Application for Amendment to Water
Right No. 36-7148

Dear Bob:

My preference for a hearing date would be some time between the 22nd and the end of January, 1974. If other counsel have earlier dates in mind, right now my schedule would indicate that a hearing would be impossible for me only on the 2nd, 3rd, 8th, 15th, 17th, or the 21st. I could probably work it in any other day.

Sincerely,

John A. Rosholt
JOHN A. ROSHOLT

JAR:ddm

cc: Mr. Warren Jones
Mr. John Hepworth

MICROFILMED

JAN 19 1995

LAW OFFICES

HEPWORTH, NUNGESTER, FELTON, AND HART

PROFESSIONAL CENTER
1020 MAIN

AREA CODE 208
PHONE 543-4368

BUHL, IDAHO -- 83316

JOHN C. HEPWORTH
WM. L. NUNGESTER
MICHAEL H. FELTON
J. WILLIAM HART

December 6, 1973

DEC 7 1973

~~Department of Water Administration~~

Department of Water Administration
614 State Street
Statehouse-Annex 2
Boise, Idaho 83720

Atten: Bobby D. Fleenor

Re: Application for Transfer of
Water Right - Thousand Springs
Trout Farms, Inc.

Dear Mr. Fleenor:

The only free time I have in December is before December 24, 1973.
I will be unable to schedule any hearing before February 1, 1974,
in the event we are unable to agree on a date this month.

Very truly yours,

HEPWORTH, NUNGESTER, FELTON & HART

John C. Hepworth
John C. Hepworth

bh
cc. John Rosholt

RECEIVED
JAN 19 1974

December 4, 1973

Re: Application for Transfer of Water Right No.'s 36-2048, 36-2703, & 36-4013
Application for Amendment to Water Right No. 36-7148

Eberle, Berlin, Kading, Turnbow, & Gillespie
Attn: Warren E. Jones
Capital Park Plaza
300 N. 6th St., Box 1368
Boise, Idaho 83701

Dear Mr. Jones:

We are again trying to re-schedule the hearing for Thousand Springs Trout Farms, Inc., concerning the above referenced applications.

Would you please send us a schedule of your open dates, so that we may set the hearing when all parties are available.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC

cc: Thousand Springs Trout Farms, Inc.

RECEIVED
JAN 19 1995

December 4, 1973

Re: Application for Transfer of Water Right No.'s 36-2048, 36-2703, & 36-4013
Application for Amendment to Water Right No. 36-7148

Clear Springs Trout Company
Attn: John C. Hepworth, Sec.
1020 Main Street
Buhl, Idaho 83316

Dear Mr. Hepworth:

We are again trying to re-schedule the hearing for Thousand Springs Trout Farms, Inc., concerning the above referenced applications.

Would you please send us a schedule of your open dates, so that we may set the hearing when all parties are available.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC

JAN 19 1974

December 4, 1973

Re: Application for Transfer of Water Right No.'s 36-2048, 36-2703, & 36-4013
Application for Amendment to Water Right No. 36-7148

Parry, Robertson, Daly & Larson
Attn: John A. Rosholt
Idaho First National Bank Bldg.
P. O. Box 525
Twin Falls, Idaho 83301

Dear Mr. Rosholt:

We are again trying to re-schedule the hearing for Thousand Springs Trout Farms, Inc., concerning the above referenced applications.

Would you please send us a schedule of your open dates, so that we may set the hearing when all parties are available.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC

cc: Earl M. Hardy

JAN 19 1995

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

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

TELEPHONE
(208) 733-3722

RECEIVED
MAY 30 1973
Idaho Department of Water Administration

November 29, 1973

DDF

Mr. Bob Fleenor
Assistant to the Director
Idaho Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83720

RE: Transfer Applications No. 36-2048) Thousand Springs
36-2703) Trout Farm, Inc
36-4013)
Permit No. 36-7148)

Dear Bob:

As per our telephone conversation of today, on behalf of all counsel in the above matter, we hereby request that the hearing be vacated until a mutually agreeable date in January.

Thanks for your continuing cooperation.

Sincerely,

John A. Rosholt
JOHN A. ROSHOLT

JAR:ddm

MICROFILMED

JAN 1974

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval of)
Applications for Transfer of Water Right No.'s)
36-2048, 36-2703, and 36-4013 and Application)
for Amendment to Water Right No. 36-7148 in)
the name of THOUSAND SPRINGS TROUT FARMS, INC.)
_____)

NOTICE OF CONFERENCE

AND/OR HEARING

On August 10, 1972, Thousand Springs Trout Farms, Inc. filed with the Department of Water Administration three (3) Applications for Transfer of Water Right No.'s 36-2048, 36-2703, and 36-4013 and one (1) Application for Amendment to Water Right No. 36-7148 to appropriate the public waters of the State of Idaho. In September, 1972, the Department received protests against approval of said applications from Earl M. Hardy and Clear Springs Trout Company.

The Department has set the matter of protests for conference and/or hearing for Tuesday, December 4, 1973, at 10:00 a.m., in the Gooding County Courthouse, Gooding, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protests or the applications. Any and all costs incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 1 day of November, 1973.


BOBBY D. FLEENOR
Assistant Director

BDF:JC

JAN 19 1975

NAME AND ADDRESS OF SENDER

Dept. of Water Admin.

Indicate type of mail
☐ INSURED ☐ C. O. D.
☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSE-MENT	R. R. FEE	S. D. FEE	S. H. FEE	RESTRICTED DELIVERY FEE	REMARKS
1	24922 1000 Springs Court Thomas, Ariz.		30							36 9148
2	P.O. Box 332									36 3048
3	Bulle, Idaho									36 4048
4	24923 Coale, building, trading business, Village									36 3948
5	1000 Main Street									
6	Capital Bank Bldg 300 N. 1st St. 366									
7	Boise, Idaho									
8	24924 601 N. Grand St. Post Office									
9	1340 Main Street									
10	24925 Clear Springs Post Co.									
11	Attn: John C. Housworth									
12	1050 Main Street									
13	Bulle, Idaho									
14										
15										
16										
17										
18										
19										
20										

CARDS FILED IN 36-7148

JAN 19 1995

TOTAL NUMBER OF EGGS LISTED SENDER

4

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE

POSTMASTER, PER (Name of receiving employee)

1 Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FIU" if "Fragile-Liquid - This Side Up."
 2 Special-handling charges apply only to third- and fourth-class parcels. Special-delivery service also includes special-handling service.

November 1, 1973

Gooding County Courthouse
Attn: Donna Scott
P. O. Box 417
Gooding, Idaho 83330

Dear Ms. Scott:

This is to confirm the use of the Gooding County Courthouse for conference &/or hearing to behheld, by this office, on Tuesday, December 4, 1973, at 10:00 a.m.

Thank you for your cooperation in this matter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC

RECEIVED

JAN 19 1995

October 29, 1973

Re: Permit No. 36-7148, Thousand Springs Trout Farms, Inc.

Eberle, Berlin, Kading, Turnbow, & Gillespie
Attn: Warren E. Jones
Capital Park Plaza
300 N. 6th St., Box 1368
Boise, Idaho 83701

Dear Mr. Jones:

Regarding the setting of a hearing for Thousand Springs Trout Farms, Inc. protested applications, we have received the dates in December when the other attorneys will be available for hearing.

Please let us know your date schedule as soon as possible, so that a hearing can be set.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jc

RECEIVED

JAN 19 1995

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE
CHARTERED

ATTORNEYS AND COUNSELORS AT LAW
CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

TELEPHONE (208) 344-8535

T. H. EBERLE
JAMES L. BERLIN
R. B. KADING, JR.
R. M. TURNBOW
JAMES R. GILLESPIE
JOHN L. RUNFT
KENNETH L. PURSLEY
WILLIAM J. MCKLVEEN
DALE G. HIGER
WARREN E. JONES
PETER C. JENKINS
MARK S. GESTON
MICHAEL A. GREENE

JOHN B. BELL
COUNSEL

J. L. EBERLE (1890-1964)
DALE O. MORGAN (1914-1970)

October 29, 1973

Mr. Bobby D. Fleenor
Assistant Director
Department of Water Administration
Statehouse Annex No. 2
Boise, Idaho 83707

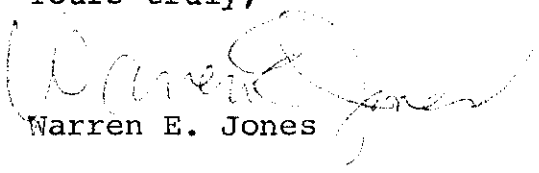
Re: Thousand Springs Trout Farms, Inc.

Dear Mr. Fleenor:

With respect to the hearing regarding the request by Thousand Springs Trout Farms, Inc. to change its point of diversion, which had previously been scheduled for November 1, 1973, please be advised that the following dates in December are acceptable to this law firm for a hearing: December 3 - 7 and December 17 - 21. Our preference would be for December 3 - 5 or December 17 - 18.

Please advise us as soon as the hearing date has been rescheduled.

Yours truly,


Warren E. Jones

WEJ:gw

RECORDED

JAN 19 1995

October 29, 1973

Re: Permit No. 36-7148, Thousand Springs Trout Farms, Inc.

Eberle, Berlin, Kading, Turnbow, & Gillespie
Attn: Warren E. Jones
Capital Park Plaza
300 N. 6th St., Box 1368
Boise, Idaho 83701

Dear Mr. Jones:

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Please let us know your date schedule as soon as possible, so that a hearing can be set.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jc

RECEIVED

JAN 19 1995

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

TELEPHONE
(208) 733-3722

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

October 26, 1973

Mr. Bob Fleenor
Assistant to the Director
Idaho Department of Water Administration
State House--Annex 2
Boise, Idaho 83720

Re: Thousand Springs

Dear Bob:

During the week you called concerning the dates that I would be available in December for a re-setting on the protest against Thousand Springs' application.

My schedule seems to be such that I would be available probably on all working days except the following: 5th, 7th, 12th, 14th, 19th, 20th and 21st.

After you have cleared on everyone's schedule, please let me know as to the selected date.

Thanks for your consideration in vacating the hearing.

Sincerely,


JOHN A. ROSHOLT

JAR:ib

JAN 19 1974

October 19, 1973

Re: Applications for Transfer of Water Rights No.'s 36-2048, 36-2703, & 36-4013
Application for Amendment to Water Right No. 36-7148

Thousand Springs Trout Farms, Inc.
P. O. Box 232
Buhl, Idaho 83316

Gentlemen:

The conference &/or hearing set for November 1, 1973, in Gooding, Idaho, concerning the above referenced applications has been postponed until a later date.

After we have determined an acceptable date, from the schedules of the interested parties, a new conference &/or hearing will be set. We will then notify you of that date.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jc

bc: Southern District Office

RECEIVED

JAN 19 1995

October 19, 1973

Re: Applications for Transfer of Water Rights No.'s 36-2048, 36-2703, & 36-4013
Application for Amendment to Water Right No. 36-7148

Eberle, Berlin, Kading, Turbbow & Gillespie
Attn: Warren E. Jones
Capital Park Plaza
300 N. 6th Str, Box 1368
Boise, Idaho 83701

Dear Mr. Jones:

The conference &/or hearing set for November 1, 1973, in Gooding, Idaho, concerning the above referenced applications, has been postponed until a later date.

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Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jc

RECEIVED

JAN 19 1995

October 19, 1973

Re: Applications for Transfer of Water Rights No.'s 36-2048, 36-2703, & 36-4013
Application for Amendment to Water Right No. 36-7148

Earl M. Hardy
Idaho Trout Processors
1340 Vista
Boise, Idaho 83705

Dear Mr. Hardy:

The conference &/or hearing set for November 1, 1973, in Gooding, Idaho, concerning the above referenced applications, has been postponed until a later date.

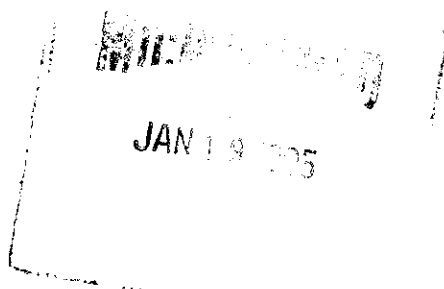
After we have determined an acceptable date, from the schedules of the interested parties, a new conference &/or hearing will be set. We will then notify you of that date.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jc

cc: John A. Rosholt



October 19, 1973

Re: Applications for Transfer of Water Rights No.'s 36-2048, 36-2703, & 36-4013
Application for Amendment to Water Right No. 36-7148

Clear Springs Trout Company
Attn: John C. Hepworth, Sec.
1020 Main Street
Buhl, Idaho 83316

Dear Mr. Hepworth:

The conference &/or hearing set for November 1, 1973, in Gooding, Idaho, concerning the above referenced applications, has been postponed until a later date.

After we have determined an acceptable date, from the schedules of the interested parties, a new conference &/or hearing will be set. We will then notify you of that date.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jc

JAN 19 1995

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

TELEPHONE
(208) 733-3722

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

October 17, 1973

Mr. Bobby D. Fleenor
Assistant to the Director
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 93720

Re: Transfer Applications No. 36-2048)
36-2703) Thousand Springs
36-4013) Trout Farm, Inc.
Permit No. 36-7148)

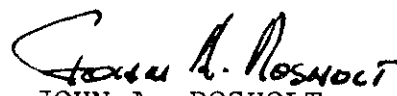
Dear Bob:

Earl Hardy has employed me to assist him in his protest of the above matters.

Apparently, these matters were set for hearing some time in the past, but that hearing date was vacated. Mr. Hardy tells me that he was promised that you would let him know of possible dates for setting a hearing. Today he told me that he has received a notice resetting the hearing for November 1st. The problem in a November 1st hearing date is basically mine. We anticipate a formal hearing in Washington D.C. on the American Falls replacement matter on approximately that date. November becomes an impossible month as far as my schedule is concerned.

If it would be possible, could we set this matter for hearing sometime after December 1st. Let me have your thoughts on the matter.

Sincerely,


JOHN A. ROSHOLT

JAR:ddm
cc: Mr. John Hepworth
Mr. Warren E. Jones

NOV 19 1973

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval of)
Applications for Transfer of Water Right No.'s)
36-2048, 36-2703, and 36-4013 and Application)
for Amendment to Water Right No. 36-7148 in)
the name of THOUSAND SPRINGS TROUT FARM, INC.)

NOTICE OF CONFERENCE

AND/OR HEARING

On August 10, 1972, Thousand Springs Trout Farm, Inc. filed with the Department of Water Administration three (3) Applications for Transfer of Water Right No.'s 36-2048, 36-2703, and 36-4013 and one (1) Application for Amendment to Water Right No. 36-7148 to appropriate the public waters of the State of Idaho. In September, 1972, the Department received protests against approval of said applications from Earl M. Hardy and Clear Springs Trout Company.

The Department has set the matter of protests for conference and/or hearing for Thursday, November 1, 1973, at 10:00 a.m., in the Gooding County Courthouse, Gooding, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protests or the applications. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 10 day of October, 1973.


BOBBY D. FLEENOR
Assistant Director

BDF:JC

JAN 19 1974

October 10, 1973

R.

Gooding County Courthouse
Attn: Donna Scott
P. O. Box 417
Gooding, Idaho 83330

Dear Ms. Scott:

This is to confirm the use of the Gooding County Courthouse for conference and/or hearing to be held by this office on Thursday, November 1, 1973, at 10:00 am.

Thank you for your cooperation in this matter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC

RECEIVED

JAN 19 1995

NAME AND ADDRESS OF SENDER

Dept. of Water Administration

Indicate type of mail
☐ INSURED ☐ C.O.D.
☒ CERTIFIED

Affix stamp here, if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSEMENT	R. R. FEE	S. D. FEE	S. H. FEE	RESTRICTED DELIVERY FEE
1	24912 Shawnee Springs, West Virginia		30			10			
2	PO Box 232								
3	Box 232								
4	Box 232, State Building, Charleston, West Virginia								
5	Box 232, State Building, Charleston, West Virginia								
6	Box 232, State Building, Charleston, West Virginia								
7	Box 1368, Box 232, State Building, Charleston, West Virginia								
8	Box 232, State Building, Charleston, West Virginia								
9	Box 232, State Building, Charleston, West Virginia								
10	Box 232, State Building, Charleston, West Virginia								
11	Box 232, State Building, Charleston, West Virginia								
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17	Box 232, State Building, Charleston, West Virginia								
18	Box 232, State Building, Charleston, West Virginia								
19	Box 232, State Building, Charleston, West Virginia								
20	Box 232, State Building, Charleston, West Virginia								

CARDS FILED IN 36-7148

MICROFILMED
JAN 19 1995TOTAL NUMBER OF
PIECES LISTED
BY SENDERTOTAL NUMBER OF
PIECES RECEIVED
AT POST OFFICE

POSTMASTER, PER (Name of receiving employee)

1 Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid—This Side Up."

2 Special-handling charges apply only to third- and fourth-class parcels. Special-delivery service also includes special-handling service.

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE
CHARTERED

ATTORNEYS AND COUNSELORS AT LAW

CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368

BOISE, IDAHO 83701

TELEPHONE (208) 344-8535

JOHN B. BELL
COUNSEL

J. L. EBERLE (1890-1964)
DALE Q. MORGAN (1914-1970)

T. H. EBERLE
JAMES L. BERLIN
R. B. KADING, JR.
R. M. TURNBOW
JAMES R. GILLESPIE
JOHN L. RUNFT
KENNETH L. PURSLEY
WILLIAM J. MCKLVEEN
DALE G. HIGER
WARREN E. JONES
PETER C. JENKINS
MARK S. GESTON
MICHAEL A. GREENE

September 19, 1973

IDF

Mr. Bobby D. Fleenor
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83720

Re: Thousand Springs Trout Farms, Inc.

Dear Mr. Fleenor:

As you recall, pursuant to agreement among all parties concerned, the hearing which had been scheduled for August 21 with respect to the request by Thousand Springs Trout Farms, Inc. to change its point of diversion with respect to several water rights was vacated. Since that time, I have attempted to obtain agreement among all parties as to another date for this hearing, but have been unsuccessful. Mr. John C. Hepworth, who represents Clear Springs Trout Company has indicated to me that the only available dates he presently has open for a hearing are October 1, 2 or 9, 1973. At the present time, I would be available on October 2 or October 9, but not on October 1. I also have several other dates available in October. I have not heard from Mr. Earl Hardy with respect to what dates he is available.

Since I have had such a great amount of difficulty in obtaining agreement among the various parties involved in this matter, this letter is to request that the Department of Water Administration simply reschedule the hearing at a time convenient to the Department, and if any party has a serious objection, they can move for a continuance. This matter has been pending for quite some time, and I believe it is the desire of all parties to have it resolved, but it appears that the only way it will be resolved is if the Department of Water Administration sets the date for hearing.

Yours truly,

Warren E. Jones

JAN 19 1995

WEJ:gw

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE
CHARTERED

ATTORNEYS AND COUNSELORS AT LAW
CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

August 13, 1973

T. H. EBERLE
JAMES L. BERLIN
R. B. KADING, JR.
R. M. TURNBOW
JAMES R. GILLESPIE
JOHN L. RUNFT
KENNETH L. PURSLEY
WILLIAM J. MCKLVEEN
DALE G. HIGER
WARREN E. JONES
PETER C. JENKINS
MARK S. GESTON
MICHAEL A. GREENE

TELEPHONE (208) 344-8535

AUG 15 1973

JOHN B. BELL
COUNSEL
Department of Water Administration
J.L. EBERLE 1964
DALE O. MORGAN 1970

3DF

36-7148

Mr. John C. Hepworth
Attorney at Law
1020 Main
Buhl, Idaho

Re: Thousand Springs Trout Farms, Inc.

Dear Mr. Hepworth:

In accordance with our telephone conversation of this date, I have notified the Department of Water Administration that it is acceptable to all parties to vacate the hearing on the applications of Thousand Springs Trout Farms to change its point of diversion which had previously been set for August 21, 1973. Mr. Bobby Fleenor of the Department of Water Administration has asked me to request that you notify him if you object to the postponement of this hearing.

After discussing the postponement with you and Mr. Hardy, it appears that there will not be a new date acceptable to all parties until the first of October. In order that we can reach a mutually acceptable date, I would appreciate your sending to me a list of your available dates. I will then pick a date satisfactory to everyone and have the Department of Water Administration reschedule the hearing.

Thank you for your cooperation.

Yours truly,

Warren E. Jones

WEJ:gw

cc: ~~Bobby~~ Fleenor

JAN 19 1995

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE
CHARTERED

ATTORNEYS AND COUNSELORS AT LAW
CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

August 13, 1973

T. H. EBERLE
JAMES L. BERLIN
R. B. KADING, JR.
R. M. TURNBOW
JAMES R. GILLESPIE
JOHN L. RUNFT
KENNETH L. PURSLEY
WILLIAM J. MCKLVEEN
DALE G. HIGER
WARREN E. JONES
PETER C. JENKINS
MARK S. GESTON
MICHAEL A. GREENE

RECEIVED
AUG 15 1973
JOHN M. BELL
COUNCIL
J. L. EBERLE (1890-1964)
W. O. MORGAN (1914-1970)
Department of Water Administration

Mr. Earl Hardy
Idaho Trout Processors
1340 Vista
Boise, Idaho

Re: Thousand Springs Trout Farms, Inc.

Dear Mr. Hardy:

In accordance with our telephone conversation of this date, I have notified the Department of Water Administration that it is acceptable to all parties to vacate the hearing on the applications of Thousand Springs Trout Farms to change its point of diversion which had previously been set for August 21, 1973. Mr. Bobby Fleenor of the Department of Water Administration has asked me to request that you notify him if you object to the postponement of this hearing.

After discussing the postponement with you and Mr. Hepworth, it appears that there will not be a new date acceptable to all parties until the first of October. In order that we can reach a mutually acceptable date, I would appreciate your sending to me a list of your available dates. I will then pick a date satisfactory to everyone and have the Department of Water Administration reschedule a hearing.

Thank you for your cooperation.

Yours truly,

Warren E. Jones

WEJ:gw
cc: ☒ Bobby Fleenor

JAN 19 1975

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval of)
Applications for Transfer of Water Right No.'s)
36-2048, 36-2703, and 36-4013 and Application)
for Amendment to Water Right No. 36-7148 in)
the name of THOUSAND SPRINGS TROUT FARM, INC.)
_____)

NOTICE OF CONFERENCE
AND/OR HEARING

On August 10, 1972, Thousand Springs Trout Farm, Inc. filed with the Department of Water Administration three (3) Applications for Transfer of Water Right No.'s 36-2048, 36-2703, and 36-4013 and one (1) Application for Amendment to Water Right No. 36-7148 to appropriate the public waters of the State of Idaho. In September, 1972, the Department received protests against approval of said applications from Earl M. Hardy and Clear Springs Trout Company.

The Department has set the matter of protests for conference and/or hearing for Tuesday, August 21, 1973, at 1:00 p.m., in the Gooding County Courthouse, Gooding, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 7 day of August, 1973.


BOBBY D. FLEENOR
Assistant Director

RECORDED
JAN 19 1995

36-2048 36-2703

- Thousand Springs Trout Farm, Inc.

36-4013 36-7148

Gooding County Courthouse, Gooding, Idaho

August 21, 1973 - 1:00 pm

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
-------------	----------------	---------------------

RECORDED
JAN 19 1995

August 6, 1973

Gooding County Courthouse
Clerk of the District Court
624 Main
Gooding, Idaho 83330

Dear Sir:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Tuesday, August 21, 1973, at 1:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:JC

MICROFILMED

JAN 19 1995

August 1, 1978

Warren E. Jones
Eberle, Berlin, Kading, Turnbow & Gillespie
Attorneys and Counselors at Law
Capitol Park Plaza
300 N. Sixth Street
P.O. Box 1368
Boise, Idaho 83701

Dear Mr. Jones:

The hearing on the amendment to Permit No. 36-7148 and
Transfer Nos. 36-4013, 17830/36-2703, and 18405/36-2048
is tentatively set for the week of August 20th.

You will receive a hearing notice shortly showing the
exact time and place of the hearing.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

RECEIVED

JAN 19 1995

T. H. EBERLE
JAMES L. BERLIN
R. B. KADING, JR.
R. M. TURNBOW
JAMES R. GILLESPIE
JOHN L. RUNFT
KENNETH L. PURSLEY
WILLIAM J. MCKLVEEN
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WARREN E. JONES
PETER C. JENKINS
MARK S. GESTON
MICHAEL A. GREENE

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE
CHARTERED

ATTORNEYS AND COUNSELORS AT LAW
CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

July 27, 1973

RECEIVED
JUL 30 1973
TELEPHONE 121-344-8535
Department of Water Administration
JOHN B. BELL
COUNSEL
J. L. EBERLE (1890-1964)
DALE O. MORGAN (1914-1970)

Mr. Bobby D. Fleenor
Department of Water Administration
Statehouse - Annex No. 2
Boise, Idaho 83707

Re: Thousand Springs Trout Farm, Inc.

Dear Mr. Fleenor:

On August 10, 1972, Thousand Springs Trout Farm, Inc. filed with your office an Application for Amendment with respect to Permit to Appropriate the Public Waters of the State of Idaho No. 36-7148 and Application for Transfer of Water Right with respect to Water License No. 17850 and Claim to Water Right No. 364013 and Water License No. 18605. Although Thousand Springs Trout Farm, Inc. has been advised as long ago as September 14, 1972, that Mr. Earl M. Hardy had filed a protest regarding the above Applications and that we would be notified at a later date as to the time and place set for a conference or hearing to discuss the matters of protest, we have received no further information. Since that time, I have by telephone inquired what has happened to this matter and whether any further action is necessary on the part of Thousand Springs Trout Farms, Inc. to bring this matter to hearing, and in each instance I have been advised that nothing further need be done. 36-2703 36-2048

This letter is to inquire whether a date has been set for a conference or hearing and if not, why not? Thousand Springs Trout Farm, Inc. is anxious to have this matter heard and urges the Department of Water Administration to take whatever action is necessary to bring this matter to hearing. If you need any further information or assistance from us, we would be happy to provide it.

Yours truly,

Warren E. Jones
Warren E. Jones

WEJ:gw

cc: T. H. Eberle

JAN 19 1995

September 26, 1972

Re: Transfer App. No. 36-2048, 36-2708, 36-4013
Permit No. 36-7148

Thousand Springs Trout Farm, Inc.
P.O. Box 232
Buhl, Idaho 83316

Gentlemen:

Enclosed please find a copy of the protest filed by Clear Springs Trout Company against the above referenced applications for transfer and the amending of Permit No. 36-7148.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Copy of protest

bc: Southern District Office

RECEIVED
JAN 19 1995

September 26, 1972

Re: Transfer App. No. 36-2048, 36-2703, 36-4013
Permit No. 36-7148
(Thousand Springs Trout Farm, Inc.)

Mr. John C. Hepworth, Sec.
Clear Springs Trout Company
1020 Main St.
Buhl, Idaho 83816

Dear Mr. Hepworth:

We acknowledge receipt of your protest against the above referenced applications for transfer and the amending of Permit No. 36-7148.

The following are the principle items we can consider at a conference and/or hearing in either approving or denying a transfer application:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

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

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

bc: Southern District Office

JAN 19 1973



THOUSAND SPRINGS TROUT FARMS, INC.

Phone / Area Code 208 / 543-4311

Box 232 / Buhl, Idaho 83316

RECEIVED

SEP 19 1972

Department of Water Administration

ROCKY MOUNTAIN RAINBOW TROUT

September 18, 1972

505

Mr. Bobby D. Fleenor
Assistant Director
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Fleenor:

Thank you for your letter of September 14 reference Transfer Applications No. 36-2048, 36-2703, 36-4013; Permit No. 36-7148. We also note the enclosed copy of a protest filed by Earl M. Hardy reference Permit No. 36-7148.

A copy of this has been sent to our attorney, Mr. Ted Eberle, Eberle, Berlin, Kading, Turnbow & Gillespie, P. O. Box 1368, Boise, Idaho 83701. I would appreciate it, if possible, that future correspondence on this matter also carry a copy to him - if this is practical for you to do.

Sincerely

Robert A. Erkins
President

RAE:mb

cc: Mr. Ted Eberle

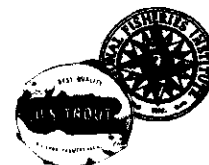
MICROFILMED

JAN 19 1985

with production facilities at

SNAKE RIVER TROUT FARM, Buhl
IDAHO SPRINGS TROUT FARM, Hagerman
PAPOOSE SPRINGS TROUT FARM, Pocatello
INDIAN SPRINGS TROUT FARM, Blackfoot
TWO BEES FEED COMPANY, Wendell

COMMERCIAL RAINBOW TROUT FOR SELECTIVE TRADE



September 14, 1972

Re: Transfer Applications No. 36-2048
36-2703
36-4013

Permit No. 36-7148

Thousand Springs Trout Farm, Inc.
P.O. Box 232
Buhl, Idaho 83316

Gentlemen:

Enclosed is a copy of the protest filed by Earl M. Hardy against the above referenced applications for transfer and the amending of Permit No. 36-7148.

The following are the principle items we can consider at a conference &/or hearing in either approving or denying a transfer application:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

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

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Copy of protest

MICROFILMED
JAN 19 1995

September 14, 1972

Re: Transfer Applications No. 36-2048)
36-2703)
36-4018) Thousand Springs Trout Farm, Inc.
Permit No. 36-7148)

Mr. Earl M. Hardy
1840 Vista Avenue
Boise, Idaho 83705

Dear Mr. Hardy:

We acknowledge receipt of your protest against the above referenced applications for transfer and the amending of Permit No. 36-7148.

The following are the principle items we can consider at a conference &/or hearing in either approving or denying a transfer application.

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

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

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

JAN 19 1995

PHONE 342-0090

EARL M. HARDY
BOISE, IDAHO 83705

September 8, 1972

1340
~~1200~~ VISTA AVENUE

Accepted 9/11/72
JDF

Re: Proposed Changes of Water Rights
Nos. 36-2048, 36-2703
Proposed Change of A Claim to a
Water Right No. 36-4013
Amendment to Application For Permit
No. 36-7148 - Thousand Springs Trout
Farms, Inc.

RECEIVED

SEP 8 1972

Mr. R. Keith Higginson, Director
Department of Water Administration
State House -- Annex 2
Boise, Idaho

Department of Water Administration

Dear Mr. Higginson:

The undersigned hereby protests the above applications to change and enlarge the existing diversion works as proposed therein.

The undersigned, Clear Lakes Trout Co., is the owner of the following approved permits to appropriate water from the same source as that from which Thousand Springs Trout Farms, Inc. proposes to take additional water under the above applications:

No. 36-2659, dated June 24, 1966 for 100 c.f.s.
No. 36-7004, dated July 21, 1967 for 75 c.f.s.

The additional water which Thousand Springs Trout Farms, Inc. proposes to take under these applications runs into and is a part of the water appropriated by and presently being used by Clear Lakes Trout Co., Inc. under its approved applications set forth above.

All of the water adjacent to and west of the existing diversion of the applicant, Thousand Springs Trout Farms, Inc., is presently being used by the protestant herein and any extension of this existing diversion to the west as proposed by the applicant would decrease the amount of water available to the protestant and thereby cause injury to the Clear Lakes Trout Co., Inc. under the provisions of Sec. 42-108, I. C.

Under the above applications, it appears that Thousand Springs Trout Farms, Inc. is attempting to obtain additional water to that which it is entitled to based on the Claim to a Water Right No. 36-4013 and "Due to changes in flow of spring, old diversion no longer collects and diverts the quantity of water to which applicant has a prior right. New diversion will enlarge existing diversion to extent necessary to collect water to which applicant has an established existing right.", as stated by applicant in Item 10-e of the applications. Clear Lakes Trout Co., Inc. does not necessarily consider that said claim to a Water Right No. 36-4013 is either accurate or valid insofar as the ~~claim~~ ^{water} claimed therein is concerned. Furthermore, all of the water measurements of the Clear

JAN 19 1995

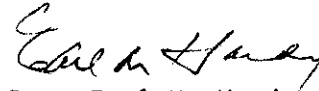
Mr. R. Keith Higginson
Page 2
September 8, 1972

Lake Spring available to Clear Lakes Trout Co., Inc. do not support that there is a decrease in spring flow which would necessitate the proposed changes in diversion, even if it were assumed that the applicant has an established and prior right for the quantity of water stated in said claim No. 36-4013, which protestant does not so assume. But rather, Clear Lakes Trout Co., Inc., assumes that by filing these applications to enlarge and extend its diversions constitutes an attempt by Thousand Springs Trout Farms, Inc. to enlarge its use of the water it is actually entitled to, contrary to Section 42-222, I. C.

It is requested that this letter be entered as a formal protest on behalf of the undersigned to the allowance of said applications and request that they be denied.

Respectfully yours,

CLEAR LAKES TROUT CO., INC.


By: Earl M. Hardy
President

EMH/skh

RECORDED
JAN 19 1995

1 HEPWORTH, NUNGESTER & FELTON
2 1020 Main Street
3 Buhl, Idaho 83316
4 Telephone: 543-4368

Accepted BDF

8 STATE OF IDAHO
9 DEPARTMENT OF WATER ADMINISTRATION

10
11 In the Matter of Applications)
12 Number 36-2448, 36-2703, 36-4013) PROTEST
13 and 36-7148 of Thousand Springs)
14 Trout Farm, Inc.)

15 Comes now JOHN C. HEPWORTH, Secretary of CLEAR SPRINGS TROUT
16 COMPANY, a corporation, and respectfully alleges:

17 1. That Thousand Springs Trout Farm, Inc., has filed applica-
18 tions with the Department of Water Administration as follows:

- 19 a. A proposed change of water rights with respect to
20 Applications No. 36-2048 and 36-2703;
21 b. A proposed change of a Claim to a Water Right
22 No. 36-4013; and
23 c. An amendment to Application for Permit No. 36-7148.

24 2. Clear Springs Trout Company, an Idaho corporation, claims
25 rights and has issued to it permits in connection with the same
26 water source to which Thousand Springs Trout Farm, Inc.'s
27 applications relate. The applications and permits of Clear Springs
28 Trout Company are designated by the Department of Water Administra-
29 tion as being permits numbered:

30 36-2708

31 36-7218

32 3. That Clear Springs Trout Company and its assignee for
security purposes, Farmers' National Bank of Buhl, Idaho, protest

RECORDED

JAN 19 1995

1 the applications of Thousand Springs Trout Farm, Inc., set forth
2 above on the following basis:

3 a. That the proposed changes by Thousand Springs Trout
4 Farm, Inc., cannot be made without injuring the permits and
5 rights of Clear Springs Trout Company and its assignee,
6 Farmers' National Bank of Buhl, Idaho;

7 b. That the proposed changes and amendments by Thousand
8 Springs Trout Farm, Inc., if allowed, would constitute an
9 enlargement of any rights they now have and would thereby
10 injure other permit holders including Clear Springs Trout
11 Company and its assignee.

12 WHEREFORE, Clear Springs Trout Company and its assignee,
13 Farmers' National Bank of Buhl, Idaho, respectfully pray that
14 Application Nos. 36-2048, 36-2703, 36-4013, and 36-7148 of Thousand
15 Springs Trout Farm, Inc., be denied, disallowed and rejected and
16 that the Department of Water Administration refuse the applications
17 made thereunder.

18 DATED: September 11, 1972.

19 John C. Hepworth
20 STATE OF IDAHO)
21 County of Twin Falls) ss.

22 JOHN C. HEPWORTH, being first duly sworn under oath, says:

23 That he is the secretary of Clear Springs Trout Company and is
24 the authorized attorney for Farmers' National Bank of Buhl, Idaho,
25 in connection with the applications of Thousand Springs Trout Farm,
26 Inc.; that he has read the above and foregoing and knows the con-
27 tents thereof and believes the facts stated therein to be true
28 and that this verification is made as secretary of Clear Springs
29 Trout Company and under his power of attorney from the Farmers'
30 National Bank of Buhl, Idaho.

31 Subscribed and sworn to before me this 11th day of September, 1972.
32 John C. Hepworth
Notary Public for Idaho
Residing at Twin Falls, Idaho

JAN 19 1975

RECEIVED

Affidavit of Publication

1972

Department of State Administration
State of Idaho
County of Gooding ss.

Mary Ann 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 pro-
vided 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 24 day

of August, 1972, and the date of the last publication

was on the 31 day of August, 1972

Mary Ann Hagen
Subscribed and sworn to before me this 31

day of August, 1972
(SEAL)

Andrew C. Belsher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

Lines at 14¢

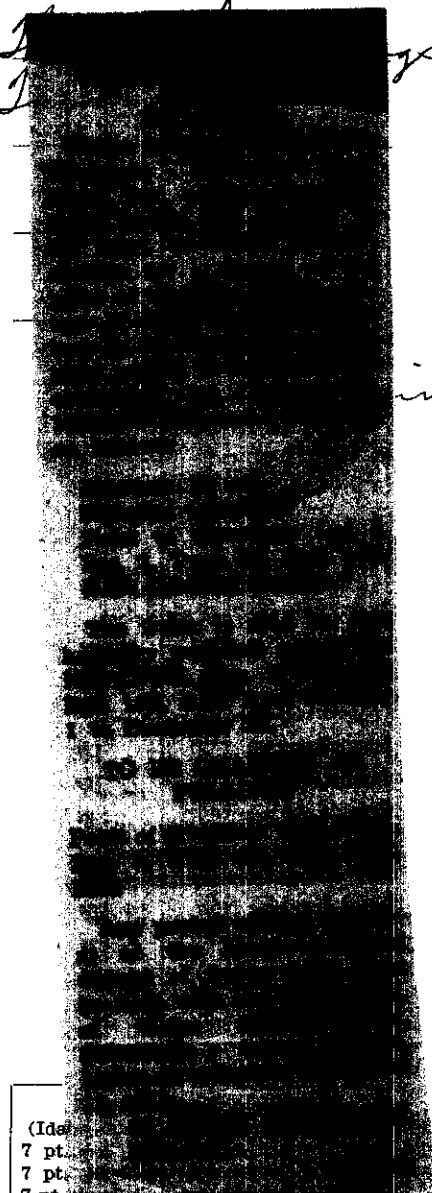
Lines at 10¢

TOTAL COST.....

COPY OF NOTICE

Title of Notice

Change of Water Right
Title of Notice



(Idaho)	
7 pt.	
7 pt.	
7 pt.	
Insertions	10c
6 pt. per line, straight	15c
6 pt. per line, tabular	20c
6 pt. per line, successive	
Insertions	10c

No 1597

JAN 19 1995

August 21, 1972

Re: Transfer Nos. 36-2048, 36-2703, 36-4013
Permit No. 36-7148

Gooding County Leader
Box 56
Gooding, Idaho 83330

Gentlemen:

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

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

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

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

(signature of claimant)

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

Bill submitted _____ by _____

RECORDED

BDF:DR
Enc: Legal notices (4)

JAN 19 1995

Need Galley Proof
**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT**

NO. 38-2048

Notice is hereby given that
Thousand Springs Trout
Farm, Inc., of P.O. Box 232,
Buhl, Idaho, has applied to
the Dept. of Water Admini-
stration for a change of the
point of diversion of the wa-
ters of Clear Springs, tribu-
tary to the Snake River. The
right sought to be changed is
evidenced by License No.
18605/36-2048 and is recorded
as follows:

Amount: 20 cfs

Priority: 4/11/1938

Point of diversion: Lot 5,
Sec. 2, Twp. 9S, Rge. 14E,
B.M., Gooding County.

The water is used for fish
hatchery purposes within the
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, Twp 9S,
Rge. 14E, B.M. from January
1 to December 31.

**TO BE CHANGED AS
FOLLOWS**

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 2, Twp. 9S, Rge. 14E,
B.M.

Any protest against approv-
al of the above proposed
change of water right must
be filed with the Idaho Dept.
of Water Administration,
Statehouse — Annex 2, Boise,
Idaho, on or before September
11, 1972.

R. KEITH HIGGINSON,
Director

8-24-2tc

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 36-2048

Notice is hereby given that Thousand Springs Trout Farm, Inc., of P.O. Box 232, Buhl, Idaho, has applied to the Dept. of Water Administration for a change of the point of diversion of the waters of Clear Springs, tributary to the Snake River. The right sought to be changed is evidenced by License No. 18605/36-2048 and is recorded as follows:

Amount: 20 cfs

Priority: 4/11/1938

Point of diversion: Lot 5, Sec. 2, Twp. 9 S, Rge. 14 E, B.M.,
Gooding County.

The water is used for fish hatchery purposes within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, Twp. 9 S, Rge. 14 E, B.M. from January 1 to December 31.

TO BE CHANGED AS FOLLOWS

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, Twp. 9 S, Rge. 14 E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Dept. of Water Administration, Statehouse - Annex 2, Boise, Idaho, on or before September 11, 1972.

R. KEITH HIGGINSON

Director

Published in the Gooding County Leader at Gooding, Idaho, on August 24 and August 31, 1972.

MICROFILMED

JAN 19 1995

36-2048
18605

November 1, 1962

18605

Mr. Harry Povey,
Attorney at Law,
115 -2nd Street W.,
Twin Falls, Idaho.

Dear Mr. Povey:

Your letter of October 30th received in regard to filing of water rights on Clear Springs.

You mention Permit No. 16817. That permit was cancelled June 20, 1933. The other two permits went to license for the amount and priority you show.

We have no other valid filings on Clear Springs. Two licenses were issued to W. B. Sheldon for a total of 10.47 cfs, priority July 18, 1927, from Briggs Springs for fish farming, irrigation and domestic use. Idaho Power Company also has a license for 0.1 cfs from springs, tributary of Clear Lake for domestic and irrigation use. There are also rights out of Clear Lake.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RWT:pak

18605

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

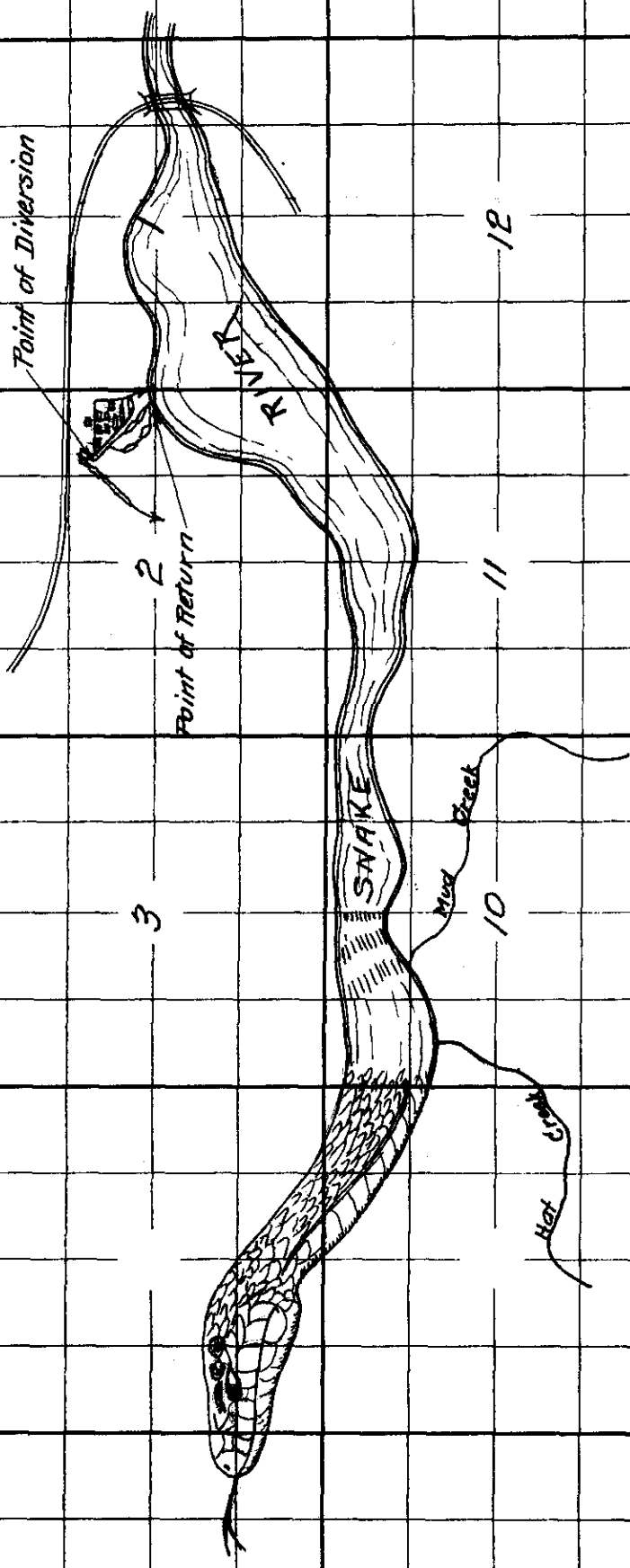
REPORT OF ENGINEER

PERMIT NO. 18605

REPORT ON PROOF OF Completion of Works and Beneficial Use

OK JCoFW
BU 20 S.F.
Fee CofW \$ 8 00
BU. 5 00
\$ 13 00

H.D. 18-20



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18605

This proof is for Completion of Works and Beneficial Use

In Water District No.

1. Name of applicant J. J. Tingey, Buhl, Idaho

2. Source of water supply: Clear Springs (head of Clear Lakes)

3. Location of point of diversion: Is in the Lot 5 of Section 2

T. 9 S. R. 14 E. County of Gooding

4. Describe works as they exist, giving dimensions and capacities of same: A concrete check

wall 40 ft long, 2 ft high and 8" thick, from which a 60 ft length of 18" steel pipe diverts to a concrete lined ditch 350 ft long x 3 ft wide x 1 ft deep.

Thence through fish ponds and a short ditch to Snake River. Capacity over 20 cu ft.

5. Water is used for: Fish Hatchery purposes

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Snake River

Remarks: See detail plans of fish ponds in report on Permit # 17850.

This examination was made on the 3rd day of May, 1939.

(Signed)

Fred H. Dolman
Examiner.

18605

J. W. Tingey
Buhl, Idaho
Permit No. 18605

Examination for Completion of Works
and Beneficial Use

County Gooding

(Harold Wm. Merritt, Civil Engineer,
Twin Falls, has been handling this
filing for Mr. Tingey)

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make a plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.

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

TELEPHONE 733-3181

NOV 1 1962

Department of Reclamation

October 30, 1962

Mr. George N. Carter
State Reclamation Engineer,
Department of Reclamation
Capitol Building,
Boise, Idaho.

In re Snake River Trout Company

Dear George:

I am interested in ascertaining what water filings have been made on Clear Springs in Gooding County, which water flows through Snake River Trout Company trout hatchery, the lands formerly owned by Systers, the Buhl Country Club and the Idaho Power Company plant and into Snake River.

I believe the following filings cover the water right of Snake River Trout Company: (for trout hatchery and domestic purposes)

Permit 16817 for 40 second feet with priority Feb.15, 1928
Permit 17850 for 40 second feet with priority Nov.23,1933
Permit 18605 for 20 second feet with priority Apr.11,1928

Thanking you and with kind regards, I remain,

Sincerely yours,

Harry Povey

HP/p

18605

January 13, 1940

Re: Permit No. 18605

Mr. J. W. Tingey,
Buhl, Idaho.

Dear Sir:-

We are enclosing herewith Certificate of Completion of Works, and also License and Certificate of Water Right issued under the above numbered permit, confirming your right to use twenty (20) second feet of the waters of Clear Springs, a tributary of Snake River, with point of diversion in Lot 5, Section 2, Township 9 South, Range 14 East, B.M., for fish hatchery purposes, with priority date of April 11, 1908.

We are also enclosing Departmental Receipt # 17840 for the \$13.00 fees paid you in connection with these completion of works and beneficial use proofs.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Chief Clerk

JLA
Encs.

18605

January 9, 1940

Re: Permit No. 18605

Mr. J. W. Tingey,
Buhl, Idaho.

Dear Sir:-

We have on file the report of our field engineer on examination for completion of works and beneficial use proof under the above numbered permit.

This report shows that your works are capable of conveying to the place of intended use 20 second feet of the waters of Clear Springs, and that the water is being used for fish hatchery purposes.

The statutory fee in connection with completion of works proof is \$2.00, and \$5.00 for beneficial use proof, and upon receipt of the above fees, totalling \$7.00, Certificate of Completion of Works, and License, will be issued.

Very truly yours,

JAMES SPONFORD

Commissioner of Reclamation

JLA

By

Chief Clerk

18605

February 15, 1939

Re: Permit No. 18605
J. W. Tingey

Mr. Harold Wm. Marritt,
Civil Engineer,
Twin Falls, Idaho.

Dear Sir:-

This will acknowledge receipt of the deposition of the holder, depositions of two witnesses, and the affidavit of proof of publication from the newspaper, all in connection with proofs of completion of works and beneficial use under the above numbered permit.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this department. We are unable to say just when this examination will be made, since the department has but one field engineer who makes examinations all over the state.

However, Mr. Tolman, Field Engineer for this department, will contact you or Mr. Tingey at the time set for examination, so that he may be shown over the grounds. After his report is on file, you will be further notified as to fees before the issuance of a certificate of completion of works and license.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

JLA

Chief Clerk.

18605

SURVEYS
INVESTIGATIONS
REPORTS

HAROLD WM. MERRITT

CIVIL ENGINEER

TWIN FALLS, IDAHO

IRRIGATION
CONSTRUCTION
ESTIMATES

February 11, 1939

Mr. James Spofford
Commissioner of Reclamation
Boise, Idaho

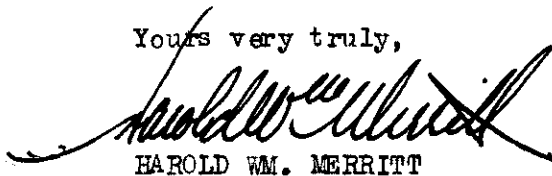
Re.: Permit #18605
J. W. Tingey

Dear Sir:

I am enclosing herewith forms of "Proof of Completion of Works" and "Proof of Beneficial Use" under the above permit. These papers consist of depositions of J. W. Tingey, holder of the permit, and depositions of two witnesses, Jess O. Eastman and myself. I am also enclosing affidavit of publication in the Gooding paper, where the notice ran.

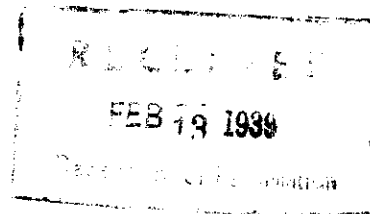
I trust that these may be found in order.

Yours very truly,



HAROLD WM. MERRITT

HWM*GS



**NOTICE OF PROOF OF COM-
PLETION OF WORKS AND AP-
PLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at 1:09 p. m. on the 11th day of February, 1939, at Twin Falls, County of Twin Falls, State of Idaho, before George Suddarth, Notary Public in the office of Harold Wm. Merritt, Engineer, proof will be submitted of the completion of works for the diversion of twenty (20) cubic feet per second of the waters of Clear Springs (tributary of Clear Lake) and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 18605 heretofore issued by the Dept of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation, holding said permit, are J. W. Tingey P. O. Box 618, Buhl, Idaho.

2. Said works of diversion will be fully completed on the date set forth for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit, is twenty (20) cubic feet per second.

3. The use to which said water has been applied is fish hatchery purposes and the amount applied to beneficial use is twenty (20) cubic feet per second.

4. The place where said water is used is Lots five (5) and twelve (12), in Section one (1), and Lots five (5) and eight (8), in Section Two (2), all in Township 9 South, Range 14 E.B. M., Gooding County, Idaho.

5. The date of priority which said user is prepared to establish is April 11, 1938.

JAMES SPOFFORD
1-12-41 Commissioner of Reclamation

Affidavit of Publication

State of Idaho, County of Gooding—ss.

A. A. Power being duly sworn, says that he is of lawful age and is the Printer of THE GOODING INDEPENDENT, a weekly newspaper of general circulation published at Gooding, in the County of Gooding, State of Idaho; that the attached printed copy hereto annexed was published in THE GOODING INDEPENDENT, in the regular edition thereof and not in a supplement, for

..... 4 consecutive weeks, commencing on the 12.

day of January 1939 and ending on the 2.

day of February 1939

A. A. Power Printer.

Subscribed and sworn to before me this 11th day of

Feb. 1939.

Leona W. Lucke

Notary Public, in and for the County of Gooding
State of Idaho

My commission expires Dec 2, 1940.

18605

PERMIT NO. 18605

Proof of Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. J. W. Tingey, Gooding County, Fish culturist, Buhl, Idaho

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. Snake River Trout Co., Buhl, Idaho. President and Gen. Mgr.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. Permit #18605, 20 additional second ft., Clear Springs, (head of Clear Lakes), Point of diversion, Clear Springs. April 11, 1938.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. To be used for fish hatchery purposes.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Yes, about May 1, 1938, 100%.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Yes.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. xxxxxxxx

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Concrete diversion dam 50 ft. long, approx. 85 ft. 18" steel pipe, (5' fall) 200 ft. of cement line canal, approx. 100 ft. of concrete flume, approx. 100 ft. of 20" wood pipe. Capacity of each unit 20 sec. ft. Approx. cost, \$1,200.

(Sign here.)

J. W. Tingey

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Twin Falls,

County of Twin Falls, State of Idaho, on this 11th day of February, A. D. 1939.

George L. Ladd
Notary Public.

My Commission expires May 20, 1941.

18605

Permit No. 18605

Proof of Completion of Works**DEPOSITION OF WITNESS**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Jess O. Eastman, Twin Falls County, Farmer, Buhl, Idaho

Ques. 2. Are you acquainted with J. W. Tingey, the holder of Permit No. 18605, authorizing the diversion of 20 second-feet of the waters of Clear Springs, tributary of Clear Lakes, at Clear Lakes for hatchery purposes? How long have you known him, and where does he reside?

Ans. Yes. 10 yrs. He resides in Gooding County.

Ques. 3. Have you read or heard read said Permit No. 18605, and are you familiar with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Not for irrigation.

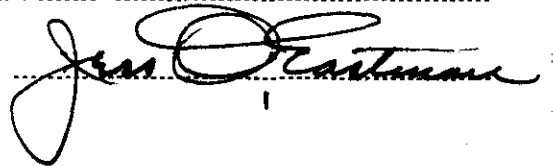
Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes.

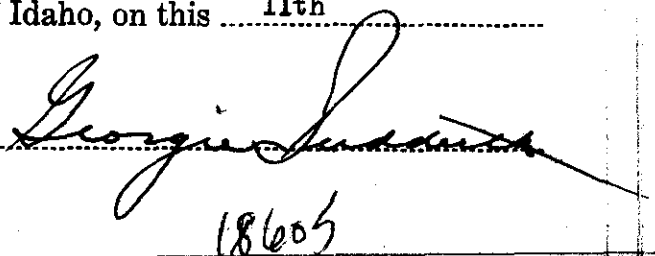
Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Cement lined open ditch, steel pipe, concrete open flume, wood pipe, concrete diversion dam. Will carry 20 sec. ft.

(Sign here.)



I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Twin Falls County of Twin Falls, State of Idaho, on this 11th day of February, A. D. 1939.



18605

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. 18605

Proof of Completion of Works

DEPOSITION OF WITNESS

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Harold Wm. Merritt, Twin Falls County, Engineer, Twin Falls, Idaho

Ques. 2. Are you acquainted with J. W. Tingey, the holder of Permit No. 18605, authorizing the diversion of 20 second-feet of the waters of Clear Springs, tributary of Clear Lakes and Snake River, at Clear Lakes for hatchery purposes? How long have you known him, and where does he reside?

Ans. Yes. 10 yrs. Clear Lakes, Gooding County, Idaho, P.O. Buhl, Idaho

Ques. 3. Have you read or heard read said Permit No. 18605, and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. XXXXX

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Works consist of low concrete diversion dam, approx. 50' long, and conduit consisting of concrete lined ditch, steel pipe 18" diameter (5' fall), concrete flume, and wood stave pipe. Will carry 20 sec. ft.

(Sign here.)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Twin Falls County of Twin Falls, State of Idaho, on this 11th day of February, A. D. 1939.

Georgie L. Lander
Notary Public

18605

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 18605

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. J. W. Tingey, Gooding County, Fish culturalist, Buhl, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Snake River Trout Co., Buhl, Idaho. General Mgr. and President

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 18605, April 11, 1938.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Clear Springs, (head of Clear Lakes), Gooding County.

490837W 329 ft dist from E 1/4 Corn Sec 2 T9S R14E

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Concrete diversion dam, 50' long, approx. 85' of 18" steel pipe (5' fall)
200' of cement line canal, approx. 100' concrete flume, approx. 100' of 20" wood
pipe, capacity of each unit, 20 sec. ft. Approx. cost \$1,200.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. To be used for fish hatchery purposes.

Ques. 7. If for other than for irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Used for fish hatchery purposes.

18605

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 20 Sec. ft.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. xxxxx

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Has been used since May 1, 1938 to full extent for purposes intended.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Permit No. 17850, with priority date of Nov. 27, 1933, for 40 sec. ft.

Have been using this full amount for hatchery and fish raising purposes for past 8 years.

(Sign)

J W Tingley

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Twin Falls, County of Twin Falls, State of Idaho, on this 11th day of February, A. D. 1939.

George S. Sanders
Notary Public

My commission expires May 20, 1941

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18605

Proof of Application of Water to Beneficial Use
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Jess O. Eastman, Twin Falls County, Farmer, Buhl, Idaho.

Ques. 2. Are you acquainted with J. W. Tingey, the holder of Permit No. 18605? How long have you known him and where does he reside?

Ans. Yes. 10 yrs. He resides in Gooding County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 18605, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Clear Springs, tributary of Clear Lakes, combination of conduits approximately 500 feet, consisting of cement lined open ditch, steel pipe, concrete open flume, wood pipe, concrete diversion dam.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 20 sec. ft. Have seen full amount conveyed.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. General fish hatchery purposes, to add additional fresh water to ponds, and increasing productive capacity, located in Sec. 1, Township 2 S., Range 14 E. B. M. approximately 500' southeasterly from Clear Springs.

18605

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent

Ans. Water is carried from point of diversion to fish ponds, adding to water
under old permit.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Not for irrigation

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Saw work started, watched it during period of construction and saw it
completed, and operating successfully.

(Signed)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Twin Falls, County of Twin Falls, State of Idaho, on this day of February 11, A. D. 1939.

Georgie Schneider
Notary Public.

My commission expires May 20, 1941

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18605

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Harold Wm. Mercitt, Twin Falls County, Engineer, Twin Falls, Idaho

Ques. 2. Are you acquainted with J. W. Tingey, the holder of Permit No. 18605? How long have you known him and where does he reside?

Ans. Yes. 10 yrs. Clear Lakes, Gooding County, Idaho. P.O. Buhl, Idaho

Ques. 3. Have you read or heard read said Permit No. 18605, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Clear Springs which is a tributary of Clear Lakes and Snake River. Place of diversion in Sec. 2, Township 9S.R. 14 E.B.M., near east center line, Gooding County, Idaho, conduit of concrete lined ditch, 18" steel pipe, 20" wood pipe, and concrete flume, total length about 500 ft. Capacity 20 sec. ft.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 20 Sec. ft. conduit running full.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. General hatchery purposes. This additional fresh water will increase efficiency and productive capacity of the plant.

18605

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent

Ans. Full 20 sec. ft. of water conducted to head of lower ponds, supplementing
old permit rights of 40 sec. ft.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation

Ans. xxxxx

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Surveyed for dam and conduits, observed construction and have seen water
being diverted 100% since construction, January 15, 1939

(Signed) *Walter H. Hines*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Twin Falls, County of Twin Falls, State of Idaho, on this day of 11th day of February, A. D. 1939.

George L. Hines
Notary Public.

My commission expires May 20, 1941

SURVEYS
INVESTIGATIONS
REPORTS

HAROLD WM. MERRITT

CIVIL ENGINEER
TWIN FALLS, IDAHO

IRRIGATION
CONSTRUCTION
ESTIMATES

February 7, 1939

Miss Jeanne L. Anderson, Chief Clerk
Department of Reclamation
Boise, Idaho

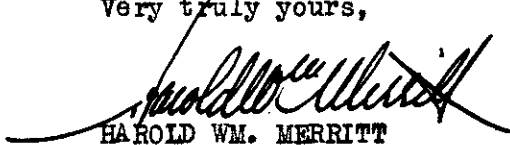
Re. Permit #18605
J. W. Tingey
Twin Falls County.

Dear Miss Anderson:

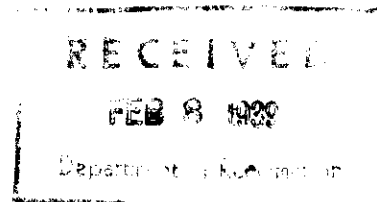
May I thank you for the courtesy of your letter of
February 6th, relative to the status of the above
matter.

Have just received affidavit of publication from the
Gooding paper, depositions will be made on the 11th,
and forwarded to you immediately.

Very truly yours,


HAROLD WM. MERRITT

HWM*GS



18605

**NOTICE OF PROPOSAL OF COM-
MISSIONER OF WORKS AND AP-
PROPRIATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at 1:00 P. M. on the 11th day of February, 1939, at Twin Falls, County of Twin Falls, State of Idaho, before George S. Suddeth, Notary Public in the office of Harold Wm. Merritt, Engineer, who will be submitted of the completion of works for the diversion of twenty (20) cubic feet per second of the waters of Clear Springs (tributary of Clear Lake) and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 18605, heretofore issued by the Dept. of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation, holding said permit, are J. W. Tingey P. O. Bonanza, Bonanza, Idaho.

2. Said works of diversion will be fully completed on the date set forth for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit, is twenty (20) cubic feet per second.

3. The use to which said water has been applied is fish hatchery purposes and the amount applied to beneficial use is twenty (20) cubic feet per second.

4. The place where said water is used is Lots five (5) and twelve (12), in Section one (1), and Lots five (5) and eight (8), in Section Two (2), all in Township 9 South, Range 1, E.B. M., Gooding County, Idaho.

5. The date of priority which said user is prepared to establish is April 11, 1938.

JAMES SPOFFORD
1-12-41 Commissioner of Reclamation

Affidavit of Publication

State of Idaho, County of Gooding--ss.

R. A. Power being duly sworn, says that he is of lawful age and is the Printer of THE GOODING INDEPENDENT, a weekly newspaper of general circulation published at Gooding, in the County of Gooding, State of Idaho; that the attached printed copy hereto annexed was published in THE GOODING INDEPENDENT, in the regular edition thereof and not in a supplement, for

..... 4 consecutive weeks, commencing on the 12.....

day of January 1939 and ending on the 2.....

day of February 1939.

R. A. Power Printer.

Subscribed and sworn to before me this 8th day of

Feb 1939
Opilbut Notary Public

Notary Public, in and for the County of Gooding
State of Idaho

My commission expires Nov. 22 1940.

February 6, 1939

Re: Permit No. 18605
J. W. Tingey

Mr. Harold Wm. Merritt,
Twin Falls, Idaho.

Dear Mr. Merritt:-

We are in receipt of your letter of February 3rd in reply to our Form Letter No. 7, addressed to you under date of February 2nd.

It is the custom of this office to keep a list of the various permits on which proofs are due- and each month to send out notices accordingly- and when your letter of November 15th was received, stating that your client wished to make his final proofs at an earlier date, through an oversight the above numbered permit was not struck off the list of those due in April, 1939.

You are entirely correct in your statement that publication has been made and proofs of completion of works and beneficial use will be made on February 11th, before George Suddarth, Notary Public, in your office.

We regret the error, and trust that you have not been seriously inconvenienced thereby.

The communication addressed you on February 2nd, relative to these proofs may be ignored, and the matter may proceed in accordance with notice that has been published, and depositions taken in regard to both these proofs on February 11th.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

JLA

Chief Clerk

18605

HAROLD WM. MERRITT

CIVIL ENGINEER

TWIN FALLS, IDAHO

IRRIGATION
CONSTRUCTION
ESTIMATES

February 3, 1939

RECEIVED

FEB 6 1939

Department of Reclamation

Mr. James Spofford
Commissioner of Reclamation
Boise, Idaho

Re.: Permit #18605
J. W. Tingey.

Dear Mr. Spofford:

On November 15th, I wrote to you relative to the desire of the above applicant to make "Proof of Completion of Works" and "Application of Water to Beneficial Use" under the above permit, and requested that necessary forms for making these proofs be sent. On November 17th, Paul H. Berg, your former Deputy Commissioner, acknowledged receipt of this request, and enclosed these forms.

On December 29th, you were sent notices of "Proof of Completion of Works" and "Application of Water to Beneficial Use" with the request that these proofs be made simultaneously. Included in the letter was the authorization for publication in the Gooding paper. Date of proof was set for February 11th, 1939. On January 20th, I received communication from you, acknowledging receipt of notices in duplicate for publication, and also authorization of publication, together with the assurance that the same had been mailed to the newspaper, with instructions, etc.

In your communication dated February 1st, you enclosed the necessary forms to be used in connection with the proofs. In this communication you stated that the date set for proof was February 11th, 1939, that depositions should be made before Georgie Sudderth, Notary Public, Twin Falls, Idaho, etc., these instructions being on your forms Nos. 22-A and 22-B.

Now I am in receipt of communication dated February 2nd, relative to the same permit, in which on form No. 7 you specified that proof must be made on or before April 29, 1939. Blank forms No. 8, for publication, were enclosed.

There appears to be some error in this matter. Publication has been made, date was set for February 11th, applicant and his witnesses have been notified. I don't understand this new set of instructions. Would be pleased to hear from you in this matter at as early a date as possible, so that in case the February 11th date must be postponed, and this matter republished, the applicant and his witnesses may be notified in time to save themselves unnecessary expense.

May I call your attention to the request in my letter of December 29th, in which I referred to this as Permit #25942, and in your communication you referred to it as #18605; 25942 is the number which appears on your

18605

SURVEYS
INVESTIGATIONS
REPORTS

HAROLD WM. MERRITT

CIVIL ENGINEER
TWIN FALLS, IDAHO

IRRIGATION
CONSTRUCTION
ESTIMATES

Page 2.

Re.: Permit #18605

J. W. Tingey

Feb. 3, 1939

receipt No. 16573, dated April 11th, 1938, in connection with
this particular application.

Very truly yours,



HAROLD WM. MERRITT

HWM:GS

18605

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Re: Permit No. 18605
J. W. Tingey
Harold Wm. Merritt, Agent
Twin Falls, Idaho

Boise, Idaho

February 2, 1939

DEAR SIR:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 18605

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before April 22, 1939. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation.

18605

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO,
February 1, 1939

Re: Permit No. 18605

Georgie Suddarth, Notary Public
% Harold Wm. Marritt
Twin Falls, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 18605

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On February 11, 1939, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Twin Falls, Idaho before Georgie Suddarth, Notary Public

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly.

James Spofford

Commissioner of Reclamation.

18605

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Re: Permit No. 18605

**Georgia Sudderth, Notary Public,
C/o Harold Wm. Marritt,
Twin Falls, Idaho.**

Boise, Idaho,
February 1, 1939

, Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works under Permit No. **18605**

Deposition of Permit Holder,
Depositions of Two Witnesses.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of the permit holder's rights:

1. On **February 11, 1939**, the date set for proof of completion of works, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at **Twin Falls, Idaho, before Georgia Sudderth, Notary Public**

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

JAMES SPOFFORD

Commissioner of Reclamation

18605

James Spofford XXXXXXXX

XXXXXXXXXXXXXX
C. A. Bettolfson

January 20, 1939

Re: Permit No. 18605
J. W. Tingey

Mr. Harold Wm. Merritt,
Civil Engineer,
Twin Falls, Idaho.

Dear Sir:-

This will acknowledge receipt of notice in duplicate for publication in connection with proof of completion of works and beneficial use, and also authorization to have the notice published in the Gooding Independent, of Gooding, Idaho, all in connection with the above numbered permit.

A copy of the notice has been mailed to the newspaper, with instructions to publish it once a week for four consecutive weeks prior to February 11, 1939. About ten days prior to this date depositions, consisting of one for the holder and one for each of two witnesses, will be mailed to George Smiderth, Twin Falls, Idaho, so that he will have them in ample time for the proof.

On the date designated Mr. Tingey should appear at George Smiderth's office with two disinterested witnesses who are familiar with the terms of the permit and the works constructed thereunder for the purpose of executing the depositions.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

JLA

Chief Clerk

18605

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date..... **January 10, 1939**

Re: Permit No. **18605**
J. W. Tingey

GOODING INDEPENDENT,
GOODING, IDAHO

DEAR SIRs:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to..... **February 11, 1939**....., the date set for proof, the expense of the publication to be paid by the applicant,..... **J. W. Tingey, Box 615, Buhl, Idaho**.....

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

18605

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) December 29, 1938

(P. O.) Twin Falls, Idaho, P.O. Box No. 1092

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Gooding Independent of Gooding, Idaho, published in
the county in which the works are situated.

J. W. Tingey

By

Harold Wm. Merritt, Agent

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

18665

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 1:00 P.M. on the 11th day of February, 1939, at Twin Falls, County of Twin Falls State of Idaho, before Georgie Sudderth, Notary Public in the office of Harold Wm. Merritt, Engineer, proof will be submitted of the completion of works for the diversion of twenty (20) cubic feet per second of the waters of Clear Springs (tributary of Clear Lakes) and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 18605, heretofore issued by the Dep't. of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation, holding said permit, are J. W. Tingey P. O. Box 615, Buhl, Idaho
2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit, is twenty (20) cubic feet per second.
3. The use to which said water has been applied is fish hatchery purposes and the amount applied to beneficial use is twenty (20) cubic feet per second.
4. The place where said water is used is Lots five (5) and twelve (12), in Section One (1), and Lots five (5) and eight (8), in Section Two (2), all in Township 9 South, Range 14 E.B.M., Gooding County, Idaho
5. The date of priority which said user is prepared to establish is April 11, 1938

JAMES SPOTTORD

Commissioner of Reclamation

18605

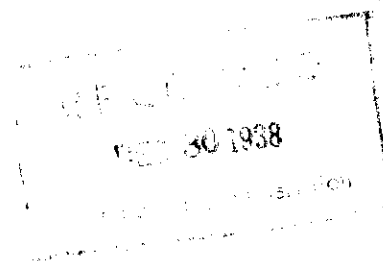
SURVEYS
INVESTIGATIONS
REPORTS

HAROLD WM. MERRITT
CIVIL ENGINEER
TWIN FALLS, IDAHO

Feb. 11.

IRRIGATION
CONSTRUCTION
ESTIMATES

December 29, 1938



#18605

Mr. Paul Berg
Office Engineer
Department of Reclamation
Boise, Idaho

Dear Paul:

Am sending you herewith "Notice of Proof of Completion of Works and Application of Water to Beneficial Use" for permit #25942, J. W. Tingey, Buhl, Idaho. It is our desire that both of these proofs be made at the same time. Included also is the authorization for publication in the Gooding paper.

I have set the date of proof for February 11th, 1939, which I believe will give us ample time for publication.

I believe you mailed the original permit back to J. W. Tingey, and the number of the permit which I referred to as 25942 was obtained from your receipt. Would appreciate your checking this for its correctness.

I trust that these papers may be found in order.

Thank you for this and past courtesies.

Very truly yours,

HAROLD WM. MERRITT

HWM*GS

18605

been it
TG 341 / 8605

November 17, 1938

Harold William Merritt
Civil Engineer
Twin Falls, Idaho

Dear Mr. Merritt,

We have your letter of November 15 in which you request the necessary papers for making proof of completion of works, and proof of beneficial use under a permit held by J. W. Tingey of Buhl.

We are herewith inclosing these papers.

You further ask in your letter as to whether or not the publication can be made in the Buhl paper. In answer to this we wish to state that the publication must be made in a paper in the county in which the works of diversion and the place of use are located, and by your letter you state that the county is Gooding County, therefore the publication must be made in the Gooding County paper.

With best personal regards, we are,

Very truly yours,

R. W. PARIS
Commissioner of Reclamation

By PAUL H. BERG
Deputy Commissioner

PHB:mh
Inc.

18605

SURVEYS
INVESTIGATIONS
REPORTS

HAROLD WM. MERRITT

CIVIL ENGINEER
TWIN FALLS, IDAHO

IRRIGATION
CONSTRUCTION
ESTIMATES

NOVEMBER 15, 1938

RECEIVED
DEPARTMENT OF RECLAMATION
NOV 17 1938

Mr. Robert Faris
Commissioner of Reclamation
Boise, Idaho

Dear Mr. Faris:

Mr. J. W. Tingey of Buhl, Idaho, with water filing on a portion of Clear Lakes in Gooding County for hatchery purposes desires to make Proof of Completion of Works and Beneficial Use, at this time. Would appreciate it if you would send me the necessary forms for making these proofs.

Tingey's address is Buhl, Twin Falls County. Clear Lakes is in Gooding County. Would a Buhl paper be adequate for advertising, or should it be in a Gooding County paper? Shall be glad to have this information and forms from you at an early date, and we will get this out of the way.

Very truly yours,

Harold W. Merritt
HAROLD WM. MERRITT

HWM:GS

18605

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 18605

Boise, Idaho, **May 4, 1938**

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as
given under approval of the Commissioner of Reclamation on
the third page.

J. W. Tingey
Dahl, Idaho

R. W. FARIS
Commissioner of Reclamation.

18605

Permit # 18605

April 12, 1936

HAROLD WM. MERRITT
Civil Engineer
Twin Falls, Idaho

Dear Mr. Merritt:

I have your letter of April 11, in which you enclosed an application for permit to appropriate the public waters of the State of Idaho by J. W. TINGEY, of Buhl, Idaho.

I note that this application is to appropriate the waters of a certain "Clear Spring". Mr. Tingey has not signed the affidavit of permission to file on springs. However, if the springs are upon his own land, there will not be any reason for him to do so.

I am herewith returning the application so that you may have Mr. Tingey sign the affidavit of permission to file on springs.

Yours very truly,

PAUL H. BERG,
Deputy Commissioner

FHB/ci
Enc.

18605

SURVEYS
INVESTIGATIONS
REPORTS

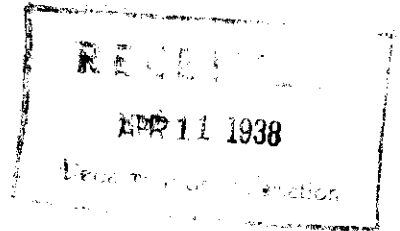
HAROLD WM. MERRITT

CIVIL ENGINEER

TWIN FALLS, IDAHO

IRRIGATION
CONSTRUCTION
ESTIMATES

APRIL 7, 1938



Mr. R. W. Faris
Commissioner of Reclamation
Boise, Idaho

Dear Mr. Faris:

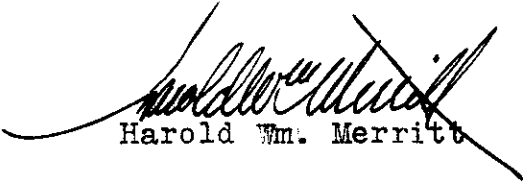
I am mailing to you, herewith, application of J. W. Tingey of Buhl, Idaho, to appropriate 20 second feet of waters of Clear Springs at Clear Lakes, Gooding County, for fish hatchery purposes, as explained in application.

This is to supplement present permit #16817, to take care of enlargements he has made in his hatchery.

This application is accompanied by tracing and print showing point of diversion, point of return etc., in compliance with your regulation.

Enclosed also you will find Mr. Tingey's check in the sum of \$9.75, the required application fee. I trust that this will be found in order.

With kindest regards.


Harold Wm. Merritt

HWM/GS

18605