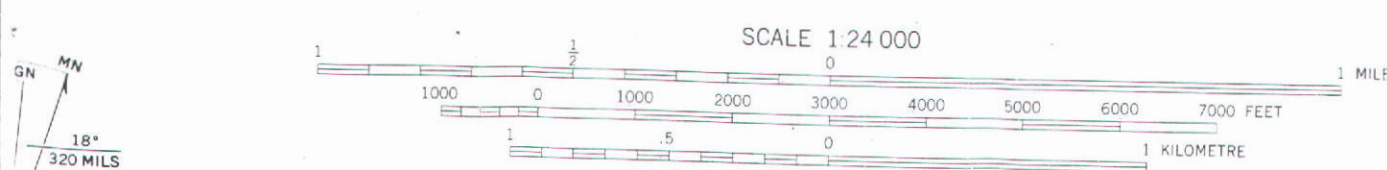
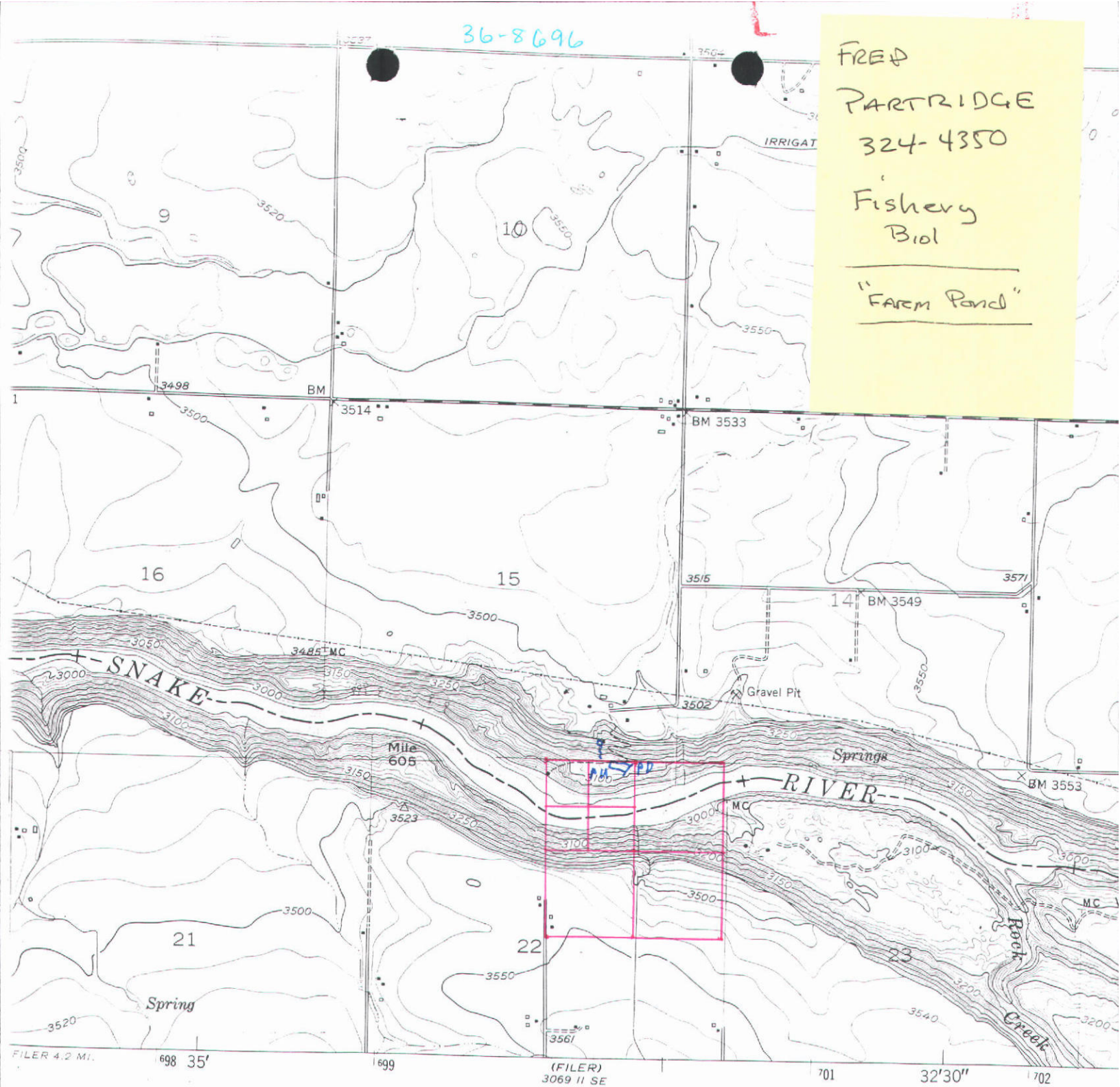


36-8696

FRED
PARTRIDGE
324-4350
Fishery
Biol
"Farm Pond"



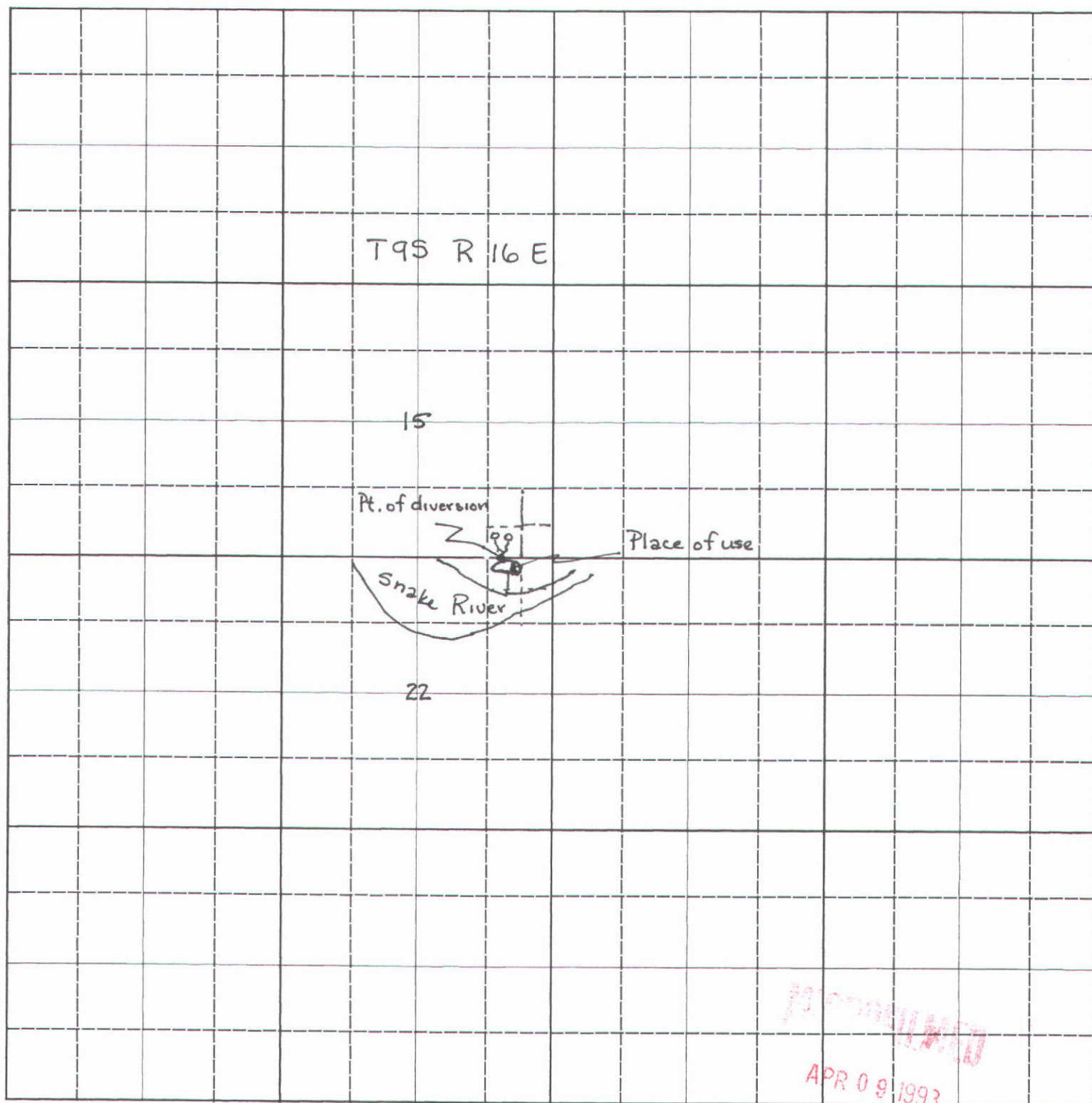
SCALE 1:24 000
CONTOUR INTERVAL 10 FEET
CONTOUR INTERVAL ON RIVER SURFACE 5 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

Microfilm
APR 09 1993

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

36-08696

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



Scale: 2 inches equal 1 mile.

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

Cindy Robertson for IDFG
Staff Fishery (Applicant)
Biologist

Sec. 15

Sec



MICROFILMED

APR 09 1993

36-08696

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Jerome } ss.

RECEIVED

JAN 28 1993

Patty Nance Department of Water Resources
Southern Region Office

being first duly sworn, deposes and says that she is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, 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

20 day of January, 1993.

and the date of the last publication was on the 27 day of

January, 1993.

Patty Nance

Subscribed and sworn to before me this 27th day of

January, 1993.

(SEAL)

Norma De Voe
NOTARY PUBLIC

18132/5628
NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2 X's

440 Lines tabular at 22.00 6¢/Pica

Lines straight at 18.00 5¢/Pica

Subsequent lines at 40.00 4¢/Pica

TOTAL COST \$40.00

COPY OF NOTICE

(Paste Here)

Notice of Application
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

The following application has been filed to appropriate the public waters of the State of Idaho:

36-08696

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25

BOISE ID 83720

Source: SPRING (Ellison's Spring) tributary to Snake River (existing development)

Diversion Pt: Lot 6 (NE1/4NW1/4NE1/4), S22, T09S, R16E; Jerome County.

Use: Fish Propagation Storage (2.5 afa) from 1/1 to 12/31

Wildlife Storage (2.5 afa) from 1/1 to 12/31

Total Diversion: 2.5 afa
Date Filed: 12/4/92

In: Lot 6 (NW1/4NE1/4), S22, T09S, R16E.

The permit (s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 on or before February 8, 1993.

R. Keith Higginson, Director

Published in North Side News on 1/20 & 1/27/93.

No 5628

18132

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JAN 28 1993



A young angler fishing Scott's Pond for rainbow trout.



A successful young angler with a hatchery stocked rainbow trout.

Exhibit B.



Scott's Pond sits on a bench on the north side of the river in the Snake River Canyon



Scott's Pond provides opportunity to teach young anglers how to fish.

RECEIVED
MAR 2 1994
Department of Water Resources

OFFICE USE ONLY
Amt. of Fee \$100.00
Date 3/25/94
Receipt No. C029894
Receipt by dw

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 36-08696 Telephone No. 334-2597

2. Name(s) of Permit Holder(s): STATE OF IDAHO, DEPT. OF FISH AND GAME

3. Mailing Address: PO BOX 25, Boise Id. 83720

4. Source of Water: UNNAMED SPRINGS

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (No. of acres) Other FISH AND WILDLIFE PROPAGATION

6. Total rate and/or volume for which proof is submitted 0.95 cfs OR 2.5 acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes ☒ No Installed? _____ Yes _____ No

Flow Measurement Port: Required? _____ Yes ☒ No Installed? _____ Yes _____ No

8. Fee Enclosed: \$ 100.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

FRED E PARTRIDGE

324-4359

Name

Telephone No.

BOX 428, 868 E MAIN, JEROME, ID 83338

Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

3/25/1994
Date

Cynthia Robertson, Staff Fishery Biologist
Signature (and title, if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08696

Proposed Priority: December 4, 1992 Maximum Diversion Rate: 1.00 CFS

This is to certify, that **STATE OF IDAHO**
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83720

has applied for a permit to appropriate water from:

SPRING tributary of **SNAKE RIVER**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		2.5 AF
RECREATION	01/01 to 12/31	1.00 CFS	
RECREATION STORAGE	01/01 to 12/31		2.5 AF
	Totals	1.00 CFS	

LOCATION OF POINT(S) OF DIVERSION: Lot 6(NENWNE), Sec. 22, Township 09S, Range 16E
JEROME County

PLACE OF USE: RECREATION
TWN RGE SEC

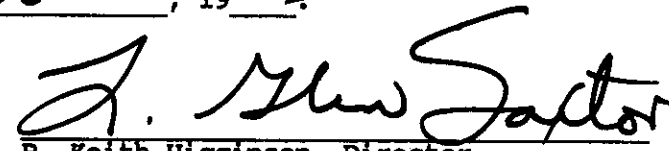
09S 16E 22 Lot 6(NWNE)

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1994.
2. Subject to all prior water rights.
3. Source is locally known as Ellison's Spring.
4. Recreation storage is for a non-commercial fishing pond.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

16th day of March, 1993

for 
R. Keith Higginson, Director

MICROFILMED

APR 09 1993

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DEC 09 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMITIdent. No. 36-08696Department of Water Resources
Southern Region Office
to appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Department of Fish and Game Phone 334-3700
Post office address P.O. Box 25 600 S. Walnut Boise, ID. 83707 83720
2. Source of water supply Unimproved spring (Ellison's Spr.) which is a tributary of Snake River
3. Location of point of diversion is * NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot 6
Sec. 22 Township 9S Range 16E B.M. Jerome County; additional
points of diversion if any: _____

4. Water will be used for the following purposes: * Per telecom w/Cindy Robertson 12-9-92
- Amount 0.95 for DIVERSION TO * purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) FISH PROPAGATION FROM Recreation
- Amount 2.5 for STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) WILDLIFE FROM
- Amount 2.5 for STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- * Amount 1.006 for RECREATION purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) 1.0
5. Total quantity to be appropriated is (a) 0.95 and/or (b) 2.5
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Dam & pond.
Collection system consists of cement raceway head structure. Water is impounded behind an earthen dike approximately 250 feet long and 8 to 10 feet deep. The outlet is a cement structure with boards to control water level. A culvert at the base discharges water through the dike. Surface area of the pond is approximately 0.6 acre; volume of the pond is approximately 2.5 acre-feet. The source of the water supply is known locally as Ellison's Spring Pond.

b. Height of storage dam 8 - 10 feet; active reservoir capacity 2.5 acre-feet; total pond reservoir capacity 2.5 acre-feet; period of year when water will be diverted to storage:
1/1 to 12/31 inclusive.

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

d. Is ground water with a temperature of greater than 90°F being sought? no

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

1 years (minimum 1 year). The pond was in place in 1968 when IDFG acquired the property. Catchable size and fingerling trout have been stocked in the pond on a regular basis since 1970. The pond is known locally as Robb's Pond. Stocking records for the period 1970 to 1991 are attached.

APR 09 1993

** changes made by Jim J. 3-10-93

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. Water in pond provides fish and wild life use for the general public

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
93	16 E	22	~~W~~	H W															
				Lt 6															

H = Fish Propagation Storage W = Wildlife Storage

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. none

11. a. Who owns the property at the point of diversion? IDFG

b. Who owns the land to be irrigated or place of use? IDFG

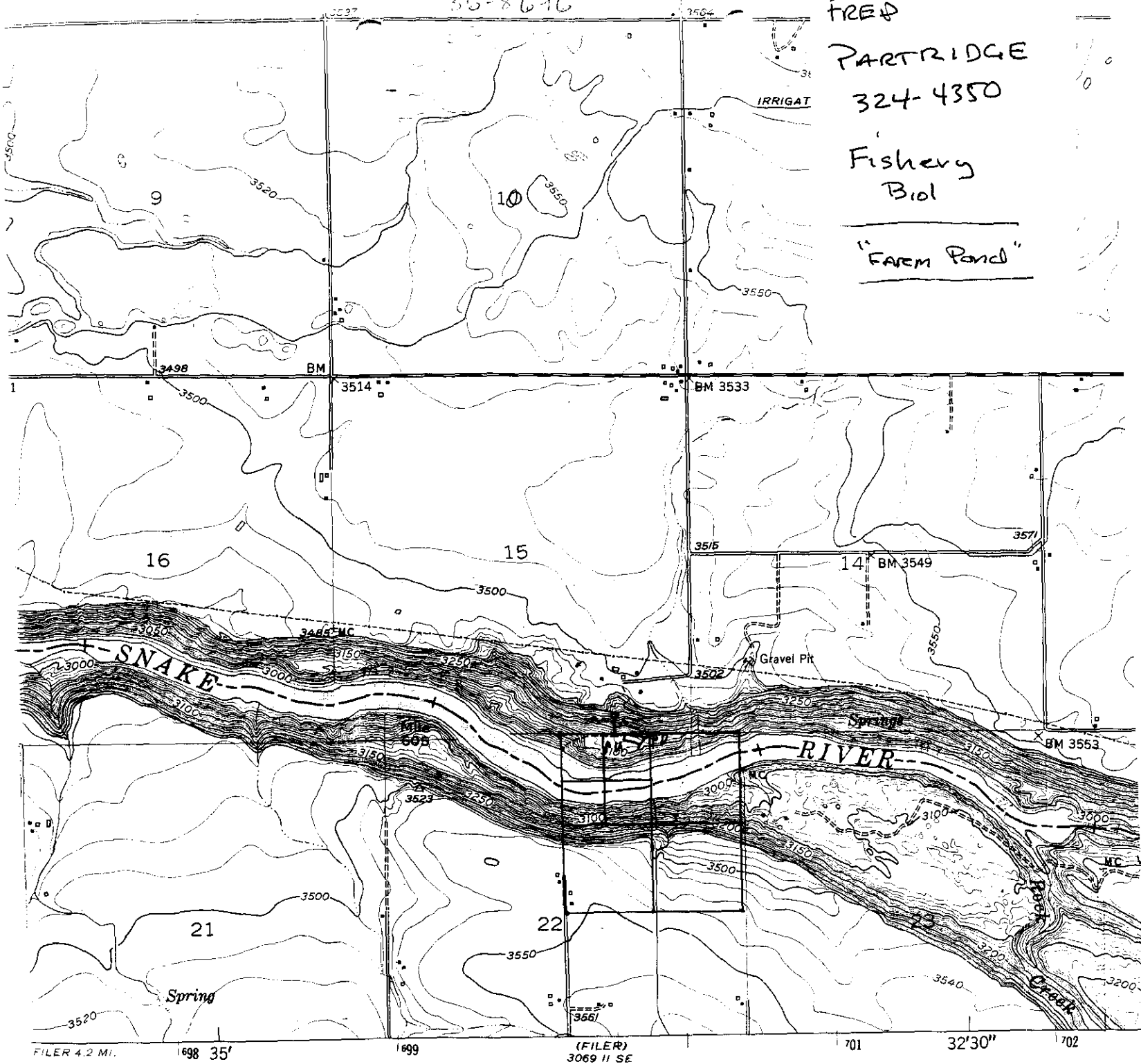
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Water is diverted from the springs on canyon wall to the pond. Pond provides a public fishery. Fish are propagated by stocking both fingerling and catchable size trout which remain in the pond until harvested by the public. Additionally, the pond provides resting area for numerous waterfowl.

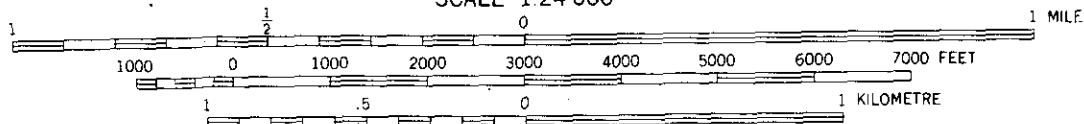
APR 08 1997

36-8696

FRED
PARTRIDGE
324-4350
Fishery
Biol
"Farm Pond"



SCALE 1:24 000



CONTOUR INTERVAL 10 FEET
CONTOUR INTERVAL ON RIVER SURFACE 5 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

GN
MN
18°
320 MILS

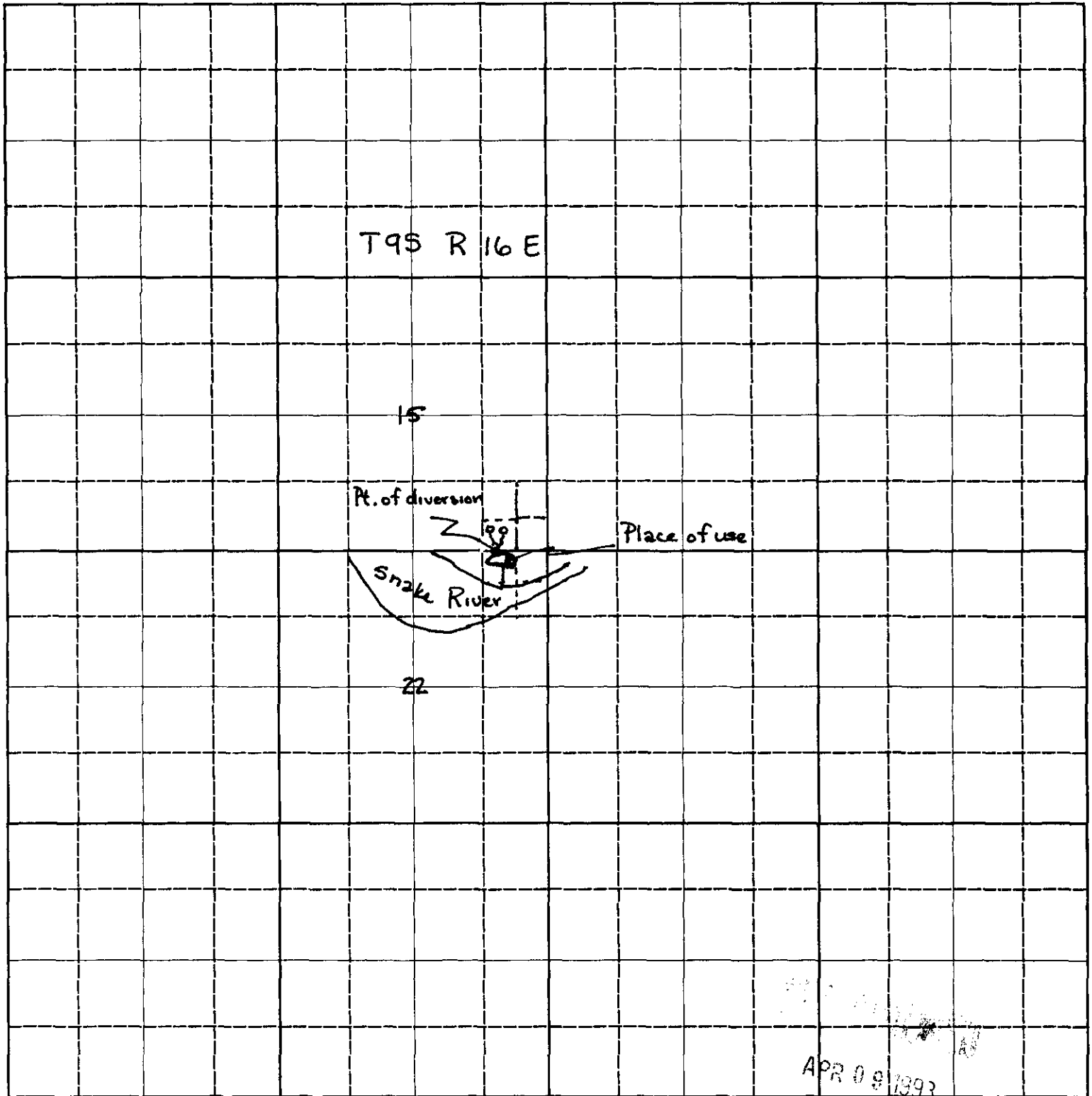
MAGNETIC NORTH
ENTER OF SHEET

APR 09 1993

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

36-08696

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



Scale: 2 inches equal 1 mile.

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

Cindy Robertson for IDFG
Staff Fishery (Applicant)
Biologist

Received by mf Date 12-4-92 Time 1:03 pm Preliminary check by JF Stanton
Fee \$ 45.00 Receipted by mf # C026199 Date 12-4-92
Publication prepared by MB Date 1/13/93 Published in North Side News
Publication approved M Baldwin Date 1/29/93

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

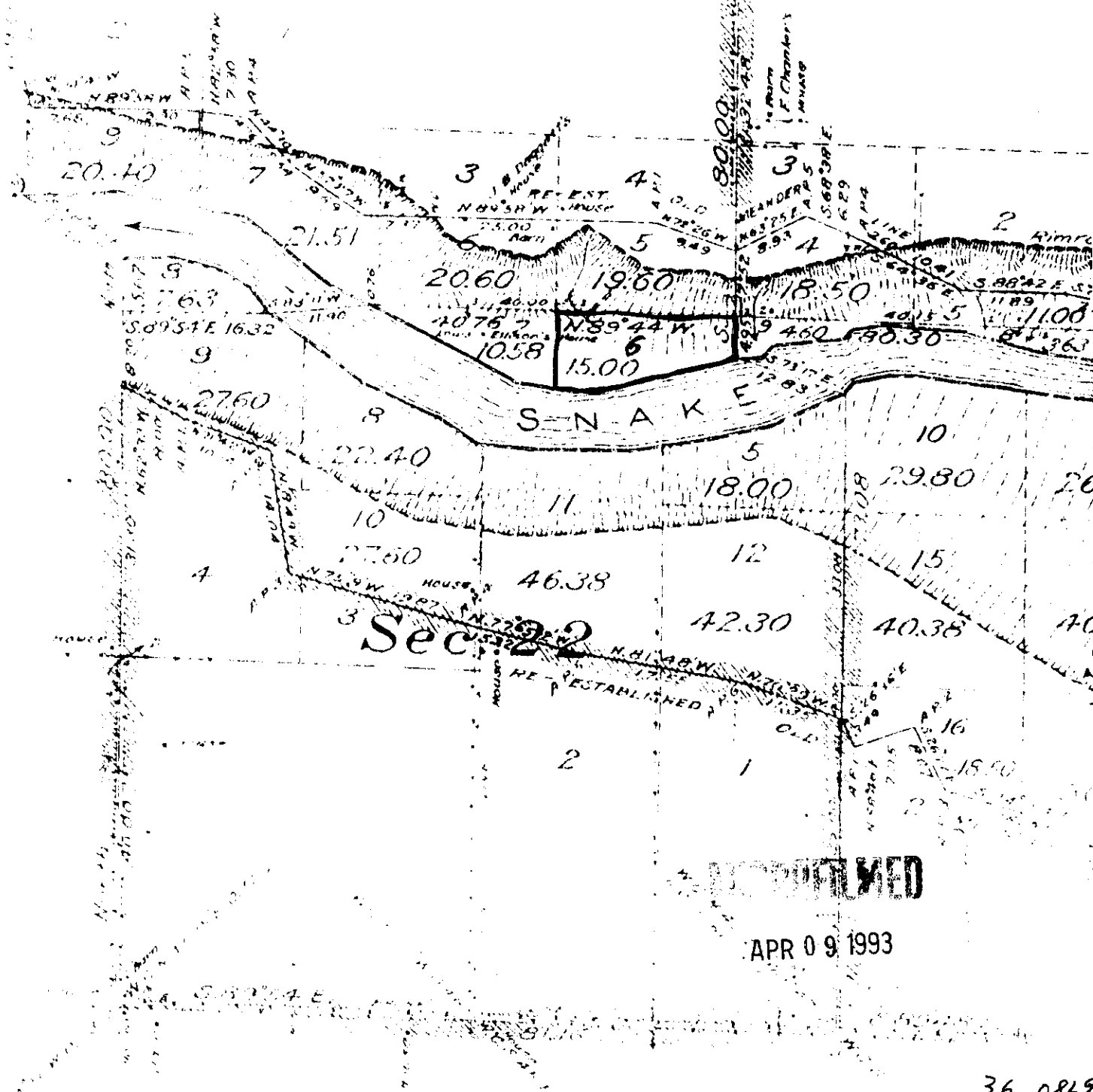
d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

RECEIVED

APR 09 1993

Sec



APR 09 1993

36-08696

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Jerome } ss.

RECEIVED

JAN 28 1993

Patty Nance Department of Water Resources
Southern Region Office

being first duly sworn, deposes and says that she is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, 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

20 day of January, 1993,

and the date of the last publication was on the 27 day of

January, 1993.

Patty Nance

Subscribed and sworn to before me this 27th day of

January, 1993.

(SEAL)

Norma De Voe
NOTARY PUBLIC

18132/5628
NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2 X's

Lines tabular at 440 6¢/Pica

Lines straight at 22.00 5¢/Pica

Subsequent lines at 18.00 4¢/Pica

TOTAL COST \$40.00

COPY OF NOTICE

(Paste Here)

Notice of Application
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

NOTICE OF APPLICATION FOR WATER

The State of Idaho has been advised that the State of Idaho is interested in the water of the Jerome area.

STATE OF IDAHO

DEPT OF PUB & CORR

PO BOX 25

BOISE ID 83720

Source: William Ellison's

Survey (primary to Snake

River (including developments)

Eligibility and bill of

the State of Idaho, 222, 1993,

R166, Jerome County.

Use:

(2.5)

(2.5)

Interpretation of the

Date 1/29/93

In: Lot 6 (NW1/4NE1/4), 322,

R006, R166.

The permit(s) will be subject

to all prior water rights.

Protests may be submitted based

on the criteria of Sec.

42-203A, Idaho Code and/or the

new public interest criteria of

Sec. 42-203C, Idaho Code.

Protests must be filed with the

Director, Dept. of Water

Resources, Southern Region, 322

Shoshone Street East, Twin

Falls, ID 83401 on or before

February 9, 1993.

R. Keith Hightson, Director

Published in North Side News on

1/20 & 1/27/93.

No 5628

18132



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 10, 2004

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

RE: Water right number(s): 36 8696

Dear Water Right Holder(s):

The purpose of this letter is to notify you in advance that present drought conditions in Eastern Idaho may result in the flow of the Snake River falling below the minimum stream flow of 3,900 cubic feet per second ("cfs") established by the Swan Falls Agreement at the Murphy gage on the Snake River. Your water right bears a later priority date than July 1, 1985, the priority date for the minimum stream flow. As a result, if the flow falls below 3,900 cfs, the department will send you another letter advising you to cease diversion of water.

This notice is being provided so that you have advance warning to make arrangements to minimize impacts to growing crops or other loss that could occur if your water diversion is curtailed. Such arrangements may include temporary transfers as provided under Section 42-222A, Idaho Code, for areas declared a drought emergency. Declaration of a drought emergency can be initiated by petition of the Board of County Commissioners to the director of this department subject to approval by the Governor.

There are many variables that affect stream flows in the Snake River. Normally, the flows in the Snake River at Murphy gauge are lowest during June and July.

Information about your water right can be found on the department's website at the following address: <http://www.idwr.state.id.us/apps/ExtSearch/SearchWRAJ.asp>. Real time flow data for the Murphy gage can also be found at the following address: <http://www.idahopower.com/riversrec/waterlevels/streamflow/showgraph.cfm>

Thank you for your cooperation in this matter. If you have questions, please feel free to contact the department.

Sincerely,

Gary Spackman
Water Allocations Bureau Chief

State of Idaho
Department of Water Resources
PO BOX 83720
BOISE ID 83720-0098

PRSRT STD
U.S. POSTAGE
PAID
PERMIT NO.
BOISE, ID

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 36-08696

Reviewed by Jy

Date 3-4-5-94

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

fish + wildlife prop.

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source
☐ Ground water source

☐ Drilling permit required?
☐ Copy in the file? Drilling Permit No. _____
☐ Amount paid for permit _____ Correct?
☐ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
100.00 Amount Submitted
yes Correct?

MEASURING DEVICE

☐ Required?
☐ Installed?
☐ Waiver requested?

PRIORITY CALCULATION

Date proof received			
Date proof due		-	
No. of days late		=	
Priority Date		+	
New Priority Date			

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address _____

Proof Made 3-25-94

April 7, 1994

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83720

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08696

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

STATEMENT FOR PROOF OF BENEFICIAL USE OF WATER
PERMIT NO. 36-08696

The water use permit is for a manmade pond known locally as Scott's Pond. The pond is located on Idaho Department of Fish and Game (IDFG) Property along the north side of the Snake River Canyon in Jerome County (NE1/4, NE1/4, Sec 22, T9S, R16E). The IDFG has placed Sportsmen Access signs along local roads to encourage use of the pond and associated area. Access directly to the pond is by a maintained four wheel drive road or by a half mile walk along the road into the canyon.

This pond was in place in 1968 when IDFG acquired the property. The pond and associated wetland provides habitat for put and take trout, waterfowl, amphibians and marsh using non game birds. In wintertime, waterfowl use the spring fed pond for resting since the water is warmer than the nearby Snake River.

Put and take and fingerling rainbow trout have been stocked in the pond on a regular basis for public fishing since 1970 (Exhibit A). In the last three years, brook trout fingerlings have also been stocked to provide species diversity for anglers and to potentially create a natural spawning population of fish in the pond.

Scott's Pond has been used by local hunters and anglers for both waterfowl hunting and fishing. Local scout leaders in Jerome take youth groups to pond to introduce young people to fishing and it is an easy place for youngsters to learn to fish (Exhibit B.)

Fred E. Partridge



Regional Fishery Manager
Magic Valley Region, IDFG

Exhibit A: Stocking records for Scott's Pond, Idaho Department
of Fish and Game, Magic Valley region, 1970-93.

<u>Date stocked</u>	<u>Species</u>	<u>Number stocked</u>	<u>Size</u>
02/26/70	Rainbow	210	Catchable
06/25/70	Rainbow	270	Catchable
08/02/71	Rainbow	465	Catchable
03/29/72	Rainbow	495	Catchable
08/15/72	Rainbow	375	Catchable
01/23/73	Rainbow	500	Catchable
09/20/73	Rainbow	660	Catchable
10/20/73	Rainbow	1,376	Fingerling
03/12/74	Rainbow	412	Catchable
10/31/74	Rainbow	1,375	Fingerling
02/24/76	Rainbow	490	Catchable
09/30/76	Rainbow	2,200	Fingerling
05/18/78	Rainbow	10,123	Fingerling
15/10/79	Rainbow	10,137	Fingerling
12/18/80	Rainbow	850	Catchable
09/18/85	Rainbow	287	Catchable
05/09/86	Rainbow	486	Catchable
03/11/87	Rainbow	270	Catchable
05/08/87	Rainbow	270	Catchable
05/10/88	Rainbow	525	Catchable
04/17/89	Rainbow	518	Catchable
04/10/90	Rainbow	258	Catchable
10/08/91	Brook	250	Fingerling
05/22/92	Rainbow	300	Catchable
10/07/92	Brook	500	Fingerling
08/17/93	Rainbow	252	Catchable
10/07/93	Brook	250	Fingerling



A young angler fishing Scott's Pond for rainbow trout.



A successful young angler with a hatchery stocked rainbow trout.

Exhibit B.



Scott's Pond sits on a bench on the north side of the river in the Snake River Canyon



Scott's Pond provides opportunity to teach young anglers how to fish.

January 31, 1994

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83720

PROOF DUE NOTICE

RE: PERMIT NO. 36-08696

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before April 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

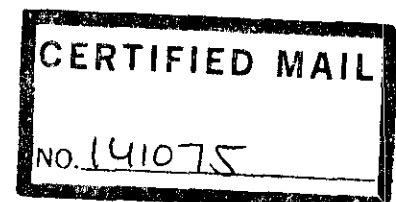
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures





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

March 16, 1993

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83720

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08696

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Sincerely,

BRENDA L. CHAPMAN
Water Resource Agent

BLM:cz

Enclosures

RECEIVED

APR 09 1993

MEMORANDUM

Date: March 10, 1993
From: Jim Johnson
To: File 36-08696
Subject: Review of application

=====

During the final review of this application for permit I noted that a natural flow component was not included as part of the application. For appropriations of this nature (fish propagation, Recreation), water for one time filling of a small pond does not provide sufficient environment for the identified activity listed on the application. When the application was initially filed a flow rate was identified listing 0.95 cfs as diversion to storage. This entry was later crossed out by Jim Stanton after a discussion with Cindy Robertson.

I called Cindy Robertson and she confirmed that a flow rate was needed on the application. Attached to this memo is a report estimating flow requirements for sustaining fish in small ponds. The flow rate is based upon a complete volume change in the pond occurring every 24 hours.

The application for permit has been amended to reflect 1.00 cfs for Recreation. This change is not an expansion of the original request.

APR 08 1993

File Number ----- 36-08696
Reviewer ----- Jim Johnson
Date ----- 03/09/93

TYPICAL WATER REQUIREMENTS FOR RECREATIONAL FISH PONDS
(Based on year-round 24-hour flow into pond)

POND CHARACTERISTICS:

Surface area of the pond (ac) -----	0.3
Average depth of the pond (ft) -----	8.0
Number of fish stocked in pond (fingerlings only) ---	50 *
Enter 1 for warmwater pond or 2 for coldwater pond ---	2
Evaporation rate from Adj. Memo #36 (ac-ft/ac-yr) ---	3.0
Seepage rate of soil from Irrigation Guide (ft/day) ---	0.5
If requested use is fish propagation, enter 1; if only recreation was requested, enter 2; if both, enter 3 ---	2
requested storage volume for fish propagation (ac-ft) ---	2.5
requested storage volume for recreation (ac-ft) -----	2.5
Total storage volume requested (ac-ft) -----	2.5
Total diversion rate requested (cfs) -----	1.00
Diversion capacity of system (cfs) -----	UNK
Estimated Turn over rate (hours) -----	32

Actual pond volume (ac-ft) ----- 2.4

CALCULATIONS FOR FISH PROPAGATION:

Surface area (ac) (stocking 50 fingerlings per ac) ---	0.0
Evaporation losses (ac-ft/yr) -----	NA
Seepage losses (ac-ft/yr) -----	NA
Calculated required storage volume (ac-ft) -----	NA
Calculated required diversion rate (cfs) -----	0.00
Calculated rate using Estimated turn over rate (cfs)	0.91

CALCULATIONS FOR RECREATION:

(Calculations based on lesser of actual pond volume remaining after required fish volume is calculated or volume requested for recreation)

Surface area (ac) -----	0.3
Evaporation losses (ac-ft/yr) -----	0.9
Seepage losses (ac-ft/yr) -----	54.8
Calculated required diversion rate (cfs) -----	0.08

RESULTS FOR FISH PROPAGATION:

Storage volume (ac-ft) ----- NA

RESULTS FOR RECREATION:

Storage volume (ac-ft) ----- 2.4 ***

Diversion to storage (cfs) ----- 0.00

TOTALS:

Storage volume (ac-ft) -----	2.4
Diversion rate (cfs) to maintain pond level (summer only) -----	0.00 ****
Diversion rate (cfs) for maintaining fish habitat	0.91
Total Diversion	0.91

NOTES:

* If stocking a size other than fingerlings, convert to the equivalent number of fingerlings.

*** Recommended storage volume for recreation is limited by the actual volume of the pond.

**** Recommended diversion rate is limited by the smaller of the

APR 09 1993

APPLICATION FOR PERMIT REVIEW

Application #: 36-8696 Date: 3-5-93 Reviewer: Brenda Chapman BC

SYSTEM COMPLETED:

- No - 26A-P17
- Complete in 1 year - P16
- Yes
 - Proof not submitted - P16
 - Proof submitted - N/A

AREA OF CONCERN?

YES
SNAKE River Basin

GROUNDWATER:

- GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
- No measurement required <flow chart>
- LT. 0.2 cfs - No measurement required <flow chart>

Drilling Permit:

- Approved w/permit - P99 Permit No. _____
- Not included - 046-46A-46B-P23 (after 7/1/87), N/A

SURFACE WATER: not in w/d LOCATION:

- Water Districts - WD No. _____
- Surface water - R04, R04-01H-P01(LT.2 w/pump)
- R04-01J-P08(GT.2), NMR <flow chart>
- Groundwater - P05
- Irrigation Districts - 023
- Canal Co. Areas - 023
- Drainage Districts - 024
- Boise Front (63) - 058 (Groundwater)
- Swan Falls Flag - R (1, Blank or Other)
- Trust - 051-052-053-P74(Consumptive Uses)
- Non Trust <1> - 048-049

RIVER BASINS:

- (Surface Water) Water District Control Condition &....
- Boise (63) - 05A & 11E
- Payette (65) - 047-P04, 059-P71
- Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

- Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
- 042(req.), 002-P06(MD), 07A(Spec.),
- 044(Policy 5G)
- Power - Use Power Review
- Mining - 06A, 010, or 09E-P10 & 054(req.)
- Storage N/A - 18A-for multiple measuring devices(In WD),
- 18B-P09(Size)
- Rec/Wildlf/Aes - 027(Non-Consumptive)
- Domestic - 021 (Boise River - upstream from L Peak)
- (restricted areas) 27A (Payette River & main tributaries)

OWNERSHIP:

- Non land owner - 004

PROTESTED:

- Agreement - 020

Beneficial Use Due Date

Other Conditions/Remarks:

04-01-1994
007- remove
Pre-EXISTING Use

STATE OF IDAHO *Idaho Fish & Game*
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY *J. F. Stanton* DATE *12-9*, 19*92*
APPLICATION NO. *36-08696*

Normal Process

Existing Dev.
for

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.)
☒ County
☒ Quantity (flow &/or volume)
☒ Period of use
☒ Nature of proposed use (include description of use)
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt
- ++++PROPOSED PRIORITY DATE
12-4, 19*92*

ADDITIONAL INFORMATION

- ☐ Overlapping place of use(Describe source & relationship to present application on the back.
☐ Overlapping point of diversion.
☒ Yes ☐ No Field check required
Field check by _____
☐ Yes ☐ No Field report attached
☐ Yes ☒ No Critical Ground water area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send Dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit.
☐ Yes ☒ No Power efficiency form
☒ Yes ☐ No Within trustwater boundary(If yes, attach trustwater supplementary analysis sheet.
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.

RECEIVED
FEB 16 1993

Department of Water Resources

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Date Requested _____, 19____

PROCESSING ☒ Yes ☐ No In form for Advertising
☐ Yes ☒ No No Statewide Advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on app.

SEND COPIES TO: ☐ Idaho Dept of Health & Welfare ☐ USDI BLM
☐ Idaho Dept of Fish & Game ☐ USFS
☐ Idaho Dept of Lands ☐ Water Dist.
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received.
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates and paper, recorded on App.
☐ Yes ☒ No Protests received
Final date for Protest 2/8/93
☐ Yes ☒ No Protests, dates, resolution of protest, recorded on app.
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☒ Yes ☐ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what dist. _____
☒ Yes ☐ No Special conditions of approval or cover letter below. _____

OIF
See below for additional information

Date of priority recommended 12/14, 1992
By Aaron D. Halpern Date 2/11, 1993

STATE OFFICE REVIEW

See below for additional information

By _____ Date _____, 19____

ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST

Comments recieved from:

☐ City	☐ Idaho Fish & Game	☐ Irrigation Dist.
☐ County	☐ Idaho Health & welfare	☐ Canal Company
☐ Reservations	☐ Div. of Enviromental Quality	☐ Other _____

PROJECT IMPACTS/IMPLICATIONS REPORT

COMMENTS:

DATE _____, 19____

NOTICE OF APPLICATION FOR TRUST
WATER RIGHT

The following application has
been filed to appropriate the
public waters of the State of
Idaho:

36-08696

STATE OF IDAHO

DEPT OF FISH & GAME

PO BOX 25

BOISE ID 83720

Source: SPRING (Ellison's
Spring) tributary to Snake
River (existing development)

Diversion Pt: Lot 6
(NE1/4NW1/4NE1/4), S22, T09S,
R16E; Jerome County.

Use: Fish Propagation Storage
(2.5 afa) from 1/1 to 12/31

Wildlife Storage
(2.5 afa) from 1/1 to 12/31

Total Diversion: 2.5 afa

Date Filed: 12/4/92

In: Lot 6 (NW1/4NE1/4), S22,
T09S, R16E.

The permit (s) will be subject
to all prior water rights.

Protests may be submitted based
on the criteria of Sec.

42-203A, Idaho Code and/or the
new public interest criteria of

Sec. 42-203C, Idaho Code.

Protests must be filed with the
Director, Dept. of Water

Resources, Southern Region, 222
Shoshone Street East, Twin

Falls, ID 83301 on or before
February 8, 1993.

R. Keith Higginson, Director

Published in North Side News on
1/20 & 1/27/93.

APR 09 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

13-Jan-1993

R. KEITH HIGGINSON
Director

NORTHSIDE NEWS
PO BOX 468
JEROME ID 83338

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 required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

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

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

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

APR 09 1993

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

The following application has been filed to appropriate the public waters of the State of Idaho:

36-08696

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83720

Source: SPRING (Ellison's Spring) tributary to Snake River
(existing development)

Diversion Pt: Lot 6 (NE1/4NW1/4NE1/4), S22, T09S, R16E;
Jerome County.

Use: Fish Propagation Storage (2.5 afa) from 1/1 to 12/31
Wildlife Storage (2.5 afa) from 1/1 to 12/31

Total Diversion: 2.5 afa

Date Filed: 12/4/92

In: Lot 6 (NW1/4NE1/4), S22, T09S, R16E.

The permit (s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 on or before February 8, 1993.

R. Keith Higginson, Director

Published in North Side News on 1/20 & 1/27/93.

APR 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

13-Jan-1993

R. KEITH HIGGINSON
Director

ATTN CINDY ROBERTSON
IDAHO FISH & GAME
PO BOX 428
JEROME ID 83338

Re: Application for Permit No. 36-08696

Dear Ms. Robertson:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office will be advertising the application in the North Side News on 1/20 & 1/27/93. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

APR 09 1993

INTER-DEPARTMENT MEMO

TO: Fiscal Section

SUBJECT: Refund of Excess Fee

FROM: Jim Stanton

DATE: 12-9-92

The Fish & Game Dept. recently filed an application for a small recreational fish pond.
Diversion rate was stated as 0.95 cfs, requiring a fee of \$45. However, the system is an
on-stream pond of 2.5 AF (no direct-flow component); the correct application fee is \$30.
So the extra \$15, submitted under Receipt C026199 should be refunded.

APR 09 1993

() For your information

(X) Response required

J. Stanton
signature

36-08696

STOCKING RECORDS FOR SCOTT'S POND, IDFG REGION 4
FROM 1970-1991

Date stocked	Species	Number stocked	Size
02/26/70	Rainbow	210	Catchable
06/25/70	Rainbow	270	Catchable
08/02/71	Rainbow	465	Catchable
03/29/72	Rainbow	495	Catchable
08/15/72	Rainbow	375	Catchable
01/23/73	Rainbow	500	Catchable
09/20/73	Rainbow	660	Catchable
10/02/73	Rainbow	1,376	Fingerling
03/12/74	Rainbow	412	Catchable
10/31/74	Rainbow	1,375	Fingerling
02/24/76	Rainbow	490	Catchable
09/30/76	Rainbow	2,200	Fingerling
05/18/78	Rainbow	10,123	Fingerling
05/10/79	Rainbow	10,137	Fingerling
12/18/80	Rainbow	850	Catchable
09/18/85	Rainbow	287	Catchable
05/09/86	Rainbow	486	Catchable
03/11/87	Rainbow	270	Catchable
05/08/87	Rainbow	270	Catchable
05/10/88	Rainbow	525	Catchable
04/17/89	Rainbow	518	Catchable
04/10/90	Rainbow	258	Catchable
10/08/91	Brook	250	Fingerling

APR 09 1993

CHECKLIST FOR APPLICATION ACKNOWLEDGEMENT LETTER

Please check each specialized paragraph to INCLUDE

Normal Process

Re: Application for Permit No. >

Dear >:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

>1) Please be advised that your application is subject to a moratorium on processing new applications which has been imposed due to drought conditions and may be held in this office without further processing until the moratorium is lifted. At this time we are unable to give a date for further review of this application.

>2) However, your application may be exempt from the moratorium if it meets one of the following criteria:

-Drought relief-to replace existing surface water supply for a limited time.

-Application represents existing development which occurred prior to November 19, 1987.

Permits granted for drought relief purposes will be limited to the extent of the existing valid surface water rights and will be issued for one (1) irrigation season.

Please complete and return the enclosed questionnaire regarding the proposed project to aid in reviewing your application.

>3) From the information contained in your file, it is not possible to determine whether any of these exemptions apply. If you wish to proceed with your application at this time you must provide additional information about the proposed project. The attached questionnaire is intended to aid in reviewing your application.

>4) We acknowledge receipt of the Snake River Moratorium Questionnaire which you have submitted regarding the above referenced application. It will be reviewed to determine if your application qualifies for a moratorium exemption.

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

APR 09 1993

36-8696