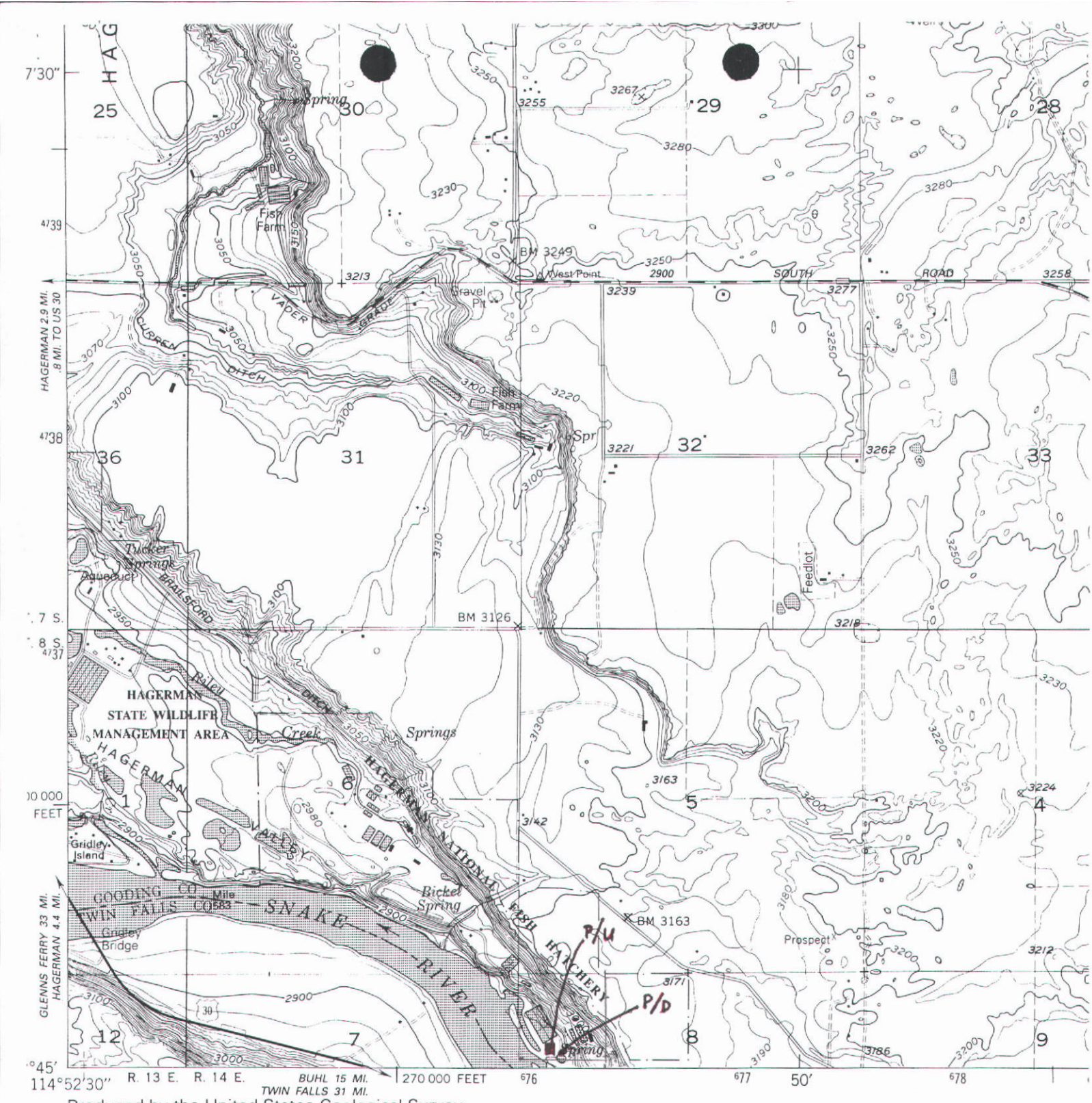


Produced by the United States Geological Survey
in cooperation with the Army Corps of Engineers

Control by USGS and NOS/NOAA

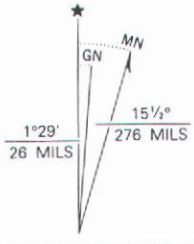
Compiled from aerial photographs taken 1946. Information shown in purple has been updated from aerial photographs taken 1987-88 and field checked. Map edited 1992. Conflicts may exist between some updated features and previously mapped contours

North American Datum of 1927 (NAD 27). Projection and 10,000-foot grid ticks: Idaho Coordinate System, central zone (Transverse Mercator). 1000-meter Universal Transverse Mercator grid , zone 11

The difference between NAD 27 and North American Datum of 1983 (NAD 83) for 7.5 minute intersections is given in USGS Bulletin 1875. The NAD 83 is shown by dashed corner ticks

There may be private inholdings within the boundaries of the National or State reservations shown on this map

MICROFILMED
JUN 2 4 2002



UTM GRID AND 1992 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

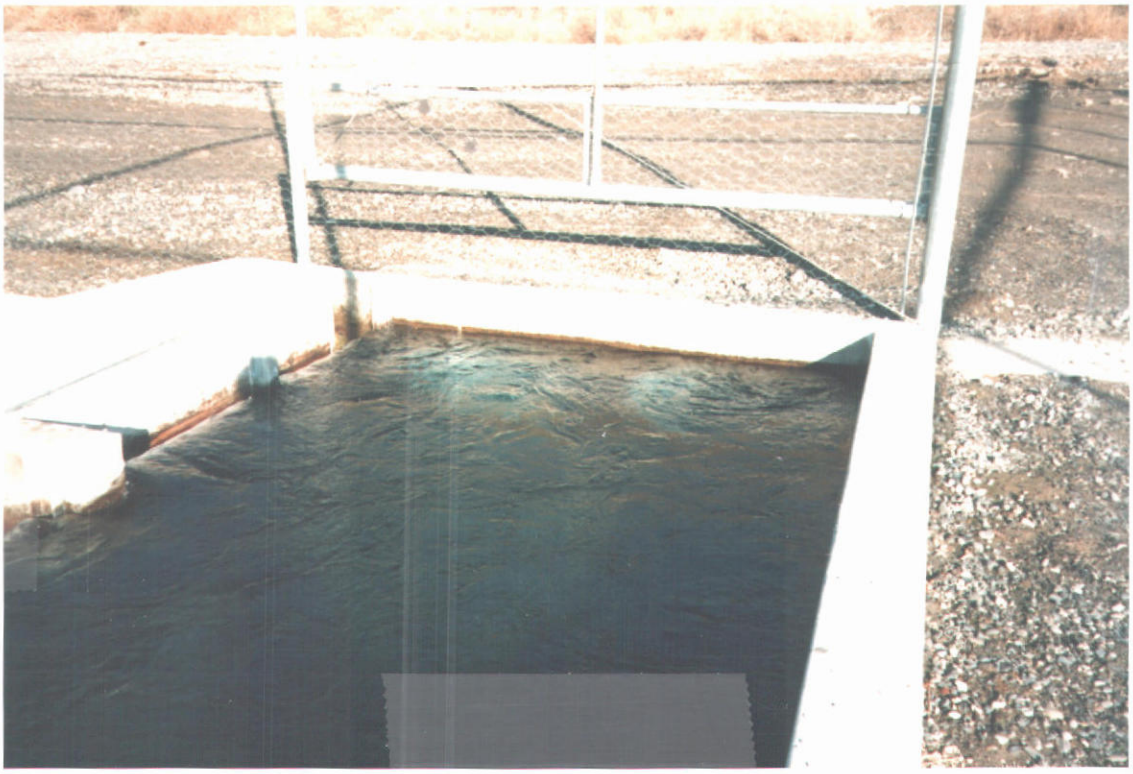


CON
NATIONAL GE

COMPLIES WITH U.S. GEOLOGICA
FOR SALE
DENVER, COLORAI
A FOLDER DESCRIBING TOPOGRA



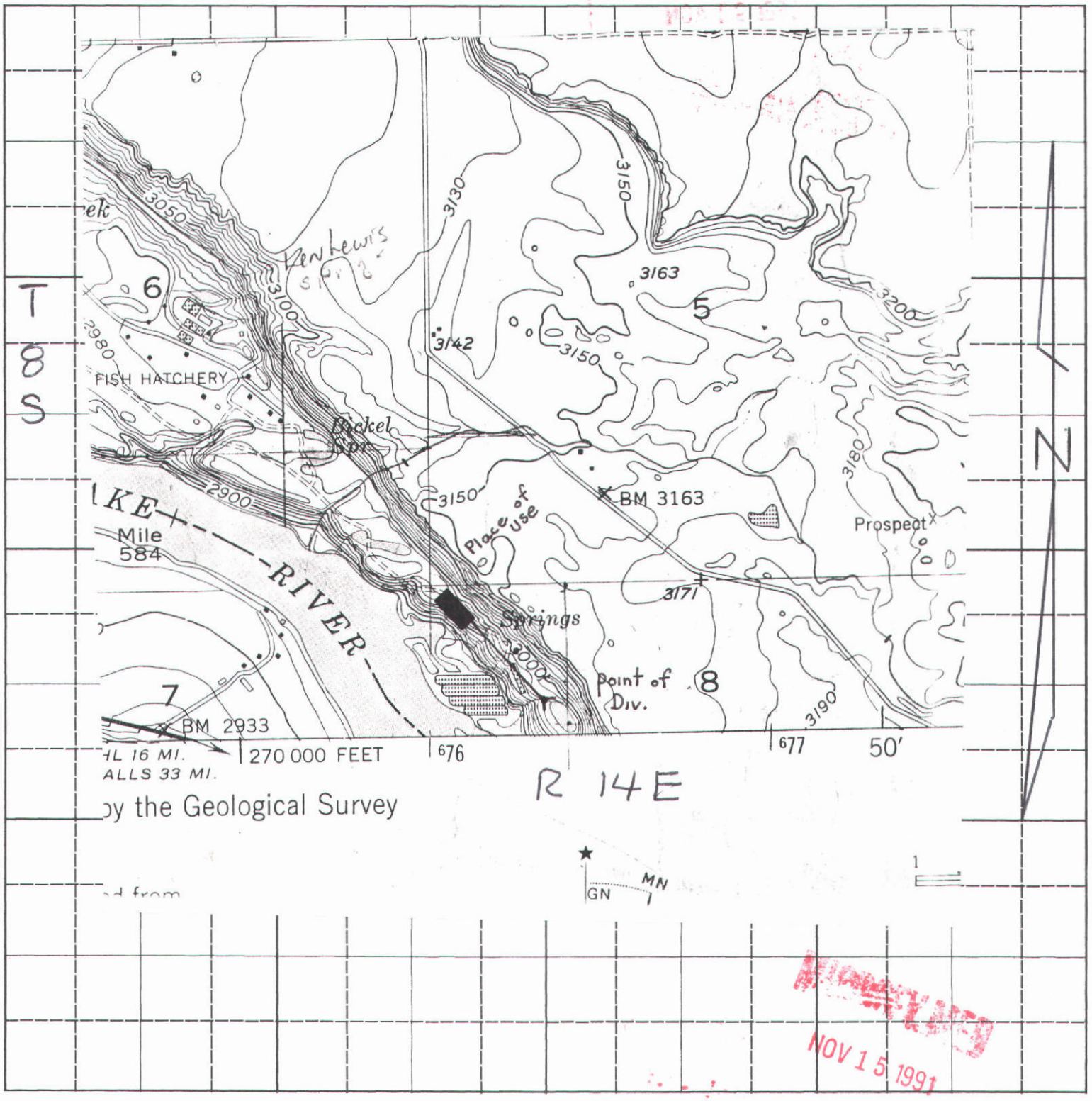
Bridal Veil pool and headbox



MICROFILMED
JUN 24 2002

Measuring point - 2 36" CMP pipes

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.

Pisces Investments, Inc
J. Dean Allen, V.P.
(Applicant)

RECEIVED
NOV 15 1991

CLASSIFIED ADVERTISING INVOICE

TWIN FALLS TIMES NEWS
132 3RD ST N.
P. O. BOX 548
TWIN FALLS ID [illegible]

RECEIVED

AUG 25 1988

Department of Water Resources

RETURN THIS PORTION WITH YOUR REMITTANCE

RETURN POSTAGE GUARANTEED

INVOICE NO.	CLASS	BILLING DATE
18913	343	08/16/88

INDEXING TERM
RIGHT #36-08356

START DATE	TELEPHONE NO.	ORDER NO.
8/04/88	734-3578	

LINES/WORDS	TIMES	RATE	NET AMOUNT	GROSS AMOUNT
43	2		24.08	24.08
PAY THIS AMOUNT ▶			24.08	24.08

GROSS AMT DUE AFTER 08/31

18913 2403

THIS SPACE FOR ADDRESS ONLY

IDAHO WATER RESOURCES
2148 4TH AVE EAST
TWIN FALLS ID [illegible]

The Times-News

P.O. Box 548 • Twin Falls, Id. 83303-0548

August 23, 1988

RECEIVED

AUG 25 1988

Department of Water Resources
Southern Region Office

Idaho Water Resources
2148 4th Ave East
Twin Falls ID 83301

RIGHT #36-08356

Two Times

August 4, 1988, 43 lines @ .32- - -$13.76
August 11, 1988, 43 lines @ .24- - -$10.32

TOTAL DUE $24.08

RECEIVED
NOV 15 1991
ACE PTG.

INVOICE
18913

AFFIDAVIT of PUBLICATION

RECEIVED
AUG 11 1988
Department of Water Resources
Southern Region Office

State of Idaho,)
) SS.
County of Gooding)

S. L. Fuller, 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 3 day of Aug 19 88, and the date of the last publication was on the 10 day of Aug, 1988.

S. L. Fuller

Subscribed and sworn to before me this _____ day of _____, 19_____.
(SEAL)

Sheila Schneidmiller
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

RETURNED
NOV 15 1991

Number of Lines in Notice 30
Number of Insertions 2

_____ Lines tabular at _____ 5¢/Pica
30 Lines straight at 15.60 4¢/Pica
30 Subsequent lines at 11.70 3¢/Pica
TOTAL COST 27.30

COPY OF NOTICE
(Paste Here)

Pisces Investments, Inc.
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
2148 Fourth Ave E
Twin Falls, ID 83301
BILL TO

NOTICE OF APPLICATION FOR WATER RIGHT

The following application (s) have been filed to appropriate the public waters of the State of Idaho:

36-08356

PISCES INVESTMENTS, INC., C/O J. EVAN ROBERTSON, VICE PRESIDENT, BOX 701, TWIN FALLS, IDAHO 83303-701

Source: SPRINGS. Tributary: SNAKE RIVER

Diversion Pt: LOT 1 (SENWNW) Sec. 8 T 08S R 14E; 3/4 mile South & 8¼ miles West of Wendell City Center.

Use: FISH PROPAGATION (45.000 CFS)

Date Filed: 5/09/1988

In: T08S R14E S08 Lot 1 (NWNW)

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, 2148 4th Avenue East Twin Falls, Idaho 83301 on or before AUGUST 22, 1988.

R. Keith Higginson
Director

Publish: Aug. 3 & 10, 1988 G-5024

OK TDF

№ 1206

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due
36.23

Account Name	Account Number
Idaho Department of Water Resources (Southern)	#100632

Address	City/State	Zip
2148 4th Avenue East	Twin Falls, ID	83301

Ordered By	P.O. Number	Rate	Run Dates
Mary Baldwin		NT	1988 Aug. 4, 11

Identification	Estimated Inches	Real Inches
Application for Water Right: Pisces Investments, Inc. 36-08356		

Legal Number
#9257

1 Number of Affidavits Requested

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-08356

Pisces Investments, Inc.
c/o J. Evan Robertson
Vice President
Box 701
Twin Falls, ID 83301-701

Source: Springs
Tributary: Snake River
Diversion Pt: Lot 1 (SENWNW) Sec 8 T 08S R 14E; 3/4 mile South & 8 1/4 miles West of Wendell City Center.

Use: Fish Propagation (45.000 CFS)

Date Filed: 05/09/1988

In: T08S R14E S08 Lot 1 (NWNW)

The permit(s) will be subject to all prior water rights. Protests must 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, 2148 Fourth Avenue East, Twin Falls, Idaho 83301 on or before August 22, 1988.

R. KEITH HIGGINSON
Director

Pub. Aug. 4, 11, 1988 9257

RECEIVED
AUG 12 1988
Department of Water Resources
Southern Region Office

OK
RA

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Debbie Richards, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for 2 ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip insertion(s) beginning with the issue of August 4, 1988 and ending with the issue of August 11, 1988

Debbie Richards

Subscribed and sworn to before me this 11th day of August, 1988

Notary Public for Idaho, Residing at Boise, Idaho

RECEIVED
NOV 15 1991

Proof of Publication
The Post-Register

RECEIVED
AUG 22 1988
Department of Water Resources
Southern Region Office

State of Idaho,
County of Bonneville } ss

I, ..J.. Robb. Brady....., first being duly sworn, depose and say: That I am the .....Principal Clerk..... of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for .....two..... consecutive weeks, first publication having been made on the .....4th..... day of .....August....., 19..88.., last publication having been made on the .....11th..... day of .....August....., 19..88.., and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

J. Robb Brady

Subscribed and sworn to before me, this ..17th.. day of .....August....., 19..88..

Notary Public

My commission expires ..September 30,....., 19..88

B10

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-08356
PISCES INVESTMENTS, INC.
C/O J. EVAN ROBERTSON
VICE PRESIDENT
BOX 701
TWIN FALLS, ID 83303-701
Source: SPRINGS; Tributary: SNAKE RIVER
Diversion Pt: LOT 1 (SENWNW) Sec 8 T 08S R 14E; 3/4 mile South & 8 1/4 miles West of Wendell City Center.
Use: FISH PROPAGATION (45.000 CFS)
Date Filed: 5/09/1988
In: T08S R14E S08 Lot 1 (NWNW)

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, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before AUGUST 22, 1988.

R. Keith Higginson, Director
Published: August 4, 11, 1988

OK
IG
8/23/88

NOV 15 1991

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-08356
PISCES INVESTMENTS, INC.
s/o J. Evan Robertson
Vice President
Box 701
Twin Falls, ID 83303-701
Source: SPRINGS
Tributary: SNAKE RIVER
Diversion Pt: Lot 1 (SENWNW) Sec 8 T 08S R 14E; ¾ mile South & 8 ¼ miles West of Wendell City Center.
Use: FISH PROPAGATION (45.000 CFS)
Date Filed: 5/09/1988
In: T08S R14E S08 Lot 1 (NWNW)

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, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before AUGUST 22, 1988.

R. Keith Higginson
Director

PUBLISH: Thursday, August 4 and 11, 1988.

RECEIVED
AUG 25 1988
Department of Water Resources
Southern Region Office

OK
8/26/88

Affidavit of Publication

№ 18913

STATE OF IDAHO, }
COUNTY OF TWIN FALLS } ss.

I, Belinda J Capps being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated Aug 4, 1988, and ending with the issue dated Aug 11, 1988.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Belinda J Capps

Subscribed and sworn to before me on this 12th day of Aug, 1988.

Brenda Parker

Notary Public in and for the County of Twin Falls, State of Idaho, residing at Twin Falls, Idaho

PARKER NOTARY PUBLIC

NOV 5 1991

habitat, fishing, swimming, boating, wading and **hunting** was in the public interest. (Id. at 18.) These values were established by protestant through the introduction of the judgment rendered in Ritter v. Standal, No. 14752 (5th Dist., June 1979), and by reference to the Division of Environmental Quality's (DEQ) Water Quality Standards. (Id.) Based upon this evidence, the conclusion was drawn that

> [i]n this case, the protestants established that protection of the estuary for native fish habitat, fishing, swimming, boating, wading, and hunting was in the public interest. These values were established by Ritter and the DEQ's Water Quality Standards. The burden shifted to the applicant to show that these values . . . could be satisfied after the applicant's project was constructed and operating. . . ."

(Id. at 18.) Furthermore, the conclusion was drawn that

> [o]ne of the important elements of showing that the public interest can be satisfied after the project is constructed and operating is to establish that the fish propagation facility will satisfy both discharge and estuary water quality standards.

(Id.) Clearly, the protestant, who has been and continues to be a party to this hearing, has vigorously advocated protection of the estuary for **native fish habitat, fishing, and hunting.** For the purpose of protecting these interests, Fish and Game seeks to intervene in the instant matter. However, Fish and Game's proposed presentation of evidence is merely a needless presentation of cumulative evidence, which results in its presentation being of substantially no probative value.

MICROFILMED
NOV 15 1991

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in t[illegible]ETURN TO" space on the reverse side. Failure to c[illegible]s will prevent this card from being retur[illegible]to you. The return receipt fee will provide you the n[illegible]of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Hagerman Valley Citizens Alliance
Marne Mercer, Pre[illegible]
P.O. Box 32
Hagerman, ID 83332

RECEIVED
NOV 15 1991

4. Article Number
493

Type of Service:
☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X

6. Signature — Agent
X [signature]

7. Date of Delivery
1-19-89

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT

36-0837 Conf

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Pisces Investments, Inc.
Box 701
Twin Falls, ID 83301-0701

4. Article Number
492

Type of Service:
☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

NOV 15 1991

5. Signature — Addressee
X

6. Signature — Agent
X Terry Greene

7. Date of Delivery
1-14-84

8. Addressee's Address *(ONLY if requested and fee paid)*

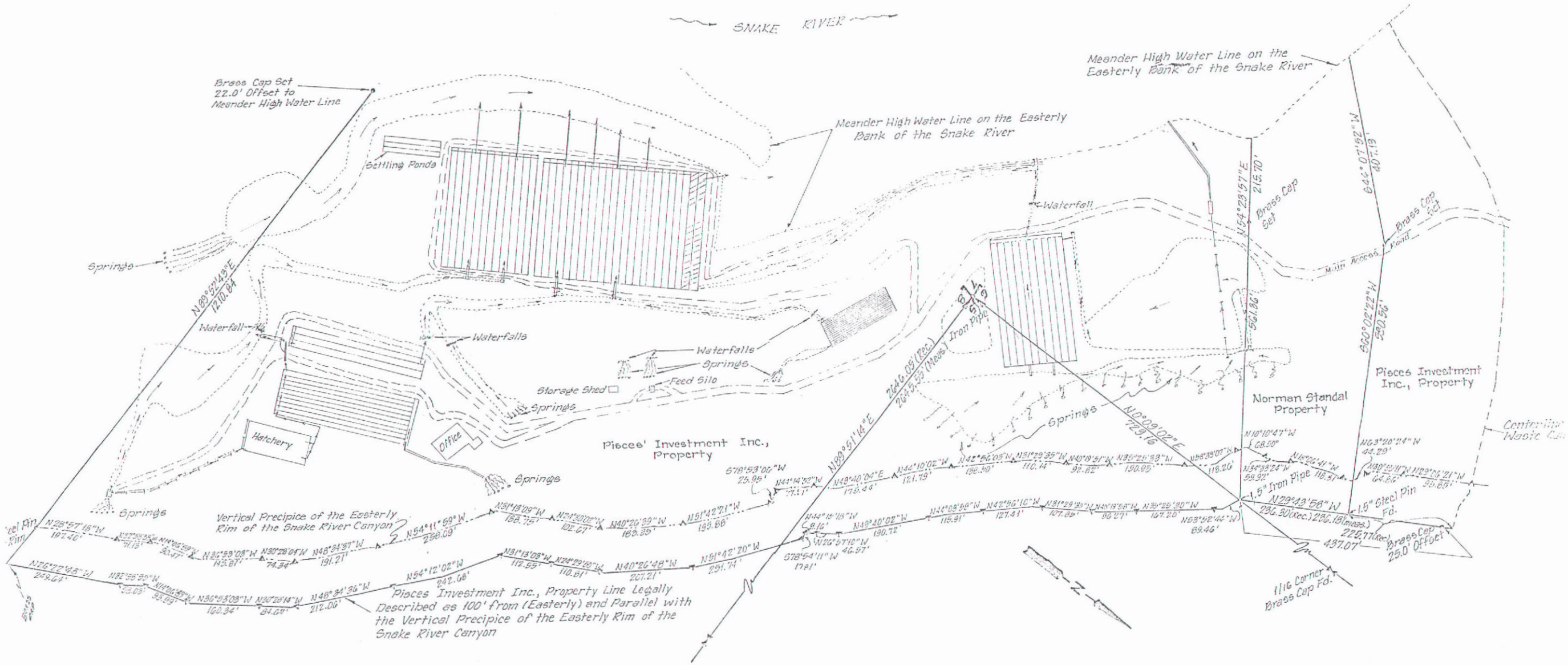
PS Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT

37-08351 Lmc

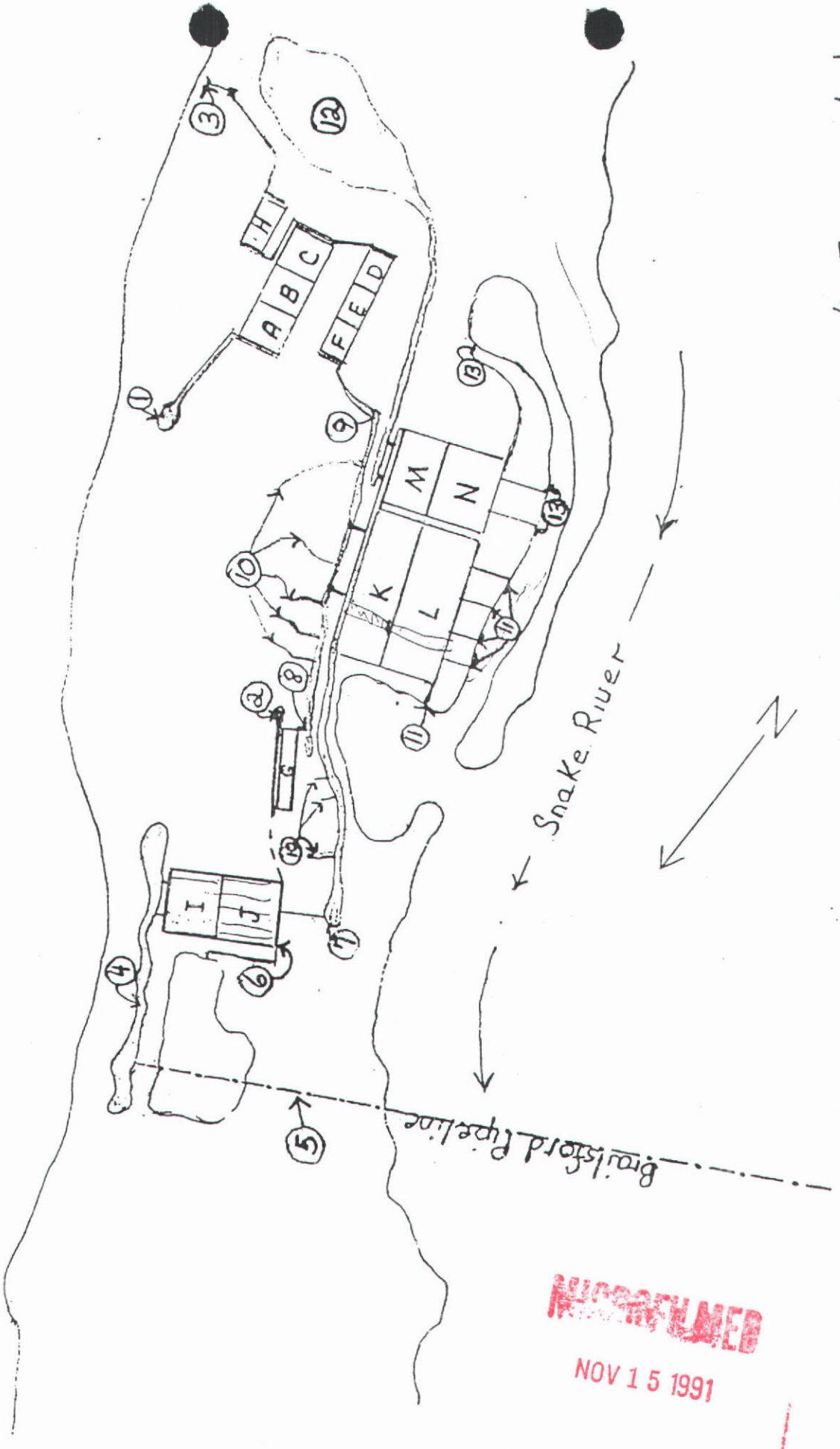
36 - 8356

Applicant Exhibit #1 Admitted

BOUNDARY and TOPOGRAPHIC SURVEY
of
MAGIC SPRINGS TROUT FARM
for
PISCES'S INVESTMENT INC.,
LOCATED IN SECTIONS 5,6,7 & 8
of
TOWNSHIP 8 SOUTH, RANGE 14 EAST, B.M.



FILED
NOV 15 1991



NOV 15 1991

Diagram #1

Diagram of Magic Springs Hatchery

Permit No. 36-7072

Measurements made 3/18&19/85

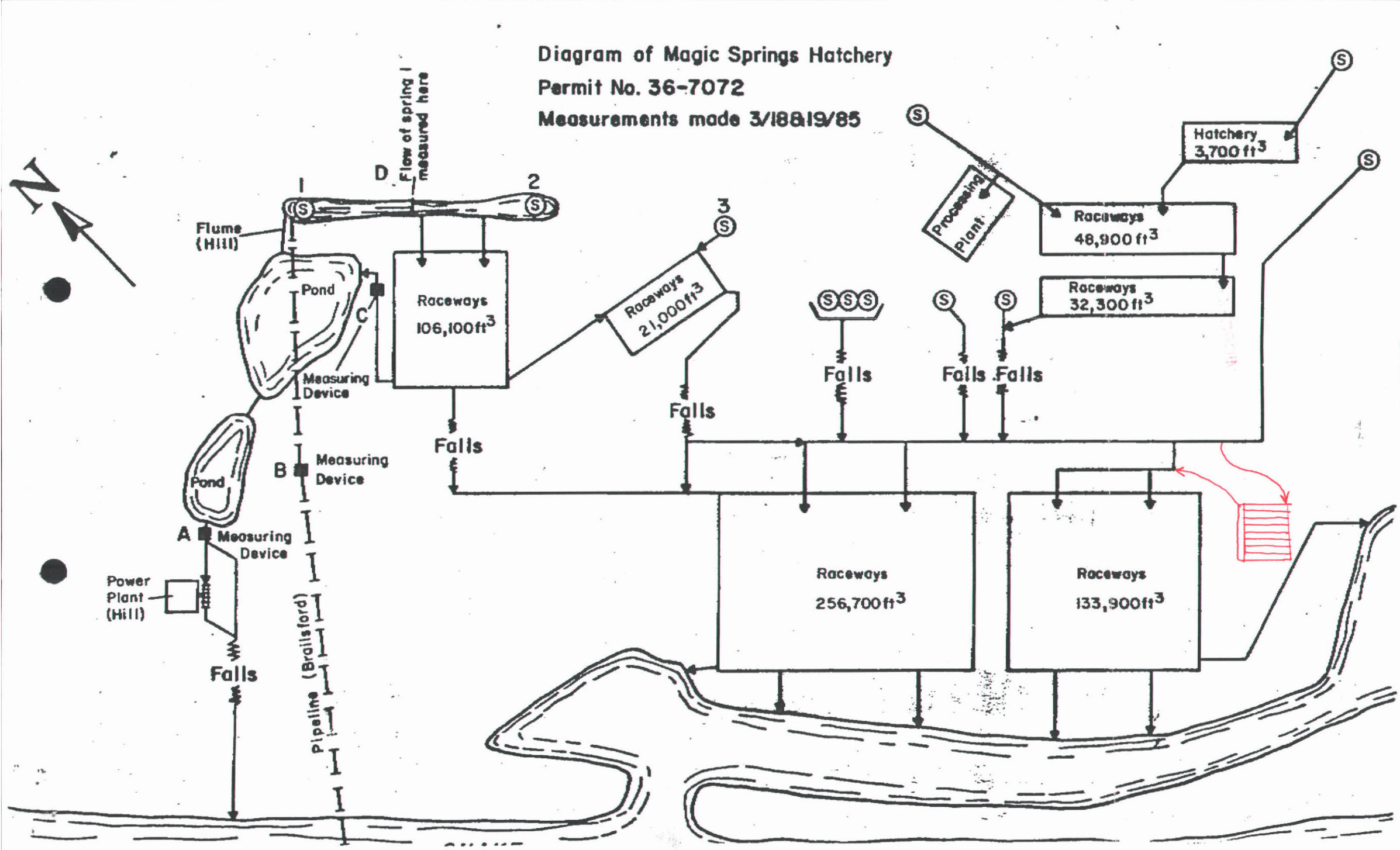
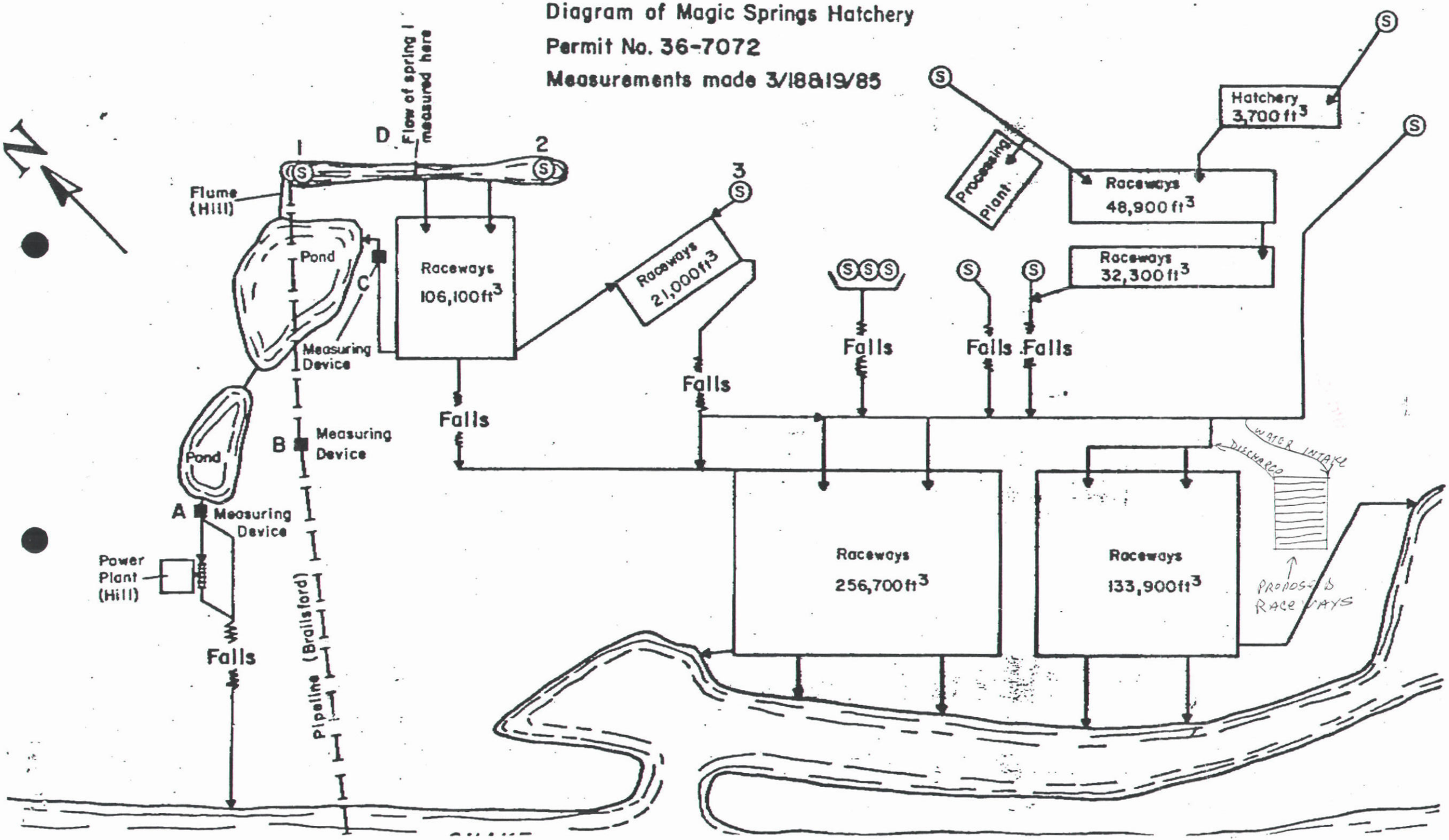


EXHIBIT B
1 208 733 0325 PAGE.005
JAN 24 '90 15:57

Diagram of Magic Springs Hatchery

Permit No. 36-7072

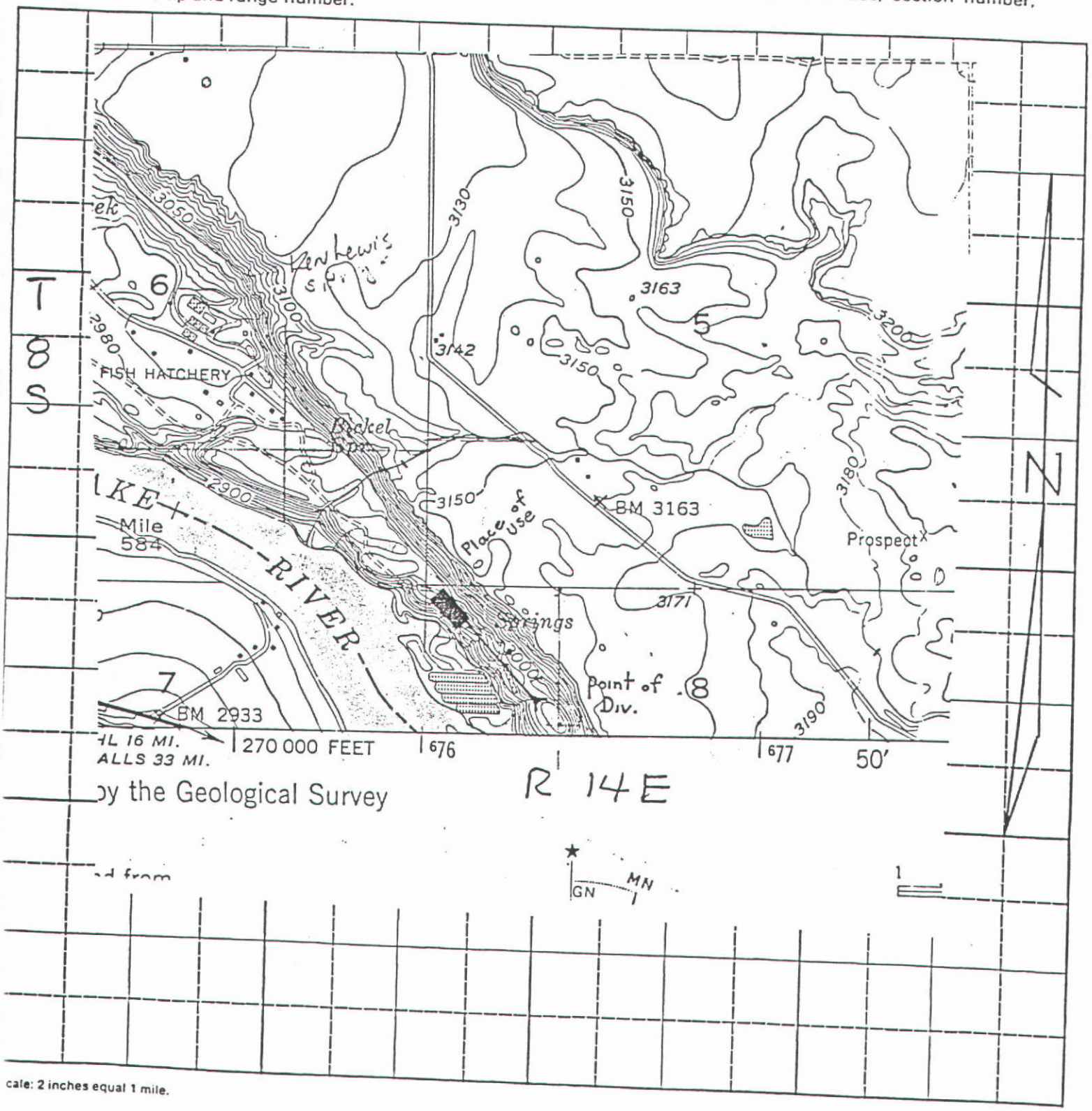
Measurements made 3/18&19/85



1 208 733 0325 PAGE.005

JAN 24 '90 15:57

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



cale: 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.

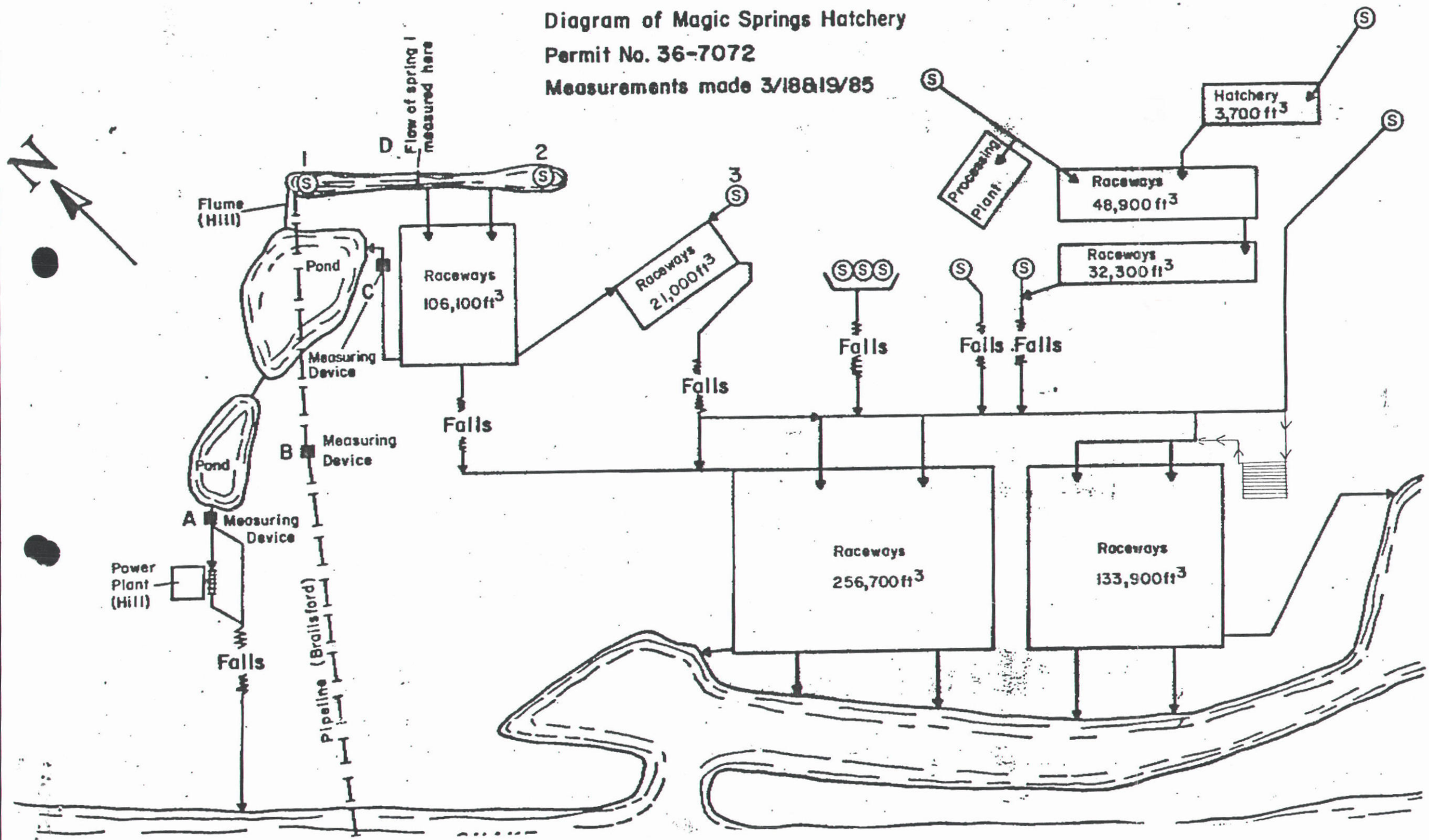
MICROFILMED
MAR 0 6 2003

Pisces Investments, Inc
J. Evan Allen, V.P.
(Applicant)

Diagram of Magic Springs Hatchery

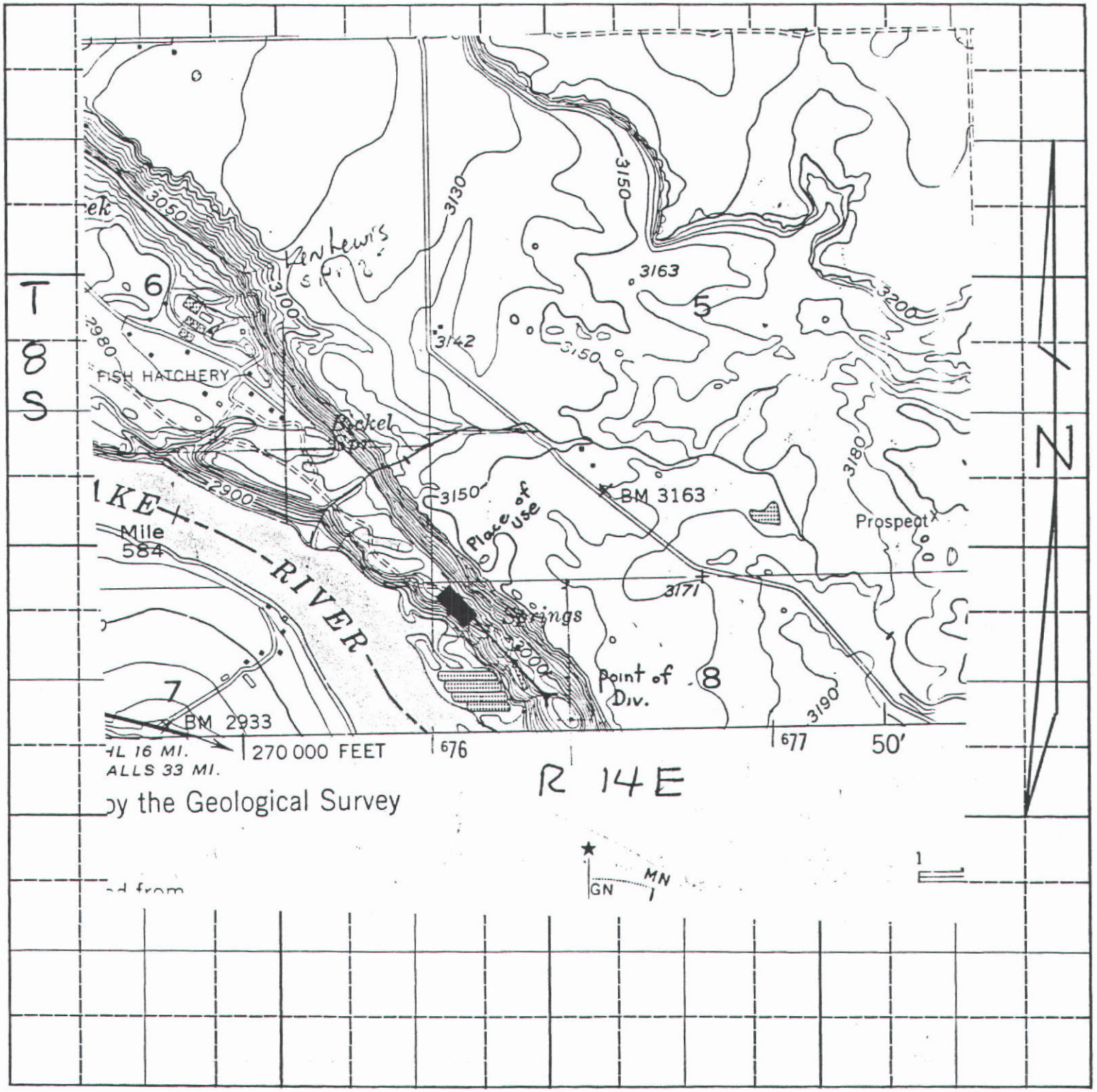
Permit No. 36-7072

Measurements made 3/18&19/85



1 208 733 0325 PAGE.005
JAN 24 '90 15:57

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.

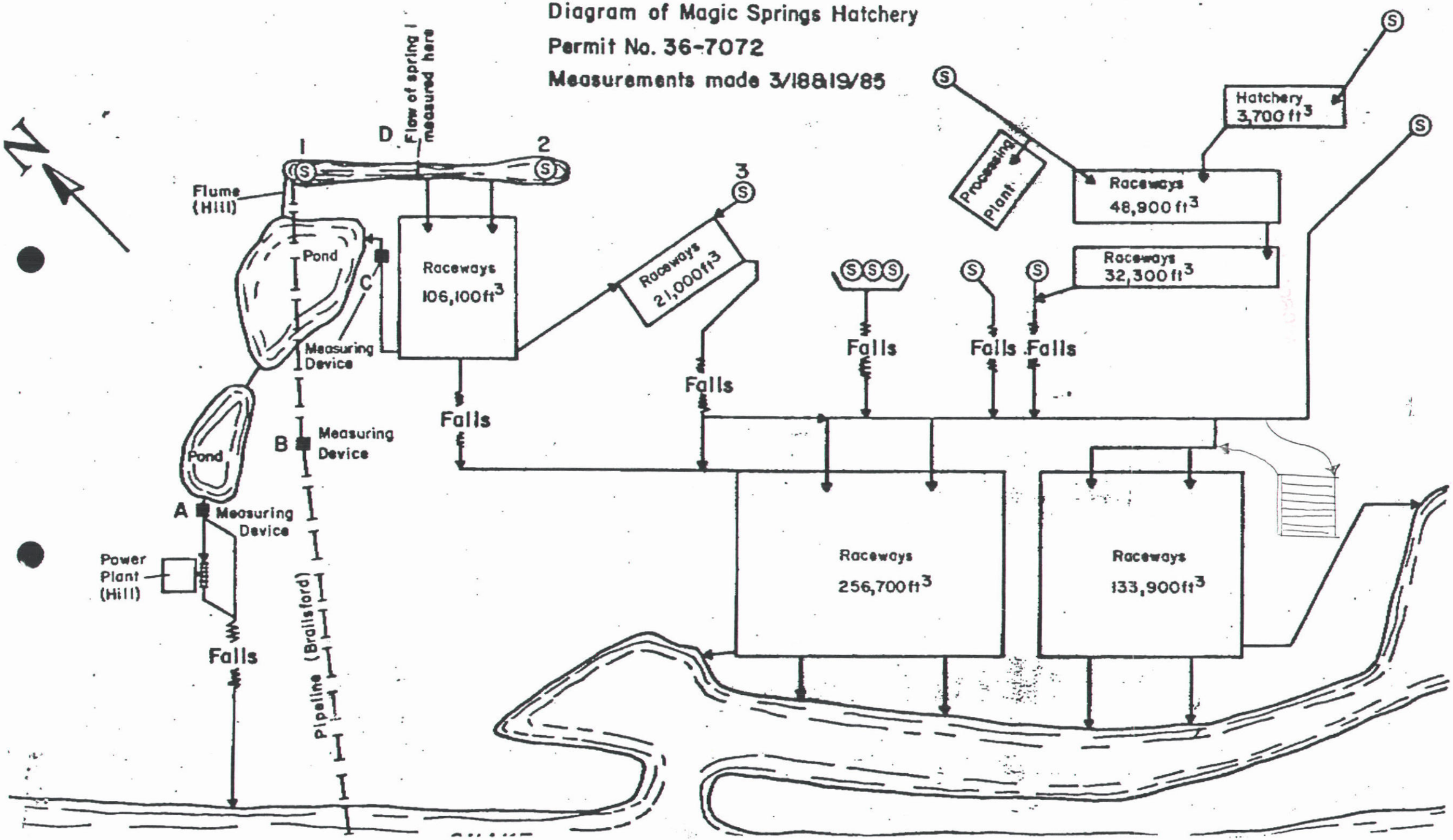
MICROFILMED
MAR 0 6 2003

Pisces Investments, Inc
Juan Allen, V.P.
(Applicant)

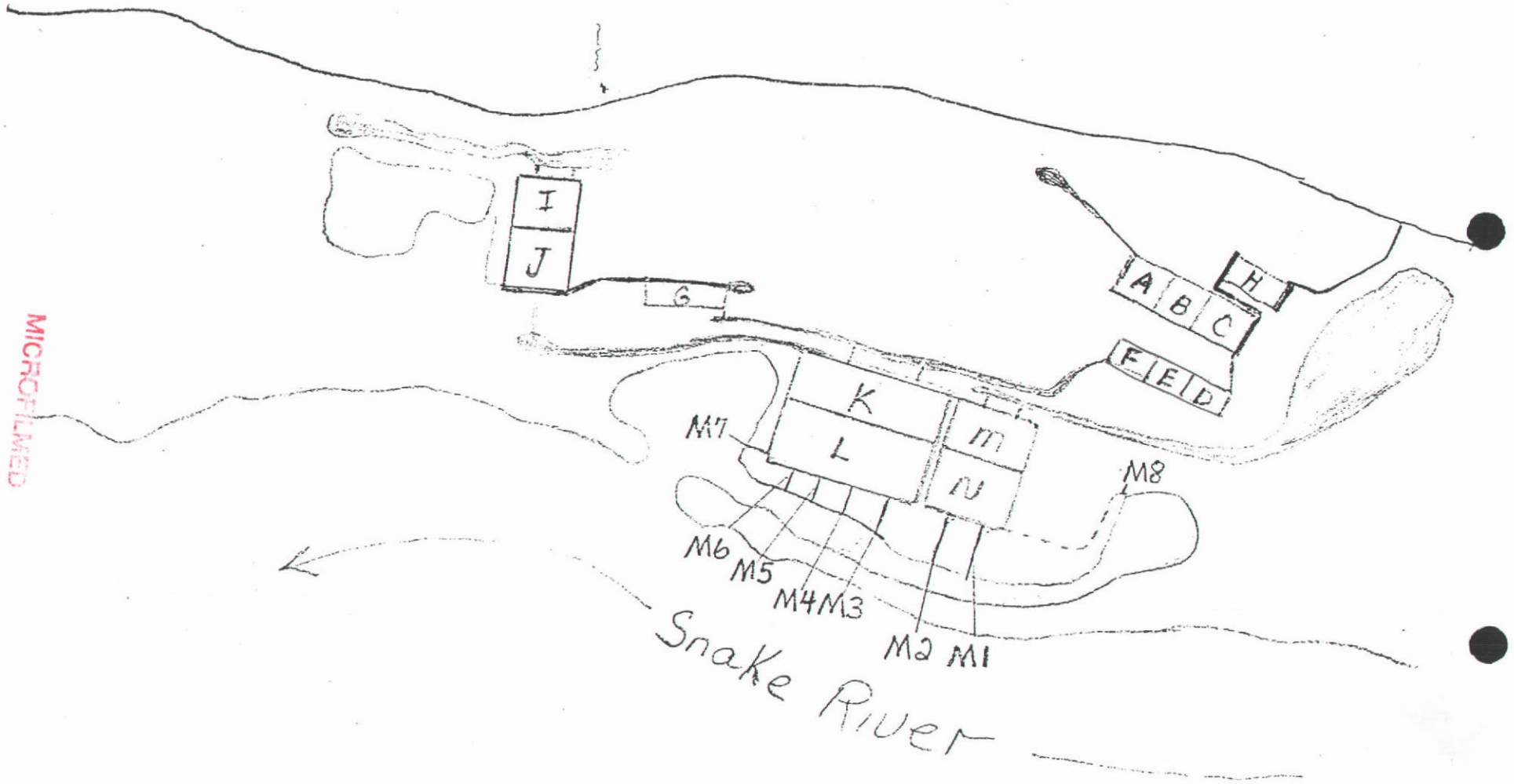
Diagram of Magic Springs Hatchery

Permit No. 36-7072

Measurements made 3/18&19/85



1 208 733 0325 PAGE.005
JAN 24 '90 15:57



MICROFILMED
MAR 0 6 2003

Diagram #9

Pisces Investments, Incorporated
Diagram: discharge monitoring





MICROFILMED
MAR 0 6 2003
MICROFILMED
MAR 0 6 2003

EXHIBIT Q







MICROFILMED
MAR 0 6 2003

EXHIBIT R







MICROFILMED
MAR 0 6 2003

EXHIBIT R







MICROFILMED
MAR 0 6 2003

EXHIBIT R





MICROFILMED
MAR 0 6 2003

EXHIBIT R

MICROFILMED
MAR 0 6 2003

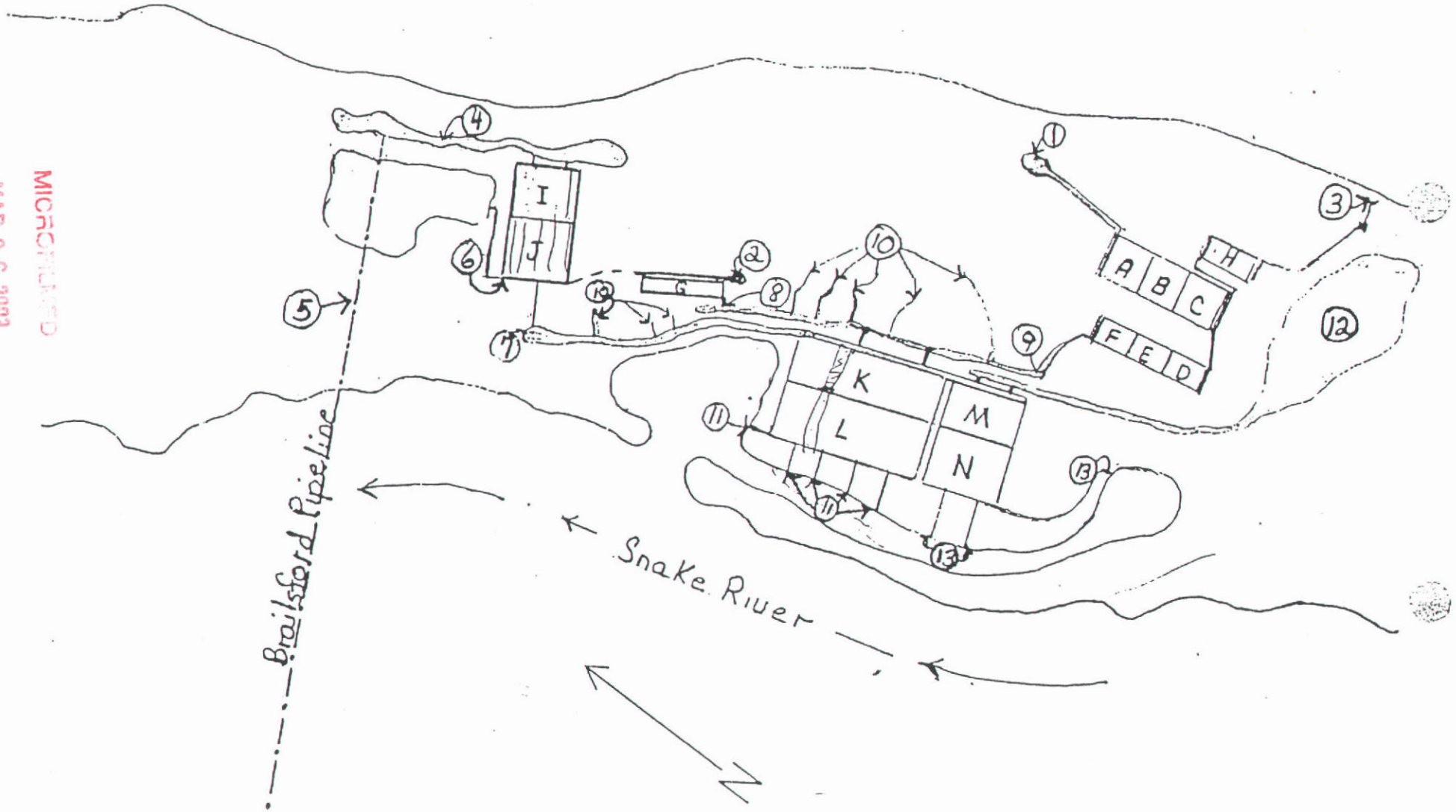
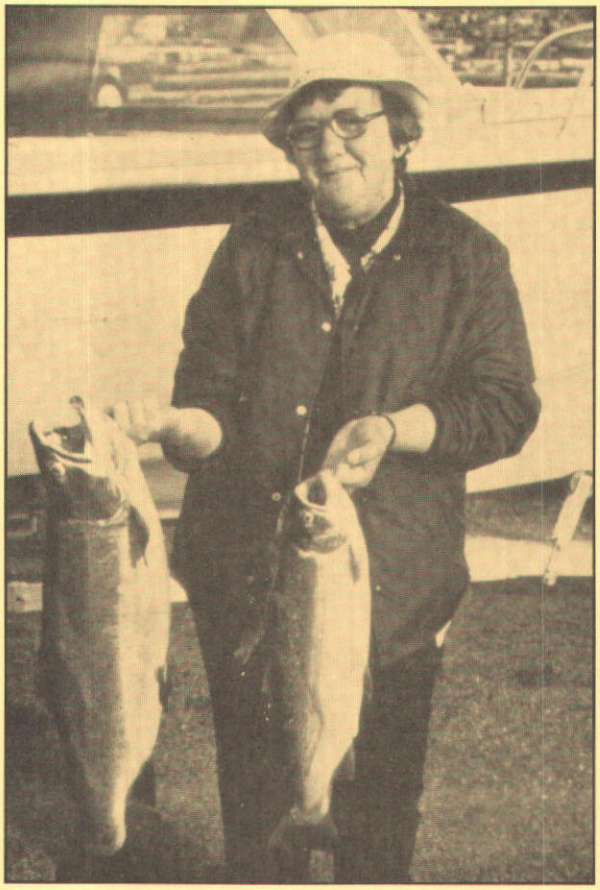


Diagram 1 #

Pisces Investments Incoporated
Diagram: Magic Springs Hatchery

FG # 23
Admitted 10/18/20
LA.

IDAHO ANGLERS A SURVEY OF OPINIONS AND PREFERENCES



IDAHO DEPARTMENT OF FISH AND GAME

BETTER FISHING THROUGH GOOD MANAGEMENT

Funded by

FEDERAL AID IN FISH RESTORATION

MICROFILMED
MAR 0 6 2003

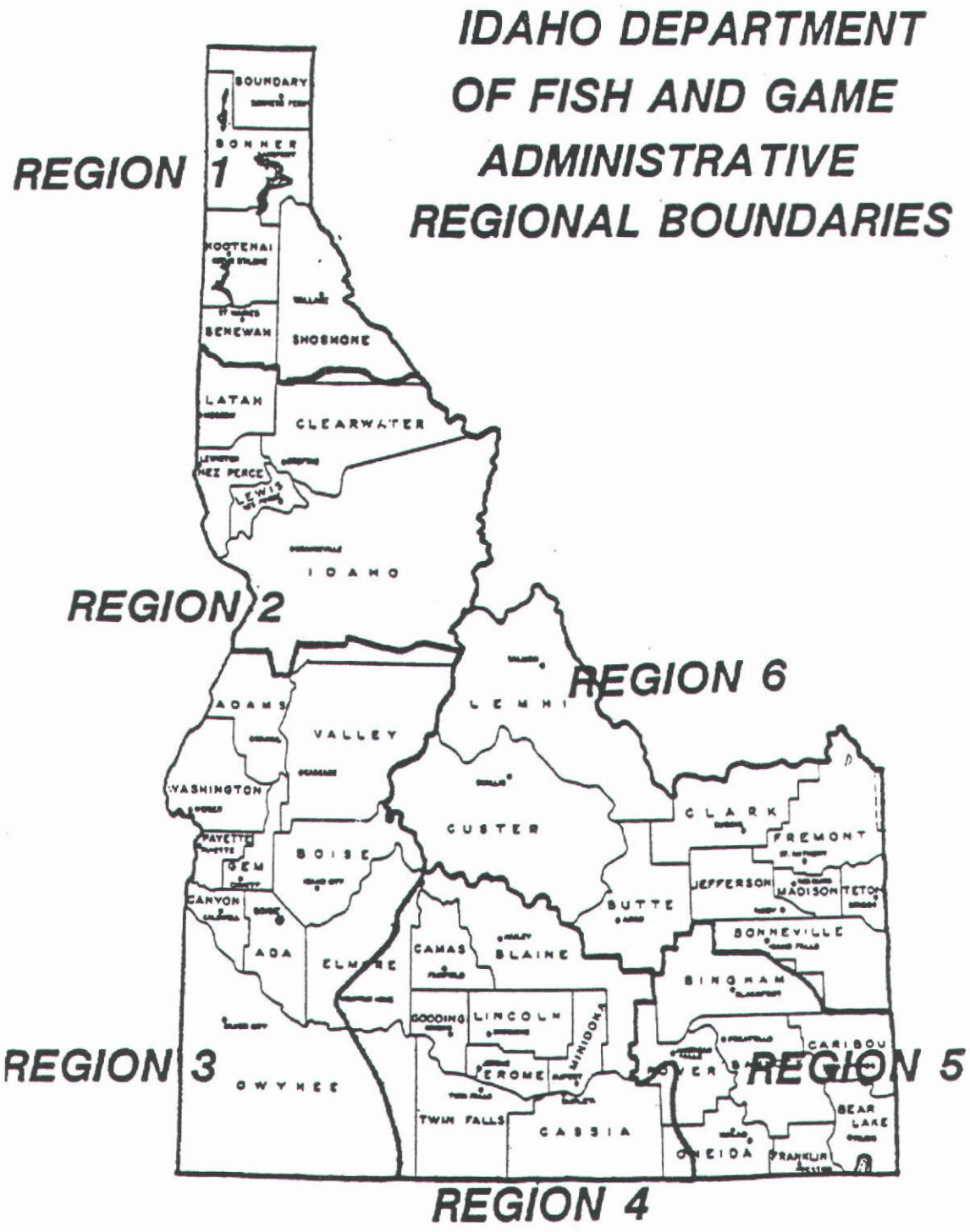


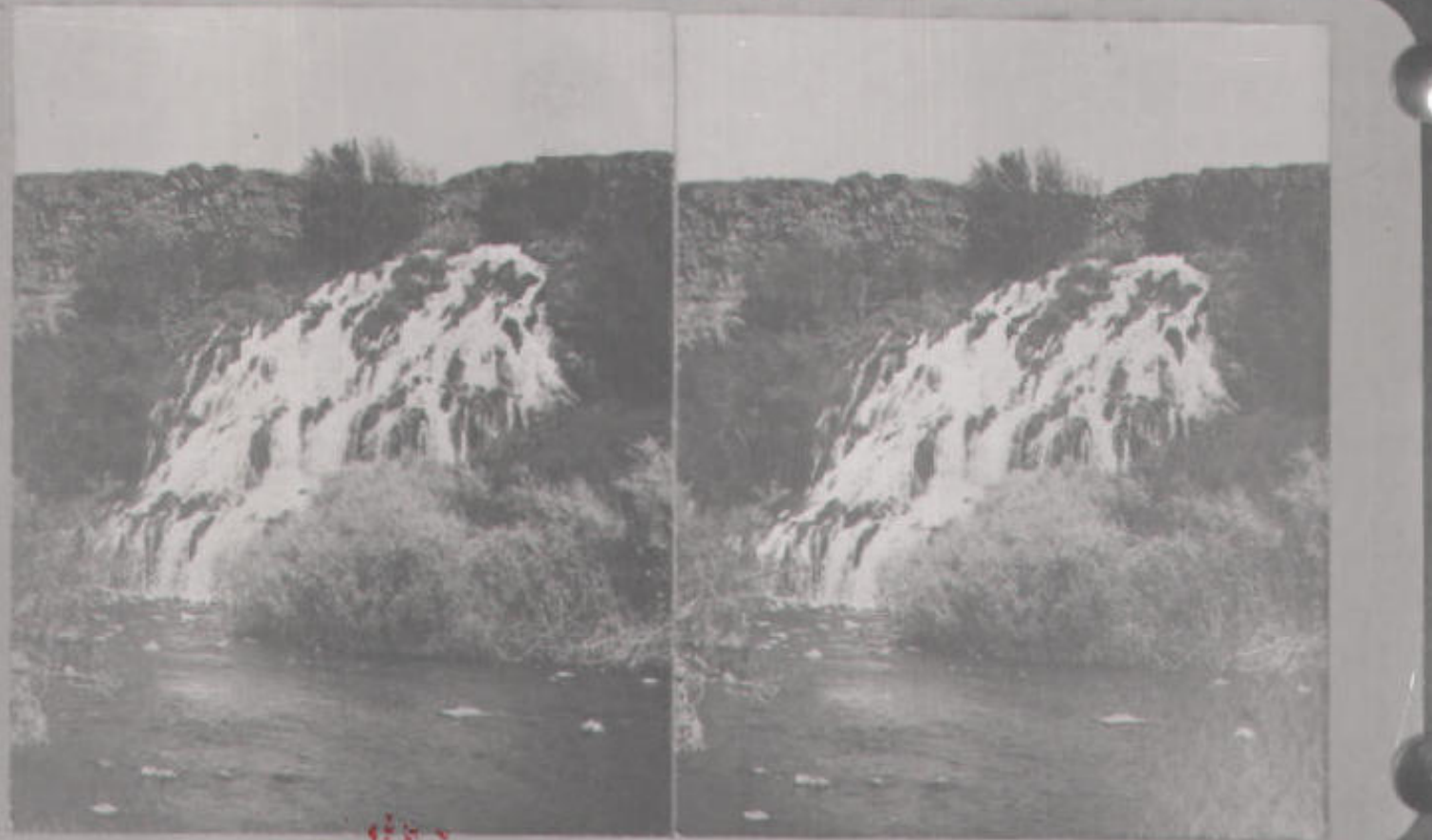
Figure 1. State of Idaho with Idaho Department of Fish and Game regional boundaries.

MICROFILMED
MAR 0 6 2003









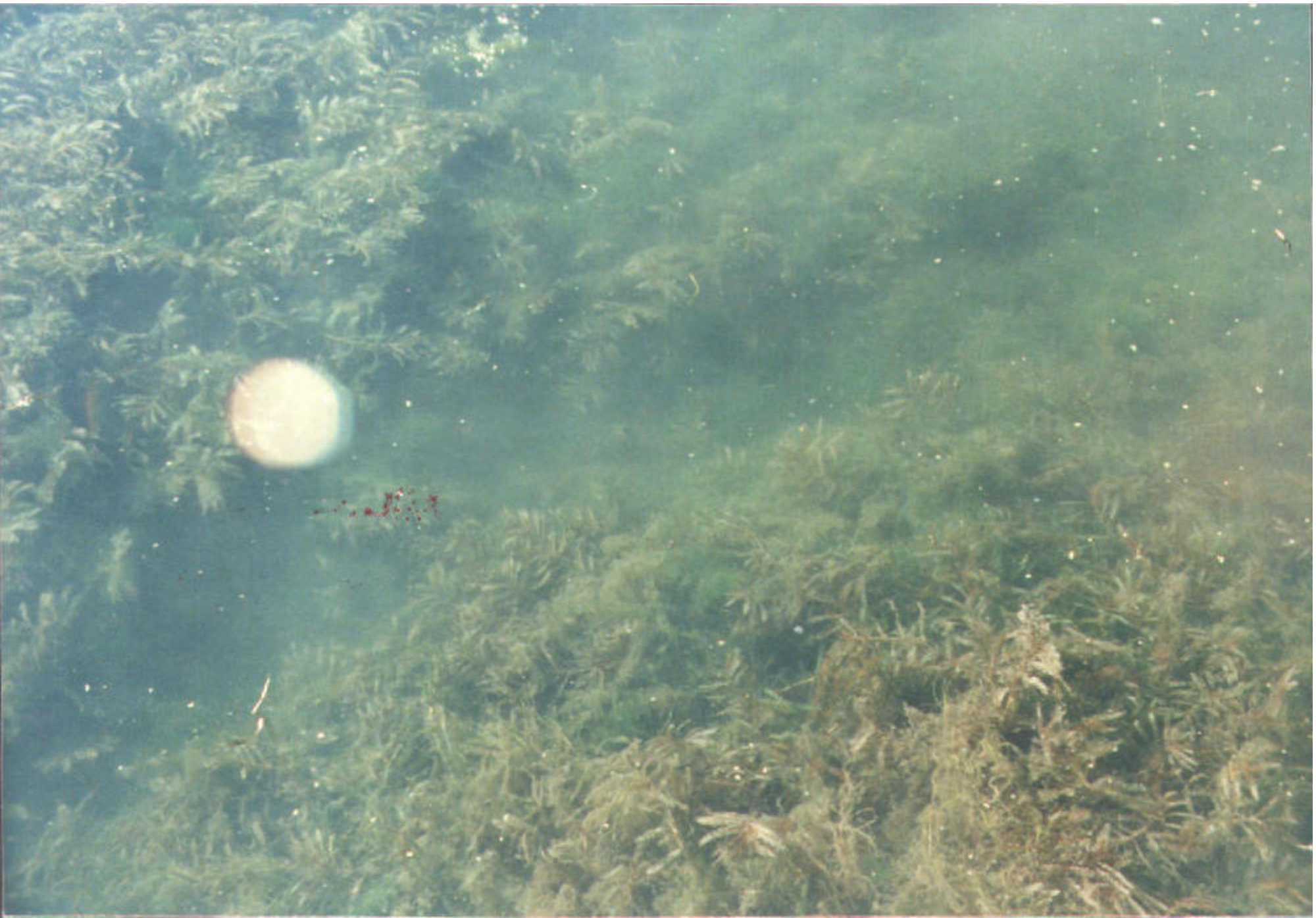




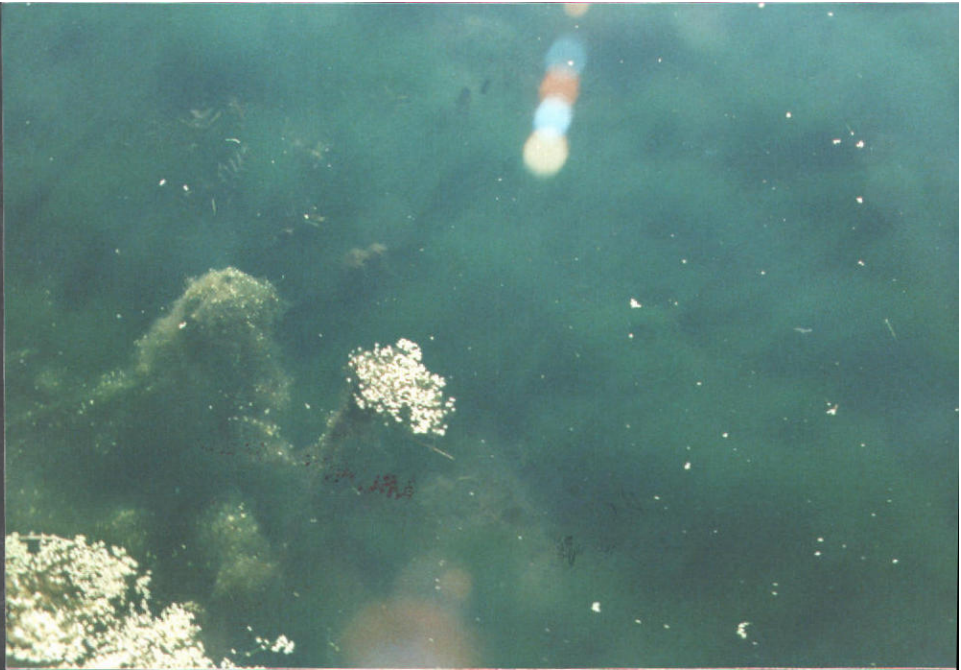


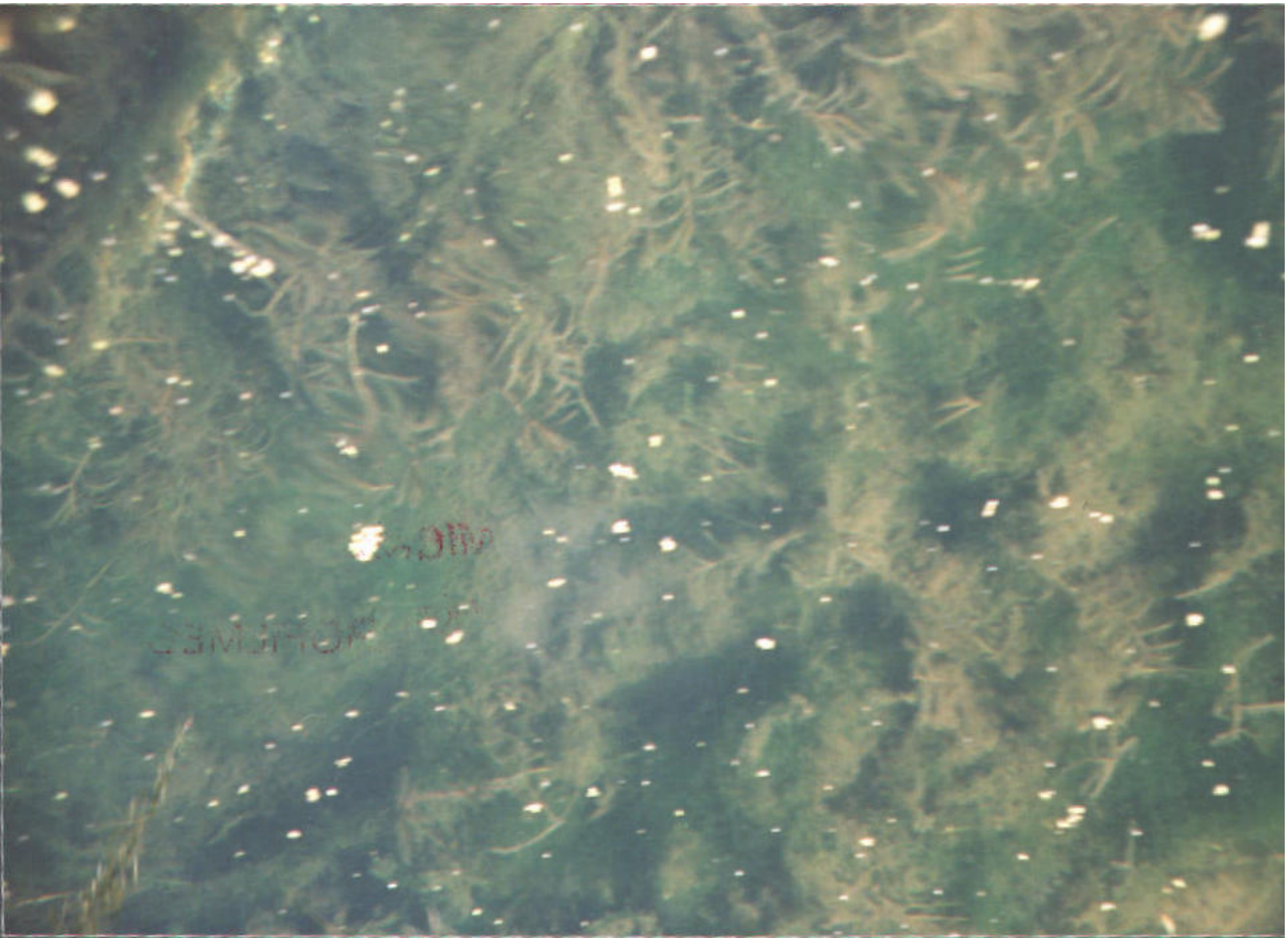


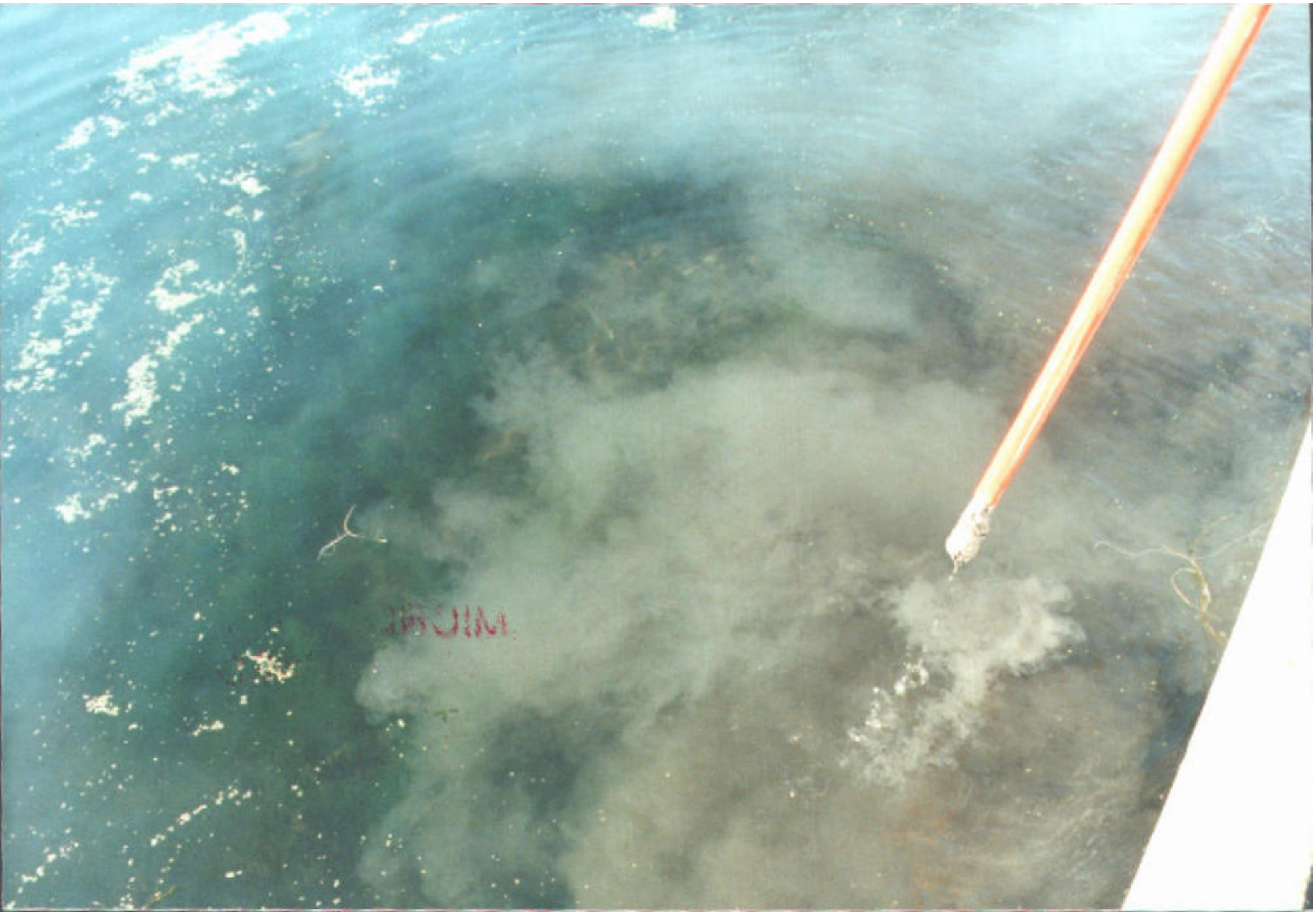


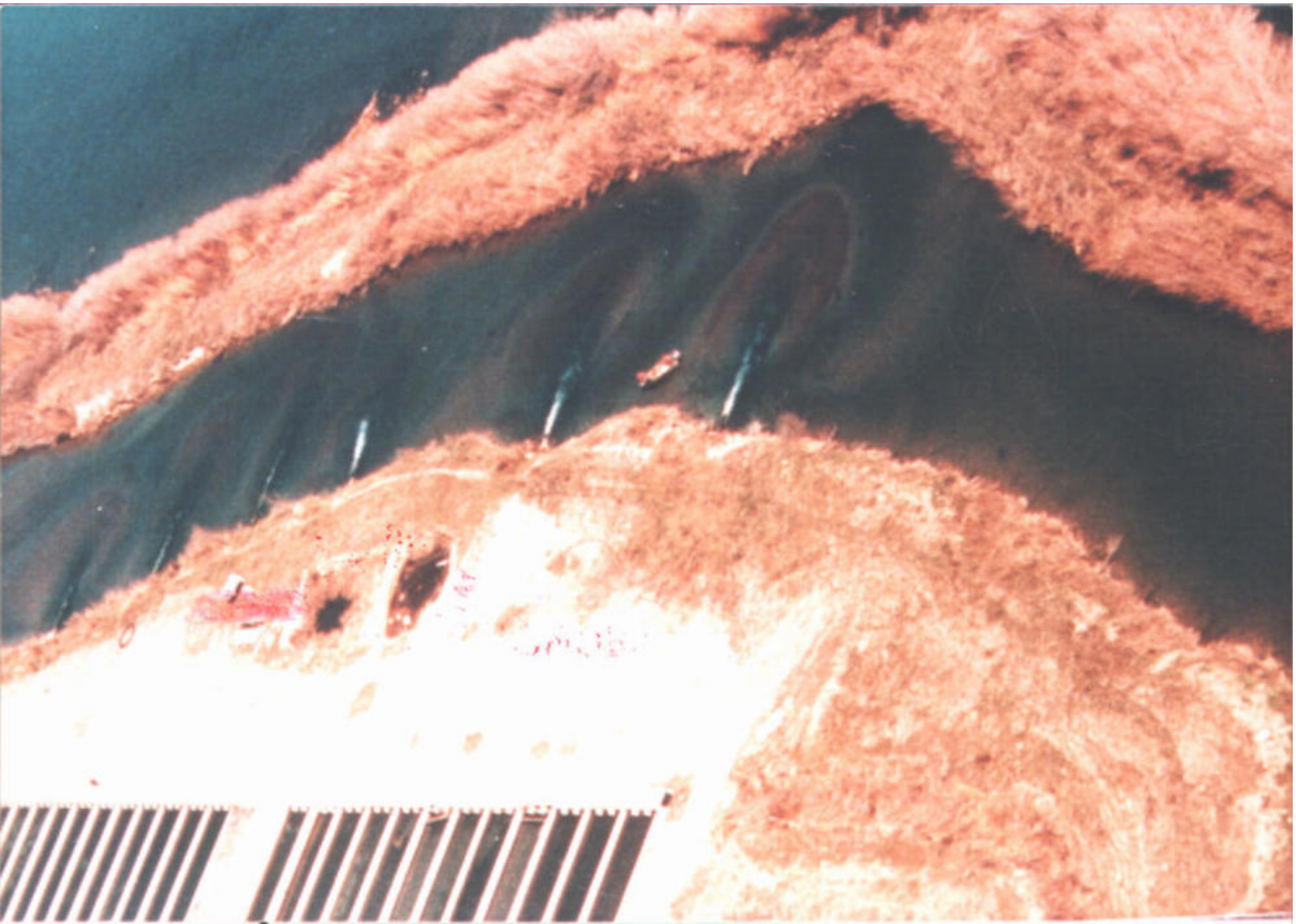










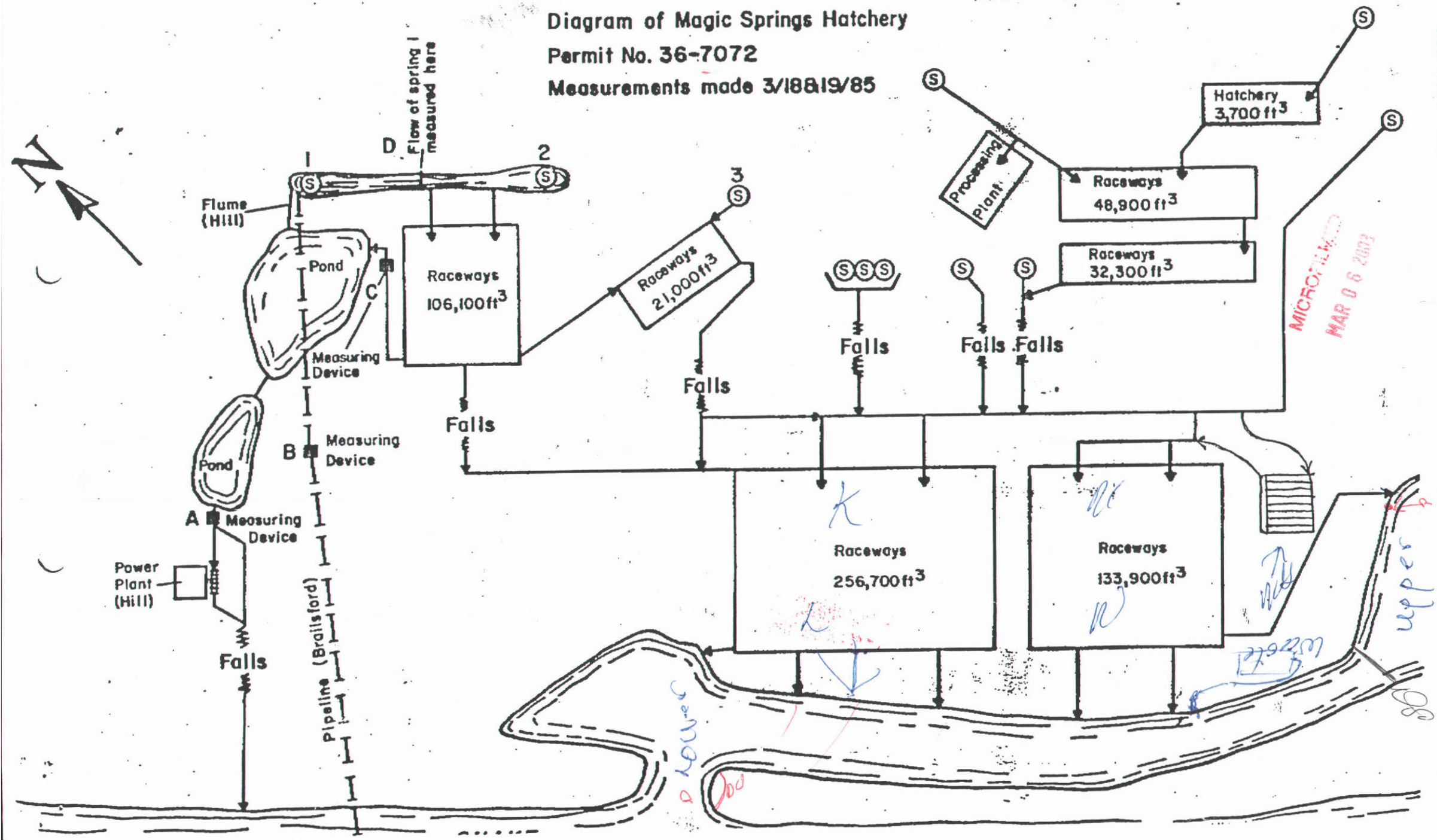


Applicant Ex A.

Diagram of Magic Springs Hatchery

Permit No. 36-7072

Measurements made 3/18&19/85



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1 208 733 0325 PAGE.005
JAN 24 '90 15:57

Form 42-248/42-1409(a) July, 2000

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DEC 13 2002
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
36-07072					
36-08356					
36-07866					

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Department of Water Resources

2. The following **REQUIRED** information must be submitted with this form:

   A. The appropriate **FILING FEE.** See instructions for fee amounts.

   B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**

   C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
   PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

   OR

   If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): Pisces Investments, Inc.
   P. O. Box 268, Hagerman, ID 83332

4. New Owner/Claimant(s): Seapac of Idaho, Inc.
   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or
   New Mailing Address: P. O.Box 546, Buhl, ID 83316
   City, State and ZIP Code:
   New Telephone Number: ( )

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5. Date you acquired the property: December 10, 2002

See file 36-07072 for supporting documentation

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

7. *Signature of New Owner(s)* or Claimant(s) (include title if applicable) _____ President
Seapac of Idaho, Inc.
_____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
Received by [illegible] Date 12/2/02 Fee 75.00
Receipted by [illegible] Date 12/3/02 Receipt No. 50253168
Processed by _____ AJ Date _____ WR _____ Date MAR 0 6 2003

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State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 36-08356

Priority: May 09,1988

Maximum Diversion Rate: 45.00 CFS
Maximum Diversion Volume: 32,600.0 AF

It is hereby certified that PISCES INVESTMENTS INC
3069 OSTER LAKES RD
HAGERMAN ID 83332 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 09, 1988; and has submitted Proof of Beneficial Use on December 29, 1995. An examination indicates that the works have a diversion capacity of 45 cfs of water from:

SOURCE
SPRINGS **Tributary:** SNAKE RIVER

and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL DIVERSION VOLUME
FISH PROPAGATION	01/01 to 12/31	45.00 CFS	32,600.0 AF

LOCATION OF POINT OF DIVERSION:
SPRINGS L1 SE¼NW¼NW¼ Sec. 8, Twp 08S, Rge 14E, B.M., GOODING County

PLACE OF USE: FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	8						X											
								L1											

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive.
2. Right 36-07072 is also diverted through the point of diversion described above.
3. Rights 36-07072 and 36-08356 when combined shall not exceed a total diversion rate of 148.2 cfs.
4. The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 5TH day of JUNE, 2002.

MICROFILMED
JUN 24 2002

Acting for KARL J. DREHER
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 36-08356 IN THE NAME OF PISCES INVESTMENTS, INC.	**ORDER OF REINSTATEMENT**

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before December 31, 1995; and,

WHEREAS, the Department notified the permit holder on September 30, 1995, by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, on December 8, 1995, the Department lapsed the permit in error; and,

WHEREAS, on December 29, 1995, the permit holder submitted and acceptable proof and field examination to the Southern Regional Office; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause; and,

WHEREAS, the permit holder provided a reasonable showing why the permit should be reinstated by submitting the proof on December 29, 1995; and,

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JUN 24 2002

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 36-08356 be REINSTATED with no advance in priority.

Dated this 25th day of January, 1996.

L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED
JUN 24 2002

Form No. 217
7/94

FOR OFFICE USE ONLY
Amt. of Fee $: _____
Receipt No. _____
Receipt By: _____
Date Receipted: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEC 29 1995
Department of Water Resources
Southern Region

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 be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 36-08356 Telephone No. (208) 734-0700

2. Name(s) of Permit Holder(s): Pisces Investments, Inc.

3. Mailing Address: c/o J. Evan Robertson, P.O. Box 701, Twin Falls, ID 83301-0701

4. Source of Water: Springs If **GROUNDWATER** (well), Date Drilled: mo._____ / yr._____

a. Well Driller: _____ Drilling Permit Number: ____ - ____ - ____ - ____

b. ***OPTIONAL:***
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

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

Irrigation (No. of acres): _____ Other: Fish propagation

6. Total rate of diversion and/or volume for which proof is submitted: 45 cfs **OR** _____ acre feet

7. Measuring Device Requirement: **(refer to the approval conditions on your permit and respond accordingly)**
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes ____ or	No X
	Has the measuring device been installed?	Yes ____ or	No X
Flow Measurement Port:	Is a flow measurement port required?	Yes ____ or	No X
	Has the measurement port been installed?	Yes ____ or	No X

8. Fee Enclosed: $ n/a (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: _____ Telephone Number: _____

Address: _____

10. The information given on this form 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.

Signature of permit holder: Michael G. Greene President Date: 12-29-95
(include your title, if on behalf of company of organization)

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JUN 24 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 36-08356 IN THE NAME OF PISCES INVESTMENTS, INC.

ORDER

This matter having come before the Idaho Department of Water Resources (department) as a result of a request by the permit holder and the department having reviewed the request, the department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On February 19, 1991, the department issued the above captioned permit to Pisces Investments, Inc. (permit holder).

2. Among other conditions, the permit required the permit holder to submit a plan of construction and operation to the department prior to the commencement of construction and within two (2) years of the date of final permit approval.

3. On February 17, 1993, the permit holder provided information to show that the project had been delayed while seeking certain water quality approvals from the Idaho Department of Health & Welfare, Division of Environmental Quality.

CONCLUSIONS OF LAW

1. The permit holder is required to obtain certain water quality associated approvals to the department before the proposed project for fish propagation can be undertaken.

2. The permit holder has diligently sought the required water quality approvals required by the permit and has been delayed through no fault of its own.

3. The department should extend the two (2) year period in which the permit holder is required to submit the required plan of construction and operation.

ORDER

IT IS THEREFORE, hereby, ORDERED that Condition of approval No. 6. on the permit and Condition of Approval No. 2 shown in the Final Memorandum Decision and Order be **CHANGED** to read as follows:

APR 08 1993

"The applicant must submit a plan of construction and operation, to the Department of Water Resources, expressly sanctioned and approved by the Idaho Department of Health and Welfare, Division of Environment (DEQ), which will satisfy Idaho water quality standards. The approval by DEQ must specifically state that operation of the facility as proposed in the plan will satisfy state water quality standards. The plan must be submitted to the Department prior to commencement of construction, and within three (3) years of the date of final approval of the permit. If an acceptable plan is not submitted within three years, the permit will lapse."

DATED this 3rd day of March, 1993.

L. GLEN SAXTON, Chief
Water Allocation Bureau

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APR 08 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08356

Proposed Priority: May 9, 1988 Maximum Diversion Rate: 45.00 CFS

This is to certify, that **PISCES INVESTMENTS INC.**
C/O J. EVAN ROBERTSON
VICE PRESIDENT
BOX 701
TWIN FALLS ID 83303-701

has applied for a permit to appropriate water from:

SPRINGS tributary of **SNAKE RIVER**

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

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
FISH PROPAGATION	01/01 to 12/31	45.00 CFS

LOCATION OF POINT(S) OF DIVERSION: LOT 1(SENWNW), Sec. 8, Township 08S, Range 14E
GOODING County

PLACE OF USE: FISH PROPAGATION

TWN	RGE	SEC	
08S	14E	8	LOT 1(NWNW)

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **December 31, 1995.**
2. Subject to all prior water rights.
3. Use of water under this right shall be non-consumptive.
4. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
5. Water discharge into the Bridal Veil Channel or the Snake River shall satisfy Idaho water quality standards. The Department retains jurisdiction to cancel, modify, void or rescind this permit and subsequent license, if the owner of the fish rearing facility, refuses, fails or cannot comply with specific discharge standards imposed by DEQ, including cleanup of the Bridal Veil Channel.
6. The applicant must submit a plan of construction and operation, to the Department of Water Resources, expressly sanctioned and approved by the Idaho Department of Health and Welfare, Division of Environmental Quality (DEQ), which will satisfy Idaho water quality standards. The approval by DEQ must specifically state that operation of the facility as proposed in the plan will satisfy state water quality standards. The plan must be submitted to the Department prior to commencement of construction, and within two (2) years of the date of final approval of the permit. If an acceptable plan is not submitted within two years, the permit will lapse.

FILED
NOV 15 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08356

CONDITIONS/REMARKS:

7. This permit does not authorize development of any more water than the lesser of (1) The flow rate currently licensed for the facility, or (2) The flow rate that has been beneficially used in the facility.
8. Project construction shall commence within one year of the date of submittal of the plan approved by DEQ and shall proceed diligently until completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

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

19th day of February, 1991.

R. Keith Higginson, Director

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION TO APPROPRIATE WATER NO. 36-08356 IN THE NAME OF PISCES INVESTMENT, INC.	**FINAL MEMORANDUM DECISION AND ORDER**

On December 21, 1990, the Department issued a Proposed Memorandum Decision and Order for a rehearing of application to appropriate water no. 36-08356 in the name of Pisces Investments, Inc. (Pisces). Pisces filed exceptions to the proposed decision. The analysis portion of this decision, which immediately follows, addresses the objections filed by Pisces. The findings of fact, conclusions of law and order follow the analysis.

ANALYSIS

The objections filed by Pisces identify three general issues:

1. Whether the Department properly ruled that protected uses identified by water quality regulations will be injured by the proposed use?

2. Whether the Department has authority to condition a proposal for "reuse of water" when considering a new application to appropriate water?

3. Whether the Health and Welfare regulations are vague and unclear, requiring that the Department of Water Resources find the regulations to be void for vagueness?

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Hagerman Valley Citizen's Alert also suggested that the outfall channel be referred to as the Bridal Veil Channel. Proper identification of water courses is important, and the suggestion will be adopted.

Protection of Designated Uses

The Proposed Memorandum Decision and Order stated that the reach of the Snake River into which the Bridal Veil Channel discharges is designated to protect cold water biota, salmonid spawning, primary contact recreation and secondary contact recreation. There is a question whether the springs and outflow channels along the Snake River should be defined as unspecified water, but Mike McMasters, an employee of the Department of Health and Welfare, Division of Environmental Quality (DEQ), implied that the designation for the Snake River would also apply to the springs tributary to the Snake River because of their close proximity. The Department accepts the interpretation of Mr. McMasters in reaching its decision.

Regardless of whether the test for unspecified waters or specified waters applies to the springs and their channels, the waters were shown to be unsuitable for the protected uses. Fishing, boating and wading are all secondary contact recreational activities, which are minimum values to be protected in unspecified waters. The weight of evidence showed that boating was difficult because of profuse aquatic growth. While some of the applicant's witnesses testified that fishing still occurred within the channel, several of the protestant's

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witnesses, who had been acquainted with the Bridal Veil Channel and the Snake River in the area, testified that the quality of fishing had declined. The witnesses also stated that the channel was no longer suitable for fish spawning. This conclusion was supported by testimony of Mr. Charles Edward Corsi, Regional Fisheries Manager for the Idaho Department of Fish and Game.

While witnesses for the applicant testified that they had not observed swimmers in other springs of the Snake River, specifically the Minnie Miller springs channel, and that in the opinion of a swimming instructor, the water would be too cold to swim in, witnesses for the protestants presented testimony of actual swimming and wading in the undeveloped spring channels of Minnie Miller and Blue Heart Springs. Testimony of actual participation and use is more competent evidence than casual non-observation of use. Testimony from witnesses about the existing quality of the channel and unwillingness to swim in it, and testimony regarding growth and odor from the channel also support a conclusion that the water within the Bridal Veil Channel is unsuitable for swimming and wading.

To clarify the finding that water in the Bridal Veil Channel is unsuitable for protected uses, finding of fact no. 31 will be changed as follows:

> 31. Regardless of whether the proposed fingerling raceways are constructed, water in the Bridal Veil Channel will not be suitable for some of the beneficial uses (swimming, wading, boating, fishing, and salmonid spawning) designated by DEQ.

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Pisces has objected to paragraph 16 and paragraph 24 of the conclusions of law which state that the condition of the Bridal Veil Channel is deplorable. The testimony of Nancy Ritter, as well as testimony of other witnesses, supports a conclusion that the condition of the channel is deplorable. Paragraph 16 of the conclusions of law will be changed, however, to read, in part, as follows:

> The protestants established that the present condition of the Bridal Veil Channel is deplorable because the water quality in the channel is unacceptable for swimming, boating, wading, fishing, and salmonid spawning.

Conclusion of law number 24 will not be changed.

Finally, Pisces argues that the Department has failed to concentrate solely on effects of proposed reuse of water, and has improperly considered the impact of the already existing operation, and preexisting conditions.

The Department cannot blindly consider this application without analyzing the cumulative impact of the entire fish rearing facility on the Bridal Veil Channel when the additional raceways are constructed. If the receiving waters of the channel are not now suitable for designated protected uses, the Department should not allow diversion of water for fish propagation that would further degrade the condition of the channel, unless DEQ regulations allow for further degradation.

The testimony of Mr. McMasters established that additional pollutants would be added to the Bridal Veil Channel, and that Idaho water quality standards might be violated. The question raised, and discussed in the ensuing text, is whether DEQ

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regulations allow further degradation of the waters of the channel that injure protected uses. Resolution of this issue is left to DEQ. When DEQ expressly states that Idaho water quality standards will be satisfied, Pisces may commence construction.

Authority to Condition Permit

Pisces argues that the Department is not authorized to condition its proposal for reuse of water. Idaho Code § 42-203A expressly provides that the Department has the authority to condition a permit. The power to condition is also inherent to the Department's fact finding responsibility.

Vagueness of Water Quality Standards

Shokal v. Dunn, 707 P.2d 441, 109 Idaho 330 (1985) states that "Water Resources is precluded from issuing a permit for a water appropriation project which, when completed, would violate the water quality standards of the Department of Health and Welfare." Shokal at 341. As explained above, Mr. McMasters testified that the protected uses might be injured by the increased discharge of nutrients to the Bridal Veil Channel. He also expressed uncertainty about whether specific numerical standards could be satisfied.

The hearing officer in this matter evaluated the testimony of Mr. McMasters against the water quality rules and regulations. He concluded from his analysis that there were unanswered questions regarding the standards by which the operation of the Pisces facility would be judged. After his review, the hearing officer stated that the "water qu[illegible] standards by which the

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application is to be judged are unclear to the Department, and are difficult if not impossible for the applicant to prove compliance with . . .."

The ability of Pisces to comply with Idaho water quality regulations is not clear to the Department. The testimony of Mr. McMasters did not establish specific discharge and receiving water quality standards which Pisces must comply with. It may be that Pisces can easily prove compliance with Idaho water quality standards through negotiation with DEQ. The statement in conclusion of law number 24 indicating that the standards are difficult if not impossible to prove compliance with will be stricken from the paragraph.

It may be that the Idaho water quality standards, by simply prohibiting injury to protected uses, are sufficiently vague that they cannot be enforced. A hearing before the Department of Water Resources for a water right is not the proper forum, however, for judicial review of the adequacy of rules and regulations promulgated by DEQ. The proper forum for review of rules and regulations is before DEQ, or subsequently before a competent court of the state of Idaho.

The decision rendered by the Department only requires submittal of plans of construction and operation, with express approval by DEQ, stating that the operation of the proposed facility will satisfy Idaho water quality standards. Whatever standards may be imposed by DEQ to satisfy its rules and regulations are a matter of negotiation for DEQ and Pisces. It

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is not the responsibility of the Department of Water Resources to pass on the adequacy of those standards.

The following are amended findings of fact and conclusions of law consistent with the foregoing analysis:

FINDINGS OF FACT

1. Pisces Investments, Inc. (Pisces) filed application to appropriate water no. 36-08356 with the Department on May 9, 1988. The application proposes year-round reuse of 45.0 cfs which is already used in its fish rearing facilities. The application identifies the source of water as springs, and locates the springs in Government Lot 1 (SE1/4NW1/4NW1/4), Section 8, T8S, R14E, B.M., Gooding County. The springs will hereafter be referred to as Bridal Veil Springs and the channel which discharges water to the Snake River as the Bridal Veil Channel.

2. The application was properly advertised on August 4 and 11, 1988 and was protested by the Hagerman Valley Citizen's Alert (Hagerman).

3. A hearing was conducted on October 19, 1989. The Department subsequently denied the application, but granted a rehearing to the applicant. The rehearing was scheduled for October 17, 1990.

4. The Idaho Department of Fish and Game (Fish & Game) petitioned the Department for intervention and the Department granted the petition.

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NOV 15 1991

5. One day prior to the hearing, Fish & Game moved for a continuance, arguing that it had received a settlement offer from the applicant, and did not have time to review it with the attorney general and other interested state agencies. Pisces opposed the motion for continuance, and withdrew its offer of settlement.

6. The Department of Water Resources, by telephone conference, verbally denied the motion for continuance. The motion for continuance was denied because (1) the offer of settlement had been withdrawn by Pisces, and (2) Fish & Game, as a tardy intervenor, was not entitled to delay the hearing without some showing of surprise, extreme prejudice, or newly discovered evidence. This memorandum decision confirms the telephonic ruling by the hearing officer.

7. Pisces timely filed information required by Rule 4,5,3. of the Water Appropriation Rules and Regulations. Information submitted and considered as part of the record included:

a. Plan view diagrams of the existing fish rearing facilities and location of the proposed raceways.

b. Plans and specifications for construction of the facility and construction cost estimates.

c. Letters of comment from Gooding County and the Department of Health and Welfare, Division of Environmental Quality (DEQ). Letters of comment were also sought from Fish & Game, Idaho Department of Parks and Recreation and the Environmental Protection Agency.

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d. Letters from lending institutions confirming that Pisces Investments has sufficient funds to construct the proposed additional raceways.

e. A copy of an application for NPDES permit for Pisces existing fish propagation facilities at Bridal Veil Springs.

f. NPDES discharge monitoring reports.

g. Other information related to the local public interest.

8. New raceways will be used for small trout rearing. The proposed new raceways will employ best current technology with quiescent zones and stand pipe discharge of solids to settling ponds. Overflow water not drained to the settling ponds will be reused and resettled at the end of other raceways within the facility, and then will be discharged to the Bridal Veil Springs channel through existing outfall pipes.

9. Pisces submitted a copy of the NPDES permit which governs quality of discharge from the existing fish rearing facility. Pisces must comply with conditions of the NPDES permit, regardless of whether it constructs the proposed raceways, or continues its present operation without construction.

10. The NPDES permit currently only requires monitoring of and compliance with settleable and suspended solids standards. The permit requires nutrient monitoring beginning in May, 1991, or as an alternative, requires a study of nutrient loading of the Snake River by the entire aquaculture industry, which may be

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substituted for individual monitoring. No standards for nutrient discharge are established by the NPDES permit, however.

11. DEQ has promulgated rules and regulations which establish standards of water quality, and which are designed to protect preferred uses of the various waters of the state. These rules are the Idaho Department of Health and Welfare Rules and Regulations, Title 1, Chapter 2, "Water Quality Standards and Wastewater Treatment Requirements." The rules and regulations will be referred to hereafter as "Water Quality Standards."

12. Rule 01.2150, 01. ii. of the Water Quality Standards designates uses of water that will be protected in the reach of the Snake River beginning at Buhl and extending downstream to King Hill. Uses to be protected include cold water biota, salmonid spawning, primary contact recreation and secondary contact recreation.

13. Springs and related outflow channels have not been classified by the Water Quality Standards. Mike McMasters of DEQ testified that the Snake River standards would apply to the springs and related outflow channels.

14. Rule 01.2101, states, however, that unspecified waters "are designated as primary contact recreational waters, unless the physical characteristics of a water body prevent primary contact recreation. In those cases, the water body is designated a secondary contact recreational water."

15. Rule 01.2100 defines various water uses. In particular, primary contact recreation is defined as swimming, water skiing

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or skin diving. Secondary contact recreation includes fishing, boating and wading.

16. The Environmental Protection Agency (EPA) issues NPDES permits. DEQ assists in establishment of the standards and conditions for the NPDES permit.

17. It is possible for an NPDES permit holder to satisfy the requirements of its NPDES permit, but cause the receiving waters to become unsuitable for the DEQ classified uses. DEQ is beginning to study water quality in the Snake River, but has not implemented a plan for protection of the values for the Snake River.

18. Mike McMasters of DEQ testified that additional suspended solids would be generated by the proposed fingerling raceways, but the effluent from the new raceways, if properly treated by the current waste removal system, would cause only a negligible increase in the suspended solids being discharged to the receiving water.

19. Pisces can satisfy NPDES standards if the fingerling raceways are constructed.

20. A letter written by Mike McMasters to Loren Holmes of the Department of Water Resources in September, 1988, stated that he did not anticipate any water quality problems. The only concern expressed was that the system design and operation comply with EPA's NPDES permit effluent requirements.

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21. At the hearing, Mr. McMasters testified that the construction of the proposed fingerling raceways would increase the soluble nutrient discharge from the hatchery.

22. Soluble nutrients encourage aquatic plant growth which sustain cold water invertebrates, a primary food source for fish. The aquatic plants may deplete the dissolved oxygen in the water at night as they respire.

23. No studies have been performed to determine whether dissolved oxygen levels in the Bridal Veil Channel are sufficient to support trout.

24. The surface of the Snake River in the area of Bridal Veil Springs is infested with aquatic growth during the summer months.

25. Boating in the Bridal Veil Channel is difficult during the late summer months because of profuse aquatic growth that clogs the surface of the water.

26. The public swims and wades in some of the undeveloped spring waters along the Snake River such as Blue Heart Springs and Minnie Miller Springs. The Bridal Veil Channel is presently not a desirable place to swim or wade.

27. The Bridal Veil Channel does not provide spawning habitat for fish. It also does not provide the quality of fishing it once provided.

28. The Bridal Veil Channel is an excellent place to hunt waterfowl. There are numerous wildlife species that inhabit the Bridal Veil Springs area.

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29. Pre-existing sediments discharged to the channel, solids presently being discharged and nutrients being discharged all contribute to the degraded condition of the Bridal Veil Channel. Mike McMasters compared the Bridal Veil Channel to Crystal Lake, for which DEQ recently completed a study, and which has similar sedimentation problems. Studies of Crystal Lake show that water quality in Crystal Lake would not improve even if all effluent from the discharging fish facility was routed elsewhere. Existing solids in Crystal Lake would continue to contribute to water quality problems. Mr. McMasters stated that the water quality could only qualify for the protected uses designated for the Snake River by removal of the existing sediments in Crystal Lake, and concluded that similar action would be necessary for the Bridal Veil Channel.

30. Regardless of whether the proposed fingerling raceways are constructed, water in the Bridal Veil Channel will not be suitable for some of the beneficial uses (swimming, wading, boating, fishing, and salmonid spawning) designated by DEQ.

31. No other water rights, except rights owned by Pisces, identify the springs proposed for reuse by Pisces as their source, and the only effluent discharged to the Bridal Veil Channel is from the Pisces facility.

32. The application does not seek to divert any more water than is presently being used. Pisces has an existing fish facility in place, and is attempting to make additional use of its water.

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33. Pisces efficiently delivers water to its ponds, and, for the most part, the use is non-consumptive. The proposed reuse of water will result in greater production without an increase in total water diverted.

CONCLUSIONS OF LAW

1. Idaho Code § 42-203A(5) states in part as follows:

> The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purposes for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant does not have sufficient financial resources with which to complete the work involved therein or (e) that it will conflict with the local public interest where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application, refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. Rule 4,4,2,1. of the Water Appropriation Rules and Regulations states that the applicant shall bear the initial burden of coming forward with evidence of the evaluation of criteria (a) through (d) of Idaho Code § 42-203A.

3. Rule 4,4,2,2. of the Water Appropriation Rules and Regulations states that both the applicant and the protestant have the burden of coming forward with evidence regarding local public interest of which they are each most cognizant.

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4. The local public interest criterion of Idaho Code § 42-203A(5) is defined by Rule 5,1,5. of the Water Appropriation Rules and Regulations to include, but not to be limited to:

> The effect the project will have on the economy of the local area affected by the proposed use as determined by the employment opportunities, both long and short term, revenue changes to various sectors of the economy, short and long term, and the stability of revenue and employment gains;
>
> The effect the project will have on recreation, fish and wildlife resources in the local public area affected by the proposed use;
>
> Compliance with applicable air, water, hazardous substance standards, and compliance with planning and zoning ordinances of local or state government jurisdictions.

5. Rule 4,4,3. of the Water Appropriation Rules and Regulations states that the applicant has the ultimate burden of persuasion for all of the criteria of Section 42-203A, Idaho Code.

6. Rule 4,5,3. lists the detailed information which must be submitted by the applicant for use by the Department in reviewing the application under the first five criteria listed in Idaho Code § 42-203A. Information submittal requirements of Rule 4,5,3,1,1. through 4,5,3,5,1. are incorporated into this decision by reference.

7. Rules and regulations have not been adopted for the interpretation of the sixth criterion, the conservation of water. For purposes of this decision, "conservation of water resources" will be determined by evaluating the efficiency of delivery, and the production of fish per unit of flow.

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8. Pisces' proposal for reuse of water will not reduce the quantity of water under existing water rights.

9. The water supply available for Pisces proposal is water already diverted, and is sufficient for the purpose for which it is sought to be appropriated.

10. Plans, specifications and work conducted by Pisces, as well as the existence of a major fish production facility, prove that the application is made in good faith and is not made for delay or speculative purposes.

11. Pisces has sufficient financial resources with which to complete the work.

12. In Shokal v. Dunn, 707 P.2d 441, 109 Idaho 330 (1985), the Idaho Supreme Court discussed the respective responsibilities of the parties when the local public interest is in question. "A determination of what elements of the public interest are impacted and what the public interest requires is committed to water resources' sound discretion . . .. Those applying for permits and those challenging the application bear the burden of demonstrating which elements of the public interest are impacted and to what degree." Shokal at 339.

13. If there are matters of public interest known to the Department, and certain uses of water have been detrimental to these public interest values, the burden is upon the applicant to show that "the project is either in the local public interest or there are factors that overweigh the local public interest in favor of the project." Shokal at 339.

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14. In this case, the existence of the local public interest in the Bridal Veil Channel was established. Degradation of the springs and spring channels tributary to the Snake River, to the detriment of public uses, is an issue that has been raised before the Department on numerous occasions. The local public has become increasingly vocal about preserving and improving the quality of the springs and spring channels in the Magic Valley. The Department cannot ignore the public interest that has been expressed and the past degradation that has been attributed to fish propagation uses.

15. The applicant established that: (1) The proposal would contribute an insignificant or negligible amount of additional solids to the stream; (2) It could continue to satisfy the requirements of its NPDES permit, and (3) It will be required to monitor effluent nutrients in May of 1991.

16. Concern was expressed at the hearing regarding degradation to the receiving waters, even though the conditions of the NPDES permit can be satisfied. The protestants established that the present condition of the Bridal Veil Channel is deplorable because the water quality in the channel is unacceptable for swimming, boating, wading, fishing, and salmonid spawning. The legal issue confronting the Department is whether it should approve a use of water that can satisfy NPDES discharge standards but will contribute additional nutrients or solids that may incrementally injure the receiving water which is already unsuitable for the designated uses.

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17. Shokal v. Dunn assigns the primary responsibility for establishment of water quality standards. The Shokal court stated:

> We . . . add a word of caution regarding the differing function of Water Resources and the Department of Health and Welfare. Water Resources must oversee the water resources of the state, insuring that those who have permits and licenses to appropriate water use the water in accordance with the conditions of the permits and licenses and the limits of the law. It is not the primary job of Water Resources to protect the health and welfare of Idaho's citizens and visitors - that role is vested in the Department of Health and Welfare, including compliance with the water quality regulations and monitoring effluent discharge in our state's waterways. Nevertheless, although these agencies may have separate functions, Water Resources is precluded from issuing a permit for a water appropriation project which, when completed, would violate the water quality standards of the Department of Health and Welfare. It makes no sense whatsoever for Water Resources to blindly grant permit requests without regard to water quality regulations. Hence Water Resources should condition the issuance of a permit on a showing by the applicant that a proposed facility will meet the mandatory water quality standards. Under this rule, water resources has the authority to withhold a permit application until it receives a proposed design which appears to be in compliance with the water quality standards. Once the conditional permit is granted, Water Resources has continuing jurisdiction over compliance with the conditions of the permit, including suspension or revocation of the permit for proven violations of the permit's conditions regarding water quality.
>
> The Department of Health and Welfare continues to have primary responsibility for policing water quality control in the state, and can exercise in personam jurisdiction over those who violate the states water pollution laws. While it may often be more feasible and more reasonable for Health and Welfare to take remedial steps against one violating the pollution laws either by forcing compliance or shutting down a facility, than to resist an application for permit in the first instance, Health and Welfare certainly has the right to be heard in proceedings before Water Resources.

109 Idaho at 341.

18. Section 01.2300, 03. of the Water Quality Standard states:

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Limitations to Point Source Restrictions. So long as a point source discharge or waste water treatment facility is regulated by the terms and conditions of an authorization pursuant to the Idaho Department of Health and Welfare Rules and Regulations Section 01.2301, Board order, decree or compliance schedule a valid discharge permit issued by the U.S. Environmental Protection Agency, or is subject to the provisions of the Idaho Department of Health and Welfare Rules and Regulations Section 01.2400, 02. the discharge or facility will not be subject to additional restrictions or conditions based on Idaho Department of Health and Welfare Rules and Regulations Sections 01.2200, 01. 2300, 01. or 01.2300, 02.a. (emphasis added).

19. Section 01.2300, 01. deals only with those waters designated as special resource water. Neither the Bridal Veil Channel nor the Snake River have been designated as special resources water, and the section would never have been applicable. Section 01.2200 generally prohibits the discharge of harmful material into the streams. It restricts the discharge of solids and nutrients in amounts that may cause "objectionable conditions" or that are "excessive." Section 01,2300, 03. apparently excludes Pisces from these prohibitions.

20. The important reference is to Section 01.2300, 02.a. The entire section will be quoted, including subsection b.

Discharges Which Result in Water Quality Standards Violation. No pollutant may be discharged from a single source or in combination with pollutants discharged from other sources in concentrations or in a manner that:

a. Will or can be expected to result in violation of water quality standards applicable to receiving water body or downstream waters; or

b. Will injure designated or protected beneficial uses.

21. Pisces has a valid NPDES permit. Section 01.2300, 03. allows holders of a valid NPDES permit to discharge pollutants that "will or can be expected to result in violation of water

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quality standards applicable to receiving water body or downstream waters" but prohibits injury of designated or protected beneficial uses.

22. The standards which Pisces must comply with are not clearly defined. It is clear that Pisces can satisfy the conditions of its NPDES permit, and DEQ's letter of September 12, 1988, implies that compliance with the NPDES permit conditions is satisfactory. An NPDES permit holder's exemption from specific standards for receiving waters, required nutrient studies, and DEQ's participation in the NPDES permitting process also lend support to a conclusion that the NPDES permit process will be used to set standards for protection of the designated uses.

23. The testimony of Mr. McMasters that the proposal may violate Idaho water quality standards for the receiving water, and the prohibition in Section 01.2300,02.b. against injury to designated or protected uses creates uncertainty about what standards are being imposed on the applicant by DEQ that may exceed NPDES standards.

24. For purposes of the hearing, the applicant satisfied its initial burden of proof by establishing that it can comply with its NPDES permit conditions. The protestants established that the water quality conditions in the Bridal Veil Channel and the Snake River are deplorable. Since the Idaho water quality standards by which this application is to be judged are unclear to the Department, the Department cannot deny the application on grounds that the applicant did not satisfy its burden of proof.

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25. Nevertheless, the applicant must comply with Idaho water quality standards. The Department will approve the application, with a condition that Idaho water quality standards must be satisfied. The Department will also condition the permit to require submittal of a plan, approved by DEQ prior to commencement of construction, that will satisfy all state water quality standards, not just the conditions of an NPDES permit. The plan may be as simple as a confirmation of the earlier letter from DEQ, dated September 12, 1988, clarifying that all water quality standards will be satisfied, or may propose a complicated treatment process. The plan must be expressly sanctioned by DEQ as being capable of complying with Idaho water quality standards. If an acceptable plan is not submitted within two years from the date of final approval, this permit will automatically lapse.

26. If future discharge standards cannot be satisfied, the permit issued pursuant to this application will be subject to cancellation, modification, voiding or rescission.

27. The applicant will efficiently deliver water to its facility and increase production after construction of the proposed facility.

ORDER

IT IS HEREBY ORDERED that application for permit no. 36-08356 is APPROVED subject to the following conditions:

1. Water discharge into the Bridal Veil Channel or the Snake River shall satisfy Idaho water quality standards. The Department retains jurisdiction to cancel, modify, void or

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rescind this permit and subsequent license, if the owner of the fish rearing facility, refuses, fails or cannot comply with specific discharge standards imposed by DEQ, including cleanup of the Bridal Veil Channel.

2. The applicant must submit a plan of construction and operation, to the Department of Water Resources, expressly sanctioned and approved by the Idaho Department of Health and Welfare, Division of Environmental Quality (DEQ), which will satisfy Idaho water quality standards. The approval by DEQ must specifically state that operation of the facility as proposed in the plan will satisfy state water quality standards. The plan must be submitted to the Department prior to commencement of construction, and within two (2) years of the date of final approval of the permit. If an acceptable plan is not submitted within two years, the permit will lapse.

3. This permit does not authorize development of any more water than the lesser of (1) The flow rate currently licensed for the facility, or (2) The flow rate that has been beneficially used in the facility.

4. Project construction shall commence within one year of the date of submittal of the plan approved by DEQ and shall proceed diligently until completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

5. Use of water under this permit shall be non-consumptive.

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6. Use of water under this right is subject to policy set forth in the State of Idaho water plan, including policy no. 5G.

7. Proof of beneficial use shall be submitted on or before December 31, 1995.

IT IS FURTHER ORDERED that, pursuant to a prior telephonic decision, Fish & Game's petition for continuance is DENIED.

Dated this 19th day of February, 1991.

R. KEITH HIGGINSON, Director
Department of Water Resources

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NOV 15 1991

CERTIFICATE OF MAILING

I hereby certify that on this 21st day of February, 1991, I mailed a true and correct copy of the Final Memorandum Decision and Order, postage prepaid, to the following individuals:

Steve Goddard
Attorney at Law
Idaho Dept. of Fish & Game
Statehouse Mail
Boise, ID 83720

Steve Tolman
Attorney at Law
P.O. Box 1906
Twin Falls, ID 83301

S.G. Carleton
Hagerman Valley Citizen's Alert
P.O. Box 32
Hagerman, ID 83332

Jennifer Seifert

JENNIFER SEIFERT
Clerical Assistant

NOV 15 1991

36-8356

JASON R. MICIAK, P.C.

Attorney at Law

139 River Vista Place, Suite 102
P.O. Box 2632
Twin Falls, Idaho 83303-2632

Phone: (208) 734-5444
FAX: (208) 734-5605
Email:jmiciak@yahoo.com

RECEIVED
JAN 26 2004
Department of Water Resources

January 21, 2004

Director Karl Dreher
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098
VIA FAX: (208) 327-7866

RE: Amendment of Clerical Error in January 9, 2004
Call for water

Dear Director Dreher:

Due to a clerical error in my office, the Department was given the wrong "Bill Jones" water right for which I am making a call for water. I represent the Mr. And Mrs. Bill Jones that claim water right number 36-07071 under the name Deloris D. Jones and John W. Jones Jr. as decreed in the SRBA. The water right is one for 73.05 cfs, of which the Jones state they are receiving around half. The priority date is July 8, 1969. Please note that it is for this water right – and this Bill Jones – that I make our call for water, and not those previously listed.

For better or worse the issues to be decided in the next few weeks are bigger than any single claimant and hopefully this error is easily rectified. I am willing to help your staff in any way to right this situation.

Sincerely,

Jason R. Miciak, P.C.

JRM/anc

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 16, 2004

Jason R. Miciak
139 River Vista Place, Suite 102
P. O. Box 2632
Twin Falls, ID 83303-2632

VIA FACSIMILE TO (208) 734-5605 AND FIRST CLASS MAIL

Re: Distribution of Water to Pristine Springs, SeaPac of Idaho, and William D. Jones

Dear Mr. Miciak:

I have reviewed your letter dated January 9, 2004, which was received by the Department of Water Resources on January 12, 2004, in which you demand administration of water rights on behalf of your clients pursuant to Idaho Code, Title 42, Chapter 6. Your demand will be treated as a call for water delivery against junior priority ground water rights under the "Rules for Conjunctive Management of Surface and Ground Water Resources" (IDAPA 37.03.11) ("Conjunctive Management Rules"). The rules are available at the following website:

http://www2.state.id.us/adm/adminrules/rules/idapa37/0311.pdf

These rules prescribe how IDWR is to respond to a call for water delivery made by a holder of a senior priority surface or ground water right against the holders of junior priority ground water rights. Rule 40 of the Conjunctive Management Rules prescribes procedures for responding to delivery calls against junior priority ground water rights that are within a water district where ground water regulation is included in the function of such district. There are two water districts upgradient of the springs supplying Billingsley Creek that regulate ground water diversions. These districts are Water District No. 120 and Water District No. 130.

I am currently writing an order in response to a delivery call pursuant to Rule 40 of the Conjunctive Management Rules against ground water rights in Water Districts Nos. 120 and 130 junior in priority to July 13, 1962. In reviewing the partial decrees and Director's Reports enclosed with your letter for water rights held by your clients, I note that only three of the rights are senior to July 13, 1962. Assuming the water supply for these three earlier rights is adequate, your delivery call may be mooted, as a result of the prior delivery call.

I anticipate issuing the order described above prior to January 31, 2004. Therefore, I intend to hold your delivery call without further action until after I have issued this order.

Sincerely,

Karl J. Dreher
Director

c: Glen Saxton – IDWR
Tim Luke – IDWR

RECEIVED
JAN 12 2004
Department of Water Resources

JASON R. MICIAK, P.C.
Attorney at Law

139 River Vista Place, Suite 102
P.O. Box 2632
Twin Falls, Idaho 83303-2632

Phone: (208) 734-5444
FAX: (208) 734-5605
Email:jmiciak@yahoo.com

January 9, 2004

Mr. Karl Dreher, Director
Idaho Department of Water Resources
1301 North Orchard
P.O. Box 83720
Boise, Idaho 83720-0098

RE: Delivery of Water to Pristine Springs, Inc.,
SeaPac of Idaho, Inc. and William D. Jones, Jr.

Dear Director Dreher,

This letter will address the only remaining option to the above water users in an effort to preserve their right to use water as outlined in their licenses and decrees. Exhibit one sets forth the senior water rights belonging to the above parties which are experiencing intolerable injury. These water rights are all within Water District 130 which was set up specifically to allocate water by priority under Chapter 6 of the Idaho Code. So far, the water is not being administered in accordance with the prior appropriation doctrine because senior surface water rights are severely diminished while junior groundwater users are pumping at all time highs. This situation cannot continue. As the situation stands, Idaho bears little resemblance to a prior appropriation state and, at least with respect to groundwater, riparian law seems to be in force.

My clients demand that you undertake the obligation lawfully proscribed to you in Idaho Code Title 42 Chapter 6, and administer and deliver water in strict accordance with the prior appropriation doctrine.

My clients are well aware of the complex and difficult nature of their demand, however the law of the State of Idaho is clear and it is their right and obligation to make such a demand. I look forward to hearing from you as to how the Department will carry out its constitutional and statutory duty to my clients.

Sincerely,

Jason R. Miciak, P.C.

JRM/anc
attachment
Cc: Clients

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 36-07071

2000 APR 10 AM 10:19
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: DELORIS D JONES
JOHN W JONES JR
PO BOX 265
HAGERMAN ID 83332

SOURCE: WEATHERBY SPRINGS — TRIBUTARY: BILLINGSLEY CREEK
THREE SPRINGS — BILLINGSLEY CREEK
HOAGLAND TUNNEL — BILLINGSLEY CREEK

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JAN 12 2004
Department of Water Resources

QUANTITY: 73.05 CFS

THE APPROPRIATOR SHALL CONTINUOUSLY ALLOW 6.50 CFS FROM WEATHERBY SPRINGS TO BE DELIVERED INTO BAR S DITCH FROM THE OUTLET OF FISH OPERATION DESCRIBED ABOVE FROM MARCH 1 UNTIL NOVEMBER 1 OF EACH YEAR, AND SHALL CONTINUOUSLY ALLOW 4.00 CFS FROM WEATHERBY SPRINGS TO BE DELIVERED INTO THE BAR S DITCH FROM THE OUTLET OF FISH OPERATION DESCRIBED ABOVE FROM NOVEMBER 1 UNTIL MARCH 1 OF EACH YEAR.

PRIORITY DATE: 07/08/1969

POINT OF DIVERSION: T07S R14E S30 SESENW, SENESW — Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FISH PROPAGATION	01-01 12-31	73.05 CFS
90 RACEWAYS		

PLACE OF USE: FISH PROPAGATION — Within GOODING County
T07S R14E S30 — NESW

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

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

RULE 54(b) CERTIFICATE

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

B Wood

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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7072

WATER RIGHT NUMBER: 36-7072

Owner Type	Name and Address
Original Owner	PISCES INVESTMENTS INC 3069 OSTER LAKES RD HAGERMAN, ID 83332 (208) 837-6541
Current Owner	SEAPAC OF IDAHO INC PO BOX 546 BUHL, ID 83316 (208) 328-3100

Priority Date: 09/05/1969

Basis: Decreed

Status: Active

Source	Tributary
THOUSAND SPRINGS	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
FISH PROPAGATION	1/01 to 12/31	148.200 CFS	
	Total Diversion:	148.200 CFS	

Location of Point(s) of Diversion

THOUSAND SPRINGS GOODING County	L1 (NE1/4NW1/4NW1/4)	Sec. 8,	Twp 08S.	Rge 14E, B M
THOUSAND SPRINGS GOODING County	L8 (SE1/4SE1/4SE1/4)	Sec. 6,	Twp 08S.	Rge 14E, B M
THOUSAND SPRINGS GOODING County	L1 (NW1/4NW1/4NW1/4)	Sec. 8,	Twp 08S.	Rge 14E, B M
THOUSAND SPRINGS GOODING County	L1 (SE1/4NW1/4NW1/4)	Sec. 8,	Twp 08S.	Rge 14E, B M

Place of Use

FISH PROPAGATION Within GOODING County

T08S R14E S05 SWSW T08S R14E S06 Lot 8 SESE
T08S R14E S08 Lot 1 NWNW

Conditions of Approval

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7072

1.	Quantity	FACILITY VOLUME IS 602,600 CUBIC FEET. THE RATE OF DIVERSION FROM SPRINGS 1, 2 & 3 SHALL NOT EXCEED 38.5 CFS AND FURTHER, THAT OF THE 38.5 CFS, 13.5 CFS LESS THE AMOUNT OF WATER FLOWING IN THE BRAILSFORD PIPELINE, MEASURED AT POINT B, SHALL BE RELEASED AT EITHER POINT C (THE MEASURING DEVICE AT THE UPPER POND) OR THROUGH THE HILL FLUME INTO THE UPPER POND.
2.	Explanatory	FISH PROPAGATION/ COMMERCIAL HATCHERY
3.	Point of Diversion	TWO POINTS OF DIVERSION LOCATED IN T08S, R14E, S06, LOT 8 SESESE TWO POINTS OF DIVERSION LOCATED IN T08S, R14E, S08, LOT 1 NWNWNW FOUR POINTS OF DIVERSION LOCATED IN T08S, R14E, S08, LOT 1 SENWNW

Dates and Other Information:

Decreed Date 12/29/1997

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7866

WATER RIGHT NUMBER: 36-7866

Owner Type	Name and Address
Original Owner	PISCES INVESTMENTS INC 3069 OSTER LAKES RD HAGERMAN, ID 83332 (208) 837-6541
Current Owner	SEAPAC OF IDAHO INC PO BOX 546 BUHL, ID 83316 (208) 326-3100

Priority Date: 07/11/1979

Basis: Decreed

Status: Active

Source	Tributary
SPRINGS	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
POWER	1/01 to 12/31	9.000 CFS	6,515.80 AF
DOMESTIC	1/01 to 12/31	0.040 CFS	2.60 AF
	Total Diversion:	9.000 CFS	6,515.80 AF

Location of Point(s) of Diversion

SPRINGS L8 (SE1/4SE1/4) Sec. 6. Twp 08S. Rge 14E. B.M.

GOODING County

Place of Use

POWER Within GOODING County

T08S R14E S06 Lot 8 SESE

DOMESTIC Within GOODING County

T08S R14E S06 Lot 8 SESE

Conditions of Approval

1. L05 THIS RIGHT SHALL BE JUNIOR AND SUBORDINATE TO ALL RIGHTS FOR THE USE OF WATER, OTHER THAN HYDROPOWER, WITHIN THE STATE OF IDAHO THAT ARE INITIATED LATER IN TIME THAN THE PRIORITY DATE OF THIS RIGHT AND SHALL NOT GIVE RISE TO ANY RIGHT OR CLAIMS AGAINST ANY FUTURE RIGHTS FOR THE USE OF WATER, OTHER THAN HYDROPOWER, WITHIN THE STATE OF IDAHO INITIATED LATER IN TIME THAN THE PRIORITY DATE OF THIS RIGHT.
2. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

Dates and Other Information:

Decreed Date: 12/29/1997

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-8356

WATER RIGHT NUMBER: 36-8356

Owner Type	Name and Address
Original Owner	PISCES INVESTMENTS INC 3069 OSTER LAKES RD HAGERMAN, ID 83332 (208) 837-6541
Current Owner	SEAPAC OF IDAHO INC PO BOX 546 BUHL, ID 83316 (208) 326-3100

Priority Date: 05/09/1988

Basis: License

Status: Active

Source	Tributary
SPRINGS	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
FISH PROPAGATION	01/01 to 12/31	45.000 CFS	32,600.00 AF
	Total Diversion:	45.000 CFS	32,600.00 AF

Location of Point(s) of Diversion

SPRINGS L1 (SE1/4NW1/4NW1/4) Sec. 8, Twp 08S, Rge 14E, B M.

GOODING County

Place of Use

FISH PROPAGATION Within GOODING County

T08S R14E S08 Lot 1 NWNW

Conditions of Approval:

1. 027 Use of water under this right shall be non-consumptive.
2. 122 The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.
3. X35 Rights 36-07072 and 36-08356 when combined shall not exceed a total diversion rate of 148.2 cfs.
4. X36 Right 36-07072 is also diverted through the point of diversion described above.

Remarks

Dates and Other Information

Licensed Date: 6/5/2002

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 17, 2002

SEAPAC OF IDAHO INC
PO BOX 546
BUHL ID 83316

RE: Change of Ownership for Water Rights 36-7072, 36-7866 and 36-8356

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED
MAR 0 6 2003

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 7, 2002

PISCES INVESTMENTS INC
3069 OSTER LAKES RD
HAGERMAN ID 83332

RE: License No. 36-8356 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley W. Keen

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
JUN 24 2002

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 36-8356

PISCES INVESTMENTS INC
3069 OSTER LAKES RD
HAGERMAN ID 83332

Kari Lynn Townsend
Secretary

MICROFILMED
JUN 2 4 2002

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

The accompanying order or approved document is a **"Preliminary Order"** issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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JUN 2 4 2002

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
JUN 24 2002

LICENSE REVIEW CHECKLIST

Permit No. 36-8356 Date: 1-7-2002 Reviewer: Kay Walker

Topo AA70

	Change/OK	
Name/Address	ok	
Source	ok	Does change clarify original intended source? If no, void permit.
Point of Diversion:	ok	Change (P39/P49) Add (P45/P44) Feds (P40)
		W32 (multiple in 1/4/1/4)
		W36 (overlap)
		W59 (subdivision description)
Place of Use	ok	Change (P41/P49) Add (P41/P44) Feds (P43)
		W60 (subdivision description)
		W27 (ppu acre limit)
		Overlaps: Right(s): 36-7072
		File reviewed ____ Profile reports printed ✓
		P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 45. cfs
Fee Limit N/A cfs
Measured 37.6 cfs
Theoretical 45. cfs

Recommended Total Diversion Rate 45.

Water Uses ok Change (P46)

Season of Use per new Standards

Irrigation	____ cfs	____ af
Stockwater	____ cfs	____ af
Domestic	____ cfs	____ af
Fish	45. cfs	____ af
____	____ cfs	____ af
Total	45. cfs	____ af

Irrigation - overlap(R58-R61, **R62-R65, R66-R69)**
supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23
Fish (042)
Fire (077)
Water Quality (106/R07)
Payette – (W22/047/27A)
Stockwater for US (R37)

Volume Determination
45 cfs x 1.9835 x 365 days = 32578.98 af (vs) _____ acres x _____ (FHR) = _____ af

Remarks: W36(36-7072) ≈ 32600.

Additional Conditions
____ Watermaster Control
____ GW Measurement/Measuring Device
____ Other
Trust R55 – remove 051)
Non-trust (048)

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? ____ yes ✓ no If yes, explain why below.

SRBA Claim? No - not req'd

Adjust memo ____

Amend Letters _____ **P87, S06** **Second Amendment Notice** _____ **S06**

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7072

WATER RIGHT NUMBER: 36-7072

Owner Type	Name and Address
Current Owner	PISCES INVESTMENTS INC PO BOX 701 TWIN FALLS, ID 833030701
Attorney	J EVAN ROBERTSON PO BOX 1906 TWIN FALLS, ID 833031906

Priority Date: 09/05/1969

Basis: Decreed

Status: Active

Source	Tributary
THOUSAND SPRINGS	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
FISH PROPAGATION	1/01	12/31	148.200 CFS	

Total Diversion: 148.200 CFS

Location of Point(s) of Diversion

THOUSAND SPRINGS GOODING County	L1 NE1/4NW1/4NW1/4	Sec. 8,	Twp 08S,	Rge 14E, B.M.
THOUSAND SPRINGS GOODING County	L8 SE1/4SE1/4SE1/4	Sec. 6,	Twp 08S,	Rge 14E, B.M.
THOUSAND SPRINGS GOODING County	L1 NW1/4NW1/4NW1/4	Sec. 8,	Twp 08S,	Rge 14E, B.M.
OL → THOUSAND SPRINGS GOODING County	L1 SE1/4NW1/4NW1/4	Sec. 8,	Twp 08S,	Rge 14E, B.M.

Place of Use

FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	5											X						
08S	14E	6																X L8	
08S	14E	8						X L1											

OL

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7072

Conditions of Approval:

Remarks:

1.	Point of Diversion	TWO POINTS OF DIVERSION LOCATED IN T08S, R14E, S06, LOT 8 SESESE TWO POINTS OF DIVERSION LOCATED IN T08S, R14E, S08, LOT 1 NWNWNW FOUR POINTS OF DIVERSION LOCATED IN T08S, R14E, S08, LOT 1 SENWNW
2.	Quantity	FACILITY VOLUME IS 602,600 CUBIC FEET. THE RATE OF DIVERSION FROM SPRINGS 1, 2 & 3 SHALL NOT EXCEED 38.5 CFS AND FURTHER, THAT OF THE 38.5 CFS, 13.5 CFS LESS THE AMOUNT OF WATER FLOWING IN THE BRAILSFORD PIPELINE, MEASURED AT POINT B, SHALL BE RELEASED AT EITHER POINT C (THE MEASURING DEVICE AT THE UPPER POND) OR THROUGH THE HILL FLUME INTO THE UPPER POND.
3.	Explanatory	FISH PROPAGATION/ COMMERCIAL HATCHERY

Comments:

1. CLELLAND 10/8/1991 COPIED FROM REMARKS
Comment: 2 P/D IN LOT 8 (SESESE), S6; 2 P/D IN LOT 1 (NWNWNW); 4 P/D IN LOT 1 (SENWNW); S8, T8S, R14E. FACILITY VOLUME = 602,600 CUBIC FEET. AN ADEQUATE DEVICE SHALL BE MAINTAINED AT THE UPPER POND. THE RATE OF DIVERSION FROM SPRINGS 1, 2 & 3 SHALL NOT EXCEED 38.5 CFS & FURTHER, THAT OF THE 38.5 CFS, 13.5 CFS LESS THE AMT. OF WATER FLOWING IN THE BRAILSFORD PIPELINE, MEASURED AT POINT B, SHALL BE RELEASED AT EITHER POINT C (THE MEASURING DEVICE AT THE UPPER POND) OR THRU THE HILL FLUME INTO THE UPPER POND.

2. KCHRISTE 12/15/1997 REFORMAT
Comment: OK

Dates and Other Information:

Licensed Date:
Decreed Date: 12/29/1997
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

RECEIVED
JAN 30 2002
Department of Water Resources

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

January 23, 2002

PISCES INVESTMENT INC
~~3059 K NATIONAL FISH HATCH RD~~ 3069 OSTER LAKES RD.
HAGERMAN ID 83332

Re: Snake River Basin Adjudication (SRBA)
Water Rights #36-7072, 36-7866, ~~36-8356~~ W.A.
Change of Address PD PD
Record updated 2-4-02, ns

Dear Water Right Holder:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water rights can be sent only to the address on your water rights or as otherwise changed by you.

Please sign your name at the bottom of this letter ~~and return~~ it to this office. Make corrections to your name and address if necessary **and list any other water rights you may have** before returning this letter by January 31, 2001. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#######

The address is correct as shown above or as otherwise changed.

Wally McRae
Claimant Signature

208-837-6541
Telephone No.

MICRO 3 PGS

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

RECEIVED
JAN 30 2002
Department of Water Resources

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 23, 2002

PISCES INVESTMENT INC
~~3059-J NATIONAL FISH HATCH RD~~ 3069 OSTER LAKES RD.
HAGERMAN ID 83332

Re: Snake River Basin Adjudication (SRBA)
Water Rights #36-7072, 36-7866, 363-8356
Change of Address

Dear Water Right Holder:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water rights can be sent only to the address on your water rights or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary **and list any other water rights you may have** before returning this letter by January 31, 2001. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#######

The address is correct as shown above or as otherwise changed.

Wally McRae
Claimant Signature

208-837-6541
Telephone No.

QwestDex

DIRECTORY SEARCH | DINING & FOOD | HOME SERVICES | LEGAL | LOCAL INFO

Welcome Visitor! Please Login or Register Now.

Business Listings Residential Listings | Government Listings | Toll-Free Listings

qwestdex.com found these businesses

You searched for "PISCES INVEST" in "TWIN FALLS, ID" and surrounding area.

You can: Start a new search | Get search tips

Alphabetical Listings

Map **Pisces Investment Inc** **(208) 837-4049**
3059-J National Fish Hatch Rd Hagerman
ID 83332
add to address book

Map **Pisces Investment Inc** **(208) 837-6541** »Fish Hatcheries & Farms
3059-K National Fish Hatch Rd
HAGERMAN ID 83332-5851
add to address book

Toolbox
- My Address B
- Map a Locatic
- Get Driving D
- Download De
- Bookmark thi
- Help

You searched for "PISCES INVEST" in "TWIN FALLS, ID" and surrounding area.

qwestdex.com found the results above

Start a new search below

basic search advanced search | my last ten searches

Enter the City & State for your search:
TWIN FALLS | Idaho | ☑ Include surrounding areas?

Select what you're looking for: (choose one field only)
from Popular Categories: Select a Category
OR Enter a Category:
OR Enter a Business Name: PISCES INVEST
Find It!

Address Ls
Ltr
wr Water Rig Rts (Alloc)
36-7072
36-7866
36-8356

CIDs 113317
92302
62840
63640
113333

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 25, 1996

PISCES INVESTMENTS INC.
C/O J. EVAN ROBERTSON
PO BOX 701
TWIN FALLS ID 83301-0701

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 36-08356

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and field report submitted for the above referenced permit.

Enclosed is an order reinstating your permit since the department lapsed the permit in error. Please note that the priority date has not been penalized.

The next step in the process of developing a water right is for the field report to be reviewed for licensing.

If you have questions concerning licensing, please feel free to contact Brenda Chapman at(208)327-7900.

Sincerely,

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

MICROFILMED
JUN 24 2002

CHARLES
BROCKWAY
ENGINEERING

RECEIVED
DEC 29 1995
Department of Water Resources
Southern Region

December 29, 1995

Mr. Allen Merritt
Idaho Dept. of Water Resources
222 Shoshone St East
Twin Falls, ID 83301

Subject: Beneficial Use Field Report -Permit 36-08356 Pisces Investments, Inc.

Dear Allen:

Enclosed is the Proof of Beneficial Use form and Beneficial Use Field Report for Permit 36-08356 for fish propagation.

This diversion is from Bridal Veil spring which fluctuates annually as do all springs issuing from the Snake Plain aquifer. The flow measurement was made in December 1995 which does not coincide with the maximum annual spring flow. The recommended discharge of 45 cfs is therefore based on the December measurement and estimated annual fluctuations of nearby springs.

Sincerely,

C. E. Brockway, P.E.

cc: Evan Robertson
Mike Green

CHARLES E.
BROCKWAY,
PHD, P.E.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208•733•0938
FAX: 733•1746

MICROFILMED
JUN 24 2002

Form 219
6/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 36-08356

1. Owner: Pisces Investments, Inc. Phone No. (208) 734-0700

Current Address: c/o J. Evan Robertson, Box 701, Twin Falls, ID 83303-701

2. Accompanied by: James Parsons EXAM DATE: 12/13/95, 12/19/95

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Springs tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 37-07072

2. Other water rights with the same point of diversion: 37-07072

C. DIVERSION AND DELIVERY SYSTEM

1. **Point(s) of Diversion:**

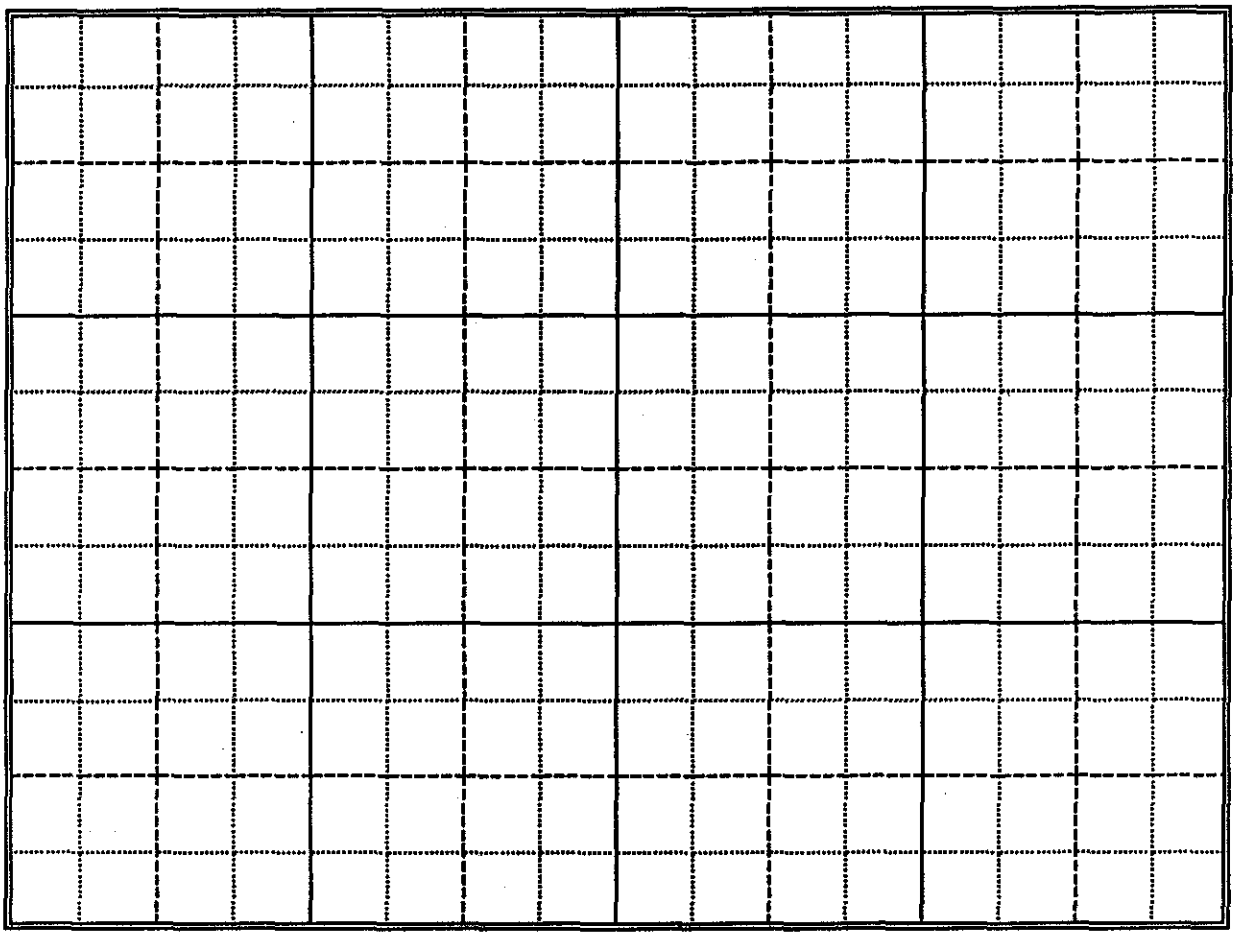
Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	1	SE	NW	NW	8	08S	14E	Gooding	USGS quadrangle 7.5'

2. **Place(s) of Use:** Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	8						Fish											

MICROFILMED
JUN 24 2002

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. See attached diagrams



Scale: 1" = _____.

X Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

___ Aerial Photo Attached (required for irrigation of 10+ acres)

X Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Propeller meter	10.002	Ott	446			

2. **Measurements:** See attached narrative and calculations.

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JUN 24 2002

E. NARRATIVE/REMARKS/COMMENTS

See attached.

Have conditions of permit approval been met? X yes ___ no

MICROFILMED
JUN 2 4 2002

F. FLOW CALCULATIONS

X Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = _____

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = _____

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = _____

2. Volume Calculations for Other Uses:

45 cfs x 365 days x 1.9835 = 32579 a.f./ann.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Fish	1/1	12/31	45	32579
		Totals:		

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above ___ None

___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATION

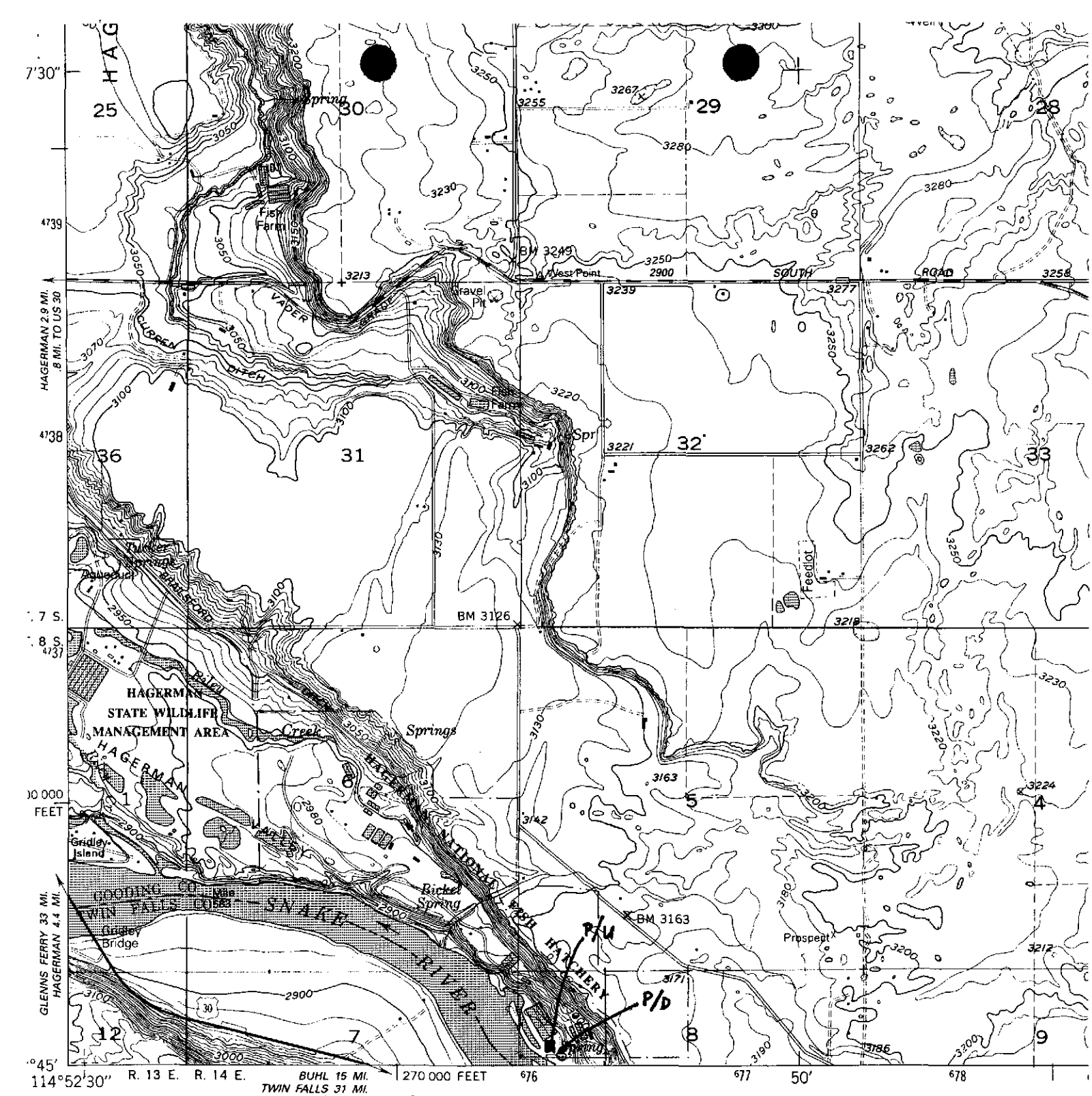
Field Examiner's Name Charles E. Brockway Date 12/28/95

Reviewer _____ Date _____

REGISTERED PROFESSIONAL ENGINEER 6093 STATE OF IDAHO CHARLES E. BROCKWAY

MICROFILMED

JUN 24 2002



Produced by the United States Geological Survey
in cooperation with the Army Corps of Engineers

Control by USGS and NOS/NOAA

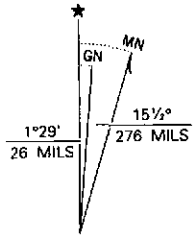
Compiled from aerial photographs taken 1946. Information shown in purple has been updated from aerial photographs taken 1987-88 and field checked. Map edited 1992. Conflicts may exist between some updated features and previously mapped contours

North American Datum of 1927 (NAD 27). Projection and 10,000-foot grid ticks: Idaho Coordinate System, central zone (Transverse Mercator). 1000-meter Universal Transverse Mercator grid , zone 11

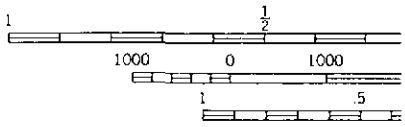
The difference between NAD 27 and North American Datum of 1983 (NAD 83) for 7.5 minute intersections is given in USGS *Bulletin 1875*. The NAD 83 is shown by dashed corner ticks

There may be private inholdings within the boundaries of the National or State reservations shown on this map

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Beneficial use examination narrative for permit 36-08356 in the name of Pisces Investments, Inc.

Brockway Engineering, P.L.L.C.

December 29, 1995

System description

Permit number 36-08356 was approved with a priority date of May 9, 1988 for use by Pisces Investments, Inc. in the fish propagation facility known as Magic Springs. This facility is located near Hagerman along the Snake River, more specifically in the NW1/4 NW1/4 Section 8 T8S R14E Boise Meridian.

The facility currently operates under license(s) 36-07072 which allows 148.2 cfs to be diverted from the springs along the Snake River canyon wall for fish propagation use. The purpose of this permit is to allow water to be routed from the pool at the bottom of Bridal Veil falls through a new set of fish raceways and returned to the existing system. Previously, all water over the falls flowed into the existing system. **No additional water is requested by this permit above that which is already licensed.**

The new diversion system and raceways have been constructed. A site visit was made on December 13, 1995, with the following findings. The diversion system consists of a concrete headgate at Bridal Veil pool, with two 36-inch corrugated metal pipes carrying water to the head ditch of the new raceway system. The pipes are 109.5 feet long, and make a 90-degree bend from the pool to the head ditch. No regulation or spill provisions exist -- all water flowing from the springs and over Bridal Veil falls passes

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through the raceways. The old pipe and channel, which carried water from the pool to the existing Bridal Veil channel, was abandoned. Figure 1 shows the diversion system. Four sets of raceways have been constructed: Two sets of 12 raceways with dimensions 6 ft x 80 ft, and two sets of 6 raceways with dimensions of 8 ft x 80 ft. The total surface area of the raceways is 19,200 ft^2. The depth of water in the 6-foot raceways is 26 inches, and the depth of water in the 8-foot raceways is 37 inches. The head ditch is 8 feet wide and 130 feet long with a water depth of 41.5 inches. The tail ditch is covered, but assuming it has approximately the same volume as the head ditch, the total system volume is 55,833 ft^3. At the downstream end of the raceways, water flows into a tail ditch and returns to the existing system at a concrete box, as shown in Figure 1.

Flow measurement

Measurements of the amount of water diverted were made on December 19, 1995. Water flows from the head ditch over check boards in each raceway, but these overflows are non-standard and not all of them are aerating. At the downstream end of the raceways, flow exits each raceway in the set of 6 via standpipes. However, the degree of submergence of these standpipes ranges from complete weir flow to fully submerged. Therefore, measurement of individual raceway flow was deemed impractical and inaccurate, and the flow was measured in the two 36-inch inlet pipes.

A flow meter (Ott 446 Type 10.002) was used to measure the velocities at several points in each pipe at the point where they enter the head ditch. Five measurements were made in each pipe and the velocities averaged. Measurements were made at the center of the pipe and at the top, bottom, left, and right edges approximately 6 inches from the wall. The total flow rate for the two pipes was determined to be 37.6 cfs using this method. As a verification, the flow rate was also estimated using an energy loss

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technique. The water surface elevations of the Bridal Veil pool and the head ditch were surveyed. Assuming Darcy-Weisbach pipe friction and appropriate head loss coefficients for the entrance and 90-degree bend, the total flow was determined to be 37.3 cfs. This is in very good agreement with the measured flow. Calculations for both flow measurement methods are given in Exhibit A.

Discharge from springs in the Hagerman valley is heavily dependent on upstream irrigation withdrawals from the aquifer. Seasonal fluctuations are significant, with the discharge generally peaking around October as irrigation ceases and reaching a low point sometime in the Spring. This pattern has been documented at various springs in the Hagerman valley. For example, Figure 2 shows measured daily discharge issuing from Curren tunnel, a spring approximately 1.7 miles north of Magic Springs. The average flow is 10.7 cfs but the range of flows is 16 cfs. For 1993 and 1994, the average monthly flow for the high-flow month has been 139.5 percent of the average monthly flow for December. Assuming this pattern holds at Magic Springs, the flow over Bridal Veil falls has most likely been at least 45 cfs even though the flow was measured as 37 cfs in December.

The diversion system is capable of passing the full 45 cfs listed on the permit: calculation of the required head difference necessary to pass 45 cfs through the two pipes shows that the water level in the pool would be 2.5 inches higher than it was on December 19, 1995. There is enough freeboard in the pool to contain this increase. Under license 37-07072, all water flowing over Bridal Veil falls has been passed through the facility; the new permit requests only that the flow be routed through a set of raceways before re-joining the existing system. Because 45 cfs can be beneficially used in the facility, the permit holder requests that a license be granted for 45 cfs rather than the measured 37 cfs.

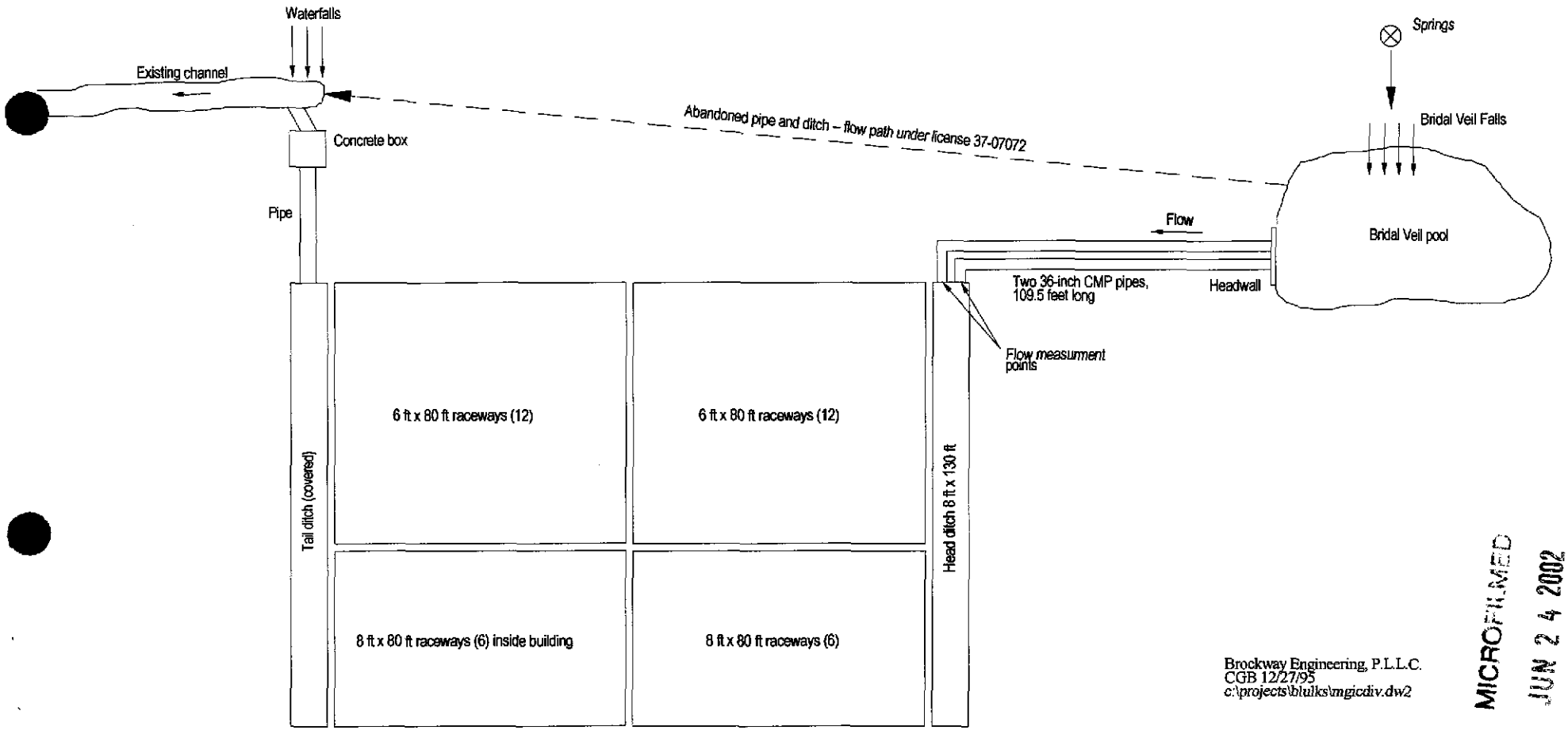
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Compliance with water quality conditions of the permit

Pisces Investments, Inc. submitted a Best Management Practices (BMP) plan and a Monitoring Plan to the Idaho Department of Health and Welfare, Division of Environmental Quality (DEQ) on October 18, 1993. This plan was approved by a letter from DEQ dated November 1, 1993, and a Consent Order was signed by DEQ on October 22, 1993. IDWR approved the BMP plan and the Monitoring Plan in a letter dated November 18, 1993. DEQ inspected the new construction and concluded in a letter dated September 27, 1994 that the facility was constructed in accordance with the approved plans.

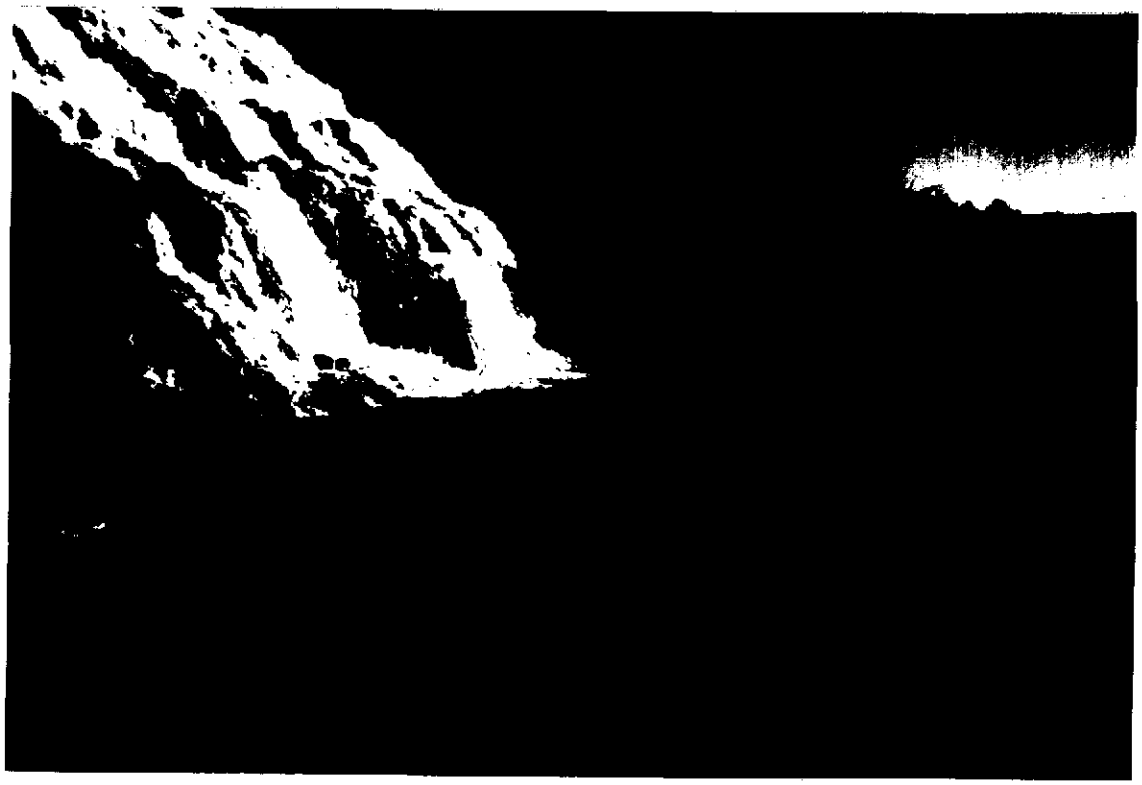
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Figure 1. Diagram of diversion for Pisces Investments, Inc. permit 36-08356

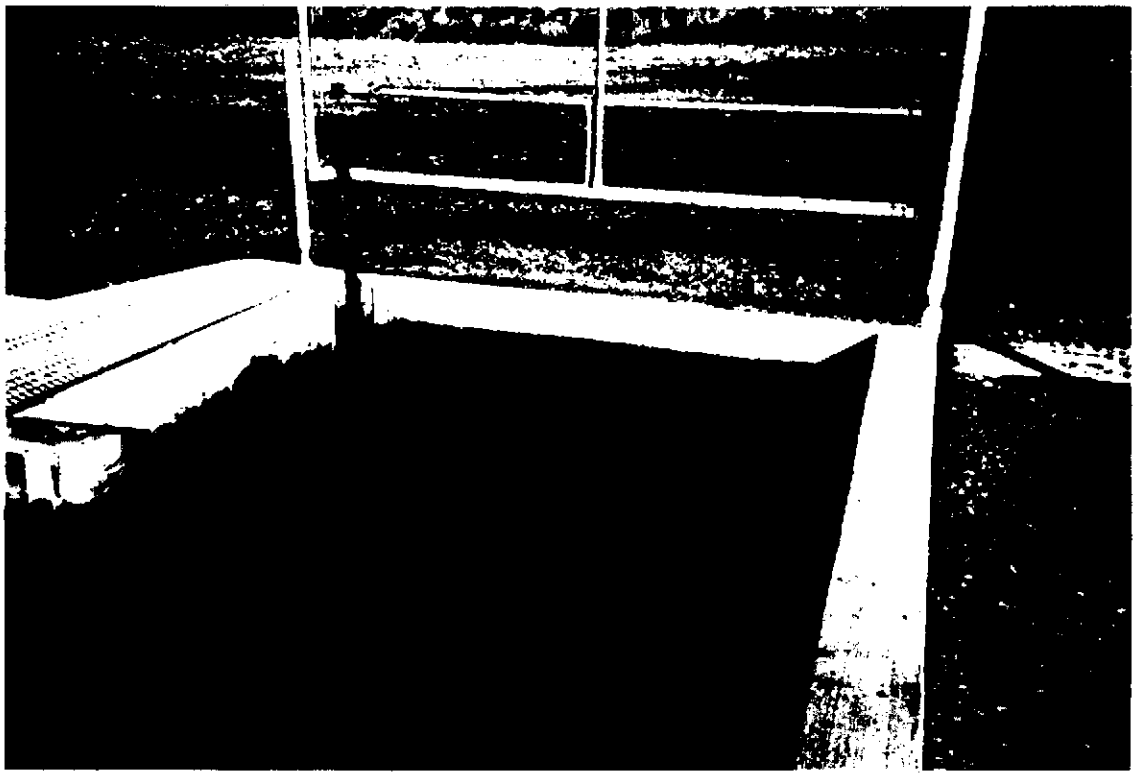


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JUN 2 4 2002

36-08356



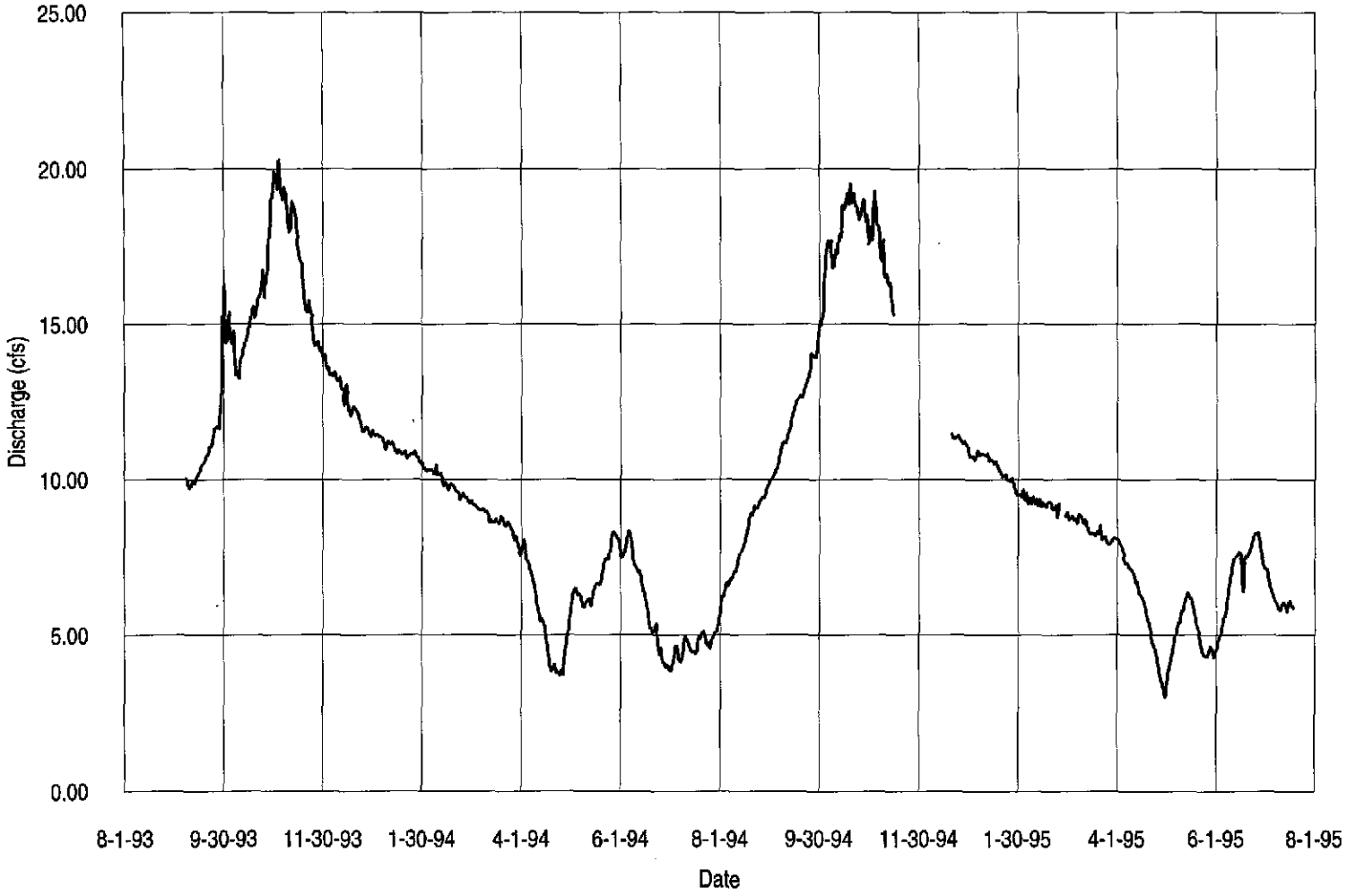
Bridal Veil pool and headbox



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Measuring point - 2 36" CMP pipes

Figure 2. Measured discharge from Curren tunnel



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EXHIBIT A

PISCES INVESTMENTS, MAGIC SPRINGS FACILITY
Flow measurement for proof exam, permit 36-08356
Brockway Engineering, P.L.L.C.

METHOD 1: Current meter at several points in pipe cross-section

DATE:	12-19-95
PARTY:	CGB
METER:	Ott 446 Type 10.002
LOCATION:	Inlet into head ditch for new raceways
DESCRIPTION:	Two 36-inch corregated metal pipes flowing from pond at bottom of Bridal Veil falls
SEC:	50

WEST PIPE

Location	Rev	Rev/sec	V (ft/s)
Center	145	2.90	2.50
Left	177	3.54	3.04
Top	158	3.16	2.72
Right	140	2.80	2.41
Bottom	140	2.80	2.41
		Avg. V	2.62
		Flow (cfs)	18.49

EAST PIPE

Location	Rev	Rev/sec	V (ft/s)
Center	139	2.78	2.39
Left	192	3.84	3.30
Top	163	3.26	2.80
Right	137	2.74	2.36
Bottom	155	3.10	2.67
		Avg. V	2.70
		Flow (cfs)	19.12

TOTAL FLOW **37.6 cfs**

METHOD 2: Measured head loss through pipes

Pipe length (ft)	109.5
Pipe diameter (ft)	3
Pipe area (s.f.)	7.07
Bridal veil pool wse (ft	6.49
Head ditch wse (ft)	6.92
Elevation drop (ft)	0.43

Darcy-Weisbach parameters

Abs. roughness (ft)	0.15	Avg. for CMP
Relative roughness	0.05	
Friction factor	0.073	
C loss for bend	0.80	90-deg medium elbow
C loss for entrance	0.50	Sharp inlet

Velocity (ft/s)	2.64
Flow (cfs)	18.67

TOTAL FLOW **37.3 cfs**

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JUN 24 2002

PISCES
INVESTMENTS,
INC.

RECEIVED
DEC 13 1995
Department of Water Resources

December 11, 1995

L. Glen Saxton
Chief, Water Allocation Bureau
Idaho Depatment of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

RE: PERMIT NO. 36-08356

Dear Mr. Saxton:

Pisces Investments, Inc., recently received a lapse notice for the above referenced permit dated December 8, 1995. We believe that this notification of lapse due to failure to submit acceptable proof of beneficial use was made in error. The deadline for submittal of such proof in all of our records is December 31, 1995. This was confirmed in a telephone conversation with Julie Yarbrough of your Department earlier today.

Construction of the approved project is complete and the facility is in full operation. We will be submitting the "Proof of Beneficial Use" form before December 31.

Thank you for your help in this matter.

Sincerely,

James E. Parsons

James E. Parsons
Research and Technical Director

cc: Michael G. Greene
J. Evan Robertson
File

MICROFILMED
JUN 24 2002

POST OFFICE BOX 701 • TELEPHONE (208) 733-4631 • TWIN FALLS, IDAHO 83301-0701

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

December 8, 1995

PISCES INVESTMENTS INC.
C/O J. EVAN ROBERTSON
VICE PRESIDENT
BOX 701
TWIN FALLS ID 83303-701

LAPSE NOTICE

RE: PERMIT NO. 36-08356

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated September 30, 1995. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar ($50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

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JUN 2 4 2002

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 12-8-95
a copy/an original of this document was deposited in the United States mail, postage prepaid addressed to the individual(s) named above.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706-2237

CERTIFIED MAIL

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RECEIVED
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Department of Water Resources

UNCLAIMED

SEP 30 1995

10-6
10-18

83303-0701

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 30, 1995

PISCES INVESTMENTS INC.
C/O J. EVAN ROBERTSON
VICE PRESIDENT
BOX 701
TWIN FALLS ID 83303-701

PROOF DUE NOTICE

RE: PERMIT NO. 36-08356

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 December 1, 1995. (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

JULIE L. YARBROUGH
Senior Secretary

Enclosures

September 30, 1995

PISCES INVESTMENTS INC.
C/O J. EVAN ROBERTSON
VICE PRESIDENT
BOX 701
TWIN FALLS ID 83303-701

PROOF DUE NOTICE

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SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

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JUN 24 2002

CERTIFIED MAIL
NO. 142327

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

November 18, 1993

Pisces Investments, Inc.
c/o James E. Parsons
P.O. Box 701
Twin Falls, ID 83301-0701

RE: PERMIT NO. 36-08356 IN THE NAME OF PISCES INVESTMENTS, INC.

Dear Mr. Parsons:

The department has reviewed your letter dated November 5, 1993 together with the enclosed copy of an executed Consent Order between you and the Idaho Department of Health and Welfare. You also forwarded a Best Management Practices plan and a Monitoring Plan to ensure that state water quality standards are met.

Your submittal satisfies the requirements of condition of approval no. 2 of the department's Final Memorandum Decision and Order dated February 19, 1991 which approved water right permit no. 36-08356.

Please feel free to contact the department if you have questions.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region

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JUN 24 2002

PISCES
INVESTMENTS,
INC.

RECEIVED
NOV 10 1993
Department of Water Resources
Southern Region Office

November 5, 1993

Loren Holmes
Idaho Department of Water Resources
220 Shoshone Street East
Twin Falls, Idaho 83301

Dear Mr. Holmes:

Enclosed is a copy of our executed Consent Order with Idaho Department of Health and Welfare describing the operation of our Magic Springs facility upon completion of the proposed expansion. Included along with the Consent Order is the approved Best Management Practices plan and Monitoring Plan that enable us to continue to meet state water quality standards upon additional use of this water.

We believe that these documents satisfy the requirements of IDHW water permit number 36-08356 and should allow us to begin construction of the project. Please advise as soon as possible of your assessment and any additional information that your department may need.

Sincerely,

James E. Parsons

James E. Parsons
Research and Technical Director

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JUN 2 4 2002

POST OFFICE BOX 701 • TELEPHONE (208) 733-4631 • TWIN FALLS, IDAHO 83301-0701

IDAHO DEPARTMENT
OF HEALTH AND WELFARE

DIVISION OF
ENVIRONMENTAL QUALITY

601 Pole Line Road, Suite 2, Twin Falls, ID 83301-3035, (208) 736-2190

RECEIVED

NOV 10 1993

Department of Water Resources
Southern Region Office

Cecil D. Andrus, Governor

November 1, 1993

Michael Greene, President
Pisces Investments, Inc.
P.O. Box 701
Twin Falls, Idaho 83301-0701

RE: Department Consent Order - Magic Spring Hatchery

Dear Mr. Greene:

Enclosed is the original fully-executed Consent Order between the Idaho Department of Health and Welfare (Department) and Pisces Investments, Inc., which was signed by the Department on October 22, 1993.

This letter will also serve as the Department's approval of the October 18, 1993 submittal of the Best Management Practices Plan and the Monitoring Plan required by the terms and conditions of the Consent Order. Copies of the approved plans are enclosed for your files.

We have also reviewed the proposed design and plans for the solids management areas in the new system. The plans are hereby approved for the quiescent areas and solids handling system. The plans do not show the keyways for expansion of the settling area. The plans only show keyway designs at 120" (10 feet) with no provisions for keyways at 180" (15 feet) as proposed in your quiescent zone sizing submittal which identifies both 10 and 15 feet to allow for additional expansion at a later date should it be required. We recommend that the design and construction include the additional keyways to avoid having to retrofit at a later date if found to be necessary.

We have appreciated your cooperation and patience relative to this matter. Should any questions arise, please feel free to contact me at 736-2190.

Sincerely,

Michael J. McMasters

Michael J. McMasters, Supervisor
Prevention and Certification

cc. R.Tim Litke
Walt Poole
Kevin Beaton
Jim Parsons

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JUN 24 2002

IDAHO DEPARTMENT OF HEALTH AND WELFARE

In the matter of:	)	CONSENT ORDER
	)	
PISCES INVESTMENTS, INC.	)	Idaho Code § 39-108
	)	

1. Pursuant to Idaho Code §§ 39-101 *et seq.*, (Idaho Environmental Protection and Health Act), the Idaho Department of Health and Welfare (Department) enters into this Consent Order with Pisces Investments Inc. ("Pisces").

2. Pisces owns and operates an aquaculture facility known as the Magic Springs Fish Hatchery located in Gooding County, Idaho. The NPDES identification number for the Magic Springs Hatchery is ID 00009 73.

3. Pisces agrees to all of the terms and conditions of this Consent Order without the issuance of a Notice of Violation or the holding of a compliance conference under Idaho Code § 39-108. Pisces expressly agrees that the terms of this Consent Order are enforceable under state and federal law. Pisces expressly admits and agrees not to contest any of the factual recitals in this Consent Order, including descriptions of water quality conditions on the middle Snake River.

4. Water quality conditions on the middle Snake River have degraded as a result of cumulative loading of nutrients, sediment, and organic solids from point and nonpoint pollutant sources, coupled with drought conditions and impacts by existing hydroelectric projects. Violations of *Idaho Water Quality Standards and Wastewater Treatment Requirements* (Idaho Water Quality Standards), IDAPA §§ 16.01.02001 through 16.01.02999, are presently occurring on the Snake River including violations of dissolved oxygen standards requiring the Department to list the middle Snake River as "water quality limited" under § 303 of the Federal Water Pollution Control Act (33 U.S.C. § 1313). In order to address water quality standard violations on the Snake River, the Department has initiated a planning effort under the Nutrient Management Act (Idaho Code § 39-105(3)(o)). All industries impacting water quality on the Snake River, including the aquaculture industry, are working cooperatively with the Department to develop industry-specific management plans to reduce water quality impacts on the middle Snake River. For aquaculture facilities, water quality impacts to be addressed include nutrient and organic solids loading which impact dissolved oxygen levels, cold water biota, and plant growth in the middle Snake River.

5. In order to expand operations and production at the Magic Springs Hatchery, Pisces seeks a water quality certification

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JUN 24 2002

or other authorization from the Department that the proposed expansion and increased production will not violate the Idaho Water Quality Standards.

6. It is expressly understood by both parties that the purpose of this Consent Order is to outline specific actions that Pisces shall take to ensure that the proposed expansion and increased production does not violate Idaho Water Quality Standards as more particularly referenced in paragraph 7 of this Consent Order.

7. Pisces is proposing operational changes for the Magic Springs Hatchery concurrent with facility expansion which will result in an increase in annual production of approximately sixty thousand (60,000) pounds of fish. The Department has determined it can issue water quality certification or other authorization provided Pisces demonstrates that the expansion will result in a no net increase in nutrients ("no degradation standard") discharged from the facility and Pisces complies with the terms of this Consent Order. Pisces acknowledges that any increase in nutrients discharged from the Magic Springs Hatchery as a result of the proposed expansion and increased production will exacerbate existing violations of Idaho Water Quality Standards in the middle Snake River.

8. In order to achieve the no degradation standard, Pisces shall operate and maintain the facility in strict accordance with a Department approved Best Management Practices Plan (BMP Plan). The BMP Plan is attached hereto as Exhibit I and is incorporated by reference in this Consent Order and enforceable under applicable law.

9. In order to ensure compliance with the terms of this Consent Order, Pisces shall implement a Department approved water quality monitoring plan ("Monitoring Plan") and program that documents whether Pisces is complying with the no degradation standard. The Monitoring Plan is attached hereto as Exhibit II, is incorporated by reference in this Consent Order and enforceable under applicable law.

10. The BMP Plan shall be implemented immediately after the construction of the proposed expansion. No departure from the BMP Plan is permitted unless submitted in writing and approved by the Department.

11. Pisces shall during the term of the Consent Order operate the facilities in accordance with the BMP Plan and Monitoring Plan.

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JUN 2 4 2002

12. Pisces shall construct the new rearing facilities in accordance with Department approved plans and specifications.

13. If monitoring indicates that the no degradation standard is not being met as more particularly described in the Monitoring Plan, Pisces shall promptly notify the Department and implement actions to reduce nutrient loading to the Snake River from the Magic Springs Hatchery as set forth in paragraph 2 of the BMP Plan. If continuing violations occur the Department shall establish, in consultation with Pisces, a time schedule to ensure Pisces's compliance with the terms of this Consent Order.

14. If Pisces fails to strictly comply with the terms and conditions of this Consent Order, Pisces shall incur a stipulated penalty of One Thousand Dollars ($1,000) for each violation of this Consent Order and for each day that Pisces fails to comply with the terms of this Consent Order.

15. Pisces agrees to work with the Department in developing a nutrient management plan for the middle Snake River. This plan will include working with other aquaculture interests impacting water quality on the middle Snake River to develop an industry-specific management plan to reduce impacts associated with aquaculture facilities on water quality.

16. Pisces recognizes that failure to comply with the terms of this Consent Order may result in an administrative or court action for specific performance of this Consent Order, monetary penalties in addition to those set forth in paragraph 14 of this Consent Order, assessment of costs, attorney fees, and other relief as the court or administrative forum considers to be just and reasonable under the circumstances.

17. Upon fulfilling the requirements of this Consent Order, Pisces may petition the Department in writing for a termination of this Consent Order. This Consent Order shall remain in full force and effect until the Department acknowledges in writing that this Consent Order is terminated and that Pisces has fulfilled all requirements of this Consent Order.

18. All communication required by this Consent Order shall be addressed to Tim Litke, Regional Administrator, South Central Idaho Regional Office, Division of Environmental Quality, 601 Pole Line Road, Suite 2, Twin Falls, Idaho 83301, (208)736-2190.

19. This Consent Order shall bind Pisces, its successors, and assigns until terminated in writing by the Department.

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JUN 2 4 2002

The effective date of this Consent Order shall be the date of signature by the Director of the Idaho Department of Health and Welfare Dated this 22nd day of October, 1993.

IDAHO DEPARTMENT OF HEALTH AND WELFARE

for Jerry Harris, Director

Dated this 21 day of October, 1993.

PISCES INVESTMENTS, INC.

Michael Greene, President

MICROFILMED
JUN 2 4 2002

RECEIVED
NOV 10 1993
Department of Water Resources
Southern Region Office

October 18, 1993

BEST MANAGEMENT PRACTICES PLAN

MAGIC SPRINGS HATCHERY
PISCES INVESTMENTS, INC.

Pisces investments, Inc. (Pisces) shall, during the term of the Consent Order (CO) with the Idaho Department of Health and Welfare (Department), operate and maintain the Magic Springs facility near Hagerman, Idaho in accordance with the following Best Management Practices (BMP) Plan and implement the standard practices included within the Plan. The Plan shall minimize effluent nutrient and solids loadings and assure compliance with the no degradation standard set forth in the CO upon completion and stocking of the proposed reuse raceways. Nutrient and solids loading targets are as defined in the Monitoring Plan submitted as a condition of the CO. The BMP Plan shall become part of the Consent Order.

Company: Pisces Investments, Inc.

Facility Location: Magic Springs Hatchery
National Fish Hatchery Road
Hagerman, Idaho

The following BMP Plan shall direct management activities at the above facility to maintain or reduce effluent nutrient and solids levels upon completion and stocking of a new series of raceways described in the CO that will use water from Bridal Veil spring as outlined in Idaho Department of Water Resources Permit # 36-08356.

Pisces Investments, Inc. will undertake the following actions:

1.) Magic Springs will increase the frequency of solids removal in the quiescent zones located in sections L & N to two (2) times/month. All quiescent zones in the proposed new raceways will also have solids removed two (2) times/month. Additionally, solids currently entering into the production system from the hatchery building will be rerouted directly to the off-line waste settling basins.

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JUN 24 2002

2.) In the event that increase solids removal described in section 1 of this BMP Plan fail to achieve a no degradation standard as described in the Monitoring Plan, Pisces Investments shall implement one or more of the following options as determined necessary to bring the facility into compliance with the no degradation standards referred to in the CO.

a.) Increase cleaning frequency of raceway quiescent areas (new and existing).

b.) Use of improved feeds designed to reduce effluent nutrients and solids.

c.) Install quiescent zones in uses C, and/or F, and/or J.

d.) Expand existing quiescent areas in sections L & N.

e.) Reduce total biomass in existing ponds/raceways or remove new ponds/raceways from service. Total biomass reductions shall not fall below present production levels.

3.) All solids shall be removed by vacuuming (gravity or pumped). Disturbance of settled materials shall be minimized by removing (vacuuming) a large area of material in the quiescent zone prior to entrance into the area by the operator.

4.) Current loads into the off-line waste settling basins will be maintained by operating the pump and gravity systems in alternate fashion. Settled solids shall be removed from the system when monitoring levels exceed 75 mg/l TSS. Pisces shall notify the Department in the event adverse weather conditions affect removal of the solids.

5.) All feeders shall be checked for adjustment on a weekly basis to minimize excess feed waste. Feeder personnel shall be trained in observation of fish feeding behavior and signs of excessive feed usage.

6.) All quiescent zones shall be cleaned prior to fish harvest or other activities that might disturb solids in the zone.

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JUN 24 2002

7.) Harvested solids shall be dried and removed for land application at agronomic rates or treated through a Department approved alternative disposal process.

8.) All existing and new employees shall be trained in the importance and impact of various facility activities on discharge nutrient/solids levels, and in what they can do to minimize Magic Springs' discharge loadings. Additionally, employees shall be advised of biweekly nutrient sampling results and trained in safe chemical handling and use.

Magic Springs shall maintain a copy of this BMP Plan at the facility and provide it for the Department/EPA inspection upon request. Magic Springs management will review and evaluate the adequacy of this BMP Plan at least on an annual basis in light of applicable technological developments, facility modifications, and nutrient management planning activities.

All records pertaining to BMP Plan shall be maintained in the Managers office at the Magic Springs facility. All corrective actions taken to comply with the CO shall be fully documented. Records will be filed chronologically and available for review by the Department upon request.

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NOV 10 1993
Department of Water Resources
Southern Region Office

October 18, 1993

MONITORING PLAN

MAGIC SPRINGS HATCHERY
PISCES INVESTMENTS, INC. (PISCES)

The Magic Spring Hatchery will implement certain improvements in the effluent system operation as addressed in the Best Management Practices Plan that will reduce effluent nutrient levels in existing facilities that will allow for the increased production from the proposed reuse waters and still keep the effluent discharge levels at or below current levels. Studies conducted by Pisces have defined the base line nutrient levels that will be used to determine whether or not the antidegradation standard as set forth in the Consent Order is being met.

Development of Base Line for No Degradation Standard

Pisces has collected and analyzed twenty six (26) continuous months of data for effluent nutrients and solids from the Magic Springs facility. Sample collection was initiated in May 1991. Samples were generally collected by taking a composite sample from seven (7) discharge points over an eight (8) hour period. Composite samples were sent to a private laboratory, Analytical Laboratories, for analysis. The results of the analysis reflect an instantaneous assessment of nutrient and solid levels being discharged from Magic Springs on a given set of days over a specific period of time (May 1991 - June 1993). Observed values for the various nutrients and solids were used to determine average effluent concentrations (i.e. mean, median) as well as the inherent variation as measured by standard deviation in discharge levels that occur as part of a stable process.

A number of statistically based methods are available to set base lines from such data with the most applicable method utilized by Pisces to be the **process control chart.** The process control method uses data generated from an existing process and in this case the net effluent nutrient concentrations resulting from fish production at Magic Springs from May 1991 to June 1993. The statistical analysis plots the actual data points, the mean, and the upper and lower control limits. Control limits are generally accepted to be +/- 2-3 sigma (standard deviation) units from the mean. Pisces has chosen the lower of these two control limits, meaning that in a stable process 95% of all results should fall within

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control limit values. Table 1 shows all net effluent values used in developing the control charts, and Figures 1-5 display the process control charts for each nutrient monitored.

MONITORING AND FEEDBACK

Pisces Investments will monitor the composite net effluent levels from the seven (7) discharge points for total suspended solids (TSS), total phosphorus (TP), and total ammonia nitrogen (NH3) twice per month upon completion and stocking of the reuse raceways. Levels of variability inherent in measurements preclude valid results for Total Kjeldahl Nitrogen (TKN) (coefficient of variation = 53%), and appears to rise and fall in concert with total ammonia nitrogen and total phosphorus. (Figure 6; Multiple Correlation Coefficient = 0.555, p = 0.015.

Effluent sampling will be accomplished by collecting an 8-hour composite sample (8am-4pm) from the seven discharge points (attached map). Since flows from these discharge points are approximately equal an equal aliquot from each discharge will be collected and mixed in a gross composite. A minimum of four (4) collections from each discharge will be made during the eight hour period. Influent samples will be collected as a grab sample with sample volumes from each of the three (3) main sources (attached map) taken in approximate proportion to their contributed flow. The solids settling pond shall be sampled at the same frequency and parameters as the raceway discharges to document discharge levels from this source. Flows shall be monitored on the raceway and the solids settling pond discharges during the same sampling day.

Individual samples collected will be composited and refrigerated (< 4 °C) during each sampling period. A well mixed subsample will be taken from the refrigerated composite and shipped for analysis within twenty four (24) hours. Samples will be analyzed within the minimum recommended holding time by Analytical Laboratories in Boise, Idaho. Once per month, duplicate samples will be split from the collected composite and sent to Rangen, Inc. (Hagerman Lab) for a comparative analysis. In order to ensure quality assurance/ quality control (QA/QC) a blank shall be submitted with every monitoring run and every three months a duplicate split composite shall be sent to Analytical Labs for analysis.

During the sampling period all nutrient results that fall within control limits shall be considered to be within the normal limits of variablilty.

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Should the analytical result for any sample fall outside the upper control limit (greater than two standard deviations or 95% confidence limit) for any parameter Pisces shall immediately initiate resampling for three (3) consecutive days and analyze for the nutrient(s) in question. If the resampling results show two of the three consecutive sampling days with values outside the upper control limit Pisces shall immediately take action to reduce effluent nutrients through implementation of provisions in the BMP Plan to ensure compliance with the no degradation standard. DEQ shall be notified of any exceedances and actions taken by Pisces to correct the exceedances.

Should the monitoring result in three (3) continuous increasing values above the mean for any parameter but below the upper control limit it will signal that a possible upward trend or shift in effluent nutrient levels is occurring as a result of increased production. If this trend occurs Pisces shall immediately initiate resampling for three (3) consecutive days and analyze for the nutrient(s) in question. If the resampling results continue to support the increasing trend in two of the three consecutive sampling days Pisces shall immediately take action to reduce effluent nutrients through implementation of the BMP Plan to correct the process and ensure compliance with the no degradation standard. DEQ shall be notified of any exceedances and actions taken by Pisces to correct the exceedances.

If during a one year monitoring period no increasing trend is documented for the TSS, TP, and NH3, Pisces and the Department shall consult to determine if monitoring shall be reduced to once per month for the nutrients being sampled. If the sampling is reduced to once per month the same control criteria will apply to the monthly samples.

Pisces Investment Inc. shall submit sample analysis results and a summary of BMP actions to the Department on a monthly basis within two weeks of receiving testing results.

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Magic Springs Nutrient Monitoring Results (Analytical Labs)

	TSS	TP	TKN	NH3	NO3
5/91	3	0.07	0.31	0.31	-0.06
6/91	4	0.04	0.13	0.17	0.05
7/91	2	0.01	0.06	0.18	0.12
8/91	1	0.04	0.28	0.16	0.05
9/91	1	0.06	0.54	0.16	0.01
10/91	3	0.07	0.25	0.13	0.16
11/91	4	0.04	0.45	0.11	0.13
12/91	2	0.14	0.48	0.23	-0.01
1/92	2	0.06	0.45	0.23	0
2/92	4	0.1	0.67	0.39	0.3
3/92	4	0.12	0.2	0.2	0.06
4/92	3	0.15	1.1	0.26	-0.21
5/92	4.5	0.14	0.6	0.13	
6/92	1	0.12	0.28	0.31	0.05
7/92	3	0.15	0.63	0.28	0.05
8/92	1	0.09	0.5	0.32	-0.18
9/92	5	0.07	0.25	0.3	
10/92	3	0.11	0.6	0.27	0.08
11/92	5	0.14	0.7	0.13	-0.11
12/92	4	0.05	0.5	0.13	-0.01
1/93	5	0.13	0.4	0.11	-0.04
2/93	5	0.11	0.6	0.11	0.09
3/93	4	0.11	0.4	0.19	-0.05
4/93	3	0.05	0.2	0.23	-0.2
5/93	4	0.15	1	0.3	
6/93	2	0.05	0.4	0.1	-0.02
Mean	**3.173**	**0.091**	**0.461**	**0.209**	**0.011**
s.d.	**1.334**	**0.042**	**0.244**	**0.082**	**0.119**
High	5	0.15	1.1	0.39	0.3
Low	1	0.01	0.06	0.1	-0.21
t 0.05(2),26	2.056	2.056	2.056	2.056	2.056
95% C.I.					
High	**5.92**	**0.18**	**0.96**	**0.38**	**0.25**
Low	**0.43**	**0.00**	**-0.04**	**0.04**	**-0.23**

TABLE I

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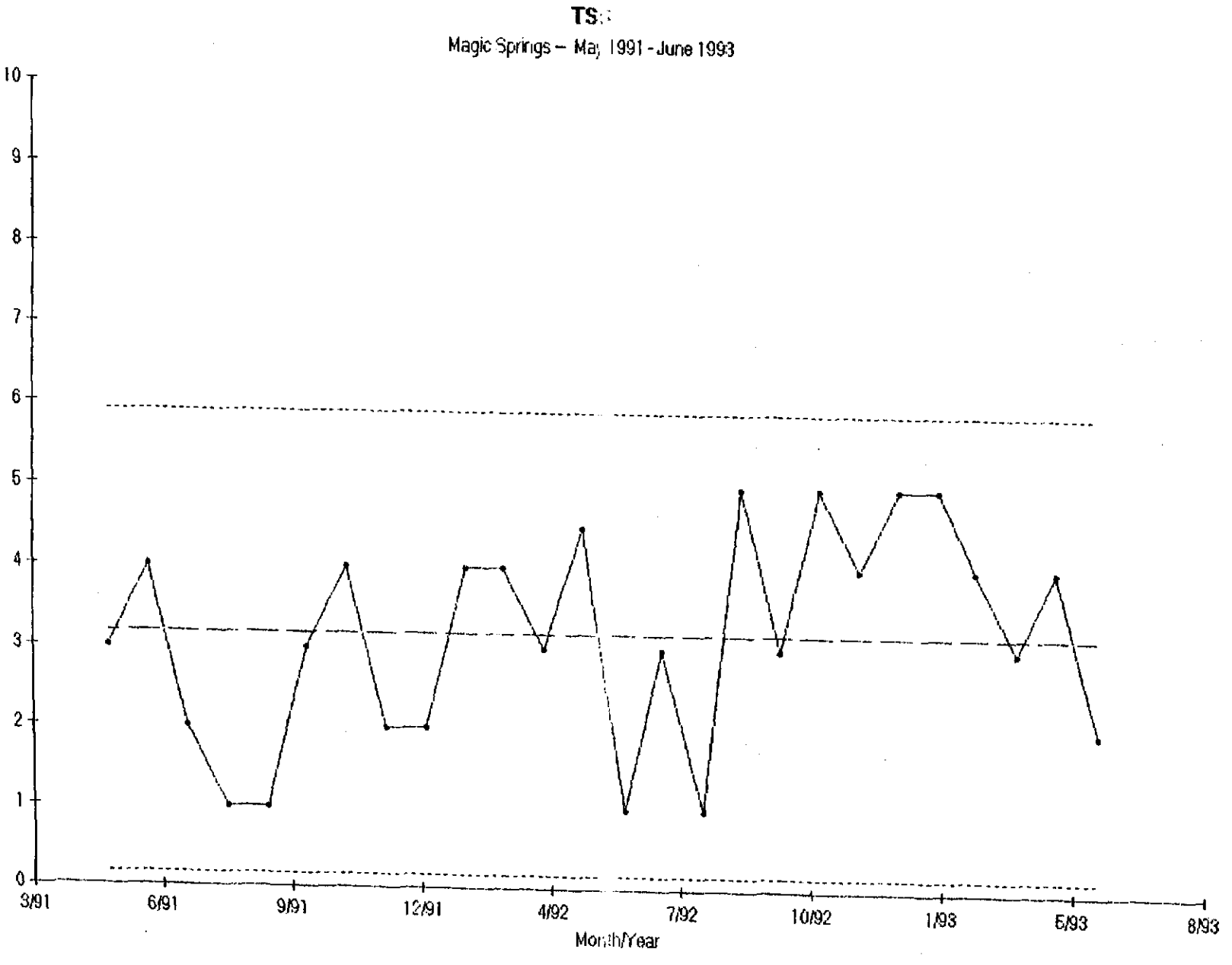


FIGURE I

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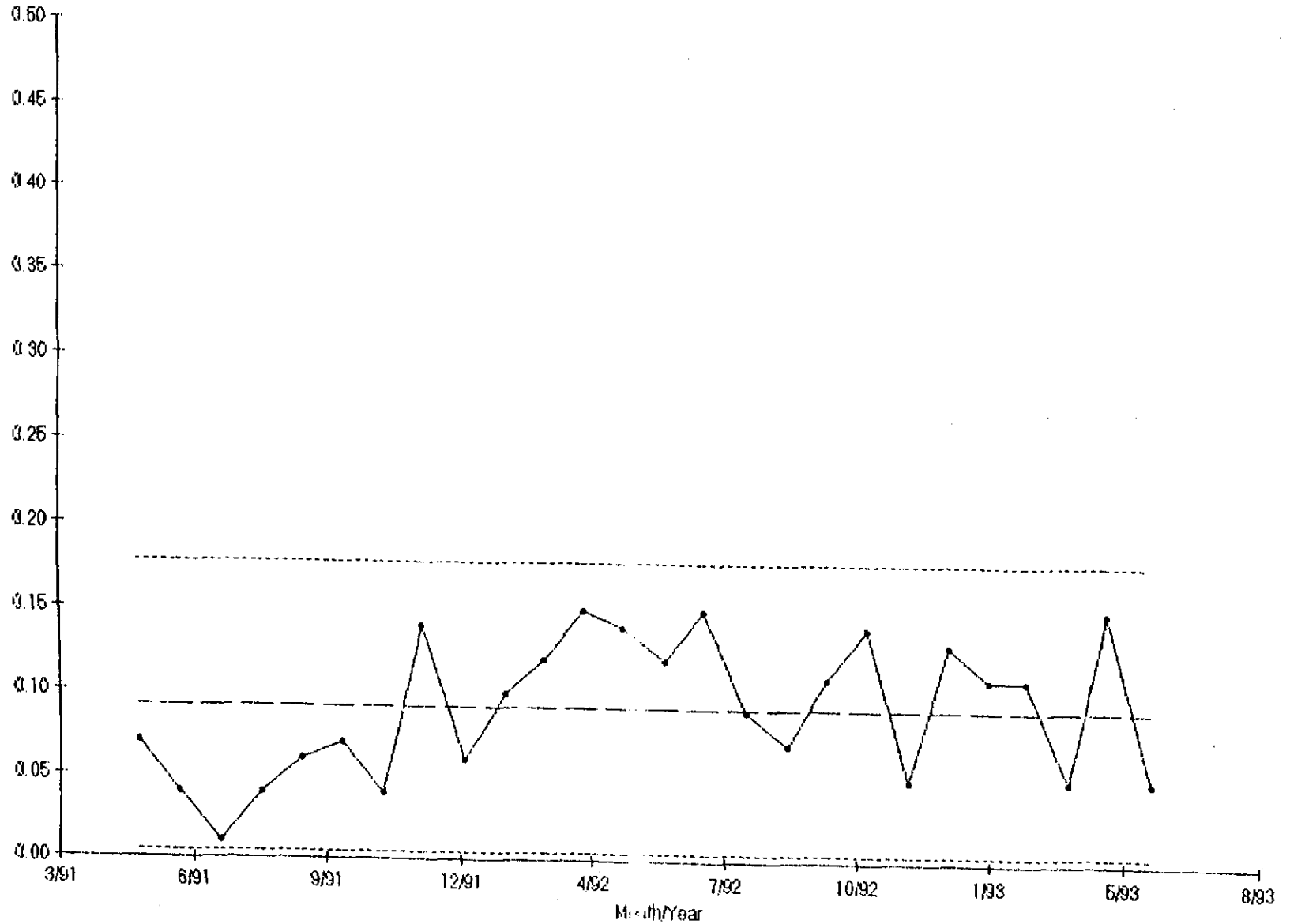
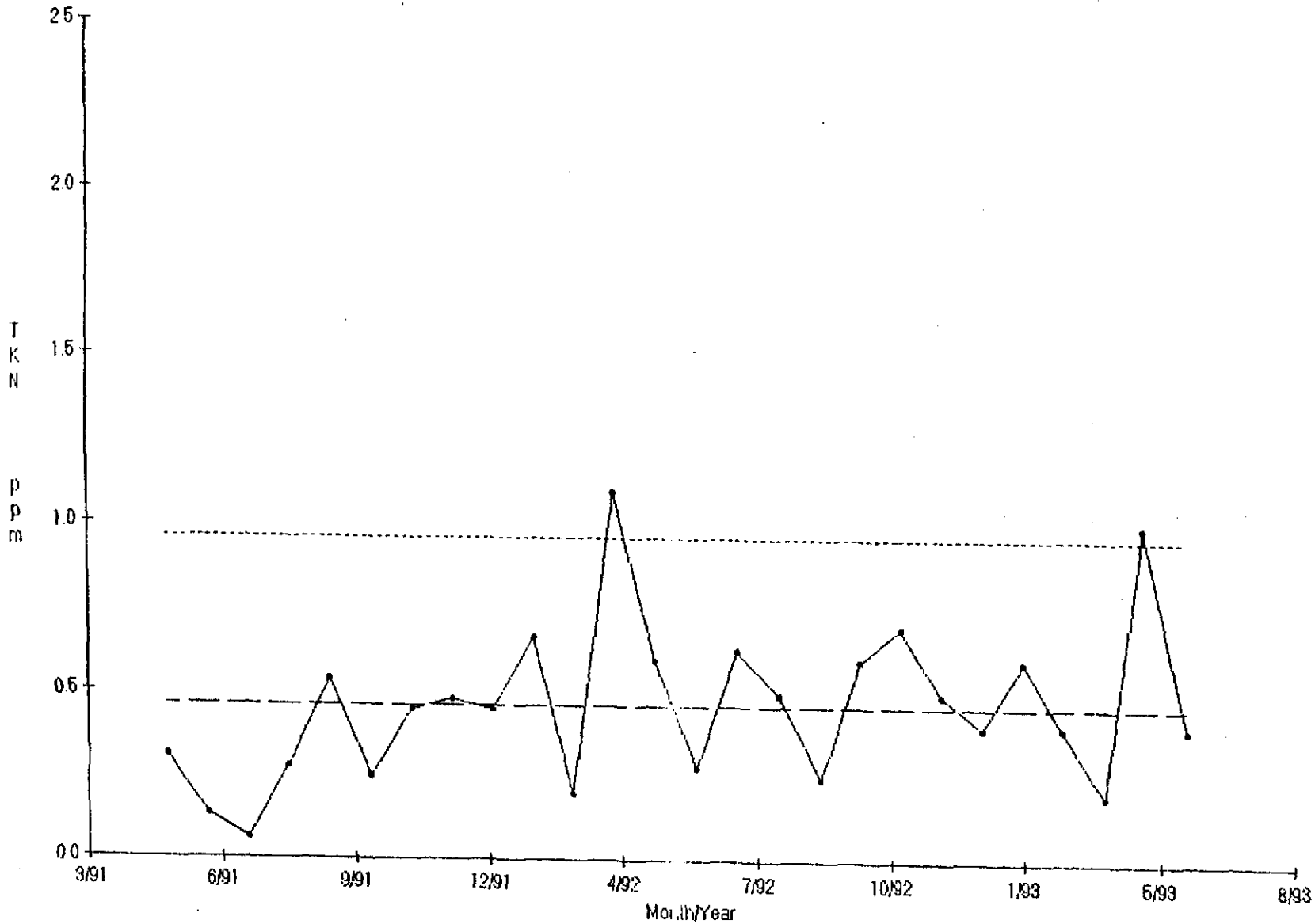


FIGURE II

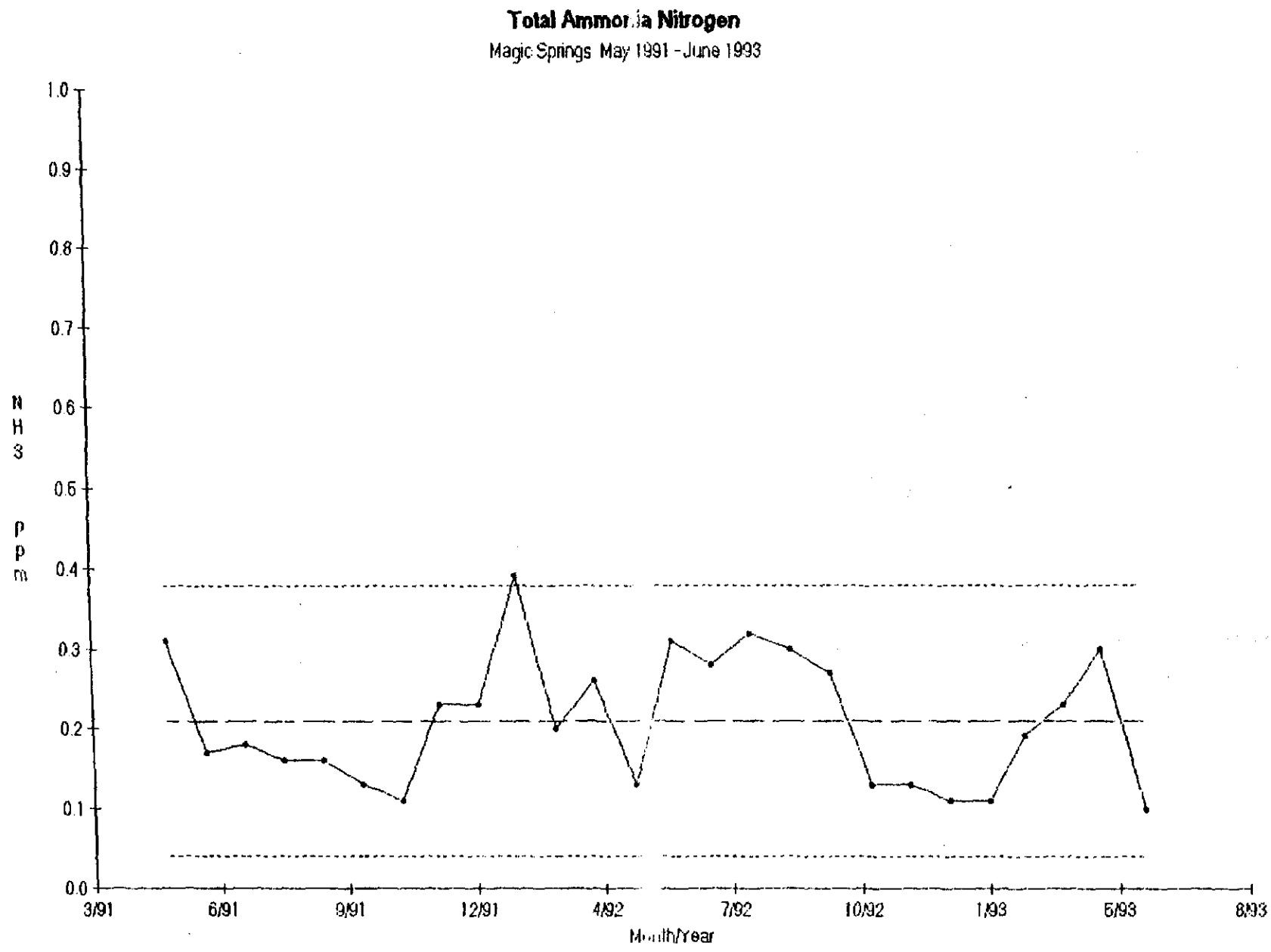
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FIGURE III



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FIGURE IV



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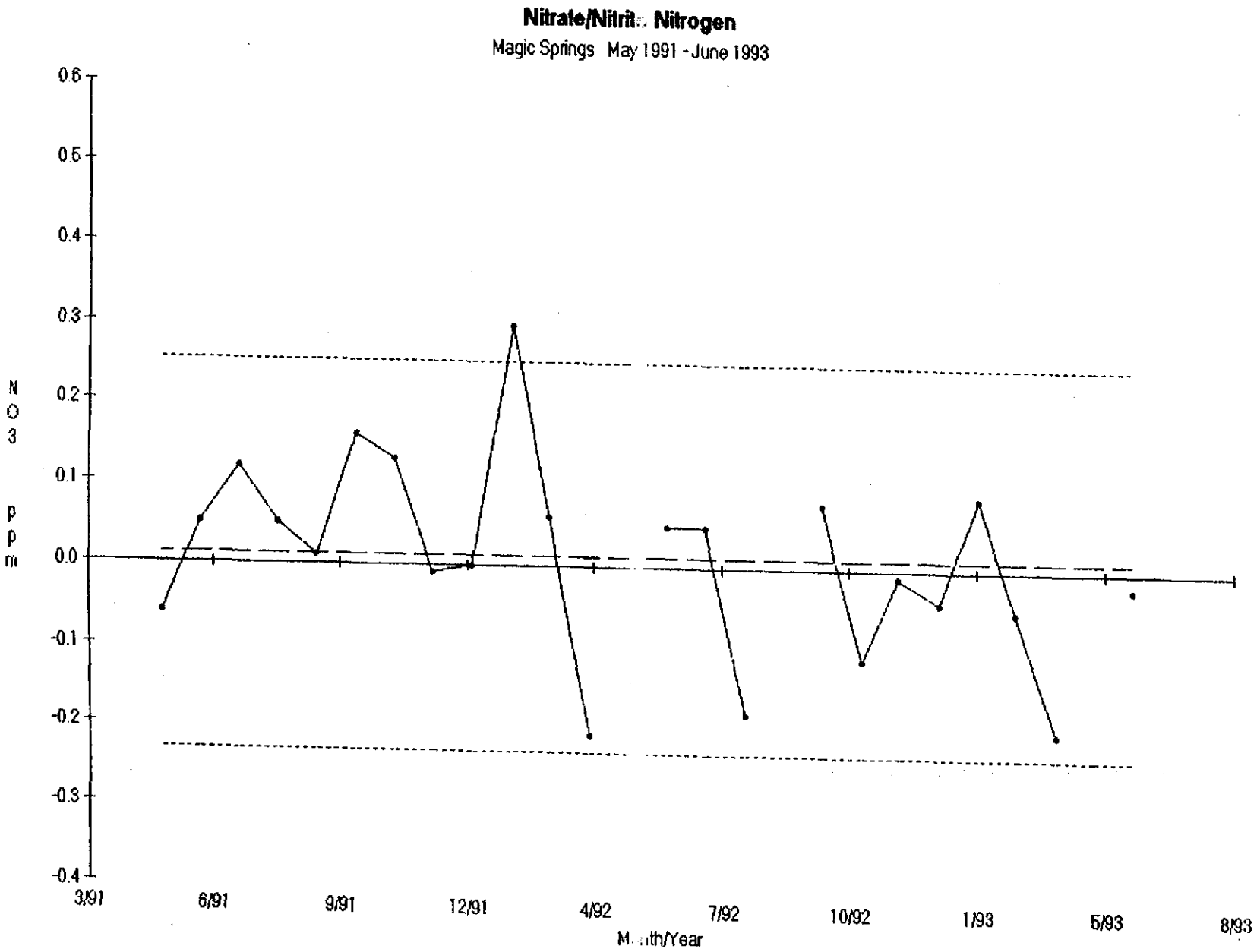
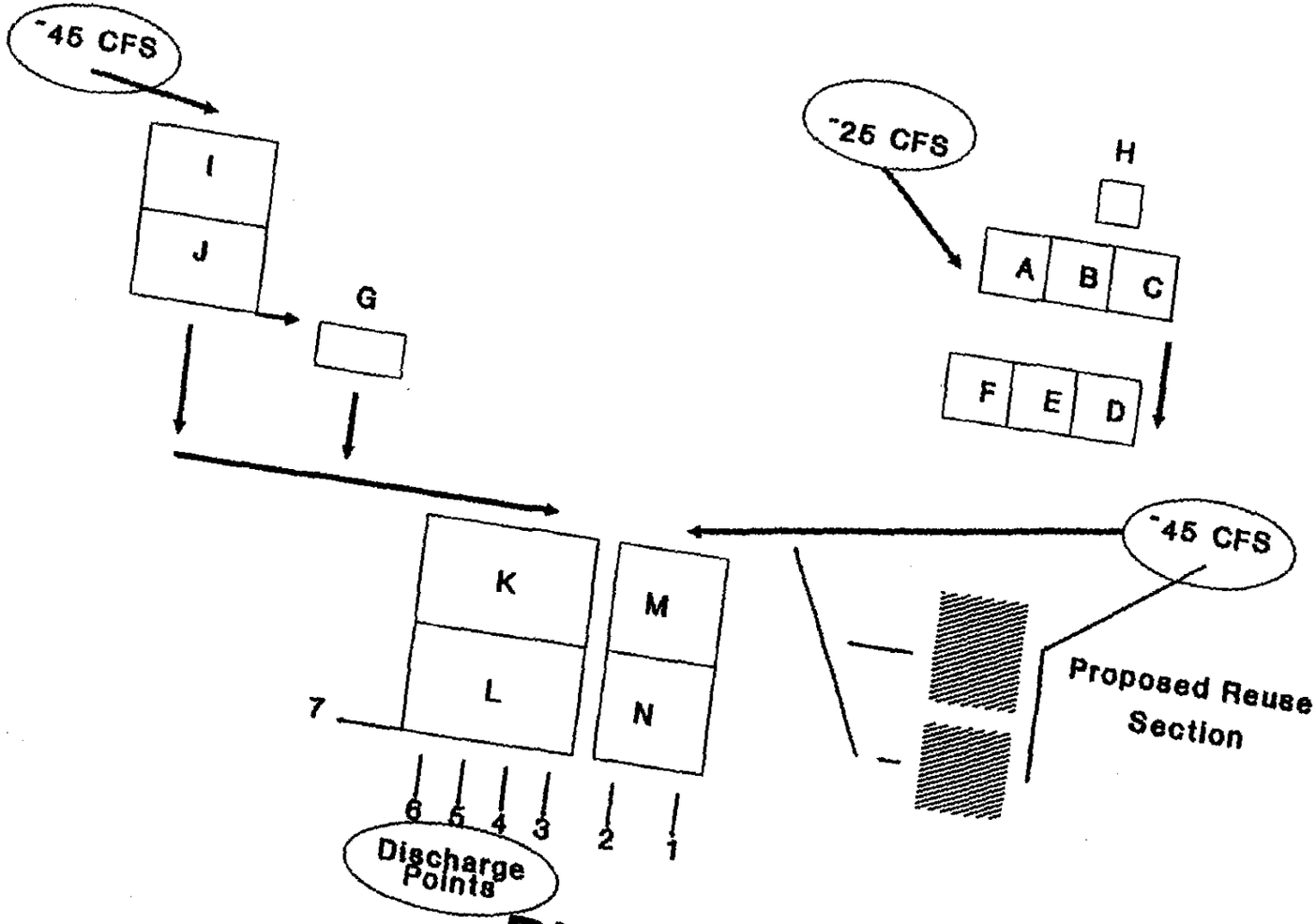


FIGURE V

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Pisces Investments, Inc
Major Flows and Discharges

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 30, 1993

NED SWISHER
HAGERMAN VALLEY CITIZENS' ALERT INC
PO BOX 32
HAGERMAN ID 83332-0032

RE: Water Right No. 36-08356

Dear Mr. Swisher:

In response to your request of March 15, 1992, I have enclosed copies of the correspondence on file regarding water quality concerning the above referenced permit.

If you have any further questions, please feel free to contact our offices, or me directly at (208) 327-7947.

Respectfully,

JIM JOHNSON
Water Right Supervisor

RECEIVED
APR 08 1993

Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, Idaho 83332

RECEIVED
MAR 17 1993
Department of Water Resources

March 15, 1993

Department of Water Resources
Attn: Jim Johnson, Water Rights Supervisor
Statehouse Mail
Boise, ID 83720

Re: Water Right No. 36-08356
Pisces Investments

Dear Mr. Johnson:

We are in receipt of your letter dated March 3, 1993, and the enclosure therewith. Paragraph number 3 under Findings of Fact in the Order states that information was provided to the Department regarding water quality approvals for the permit under consideration. We would appreciate it if you would send to us a copy of such information.

Thank you for your prompt attention to this request.

Sincerely,

Ned Swisher

Ned Swisher
President
Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, ID 83332

RETURNED
APR 05 1993

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 3, 1993

PISCES INVESTMENTS INC
% J EVAN ROBERTSON
PO BOX 701
TWIN FALLS ID 83303-0701

RE: Water Right No. 36-08356

Dear Mr. Robertson:

Enclosed is an Order which changes Condition of Approval No. 6 on the permit and Condition of Approval No. 2 shown in the Final Memorandum Decision and Order.

If you have any questions, please feel free to contact our offices.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:cz

Enclosure

c: Rosholt, Robertson & Tucker
Idaho Department of Fish & Game
S. G. Carleton

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APR 08 1993

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 3, 1993

J. Evan Robertson
Rosholt, Robertson & Tucker
142 3rd Ave North
P.O. Box 1906
Twin Falls, ID 83303

RE: PERMIT NO. 36-08356 - PICES INVESTMENTS, INC.

Dear Mr. Robertson:

I have reviewed your letter dated February 17, 1993 to Loren Holmes, in connection with the above referenced permit together with the water right file.

The file shows that the Final Memorandum Decision and Order issued by the department on February 19, 1991 was distributed to the parties on February 21, 1991 as shown by the attached copy of a transmittal letter to Steve Tolman of your firm. This final decision contained the same conditions of approval as were on the permit copy sent to you by Pam Skaggs in October 1991. Hence, the conditions of approval should have been no surprise to either you or your client.

The department, however, has no desire for the permit to lapse and become of no effect nor effect due to circumstances over which you had no control. Hence the department is willing to change the date that the submittal required by condition 6. as shown on the permit and by condition no. 2 shown on the Final Memorandum Decision and Order to be within three (3) years of the date of final approval of the permit rather than within two (2) years of the date of approval of the permit as originally issued.

If you have questions, please feel free to contact the department.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - S. Region

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APR 08 1993

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

February 21, 1991

Steve Tolman
Attorney at Law
P.O. Box 1906
Twin Falls, ID 83301

RE: Application to Appropriate Water No. 36-08356 in the Name of Pisces Investment, Inc.

Dear Mr. Tolman:

Please find enclosed a copy of the Final Memorandum Decision and Order on the above referenced permit.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within twenty (20) days, or may appeal directly to the district court within thirty (30) days of service of this decision. Department rules state that service is complete upon mailing of the document.

Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

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NOV 15 1991

APPROVED
APR 08 1993

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
THOMAS J. RYAN
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN K. SIMPSON
VINCE T. GULLETTE
PATRICK D. MADIGAN
PAUL W. SAMUELSON

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

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FEB 18 1993
Department of Water Resources
Southern Region Office

February 17, 1993

Loren Holmes, P.E., Manager
Southern Regional Office
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

RE: Permit to Appropriate Water
No. 36-08356

Dear Loren:

I would like some clarification and, if necessary, request an extension on certain time frames set forth in the above-referenced permit. Specifically, condition No. 6 on that permit required Pisces Investments, Inc. to submit a plan of construction and operation to the Department of Water Resources, expressly sanctioned and approved by the Idaho Department of Health and Welfare, Division of Environmental Quality, within two years of the date of the final approval of the permit.

Pisces has diligently attempted to comply with that permit condition, but has over the past two years faced ever changing and evolving policies and criteria imposed by DEQ, to the point that determining precisely what specifications would be required to gain DEQ approval was almost impossible. I am enclosing a copy of a letter we finally received from regional administrator R. Tim Litke, which even apologizes for the long delay, which, incidentally, was approximately one year.

As you can see from Mr. Litke's letter, we finally received a list of the information which must be submitted for final approval by DEQ of the expansion plans. I should point out that Mr. Litke has in subsequent conversations agreed that the plans and specifications for the proposed expansion do not need to be prepared or stamped by a licensed engineer since they do not involve any additional waste treatment facilities. The plans and specifications have now been finalized and have been submitted to DEQ. Consequently, everything required in paragraph A of Mr. Litke's November 20, 1992, letter has been

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complied with, since items A(1) and A(2) will be conditions placed upon the approval. The sole remaining issue from DEQ is satisfaction of the no net increase standard for issuance of the section 401 permit.

Pisces Investments is presently undertaking a study of the existing facilities at Magic Springs with the assistance of Dr. Ernie Brannon, of the University of Idaho, to determine present nutrient discharge levels and available methods to assure no net increase will occur upon completion of the proposed expansion. Dr. Brannon has been in contact with DEQ concerning those items and we are working toward meeting the requirements for the 401 certification program. I believe this activity falls into both conditions 5 and 6 on our current permit No. 36-08356, and I anticipate no problems.

Now that you have some further understanding of the attempts which Pisces Investments has made to comply with the IDWR permit conditions and, hopefully, an appreciation for the delays we have encountered, primarily due to bureaucratic confusion and inactivity by DEQ, I must ask, in the alternative, for one of the following from the Idaho Department of Water Resources:

1. A determination that the two year time limit placed in condition No. 6 of permit 36-08356 runs from October 24, 1991, and not February 19, 1991, which is the date on which the permit was actually signed by Director Higginson. This request is made on the basis that the permit, including its final conditions, was not presented to Pisces until it received a copy of the permit together with a cover letter from Pamela Skaggs, technical records specialist, for the Idaho Department of Water Resources dated October 24, 1991, a copy of which I am enclosing for your review. Given the fact that we did not receive the permit until October 24, or a few days later, I feel it is unfair that the two-year time period in condition No. 6 relates back to February 19.

2. In the event the Department of Water Resources believes the two years runs from February 19, 1991, I would like to request an extension of one year, based upon the delays we've experienced in obtaining communications from DEQ. I corresponded with DEQ on numerous occasions for at least a year to obtain necessary information on how our expansion plans would be evaluated, and what standards they would be required to meet for approval. I am enclosing, as evidence of this ongoing series of communications several of the letters which I sent urging them to expedite things. I am sure Mr. Litke and/or Mr. Mike McMasters of DEQ will confirm the efforts which Pisces Investments expended in attempting to comply with condition No. 6 of permit 36-08356.

APR 0 8 1993

Pisces Investments is not requesting any extension or change in condition No. 1 of the permit which requires proof of beneficial use to be submitted prior to December 31, 1995. We are not delaying this project intentionally, but have certainly experienced a good deal of difficulty in working with the changing rules and regulations of DEQ with respect to water quality in the Mid-Snake River. I hope these delays which have been beyond the control of Pisces Investments will be considered by you as you review this request.

Sincerely,

J. Evan Robertson/mw

J. EVAN ROBERTSON

JER:mw
02179302.JER

Enclosure

APR

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

October 24, 1991

RECEIVED
FEB 18 1993
Department of Water Resources
Southern Region Office

PISCES INVESTMENTS INC
C/O J EVAN ROBERTSON
VICE PRESIDENT
BOX 701
TWIN FALLS ID 83303

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08356

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.

As a permit owner you must commence project construction within one year of the date of submittal of the plan approved by DEQ and you must proceed diligently until project completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

Sincerely,

Pamela Skaggs

PAMELA SKAGGS
Technical Records Specialist

PS:blm

Enclosure

APR 08 1993

RECEIVED
FEB 18 1993
Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08356

Proposed Priority: May 9, 1988 Maximum Diversion Rate: 45.00 CFS

This is to certify, that PISCES INVESTMENTS INC.
C/O J. EVAN ROBERTSON
VICE PRESIDENT
BOX 701
TWIN FALLS ID 83303-701
has applied for a permit to appropriate water from:

SPRINGS tributary of SNAKE RIVER

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

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
FISH PROPAGATION	01/01 to 12/31	45.00 CFS

LOCATION OF POINT(S) OF DIVERSION: LOT 1(SENWNW), Sec. 8, Township 08S, Range 14E
GOODING County

PLACE OF USE: FISH PROPAGATION

TWN	RGE	SEC	
08S	14E	8	LOT 1(NWNW)

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 31, 1995.
2. Subject to all prior water rights.
3. Use of water under this right shall be non-consumptive.
4. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
5. Water discharge into the Bridal Veil Channel or the Snake River shall satisfy Idaho water quality standards. The Department retains jurisdiction to cancel, modify, void or rescind this permit and subsequent license, if the owner of the fish rearing facility, refuses, fails or cannot comply with specific discharge standards imposed by DEQ, including cleanup of the Bridal Veil Channel.
6. The applicant must submit a plan of construction and operation, to the Department of Water Resources, expressly sanctioned and approved by the Idaho Department of Health and Welfare, Division of Environmental Quality (DEQ), which will satisfy Idaho water quality standards. The approval by DEQ must specifically state that operation of the facility as proposed in the plan will satisfy state water quality standards. The plan must be submitted to the Department prior to commencement of construction, and within two (2) years of the date of final approval of the permit. If an acceptable plan is not submitted within two years, the permit will lapse.

APPROVED
APR 08 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08356

RECEIVED
FEB 18 1993
Department of Water Resources
Southern Region Office

CONDITIONS/REMARKS:

7. This permit does not authorize development of any more water than the lesser of (1) The flow rate currently licensed for the facility, or (2) The flow rate that has been beneficially used in the facility.
8. Project construction shall commence within one year of the date of submittal of the plan approved by DEQ and shall proceed diligently until completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

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

19th day of February, 1991.

R. Keith Higginson, Director

APR 08 1993

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD
D. BERNARD ZALESKA

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

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FEB 18 1993
Department of Water Resources
Southern Region Office

November 21, 1991

Michael McMaster
Department of Health and Welfare
Division of Environmental Quality
629 Washington Street North
Twin Falls, ID 83301

RE: Pisces Investments
Permit to Appropriate Water No. 36-08356

Dear Mike:

Enclosed please find a copy of Permit to Appropriate Water No. 36-08356 which I finally received from Pamela Skaggs, technical records specialist from the Department of Water Resources on October 26, 1991. As you recall, this permit relates to the re-use of 45 cfs at the Magic Springs Trout Farm owned by Pisces Investments, Inc., near Hagerman, Idaho. The permit application requested the water to allow the construction of 20 new raceways containing two ponds each, with dimensions of approximately six feet by 80 feet for each pond, the new ponds to be used for small fish with an estimated maximum biomass of 85,000 pounds at any given time. As you can see from the enclosed permit, the application was approved subject to certain terms and conditions, several of which involve the Division of Environmental Quality.

The purpose of this letter is to focus briefly on conditions numbered 4 and 5 in the enclosed permit. With respect to condition number 5, I would ask your department to provide the following:

1. A copy of the applicable Idaho water quality standards relating to the discharge of water from the trout farm into Bridal Veil Channel or the Snake River.

2. A copy of "Specific Discharge Standards imposed by DEQ, including cleanup of the Bridal Veil Channel."

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With respect to condition number 6 on Permit No. 36-08356, please provide the following:

1. Guidelines of the Division of Environmental Quality relating to the "construction and operation" of the proposed additional raceways at Magic Springs Hatchery which will satisfy Idaho water quality standards. We have previously submitted to your office, in 1988, our plans for the proposed raceways with the details of construction, which you acknowledged in your letter to Loren O. Holmes, Southern Region Manager, Department of Water Resources, by letter dated September 12, 1988. The approved Permit No. 36-08356 relates to the same proposed project, which consists of concrete raceways constructed and operated in the customary manner. Each raceway will be equipped with a quiescent zone and stand pipe for collecting settled waste for discharge into the existing waste settling basins at Magic Springs. The operation of the entire hatchery is, of course, governed by an NPDES permit, which we understand must be amended to include the new raceways prior to their utilization.

In early October, Pisces Investments, Inc., and its consultant, Inter-Fluve, Inc., discussed with you and a representative of the Idaho Fish & Game Department a rather extensive proposal to improve conditions in the Bridal Veil Channel, while at the same time lessening solids discharged by the existing fish rearing facilities through the installation of additional quiescent zones, vacuum removal systems, and the construction of additional waste settling basins equipped with aerobic digestors. That project anticipated not only approval by the Division of Environmental Quality for the new raceways related to Permit No. 36-08356, but also the appropriation of an additional 60 cfs from the Snake River, 30 of which would be diverted and pumped directly to the upper end of the Bridal Veil Channel, and the remaining 30 of which would be used for fish production in existing raceways at the Magic Springs Hatchery. While we still feel that the plan we proposed in October is the best possible plan to serve the diverse interests of all parties that appeared in the protest hearings over Permit No. 36-08356, we simply cannot wait much longer for a response from the agencies. Pisces Investments., Inc., must begin immediately to pursue compliance with the conditions imposed on the smaller project represented by Permit No. 36-08356, inasmuch as the permit was approved February 19, 1991

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(even though it wasn't received until October 26, 1991), and condition number 6 indicates that approval from the Division of Environmental Quality must be obtained within two years.

Please provide the information requested above at your earliest convenience, and let me know how you wish us to proceed. If the Division of Environmental Quality, together with the Idaho Department of Fish & Game, is interested in the more extensive program proposed in early October, we need to know that. If it is not, we still intend to pursue the raceways contemplated by Permit No. 36-08356, and will look forward to working with you to meet your specific water quality standards referred to in conditions 5 and 6. However, I must have the information requested above on the applicable standards before Pisces can proceed much further. Your help will be appreciated.

Sincerely,

J. Evan Robertson

JER:mw
14771

Enclosure

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APR 08 1993

ROSHOLT, ROBERTSON & TUCKER
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ATTORNEYS AT LAW
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TELEPHONE (208) 734-0700
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March 13, 1992

RECEIVED
FEB 18 1993
Department of Water Resources
Southern Region Office

Mr. Tim Litke
Department of Health & Welfare
Division of Environmental Quality
629 Washington Street N.
Twin Falls, ID 83301

RE: Pisces Investments - Permit to Appropriate Water No. 36-08356

Dear Mr. Litke:

Enclosed for your review is a copy of a letter written to Mike McMaster dated November 21, 1991, concerning certain conditions imposed by the Idaho Department of Water Resources on Permit No. 36-08356. Basically, that permit was conditioned upon meeting water quality standards established by DEQ. I have had a number of conversations and correspondences with Mike McMaster in an effort to determine whether, and under what circumstances, the proposed project could meet the requirements of DEQ, and, at considerable expense, retained Inter-Fluve, Inc., to design a program which environmentally is far superior to strictly the development of the 20 small raceways contemplated by Permit No. 36-08356. The reason for the involvement of Inter-Fluve, Inc., in the development of the alternative program, was to address certain concerns with the current state of the estuary into which Magic Springs Trout Farm discharges, which concerns were raised during a protest hearing on water Permit No. 36-08356, even though the current status of the estuary has nothing to do with the proposed development of the additional 20 raceways.

As I indicated in my letter dated November 21, 1991, to Mr. McMaster, Pisces Investments needs to get going either with the original small proposal for 20 raceways or, in the alternative, what we consider to be the much better program designed by Inter-Fluve, Inc. Mr. McMaster has reviewed the Inter-Fluve Plan and should be able to familiarize you with the concept. If you need more information or would like to discuss it further, I would be happy to do so at your convenience. Otherwise, I would greatly appreciate some response to my November 21, 1991, letter.

Sincerely,

J. Evan Robertson /dj
J. Evan Robertson

JER/dj
pisces\litke.ltr

APR 08 1993

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
L. EVAN ROBERTSON
JAMES C. TUCKER
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FAX (208) 734-0702

July 17, 1992

Mr. Tim Litke
Regional Administrator
Idaho Department of Health & Welfare
Division of Environment
P.O. Box 6026
Twin Falls, ID 83303

RE: Magic Springs Trout Farm

Dear Mr. Litke:

Over the past year, I have written several letters addressed to both you and Mr. McMasters concerning a proposed expansion of the Magic Springs Trout Farm. Much to my consternation, I have never been given the courtesy of a reply even though I have had several assurances from Mr. McMasters that a reply would be forthcoming. I can certainly appreciate that you and your department have been very busy, and I recognize your reluctance to take any action which might result in expansion of aquacultural facilities, but I would still appreciate a reply.

To refresh your memory, Pisces Investments, Inc. was granted a permit to re-use 45 cfs of water presently being used in the operation of the Magic Springs Trout Farm in Hagerman (IDWR Permit 36-08356). The water was sought for additional raceways for the rearing of small fish, with an expected increase in total maximum biomass at any one time at the hatchery of approximately 80,000 pounds. The approval by the Idaho Department of Water Resources of permit 36-08356 requires that the project first receive the approval of your department on the basis that it will not violate applicable state water quality standards.

During the protest hearings on permit 36-08356 before the Idaho Department of Water Resources, it became apparent that the Idaho Fish and Game Department and various citizen's groups were concerned about the existing quality of water in the upper reaches of the estuary separating the Magic Springs Trout Farm from the Snake River. While the causes of water quality problems in the estuary are vigorously disputed by various parties, Pisces Investments, Inc., has, in conjunction with the initial re-use proposal, developed a program which would greatly enhance water

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quality in the upper end of the estuary, create a professionally designed spawning channel for wild trout migrating upstream from the Snake River into the estuary, and provide sufficient additional water to the trout farm to enable it to earn a fair return on the money expended for the project. Mr. McMasters has copies of the plans for the expanded project. In the original project, we proposed simply to reuse water which was already being utilized in the hatchery, in a manner which would supply water to the new ponds and discharge into the estuary at existing points. Under the expanded proposal, Pisces Investments, Inc., would seek to appropriate 60 cfs of new water from the Snake River just below its confluence with Minnie Miller Springs, pumping that water to the Magic Springs property and then diverting it in a manner which would deliver 30 cfs, unused, to the top of the existing estuary as the fresh water source for the spawning channel to be constructed there. The remaining 30 cfs, as well as the 45 cfs of reuse water would be utilized to provide water to the new raceways for small trout and for the augmentation of production in the remainder of the existing facilities at Magic Springs.

At this time, we are interested in receiving your approval or disapproval of the following:

1. The original project, contemplating the reuse of 45 cfs of water through 20 small, narrow raceways, utilizing the configuration presented to the Idaho Department of Water Resources and to your department; and

2. Approval or disapproval, <u>in concept</u>, of the expanded proposal which contemplates the appropriation of an additional 60 cfs from the Snake River, one half of which will be delivered directly to the upper end of the estuary where it will supply fresh water to a spawning channel to be constructed according to plans and specifications previously presented to Mr. McMasters, and the other one-half of which will be utilized by the Magic Springs Hatchery, either for the 20 new raceways being proposed, or for augmentation of production in existing raceways.

It is our understanding that your department has recently approved 401 certification for Pristine Springs, predicated upon no net increase in nutrient loading to the river. An integral part of our expansion plans calls for additional quiescent zones and vacuum pumping stations in all of the trout ponds now existing on what we refer to as the "lower deck" of the Magic Springs Hatchery, meaning those ponds situated essentially at river level. At the present time, quiescent zones and vacuum pumps have been installed only on the lower most ponds. We feel the additional settling areas will

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enable us to meet the no net increase standard which we assume will be imposed as a condition for the approval of either of the two projects we are submitting.

Finally, if your department has any interest in the program I have outlined above involving the additional 60 cfs from the Snake River, I would suggest that you, Mr. McMasters and I have a meeting to discuss it further.

That particular project will, of course, involve filing for the appropriation of the additional water. I do not want to undertake that task without assurances of support from your department and from the Idaho Fish and Game Department. When we last met with Mr. McMasters and a representative from the Idaho Fish & Game Department last year, along with our environmental consultants, Idaho Fish & Game seemed quite interested in obtaining the proposed spawning channel, but I have heard nothing official since that time, although I have been promised a response on several occasions by both your department and Idaho Fish & Game.

Please review this matter with Mr. McMasters, as he has considerable background in the development of the proposals before you. Pisces has spent a not-insignificant sum in consulting with environmental engineers and consultants on this project, thinking that it addressed many of the concerns expressed during last year's hearings before the Idaho Department of Water Resources, and we have been patiently awaiting some decision or even communication from your department. We would like to cooperate and work with you, but that will require a little more effort on your part.

Sincerely,

J. Evan Robertson

JER/lb
evan\pisces\litke.ltr

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APR 08 1993

IDAHO DEPARTMENT
OF HEALTH AND WELFARE

DIVISION OF
ENVIRONMENTAL QUALITY

Post Office Box 1626, Twin Falls, ID 83303-1626, (208) 736-2190 Cecil D. Andrus, Governor Richard F. Donovan, Director

November 20, 1992

James E. Parsons
Director of Research
Pisces Investments, Inc.
P. O. Box 701
Twin Falls, Idaho 83303-0701

Re: Magic Springs Trout Farm

Dear Mr. Parsons:

Thank you for your letter of October 26, 1992 as a follow-up to our site meeting at Magic Springs on October 13, 1992. We appreciated the opportunity to meet with you and the Department of Fish and Game to review facility expansion plans and plans to restore the Bridal Veil Falls estuary. This letter outlines the Department's position on the issues we have discussed. I apologize for the delay in getting this information to you.

A. Plans and Specifications Approval.

Engineered plans and specifications for the proposed expansion of the Magic Springs facility should be submitted to the Department for review and approval prior to construction. We have reviewed our files and it is apparent that this approval has not yet been granted. Generally, plans and specifications approval is subject to the following conditions:

(1) Magic Springs must obtain and comply with the terms of a NPDES permit. Magic Springs must obtain a new water quality certification for a modified NPDES permit incorporating the proposed expansion from the State of Idaho pursuant to § 401 of the Clean Water Act, 33 U.S.C. § 1341;

(2) A valid revised NPDES permit must be issued by EPA and in effect before fish are placed in the facility expansion and it is operated;

(3) Magic Springs must have a valid water right issued by the Idaho Department of Water Resources;

(4) The approval is subject to the understanding that the review and approval of plans and specifications pursuant to Idaho Code § 39-118 is a separate process from the § 401 water quality certification process, and the 39-118 approval does not waive or in any way affect the Department's authority to grant or deny § 401 water quality certification.

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B. NPDES § 401 State Water Quality Certification.

It is the Department's position that Idaho Water Quality Standards and Wastewater Treatment Requirements are presently being violated in the middle Snake River as a result of excessive nutrients being discharged into the river. This problem will be addressed through the development of a Nutrient Management Plan for the middle Snake River Basin (pursuant to the Idaho Nutrient Management Act, Idaho Code § 39-105 (3)(o)), and this plan should fulfill the requirement for the development of a total maximum daily load (or TMDL) for this reach by EPA, pursuant to section 303(d) of the Clean Water Act, 33 U.S.C. § 1313 (d). Prior to completion of this plan, it is generally the Department's position, subject to its review of each individual facility, that in order to provide water quality certification the Department must be satisfied that there will be no net increase in total nutrients discharged from a facility requesting certification. For existing facilities like Magic Springs, the Department will generally compare the existing discharge with the expected discharge from the expanded facility to determine whether there is an increase. Other conditions and factors may be involved depending upon the Department's review of the facility.

The Department's decision regarding § 401 water quality certification for Magic Springs will be based upon the information submitted by Magic Springs when the certification is requested. To date, the Department has not received detailed information on the expansion and formal request for certification. Magic Springs should submit the information requested below with a formal request for § 401 certification. Upon issuance of § 401 certification, EPA has indicated that the Magic Springs' NPDES permit will be modified accordingly.

Magic Springs seeks to expand its existing facility. Therefore, the Department will review the existing discharge and the expected discharge as a result of the expansion to determine if there will be an increase in nutrients discharged. Generally the Department will review at least the following factors and require at least the following conditions be met in connection with § 401 certification:

1. Whether Magic Springs can demonstrate no net increase in total nutrients discharged as measured by comparing the existing discharge nutrient load with the nutrient load contained in the expected effluent discharge from the expanded facility;

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2. Once the expansion is complete, Magic Springs must continue to demonstrate that it is meeting the no net increase requirement through its monitoring. The Department may also perform its own monitoring;

3. Total suspended solids and settleable solids must meet EPA NPDES requirements of 5 mg/l and 0.1 ml/l, respectively;

4. Magic Springs will have to comply with any future effluent limitations established through the Nutrient Management Planning process.

5. Magic Springs must keep and maintain all water quality testing records for at least five (5) years. The discharge monitoring reports shall be submitted monthly. All records shall be available to the Department and EPA for review upon reasonable notice;

6. Magic Springs will be required to allow the Department and EPA access for inspections; and

7. A notification process will be required to be in place in case discharge rates are exceeded.

C. Information to be Submitted by Magic Springs for Review in Connection with § 401 Certification.

In connection with the § 401 certification, Magic Springs must submit to the Department at least the following information:

1. To determine whether there will be no net increase in nutrient load discharged from the expanded facility, Magic Springs must indicate the current load discharged and the expected load to be discharged from the expanded facility. To be in compliance with the no net increase effluent limit, the expected load of nutrients discharged from the expanded facility should not exceed the existing nutrient load from the existing facility. This information should include: a) a site plan showing specific locations where solids and nutrient monitoring has occurred and will occur after expansion, b) the types of samples collected (a 24 hour composite is recommended), and c) complete calculations and other information used to determine existing and proposed effluent nutrient loads. Flow proportional composite samples must be collected on all effluent sources. Flow proportional composite samples mean that if thirty percent of the facility effluent flow is from one source, then thirty percent of the composite effluent sample should be from that source.

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2. Magic Springs must estimate fish production throughout the year for the current facility and for the expanded facility.

3. Magic Springs must include a site plan that indicates the direction of flow for all water and wastewater sources.

4. Magic Springs must indicate what techniques will be used to meet the no net increase nutrient effluent limitation, including the operation, efficiencies, and effectiveness of these techniques. Monitoring data and/or other information regarding the effectiveness of these techniques and their application elsewhere in the industry should be submitted. Magic Springs must also indicate what actions will be taken if this effluent limit is exceeded. With regard to its waste management system, Magic Springs must demonstrate how this system will be managed and operated. Raceway quiescent area cleaning procedures and frequencies should be submitted. A diagram of vacuuming devices and associated equipment should also be submitted. Magic Springs should also include the frequency of solids pond cleaning, and where final disposal of solids occurs.

5. Magic Springs should designate what alternative systems and/or practices may be used to achieve the no net effluent limit requirement if the techniques outlined in response to number 4 above prove ineffective.

D. Nutrient Standards.

The Department has designated segments of the Snake River as water quality limited segments and is in the process of developing a Nutrient Management Plan for the middle Snake River. Once this plan is completed, current NPDES permits may be revised and include new effluent requirements. The Department's best estimate of when this plan will be completed is April, 1993.

Generally, the Department supports Magic Springs' proposal to rehabilitate and create a spawning channel in the Bridal Veil Falls estuary. Salmonid spawning in the middle Snake River is generally limited to spring areas, so the proposal would help to increase the habitat available for this activity. If a water right is approved for this activity, and Magic Springs implements this proposal which includes use of additional water to further expand the hatchery, then this subsequent expansion will also require a modification of the NPDES permit and have to meet the no net increase discharge effluent limitation to receive the Department's approval.

APR 0 8 1993

If you have any questions or comments, please give me a call.

Sincerely,

R. Tim Litke
Regional Administrator

cc: Kevin Beaton, Deputy Attorney General, IDHW-DEQ
Walt Poole, Assistant Administrator, IDHW-DEQ
Doug Conde, Deputy Attorney General, IDHW-DEQ
Fred Partridge, Department of Fish and Game, Jerome
Gary Spackman, Department of Water Resources, Boise
Department of Water Resources, Twin Falls

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IDAHO DEPARTMENT
OF HEALTH AND WELFARE

DIVISION OF
ENVIRONMENTAL QUALITY

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Department of Water Resources

Post Office Box 1626, Twin Falls, ID 83303-1626, (208) 736-2190 Cecil D. Andrus, Governor Richard P. Donovan, Director

November 20, 1992

James E. Parsons
Director of Research
Pisces Investments, Inc.
P. O. Box 701
Twin Falls, Idaho 83303-0701

Re: Magic Springs Trout Farm

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(1) Magic Springs must obtain and comply with the terms of a NPDES permit. Magic Springs must obtain a new water quality certification for a modified NPDES permit incorporating the proposed expansion from the State of Idaho pursuant to § 401 of the Clean Water Act, 33 U.S.C. § 1341;

(2) A valid revised NPDES permit must be issued by EPA and in effect before fish are placed in the facility expansion and it is operated;

(3) Magic Springs must have a valid water right issued by the Idaho Department of Water Resources;

(4) The approval is subject to the understanding that the review and approval of plans and specifications pursuant to Idaho Code § 39-118 is a separate process from the § 401 water quality certification process, and the 39-118 approval does not waive or in any way affect the Department's authority to grant or deny § 401 water quality certification.

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B. NPDES § 401 State Water Quality Certification.

It is the Department's position that Idaho Water Quality Standards and Wastewater Treatment Requirements are presently being violated in the middle Snake River as a result of excessive nutrients being discharged into the river. This problem will be addressed through the development of a Nutrient Management Plan for the middle Snake River Basin (pursuant to the Idaho Nutrient Management Act, Idaho Code § 39-105 (3)(o)), and this plan should fulfill the requirement for the development of a total maximum daily load (or TMDL) for this reach by EPA, pursuant to section 303(d) of the Clean Water Act, 33 U.S.C. § 1313 (d). Prior to completion of this plan, it is generally the Department's position, subject to its review of each individual facility, that in order to provide water quality certification the Department must be satisfied that there will be no net increase in total nutrients discharged from a facility requesting certification. For existing facilities like Magic Springs, the Department will generally compare the existing discharge with the expected discharge from the expanded facility to determine whether there is an increase. Other conditions and factors may be involved depending upon the Department's review of the facility.

The Department's decision regarding § 401 water quality certification for Magic Springs will be based upon the information submitted by Magic Springs when the certification is requested. To date, the Department has not received detailed information on the expansion and formal request for certification. Magic Springs should submit the information requested below with a formal request for § 401 certification. Upon issuance of § 401 certification, EPA has indicated that the Magic Springs' NPDES permit will be modified accordingly.

Magic Springs seeks to expand its existing facility. Therefore, the Department will review the existing discharge and the expected discharge as a result of the expansion to determine if there will be an increase in nutrients discharged. Generally the Department will review at least the following factors and require at least the following conditions be met in connection with § 401 certification:

1. Whether Magic Springs can demonstrate no net increase in total nutrients discharged as measured by comparing the existing discharge nutrient load with the nutrient load contained in the expected effluent discharge from the expanded facility;

APR 08 1993

2. Once the expansion is complete, Magic Springs must continue to demonstrate that it is meeting the no net increase requirement through its monitoring. The Department may also perform its own monitoring;

3. Total suspended solids and settleable solids must meet EPA NPDES requirements of 5 mg/1 and 0.1 ml/1, respectively;

4. Magic Springs will have to comply with any future effluent limitations established through the Nutrient Management Planning process.

5. Magic Springs must keep and maintain all water quality testing records for at least five (5) years. The discharge monitoring reports shall be submitted monthly. All records shall be available to the Department and EPA for review upon reasonable notice;

6. Magic Springs will be required to allow the Department and EPA access for inspections; and

7. A notification process will be required to be in place in case discharge rates are exceeded.

C. Information to be Submitted by Magic Springs for Review in Connection with § 401 Certification.

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The Department has designated segments of the Snake River as water quality limited segments and is in the process of developing a Nutrient Management Plan for the middle Snake River. Once this plan is completed, current NPDES permits may be revised and include new effluent requirements. The Department's best estimate of when this plan will be completed is April, 1993.

Generally, the Department supports Magic Springs' proposal to rehabilitate and create a spawning channel in the Bridal Veil Falls estuary. Salmonid spawning in the middle Snake River is generally limited to spring areas, so the proposal would help to increase the habitat available for this activity. If a water right is approved for this activity, and Magic Springs implements this proposal which includes use of additional water to further expand the hatchery, then this subsequent expansion will also require a modification of the NPDES permit and have to meet the no net increase discharge effluent limitation to receive the Department's approval.

APR 08 1993

If you have any questions or comments, please give me a call.

Sincerely,

R. Tim Litke
Regional Administrator

cc: Kevin Beaton, Deputy Attorney General, IDHW-DEQ
Walt Poole, Assistant Administrator, IDHW-DEQ
Doug Conde, Deputy Attorney General, IDHW-DEQ
Fred Partridge, Department of Fish and Game, Jerome
Gary Spackman, Department of Water Resources, Boise
Department of Water Resources, Twin Falls

APR 08 1993

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

October 24, 1991

PISCES INVESTMENTS INC
C/O J EVAN ROBERTSON
VICE PRESIDENT
BOX 701
TWIN FALLS ID 83303

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08356

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.

As a permit owner you must commence project construction within one year of the date of submittal of the plan approved by DEQ and you must proceed diligently until project completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:blm

Enclosure

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NOV 15 1991

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

February 21, 1991

Steve Goddard
Attorney at Law
Idaho Dept. of Fish and Game
Statehouse Mail
Boise, ID 83720

RE: Application to Appropriate Water No. 36-08356 in the Name of Pisces Investment, Inc.

Dear Mr. Goddard:

Please find enclosed a copy of the Final Memorandum Decision and Order on the above referenced permit.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within twenty (20) days, or may appeal directly to the district court within thirty (30) days of service of this decision. Department rules state that service is complete upon mailing of the document.

Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

NOV 15 1991

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

February 21, 1991

S.G. Carleton
Hagerman Valley Citizen's Alert
P.O. Box 32
Hagerman, ID 83332

RE: Application to Appropriate Water No. 36-08356 in the Name of Pisces Investment, Inc.

Dear Mr. Carleton:

Please find enclosed a copy of the Final Memorandum Decision and Order on the above referenced permit.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within twenty (20) days, or may appeal directly to the district court within thirty (30) days of service of this decision. Department rules state that service is complete upon mailing of the document.

Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

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State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

February 21, 1991

Steve Tolman
Attorney at Law
P.O. Box 1906
Twin Falls, ID 83301

RE: Application to Appropriate Water No. 36-08356 in the Name of Pisces Investment, Inc.

Dear Mr. Tolman:

Please find enclosed a copy of the Final Memorandum Decision and Order on the above referenced permit.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within twenty (20) days, or may appeal directly to the district court within thirty (30) days of service of this decision. Department rules state that service is complete upon mailing of the document.

Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

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Department of Water Resources

LARRY ECHOHAWK
ATTORNEY GENERAL

Stephen V. Goddard
Susan Mattos
Deputy Attorneys General

BEFORE THE DIRECTOR OF THE
IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR PERMIT OF APPROPRIATE WATER NO: 36-08356 IN THE NAME OF PISCES INVESTMENTS, INC.	FISH AND GAME'S RESPONSE TO APPLICANT'S EXCEPTIONS AND MEMORANDUM

INTRODUCTION

On October 17, 1990, a rehearing was held on the above-referenced application. On December 21, 1990, the Idaho Department of Water Resources (hereinafter Water Resources) issued a proposed Memorandum Decision and Order. Applicant, Pisces Investments, Inc. (hereinafter "Pisces") mailed their exceptions and a brief on January 4, 1991. This is written in response to the Pisces' pleading.

RESPONSE TO PISCES' EXCEPTIONS TO FINDINGS OF FACT

Pisces exception that the evidence does not support the finding that the Magic Springs channel, Bridal Veil Falls Estuary, (hereinafter "Estuary") does not provide spawning habitat for fish and does not provide the quality of fishing that is once provided is not well taken.

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The record is replete with testimony to support these findings. Ms. Nancy Ritter and Mr. Robert Johnson testified to the condition of the Estuary prior to any development in regard to water quality for spawning habitat and quality of fishing and compared it favorably to the adjacent Minnie Miller Springs. They also testified to the Estuary's decline due to hatchery operations specifically the drastic reduction of spawning habitat and quality of fishing. Testimony was presented as to the build-up of hatchery effluent which had covered all the spawning gravel except in the immediate area of the lower hatchery outfalls. Mr. Charles Corsi's testimony was unrebutted that there is not an adequate flow for fish spawning at the head of the Estuary. Mr. Corsi also provided expert testimony on the prior condition of the Estuary and compared it to its present condition and to Minnie Miller Springs. He testified that the Estuary's spawning habitat and quality of fishing had been seriously degraded. He further testified that the water quality had declined in terms of trout and sculpin spawning and would be unsuitable for the majority of anglers. This expert testimony was not rebutted by Pisces. Mr. Corsi also testified that the application, if approved, would cause further degradation in the Estuary.

Pisces' exception to Finding of Fact No. 31 is not well taken because Findings of Fact 13 and 14 clearly designate that the uses for the Estuary are cold water biota, salmonid spawning, and primary and secondary contact recr[illegible]

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RESPONSE TO PISCES' EXCEPTIONS TO CONCLUSIONS OF LAW

Pisces is incorrect in its contention that the record does not support Conclusion of Law 16 that the Estuary's condition is unacceptable for several designated uses. As indicated above, there was testimony that the Estuary's suitability for trout and sculpin spawning habitat and for fishing had declined. In addition, Ms. Elasick and other witnesses testified that the Estuary was unsuitable for swimming, wading, navigation, and that its esthetic beauty had been seriously affected. Pisces own witness, Mary Lucachick, testified that there were several feet of fish effluent covering spawning gravels, a bad odor, a minimal amount of water flowing in at the head of the Estuary and that the Estuary was unusable for swimming, wading, or public enjoyment. Pisces' contention that the record does not designate the uses which are being affected by Pisces is not correct. As pointed out earlier, the designated uses to which water quality standards apply are referenced in Findings 13 and 14, see also Findings of Fact 26-28.

Pisces takes exception to Conclusion of Law No. 24 that the water quality conditions in the Estuary and Snake River are deplorable. In addition to the testimony referred to above, several other witnesses testified not only to the tremendous decline in the trout habitat and fishery in the

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Snake River, but also to the negative impact this deterioration had on their businesses. The burden of proof is on Pisces to show that their project will be in the local public interest and that the project will satisfy Estuary water quality standards. (Final Memorandum Decision and Order, dated May 17, 1990 at 5 and 18.) Pisces forgot where the burden of proof lay in regard to meeting water quality standards. Pisces admitted, at the hearing, they had done nothing to determine whether they project could meet state water quality standards. Instead they argue that the application should be approved because protestants did not do any studies. The logic of this position is certainly difficult to understand.

Fish and Game provided unrebutted testimony that the project would deteriorate the water quality in the Estuary for fish spawning and fishing. Even Pisces own witness, Mr. Mike McMasters, testified the project could create water quality problems in the Estuary. He based his testimony on his experience, especially with the problem created by hatchery effluent at Crystal Lake. Mr. McMasters testified that the Crystal Lake and Estuary situations were very similar in terms of hatchery size, effluent deposition and size and type of receiving waters; i.e., both being spring fed. Mr. McMasters testified water quality could only qualify for the protected uses designated for the Snake River by removal of

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the existing sediments in Crystal Lake, and concluded that similar action would be necessary for the Estuary. Clearly, there was unrebutted expert testimony that the project would negatively impact water quality not only for trout and sculpin spawning, trout fishing but also for other desirable uses.

The court in Ritter v. Standel, 98 Idaho 446, 450 (1977), held that construction of a fish farm in the Estuary was a nuisance because it obstructed free passage of a navigable estuary. In the present proceeding, the testimony shows that Pisces' operation has impeded navigation in the Estuary and that increased deposition would further impede navigation. Thus, the project would create a nuisance (see Section 52-101, Idaho Code). In Shokal v. Dunn, 109 Idaho 330 (1985), the court affirmed the District Court's holding that the law will not allow a creek to become a nuisance or a health hazard and that a permit cannot issue which would allow construction of a project contrary to the Board of Health (at 340). The court also held Water Resources is precluded from issuing a permit for a project which, when completed, would violate water quality standards (Id. at 341).

Pisces is also incorrect in challenging Conclusion of Law 25. Water Resources clearly has the authority to place conditions on all permits to appropriate water. In addition, the conditions are not arbitrary and nonexistent. The conditions that must be met are clear and capable of

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enforcement. There is no arbitrary or discriminatory enforcement. If Pisces does not meet the conditions, the permit will not issue. This is discussed in greater detail below.

RESPONSE TO EXCEPTIONS TO THE ORDER

1. Water Resource has the Statutory Authority to Condition Applications for the Use of Water.

Pisces' reliance on the language contained in Sections 42-108 and 42-228, Idaho Code is misplaced. These statutes concern changes in point of diversion, place of use, period of use, or nature of use. Pisces' application is an expansion of an existing and, therefore, a new application.

Therefore, the controlling statute is Section 42-203A, Idaho Code. This statutory procedure was followed at the first hearing. (Final Memorandum Decision and Order at 11.) In addition, at the rehearing, the hearing officer specified this is the operative statute and went through the items on which proof must be made. This included the new standard on the conservation of water resources. Pisces failed to object at that time. The hearing was then conducted pursuant to Section 42-203A(5), Idaho Code; and Pisces with no objection to the procedure introduced evidence on the six items on which specific findings must be made.

The statute provides that in all cases where the proposed use is such* * *

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> (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions. (Emphasis added.)

The statutory language gives the Director clear authority to place conditions on a permit. In fact, if a permit is not denied outright, conditions should always be imposed where an applicant has failed to meet its burden of proof, such as Pisces has done. Clearly, the permit should be denied. However, Water Resources is giving Pisces yet a third opportunity to meet their burden of showing the project will meet state water quality standards.

In Shokal, supra at 339, in considering Section 42-203A, Idaho Code, the Court said:

> The determination of what elements of the public interest are impacted, and what the public interest requires, is committed to Water Resources' sound discretion. (Citation omitted.)

The court went on to say "[t]he effect of the proposed project on water quality should be considered" (Id.).

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In Matter of Permit No. 47-7680, 114 Idaho 600 (1988), Water Resources placed nine conditions on a permit to appropriate water. This included condition seven (7) which read "Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards." (Id. at 606.) The Idaho Supreme Court in upholding the Director's action stated:

> Each of these conditions are within the authority granted the department by the legislature. When the legislature enacted I.C. [Section] 42-203A(5)[5] it clearly vested, in the director of the Department of Water Resources, considerable authority and discretion to determine and protect the "local public interest" when issuing or rejecting water permits. I.C. [Section] 42-203A(5) specifically gives the director authority to "grant a permit upon conditions."

Thus, it is clear the Director can require a project to meet state water quality standards.

2. The Conditions Establish Clear Guidelines Which Prevent Arbitrary and Discriminatory Enforcement

The language in the conditions clearly specifies what Pisces must do in regard to compliance with state water quality standards. Pisces must submit a plan of construction and operation to Water Resources prior to construction. This plan must be sanctioned and approved by the Division of Environmental Quality (DEQ). The DEQ must state the plan will satisfy state water quality standards.

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Pisces' challenge appears to be to the rules and regulations promulgated by the Idaho Department of Health and Welfare's DEQ, which establish state water quality standards. Pisces' contends that the rules and regulations are "nonexistent" or "undefinable" by the DEQ. In point of fact, regulations are in effect and have been in effect for some time. Mr. McMasters testified that the Snake River standards would apply to the springs and related outflow. The specific water quality standards are cited in the proposed memorandum opinion. These standards provide clear guidelines to Pisces. If Pisces has any problem with an interpretation of the standards, this problem can be discussed with DEQ during formulation of the plan.

It is difficult to understand Pisces concern over what constitutes the channel, since Pisces was present for the two-day hearing and provided maps and other testimony on the channel. Also, Pisces has been discharging into the channel for years. Pisces questions the condition in regard to what cleanup is required, at what expense, and over what period of time. These are facts that can be worked out in the agreed upon plan with Health and Welfare. It is not Water Resources' obligation to, nor can it, usurp the jurisdiction of Health and Welfare. However, Water Resources cannot approve a permit that will violate state water quality standards. The evidence produced at the hearing indicated that the project's operation

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would violate state standards. Pisces failed to produced evidence to the contrary. Therefore, Water Resources cannot approve a permit without the conditions to which Pisces objects. Therefore, the Department of Water Resources should issue a final opinion consistent with its proposed opinion in all respects.

DATED this 23rd of January 1991.

Stephen V. Goddard
Deputy Attorney General

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CERTIFICATE OF SERVICE

I, Corinne Barlow, hereby certify that a copy of FISH AND GAME RESPONSE TO APPLICANT'S EXCEPTIONS AND MEMORANDUM in the above-referenced matter was mailed postage prepaid on January 23, 1991.

Stephen K. Tolman
Nelson, Rosholt, Robertson, Tolman & Tucker
Attorneys at Law
142 3rd Avenue North
P.O. Box 1906
Twin Falls, ID 83303-1906

S.G. Carleton
President
Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, ID 83332

Corinne Barlow
Secretary/Records Manager

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Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, Idaho 83332

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Department of Water Resources

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

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER NO. 36-08356 IN THE NAME OF PISCES INVESTMENTS, INC.	PROTESTANT'S RESPONSE TO APPLICANT'S EXCEPTIONS TO PROPOSED MEMORANDUM DECISION

Protestant Hagerman Valley Citizens' Alert, Inc. (hereafter referred to as "Protestant") by and through its President, S.G. Carleton, files the following Response to Applicant's Exceptions to Proposed Memorandum Decision.

The beneficial uses of the Magic Springs channel (also known as the Bridal Veil Falls estuary) prior to construction of a fish hatchery at the site were clearly established in Ritter v. Standal. Those uses are affirmed in the Idaho Water Quality Standards. Witnesses Corsi, Elasick, Johnson, Lucachick, Ritter, Schultz and Wilson gave sworn testimony regarding the degraded condition of the water under discussion insofar as fish spawning ground, recreational fishing, boating, wading and swimming **under existing conditions** are concerned. Common logic dictates that more nutrients will result from additional fish rearing.

The fact of the matter is that Applicant purchased this fish hatchery with the full knowledge that certain "warts" went with it, i.e. Ritter v. Standal. Since acquiring and operating the facility, Applicant's record of compliance has been dismal, at best. Under the circumstances of history, sworn testimony, and just plain common sense, the Order as issued is more than justified.

We hope Applicant will clean up the present mess and then operate in such a manner as to keep the waters suitable for both primary and secondary contact recreation as defined by Idaho Water Quality Standards.

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DATED this 14th day of January, 1991.

S.G. Carleton, President
Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, ID 83332

CERTIFICATE OF MAILING

I hereby certify that on this 14th day of January, 1991, I mailed a true and correct copy of PROTESTANT'S RESPONSE TO APPLICANT'S EXCEPTIONS TO PROPOSED MEMORANDUM DECISION, postage prepaid, to the following individuals:

Gary Spackman, Manager
Water Right Permits Section
Department of Water Resources
Statehouse Mail
Boise, ID 83720

Steve Goddard
Attorney at Law
Department of Fish & Game
Statehouse Mail
Boise, ID 83720

Steve Tolman
Attorney at Law
POB 1906
Twin Falls, ID 83301

S/ G. Carleton, President
Hagerman Valley Citizens' Alert, Inc.
POB 32
Hagerman, ID 83332

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Department of Water Resources

BEFORE THE DIRECTOR OF THE

DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

* * * * * * * * * * *

IN RE:

Application for Permit to appropriate water No. 36-08356 in the name of Pisces Investments, Inc.

APPLICANT'S BRIEF AND EXCEPTIONS TO PROPOSED MEMORANDUM DECISION

* * * * * * * * * * *

The applicant in the above-named action, Pisces Investments, Inc., in response to the order issuing the proposed Memorandum Decision dated December 21, 1990, executed by Gary Spackman, Hearing Officer, Department of Water Resources, hereby files the following exceptions to said proposed memorandum decision.

1. **Exceptions to Finding of Fact.**

(a) Finding of Fact No. 28 in the proposed memorandum decision inaccurately states that the Magic Springs Channel does not provide spawning habitat for fish. It also inaccurately states that the Magic Springs Channel does not provide the quality of fishing that it once provided. Exception is taken to [illegible] finding of fact as there were no documented studies [illegible] any area

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dealing with the habitat of fish or the quality of fishing. The record, through the testimony of those who testified, does not support this finding of fact.

(b) Finding of Fact No. 31 does not specifically state what beneficial uses designated by DEQ will not be suitable for Magic Springs Channel.

2. Exceptions to Conclusions of Law.

(a) Conclusion of law No. 16 finds that the protestants established that the present condition of Magic Springs Channel is not only unacceptable for some designated uses, but is deplorable. The record does not support this conclusion and does not designate which designated uses are specifically being referred to as being unacceptable in the Magic Springs Channel. Additionally, there were no definitive or analytical studies to support this conclusion.

(b) Conclusion of law No. 24 states that the protestants established that the water quality conditions in the Magic Springs Channel and the Snake River are deplorable. There is no evidence in the record to support this finding. Specifically, Mike McMasters testified that there have been no studies on the water quality of the Snake River and that is one of the problems DEQ has been confronted with [illegible]. There are no

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definitive studies or analyses of water quality in either the Magic Springs Channel or the Snake River which are part of this record.

(c) Conclusion of law No. 25 sets forth the approach to the conditional issuance of the application sought by Pisces Investment. Exception is taken to establishing conditions for this application. Additionally, exception is taken to the nature of those conditions being sought as being arbitrary and nonexistent so as to make it impossible for the applicant to have fair notice and warning as to what those actual conditions may be. This also leads to the arbitrary and discriminating enforcement of such conditions.

3. Exception to Order.

Applicant hereby takes exception to the proposed Order as it attempts to qualify the issuance of the application upon certain conditions. Exception is taken to this Order on the basis that the Department of Water Resources lacks the statutory authority to condition an application for reuse of water; exception is also taken that the standards or conditions to be imposed on the conduct or operations of Pisces Investment do not provide "fair notice or warning" so as to establish clear guidelines to prevent "arbitrary and discriminating enforcement." Further exception is taken to this proposed Order as it attempts to establish conditions for the issuance of the application upon water quality standards that are nonexistent.

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Overall exception is taken to the findings of fact and conclusions of law and proposed Order to the extent that they fail to look solely to the impact of the proposed reuse project, as opposed to the impact of the already existing operation. It seems clear that it has been difficult for the protestants and the Department to separate out specifically the impacts addressed by the proposed reuse from the existing operation and preexisting conditions.

DATED this 4th day of January, 1991.

ROSHOLT, ROBERTSON,
TOLMAN & TUCKER

By: _____
STEVEN K. TOLMAN

MEMORANDUM IN SUPPORT OF EXCEPTIONS

I.

THE DEPARTMENT OF WATER RESOURCES DOES NOT HAVE THE STATUTORY AUTHORITY TO CONDITION THE "REUSE" OF WATER FOR WHICH A PERMIT HAS BEEN PREVIOUSLY GRANTED.

Idaho Code §§ 42-108, 42-203A and 42-222 delineate the authority granted by the Idaho Legislature to the Department of Water Resources (Department).

These statutes grant the Department broad authority to impose conditions on the use of water being appropriated, as well as, when granting an application to change: (1) the point of diversion, (2) the place of use, (3) the period of use, and (4) the nature of use. See, Matter of Permit No. 37-7680, 114 Idaho 600, 759 P.2d 891 (1988); and Shokal v. Dunn, 109 Idaho 330, 707 P.2d 441 (1985). However, the legislature has not

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granted the Department statutory authority to impose conditions upon the "re-use" of water previously appropriated absent a change in point of diversion, place of use, period of use, or nature of use.

In Beker Industries, Inc. v. Georgetown Irr. Dist, 101 Idaho 187, 191, 610 P.2d 546, (1980), the Idaho Supreme Court stated "[a]n administrative agency like the DOWR [Department of Water Resources] has only such powers as the statute or ordinance confers." (Citations omitted.) Beker considered the statutory authority vested in the Department by the legislature prior to the 1981 amendment to Idaho Code §§ 42-108 and 42-222. Specifically, the court affirmed the decision by the Department that the Department did not possess the authority to approve an application for a requested change in the nature of use of water. The court stated:

> These sections [Idaho Code §§ 42-108 and 42-222] speak to power to grant changes in place of use and point of diversion, but not the nature of use. There is no specific language allowing the director of DOWR to approve change in nature of use.

101 Idaho at 191. Following the Beker decision, the Idaho legislature amended the two sections granting the Department statutory authority to consider a change in nature of use and period of use.

The Department does not possess the statutory authority to impose conditions upon the "re-use" of water previously appropriated. The Department, pursuant to Idaho Code §§ 42-108 and 42-222, along with Idaho Code § 42-202, possesses the broad statutory authority to impose conditions

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only upon the use of water when granting a permit to appropriate unappropriated water, or changing the point of diversion, place of use, period of use, and nature of use of appropriated water.

Of the four delineated changes; point of diversion, place of use, period of use, and nature of use; only nature of use could potentially apply in the instant matter. "Re-use" of water does not fall within the designation of a change in nature of use. Change in nature of use connotes a change from one type of use to another type of use; for example, a change from agricultural to manufacturing, manufacturing to mining, domestic to agriculture are a change in nature of use. See, Beker Industries, Inc. v. Georgetown Irr. Dist., supra, (change in nature of use as a change from agricultural purposes to manufacturing purposes). The nature of the use could only apply to "re-use" if the "re-use" differed from the previous use; for example, using the appropriated water for fish propagation then recapturing the water and applying it to land for irrigation purposes. However, using the water for fish propagation, then recapturing it and using it for further fish propagation does not constitute a change in nature of use. The nature of the use remains constant, fish propagation. Therefore, the Department does not have the statutory authority to impose conditions upon the "re-use" of water. The Idaho legislature specifically delineated the power of the Department. Imposing conditions upon the re-use of water is not within those specifically delineated powers granted to the Department.

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II.

STANDARDS IMPOSED ON CONDUCT OR OPERATIONS MUST PROVIDE "FAIR NOTICE OR WARNING" TO ESTABLISH CLEAR GUIDELINES TO PREVENT "ARBITRARY AND DISCRIMINATING ENFORCEMENT."

In Tuma v. Board of Nursing, 100 Idaho 74, 593 P.2d 711 (1979), the Idaho Supreme Court unanimously set precedent in Idaho addressing the "void-for-vagueness doctrine." The court stated:

> It is important to note also that the void-for-vagueness doctrine is two pronged. Not only are those whose activities are proscribed entitled to definite standards by which they may be guided, **but it is equally important that the standards are there to guide those officers or agencies required to pass judgment on licensees called to account for their conduct.**

100 Idaho at 80. The Due Process Clause embodies "void-for-vagueness doctrine." In Tuma, supra, the court summarized the void-for-vagueness concept quoting from its earlier case State v. Lopez, 98 Idaho 581, 590, 570 P.2d 259 (1977). The court stated:

> The concept of void-for-vagueness arose form a common law practice of refusing to enforce legislation deemed too indefinite to be applied. (Citation omitted.) It has evolved to a protection generally regarded as embodied in a Due Process Clause and prohibits holding a person "criminally responsible for conduct which he could not reasonably understand to be proscribed." (Citation omitted.) In addition to this "fair notice or warning" the doctrine is said to require reasonably [illegible] guidelines to prevent "arb[illegible] and discriminating enforcement" and to prescribe a [illegible] standard for the adjudication [illegible]

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> guilt. (Citations omitted.) The principle consistently followed is that "a statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law."(Citations omitted.) The principle of void-for-vagueness is equally applicable to statutes prescribing a standard of conduct which, though not subject to criminal sanctions for violations thereof, is subject to regulation by an administrative board or agency.

100 Idaho at 79.

Furthermore, in H & V Engineering v. Bd. of Pro. Engineers, 113 Idaho 646, 747 P.2d 55 (1988), the Idaho Supreme Court, affirming the Tuma decision, held the standard must be sufficient to provide notice and warning, but also must be definite for purposes of judicial review. The court stated:

> Without clearly articulated standards as a backdrop against which the court can review discipline, the judicial function is reduced to serving as a rubberstamp for the Board's action. "Such a procedure would be an intolerable state of affairs, and not in compliance with requirements of due process." (Citation omitted.)

113 Idaho at 650.

Therefore, rules and regulations imposed upon conduct must be clear and definite to provide fair notice or warning, and must provide clear guidelines to prevent arbitrary and discriminating enforcement. Whether the standards are imposed either by statute, or rules and regulations of an administrative agency, they must be reasonably clear and definite to pass a constitutional due process test.

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Under the currently proposed Order the applicant, Pisces Investment, Inc., even though the holder of a valid NPDES Permit, is now being required to meet certain water quality standards that are nonexistent or undefinable by the Division of Environmental Quality. The problem that exists is that the Division of Environmental Quality has yet to complete a study of the Snake River or its channels and tributaries. Thus, there are no set standards for what appears to be the primary areas of concern.

As a condition of approval for this application, the applicant must submit a plan whereby they and DEQ guarantee compliance with Idaho water quality standards. There is no question that Pisces will have to comply with whatever water standards are in existence, but when no standards are in existence, it makes this compliance very difficult. It also seems to be arbitrary and capricious to set forth and establish any standards when there is no analytical basis to support those standards.

Also, the imposed condition of "including cleanup of the Magic Springs Channel" fails to delineate what actually constitutes the channel, what cleanup is actually required, at what expense and over what period of time. Again, there are no set standards or guidelines but yet a granting of "cart blanche" authority to DEQ to require whatever they want before Pisces Investment can proceed forward with their project. This lack of ability to be definitive of what is necessary or needed

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is clearly unfair and prejudicial to Pisces Investment and lends itself to "arbitrary and discriminating enforcement." This should not be allowed.

DATED this 4th day of January, 1991.

ROSHOLT, ROBERTSON,
TOLMAN & TUCKER

By: _____
STEVEN K. TOLMAN

CERTIFICATE OF MAILING

I hereby certify that on this 4th day of January, 1991, I served a copy of the foregoing APPLICANT'S BRIEF AND EXCEPTIONS TO PROPOSED MEMORANDUM DECISION, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83702

Hagerman Valley Citizens Alert
Box 31
Hagerman, Idaho 8332

Mr. Steve Goddard
Attorney at Law
Idaho Department of Fish and Game
Statehouse Mail
Boise, Idaho 83720

_____
STEVEN K. TOLMAN

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Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, Idaho 83332

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

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER NO. 36-08356 IN THE NAME OF PISCES INVESTMENTS, INC.	PROTESTANT'S RESPONSE TO PROPOSED MEMORANDUM DECISION AND ORDER ON REHEARING

Protestant Hagerman Valley Citizens' Alert, Inc. (hereafter referred to as "Protestant") by and through its President, S.G. Carleton, files the following Response to Proposed Memorandum Decision and Order.

This is a Response because there is nothing in the Proposed Memorandum Decision and Order to which Protestant takes exception. However, we wish to express our concern that the springs and channel identified as "Magic Springs" on the first page of the Memorandum Decision (and several times thereafter) might confuse an already complicated situation. While it is correct that the fish facility in question is called "Magic Springs", the source of water for application no. 36-08356 is known as Bridal Veil Falls. The estuary to Bridal Veil Falls receives the discharge from the Magic Springs facility. Since there is a lengthy history in the Idaho Department of Water Resources, the Fifth District Court of Idaho and the Supreme Court of Idaho regarding Bridal Veil Falls and its estuary, Protestant simply questions whether the Bridal Veil Falls nomenclature should not be retained in this instance.

DATED this 13th day of January, 1991.

S.G. Carleton, President
Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, ID 83332

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Department of Water Resources

CERTIFICATE OF MAILING

I hereby certify that on this 3 th day of January, 1991, I mailed a true and correct copy of PROTESTANT'S RESPONSE TO PROPOSED MEMORANDUM DECISION AND ORDER ON REHEARING, postage prepaid, to the following individuals:

Gary Spackman, Manager
Water Right Permits Section
Department of Water Resources
Statehouse Mail
Boise, ID 83720

Steve Goddard
Attorney at Law
Department of Fish & Game
Statehouse Mail
Boise, ID 83720

Steve Tolman
Attorney at Law
POB 1906
Twin Falls, ID 83301

S.G. Carleton, President
Hagerman Valley Citizens' Alert, Inc.
POB 32
Hagerman, ID 83332

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BEFORE THE DIRECTOR OF THE DEPARTMENT

OF WATER RESOURCES OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION TO APPROPRIATE WATER NO. 36-08356 IN THE NAME OF PISCES INVESTMENTS, INC.

ORDER ISSUING PROPOSED MEMORANDUM DECISION

R. Keith Higginson, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by this appointee, Gary Spackman, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposed decision pursuant to Idaho Code, Sec. 67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Sec. 42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

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III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Sec. 42-1701A. If oral agruments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 21st day of December, 19 90.

R. KEITH HIGGINSON
Director

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BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION TO APPROPRIATE WATER NO. 36-08356 IN THE NAME OF PISCES INVESTMENTS, INC.	PROPOSED MEMORANDUM DECISION AND ORDER ON REHEARING

This matter having come before the Department of Water Resources (Department) on rehearing, the hearing officer, as a representative of the Director, finds, concludes and order as follows:

FINDINGS OF FACT

1. Pisces Investments, Inc. (Pisces) filed application to appropriate water no. 36-08356 with the Department on May 9, 1988. The application proposes year-round reuse of 45.0 cfs which is already used in its fish rearing facilities. The application identifies the source of water as springs, and locates the springs in Government Lot 1 (SE1/4NW1/4NW1/4), Section 8, T8S, R14E, B.M., Gooding County. The springs will hereafter be referred to as Magic Springs.

2. The application was properly advertised on August 4 and 11, 1988 and was protested by the Hagerman Valley Citizen's Alert (Hagerman).

3. A hearing was conducted on October 19, 1989. The Department subsequently denied the application, but granted a rehearing to the applicant. The rehearing was scheduled for October 17, 1990.

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5. The Idaho Department of Fish and Game (Fish & Game) petitioned the Department for intervention and the Department granted the petition.

6. One day prior to the hearing, Fish & Game moved for a continuance, arguing that it had received a settlement offer from the applicant, and did not have time to review it with the attorney general and other interested state agencies. Pisces opposed the motion for continuance, and withdrew its offer of settlement.

7. The Department of Water Resources, by telephone conference, verbally denied the motion for continuance. The motion for continuance was denied because (1) the offer of settlement had been withdrawn by Pisces, and (2) Fish & Game, as a tardy intervenor, was not entitled to delay the hearing without some showing of surprise, extreme prejudice, or newly discovered evidence. This Proposed Memorandum Decision confirms the telephonic ruling by the hearing officer.

8. Pisces timely filed information required by Rule 4,5,3. of the Water Appropriation Rules and Regulations. Information submitted and considered as part of the record included:

a. Plan view diagrams of the existing fish rearing facilities and location of the proposed raceways.

b. Plans and specifications for construction of the facility and construction cost estimates.

c. Letters of comment from Gooding County and the Department of Health and Welfare, Division of Environmental

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Quality (DEQ). Letters of comment were also sought from Fish & Game, Idaho Department of Parks and Recreation and the Environmental Protection Agency.

d. Letters from lending institutions confirming that Pisces Investments has sufficient funds to construct the proposed additional raceways.

e. A copy of an application for NPDES permit for Pisces existing fish propagation facilities at Magic Springs.

f. NPDES discharge monitoring reports.

g. Other information related to the local public interest.

9. New raceways will be used for small trout rearing. The proposed new raceways will employ best current technology with quiescent zones and stand pipe discharge of solids to settling ponds. Overflow water not drained to the settling ponds will be reused and resettled at the end of other raceways within the facility, and then will be discharged to the Magic Springs channel through existing outfall pipes.

10. Pisces submitted a copy of the NPDES permit which governs quality of discharge from the existing fish rearing facility. Pisces must comply with conditions of the NPDES permit, regardless of whether it constructs the proposed raceways, or continues its present operation without construction.

11. The NPDES permit currently only requires monitoring of and compliance with settleable and suspended solids standards. The permit requires nutrient monitoring beginning in May, 1991,

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or as an alternative, requires a study of nutrient loading of the Snake River by the entire aquaculture industry, which may be substituted for individual monitoring. No standards for nutrient discharge are established by the NPDES permit, however.

12. DEQ has promulgated rules and regulations which establish standards of water quality, and which are designed to protect preferred uses of the various waters of the state. These rules are the Idaho Department of Health and Welfare Rules and Regulations, Title 1, Chapter 2, "Water Quality Standards and Wastewater Treatment Requirements." The rules and regulations will be referred to hereafter as "Water Quality Standards."

13. Rule 01.2150, 01. ii. of the Water Quality Standards designates uses of water that will be protected in the reach of the Snake River beginning at Buhl and extending downstream to King Hill. Uses to be protected include cold water biota, salmonid spawning, primary contact recreation and secondary contact recreation.

14. Springs and related outflow channels have not been classified by the Water Quality Standards. Mike McMasters of DEQ testified that the Snake River standards would apply to the springs and related outflow channels.

15. Rule 01.2101, states, however, that unspecified waters "are designated as primary contact recreational waters, unless the physical characteristics of a water body prevent primary contact recreation. In those cases, the water body is designated a secondary contact recreational water."

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16. Rule 01.2100 defines various water uses. In particular, primary contact recreation is defined as swimming, water skiing or skin diving. Secondary contact recreation includes fishing, boating and wading.

17. The Environmental Protection Agency (EPA) issues NPDES permits. DEQ assists in establishment of the standards and conditions for the NPDES permit.

18. It is possible for an NPDES permit holder to satisfy the requirements of its NPDES permit, but cause the receiving waters to become unsuitable for the DEQ classified uses. DEQ is beginning to study water quality in the Snake River, but has not implemented a plan for protection of the values for the Snake River.

19. Mike McMasters of DEQ testified that additional suspended solids would be generated by the proposed fingerling raceways, but the effluent from the new raceways, if properly treated by the current waste removal system, would cause only a negligible increase in the suspended solids being discharged to the receiving water.

20. Pisces can satisfy NPDES standards if the fingerling raceways are constructed.

21. A letter written by Mike McMasters to Loren Holmes of the Department of Water Resources in September, 1988, stated that he did not anticipate any water quality problems. The only concern expressed was that the system design and operation comply with EPA's NPDES permit effluent requirements.

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22. At the hearing, Mr. McMasters testified that the construction of the proposed fingerling raceways would increase the soluble nutrient discharge from the hatchery.

23. Soluble nutrients encourage aquatic plant growth which sustain cold water invertebrates, a primary food source for fish. The aquatic plants may deplete the dissolved oxygen in the water at night as they respire.

24. No studies have been performed to determine whether dissolved oxygen levels in the Magic Springs channel are sufficient to support trout.

25. The surface of the Snake River in the area of Magic Springs is infested with aquatic growth during the summer months.

26. Boating in the Magic Springs channel is difficult during the late summer months because of profuse aquatic growth that clogs the surface of the water.

27. The public swims and wades in some of the undeveloped spring waters along the Snake River such as Blue Heart Springs and Minnie Miller Springs. The Magic Springs channel is presently not a desirable place to swim or wade.

28. The Magic Springs channel does not provide spawning habitat for fish. It also does not provide the quality of fishing it once provided.

29. The Magic Springs channel is an excellent place to hunt waterfowl. There are numerous wildlife species that inhabit the Magic Springs area.

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30. Pre-existing sediments discharged to the channel, solids presently being discharged and nutrients being discharged all contribute to the degraded condition of the Magic Springs channel. Mike McMasters compared the Magic Springs channel with Crystal Lake, for which DEQ recently completed a study, and which has similar sedimentation problems. Studies of Crystal Lake show that water quality in Crystal Lake would not improve even if all effluent from the discharge hatchery was routed elsewhere. Existing solids in Crystal Lake would continue to contribute to water quality problems. Mr. McMasters stated that the water quality could only qualify for the protected uses designated for the Snake River by removal of the existing sediments in Crystal Lake, and concluded that similar action would be necessary for the Magic Springs channel.

31. Regardless of whether the proposed fingerling raceways are constructed, water in the Magic Springs channel will not be suitable for some of the beneficial uses designated by DEQ.

32. No other water rights, except rights owned by Pisces, identify the springs proposed for reuse by Pisces as their source, and the only effluent discharged to the Magic Springs channel is from the Pisces facility.

33. The application does not seek to divert any more water than is presently being used. Pisces has an existing fish facility in place, and is attempting to make additional use of its water.

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34. Pisces efficiently delivers water to its ponds, and, for the most part, the use is non-consumptive. The proposed reuse of water will result in greater production without an increase in total water diverted.

CONCLUSIONS OF LAW

1. Idaho Code § 42-203A(5) states in part as follows:

> The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purposes for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant does not have sufficient financial resources with which to complete the work involved therein or (e) that it will conflict with the local public interest where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application, refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. Rule 4,4,2,1. of the Water Appropriation Rules and Regulations states that the applicant shall bear the initial burden of coming forward with evidence of the evaluation of criteria (a) through (d) of Idaho Code § 42-203A.

3. Rule 4,4,2,2. of the Water Appropriation Rules and Regulations states that both the applicant and the protestant have the burden of coming forward with evidence regarding local public interest of which they are each most cognizant.

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4. The local public interest criterion of Idaho Code § 42-203A(5) is defined by Rule 5,1,5. of the Water Appropriation Rules and Regulations to include, but not to be limited to:

> The effect the project will have on the economy of the local area affected by the proposed use as determined by the employment opportunities, both long and short term, revenue changes to various sectors of the economy, short and long term, and the stability of revenue and employment gains;
>
> The effect the project will have on recreation, fish and wildlife resources in the local public area affected by the proposed use;
>
> Compliance with applicable air, water, hazardous substance standards, and compliance with planning and zoning ordinances of local or state government jurisdictions.

5. Rule 4,4,3. of the Water Appropriation Rules and Regulations states that the applicant has the ultimate burden of persuasion for all of the criteria of Section 42-203A, Idaho Code.

6. Rule 4,5,3. lists the detailed information which must be submitted by the applicant for use by the Department in reviewing the application under the first five criteria listed in Idaho Code § 42-203A. Information submittal requirements of Rule 4,5,3,1,1. through 4,5,3,5,1. are incorporated into this decision by reference.

7. Rules and regulations have not been adopted for the interpretation of the sixth criterion, the conservation of water. For purposes of this decision, "conservation of water resources" will be determined by evaluating the efficiency of delivery, and the production of fish per unit of flow.

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8. Pisces' proposal for reuse of water will not reduce the quantity of water under existing water rights.

9. The water supply available for Pisces proposal is water already diverted, and is sufficient for the purpose for which it is sought to be appropriated.

10. Plans, specifications and work conducted by Pisces, as well as the existence of a major fish production facility, prove that the application is made in good faith and is not made for delay or speculative purposes.

11. Pisces has sufficient financial resources with which to complete the work.

12. In Shokal v. Dunn, 707 P.2d 441, 109 Idaho 330 (1985), the Idaho Supreme Court discussed the respective responsibilities of the parties when the local public interest is in question. "A determination of what elements of the public interest are impacted and what the public interest requires is committed to water resources' sound discretion . . .. Those applying for permits and those challenging the application bear the burden of demonstrating which elements of the public interest are impacted and to what degree." Shokal at 339.

13. If there are matters of public interest known to the Department, and certain uses of water have been detrimental to these public interest values, the burden is upon the applicant to show that "the project is either in the local public interest or there are factors that overweigh the local public interest in favor of the project." Shokal at 339.

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14. In this case, the existence of the local public interest in the Magic Springs channel was established. Degradation of the springs and spring channels tributary to the Snake River, to the detriment of public uses is an issue that has been raised before the Department on numerous occasions. The local public has become increasingly vocal about preserving and improving the quality of the springs and spring channels in the Magic Valley. The Department cannot ignore the public interest that has been expressed and the past degradation that has been attributed to fish propagation uses.

15. The applicant established that: (1) The proposal would contribute an insignificant or negligible amount of additional solids to the stream; (2) It could continue to satisfy the requirements of its NPDES permit, and (3) It will be required to monitor effluent nutrients in May of 1991.

16. Concern was expressed at the hearing regarding degradation to the receiving waters, even though the conditions of the NPDES permit can be satisfied. The protestants established that the present condition of the Magic Springs channel is not only unacceptable for some of the designated uses, but is deplorable. The legal issue confronting the Department is whether it should approve a use of water that can satisfy NPDES discharge standards but will contribute an additional nutrients or solids that may incrementally injure the receiving water which is already unsuitable for the designated uses.

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17. Shokal v. Dunn assigns the primary responsibility for establishment of water quality standards. The Shokal court stated:

> We . . . add a word of caution regarding the differing function of Water Resources and the Department of Health and Welfare. Water Resources must oversee the water resources of the state, insuring that those who have permits and licenses to appropriate water use the water in accordance with the conditions of the permits and licenses and the limits of the law. It is not the primary job of Water Resources to protect the health and welfare of Idaho's citizens and visitors - that role is vested in the Department of Health and Welfare, including compliance with the water quality regulations and monitoring effluent discharge in our state's waterways. Nevertheless, although these agencies may have separate functions, Water Resources is precluded from issuing a permit for a water appropriation project which, when completed, would violate the water quality standards of the Department of Health and Welfare. It makes no sense whatsoever for Water Resources to blindly grant permit requests without regard to water quality regulations. Hence Water Resources should condition the issuance of a permit on a showing by the applicant that a proposed facility will meet the mandatory water quality standards. Under this rule, water resources has the authority to withhold a permit application until it receives a proposed design which appears to be in compliance with the water quality standards. Once the conditional permit is granted, Water Resources has continuing jurisdiction over compliance with the conditions of the permit, including suspension or revocation of the permit for proven violations of the permit's conditions regarding water quality.
>
> The Department of Health and Welfare continues to have primary responsibility for policing water quality control in the state, and can exercise in personam jurisdiction over those who violate the states water pollution laws. While it may often be more feasible and more reasonable for Health and Welfare to take remedial steps against one violating the pollution laws either by forcing compliance or shutting down a facility, than to resist an application for permit in the first instance, Health and Welfare certainly has the right to be heard in proceedings before Water Resources.

18. Section 01.2300, 03. of the Water Quality Standard states:

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> Limitations to Point Source Restrictions. So long as a point source discharge or waste water treatment facility is regulated by the terms and conditions of an authorization pursuant to the Idaho Department of Health and Welfare Rules and Regulations Section 01.2301, Board order, decree or compliance schedule a valid discharge permit issued by the U.S. Environmental Protection Agency, or is subject to the provisions of the Idaho Department of Health and Welfare Rules and Regulations Section 01.2400, 02. the discharge or facility will not be subject to additional restrictions or conditions based on Idaho Department of Health and Welfare Rules and Regulations Sections 01.2200, 01. 2300, 01. or 01.2300, 02.a. (emphasis added).

19. Section 01.2300, 01. deals only with those waters designated special resource water. Neither the Magic Springs channel nor the Snake River have been designated as special resources water, and the section would never have been applicable. Section 01.2200 generally prohibits the discharge of harmful material into the streams. It restricts the discharge of solids and nutrients in amounts that may cause "objectionable conditions" or that are "excessive." Section 01,2300, 03. apparently excludes Pisces from these prohibitions.

20. The important reference is to Section 01.2300, 02.a. The entire section will be quoted, including subsection b.

> Discharges Which Result in Water Quality Standards Violation. No pollutant may be discharged from a single source or in combination with pollutants discharged from other sources in concentrations or in a manner that:
>
> a. Will or can be expected to result in violation of water quality standards applicable to receiving water body or downstream waters; or
>
> b. Will injure designated or protected beneficial uses.

21. Pisces has a valid NPDES permit. Section 01.2300, 03. allows holders of a valid NPDES permit to discharge pollutants that "will or can be expected to result in violation of water

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quality standards applicable to receiving water body or downstream waters" but prohibits injury of designated or protected beneficial uses.

22. The standards which Pisces must comply with are not clearly defined. It is clear that Pisces can satisfy the conditions of its NPDES permit, and DEQ's letter of September 12, 1988, implies that compliance with the NPDES permit conditions is satisfactory. An NPDES permit holder's exemption from specific standards for receiving waters, required nutrient studies, and DEQ's participation in the NPDES permitting process also lend support to a conclusion that the NPDES permit process will be used to set standards for protection of the designated uses.

23. The testimony of Mr. McMasters that the proposal may violate Idaho water quality standards for the receiving water, and the prohibition in Section 01.2300,02.b. against injury to designated or protected uses creates uncertainty about what standards are being imposed on the applicant by DEQ that may exceed NPDES standards.

24. For purposes of the hearing, the applicant satisfied its initial burden of proof by establishing that it can comply with its NPDES permit conditions. The protestants established that the water quality conditions in the spring channel and the Snake River are deplorable. Since the Idaho water quality standards by which this application is to be judged are unclear to the Department and difficult if not impossible for the applicant to prove compliance with, the Department cannot deny the application

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on grounds that the applicant did not satisfy its burden of proof.

25. Nevertheless, the applicant must comply with Idaho water quality standards. The Department will approve the application, with a condition that Idaho water quality standards must be satisfied. The Department will also condition the permit to require submittal of a plan, approved by DEQ prior to commencement of construction, that will satisfy all state water quality standards, not just the conditions of an NPDES permit. The plan may be as simple as a confirmation of the earlier letter from DEQ, dated September 12, 1988, clarifying that all water quality standards will be satisfied, or may propose a complicated treatment process. The plan must be sanctioned by DEQ as being capable of complying with Idaho water quality standards. If an acceptable plan is not submitted within two years from the date of final approval, this permit will automatically lapse.

26. If future discharge standards cannot be satisfied, the permit issued pursuant to this application will be subject to cancellation, modification, voiding or rescission.

27. The applicant will efficiently deliver water to its facility and increase production after construction of the proposed facility.

ORDER

IT IS HEREBY ORDERED that application for permit no. 36-08356 is APPROVED subject to the following conditions:

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1. Water discharge into the Magic Springs channel or the Snake River shall satisfy Idaho water quality standards. The Department retains jurisdiction to cancel, modify, void or rescind this permit and subsequent license, if the owner of the fish rearing facility, refuses, fails or cannot comply with specific discharge standards imposed by DEQ, including cleanup of the Magic Springs channel.

2. The applicant must submit a plan of construction and operation, to the Department of Water Resources, sanctioned and approved by the Idaho Department of Health and Welfare, Division of Environmental Quality (DEQ), which will satisfy Idaho water quality standards. The approval by DEQ must specifically state that operation of the facility as proposed in the plan will satisfy state water quality standards. The plan must be submitted to the Department prior to commencement of construction, and within two (2) years of the date of final approval of the permit. If an acceptable plan is not submitted within two years, the permit will lapse.

3. This permit does not authorize development of any more water than the lesser of (1) The flow rate currently licensed for the facility, or (2) The flow rate that has been beneficially used in the facility.

4. Project construction shall commence within one year of the date of submittal of the plan approved by DEQ and shall proceed diligently until completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources

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that delays were due to circumstances over which the permit holder had no control.

5. Use of water under this permit shall be non-consumptive.

6. Use of water under this right is subject to policy set forth in the State of Idaho water plan, including policy no. 5G.

7. Proof of beneficial use shall be submitted on or before December 31, 1995.

IT IS FURTHER ORDERED that, pursuant to prior telephonic argument, Fish & Game's petition for continuance is DENIED.

Dated this 21st day of December, 1990.

Gary Spackman

GARY SPACKMAN, Hearing Officer

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CERTIFICATE OF MAILING

I hereby certify that on this 21st day of December, 1990, I mailed a true and correct copy of the Proposed Memorandum Decision and Order on Rehearing, postage prepaid, to the following individuals:

Steve Goddard
Attorney at Law
Idaho Dept. of Fish & Game
Statehouse Mail
Boise, ID 83720

Steve Tolman
Attorney at Law
P.O. Box 1906
Twin Falls, ID 83301

S.G. Carleton
Hagerman Valley Citizen's Alert
P.O. Box 32
Hagerman, ID 83332

Jennifer Seifert

JENNIFER SEIFERT
Clerical Assistant

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER NO. 36-08356 IN THE NAME OF PISCES INVESTMENTS, INC.	ORDER GRANTING PETITION TO INTERVENE

The Idaho Department of Fish and Game (Fish & Game), filed a petition to intervene in the above entitled matter. The Department finds that Fish & Game has a direct and substantial interest in the proceeding. The issues raised by Fish & Game are similar to issues that have been previously raised. The applicant has been previously apprised of these issues, and will not be prejudice by participation of Fish & Game in the hearing. While the issues raised by Fish & Game are similar to issues raised by Hagerman Valley Citizen's Alert, Fish & Game should not be denied intervention, nor should the Department be required to appoint a spokesman because of common issues. Fish & Game may be able to contribute substantial expertise in evaluating the public interest values affected by the application.

IT IS HEREBY ORDERED that the Idaho Department of Fish & Game's petition to intervene is GRANTED.

Dated this 11th day of October, 1990.

[redacted]

NOV 15 1991

NORMAN C. YOUNG, Administrator
Water Division

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of October, 1990, I mailed a true and correct copy of the Order Granting Petition to Intervene, postage prepaid, to the following individuals:

Steve Goddard
Attorney at Law
Statehouse Mail
Boise, ID 83720

Steve Tolman
Attorney at Law
P.O. Box 1906
Twin Falls, ID 83301

S.G. Carleton
Hagerman Valley Citizen's Alert
P.O. Box 32
Hagerman, ID 83332

Jennifer Seifert

JENNIFER SEIFERT
Clerical Assistant

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BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER NO. 36-08356 IN THE NAME OF PISCES INVESTMENTS, INC.	SUBPOENA

THE STATE OF IDAHO TO: Mary Jean Lucachick, Resource Specialist, Idaho Department of Parks & Recreation

YOU ARE HEREBY COMMANDED to appear before the Director of the Department of Water Resources at Southern Region, Twin Falls, Idaho, 222 Shoshone Street East, on the 17th day of October 1990, at 9:30 o'clock a.m. as a witness in the above entitled matter.

DATED this 2ND day of OCTOBER, 1990.

By order of the Director.

R. KEITH HIGGINSON, Director

R. Keith Higginson

DIRECTOR
Title

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AFFIDAVIT OF SERVICE

STATE OF IDAHO)
:ss
County of)

Jennifer Seifert, being first duly sworn on oath, deposes and says:

That he is a resident of the County of Ada, State of Idaho, that he is over the age of eighteen, years, that he is not a party to the action or related to any of the parties in the above entitled action and that on the 2nd day of October, 1990, he received the attached Subpoena and delivered a copy thereof upon: Mary Lucachick

who did not demand fees, and upon:

who demanded and received _____ fees, in the amount of $_____.

BY DELIVERING TO AND LEAVING WITH: Mary Lucachick

AT: Parks and Recreation, 2771 Warm Springs Avenue, Boise, Idaho

ON: The 2nd day of October, 1990,

TIME: Approximately 2:10 p.m.

Jennifer Seifert

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2nd. DAY OF October, 1990.

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Sally Frazee
NOTARY PUBLIC FOR IDAHO
Residing at: Boise
Commission Expires:

SALLY FRAZEE, Notary Public
Residing at Boise, Idaho
My Commission Expires November 14, 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER NO. 36-8356 IN THE NAME OF PISCES INVESTMENTS, INC.	**NOTICE OF CONFERENCE AND AMENDED NOTICE OF HEARING**

Please take note that a pre-hearing conference for the above entitled matter will be conducted on October 10, 1990, at the hour of 1:00 p.m. in the conference room of the Idaho Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, Idaho, 83301. Please be prepared to discuss exhibits, witnesses and possibilities of settlement.

The prior order granting rehearing for October 17, 1990, misstated the place where the hearing will be conducted. The hearing for the above entitled matter will be conducted on October 17, 1990, at the hour of 9:30 a.m. in the conference room of the Idaho Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, Idaho, 83301.

Dated this 2nd day of October, 1990.

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

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CERTIFICATE OF MAILING

I hereby certify that on this 2nd day of October, 1990, I mailed a true and correct copy of the Order Setting Conference and Amended Notice of Hearing, postage prepaid, to the following individuals:

Hagerman Valley Citizen's Alert
ATTN: S. G. Carleton
P.O. Box 1
Hagerman, ID 83332

Dept. of Fish and Game
c/o Steve Goddard
Statehouse Mail
Boise, ID 83720

Pisces Investments, Inc.
c/o Steven Tolman
Attorney at Law
P.O. Box 1906
Twin Falls, ID 83301

IDWR - Southern Region

Jennifer Seifert

JENNIFER SEIFERT
Clerical Assistant

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BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER NO. 36-08356 IN THE NAME OF PISCES INVESTMENTS, INC.	ORDER GRANTING MOTION FOR REHEARING

The applicant, Pisces Investments, Inc., having petitioned the Department for a rehearing of protests filed by Hagerman Valley Citizen's Alert;

IT IS HEREBY ORDERED that applicant's petition for rehearing is GRANTED.

IT IS FURTHER ORDERED that the rehearing is set for October 17, 1990, at the hour of 9:30 a.m. in the conference room of the Department of Water Resources, Southern Region, 2148 4th Ave. East, Twin Falls, Idaho.

IT IS FURTHER ORDERED that all information required by Rule 4,5. of the Water Appropriation Rules and Regulations must be submitted to the Department of Water Resources by the applicant, and served upon all parties at least thirty (30) days prior to the hearing.

Dated this 24TH day of July, 1990.

R. KEITH HIGGINSON
Director

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CERTIFICATE OF MAILING

I hereby certify that on this 27th day of July, 1990, I mailed a true and correct copy of the Order Granting Motion for Rehearing, postage prepaid, to the following individuals:

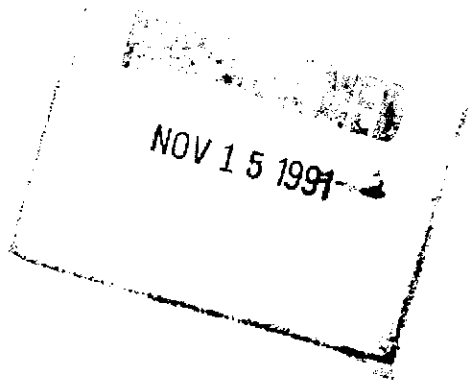
Steven Tolman
Attorney at Law
P.O. Box 1906
Twin Falls, ID 83301

Hagerman Valley Citizen's Alert
ATTN: S. G. Carleton
P.O. Box 1
Hagerman, ID 83332

IDWR - Southern Region

Jennifer Seifert

JENNIFER SEIFERT
Clerical Assistant



BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER NO. 36-08356 IN THE NAME OF PISCES INVESTMENTS, INC.	FINAL MEMORANDUM DECISION AND ORDER

After issuance of a Proposed Memorandum Decision and Order, Pisces Investments, Inc. (applicant or Pisces) filed exceptions to the Proposed Decision. The exceptions will be analyzed at the beginning of this Final Memorandum Decision and Order, and amended Findings of Fact and Conclusions of Law will follow the analysis.

SUMMARY OF EXCEPTIONS

The documents filed by the applicant contain a myriad of individual exceptions, many of which overlap or are repetitive. The following is a summary of exceptions identified by the applicant:

1. Several paragraphs listed as Conclusions of Law do not state legal conclusions.

2. The burden of proof regarding the local public interest is not correctly stated or applied.

3. Even if the burden of proof set forth in the Proposed Memorandum Decision and Order is correct, the protestant did not establish that a public interest was jeopardized. Conversely,

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the applicant alleges it established that its use of water satisfies water quality standards.

4. The judgment in Ritter v. Standal, No. 14752 (Idaho 5th Jud. Dist., June 22, 1979) should not have been used to determine local public interest.

5. The hearing officer should not have considered United States Environmental Protection Agency (EPA) investigation documents because the documents (a) did not relate to the re-use of water proposed by this application, and (b) did not establish violation of water quality standards.

6. The Department of Water Resources is not authorized to establish water quality standards which exceed standards established by the Idaho Department of Health & Welfare (DEQ) or EPA.

ANALYSIS

Sufficiency of Legal Conclusions

The applicant contests the Proposed Decision on the basis that some of the Conclusions of Law do not state legal conclusions. Legal theorists quibble over what constitutes a finding of fact as opposed to a conclusion of law. Sometimes a final finding of fact depends on a preliminary legal conclusion. The order of the paragraphs and characterization of each is not important. Although some could more artfully draft the text, any argument on this theory elevates form over substance.

The important test is whether a decision contains sufficient facts, not just conclusionary statements, but foundational, supporting facts, that justify conclusions resulting from the

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application of the law to the facts. The applicant's exception to the Proposed Decision on the basis that certain conclusions are not legal conclusions raises no substantial issues that must be addressed by the Department.

Burden of Proof

The applicant contests the respective burdens of coming forward with evidence and burden of proof described in the Proposed Decision. The Proposed Decision states in Conclusion of Law No. 16:

> Once a protestant establishes a public interest, the burden shifts to the applicant to show one of the following: (a) The public use alleged by the protestant is not in the public interest; (b) The use proposed by the applicant can satisfy the public interest; or (c) The public interest benefits of the applicant's proposal outweigh the public interest benefits of the uses alleged by the protestant.

The applicant argues that the protestant must establish the public interest and that the proposed application will conflict with the local public interest.

In Shokal v. Dunn 707 P2d 441, 109 Idaho 330 (1985), the Idaho Supreme Court discussed the respective responsibilities of the parties when the local public interest is in question. "The determination of what elements of the public interest are impacted and what the public interest requires is committed to Water Resources' sound discretion." Shokal at 339.

Conclusion of Law No. 16 is perhaps too final and generalized for each public interest matter that may be raised before the Department of Water Resources. Shokal states that "[t]hose applying for permits and those challenging the application bear the burden of demonstrating which elements of

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the public interest are impacted and to what degree." Shokal at 339. In some cases, the protestant may be required to establish, by presentation of carefully prepared testimony, that a public interest in the use of the water exists, and also establish that the use proposed by the applicant will likely conflict with it. The protestant may also need to exhibit the severity of the conflict.

In other factual settings, a mere statement of public interest may be sufficient. Even when an application is not protested, the Department must evaluate the local public interest. If there are matters of public interest known to the Department, and certain uses of water have been detrimental to these public interest values, the burden is upon the applicant to show that "the project is either in the local public interest or that there are factors that overweigh the local public interest in favor of the project." Shokal at 339. The Department cannot ignore a public interest in a particular resource that has been established in the past and exclude all prior happenings and proceedings related to that public interest.

In this case, the existence of a local public interest in the estuary was established. Furthermore, the protestant was not required to specifically show how the applicant's proposal would damage the public interest. Degradation of the estuaries and springs tributary to the Snake River, and possible detriment to to recreational uses is an issue that has been raised before the Department on numerous occasions. The local public has become increasingly vocal about preserving and improving the quality of

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springs and estuaries in the Magic Valley. The Department cannot ignore the public interest that has been expressed and the past degradation that has been attributed by fish propagation uses. Although Conclusion of Law No. 16 was too general, the proper test was applied in this case. The burden was upon the applicant to show that its project would satisfy the local public interest. The Conclusions of Law will be modified to state that the establishment of the local public interest was sufficient.

Reference to Ritter v. Standal

The applicant alleges that the judgment in Ritter v. Standal should not have been considered by the hearing officer. The applicant also argues Ritter is a private judgment, and cannot be enforced by the Department.

The applicant implies in its argument that prior disputes over the public interest should be ignored by the Department, and that the public interest must be re-established by new testimony strictly admitted pursuant to the rules of evidence. In doing so, the applicant discounts the discretion of the Department in determining matters of public interest. The Department participated in the resolution of Ritter. The Department was active in attempting to establish the recreational and aesthetic uses set forth in Ritter. The Department is not attempting to enforce a private judgment. Instead, Ritter is a reminder of a site-specific public interest which needs to be protected. Reference to Ritter by the protestants was not improper. To rule otherwise would be to hold that all past experience of the

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Department with a particular use at a particular location should be ignored by the Department.

Admission and Consideration of EPA Investigation Documents

At the hearing, the protestant introduced documents related to EPA investigation of Pisces' fish propagation works from which this application proposes re-use of water. The applicant argues that the investigatory documents do not prove a violation, nor do they establish that the proposed use will cause a violation.

According to the prior discussion in this decision, establishment that the proposed use of water will specifically conflict with the public interest was not necessary. As a result, the attempt by the protestants to introduce investigatory documents to show possible detriment of the proposal was not necessary.

Nevertheless, the fact that an NPDES permit must be issued for the fish propagation facility, the Pisces' facility was investigated, and violations were alleged confirms what the Department was already aware of; that improper operation or use of waste water from a fish facility will be detrimental to the public interest. As discussed before, this information was not necessary to establish a public interest, but it does illustrate the need for review of the application to determine whether the proposal would satisfy concerns regarding public interest.

The burden of proof to show that the proposed use will comply with water quality concern shifted to the applicant. The applicant did not satisfy its burden as discussed above.

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Information Submitted was not Adequate

The applicant alleges that it submitted, or the Department had in its record, all the information required by Rule 4,5,3. of the Water Appropriation Rules and Regulations, and other information necessary for evaluation of its application. The applicant submitted with its exceptions, however, copies of information not previously contained in the Department files.

Following the hearing, the Department file for application no. 36-08356 contained three drawings depicting raceways and diversion structures, two schematic plan views of the plant layout, a letter from a bank, a letter from DEQ, and a letter from Gooding County. Neither plan view showed where the new use would be located, how the water would be treated, or where it would be discharged to the estuary, although one of the plans depicted some settling ponds.

The applicant did not attempt to clarify whether other users would be affected by the proposal. The letter from DEQ did not explain how the proposal would satisfy water quality standards. The operation of the fish propagation facility was not explained at the hearing. The applicant did not call any witnesses. The sole statement for the record was offered by Steven Tolman, attorney for the applicant, Mr. Tolman stated that an NPDES permit had been issued to Pisces for its facility, but did not discuss how additional wastes would be treated or whether the conditions of the NPDES permit could be satisfied. He did not establish that the reused water, when discharged, would be

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satisfactory to maintain the recreational, aesthetic and wildlife uses identified as public interest values.

The applicant did not satisfy its burden of proof regarding the local public interest. Some evidentiary documents were submitted with the exceptions. The time for submittal of the information for evaluation of the application was at or before the hearing, not at the time exceptions are filed after a decision has been issued. The Department will, however, entertain a motion for rehearing, if the applicant wants to submit additional information.

Water Quality Standards and the Local Public Interest

The applicant contests statements in the Proposed Decision and Order which allege vested authority in the Department to establish water quality standards to protect the public interest, even if these standards exceed standards set by DEQ or EPA.

The Department maintains that it has jurisdiction to determine, in evaluating a proposal to appropriate water, whether the public interest demands remedial measures which may result in more stringent standards than those established by EPA or DEQ. This legal issue need not be resolved in this matter, however.

DEQ has promulgated rules and regulations which establish standards of water quality, and which are designed to protect preferred uses of the various waters of the state. These rules are the Idaho Department of Health and Welfare Rules and Regulations, Title 1, Chapter 2, "Water Quality Standards and Wastewater Treatment Requirements." The rules and regulations will be referred to hereafter as "Water Quality Standards."

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Rule 01.2150, 01. ii. of the Water Quality Standards designates uses of water that will be protected in the reach of the Snake River beginning at Buhl and extending downstream to King Hill. Uses to be protected include cold water biota, salmonoid spawning, primary contact recreation and secondary contact recreation.

Rule 01.2100 defines and classifies various water uses. In particular, primary contact recreation is defined as swimming, water skiing or skin diving. Secondary contact recreation includes fishing, boating and wading.

The Water Quality Standards establish that native fish habitat, fishing, swimming, boating and wading are uses of water which must be preserved and protected in the reach where Pisces proposes to appropriate water. Promulgation of standards protecting these uses are statements of public interest. The uses of fish habitat, fishing, swimming, boating and wading are all matters of public interest raised by the protestants. The hearing officer correctly held that the burden rests on the applicant to show that these uses could be protected.

Language in the Proposed Memorandum Decision and Order that alludes to possible higher standards was not necessary since the standards of DEQ are identical to the public interest values raised at the hearing. The higher standard language is dicta, and can be stricken from the final findings and conclusions without any change in the outcome of the decision.

The findings of fact and conclusions of law are modified as follows.

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FINDINGS OF FACT

1. Pisces filed application to appropriate water no. 36-08356, with the Department on May 9, 1988. The application proposes year round re-use of 45.0 cfs which is already used in its fish rearing facilities. The application identifies the source of water as springs, and locates the springs in Government Lot 1 (SE1/4NW1/4NW1/4), Section 8, T8S, R14E, B.M., Gooding County.

2. The application was advertised on August 4 and 11, 1988, in The Idaho Statesman, The Post-Register and The Times News. The application was also advertised on August 3 and 10, 1988, in the Gooding County Leader.

3. A protest to the application was timely filed by the Hagerman Valley Citizen's Alert (protestant).

4. The Department wrote a letter to the applicant on July 27, 1988, requesting information required by Rule 4,5,3. of the Water Appropriation Rules and Regulations. Among other things, the Department requested copies of plans, specifications and estimated construction costs. The plans needed to be definite enough to allow determination of the project's impacts and implications.

5. The applicant submitted the following:

a. Plan and profile drawings of the proposed raceways.

b. A detailed drawing of an outlet structure.

c. Two diagrams of the entire fish propagation facility that did not identify where or how the water would be reused.

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d. A letter from Twin Falls Bank & Trust, attesting to the financial ability of Pisces to construct the project.

e. Copies of deeds showing a possessory interest.

f. Letters from the Department of Health and Welfare, Division of Environmental Quality (DEQ) and Gooding County.

6. A pre-hearing conference was conducted on January 25, 1989. The parties identified public interest as the issue to be addressed at the formal hearing.

7. A hearing was conducted on October 19, 1989. The applicant was represented by Steven Tolman, attorney at law. The protestant was represented by S.G. Carleton.

8. The hearing officer informed the applicant that, although only matters of public interest were being addressed at the hearing, the other criteria set forth in Idaho Code § 42-203A would also be considered by the Department.

9. The applicant acknowledged that the other criteria could be considered but also argued that the applicant would be entitled to another hearing if a decision were issued on any criteria other than local public interest. The hearing officer agreed.

10. The applicant emphasized that the application seeks only re-use of water already diverted, and that no additional diversion is proposed.

11. The protestant submitted documents which suggested that the applicant had violated U.S. Environmental Protection Agency (EPA) standards established by its NPDES wastewater discharge permit.

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These documents, labeled as protestant's exhibits #1 and #2, were investigatory observations.

12. The applicant submitted applicant's exhibit #2, a consent agreement and order which settled an action filed by the EPA against Pisces. In the consent agreement and order, Pisces agreed to pay $5000 to settle the action. Pisces disclaimed fault or liability in the settlement. The consent agreement acknowledged efforts exerted by Pisces to comply with water quality standards.

13. Although the consent agreement submitted by the applicant stated that any claims that it had violated water quality standards were disputed and not admitted, the consent agreement established that Pisces had implemented additional treatment works to comply with water quality standards following the alleged violations.

14. The information submitted by the protestant and the applicant showed that there is a likelihood the applicants had been violating water quality standards.

15. The protestant referred to a law suit between W. W. Ritter and Pisces' predecessor, Ritter v. Standal, No. 14752 (Idaho 5th Jud. Dist., June 22, 1979) concerning the condition of an estuary in the vicinity of the Pisces' fish propagation facility.

16. The district court in Ritter ordered, upon stipulation of the parties, that Pisces' predecessor comply with the conditions of stream channel alteration permit no. 36-S-11, and that Pisces' predecessor also restore the estuary to its original

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condition. The district court also ordered Pisces' predecessor to maintain the quality of water in the estuary such that it would sustain native fish and would be completely suitable for recreational uses of swimming, boating, fishing, hunting and wading.

17. Stream channel alteration permit no. 36-S-11 required the following: (a) The estuary must be restored to its approximate size as of 1969; (b) Sufficient water must be discharged at the head of the restored estuary to prevent stagnation; (c) Shrubs and/or trees were required to be planted and maintained to provide a good vegetative screen between the restored estuary and the proposed raceways; (d) Banks of the estuary must be constructed at a stable slope not to exceed two to one and had to be protected from surface erosion and sloughing with establishment of suitable vegetation; and (e) Well graded angular rock large enough to resist displacement must be placed along the east bank at the elevation of the proposed water level to protect the band from erosion.

18. The Department records indicate that the conditions of the stream channel alteration permit were satisfied at the time of inspection.

19. Ownership of the place of use has changed since the judgment, and at least one change in ownership resulted from a bankruptcy.

20. The protestants stated that the estuary was unfit for the recreational purposes set forth in the Ritter Order. Other than these general allegations, neither party submitted any

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evidence to show that the conditions in the estuary were or were not suitable for recreational purposes, or to show the cause of unsuitability. Further, no evidence was submitted to show whether water used and discharged would satisfy EPA standards or state standards established by the Division of Environmental Quality.

CONCLUSIONS OF LAW

1. Idaho Code, Section 42-203A(5) states, in part, as follows:

> The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the department that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. Rule 4,4,2,1. of the Water Appropriation Rules and Regulations states that the applicant shall bear the initial burden of coming forward with evidence for the evaluation of criteria (a) through (d) of Idaho Code § 42-203A.

3. Rule 4,4,2,2. of the Water Appropriation Rules and Regulations states that both the applicant and protestant have

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the burden of coming forward with evidence regarding local public interest of which they are each most cognizant.

4. The local public interest criterion of Idaho Code § 42-203A(5) is defined by 5,1,5. of the Water Appropriation Rules and Regulations to include:

> The effect the project will have on the economy of the local area affected by the proposed use as determined by the employment opportunities, both long and short term, revenue changes to various sectors of the economy, short and long term, and the stability of revenue and employment gains;
>
> The effect the project will have on recreation, fish and wildlife resources in the local public area affected by the proposed use;
>
> Compliance with applicable air, water, hazardous substance standards, and compliance with planning and zoning ordinances of local or state government jurisdiction.

5. Rule 4,4,3. of the Water Appropriation Rules and Regulations states that the applicant has the ultimate burden of persuasion for all of the criteria of Section 42-203A, Idaho Code.

6. Rule 4,5,3. states that detailed information must be submitted by the applicant which is used by the Department to review the application under the five criteria listed in Idaho Code § 42-203A. The information submittal requirements of Rule 4,5,3,1,1. through 4,5,3,5,1. are incorporated into this decision by reference.

7. Some information required by Rule 4,5,3. has been submitted. The information submitted, however, falls short of minimal information necessary to determine whether: (a) the proposed use will reduce the quantity of water under existing rights; (b) there is sufficient water for the proposed use; (c)

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the application is filed in good faith or is for purposes of speculation; and (d) the applicant has sufficient financial resources to construct the project. Criterion (e), the local public interest, will be subsequently discussed in these conclusions.

8. Rule 4,5,3. of the Water Appropriation Rules and Regulations requires submittal of at least the following in addition to what the applicant has already submitted:

a. A list of users from the spring sources and their addresses, and the location of the point of diversion for each user.

b. Information about design construction or operation techniques that will reduce the impact on other rights.

c. Information about available flows and how the system will supply these flows to the raceways.

d. Copies of necessary permits from EPA and DEQ.

e. Plans, specifications and estimated construction costs sufficiently definite to allow determination of project impacts and implications.

The information listed above was not submitted to the Department. The application cannot be approved until the above information is submitted and evaluated. This decision is not predicated on the first four criteria, however, but depends solely on criterion (e), the local public interest. Some of the Rule 4,5. information required, if submitted, could have established that the proposal satisfies the local public interest.

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9. The applicant alleged that the Ritter judgment does not bind it, since the judgment was a private dispute. The Department does not have the authority to enforce judgments, except as the Department is ordered by the District Court to act on matters within its jurisdiction. The general question of whether the judgment can legally be enforced at this time is not a question that the Department needs to resolve, however.

10. The Ritter judgment identified swimming, boating, fishing, wading and hunting in the estuary as important local public uses of the estuary. It also identified native fish habitat as an important local public value. The fact that the court ordered restoration of the estuary and ordered the owners of the fish propagation facility to maintain water quality in the estuary suitable for the recreational uses and natural fishery value creates a presumption that continued maintenance of these values is in the local public interest.

11. The public interest values set forth in Ritter are the same values identified as protected uses in Water Quality Standards promulgated by DEQ.

12. Once a protestant establishes a public interest, the burden shifts to the applicant to show one of the following: (a) The public use alleged by the protestant is not in the public interest; (b) The use proposed by the applicant can satisfy the public interest; or (c) The public interest benefits of the applicant's proposal outweigh the public interest benefits of the uses alleged by the protestant.

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13. In this case, the protestant established that protection of the estuary for native fish habitat, fishing, swimming, boating, wading and hunting was in the public interest. These values were established by Ritter and by the DEQ's Water Quality Standards. The burden shifted to the applicant to show that these values were not in the public interest, could be satisfied after the applicant's project was constructed and operating, or that the public benefits of the fish propagation raceways outweigh the public benefits of preserving the recreational use and native fish habitat of the estuary.

14. One of the important elements of showing that the public interest can be satisfied after the project is constructed and operating is to establish that the fish propagation facility will satisfy both discharge and estuary water quality standards. Pisces did not establish how its proposal would satisfy DEQ's Water Quality Standards or EPA requirements.

15. The applicant has failed to carry its burden of proof with respect to the public interest.

ORDER

IT IS HEREBY ORDERED that application for permit no. 36-08356 is REJECTED, and the issuance of a permit is REFUSED, without prejudice. The Director will consider, however, a motion for rehearing.

Dated this 17TH day of May, 1990.

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R. KEITH HIGGINSON,
Director

CERTIFICATE OF MAILING

I hereby certify that on this 18th day of May, 1990, I mailed a true and correct copy of the Final Memorandum Decision and Order, postage prepaid, to the following individuals:

Hagerman Valley Citizen's Alert
ATTN: S. G. Carleton
P.O. Box 1
Hagerman, ID 83332

Steven Tolman
Attorney at Law
P.O. Box 1906
Twin Falls, ID 83301

IDWR - Southern Region

Jennifer Seifert
JENNIFER SEIFERT
Clerical Assistant

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BEFORE THE DIRECTOR OF THE DEPARTMENT

OF WATER RESOURCES OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER NO. 36-08356 IN THE NAME OF PISCES INVESTMENTS, INC.

ORDER ISSUING PROPOSED MEMORANDUM DECISION

R. Keith Higginson, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Gary Spackman, who conducted the hearing or who has read the record in the this case, hereby approves the same as a proposed decision pursuant to Idaho Code, Sec. 67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Sec. 42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

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III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Sec. 42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.
CERTIFICATE OF SERVICE

All exceptions, briefs, requests oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.
FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 10th day of January, 1990.

R. KEITH HIGGINSON
Director

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BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER NO. 36-08356 IN THE NAME OF PISCES INVESTMENTS, INC.	PROPOSED MEMORANDUM DECISION AND ORDER

This matter having come before the Department of Water Resources (Department) as a result of protests filed against the applications, and a hearing having been held, the hearing officer, as a representative of the Director, finds, concludes and orders as follows:

FINDINGS OF FACT

1. Pisces Investments, Inc. (applicant or Pisces) filed application to appropriate water no. 36-08356, with the Department on May 9, 1988. The application proposes year round re-use of 45.0 cfs which is already used in its fish rearing facilities. The application identifies the source of water as springs, and locates the springs in Government Lot 1 (SE1/4NW1/4NW1/4), Section 8, T8S, R14E, B.M., Gooding County.

2. The application was advertised on August 4 and 11, 1988, in The Idaho Statesman, The Post-Register and The Times-News. The application was also advertised on August 3 and 10, 1988, in the Gooding County Leader.

3. A protest to the application was timely filed by the Hagerman Valley Citizen's Alert (protestant).

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4. The Department wrote a letter to the applicant on July 27, 1988, requesting information required by Rule 4,5,3. of the Water Appropriation Rules and Regulations. Among other things, the Department requested copies of plans, specifications and estimated construction costs. The plans needed to be definite enough to allow determination of the project's impacts and implications.

5. The applicant submitted the following:

a. Plan and profile view of the proposed raceways.

b. Detailed drawing of an outlet structure.

c. A diagram of the entire fish propagation facility, dated 1985.

d. A letter from Twin Falls Bank & Trust, attesting to the financial ability of Pisces to construct the project.

e. Copies of deeds showing a possessory interest.

f. Letters from the Department of Health and Welfare, Division of Environmental Quality (DEQ) and Gooding County.

6. A pre-hearing conference was conducted on January 25, 1989. The parties identified public interest as the issue to be addressed at the formal hearing.

7. A hearing was conducted on October 19, 1989. The applicant was represented by Steven Tolman, attorney at law. The protestant was represented by S.G. Carleton.

8. The hearing officer informed the applicant that, although only matters of public interest were being addressed at

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the hearing, the other criteria set forth in Idaho Code § 42-203A would also be considered by the Department.

9. The applicant acknowledged that the other criteria could be considered but also argued that the applicant would be entitled to a hearing if a decision were issued on any criteria other than local public interest. The hearing officer agreed.

10. The applicant emphasized that the application seeks only re-use of water already diverted, and that no additional diversion is proposed.

11. The protestant submitted documents which indicated that the applicant had violated U.S. Environmental Protection Agency (EPA) standards established by its NPDES waste discharge permit. These documents labeled as protestant's exhibits #1 and #2, were investigatory observations.

12. The applicant submitted applicant's exhibit #2, a consent agreement and order which settled an action filed by the EPA against Pisces. In the consent agreement and order, Pisces agreed to pay a stipulated fine to settle the matter. Pisces disclaimed fault or liability in the settlement. The consent agreement acknowledged efforts exerted by Pisces to comply with water quality standards.

13. The protestant referred to a law suit between W. W. Ritter and Pisces' predecessor, Ritter v. Standal, No. 14752 (Idaho 5th Jud. Dist., June 22, 1979) concerning the condition of an estuary in the vicinity of the Pisces' fish propagation facility.

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14. The district court in Ritter ordered, upon stipulation of the parties, that Pisces' predecessor comply with the conditions of stream channel alteration permit no. 36-S-11, and that Pisces' predecessor also restore the estuary to its original condition. The district court also ordered Pisces' predecessor to maintain the quality of water in the estuary such that it would sustain native fish and would be completely suitable for recreational uses of swimming, boating, fishing, hunting and wading.

15. Stream channel alteration permit no. 36-S-11 required the following: (a) The estuary had to be restored to its approximate size as of 1969; (b) Sufficient water had to be discharged at the head of the restored estuary to prevent stagnation; (c) Shrubs and/or trees were required to be planted and maintained to provide a good vegetative screen between the restored estuary and the proposed raceways; (d) Banks of the estuary had to be constructed at a stable slope not to exceed 2 to 1 and had to be protected from surface erosion and sloughing with establishment of suitable vegetation; and (e) Well graded angular rock large enough to resist displacement was required to be placed along the east bank at the elevation of the proposed water level to protect the bank from erosion.

16. The Department records indicate that the conditions of the stream channel alteration permit were satisfied at the time of inspection.

17. The protestants generally stated that the estuary was unfit for the recreational purposes set forth in the Ritter

Order. Other than these general allegations, neither party submitted any evidence to show that the conditions in the estuary were or were not suitable for recreational purposes, or to show the cause of unsuitability. Further, no evidence was submitted to show whether compliance with NPDES standards or state standards established by the Division of Environmental Quality (DEQ) would preserve the recreational uses and natural fishery values set forth in Ritter.

CONCLUSIONS OF LAW

1. Idaho Code, Section 42-203A(5) states in part as follows:

> The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the department that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. Rule 4,4,2,1. of the Water Appropriation Rules and Regulations states that the applicant shall bear the initial burden of coming forward with evidence for the evaluation of criteria (a) through (d) of Idaho Code § 42-203A.

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3. Rule 4,4,2,2. of the Water Appropriation Rules and Regulations states that both the applicant and protestant have the burden of coming forward with evidence regarding local public interest of which they are each most cognizant.

4. The local public interest criterion of Idaho Code § 42-203A(5) is defined by 5,1,5. of the Water Appropriation Rules and Regulations to include:

> The effect the project will have on the economy of the local area affected by the proposed use as determined by the employment opportunities, both long and short term, revenue changes to various sectors of the economy, short and long term, and the stability of revenue and employment gains;
>
> The effect the project will have on recreation, fish and wildlife resources in the local public area affected by the proposed use;
>
> Compliance with applicable air, water, hazardous substance standards, and compliance with planning and zoning ordinances of local or state government jurisdictions.

5. Rule 4,4,3. of the Water Appropriation Rules and Regulations states that the applicant has the ultimate burden of persuasion for all of the criteria of Section 42-203A, Idaho Code.

6. Rule 4,5,3. states that detailed information must be submitted by the applicant which is used by the Department to review the application under the five criteria listed in Idaho Code § 42-203A. The information submittal requirements of Rule 4,5,3,1,1. through 4,5,3,5,1. are incorporated into this decision by reference.

7. Some information required by Rule 4,5,3. has been submitted. The information submitted, however, falls short

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minimal information necessary to determine whether: (a) the proposed use will reduce the quantity of water under existing rights; (b) there is sufficient water for the proposed use; (c) the application is filed in good faith or is for purposes of speculation; and (d) the applicant has sufficient financial resources to construct the project. Criterion (e), the local public interest, will be subsequently discussed in these conclusions.

8. Rule 4,5,3. of the Water Appropriation Rules and Regulations requires submittal of at least the following in addition to what the applicant has already submitted:

a. A list of users from the spring sources and their addresses, and the location of the point of diversion for each user.

b. Information about design construction or operation techniques that will reduce the impact on other rights.

c. Information about available flows and how the system will supply these flows to the raceways.

d. Copies of necessary permits from EPA and DEQ.

e. Plans, specifications and estimated construction costs sufficiently definite to allow determination of project impacts and implications.

The information listed above was not submitted to the Department. The application could not be approved until the above information is submitted and evaluated. This decision is

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not predicated on the first four criteria, however, but depends solely on criterion (e), the local public interest.

9. The applicant alleged that the Ritter judgment does not bind it, since the judgment was a private dispute. Ownership of the place of use has changed since the judgment, and at least one change in ownership resulted from a bankruptcy.

10. The Department does not have the authority to enforce judgments, except as the Department is ordered by the District Court to act on matters within its jurisdiction. The general question of whether the judgment can legally be enforced at this time is not a question that the Department needs to resolve, however.

11. The Ritter judgment identified swimming, boating, fishing, wading and hunting in the estuary as important local public uses of the estuary. It also identified native fish habitat as an important local public value. The fact that the court ordered restoration of the estuary and order the owners of the fish propagation facility to maintain water quality in the estuary suitable for the recreational uses and natural fishery value creates a presumption that continued maintenance of these values is in the local public interest.

12. The protestant submitted information to show that there was a likelihood the applicants had been violating water quality standards.

13. The applicant submitted information to show that it had attempted to comply with water quality standards following the alleged violations.

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14. The applicant also contended that the Department cannot establish water quality standards that are more strict than standards established by the Division of Environmental Quality, Department of Health and Welfare (DEQ).

15. There are matters of public interest related to the water quality of Idaho streams over which the Department of Water Resources has jurisdiction in approving the use of water. The water quality necessary to satisfy the public interest may exceed the water quality which would result from compliance with standards set by DEQ or EPA.

16. Once a protestant establishes a public interest, the burden shifts to the applicant to show one of the following: (a) The public use alleged by the protestant is not in the public interest; (b) The use proposed by the applicant can satisfy the public interest; or (c) The public interest benefits of the applicant's proposal outweigh the public interest benefits of the uses alleged by the protestant.

17. In this case, the protestant established that maintenance of the estuary for native fish habitat, fishing, swimming, boating, wading and hunting was in the public interest. The burden shifted to the applicant to show that these values were not in the public interest, could be satisfied after the applicant's project was constructed and operating, or that the public benefits of the fish propagation raceways outweigh the public benefits of preserving the recreational use and native fish habitat of the estuary.

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18. One of the important elements of showing that the public interest can be satisfied after the project is constructed and operating is to establish that the fish propagation facility will satisfy both discharge and estuary water quality standards.

19. Proof of compliance with DEQ's or EPA's water quality standards will not conclusively satisfy the local public interest inquiry, however. A higher standard may be imposed at specific locations where local public interests dictate that recreational uses or natural fishery values be preserved. Water quality may also depend on where the water is released to the estuary, whether some fresh water must be released at the head of the estuary and whether construction techniques have been employed to prevent erosion.

20. The applicant has failed to carry its burden of proof with respect to the public interest.

ORDER

IT IS HEREBY ORDERED that application for permit no. 36-08356 is REJECTED, and the issuance of a permit is REFUSED, without prejudice.

Dated this 10th day of January, 1990.

Gary Spackman

GARY SPACKMAN, Hearing Officer
Department of Water Resources

MICROFILMED
NOV 15 1991

CERTIFICATE OF MAILING

I hereby certify that on this 10th day of January, 1990, I mailed a true and correct copy of this Proposed Memorandum Decision and Order and the Order Issuing the Proposed Memorandum Decision, postage prepaid, to the following individuals:

Hagerman Valley Citizen's Alert
ATTN: S. G. Carleton
P.O. Box 1
Hagerman, ID 83332

Steven Tolman
Attorney at Law
P.O. Box 1906
Twin Falls, ID 83301

IDWR - Southern Region

Jennifer Seifert

JENNIFER SEIFERT
Clerical Assistant

MED
NOV 15 1991

Form 202
6/85

Ident. No. 36-08356

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Pisces Investments, Inc. Phone 733-4631

   Post office address Box 701 Twin Falls, ID 83303-701

2. Source of water supply Springs which is a tributary of Snake River

3. Location of point of diversion is SE ¼ of NW ¼ of NW ¼, Govt. Lot 1

   Sec. 8 Township 8S Range 14E B.M. Gooding County; additional

   points of diversion if any: _____

4. Water will be used for the following purposes:

   Amount 45.00cfs (cfs or acre-feet per annum) for fish propagation purposes from 01-01 to 12-31 (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated is (a) 45.00 cfs (cubic feet per second) and/or (b) _____ (acre feet per annum)

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Head Ditch, raceways. 20 Raceways (40 ponds) 6' wide x 80' long

   b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

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

   d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (*minimum 1 year*).

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

   a. Hydropower; show total feet of head and proposed capacity in KW. _____

   b. Stockwatering; list number and kind of livestock. _____

   c. Municipal; show name of municipality. _____

   d. Domestic; show number of households. _____

   e. Other; describe fully. _____

9. Description of place of use:

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

   b. 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	
8S	14E	8						Ltl X											

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 36-7072

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

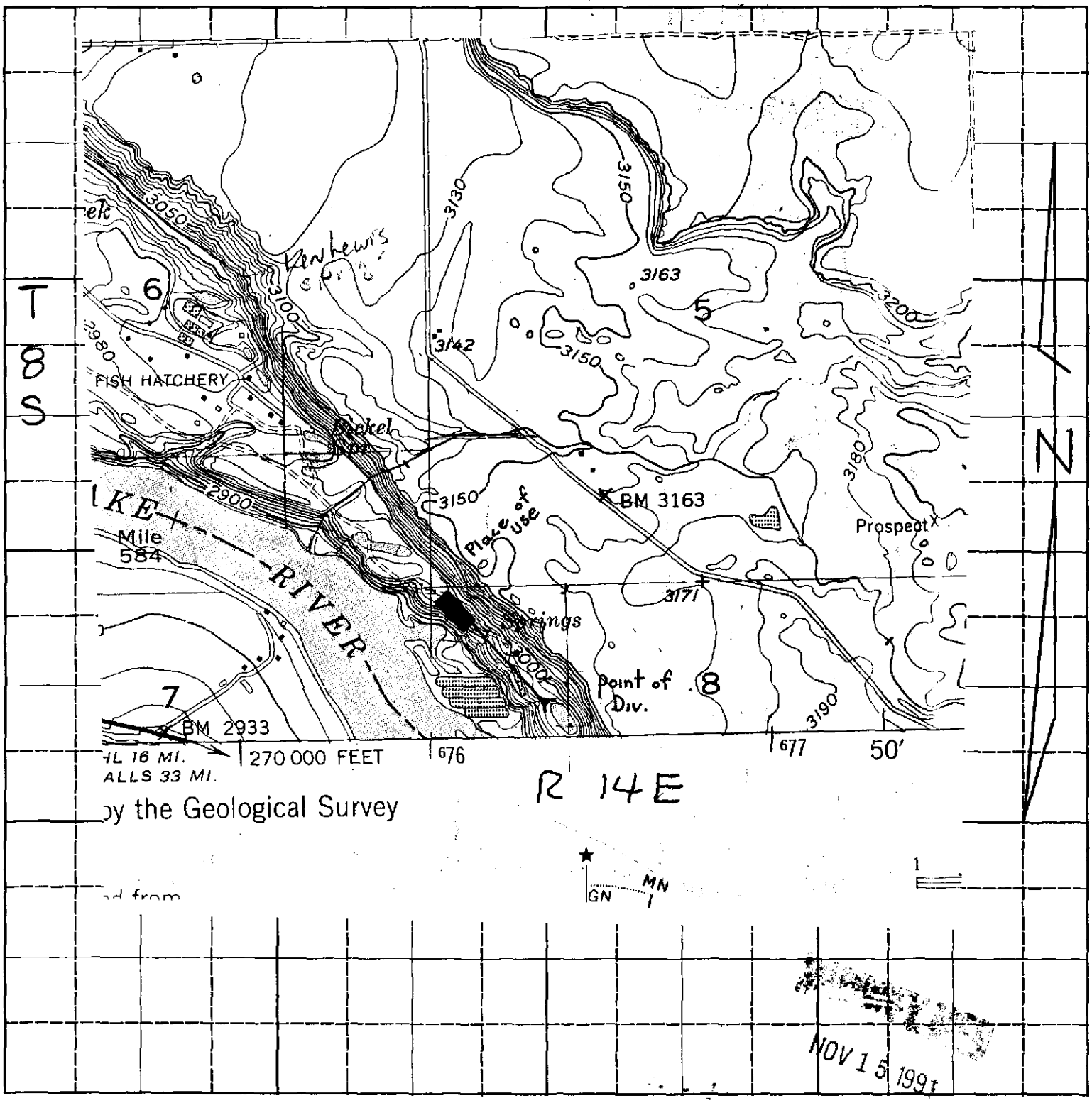
    b. Who owns the land to be irrigated or place of use? Applicant

    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: _____

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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.

Pisces Investments, Inc
J. Brian Pleat, V-P.
(Applicant)

Received by KJ Date 5-9-88 Time 1:30 P.M. Preliminary check by GC Clanton

Fee $ 675.00 ck 56 Receipted by M. Baldwin # 5000 210 Date 5/12/88

Publication prepared by M Baldwin Date 7/18/88 Published in Gooding Co. Leader, Times News Post Register, ID. States, Lewiston am. Tribune

Publication approved _____ Date _____

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. 36-08356, and said application is hereby REJECTED.

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: Pursuant to the Final Memorandum Decision and Order

Witness my hand this 17th day of May, 1990.

R. KEITH HIGGINSON
Director

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PERRINE OFFICE
TWIN FALLS BANK & TRUST COMPANY 1864 BLUE LAKES BLVD. N./P.O. BOX 1883 / TWIN FALLS, ID 83303-1883 / 208•734-1986

RECEIVED
MAY 16 1988
Department of Water Resources
Southern Region Office

May 12, 1988

Idaho Department of Water Resource
Attn: Gary Funderberg
2148 Fourth Avenue East
Twin Falls, Idaho 83301

RE: Pisces Investments (Magic Springs)

TO: Whom it may concern

Pisces Investment, Inc. is a corporation of which I am very familiar with their financial position and borrowing ability.

I am also familiar with the project they have proposed for Magic Springs.

In my opinion, and to the best of my knowledge, Pisces Investment, Inc. accompanied with the financial abilities of Evan Robertson and Mike Greene, have the financial resources available to see the proposed project to a successful completion.

If I can be of any further help or answer any other questions, do not hesitate to call.

Respectfully,

C. Alan Horner
Vice President

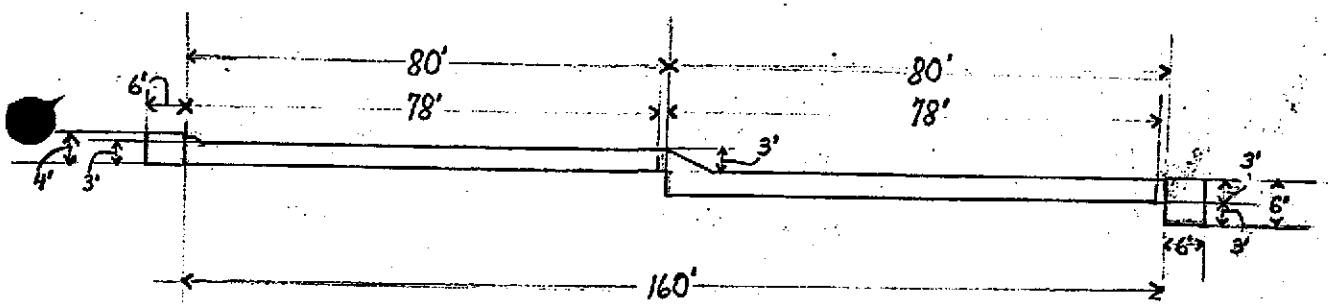
/n

cc: Pisces Investment, Inc.

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36-08356

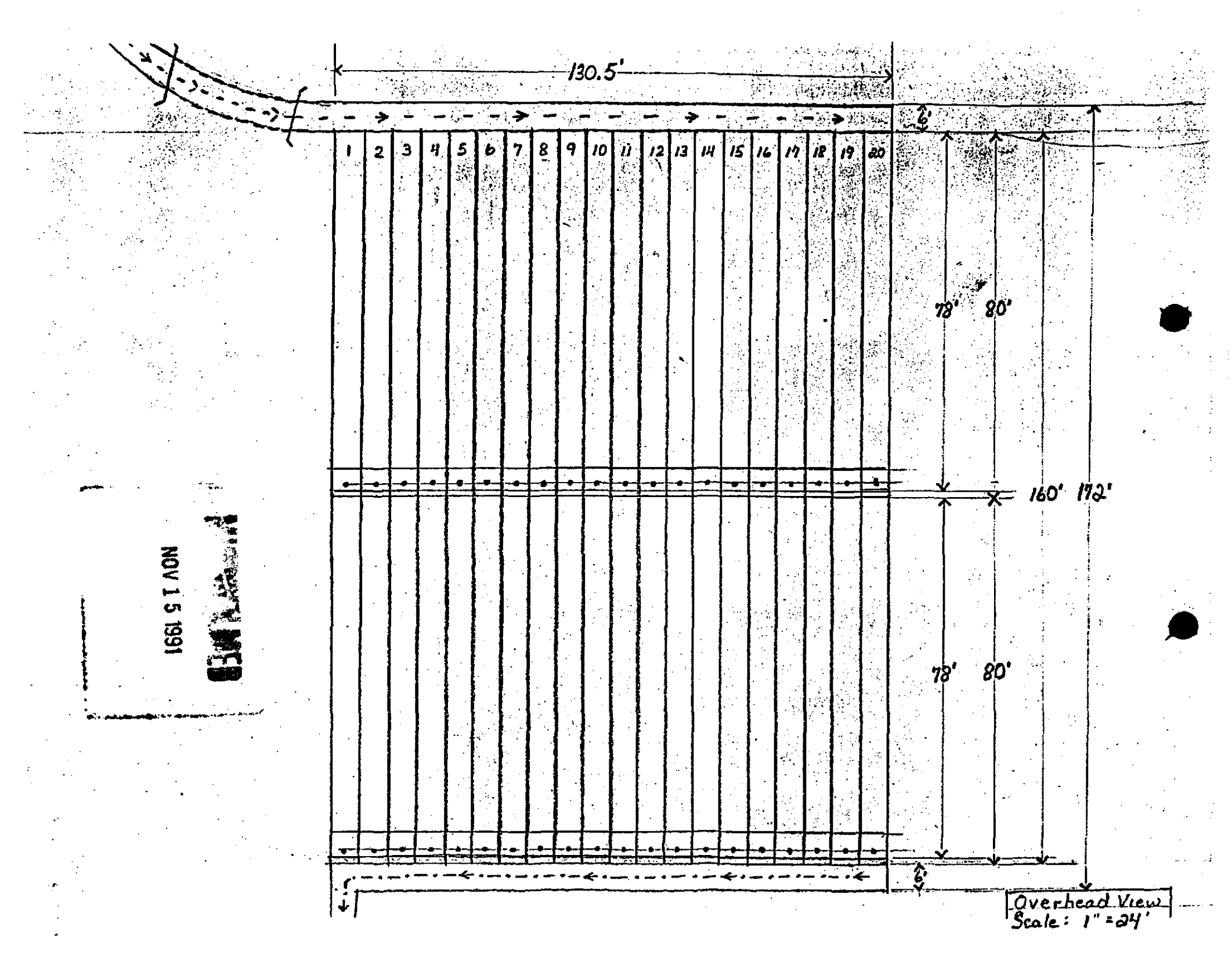
36-08356



1" fall in 80' Upper and Lower Raceways

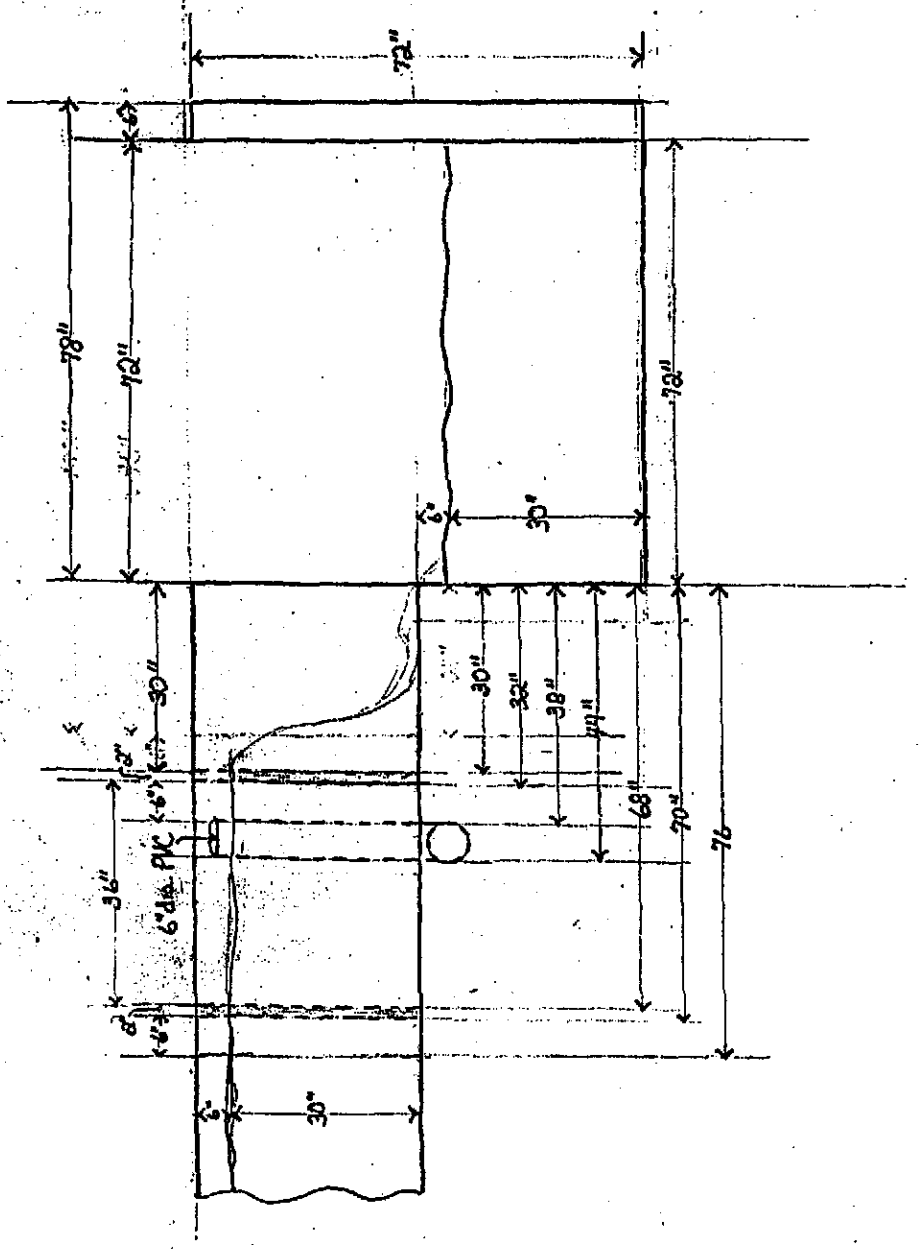
Side View
Scale: 1" = 24'

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130.5'
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20
6'
78' 80'
160' 172'
78' 80'
6'
Overhead View
Scale: 1" = 24'

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Sidewiew Lower Raceway
to Tail ditch
Scale : 1" = 2'

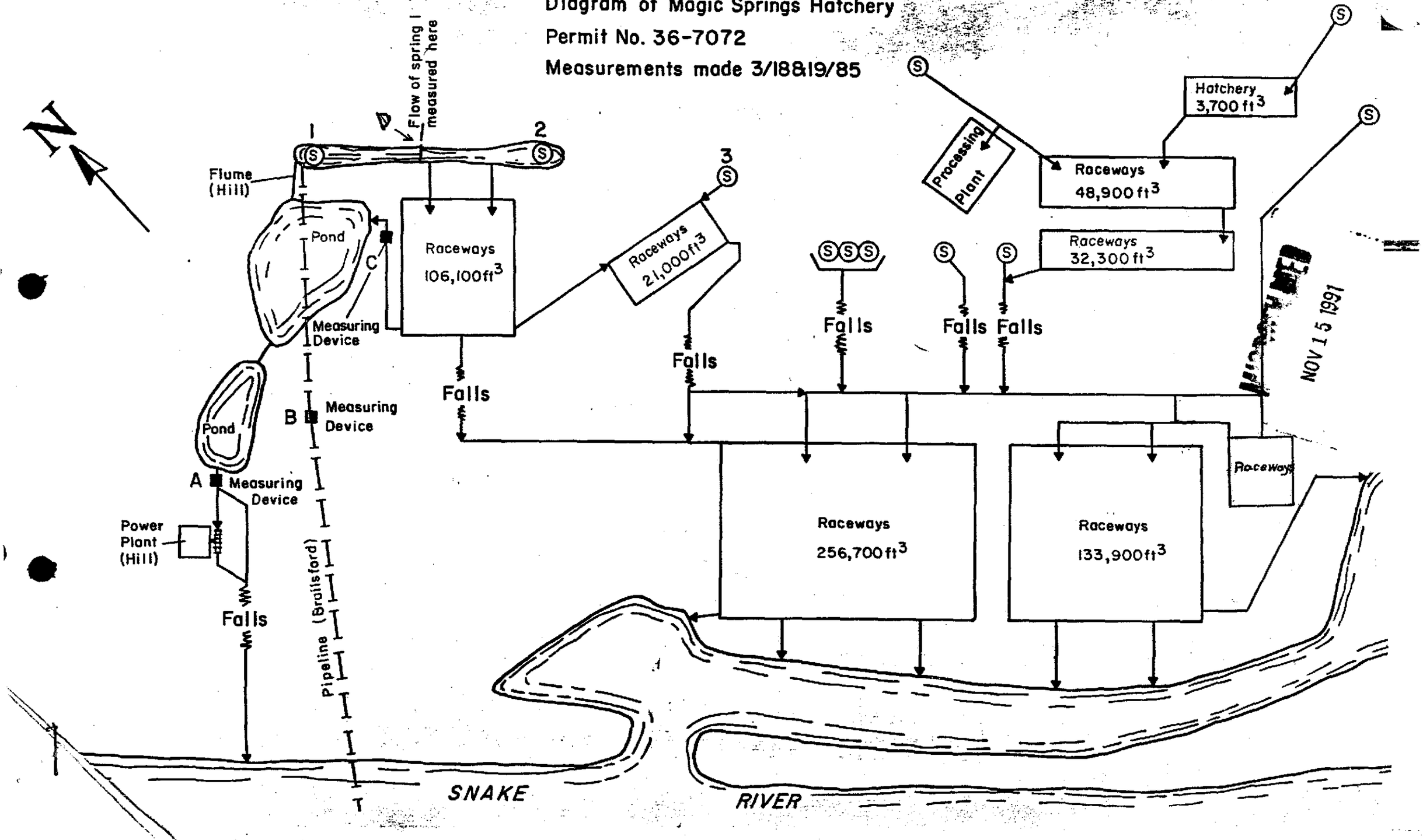


NOV 1 5 1991

Diagram of Magic Springs Hatchery

Permit No. 36-7072

Measurements made 3/18&19/85



THIS BLANK FURNISHED BY Land Title and Escrow, Inc.

G-12686

DEED

FOR VALUE RECEIVED, SOUTHERN IDAHO PRODUCTION CREDIT ASSOCIATION

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto PISCES INVESTMENTS, INC., an Idaho Corporation whose address is: P. O. Box 701, Twin Falls, Idaho 83303-0701 grantee, the following described real estate, to-wit:

See Attached Exhibit "A"
(Containing 4 Pages)

STATE OF IDAHO
COUNTY OF GOODING, SS
RECORDED AT REQUEST —
Land Title & Escrow
'85 AUG 28 PM 2 12
MARGARET F. CLEMENTS, REC.
DEP. [illegible] FEE 10.00

116656

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, and their heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this 27th day of August, 1985.

SOUTHERN IDAHO PRODUCTION CREDIT ASSOCIATION

By Richard Weathered
Richard Weathered
Site Manager

ATTEST:

STATE OF IDAHO
County of Jerome } ss.

On this 27th day of August, 1985 before me, a Notary public in and for said State, personally appeared Richard Weathered, known to me to be the Site Manager of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Reed Skinner
Notary Public
Residing at Jerome, Idaho

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NOV 15 1991

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MAY 9 1988
Department of Water Resources
Southern Region Office

36-08356

EXHIBIT "A"

RECEIVED
MAY 2 1988
Department of Water Resources
Western Region Office

Parcel No. 1:

TOWNSHIP 8 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 5: That part of the SW¼SW¼, described as follows:

Beginning at the Southwest corner of said Section;
Thence North on the West line of said Section to a point 100 feet North of the precipice of the upper Rim Rock of Snake River Canyon;
Thence Southeasterly paralleling the said Rim Rock at a distance of 100 feet to a point 100 feet East of the intersection of the South line of said Section 5 with the precipice of upper Rim Rock of Snake River Canyon;
Thence West along the South line of said Section to THE POINT OF BEGINNING.

Section 6: That part of Lot 8, described as follows:

Beginning at the Southeast corner of said Lot 8, being the corner common to Sections 5, 6, 7 and 8;
Thence North on the East boundary line of said Lot 8 to a point 100 feet North of the precipice of the upper Rim Rock of Snake River Canyon;
Thence Northwesterly paralleling the said Rim Rock at a distance of 100 feet to the strip of land in Lot 8 granted by the parties, Anna G. Bickel and Paul S. A. Bickel, her husband, to the Twin Falls North Side Land and Water Company by deed dated January 17, 1912, and recorded in Book J of Deeds, Page 331 and Book 20 of Deeds, Page 570, records of Gooding County, Idaho, and by said company and its successor(s) occupied with a ditch to convey waste water to Snake River;
Thence Southwesterly along the Southern boundary of said strip of land to its intersection with Snake River, and thence continuing to the thread of stream;
Thence Southeasterly following the thread of Snake River upstream to its intersection with the South line of said Lot 8;
Thence East along the South boundary of said Lot 8 to THE POINT OF BEGINNING.

EXCEPTING THEREFROM the following described tracts:

a. As set forth in Warranty Deed dated August 27, 1974 from Aquaculture Industries, Inc., to George H. Lemmon, recorded February 24, 1975 as Instrument Number 53570, records of Gooding County, Idaho;

b. As set forth in Warranty Deed dated August 27, 1974 from Aquaculture Industries, Inc., to Norman Standal, recorded February 24, 1975 as Instrument Number 53571, records of Gooding County, Idaho.

Section 7: Lot 1;

Section 8: All that portion of Lot 1 lying South and West of a line described as follows:

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Beginning at a point on the North line of said Section 8, which is 100 feet East of the intersection of said North line with the upper Rim Rock of Snake River Canyon;
Thence Southeasterly paralleling the said Rim Rock at a distance of 100 feet to a point 100 feet North of the intersection of the East line of Lot 1 with the upper Rim Rock of Snake River Canyon;

AND

All that portion of the NE¼NW¼ lying South and West of a line described as follows:

Beginning at a point on the West line of said subdivision, which is 100 feet North of the intersection of said line with the upper Rim Rock of Snake River Canyon;
Thence Southeasterly paralleling said Rim Rock at a distance of 100 feet to a point on the South line of said subdivision, which is 100 feet East of the intersection of said South line with the upper Rim Rock of Snake River Canyon.

Parcel No. 2:

TOWNSHIP 8 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 6: A parcel located in Lot 8, described as follows:

Beginning at the Southeast corner of said Section 6;
Thence North 00°09'02" East, 729.16 feet along the Section line to an established 1½" pipe;
Thence North 29°43'58" West, 236.30 feet to THE REAL POINT OF BEGINNING;
Thence North 29°43'58" West, 225.77 feet to the centerline of a waste canal;
Thence following the centerline of the waste canal as follows:
South 67°25' West, 48.22 feet;
Thence South 89°35' West, 38.10 feet;
Thence South 66°24' West, 249.50 feet;
Thence South 50°24' West, 55.00 feet;
Thence South 58°24' West, 180.00 feet;
Thence South 54°24' West, 155.00 feet to a point identified as "E";
Thence South 33°54' West, 105.00 feet;
Thence South 23°39' West, 169.50 feet;
Thence South 18°57'33" West, 174.31 feet which point is referenced by a brass cap located South 66°21'19" East, 25.00 feet, identified as (E-H);
Thence continuing along the thread of said canal an undetermined distance to the thread of the Snake River;
Thence at right angles from the thread of the Snake River to a point on the meandering shore line which point is referenced by the above identified brass cap (E-H) North 75°55'13" West, 113.67 feet;
Thence North 44°07'52" East, 407.19 feet identified as point "F";
Thence North 60°02'22" East, 590.56 feet to THE REAL POINT OF BEGINNING.

EXCEPTING THEREFROM the following described parcels of land:

a. A 25 foot wide parcel which is parallel and adjacent to the centerline of the waste canal above described.
b. A 206.34 foot by 15 foot wide roadway easement which is parallel and adjacent to the Northeast boundary of the real property described above.
c. A 50 foot wide parcel which traverses the entire width of the real property described above, and is centered on a centerline as follows:

MAR 15 1991

Beginning at the above identified point "F";
Thence North 65°35'30" West, 135.36 feet along the road centerline to the P.C. of a curve as follows: Delta - 25°14'16" Rt., Radius - 333.40 feet, Length - 146.86 feet, Chord - 145.67 feet, Tangent - 74.64 feet, which P.T. of said curve falls on the centerline of the waste canal South 33°54' West, 10.88 feet from the above identified point "E".

TOGETHER WITH:

1. The right of ingress and egress over and across the above identified parcel described in (c) above.
2. The right to establish four each access approaches in the real property described above to the 50 foot parcel, identified in (c) above;
3. The right to establish and maintain, at two locations across the above identified 50 foot parcel, a water and utility easement.
4. Access into the above described real property is to be provided on the following described easement or right of way;

Commencing at the 40-corner in the East boundary of said Section 6, which said corner is the Northeast corner of Lot 8 of said Section;
Thence West along the North boundary line of said Lot to the upper rim rock of the Snake River Canyon;
Thence Southeasterly along the line of an old roadway or grade formerly used over said Lot 8.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO THE FOLLOWING:

Unpatented mining claims; reservations or exceptions in patents or state grants or in Acts authorizing the issuance thereof, water rights, claims or title to water.

Taxes for 1985 and subsequent years, a lien, but not yet due and payable.

Power Line Easement given by Norman S. Standal and Anitia J. Standal, and George H. Lemmon and Irene E. Lemmon, to Idaho Power Company, a corporation, dated May 6, 1974, recorded January 10, 1975 as Instrument Number 52990, Gooding County records, affecting a portion of Lot 8 of Section 6, Township 8 South, Range 14, East Boise Meridian.

Power Line Easement given by Aquaculture Industries, Inc., a Corporation, to Idaho Power Company, a corporation, dated May 29, 1974, recorded January 10, 1975 as Instrument Number 52991, Gooding County records, affecting a portion of Lot 8 in Section 6, the Southwest corner of Section 5, and Lot 1 in Section 8, all Township 8 South, Range 14, East Boise Meridian.

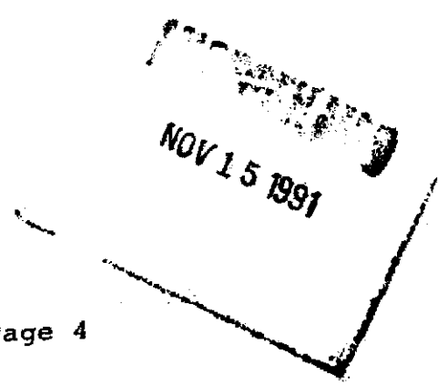
Power Line Easement given by Valley Trout Farms, Inc., Kenneth Ellis, Pres. and Brenda Ellis, Sec., to Idaho Power Company, a corporation, dated November 29, 1980, recorded May 6, 1980 as Instrument Number 82970, Gooding County records, affecting a portion of the SE¼ of Section 6, Township 8 South, Range 14, East Boise Meridian.

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Power Line Easement given by Valley Trout Farms, Inc., Kenneth S. Ellis, President, and Brenda Ellis, Secretary, to Idaho Power Company, a corporation, dated October 20, 1980, recorded January 19, 1981 as Instrument Number 87291, Gooding County records, affecting a portion of the SE¼SE¼ of Section 6, Township 8 South, Range 14, East Boise Meridian.

Power Line Easement given by Valley Trout Co., Inc., to Idaho Power Company, a corporation, dated May 5, 1981, recorded September 9, 1981 as Instrument Number 91266, Gooding County records, affecting a portion of the SE¼SE¼ of Section 6, Township 8 South, Range 14, East Boise Meridian.

Any claim arising from the difference in the mean high water line of the Snake River and the meander line as shown by the Government Survey.



CLASSIFIED ADVERTISING INVOICE

TWIN FALLS TIMES NEWS
132 3RD ST W.
P. O. BOX 548
TWIN FALLS ID 83303

RECEIVED
AUG 25 1988

18913	343	08/16/88
RIGHT #36-08356		
8/04/88	734-3578	

43	2		24.08	24.08
			24.08	24.08

GROSS AMT DUE AFTER DISC

18913 2408

THIS SPACE FOR ADDRESS ONLY

IDAHO WATER RESOURCES
2148 4TH AVE EAST
TWIN FALLS ID
83301

The Times-News
P.O. Box 548 • Twin Falls, Id. 83303-0548

August 23, 1988

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AUG 25 1988
Department of Water Resources
Southern Region Office

Idaho Water Resources
2148 4th Ave East
Twin Falls ID 83301

RIGHT #36-08356

Two Times

August 4, 1988, 43 lines @ .32- - -$13.76
August 11, 1988, 43 lines @ .24- - -$10.32

TOTAL DUE $24.08

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ACCTG.

INVOICE
18913

AFFIDAVIT of PUBLICATION

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AUG 11 1988
Department of Water Resources
Southern Region Office

State of Idaho,)
) SS.
County of Gooding)

J. L. Fuller, 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 3 day of Aug 19 88, and the date of the last publication was on the 10 day of Aug, 1988.

J. L. Fuller

Subscribed and sworn to before me this _____ day of _____, 19_____.
(SEAL)

Linda Henderson
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

FILED
NOV 15 1991

Number of Lines in Notice 30
Number of Insertions 2

_____ Lines tabular at _____ 5¢/Pica
30 Lines straight at 15.60 4¢/Pica
30 Subsequent lines at 11.70 3¢/Pica
TOTAL COST 27.30

COPY OF NOTICE
(Paste Here)

Lico Investments, Inc.
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
2148 Fourth Ave E
Twin Falls, ID 83301
BILL TO

[redacted] Service

The following [redacted] filed to appropriate the public waters of the State of Idaho:

36-08356

RISCER INVESTMENTS, INC., C/O J. EVAN ROBERTSON, VICE PRESIDENT, BOX 701, TWIN FALLS, IDAHO 83303-701

Source: SPRINGS. Tributary: SNAKE RIVER.

Diversion Pt: LOT 1 (SENWNW) Sec. 8 T 08S R 14E: 3/4 mile South & 8¼ miles West of Hansen City Center.

Use: FISH PROPAGATION (45.000 CFS)

Date Filed: 5/09/1988

In: T08S R14E S08 Lot 1 (NWNW)

The [redacted] 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, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before AUGUST 22, 1988.

R. Keith Higginson
Director

Published Aug. 3 & 10, 1988 S-5024

OK TAP

№ 1206

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due
36.23

Account Name	Account Number
Idaho Department of Water Resources (Southern)	#100632

Address	City/State	Zip
2148 4th Avenue East	Twin Falls, ID	83301

Ordered By	P.O. Number	Rate	Run Dates
Mary Baldwin		NT	1988 Aug. 4, 11

Identification	Estimated Inches	Real Inches
Application for Water Right: Pisces Investments, Inc. 36-08356		

Number of Affidavits Requested	Legal Number
1	#9257

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-08356

Pisces Investments, Inc.
c/o J. Evan Robertson
Vice President
Box 701
Twin Falls, ID 83301-701

Source: Springs
Tributary: Snake River
Diversion Pt: Lot 1 (SENWNW) Sec 8 T 08S R 14E; 3/4 mile South & 3 1/4 miles West of Wendell City Center.
Use: Fish Propagation (45.000 CFS)
Date Filed: 05/09/1988
In: T08S R14E S08 Lot 1 (NWNW)

The permit(s) will be subject to all prior water rights. Protests must 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, 2148 Fourth Avenue East, Twin Falls, Idaho 83301 on or before August 22, 1988.

R. KEITH HIGGINSON
Director

Pub. Aug. 4, 11, 1988 9257

RECEIVED
AUG 12 1988
Department of Water Resources
Southern Region Office

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Debbie Richards, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for 2 ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip insertion(s) beginning with the issue of August 4, 1988 and ending with the issue of August 11, 1988

Debbie Richards

Subscribed and sworn to before me this 11th day of August, 1988

NOV 15 1991

Notary Public for Idaho, Residing at Boise, Idaho

RECEIVED
AUG 22 1988
Department of Water Resources
Southern Region Office

STATEMENT

The Post-Register

EAST IDAHO'S HOME PAPER

P.O. BOX 1800 IDAHO FALLS, IDAHO 83403 DIAL 522-1800

State of Idaho
Department of Water Resources
2148 4th Ave. East
Twin Falls, Idaho 83301

FEDERAL I.D. #82-0220642

TEAR OFF THIS SLIP AND ENCLOSE WITH CHECK TO ASSURE PROPER CREDIT BEING GIVEN. YOUR CANCELLED CHECK WHEN RETURNED BY YOUR BANK IS A VALID RECEIPT.

$_____

DATE	INCHES - LINES	WORDS	DAYS	CHARGES	CREDITS	BALANCE
				BALANCE FORWARD		
Aug. 4, '88						
LG, Notice of Application For Water Right #36-08356 Published August 4 & 11, 1988.				26.46		26.46

I hereby certify that the foregoing account is correct and just, that the services were actually rendered as charged, and I/we have not received payment thereof.

THE POST-REGISTER

Deon Napier
Secretary

NOV 15 1991

EXPLANATION OF SYMBOLS:
DS DISPLAY ADV. CL CLASSIFIED ADV. LG LEGAL ADV SP SPECIAL ADV.
EC ENGRAVED CUTS CS CASH AJ ADJUSTMENT RE RE-ORDER ICLASSIFIED ADV

Proof of Publication
The Post-Register

RECEIVED
AUG 22 1988
Department of Water Resources
Southern Region Office

State of Idaho,
County of Bonneville } ss

I, ..J.. Robb. Brady....., first being duly sworn, depose and say: That I am the .....Principal Clerk..... of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for .....two..... consecutive weeks, first publication having been made on the .....4th..... day of .....August....., 19..88.., last publication having been made on the .....11th..... day of .....August....., 19..88.., and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

J. Robb Brady

Subscribed and sworn to before me, this ..17th.. day of .....August....., 19..88..

Notary Public

My commission expires ..September 30,....., 19..88..

B10

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-08356
PISCES INVESTMENTS, INC.
C/O J. EVAN ROBERTSON
VICE PRESIDENT
BOX 701
TWIN FALLS, ID 83303-[illegible]
Source: SPRINGS; Tributary: SNAKE RIVER
Diversion Pt: LOT 1 (SENWNW) Sec 8 T 08S R 14E; 3/4 mile South & 1 1/4 miles West of Wendell City Center.
Use: FISH PROPAGATION (45.000 CFS)
Date Filed: 5/09/1988
In: T08S R14E S08 Lot 1 (NWNW)

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-[illegible] Idaho Code. Protests must be filed with the Director, Dept. of Water Resources at [illegible] Avenue East, Twin Falls, Idaho 83301 on or before AUGUST 22, 1988.

R. Keith Higginson, Director

Published: August 4, 11, 1988

OK
IGO
8/23/88

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NOV 15 1991

APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-08356
PISCES INVESTMENTS, INC.
c/o J. Evan Robertson
Vice President
Box 701
[redacted]
(SENWNW) Sec 8 T 08S R 14E; ¾ mile South & 8 ¼ miles West of Wendell City Center.
Use: FISH PROPAGATION (45.000 CFS)
Date Filed: 5/09/1988
In: T08S R14E S08 Lot 1 (NWNW)

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, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before AUGUST 22, 1988.

R. Keith Higginson
Director

PUBLISH: Thursday, August 4 and 11, 1988.

RECEIVED
AUG 05 1988
Department of Water Resources
Southern Region Office

5 1991

Affidavit of Publication

№ 18913

STATE OF IDAHO, }
COUNTY OF TWIN FALLS } ss.

I, Belinda J Capps being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated Aug 4, 1988, and ending with the issue dated Aug 11, 1988.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Belinda J Capps

Subscribed and sworn to before me on this 12th day of Aug, 1988.

Brenda Parker

Notary Public in and for the County of Twin Falls, State of Idaho, residing at Twin Falls, Idaho

[redacted]R-DEPARTMENT MEMO — 1

FROM

DATE

TO

SUBJECT The correspondence in this file ends in December 1990, please ~~don't~~ do not put any documents into this file after that date!

RETURNED
NOV 15 1991

SIGNATURE

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 21, 1990

Steve Goddard
Attorney at Law
Idaho Dept. of Fish & Game
Statehouse Mail
Boise, ID 83720

Dear Mr. Goddard:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision for Application to Appropriate Water No. 36-08356 in the name of Pisces Investments, Inc.

Any party who disagrees with the Proposed Decision may file exceptions to the decision within fifteen (15) days of service of the Proposed Decision.

Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MICROFILMED
NOV 15 1991

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 21, 1990

S.G. Carleton
Hagerman Valley Citizen's Alert
P.O. Box 32
Hagerman, ID 83332

Dear Mr. Carleton:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision for Application to Appropriate Water No. 36-08356 in the name of Pisces Investments, Inc.

Any party who disagrees with the Proposed Decision may file exceptions to the decision within fifteen (15) days of service of the Proposed Decision.

Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

RECEIVED
NOV 15 1991

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 21, 1990

Steve Tolman
Attorney at Law
P.O. Box 1906
Twin Falls, ID 83301-1906

Dear Mr. Tolman:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision for Application to Appropriate Water No. 36-08356 in the name of Pisces Investments, Inc.

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Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

NOV 15 1991

Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, Idaho 83332

RECEIVED
OCT 29 1990
Department of Water Resources

October 25, 1990

Department of Water Resources
Attn: Gary Spackman
Statehouse
Boise, ID 83720

Re: Application No. 36-08356
Pisces Investments

Dear Mr. Spackman:

As you will recall, at the outset of the hearing in the above-referenced matter on October 17th, I asked about obtaining a copy of the tapes of the hearing. Please consider this our "reminder" as well as a formal request. Since I do not know how much this will cost, I would appreciate it if you will let me know if it will be more than a few dollars per tape.

Thank you for your courtesy and assistance.

Sincerely,

S.G. Carleton
President
Hagerman Valley Citizens' Alert, Inc.
POB 32
Hagerman, ID 83332

NOV 15 1991

Notes for Hearing of Application
for Permit No. 36-08356
October 17-18

To Inman

Michael G. Greene - Shareholder in Pisces Investments, Inc.
Pisces sells to Blue Lakes Trout.
Aquired from Southern Idaho Production Credit.
Capable of operation at time of acquisition
145 cfs. licensed
50 raceways - 2.4 million lbs.
Reuse -
40-45 cfs reused. - used primarily for small trout rearing.

Admitted - Exhibit A - Map (schematic) of the Pisces facility
Proposed ponds 20 ponds
6' wide by 72 ft long
Return to M & N raceways.
Will build quiescent zones at the end of the new ~~ponds~~ raceways.
Quiescent zones - settle SS
Solid treatment settlement in M & N raceways
Water from M & N is into the estuary will be at the same point.
Standards for EPA - NPDES permits

Admitted Exhibit B - NPDES permit —

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Admitted Exhibit C -

Will satisfy EPA requirements - → standpipe & vacuuming is best practicable practice

1. Will not reduce water
2.

Watched boating, fishing, hunting sightseeing -
Can see adjoining estuary - Minnie Miller -

No hunters -
No swimming or wading in either estuary -
It is efficient delivery -
Not a consumptive use -
Concrete ponds -

Goddard's X-examination
Studies to determine
No study of water quality in the estuary -

40 cfs from Bridal Veil Falls
140 cfs of water -
Use whatever comes out - 140 cfs
Pipe that comes from M & N to [redacted]

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F & G's Exhibit 8 -
Ponds constructed in 1987 - 1988

Admitted - Exhibits 101 & 102

Wastes in ponds come into [redacted] than raceways.
M & N -
Documents from the bank -
Financial picture is satisfactory
Casual observations -
Public access - is readily available -
Own property is private property -

Violation was not regarding effluent standard -
Complaint was filed prior to installation of quiescent zones -

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Dorothy Greene - Mike Greenes wife
since 1986 -
7 full time 4 part time -
$200,000 payroll -
Costs -
Total expenditure for cost of business $1,000,000
Close to ~~$[illegible]~~, Hagerman area
Financial position
Could afford the costs -
Can pay for improvements with cash -
Observed estuary - Hunt waterfowl
Also fishing boats -
Once a month on the ~~[illegible]~~ premises -
Proposal would increase ex

Evan Robertson
Shareholder - Acquainted with reuse
Narrow raceways -
1957 - 1964 worked for Blue Lakes - Involved with Pisces since 1978 -
Familiar with effluent standards -
Familiar with wastes - will increased use cause -
Would be able to satisfy standards
Water use here will be treated [illegible] times instead of eight times - which is the use in some of the facility -

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Not as much drainage as normal raceways
Filled on 45 cfs - between 40-45 cfs
available -
Generally familiar - will it reduce
water
Will reuse
Have witnessed hunting, fishing
canoes, motorboats - wildlife -
waterfowl, pelicans, heron, fur bearing
mammals, beaver
Are uses in the public interest - yes
Any swimming in estuary? No.
No one swimming or wading in Monroe
Miller - 580 in the estuary -
Is not wasting water - intends to keep all
his water. Conveyance system is efficient -
No change in amount or point of
discharge - would not effect existing
condition of the estuary
X Exam by Goddard
Any water quality studies in estuary
Sample monthly samples of water
discharged to the estuary
Does not know whether water quality
satisfies State water quality standards
Do smaller fish eat more per weight
Casual observation -
Visit at least once a week - sometimes twice

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X Exam by Carlton

Stays at hatchery 4-5 hours - looks at inventory - Normally will see all parts of the farm

J. C. Burdick

Consulting teacher for Twin Falls School District - Competitive swimmer - Swimming organization -
Familiar with standards for swimming
78°-80° temperature
78°-80° is cooler than recreational swimming - most conducive to fast swimming -
Experienced triatholon swimming
70° is could -
Brief swimming in 58° water - recreational
X Exam by Backard | swimming probably not possible -
Sustained period - 12 & 25 minutes -
for competitive -
Not seen someone else swimming in cold water -
Most triatholons won't allow swimming in water that's too cold

Redirect -

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David Clarence Van Englund - CPA.
Hunts & fishes - knows the hatchery
Duck hunted there since 1987 - hunted
in Magic Valley for 20 years -
Hunting at Magic Springs has been very good.
Observed ducks, swans, heron, muskrat,
pheasants etc.
Observed fish - Have built a dock -
Lots of big fish in the estuary.
Fishermen go thru decoys to fish - have
seen fish caught -
Observations of quality - water is
clear - not noticed odor - not
stagnant -
Not noticed.
Water discharging to the river
is clearer than the river itself -
Hunted in Thousand Springs Posted
in Thousand Springs.
Suitable for fishing & hunting -
No swimming - People fish from a
boat -
X-exam by Goddard
No business dealings with [redacted] -
X exam by Carlton - Fall of 1989 -

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NOV 15 1991

Lee & Klimes -

Works for Pisces Investments -

Manager of the facility -

Required to be there at least 40 hours a week 60-70 hours

Fishing, boating, hunting, sightseeing

Can get there by means of the river

someone comes in. If asked. Its OK - during work time -

East of facility is Nature Conservancy property - Not a lot of use on Nature Conservancy property - not even ~~a tenth~~ 10% (one tenth) of use

People have fished & caught fish -

No one has ever been swimming or wading

What is being proposed - between 15-20 raceways - 2 sets. Waste handling - each pond will have quiescent zone

No fish in quiescent zone -

Dispose through land disposal

Settles in all pond -

(Proposal would not change -

Will not increase settleable solids -

Less biomass - not as much waste as bigger fish -

water is available

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DMRs

What is

NPDES permit Monthly samples sent to independent lab - Same discharge as M & N ponds -

Applicants Exhibit E
Will satisfy standards
No outstanding violations of water quality standards against Rose's
Will allow continued public interest
No changes to public use

X-Exam by Goddard
< fish consume more but convert food better -

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NOV 15 1991

Mike McMasters - 8 years - water quality manager - Cooperative to work with. Familiar with prior operation - Prior ownership marginal at best -

Been in compliance with effluent requirements -

State EPA requirements

Monitoring for compliance (state)

Do not enforce - EPA does this -

Agreement for establishing compliance based on best ~~technical~~ current technology -

Pisces has in compliance facility -

How to establish ~~[illegible]~~ discharge standards -

Standard set by NPDES permit -

Has reviewed every DMR -

Have been no Pisces violations

Familiar w/ proposed expansion -

Fingerling fry

Will be additional loading from new facility - The settling facility will handle it.

Negligible in detectable solids

Quiescent zones will ~~be~~ [illegible] standards

No change in discharge

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X Exam by Goddard -
Water quality studies - none in receiving waters -
No baseline data -

Two questions

~~#1~~

Effluent standards are for solids not for ~~nutrients~~ nutrients.
Dissolved oxygen problem -

Been to upper end - minimum flow thru the estuary - There is stagnant water
Flow at upper end - running at about half capacity - Doesn't know discharge - 4-10 cfs coming out upper end of the estuary -
Seasonal impact - concern to him now -
Does addition of ponds - will it increase the problems - extensive growth -

6

No baseline data for the Bridal Veil EPA -

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NOV 15 1991

Will not maintain spawning habitat
Must be some change beyond the reuse of the water - Capability for spawning not available now
D.O. problems -

Size of Crystal Lake is larger than Magic Estuary -
Smaller receiving areas -

Water quality standards
Contact sports - Activity - Primary contact probably limited -
Define secondary, primary & cold water biota -

Mary Lucachick -
What are responsibilities - Has interest in Badd Veil Estuary - Mandate to do long term studies - should render opinions about water quality -
Proposed reuse studies about [redacted] no
No water quality studies -
Any formal surveys - no.
No studies of the estuaries -
One visit on site - Did not talk to Lisa
Talked to Hagerman Valley Citizen's Alert

NOV 15 1991

Currently exist -
Any change leaves it in the same condition

X-Exam Swam at Blue Heart and Minnie Miller springs.

Would not swim in Bridal Veil - Wading through 3 feet -

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NOV 15 1991

Francis Grissum -
Owns Quick Stop business in Hagerman
Boating, recreation, fishing, recreation

Decrease in business
Condition of the river

Donald Shultz -
Sportsmans River Resort
Fishing for 15 years - manages this
& is a locksmith
Familiar with Bridle Veil Falls
Change in aesthetic view -
Dam has been raised - blocks view
3 years over by the falls
Fished at base of falls
Can't get a motor driven boat into
the estuary at the present time -
Changed from first visit -
Buildup in estuary is causing the
~~problems~~ problems

x-Exam by Tolman
Fishing
~~Doesn't~~ Doesn't

MICROFILMED
NOV 15 1991

Diane Elasick Lives in Bliss
Familiar with the estuary
Swims often in some of the springs -

F & G - 11 thru 21

Burt Holmes
Owns Rock Lodge
Familiar with Hagerman Valley & Travel Council -
Published a book on recreation
Tourism is second to hatcheries in Hagerman Valley -
Conditions on the river have been bad

Sheldon Carlton

Discharged at head to prevent stagnation -

X Exam by Tolman

MICROFILMED
NOV 15 1991

Carter Wilson

On Snake River - Buys-ships dry bears

Swims in springs

Will not swim in Bridle Veil -

Any water quality samples

No studies on the

Robert Johnson

Lived 32 years in the area

Retired - Outdoor writer -

KNows the area - Started visiting in 1946

Was there during the winter

Fished both Minnie Miller & Bridle Veil.

Considered them as a nursery

Lots of spawning in the estuary

Most water was 2-6 feet deep

Bridal Veil was 3-4 times wider then it is now -

Probably three times as much flow -

Bottom end of estuary is where all big fish are caught -

MICROFILMED
NOV 15 1991

Visited in recent years

Minnie Miller has not changed much

Estuary full of fish waste

Pushed sediments down about four feet

No gravel in estuary

Readmit markings on Exhibit 1

X Exam by Tolman

Have read applications
No increase in amount of water
Would reuse further degradate
Has no factual info that it would further degradate
Settling pond & technology at the time

Cartton by Goddard

Nancy Ritte
Observed Bridle Veil Falls

F&G Exhibit No. 1 Bridle Veil Falls Estuary

F&G Exhibit No. 2 "

F&G Exhibit No. 3 People swimming in Bridle Veil

F&G Exhibit No. 4 Swimming

MICROFILMED
NOV 15 1991

Size is much smaller now -
Gravel in entire bottom -
Visited the area now - it is not the same

Open sewer - Has a stench that is obnoxious

Crime against people of the state of Idaho
Bars of materials are just under the surface
White crust on the foliage
Familiar with Minnie Miller
~~Johnson~~ Minnie Miller is the same
No dead fish this time - ~~Has not been~~
Have been dead fish in the past

Charles Edward Corsi

Regional fisheries manager

Settleable solids - This is the biggest problem
Covers spawning gravels
Reduces inner gravel oxygen
Changes invertebrate community

Soluble materials - high levels of phosphorus
Contributes to gravel
Can create oxygen debt - Can ~~kill~~ fish kill
Can reduce growth rates

MICROFILMED NOV 15 1991

Review cumulative impacts of hatcheries to determine condition of the Snake River
318 acre feet/year settleable solids

Seen to Minnie Miller & Bridle Veil -

Ward Horschman - Inspect water quality problem -
Clean gravels in Minnie Miller

At the mouths of the discharge pipes -
Moved some of the settleable solids
Gravels are exposed but not good spawning
because of interspersed solids —
Need to have DO between 5-6 ppm

Nutrients - No treatment for this removal
If not settled

NPDES does not protect receiving waters
Crystal Springs & Pisces facilities &
receiving waters are very similar

F&G Exhibit no. 23 Management
Admitted -
Most important fishery is Snake River - Rainbow
trout is most important spec[illegible]
Water quality is most important factor.

NOV 15 1991

What is happening with Snake River -
Snake River is reproduction limited
Can't fully seed the Snake River
Spawning is limited because of degradation

Not in local interest - Load of solids remains the same - Will see an increase in dissolved nutrients -

X-Exam by Tolman

River can rehabilitate if not substantially affected -

Amount of flows not affected

No studies & no baseline data

Are there limitations on nutrient discharge.

Increased nutrients & plant growth will occur.

Argument of Pisces

Argument of Fish & Game

Cannot issue permit that would violate state laws.

MICROFILMED

NOV 15 1991

Re: Pisces Investments Inc. Rehearing

Place: Twin Falls

Date: 17-Oct-1990

Hearing Officer: Gary Spackman

Assisted by: Loren Holmes

ROSTER OF ATTENDANCE

NAME	ADDRESS	REPRESENTING
Steve Tolman	P.O. Box 1906 T.F.	Pisces Investment
Evor Robert	Box 1906 TF	Pisces Investments
Michael Greene	Box 701 T.F.	Pisces Investments
Dorothy C Green	2552 Poleline Rd E. TF	Pisces Investments Inc.
Leon Klingis	40th Horseshoe Circle Jerom	Pisces Investments
Burt Holmes	17940 U.S. 30 Hagerman	witness
Nancy Pitts	3379 A HONEYCUT RD. SLC UT 84106	"
Jill Joseph	RR#1 Box 254 Hagerman	Interested party Citizens Alert member
Dianne Eblasick	385 River Road Bliss	Citizen's Alert witness
Alice Wilson	R.R. 1, #79 Hagerman	concerned citizen Citizen's Alert
Leonarda Exon	Box 53 Hagerman Billingsgate Road	Interested Party Possible Witness
Donald "Dutch" Schultz	RT 1 - Box 129 HAGERMAN	SPORTSMANS RIVER RESORT CITIZENS ALERT
Robert A. Johnson	1624 Harrison Park	Self.
Fran Hiscocks	111 Quicksilver Ave	Witness
Stephen Haddock	600 S. Walnut, Boise	Idaho Fish & Game.
Charles E Corsi	868 E Main Jerome	I[illegible]
S. G. Carleton	P.O. Box 1, Hagerman	HSCA[illegible]
Mary Jean Lucachick	STATEHOUSE MAIL, BOISE, 83720	IDAHO 1 5 1991
Michael J. McMasters	P.O. Box 1624 TF 83301	IDHW - Div. Env. Quality
Kevin M. Lynott	R+1 Box 358 Hagerman Id	IDPR Malad Gorge State Park

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

STEPHEN V. GODDARD
DEPUTY ATTORNEY GENERAL
P.O. BOX 25
BOISE, ID 83707
TELEPHONE: (208) 334-3715

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

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER OF NO. 36-08356 IN THE NAME OF PISCES INVESTMENTS	MOTION FOR CONTINUANCE

COMES NOW the Idaho Department of Fish and Game by and through its counsel of record, Stephen V. Goddard, and pursuant to Rule 9, 14, Rules and Regulations Practice and Procedure (1983) respectfully moves the hearing officer to delay the hearing in the above-referenced matter scheduled for October 17, 1990, for one week until October 24, 1990, at the same time and location. The grounds for this motion are:

1. Additional time is needed to review the settlement agreement in order to determine its impacts on state interests.

2. As a Deputy Attorney General, I have the responsibility to represent the interests of the state of Idaho and to assure that any agreements do not harm the state's interests.

3. The interests of several state agencies may be negatively impacted.

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4. Granting a one-week delay will allow for assessment of the ramifications on other state agencies.

5. Granting a one-week delay may allow for resolution of this matter and negate a hearing.

The representatives for Applicant Pisces Investment and Protestant Hagerman Valley Citizen's Alert have been contacted. Citizen's Alert has no objection to continuing the hearing for one week. Pisces Investment has indicated they will oppose the motion. All parties have agreed to have oral argument on this motion at 1:30 p.m. on October 16, 1990.

DATED this 16th day of October, 1990.

Stephen V. Goddard
Deputy Attorney General

NOV 15 1991

CERTIFICATE OF SERVICE

I, Corinne Barlow, hereby certify that a copy of the MOTION FOR CONTINUANCE in the above-referenced matter was mailed postage prepaid on October 16, 1990 to:

Steven K. Tolman
Nelson, Rosholt, Robertson, Tolman & Tucker
Attorneys at Law
142 3rd Avenue North
P.O. Box 1906
Twin Falls, ID 83303-1906

S.G. Carleton
President
Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, ID 83332

Gary Spackman
Idaho Department of Water Resources
Statehouse Mail
Fax 327-7866

Corinne Barlow

Corinne Barlow
Secretary/Records Manager

RECEIVED
NOV 15 1990

State of Idaho
Department of Fish and Game
Boise, Idaho

M E M O R A N D U M

October 16, 1990

FROM: Steve Goddard SG

TO: Gary Spackman

SUBJECT: Motion for Continuance

Enclosed is the original Motion for Continuance that was faxed to you this morning.

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NOV 15 1991

Steven K. Tolman
NELSON, ROSHOLT, ROBERTSON,
TOLMAN & TUCKER
P. O. Box 1906
Twin Falls, Idaho 83303-1906
Telephone: (208) 734-0700
2981p/alm/10/15/90

RECEIVED
OCT 16 1990
Department of Water Resources

BEFORE THE DIRECTOR OF THE DEPARTMENT

OF WATER RESOURCES OF THE STATE OF IDAHO

* * * * * * * * * *

IN THE MATTER OF APPLICATION)
FOR PERMIT TO APPROPRIATE) **POTENTIAL**
WATER OF NO. 36-08356 IN THE) **WITNESS LIST**
NAME OF PISCES INVESTMENTS)

* * * * * * * * * *

COMES NOW, Pisces Investments, by and through its counsel of record, Nelson, Rosholt, Robertson, Tolman & Tucker, and submits the following list of witnesses it may elect to call at the hearing schedule on this matter for October 17, 1990.

WITNESSES

J.Evan Robertson	Twin Falls, Idaho
Michael Greene	Twin Falls, Idaho
Dot Greene	Twin Falls, Idaho
Leon Klimes	Twin Falls, Idaho
Dave VanEngelen	Twin Falls, Idaho
Randall Slickers	Twin Falls, Idaho
Michael McMasters	Twin Falls, Idaho
J.C. Burdick	Twin Falls, Idaho
Gerald Martens	Twin Falls, Idaho
Mary Jean Lucachizk	Boise, Idaho

Pisces Investments also reserves the right to call any witnesses disclosed by Protestors, Hagerman Valley Citizen's Alert, Inc., and Intervenors, Idaho Department of Fish and Game.

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NOV 15 1991

DATED this 15th day of October, 1990.

NELSON, ROSHOLT, ROBERTSON,
TOLMAN & TUCKER

By: _____
STEVEN K. TOLMAN

CERTIFICATE OF MAILING

I hereby certify that on this 15th day of October, 1990, I served a copy of the foregoing POTENTIAL WITNESS LIST, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Mr. Stephen V. Goddard
Deputy Attorney General
P.O. Box 25
Boise, Idaho 83705

S.G. Carlston
President
Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, Idaho 83332

Mr. Gary Spackman
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

_____
STEVEN K. TOLMAN

MICROFILMED
NOV 15 1991

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 11, 1990

Evan Robertson
Attorney at Law
P.O. Box 1906
Twin Falls, ID 83303-1906

RE: Application for Permit to Appropriate Water No. 36-08356 in the Name of Pisces Investments, Inc.

Dear Mr. Robertson:

Enclosed is financial information submitted by Pisces Investments, Inc. on August 31, 1990. I am returning the information without review upon your request.

The financial information may or may not be necessary, depending on the additional information which you submit at the hearing. As I informed you before, the Department has typically accepted a letter of financial commitment from a banking institution as satisfying its requirements of Rule 4,5. of the Water Appropriation Rules and Regulations.

Sincerely,

Gary Spackman

GARY SPACKMAN, Manager

GS:js

cc: S.G. Carleton
Steve Goddard

NOV 15 1991

Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, Idaho 83332

RECEIVED
OCT 15 1990
Department of Water Resources

October 13, 1990

Steven K. Tolman
POB 1906
Twin Falls, ID 83303

Re: Proposed Settlement Agreement, Application No. 36-08356

Dear Mr. Tolman:

We were encouraged when we learned Pisces Investments understood the conditions in the estuary to Bridal Veil Falls remained unacceptable to us and your clients wanted to offer a proposal to clean up existing conditions and restore the quality of a once-pristine, productive portion of Hagerman Valley waters. Having had the opportunity to review the above-referenced proposal with the Citizens' Alert Board of Directors, I believe you will be pleased to know we have made progress in reaching an accord. There are several points, however, that are troubling to us. After consultation with personnel at both the Department of Fish and Game and the Division of Environmental Quality, we feel there are several issues that must be clarified and/or added to any agreement.

#1 (page 2): This is acceptable to us.

#2 (page 2): We understand that it is necessary to maintain structures, and sometimes those structures fail. We also understand it is not realistic to put hard and fast time parameters on repair of such structures. However, we need some better language than "...that said flow may be temporarily reduced if it becomes reasonably necessary for the Applicant to do so in the ordinary course of managing the Magic Springs Trout Farm."

#3 (page 2): If this item clearly specifies all costs will be borne by Applicant, this is acceptable to us.

#4 (page 2). The first sentence of this item is acceptable to us; the remainder is not. We would be willing to discuss a system whereby measurements of the water at the discharge end of the pipe could be monitored by Applicant, Protestant, Intervenor Fish and Game and any other appropriate agency without disruption of Magic Springs Trout Farm's operations. Under no circumstances will Protestant pay for any monitoring or monitoring devices; we neither created, contributed to, nor perpetuated the problems in the estuary.

The following items need to be [illegible] Settlement Agreement:

REC'D NOV
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NOV 15 1991

1. After installation and operation of the 36" pipe and such other devices as is mutually agreeable through one complete year encompassing both high and low water flows in the Snake River for that year (January 1, 1991 to January 1, 1992), inspection of the estuary by Applicant, Protestant, Intervenor Fish and Game and the Division of Environmental Quality should be made jointly to ascertain the amount of flushing that may have taken place and the conditions of the estuary. Applicant agrees to dredge, with a vacuum type dredge, at Applicant's expense, the estuary or that portion of the estuary still befouled.

2. Once the estuary is clear of siltation from the Applicant's fish rearing facility through either the natural flushing or the required vacuum dredging, the parties specified above will closely monitor the conditions in the estuary; if siltation occurs again, Applicant will again dredge that portion befouled with a vacuum type dredge.

3. During July, August and September of each year subsequent to installation and operation of the pipe discharging a minimum of 20 cfs at the head of the estuary, Applicant will, at Applicant's expense, monitor dissolved oxygen twice daily at points to be agreed upon with the Division of Environmental Quality. During the remainder of the year, this monitoring for dissolved oxygen will occur once daily.

4. We need some language in the Settlement Agreement about enforcement of the Agreement.

5. We need language in the Settlement Agreement specifically stating that this Settlement applies only to Application for Permit to Appropriate Water No. 36-08356.

Our Board of Directors felt strongly about the items immediately above. Some of our members are looking forward to a rehearing in this matter. However, we are willing to settle this if our concerns are addressed appropriately. I may be reached at 837-4891 if you wish to further discuss any of the above. If not, I'll see you Wednesday, October 17th.

Sincerely,

S.S. Carleton, President

cc: Steve Goddard
Chip Corsi
Gary Spackman ✓
Mike McMaster

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NOV 15 1991

SETTLEMENT AGREEMENT

THIS Settlement Agreement is entered into this 10th day of October, 1990, by and between PISCES INVESTMENTS, INC., an Idaho corporation, hereinafter referred to as "Applicant", and HAGERMAN VALLEY CITIZENS ALERT, INC., an Idaho corporation, hereinafter referred to as "Protestants".

W I T N E S S E T H:

WHEREAS, the Applicant is the owner and operator of the Magic Springs Trout Farm near Hagerman, Idaho; and

WHEREAS, the Applicant presently has pending with the Idaho Department of Water Resources Water Right Application No. 36-08356, seeking a permit to divert and reuse certain water presently licensed to the Applicant, thereby enabling the Applicant to expand the Magic Springs Trout Farm by the addition of approximately 20 concrete raceways containing two trout-rearing ponds each, with the approximate dimensions of 80' x 6'; and

WHEREAS, the Protestants have filed with the Idaho Department of Water Resources a Protest against the issuance of Water Right Application No. 36-08356, based, in part, upon its belief that the estuary into which water from the Magic Springs Trout Farm is discharged is not well circulated and remains in a stagnant condition contrary to the local public interest in recreation; and

WHEREAS, the Applicant believes that the circulation in said estuary could be significantly enhanced by the installation of a 36" diameter pipe to a point near the head of the estuary through which a minimum of 20 cfs of water from the Magic Springs Trout Farm could be discharged; and

WHEREAS, the Applicant, subject to the terms and conditions set forth herein, is willing, at its sole cost and expense, to install said 36" pipe and provide for the delivery of not less than 20 cfs of water to the head end of said estuary in return for a dismissal of the Protestants pending Protest of Water Right Application No. 36-08356;

NOW, THEREFORE, the parties hereto, in consideration of mutual promises and covenants herein contained, do hereby, for themselves, their heirs, successors and assigns, agree as follows:

FILED
NOV 15 1991

1. Within 60 days from the date hereof, the Applicant shall, subject to approval from appropriate regulatory agencies, install a galvanized pipe, 36" in diameter, leading from the tail race below those existing trout production ponds on the Magic Springs Trout Farm identified by the letter "N" on the attached diagram to a point near the head of the estuary into which water from the Magic Springs Trout Farm is discharged (commonly known as Bridal Veil Estuary), at the approximate point indicated on the attached diagram.

2. Upon installation of the above-referenced pipe, the Applicant shall continuously thereafter deliver from its discharge water not less than 20 cfs of water through the pipe to its discharge point into the estuary; provided, however, that said flow may be temporarily reduced if it becomes reasonably necessary for the Applicant to do so in the ordinary course of managing the Magic Springs Trout Farm.

3. As may be mutually agreed upon by the parties, and subject to any applicable regulations of any federal, state or local governmental agency having jurisdiction over the same, the Applicant further agrees to install, at the point that water conveyed through the above-referenced pipe is discharged into the estuary, large rock, gravel or other devices as may be deemed appropriate or necessary to diffuse said discharge.

4. Upon installation of the above-referenced pipe, the Applicant shall provide to the Protestants satisfactory proof of the delivery of not less than 20 cfs of water to the head end of the estuary, through water measurements conducted by an engineer or hydrologist qualified or certified to make such measurements. Thereafter, the Protestants shall, upon written application to the Applicant, be permitted to come upon the Magic Springs Trout Farm at specified times to conduct such measurements of the water flowing in said pipe as it deems necessary to assure compliance with the provisions of this Settlement Agreement, provided that all costs for such subsequent measurements shall be borne by Protestants.

5. In consideration for the installation of the pipe hereinabove referenced, and the delivery by the Applicant through said pipe of not less than 20 cfs of water to the head end of the estuary, the Protestants hereby dismiss their protest to Water Right

NOV 15 1991

Application No. 36-08356, and consent to the installation of the trout-rearing ponds referenced in said application by the Applicant.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

PISCES INVESTMENTS, INC.
an Idaho corporation

By:_____
Its:_____

HAGERMAN VALLEY CITIZENS ALERT, INC. an Idaho corporation

By:_____
Its:_____

STATE OF IDAHO)
) ss.
County of _____)

On this 10th day of October, 1990, before me, a Notary Public, in and for said County and State, personally appeared _____ known or identified to me to be the _____ of PISCES INVESTMENTS, INC., the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

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

_____
NOTARY PUBLIC FOR IDAHO
Residing at:_____
My commission expires:_____

NOV 15 1991

STATE OF IDAHO)
) ss.
County of _____)

On this 10th day of October, 1990, before me, a Notary Public, in and for said County and State, personally appeared _____ known or identified to me to be the _____ HAGERMAN VALLEY CITIZENS ALERT, INC. the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

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

_____
NOTARY PUBLIC FOR IDAHO
Residing at:_____
My commission expires:_____

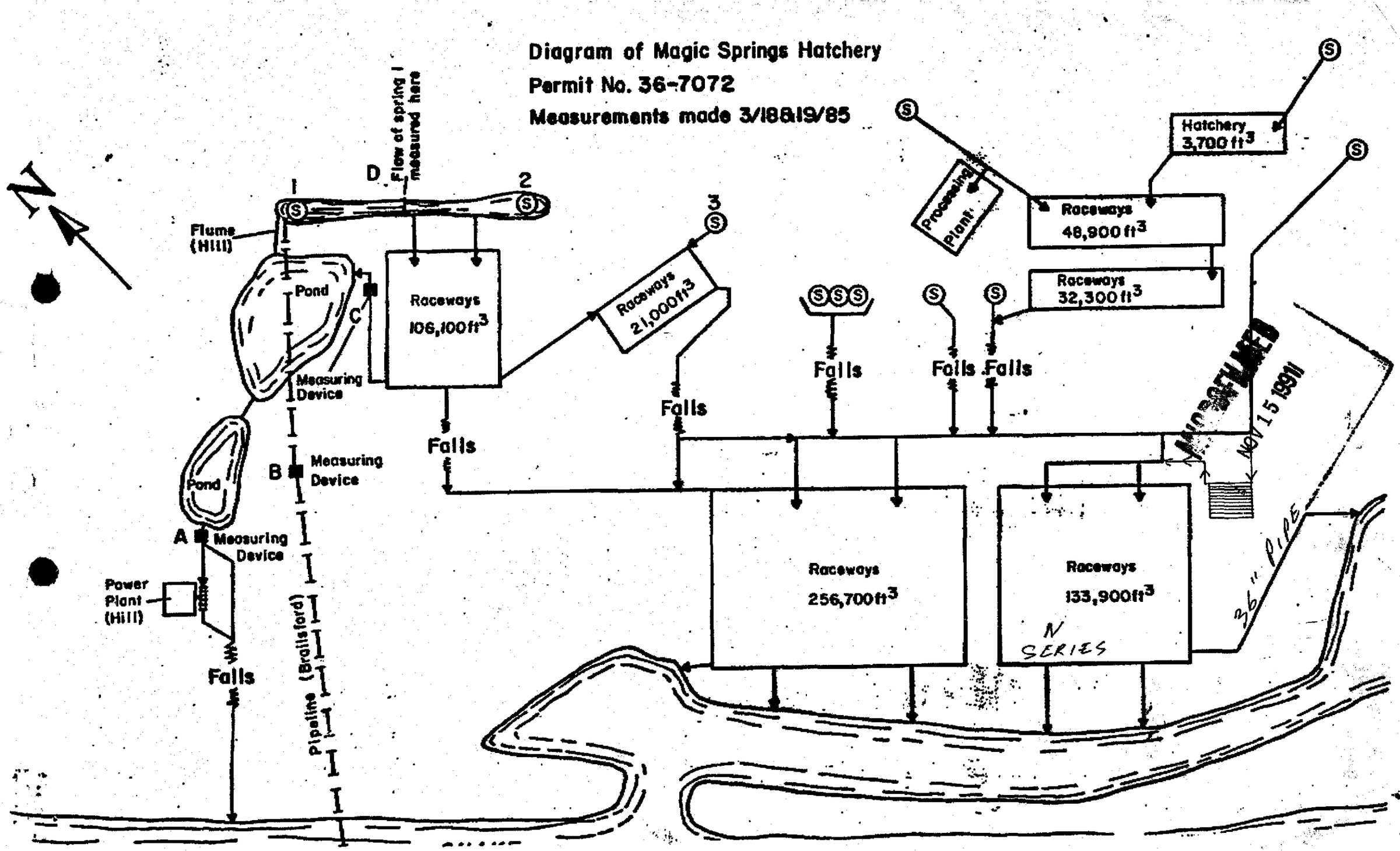
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NOV 15 1991

Diagram of Magic Springs Hatchery

Permit No. 36-7072

Measurements made 3/18&19/85



1 208 733 0325 PAGE.005
JAN 24 '90 15:57

Re: Pre-hearing conference, Application 36-8356, Pisces Investments, Inc.

Place: Twin Falls

Date: 10-Oct-1990

Conference held by: _____

ROSTER OF ATTENDANCE

NAME	ADDRESS	REPRESENTING
Ned W. Bowler	HC 60 Bx 1155 Bliss 83314	Hagerman Valley Citizen Alert
LARRY BARBER	Box 208 HAGERMAN	" " " "
S. G. Carleton	P.O. Box 1 Hagerman	Hagerman Valley C. A.
STEVE GODDARD	Box 25 Boise, I.D. 83707	IDAHO DEPT. FISH & GAME.
Charles B Corsi	868 E. Main Jerome, Id 83338	IDFG
Mike McMasters	629 N Washington Ave TF 83301	IDHW - Div Env Quality
Robert Johnson	1624 HARMON PARK T.F	Observer
Steve K Tolman	P.O Box 1906 TF	Pisces Investment
Evan Robertson	Box 1906, T.F	Pisces Investments
Michael Greene	PO Box 761 TF	Pisces Invest

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NOV 15 1991

Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, Idaho 83332

RECEIVED
OCT 9 1990
Department of Water Resources

October 4, 1990

Department of Water Resources
Attn: Gary Spackman
Statehouse
Boise, ID 83720

Re: Application No. 36-08356, Pisces Investments, Inc.

Dear Mr. Spackman:

On October 3, 1990, we received a partial document entitled "Petition Objecting to Idaho Department of Fish and Game's Petition to Intervene" in the above-referenced matter. Aside from the fact that this document apparently is a day late, it is also a page short.

Please send to us page 4 of this most recent Pisces filing.

Thank you for your attention to this request.

Sincerely,

S.G. Carleton
President
Hagerman Valley Citizens' Alert, Inc.
POB 32
Hagerman, ID 83332

NOV 15 1991

IDAHO DEPARTMENT OF PARKS&RECREATION

CECIL D. ANDRUS
Governor

YVONNE S. FERRELL
Director

IDAHO PARK AND RECREATION BOARD

Robert G. Thomas
Region One

Thomas L. Neal
Region Two

Sheila Robertson
Region Three

Glenn Shewmaker
Region Four

Ren E. Thomson
Region Five

Monte Q. Later
Region Six

STATEHOUSE MAIL
BOISE, IDAHO 83720
(208) 334-2154
FAX (208) 334-3812

Street Address
2177 Warm Springs Ave.

Celebrate IDAHO 1890 CENTENNIAL 1990

October 4, 1990

J. Evan Robertson
Nelson, Rosholt, Robertson, Tolman & Tucker
Attorneys at Law
P.O. Box 2139
Boise, ID 83701-2139

Re: Water Right Application
No. 36-08356
Pisces Investments, Inc.

Dear Mr. Robertson:

I received your letter dated September 18, 1990 requesting information concerning my professional background, environmental education, and the ability of this department to perform water quality analysis.

I do believe you have misunderstood the position of this department concerning the Pisces water right application. You state in your letter the need to "ascertain the validity of your (my) comments and the factual foundation upon which they are based." The Idaho Department of Parks and Recreation does not conduct water quality studies, nor do we analyze them. Our legislative mandate is: "To formulate and put into execution a long range, comprehensive plan and program for the acquisition, planning, *protection*, operation, maintenance, development, *and wise use of areas of scenic beauty, recreational utility, historic*, archaeological, *or scientific interest, to the end that the health, happiness, recreational opportunities, and wholesome enjoyment of life of the people may be further encouraged."*

We were requested by the Hagerman Valley Citizens Alert to visit the estuary at Bridal Veil Falls. On June 13, Kevin Lynott, Park Manager at Malad Gorge, Rinda Just, attorney, and I visited the estuary by canoe. Through some very basic observations we came to the conclusions mentioned in my earlier letter.

- We pushed a canoe paddle to the floor of the estuary, and observed that there was approximately 3 feet of "sediment" on top of the floor near the first culvert that returns water to the estuary.

- We noticed a *minimal* amount of water coming into the top of the estuary from the area near the spring.

- We observed a pink crust on the top of the aforementioned sediment layer at the head end of the estuary. The pink material was crystaline in apperance, and appeared to be a chemical deposit.

- We smelled a noxious ammonia-type odor.

- We saw a near solid mat of aquatic vegetation in the estuary and along the shoreline.

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These observations brought us to the conclusion that the estuary was unusable for swimming, wading or public enjoyment. We can only assume that the proposed expansion as requested in Permit No. 36-08356 will further add to the observed problems at Bridal Veil Falls. Bridal Veil Falls as it cascaded into the estuary was once, as you know, a pristine area enjoyed by the residents of the Hagerman Valley for swimming, wading, and fishing. Though we have not conducted any recreational studies of use in the estuary, we understand through communication with lifetime citizens of the Hagerman Valley that it is no longer used for these basic recreational uses.

After visiting Bridal Veil Falls Estuary, we took a boat up to the head of Minnie Miller Springs Estuary, located just upstream. We were then able to "visually" compare water quality between the two estuaries. The floor of the Minnie Miller estuary was clean and graveled with some aquatic vegetation, and a healthy population of trout. The water was clear and inviting, and the air was fresh.

We requested that the Department of Health and Welfare, Water Quality Bureau, be involved in conducting and in reviewing any water quality analyses, as they are the state agency involved in oversight of that program.

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

Sincerely,

Mary Jean Lucachick
Resource Specialist

mjl/6107E

cc: Lauren Holmes, IDWR Twin Falls
Gary Spackman, IDWR Boise
Keith Higginson, IDWR Director
Steve Goddard, Deputy AG, F&G
Kevin Lynott, IDPR, Malad Gorge
Rinda Just, Deputy AG, IDPR

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NOV 15 1991

Hagerman Valley Citizens' Alert, Inc.
P.O. Box 82
Hagerman, Idaho 83332

RECEIVED
OCT 3 1990
Department of Water Resources

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

IN THE MATTER OF APPLICATION NO. 36-08356, PISCES INVESTMENTS, INC.	)))	PROTESTANT'S RESPONSE TO PETITION TO INTERVENE

Protestant, Hagerman Valley Citizens' Alert, Inc., through its President S.G. Carleton hereby expresses complete support for the Petition To Intervene filed by the Department of Fish and Game in this matter. We think it is not only necessary but also entirely appropriate for the Fish and Game Department to participate fully in this issue.

S.G. Carleton, President

Certificate of Service

I, S.G. Carleton, hereby certify that a copy of PROTESTANT'S RESPONSE TO PETITION TO INTERVENE was mailed postage prepaid on October 1, 1990, to:

Gary Spackman
Department of Water Resources
Statehouse Mail
Boise, ID 83720

Stephen V. Goddard
Deputy Attorney General
Department of Fish & Game
Statehouse Mail
Boise, ID 83720

Steven K. Tolman
142 3rd Avenue North
POB 1906
Twin Falls, ID 83301

S.G. Carleton, President

MICROFILMED
NOV 15 1991

Steven K. Tolman
NELSON, ROSHOLT, ROBERTSON,
TOLMAN & TUCKER
P. O. Box 1906
Twin Falls, Idaho 83303-1906
Telephone: (208) 734-0700
2906p/kab/10/01/90

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

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER OF NO. 36-08356 IN THE NAME OF PISCES INVESTMENTS	PETITION OBJECTING TO IDAHO DEPARTMENT OF FISH AND GAME'S PETITION TO INTERVENE

COMES NOW, Pisces Investments through and by its attorneys of record Nelson, Rosholt, Robertson, Tolman & Tucker, pursuant to Rules 3,1 and 7,1 of the Rules and Regulations for the Practice and Procedure of the Idaho Water Resources Department and respectfully states its objection to the intervention of the Idaho Department of Fish and Game in the instant matter.

STATEMENT

On May 9, 1988, Pisces Investments (hereinafter Pisces) filed an application to appropriate water No. 36-08356 with the Department of Water Resources. (Final Memorandum Decision and Order, p.10.) Pursuant to Idaho Code §42-203A(2), the application was advertised on August 4 and 11, 1988 in The Idaho Statesman, The Post-Register and The Times News and on

NOV 15 1991

August 3 and 10, 1988, in the Gooding County Leader. (Id.) The advertisements provided notice and opportunity to those who desired to protest the granting of the application.

Thereafter, the Hagerman Valley Citizen's Alert (hereinafter protestant) timely filed a protest to the application. However, the Idaho Department of Fish and Game (hereinafter Fish and Game), after having ample opportunity, deliberately chose not to file a protest with the Department of Water Resources. In a letter dated July 21, 1988, the Department of Water Resources Southern Region specifically directed a letter concerning the Application for Permit No. 36-08356 to Fish and Game. Enclosed with the letter was a copy of the Application for Permit and an invitation for Fish and Game to contact the Department of Water Resources' office for further assistance and information. Hence, the only conclusion that can be drawn is Fish and Game in fact knew of the Application, knew Pisces' intentions in filing the Application for water permit, and consciously determined not to file a protest.

Virtually two years from receiving actual notice of the Application in the July 21, 1988 letter, Fish and Game now wants to intervene in the proceeding. Clearly this presents an encroachment on the notions of due process, fair play, and substantial justice.

Due process is a concept of fundamental fairness, which necessarily entails an orderly proceeding wherein a person is served with timely notice, has an opportunity to be heard and to enforce and protect his rights. Allowing Fish and

NOV 15 1991

Game to intervene at this point clearly invades these basic principles. An orderly proceeding involves allowing the participants to fairly and appropriately examine, prepare and make a presentation to rebut the opponent's evidence and arguments. Allowing Fish and Game to intervene at this late stage of the process denies Pisces the opportunity to examine Fish and Game's evidence, and prepare a defense to their presentation. Correspondingly, Fish and Game intervening at this late date, especially considering the two year interim between their actual notice and petition to intervene, does not provide Pisces with the timely notice inherent to due process.

Although Pisces will have the opportunity to be heard, the short period of time between Fish and Game's intervention and the date of the hearing inhibits Pisces' ability to enforce and protect its rights as against Fish and Game. Pisces has the opportunity to be beard, but it is not a meaningful opportunity. Accordingly, the principle of due process as it applies to Pisces in this matter is empty.

The well recognized principles of fair play and substantial justice constitute equity, meaningful justice, and decency in dealing with others. Allowing Fish and Game to intervene at this late date would undoubtedly defeat these concepts, this is true not only because the right to meaningfully enforce and protect its rights would be denied and also because one delay offered by allowing additional time will prejudicially affect Pisces.

NOV 15 1991

At the hearing, protestant introduced evidence and established that the protection of the estuary for native fish

habitat, fishing, swimming, boating, and hunting in the public interest. (Id. at 18.) These values established by protestants through the introduction of judgment rendered in Ritter v. Grandal, No. 14752 (5th June 1979), and by reference to the Division of Environmental Quality's (DEQ) Water Quality Standards. (Id.) Based on this evidence, the conclusion was drawn that

> [i]n this case, the protestants established that protection of the estuary for native fish habitat, fishing, swimming, boating, wading, and hunting was in the public interest. These values were established by Ritter and the DEQ's water quality Standards. The burden shifted to the applicant to show that these values . . . could be satisfied after the applicant's project was constructed and operating. . . .

(Id. at 18.) Furthermore, the conclusion was drawn that

> [o]ne of the important elements of showing that the public interest can be satisfied after the project is constructed and operating is to establish that the fish propagation facility will satisfy both discharge and estuary water quality standards.

(Id.) Clearly, the protestants, who has been continues to be a party to this hearing, has vigorously advocated protection of the estuary for native fish habitat, fishing, and hunting. For the purpose of protecting these interests, Fish and Game seeks to intervene in the instant matter. However, Fish and Game's proposed presentation of evidence is merely a needless [illegible] evidence, which results in [illegible] substantially no probative value.

[illegible]

Fish and Game proposes to "present lay and expert testimony on the impact applicant's activities have had and will have on the fish and wildlife habitat and the water quality in the estuary." (Petition to Intervene p.3) Further, they propose to present exhibits "to show the impact of applicant's have activities (sic.) (activities have) on the fish and wildlife habitat and in causing present and future deterioration of the estuary's fish and wildlife populations." (Id.) Clearly, this proposed evidence merely duplicates the evidence the current protestant previously presented. Protestant still remains a party to this matter, and will present the same evidence again at the rehearing so, consequentially, Fish and Game's evidence is of little probative value.

Rule 9,8 of the Rules and Regulations for the Practice and Procedure of the Idaho Water Resources department provides

> "[w]here two or more intervenors or protestants have **substantially the same interests and positions,** the Director or Board may at any time before or during hearing, if they deem it advisable in order **to expedite** the proceeding, limit the number of intervenors or protestants who will be permitted **to testify, cross-examine witnesses, or to make and argue motions and objections.**

The Fish and Game and protestants have substantially the same, if not identical, interests and positions. Therefore, considering the nature and quantity of the evidence sought to be presented by the Fish and Game, their choice not to become a party at an earlier time, and the fact that the proceeding is a "rehearsing," the Director should deny Fish and Game's petition to intervene in order to expedite the matter.

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NOV 15 1991

Fish and Game asserts that because the application was initially rejected and issuance of a permit denied, Pisces should have had to file a new application with appropriate notice, thus giving Fish and Game the opportunity to file a protest. Rule 11,1 of the Rules and Regulations for the Practice and Procedure of the Idaho Water Resources Department provides "any party to a proceeding and affected by the decision or order of the Director or Board . . . may apply for a rehearsing . . . ." Furthermore, the Department of Water Resources' Final Memorandum Decision and Order invites Pisces to make a motion for rehearing. (Final Memorandum Decision and Order, p.8.) This rule, as well as the invitation, gives a Pisces the right to apply for a rehearing at its own discretion. Thus Fish and Games possesses no basis for contending that because the application was rejected and the permit denied, Pisces had to begin anew by filing a new application, thereby allowing them to file a protest.

Additionally, pursuant to Rule 11, 1 of the Rules and Regulations for the Practice and Procedure of the Idaho Water Resources Department filing and service shall conform to Rule 7, Rule 7,1 provides that service need be made only upon parties. Fish and Game wa never a party; thus, it was neither entitled to service, nor any further notice outside of the prior published advertisements, and the specifically directed letter to them prior to the initial hearing.

Rule 6,1 of the Rules and Regulations for the Practice and Procedure of the Idaho Water Resources Department gives persons, other than the original parties, who are directly and

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NOV 15 1991

substantially affected by the proceeding the opportuntity to petition to intervene. Rule 6,1 does not give a person the right to intervene. Thus, considering: (1) the manifest inequity of allowing Fish and Game to intervene in light of notions of due process, fairness, and substantial justice; (2) the cumulative evidence proposed to be presented by Fish and Game; (3) the current protestants zealous representation of the interests sought to be safeguarded by Fish and Game; (4) Fish and Game's belated request to become a party in light of the actual notice and opportunity to file a protest at the inception of this matter, the petition to intervene should be denied.

Relief Sought

Pisces Investments respectfully requests that the Idaho Department of Fish and Game's position to intervene be denied.

Oral Argument Requested

Pursuant to Idaho Code §67-5209, this party requests oral argument on the contested matter of the intervention of the Idaho Department of Fish and Game.

DATED this 1st day of October, 1990.

NELSON, ROSHOLT, ROBERTSON,
TOLMAN & TUCKER

By: _____
Steven K. Tolman

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NOV 15 1991

CERTIFICATE OF MAILING

I hereby certify that on this 9th day of October, 1990, I served a copy of the foregoing PETITION OBJECTING TO THE IDAHO DEPARTMENT OF FISH AND GAME'S PETITION TO INTERVENE, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Steven K. Tolman

FILED
NOV 15 1991

Sent to S.O. 9/17/90

ACKNOWLEDGMENT OF RECEIPT

The undersigned hereby acknowledges receipt of Additional Evidence and Augmentation of the Record Upon Rehearing of Protest in Re: Application for Permit to Appropriate Water No. 36-08356 in the Name of Pisces Investments, Inc. this _____ day of September, 1990.

IDAHO DEPARTMENT OF WATER RESOURCES - SOUTHERN REGION

By _____

4407m

RECEIVED
SEP 14 1990
Department of Water Resources
Southern Region Office

MICROFILMED
NOV 15 1991

36-08356

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

JIM JONES
ATTORNEY GENERAL

STEPHEN V. GODDARD
SUSAN MATTOS
DEPUTY ATTORNEYS GENERAL

DEPARTMENT OF FISH & GAME
600 S. WALNUT STREET
P.O. BOX 25
BOISE, IDAHO 83707
TELEPHONE: (208) 334-3715

September 24, 1990

Mr. Keith Higginson, Director
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83720
STATEHOUSE MAIL

RECEIVED
SEP 24 1990
Department of Water Resources

RE: Application for Permit No. ~~38~~ 36-08356

Dear Mr. Higginson:

Enclosed for filing in the above-referenced proceeding is an original and one copy of the Idaho Department of Fish and Game's Petition for Intervention.

Thank you for your consideration in this matter.

Sincerely,

Stephen Goddard

Stephen V. Goddard
Deputy Attorney General

SVG:cb

Enclosures

c: Fisheries
Region 4

NOV 15 1991

Celebrate IDAHO
1890 • CENTENNIAL • 1990

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

RECEIVED
SEP 24 1990
Department of Water Resources

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

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER OF NO. 36-08356 IN THE NAME OF PISCES INVESTMENTS	PETITION TO INTERVENE

COMES NOW THE Idaho Department of Fish and Game, Box 25, Boise, Idaho 83707 (hereinafter Fish and Game) by and through its counsel of record, Stephen V. Goddard, Deputy Attorney General, pursuant to Rule 6.2 of the Rules and Regulations for the Practice and Procedure of the Idaho Water Resources Department and respectfully petitions the Director to grant Fish and Game intervention in the above-referenced proceedings.

1. Interest of Fish and Game

The Idaho Department of Fish and Game is a duly established executive department of the State of Idaho, Section 36-101, Idaho Code.

The statutory policy of the State of Idaho is to preserve, protect, perpetuate, and manage all fish and wildlife. Section 36-103(a), Idaho Code. The Idaho Fish and Game Commission is created to carry out this policy and the Idaho Department of Fish and Game, acting under the supervision of the Idaho Fish and Game Commission, has the

NOV 15 1991

responsibility to carry out that policy. Sections 36-102(a) and 36-103(b), Idaho Code.

The application, if approved, will have a negative impact on the fish and wildlife habitat in the estuary by the introduction of fine sediments, thus destroying spawning habitat. In addition, the facility fails to provide for a flow regime that provides adequate water movement through the estuary. Approval of the application will also continue to degrade a fishery that has already been seriously harmed by past activities of the applicant and/or its predecessors. These activities have been contrary to the court order issued in Ritter v. Standal, No. 14752 (5th District, June 22, 1979) and the terms and conditions of the Stream Channel Alteration Permit #36-S-11. The strong public interest in the preservation of this estuary is recognized by the Idaho Water Resources Department (Final Memorandum Decision and Order) at 5, 6, and 17. As shown above, Fish and Game has a statutory mandate to preserve, protect, and manage the state's fish and wildlife resources. Fish and Game has stated some of its concerns to Mr. Loren Holmes of the Water Resources Department in a letter dated September 13, 1990.

In addition, on May 17, 1990, after the first hearing on this application, the Water Resources Department concluded applicant had failed to meet its burden of proof and ordered that the application be rejected and issuance of a permit be refused. (Id. at 18.) Applicant, therefore, should have had to file a new application with appropriate published notice, thus giving Fish and Game the opportunity to file a protest. However, Water Resources allowed the applicant to have a

NOV 15 1991

rehearing instead, no notice was published; and Fish and Game did not have the opportunity to protect. Therefore, Fish and Game is forced to file this Petition to Intervene in order to protect its interest.

2. Nature and Quantity of Evidence Presented

Fish and Game will present lay and expert testimony on the impact applicant's activities have had and will have on the fish and wildlife habitat and the water quality in the estuary. Exhibits will also be presented to show the impact of applicant's have activities on the fish and wildlife habitat and in causing present and future deterioration of the estuary's fish and wildlife populations.

3. Relief Sought

Fish and Game respectfully requests that the Idaho Department of Water Resources deny Application No. 36-8356 to appropriate water.

DATED this 24th day of September, 1990.

Stephen V. Goddard
Deputy Attorney General

NOV 15 1991

CERTIFICATE OF SERVICE

I, Corinne Barlow, hereby certify that a copy of the PETITION TO INTERVENE in the above-referenced matter was mailed postage prepaid on September 24TH, 1990 to:

Steven K. Tolman
Nelson, Rosholt, Robertson, Tolman & Tucker
Attorneys at Law
142 3rd Avenue North
P.O. Box 1906
Twin Falls, ID 83303-1906

S.G. Carleton
President
Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, ID 83332

Corinne Barlow
Secretary/Records Manager

NOV 15 1991

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

RECEIVED
SEP 24 1990
Department of Water Resources

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

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER OF NO. 36-08356 IN THE NAME OF PISCES INVESTMENTS	PETITION TO INTERVENE

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The statutory policy of the State of Idaho is to preserve, protect, perpetuate, and manage all fish and wildlife. Section 36-103(a), Idaho Code. The Idaho Fish and Game Commission is created to carry out this policy and the Idaho Department of Fish and Game, acting under the supervision of the Idaho Fish and Game Commission, has the

NOV 15 1991

responsibility to carry out that policy. Sections 36-102(a) and 36-103(b), Idaho Code.

The application, if approved, will have a negative impact on the fish and wildlife habitat in the estuary by the introduction of fine sediments, thus destroying spawning habitat. In addition, the facility fails to provide for a flow regime that provides adequate water movement through the estuary. Approval of the application will also continue to degrade a fishery that has already been seriously harmed by past activities of the applicant and/or its predecessors. These activities have been contrary to the court order issued in Ritter v. Standal, No. 14752 (5th District, June 22, 1979) and the terms and conditions of the Stream Channel Alteration Permit #36-S-11. The strong public interest in the preservation of this estuary is recognized by the Idaho Water Resources Department (Final Memorandum Decision and Order) at 5, 6, and 17. As shown above, Fish and Game has a statutory mandate to preserve, protect, and manage the state's fish and wildlife resources. Fish and Game has stated some of its concerns to Mr. Loren Holmes of the Water Resources Department in a letter dated September 13, 1990.

In addition, on May 17, 1990, after the first hearing on this application, the Water Resources Department concluded applicant had failed to meet its burden of proof and ordered that the application be rejected and issuance of a permit be refused. (Id. at 18.) Applicant, therefore, should have had to file a new application with appropriate published notice, thus giving Fish and Game the opportunity to file a protest. However, Water Resources allowed the applicant to have a

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NOV 15 1991

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Fish and Game will present lay and expert testimony on the impact applicant's activities have had and will have on the fish and wildlife habitat and the water quality in the estuary. Exhibits will also be presented to show the impact of applicant's have activities on the fish and wildlife habitat and in causing present and future deterioration of the estuary's fish and wildlife populations.

3. Relief Sought

Fish and Game respectfully requests that the Idaho Department of Water Resources deny Application No. 36-8356 to appropriate water.

DATED this 24th day of September, 1990.

Stephen V. Goddard
Deputy Attorney General

NOV 15 1991

CERTIFICATE OF SERVICE

I, Corinne Barlow, hereby certify that a copy of the PETITION TO INTERVENE in the above-referenced matter was mailed postage prepaid on September 24th, 1990 to:

Steven K. Tolman
Nelson, Rosholt, Robertson, Tolman & Tucker
Attorneys at Law
142 3rd Avenue North
P.O. Box 1906
Twin Falls, ID 83303-1906

S.G. Carleton
President
Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, ID 83332

Corinne Barlow
Secretary/Records Manager

NOV 15 19

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY R. McDANIEL
GARY D. SLETTE
JERRY JENSEN
F. BRUCE COVINGTON
CAROLYN M. MINDER
BRUCE M. SMITH
G. RICHARD BEVAN
GARY L. QUIGLEY
TIM J. WILLIAMS
JUSTIN R. SEAMONS
JOHN O. FITZGERALD

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TWIN FALLS, IDAHO 83303-1906
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FAX (208) 736-0041

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1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

September 26, 1990

RECEIVED
SEP 27 1990
Department of Water Resources

Mr. Keith Higginson, Director
Idaho Department of Water Resources
Statehouse Mail
1301 North Orchard
Boise, Idaho 83720

RE: Application for Permit No. 38-08356

Dear Mr. Higginson:

This letter is a formal request for the issuance of a subpoena for the purpose of taking oral testimony at the hearing in the above-referenced proceeding.

Please issue a subpoena ordering the following person to appear at 9:30 a.m. for the hearing which is scheduled for 9:30 a.m. on October 17, 1990:

Mary Jean Lucachick
Resource Specialist
Idaho Department of Parks & Recreation
Statehouse Mail
2177 Warm Springs Avenue
Boise, Idaho 83720

According to our records, the hearing will be held at the Twin Falls Department of Water Resources Office located at 222 Shoshone Street East, Twin Falls, Idaho.

Very truly yours,

STEVEN K. TOLMAN

SKT/kab

70801

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NOV 15 1991

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY R. McDANIEL
GARY D. SLETTE
F. BRUCE COVINGTON
JERRY JENSEN
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G. RICHARD BEVAN
GARY L. QUIGLEY
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TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

September 18, 1990

RECEIVED
SEP 19 1990
Department of Water Resources

Ms. Mary Jean Lucachick
Resource Specialist
Idaho Department of Parks
& Recreation
Statehouse Mail
Boise, Idaho 83720

Re: Water Right Application No. 36-08356
Pisces Investments, Inc.

Dear Ms. Lucachick:

I am in receipt of your comments dated September 13, 1990, regarding the above-captioned matter. As you know, your comments were solicited as a required part of a protest hearing concerning Application No. 36-08356 and such hearings, of course, are quasi judicial in nature. Given that, and the substantial interests at stake, I am asking for the following information from you by October 10, 1990, in order to ascertain the validity of your comments and the factual foundation upon which they are based:

1. Your educational and professional background.

2. A brief resume of your work experience in the environmental field.

3. The jurisdiction of the Idaho Department of Parks & Recreation with respect to Bridal Veil Falls and the diversion structure at its base.

4. The number of times you or any other personnel from Idaho Department of Parks & Recreation have personally inspected or visited the Magic Springs Trout Farm, Bridal Veil Falls, and/or the estuary into which discharges from Magic Springs Trout Farm are made, and the most recent date upon which you were at the site.

NOV 15 1991

5. The nature and extent of water quality studies conducted by your Department in the estuary prior to September 13, 1990, and the dates upon which those studies were completed. I would also like copies of any such studies or statistical data gathered pursuant to said studies.

6. Information concerning studies or water analyses from the estuary upon which you based your opinion, including the name of the entity conducting the sampling, the type and location of sampling which was done, the laboratory that examined the samples and the dates on which the samples were taken.

7. Whether you have reviewed the NPDES permit issued by the U.S. Environmental Protection Agency for the Magic Springs hatchery prior to composing your comments of September 13, 1990, and whether you have examined the monthly monitoring reports submitted by Pisces Investments, Inc., to the U.S. Environment Protection Agency pursuant to said NPDES permit.

8. On what information you base your opinion that the estuary is completely unusable for swimming, wading or public enjoyment.

9. Whether the Idaho Department of Parks & Recreation has ever undertaken a study or survey of the recreational use of the estuary in question, including fishing, hunting, boating and fur trapping, and, if so, information concerning those studies, including dates and statistical data gathered.

10. What studies the Idaho Department of Parks & Recreation has done concerning the proposed expansion requested in Permit No. 36-08356, to determine the impact of the proposed expansion on the receiving water in the estuary, and, if so, the nature of the study and the statistical conclusions derived from said study. I am particularly interested in your estimate of quantities of organic material which the proposed expansion will discharge into the estuary.

11. Please provide me of copies of all other information, studies, statistical data and any other material upon which you based the opinions expressed in the letter of September 13, 1990.

NOV 15 1991

I would like very much to have you available for cross-examination at our October 17th hearing. I am sure your comments of September 13, 1990, are based on extensive statistical information and factual data which I believe would be extremely helpful to the Department of Water Resources in reaching a final decision at the administrative level on Permit No. 36-08356. Your letter of September 13th, however, seems too conclusory to be of much help. I am sure you can appreciate the importance of this application to the ongoing business activities of Pisces Investments, Inc., and our desire to be afforded due process at the administrative hearing level. Please let me know if you will voluntarily be available for the October 17th hearing. I thank you for your cooperation.

Sincerely,

J. Evan Robertson

JER/dj
cc: Gary Spackman, IDWR Boise
51681

NOV 15 1991

IDAHO DEPARTMENT
OF
PARKS&RECREATION

CECIL D. ANDRUS
Governor

YVONNE S. FERRELL
Director

IDAHO PARK AND
RECREATION BOARD

Robert G. Thomas
Region One

Thomas L. Neal
Region Two

Sheila Robertson
Region Three

Glenn Shewmaker
Region Four

Ren E. Thomson
Region Five

Monte Q. Later
Region Six

STATEHOUSE MAIL
BOISE, IDAHO 83720
(208) 334-2154
FAX (208) 334-3812

Street Address
2177 Warm Springs Ave.

September 13, 1990

J. Evan Robertson
Nelson, Rosholt, Robertson, Tolman & Tucker
Attorneys at Law
P.O. Box 2139
Boise, ID 83701-2139

Re: Water Right Application
No. 36-08356
Pisces Investments, Inc.

Dear Mr. Robertson:

You have asked us to comment on the proposed expansion of the trout rearing facilities at the Magic Springs Trout Farm.

Our concerns at Bridal Veil Falls Estuary are related to water quality. We fear that with additional fish effluent entering the estuary, the water quality will be further inpacted rendering the esturary completely unusable for swimming, wading, or public enjoyment. It is our opinion that the quality of water in the estuary, together with accumulated solids from the fish hatchery have virtually eliminated any recreational use of the area.

We would like to request that the Department of Health and Welfare, Division of Environmental Quality, Water Quality Bureau be involved in reviewing the water quality results that Pisces provides in the estuary.

Sincerely,

Mary Jean Lucachick
Resource Specialist

cc: Lauren Holmes, IDWR Twin Falls
Gary Spackman, IDWR Boise

jln/6061E

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NOV 15 1991

Celebrate IDAHO 1890 CENTENNIAL 1990

IDAHO FISH & GAME
REGION 4
868 East Main Street
Jerome, ID 83338
(208) 324-4350

RECEIVED
SEP 18 1990
Department of Water Resources
Southern Region Office

September 13, 1990

Idaho Department of Water Resources
ATTN: Loren Holmes
222 Shoshone Street East
Twin Falls, Idaho 83301

RE: Application 36-08356, Pisces Investments

Dear Loren:

We have reviewed Pisces Investments application for re-use of 45 cfs of water at the Magic Springs Trout Farm. The applicant states that nothing will be changed with respect to the quantity of water to be discharged or the points of discharge. As you are aware this facility, when constructed, significantly changed the characteristics of the Bridalveil Springs and estuary. Subsequently, an adjacent landowner sued to have the estuary restored to near natural conditions. Since that time, the courts have decided in favor of the adjacent landowner, and ordered the estuary restored. To date, little or no work has been done to complete the restoration. Current operations at the hatchery return small volumes of water to the estuary at scattered locations, instead of one return point at the head of the estuary. The result has been continued settling of solid wastes with essentially no flushing of the estuary. Habitat for trout and sculpin is nearly non-existent, although historical accounts indicate the estuary was high quality fish habitat prior to development of the Magic Springs farm. Since creation of additional fish rearing capacity at the Pisces Investments facility creates the potential for additional pollutants in the effluent, and because the estuary is currently incapable of handling the existing load, we are opposed to any further development at this facility until the court order is complied with and the estuary cleaned up. We believe restoration of the estuary would provide substantial benefits to the public interest in the form of increased fishery potential for the Shoshone Falls to upper Salmon Dam reach of the Snake River.

Should the applicant take the necessary steps to restore the estuary, we will withdraw our opposition to the application. These steps would include redesigning the return flow to allow all of the discharge to be released at the head of the estuary, ensuring the effluent be adequately treated to prevent additional or excessive build up of solids and

Cecil D. Andrus / Governor
Jerry M. Conley / Director

Working for wildlife since 1938

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NOV 15 1991

nutrients in the estuary, and otherwise complying with the court order to restore the estuary.

Thank you for the opportunity to comment on this application.

Sincerely,

Dale Turnipseed for

Carl H. Nellis
Regional Supervisor

cc: Steve Goddard

NOV 15 1991

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW
1020 MAIN STREET
SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

THOMAS G. NELSON
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Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

August 30, 1990

RECEIVED
AUG 31 1990
Department of Water Resources

Mr. Gary Spackman, Manager
Water Rights Permit Section
Idaho Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, Idaho 83720

Re: Application for Permit to Appropriate Water No. 36-08356 in the Name of Pisces, Investments, Inc.

Dear Mr. Spackman:

Pursuant to the Department's order granting the applicant's motion for rehearing in the above-captioned matter, I have been preparing information required by Rule 4,5. of the Water Appropriation Rules and Regulations which include, inter alia, the submission of financial information sufficient to demonstrate the applicant's ability to finance the proposed project. While other pertinent data with respect to that issue will be presented in the applicant's submittal to be served upon all parties, I would like to submit, for confidential consideration by the Department of Water Resources a financial statement for Pisces Investments, Inc., as of the close of our last fiscal year, December 31, 1989. I request that this information be kept confidential and used exclusively by the Department of Water Resources for purposes of evaluating the pending application, and that its contents not be disclosed to any other agency, person or entity without the express written consent of Pisces Investments, Inc. If this information cannot be accepted on those terms and conditions by the Department of Water Resources, I am requesting that the enclosed information be returned immediately to my office, and that such information as may be contained therein not be considered as part of the submittal for the rehearing.

RETURNED
NOV 15 1991

Sincerely,

J. Evan Robertson

JER/dj
50701
Enclosure

36-8356

Specimen

RECEIVED
SEP 4 1990
Department of Water Resources

MEMORANDUM

DATE: 29-Aug-1990

FROM: Loren Holmes LH

TO: Norm Young NY

SUBJECT: Pisces Investments estuary encroachment

I inspected the diversion on May 17, 1990. Several feet of fill had been added to the embankment which diverts water at the foot of the Bridal Veil falls to the lower complex of fish raceways. The embankment had also been extended to the south a few feet across the property boundary between Pices and the Nature Conservancy. A hatchery employee I talked to at the time indicated that the work had been done without attempting to locate the property line.

Some fill material had spilled down the slope on the estuary side of the embankment below the water level in the estuary. The area in which the material was deposited was heavily overgrown with brush and reeds, so I'm not sure whether it is jurisdictionally a wetland or a stream channel. The volume of material below the water level is very small -- probably less than one cubic yard. In my opinion the spillage of material on the estuary side of the fill was too small to be a successfully prosecutable violation of the Stream Channel Act and the material discharged into the pool at the foot of the falls constituted diversion works and was exempt from permitting.

Construction was also underway to put the ditch leading from the foot of the north falls to the lower raceways into a closed conduit. There was no evidence of construction of any works specifically to divert water under application 36-8356. The area where the raceways are proposed to be placed was cleared and graded and was being used to stockpile material for the other construction.

I have made additional visits to the hatchery since May, 1990 and have noted no additional work on diversions

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NOV 15 1991



Sparkman

RECEIVED
AUG 22 1990
Department of Water Resources

August 20, 1990

Certified Mail/Return Receipt Requested:

Mr. J. Evan Robertson
Vice President
Pisces Investment Inc.
P.O. Box 701
Twin Falls, ID 83303-701

RE: Encroachment on The Nature Conservancy's Thousand Springs Preserve.

Dear Mr. Robertson,

We received your May 11, 1990 letter regarding the above referenced matter. We appreciate your past cooperation and would have very much liked to have discussed in a neighborly fashion your enlargement of the embankment below Bridal Veil Falls before you bulldozed part of it onto our property. It was the impunity of this action, and the betrayal of our neighborly relationship that offended us so deeply.

We also did not find the ruse about the fence line which you offered in your letter to be at all constructive. Even the boundary map which you submitted this year in support of your application #36-8356 for a permit to appropriate water shows the survey line, rather than the more southwesterly fence line, as the property boundary between our properties. You have never maintained this fence nor contributed to its maintenance to our knowledge. The fence does not extend beyond the estuary and does not fully separate our properties. There is nothing to indicate that this fence is now or ever was honored as the property line.

My letter also was not inaccurate about the placement of fill material in the Snake River estuary. I did contact Mr. Greg Martinez of The U.S. Army Corps of Engineers prior to writing that letter, and he had found upon inspection that the enlargement of the embankment had filled at least two feet of the Snake River estuary. Mr. Martinez also reported to me that your on-site manager, Mr. Leon Cline, acknowledged that the estuary had been filled and that Mr. Cline had agreed to remove it. As of this date, I am informed that neither the encroachment on our property nor this filling of the estuary had been removed.

It also appears to us that this filling of the [illegible] violates your existing stream alteration permit #36-S-11 [illegible]

RECLAIMED
NOV 15 1991

Colorado Field Office
1244 Pine Street • Boulder, Colorado 80302 • (303) 444-2950

this permit limited the filling of the estuary to conditions that existed prior to the enlargement of the embankment. The issuance of your existing water right license #36-7072 was predicated on your compliance with this permit and this license does not excuse the violation. Furthermore, since the enlargement of the embankment has filled a wetland and has reduced the reach of waters of the U.S., it is illegal without a permit from the U.S. Army Corps of Engineers, even if the enlargement is considered to be a normal farming activity or to be authorized under your existing water right license, which it is not.

The enlarged embankment is a trespass and is otherwise illegal. We insist on the removal of its encroachment on our property and further insist that the filling of the estuary also be removed. Please let us know within the next 2 weeks whether and when you intend to remedy these intrusions.

Very truly yours,

Robert F. Wigington
Western Water Attorney

RFW/ytg

cc: Mr. Norman Young
Mr. Gary Spackman
Mr. Greg Martinez
Mr. Bill McDonald
Mr. John Olson
Mr. Guy Bonnivier

MICROFILMED
NOV 15 1991

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

August 17, 1990

Pisces Investment, Inc.
c/o Steven Tolman
Attorney at Law
P.O. Box 1906
Twin Falls, ID 83301

RE: Application for Permit to Appropriate Water No. 36-08356 in the Name of Pisces Investments, Inc.

Dear Mr. Tolman:

The protestants, Hagerman Valley Citizen's Alert, has asked that the Idaho Department of Parks and Recreation be asked to comment regarding application no. 36-08356 pursuant to Rule 4,5,3,5,1. of the Water Appropriation Rules and Regulations. Because of Parks and Recreation's general interest in maintaining recreational values in the Thousand Springs area of the Snake River, the Department feels that the request is justified. Please submit comments from the Idaho Department of Parks and Recreation with other comments due approximately the middle of September.

If I can be of further assistance in clarifying the rules and regulations, and the information that must be submitted, please contact me.

Sincerely,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Hagerman Valley Citizen's Alert
Southern Region

MICROFILMED
NOV 15 1991

Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, Idaho 83332

Spokane

RECEIVED
AUG 15 1990
Department of Water Resources

August 11, 1990

Department of Water Resources
Attn: R. Keith Higginson, Director
Statehouse
Boise, ID 83720

Re: Application #36-08356, Pisces Investments

Dear Mr. Higginson:

In trying to understand your Order granting a Rehearing in the above-referenced matter, we have studied Rule 4,5 of the Water Appropriation Rules and Regulations. It appears to us that Rule 4,5,3,5,1 gives you the power to instruct applicant Pisces to seek comment from state agencies that have a clear interest in the issues under consideration. Since the loss of public recreational values in and on Bridal Veil Falls water is an integral part of our concerns, we feel it is highly appropriate for the Idaho Department of Parks and Recreation to be involved in this matter.

If there is something other than this letter we must do for you to consider instructing applicant Pisces Investments, Inc. to "seek comment and submit all letters of comment..." from the Idaho Department of Parks and Recreation as well as the other entities referenced in Rule 4,5,3,5,1, please advise us at your earliest convenience.

Thank you for your consideration.

Sincerely,

S.G. Carleton
President
Hagerman Valley Citizens' Alert, Inc.
POB 32
Hagerman, ID 83332

cc: Pisces Investments, Inc.

FILMED
NOV 15 1991

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 26, 1990

Steven Tolman
Attorney at Law
P.O. Box 1906
Twin Falls, ID 83301

RE: Application for Permit to Appropriate Water No. 36-08356 in the Name of Pisces Investments, Inc.

Dear Applicant:

Please find enclosed an Order Granting Motion for Rehearing on the above referenced permit. The rehearing is set for October 17, 1990, at the hour of 9:30 a.m.

If I can be of further assistance, feel free to contact me at this office.

Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

RECEIVED
NOV 15 1991

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 26, 1990

Hagerman Valley Citizen's Alert
ATTN: S. G. Carleton
P.O. Box 1
Hagerman, ID 83332

RE: Application for Permit to Appropriate Water No. 36-08356 in the Name of Pisces Investments, Inc.

Dear Applicant:

Please find enclosed an Order Granting Motion for Rehearing on the above referenced permit. The rehearing is set for October 17, 1990, at the hour of 9:30 a.m.

If I can be of further assistance, feel free to contact me at this office.

Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

NOV 15 1991

Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, Idaho 83332

RECEIVED
JUN 8 1990
Department of Water Resources

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

IN THE MATTER OF APPLICATION) PROTESTANT'S ANSWER
NO. 36-08356,) OBJECTING TO
PISCES INVESTMENTS, INC.) REHEARING

Protestant, Hagerman Valley Citizens' Alert, Inc., hereby objects to a rehearing in this matter for the following reasons:

Applicant's Vice-President, J. Evan Robertson, is an attorney and partner in NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER. Applicant was represented at hearing by Steven K. Tolman, also an attorney and partner in the same firm. This law firm is, reputedly, one of the most prestigious firms in Twin Falls, with many years of experience in water rights matters. Idaho Rules and Regulations for Water Appropriation and for Practice and Procedure are readily available and should be easily understood by lawyers who are not neophytes to water law. Attorneys Robertson and Tolman have a consistent record in this matter of dereliction, mistakes, errors, and oversights - from the inadequacy of the case presented at hearing to repeated violations of service requirements.

We object to the public footing the bill for a rehearing because these lawyers did not prepare their case in compliance with Idaho law, rules and regulations.

We object to the public footing the bill for a rehearing allowing these lawyers to cover issues that, as clearly indicated in Idaho water rules and regulations, **should have been addressed** at hearing.

We object to Applicant and its representatives being allowed to present evidence at rehearing regarding the recreational, aesthetic and wildlife uses of the estuary because Attorney Tolman did not ask **even one question** or make **even one challenge** of Protestant's sworn testimony at hearing regarding the unsuitability of the estuary for these public interest values. Had either Mr. Tolman or the Hearing Officer asked even one question, Protestant was prepared to elaborate at length. It was obvious Applicant knew Protestant had stated the essential fact and truth about the estuary. Not one question! Not one challenge!

We object to Applicant being allowed to present evidence at rehearing regarding the public interest requirement when that was the issue from the outset and Applicant knew it.

We object to Applicant being allowed to present any evidence of any kind at rehearing regarding any issues IF Applicant had that evidence available at the time of hearing.

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Rule 3,5 of Idaho Rules and Regulations, Practice and Procedure states, "Petitions for rehearing shall set forth specifically the ground or grounds upon which petitioner considers the order...to be unreasonable, unlawful, erroneous or not in conformity with the law..." Applicant's petition offers not one iota of information or evidence in compliance with this rule. Where was the Department of Water Resources' error? What was unlawful or unreasonable about the decision? Why should public funds be wasted further to indulge lawyers who cannot write a petition that complies with a rule they refer to in their petition?

We are more than a little incredulous that anyone, let alone attorneys experienced in Idaho water law, could come before the Department of Water Resources with no case prepared for hearing, present no relevant evidence on the issue of public interest which was understood by all to be the reason for our protest, submit a petition for rehearing that in no way conforms to the requirements for such petitions, and then be granted a rehearing on any and all issues they should have been prepared for in the first place.

We strenuously object to a rehearing in this matter.

DATED this 7th day of June, 1990.

S.G. Carleton, President
Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, ID 83332

CERTIFICATE OF MAILING

I hereby certify that on this 7th day of June, 1990, I served a copy of the foregoing PROTESTANT'S ANSWER, by depositing same in the United States mail, postage prepaid, in an envelope addressed to the following:

1) R. Keith Higginson, Director
Idaho Department of Water Resources
Statehouse
Boise, ID 83720

2) J. Evan Robertson
POB 1906
Twin Falls, ID 83301

S.G. Carleton

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NOV 15 1991

MESSAGE CONFIRMED

NOV 15 1991

OCT-02-'90 TUE 15:21

TERM ID: IDWR FAX #1 P-9999

TEL NO: 208 334 7866

NO.	DATE	ST. TIME	TOTAL TIME		ID	DEPT CODE	OK	NG
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State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

TRANSMITTAL COVER SHEET

OMNIFAX G88
FAX No. (208) 327-7866

TO: Steve Saddard
F & G

FROM: Gary Spackman

DOCMUMENT DESCRIPTION: Petition for Rehearing

TOTAL PAGES SENT: 3

CONTACT: Jennifer Seifert
(Name of Sender)

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NOV 15 1991

J. Evan Robertson
Justin R. Seamons
NELSON, ROSHOLT, ROBERTSON,
TOLMAN & TUCKER
P. O. Box 1906
Twin Falls, Idaho 83303-1906
Telephone: (208) 734-0700
2280p/mw/06-01-90

RECEIVED
JUN 4 1990
Department of Water Resources

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER NO. 36-08356 IN THE NAME OF PISCES INVESTMENTS, INC.

PETITION FOR REHEARING

Pisces Investments, Inc. (Pisces) submits this Petition for Rehearing pursuant to Department of Water Resources Rule 3,5. Pisces seeks a rehearing from the Department of Water Resources' Final Memorandum Decision and Order, dated May 17, 1990.

In its Order, the Department identified several items of information that it needed in order to approve Pisces' application. The Department stated it would entertain this motion if Pisces "want[ed] to submit additional information." (Order, p. 8.) Pisces wants to submit additional information. Pisces will present the following evidence at the rehearing:

1. A diagram of the fish propagation facility that identifies where the water will be reused; how the water will treated after being reused; and where [illegible] will be discharged into the estuary after being reused.

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NOV 15 1991

2. Evidence regarding whether other users of the water will be effected by Pisces' reuse of the water.

3. Evidence that Pisces' reuse of the water will satisfy the applicable water quality standards.

4. Evidence that additional wastes will be treated.

5. Evidence that Pisces will satisfy the conditions imposed by its NPDES permit.

6. Evidence that Pisces will discharge the reused water in a satisfactory condition in order to maintain the recreational, aesthetic, and wildlife uses of the water.

7. Evidence that the following public interests will be protected: Fishing, hunting, swimming, boating, wading, and fish habitation.

8. Evidence that the conditions in the estuary will be suitable for recreational purposes.

9. Evidence that the water, upon discharge, will satisfy the applicable DEQ and EPA standards.

10. Evidence that Pisces' reuse of the water will not reduce the quantity of water under existing rights.

11. Evidence that there is sufficient water for the reuse.

12. Evidence that Pisces' filed its application in good faith and not for purposes of speculation.

13. Evidence that Pisces has sufficient financial resources to construct the fish propagation facility.

14. The name of each user from the spring sources, his/her address, and the point of diversion for each use.

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NOV 15 1991

15. Evidence that the design construction and operation technique of the fish propagation facility will reduce the impact on others' rights.

16. Evidence about the available flows and how the system will supply the flows to the raceways.

17. A copy of Pisces' permits from the EPA and DEQ.

18. Plans, specifications, and estimated construction costs that will demonstrate the project's impacts and implications.

19. Evidence that Pisces' reuse of the water will satisfy the public interest.

DATED June 1, 1990.

NELSON, ROSHOLT, ROBERTSON,
TOLMAN & TUCKER

By: Justin Seamons
Justin R. Seamons

CERTIFICATE OF MAILING

I hereby certify that on this 1st day of June, 1990, I served a copy of the foregoing PETITION FOR REHEARING, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Hagerman Valley Citizen's Alert
Attn: S. G. Carleton
P.O. Box 1
Hagerman, ID 83332

Justin Seamons
Justin R. Seamons

FILED
NOV 15 1991

Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, Idaho 83332

RECEIVED
MAY 25 1990
Department of Water Resources

March 23, 1990

Department of Water Resources
Attn: Gary Spackman
Statehouse
Boise, ID 83720

Re: Application No. 36-08356
Pisces Investments

Dear Mr. Spackman:

We very belatedly realized the copy we received from Applicant of its Supporting Brief did not include "Exhibit A". Rather than dragging this case out even further, we decided to send in the Response we had already prepared by the time we missed "Exhibit A". However, since the map given to us at the hearing apparently does not truly reflect our perceptions of the relationship of the estuary to the closest waterfall, would you please send us a copy of the "Exhibit A" referenced in the Applicant's Supporting Brief so that we have a copy of the document?

Thank you, again, for your patience and courtesy throughout this matter.

Sincerely,

S. G. Carleton
President
Hagerman Valley Citizens' Alert, Inc.
POB 32
Hagerman, ID 83332

NOV 15 1991

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 18, 1990

Hagerman Valley Citizen's Alert
ATTN: S.G. Carleton
P.O. Box 1
Hagerman, ID 83332

RE: Application for Permit to Appropriate Water No. 36-08356 in the Name of Pisces Investments, Inc.

Dear Mr. Carleton:

Please find enclosed a copy of the Final Memorandum Decision and Order and a copy of Application for Permit No. 36-08356.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within twenty (20) days, or may appeal directly to the district court within thirty (30) days of service of this decision. Department rules state that service is complete upon mailing of the document.

Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

NOV 15 1991

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 18, 1990

Steven Tolman
Attorney at Law
P.O. Box 1906
Twin Falls, ID 83301

RE: Application for Permit to Appropriate Water No. 36-08356 in the Name of Pisces Investments, Inc.

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Respectfully,

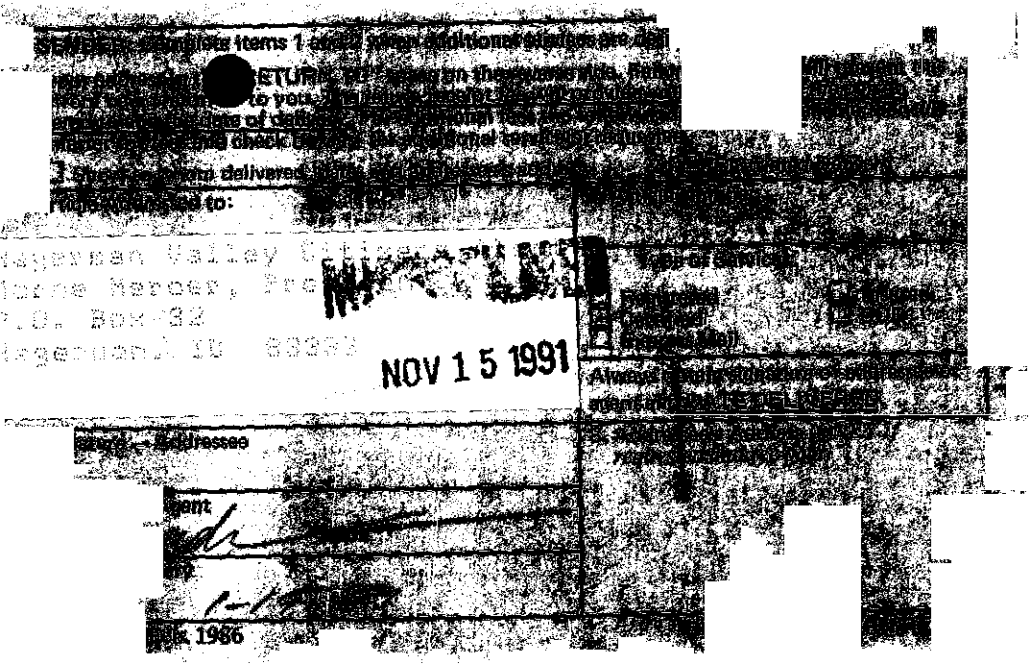
Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

NOV 15 1991


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UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

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- **Endorse article "Return Receipt Requested" adjacent to number.**

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JAN 20 1989

Department of Water Resources
Southern Region Office

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

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NOV 13 1991

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
2148 KIMBERLY AVENUE EAST
TWIN FALLS, IDAHO 83301

SENDER: *Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.*

Put your address in t[redacted]RETURN TO" space on the reverse side. Failure to c[redacted]s will prevent this card from being retu[redacted]o you. The return receipt fee will provide you the [redacted] of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

4. Article Number
492

Type of Service:
☐ Registered ☐ Insured
☐ Certified ☒ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature – Addressee
X

8. Addressee's Address *(ONLY if requested and fee paid)*

6. Signature – Agent
X Mary Greene

7. Date of Delivery
NOV 15 1984
1-19-84

PS Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT

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- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE, $300

RETURN TO

Print Sender's Address, and ZIP Code in the space below.

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JAN 23 1989

Department of Water Resources
Southern Region Office

DEPARTMENT OF WATER RESOURCES
2143 ... AVENUE EAST
TWIN FALLS, IDAHO 83301

Hagerman Valley Citizens Alert
Marne Mercer, President
P.O. Box 32
Hagerman, ID 83332

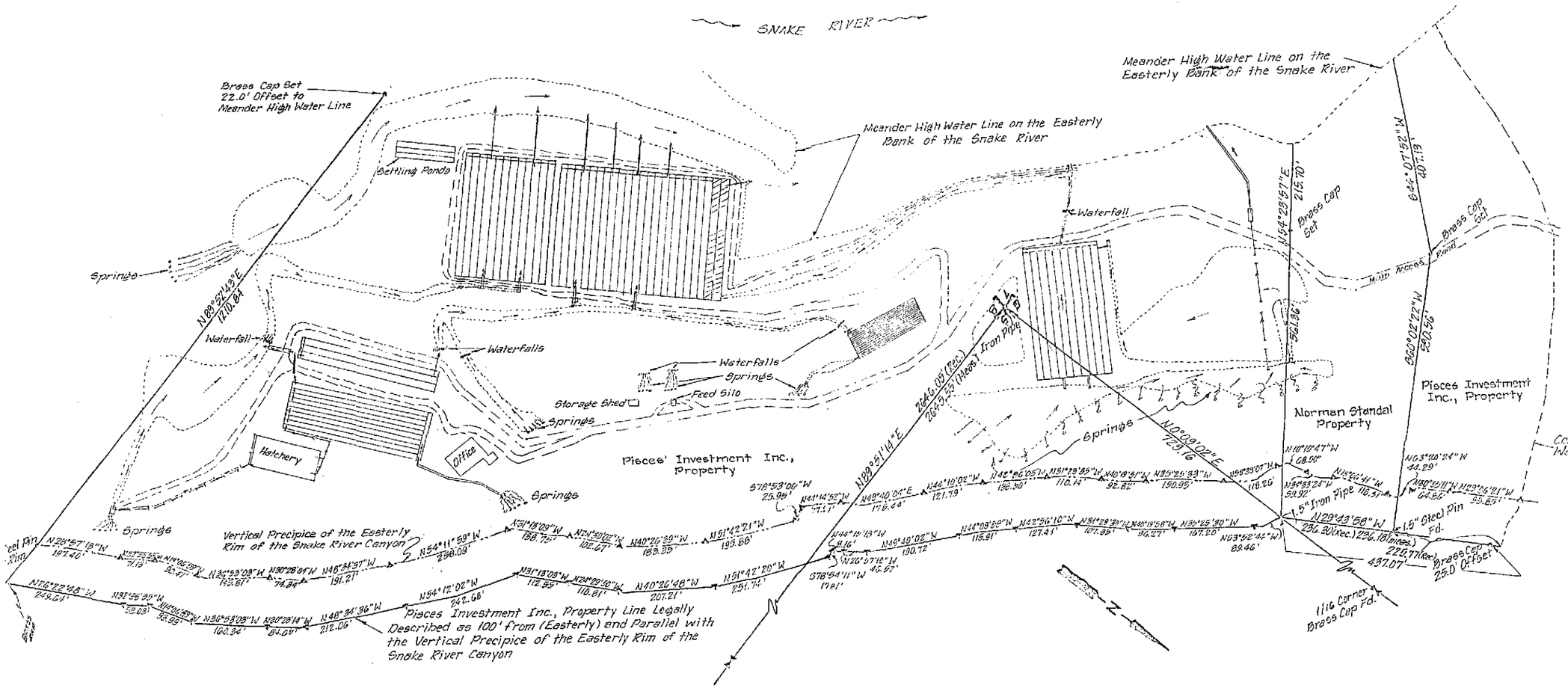
Pisces Investments, Inc.
Box 701
Twin Falls, ID 83301-0701

Hagerman Valley Citizens Alert In
Marne Mercer, President
P.O. Box 32
Hagerman, ID 83332

36 - 8356

Applicant Exhibit # 1 Admitted

BOUNDARY and TOPOGRAPHIC SURVEY
of
MAGIC SPRINGS TROUT FARM
for
PISCES'S INVESTMENT INC.,
LOCATED IN SECTIONS 5,6,7 & 8
of
TOWNSHIP 8 SOUTH, RANGE 14 EAST, B.M.



FILED
NOV 15 1991

MEMORANDUM

TO: Loren Holmes

FROM: Norm

RE: Reported stream alteration by Pisces

DATE: May 10, 1990

Attached is a copy of a letter from Robert Wigington to Pisces asking that work recently accomplished to raise the height of a diversion dike be removed. Because this facility is associated with an application for permit which was protested and the proposed decision was to deny the application, I think we need to look into the matter at an early date. Please provide me a copy of the field inspection report.

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NOV 15 1991

Norman Young

The Nature Conservancy

RECEIVED
MAY 10 1990
Department of Water Resources

May 8, 1990

Certified Letter/Return Receipt Requested:

Mr. J. Evan Robertson, Vice President
Pisces Investment Inc.
P.O. Box 701
Twin Falls, ID 83303-701

RE: Encroachment on The Nature Conservancy's Thousand Springs Preserve.

Dear Mr. Robertson:

In an inspection on March 24, 1990 we were quite dismayed to discover that an enlarged dike diverting the outflow from the waterfall below the Bridal Veil Springs had been constructed partially on land owned by The Nature Conservancy as part of its Thousand Springs Preserve. On that day, the outflow was being diverted onto the Magic Springs Fish Farm, owned and operated by your company, Pisces Investment Inc., on the property immediately adjacent to our northern boundary. The heighth of the dike had been raised significantly and its crest extended in a northeasterly curve around the outflow from the waterfall, apparently to increase the elevation of water delivered onto your property. Fill materials from the enlarged dam clearly had been placed in both the outflow from the waterfall and in the Snake River estuary next to the downstream or eastern side of the dam.

The recorded survey plat of the northern boundary to our Thousand Springs Preserve shows that this boundary consists of the northern boundary of Lot 2 of the NW1/4 of Section 8, T8S, R14E, Gooding County, Idaho, which is a line commencing from a steel bar witness corner on that northern boundary of Lot 2 set back 22 feet from the high water line of the Snake River and bearing North 89° 52'43" East a distance of 1,210.84 feet across an estuary to the Snake River and across the Minnie Miller Lake to a pin on the rim of the Snake River Canyon. In our inspection on March 24, 1990 we located the witness corner 22 feet back from the high water line of the Snake River and the pin on the canyon rim and sighted between them. It appeared that this boundary had been recently re-surveyed since we found the witness corners near the Snake River high water line had been reinforced and freshly painted orange, and since another steel bar also spray painted

NOV 15 1991

Colorado Field Office
1244 Pine Street • Boulder, Colorado 80302 • (303) 444-2950

orange which we photographed that day, had been placed on the new dike embankment where it intersected our northern boundary.

From our sighting of the boundary and from the placement of the orange painted steel bar and the new embankment, there was no question that the crest of the new embankment extended 15-20 feet south of the boundary and encroached on our property and that the toe of the embankment encroached even more.

Sir, because of the re-survey prior to our inspection in March, it appears that you have been aware of this encroachment at least since then. We are deeply offended that you did not contact us when the dike was enlarged. We strenously object to this encroachment, and we insist that you remove the encroachment and restore the condition of our property within 30 days of the receipt of this letter or explain in writing to our satisfaction by the same date, why you are not obligated to remove this encroachment and to restore the site. If the encroachment is not removed and the site is not restored or if the encroachment is not satisfactorily explained within 30 days, we will forthrightly seek all legal remedies and penalties available to us.

Respectfully yours,

Robert F. Wigington
Western Water Attorney

RFW/ymt

cc: Mr. Norman Young, Idaho Department of Water Resources
Mr. Gary Spackman, Hearing Officer for Application No. 36-08356, Idaho Department of Water Resources
Mr. Greg Martinez, Regulatory Branch, Lucky Peak Project, U.S. Army Corps of Engineers
Mr. Bill McDonald, Regulatory Branch, Walla Walla District, U.S. Army Corps of Engineers
Mr. John Olson, Environmental Protection Agency
Mr. Guy Bonnivier, Director, Idaho Field Office for The Nature Conservancy

MICROFILMED
NOV 15 1991

Gary Spackman

The Nature Conservancy

May 8, 1990

Certified Letter/Return Receipt Requested:

Mr. J. Evan Robertson, Vice President
Pisces Investment Inc.
P.O. Box 701
Twin Falls, ID 83303-701

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1244 Pine Street • Boulder, Colorado 80302 • (303) 444-2950

NOV 15 1991

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Respectfully yours,

Robert F. Wigington
Western Water Attorney

RFW/ymt

cc: Mr. Norman Young, Idaho Department of Water Resources
Mr. Gary Spackman, Hearing Officer for Application No. 36-08356, Idaho Department of Water Resources
Mr. Greg Martinez, Regulatory Branch, Lucky Peak Project, U.S. Army Corps of Engineers
Mr. Bill McDonald, Regulatory Branch, Walla Walla District, U.S. Army Corps of Engineers
Mr. John Olson, Environmental Protection Agency
Mr. Guy Bonnivier, Director, Idaho Field Office for The Nature Conservancy

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CERTIFICATE OF MAILING

I hereby certify that on this 7th day of March, 1990, I served a copy of the foregoing APPLICANT'S BRIEF IN SUPPORT OF EXCEPTIONS TO PROPOSED MEMORANDUM DECISION, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Hagerman Valley Citizens Alert, Inc.
Box 31
Hagerman, ID 83332

Justin Seamons, for
Steven K. Tolman

RECEIVED
MAR 8 1990
Department of Water Resources

NOV 15 1991

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

March 2, 1990

J. Evan Robertson
Pisces Investments Inc.
P.O. Box 701
Twin Falls, ID 83303-0701

RE: Application for Permit No. 36-8356

Dear Mr. Robertson:

Enclosed is a letter the Department recently received from S.G. Carleton of the Hagerman Valley Citizen's Alert. Hagerman Valley Citizen's Alert represented that it has not yet received a copy of your brief in support of your exceptions.

Upon proof of service of the exceptions, briefs and/or memorandums, and the expiration of the required response period, the Department will consider the exceptions.

Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc. Southern Region

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Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, Idaho 83332

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FEB 16 1990
Department of Water Resources

February 14, 1990

Gary Spackman
Idaho Department of Water Resources
Statehouse
Boise, ID 83720

Re: Application No. 36-08356, Pisces Investments

Dear Mr. Spackman:

Please be advised we received a document entitled "Exceptions to Proposed Memorandum Decision" in the above-referenced matter on this date.

We understand there is a brief supporting these Exceptions, both of which were timely filed with your office. We have not received such brief notwithstanding item IV (Certificate of Service) of the Order Issuing Proposed Memorandum Decision signed by Mr. Higginson which specifically states briefs shall be served on all parties.

While we are not represented by counsel in this matter, Mr. Spackman, we can read and it appears to us applicant has, yet again, failed to comply with an outstanding order.

I do not see how we can appropriately respond to the exceptions without having seen their supporting brief. Accordingly, we respectfully request you again instruct Applicant to send us a copy of the brief they filed with you. Further, we respectfully request an extension of 15 days from the date of service of the brief for us to file our response to the exceptions and supporting brief.

Thank you for your courtesy and your assistance.

Sincerely,

S.G. Carleton
President
Hagerman Valley Citizens' Alert, Inc.
PO Box 32
Hagerman, ID 83332

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CERTIFICATE OF MAILING

I hereby certify that on this 12th day of February, 1990, I served a copy of the foregoing EXCEPTIONS TO PROPOSED MEMORANDUM DECISION, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Hagerman Valley Citizens Alert, Inc.
Box 31
Hagerman, ID 83332

Steven K. Tolman

RECEIVED
FEB 14 1990
Department of Water Resources

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State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 2, 1990

Mr. Robert Wigington
Nature Conservancy
1244 Pine Street
Boulder, Colorado 80302

Re: Pisces Investment No. 36-8356 and related files

Dear Mr. Wigington:

Enclosed are the copies of information you requested from the department files related to the Pisces Investment Project.

Department policy, directed by Idaho Code Section 42-221, calls for a copy charge of 25 cents per page for the first ten pages and 10 cents per page thereafter (64 pages copied = $7.90). The postage charge is $2.40.

Please remit your check in the amount of $10.30 to the Idaho Department of Water Resources, Statehouse, Boise, Idaho 83720, attention Norm Young.

Sincerely,

Norman C. Young

NORMAN C. YOUNG
Administrator
Resources Administration Division

NCY:dc

Encs.

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March 20, 1990

R. Keith Higginson
Director
Idaho Department of Water Resources
Statehouse
Boise, ID 83720

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MAR 21 1990
Department of Water Resources

Re: Application # 36-08356
Pisces Investments, Inc.

Dear Mr. Higginson:

Enclosed herewith please find our Response to Applicant's Exceptions and Supporting Brief.

The copy of the Supporting Brief we received from Applicant was not complete ("Exhibit A" was absent). However, since we had to ask Mr. Spackman for a copy of the Exceptions, and then had to ask him for a copy of the Supporting Brief, we felt this had gone on long enough.

We would like to acknowledge Mr. Spackman's courtesy in helping us obtain the documents.

Thank you for your consideration.

Sincerely,

Sue Carleton
President
Hagerman Valley Citizens' Alert, Inc.
POB 32
Hagerman, ID 83332

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

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER NO. 36-08356 IN THE NAME OF PISCES INVESTMENTS, INC.	} } }	PROTESTANT'S RESPONSE TO APPLICANT'S EXCEPTIONS & SUPPORTING BRIEF

Protestant Hagerman Valley Citizens' Alert, Inc. (hereafter referred to as "Protestant") by and through its President, S.G. Carleton, hereby files the following Response to Exceptions and Supporting Brief of Applicant Pisces Investments, Inc. (hereafter referred to as "Applicant").

1. THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA).

As evidence of serious water quality problems at Applicant's Magic Springs Hatchery, Protestant introduced into the hearing record official documents from the USEPA generated by that agency as a result of an unannounced NPDES compliance inspection of the hatchery ("NPDES INSPECTION NARRATIVE") and resulting surveillance of the hatchery operation ("MEMORANDUM").

While Applicant attempts to persuade the Department of Water Resources that the USEPA gave its hatchery a clean bill of health insofar as its NPDES permit is concerned, the inspection documents cannot simply evaporate. Those documents were prepared by official, professional USEPA employees and the evidence presented in them is quite revealing. Indeed, on page 4/4 of the NPDES INSPECTION NARRATIVE, the USEPA Inspector says "Very little activity is performed at the facility to attempt to comply with the permit."

Having read their investigatory documents, it is certainly not surprising the USEPA issued an Administrative Complaint and Proposed Civil Penalty of Sixty Thousand Dollars against Applicant. The fact that this case was compromised and the fine reduced does not eliminate the inspections from existence nor does it diminish the validity of these official investigatory reports which give such damning evidence about how the Applicant manages the facility in question. It merely demonstrates the aim of the USEPA was not to punish, but rather to bring Applicant into compliance. Moreover, there is not one shred of evidence, to this day, that Applicant is indeed in compliance. Simply alleging that a waste treatment system has been installed without offering proof it is in operation, and operating ef[illegible] is not acceptable.

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2. APPLICABILITY OF RITTER VS. STANDAL.

Applicant also goes to some considerable effort to persuade the Department Ritter v. Standal has no bearing on the matters at hand, even referring to that case as "expired" and "lapsed". These references are in direct conflict with Protestant's sworn testimony regarding J. Evan Robertson's assertions that the litigation over the estuary had been settled and a compromise signed by the Personal Representative of the W.W. Ritter Estate in December, 1985. Mr. Robertson surely would not have made such assertions had the litigation "expired" or "lapsed", but would have said "the lawsuit is expired" or "the litigation has lapsed". Protestant has offered ample evidence the suit has been neither compromised nor settled.

As for this being "private litigation" with no bearing on Applicant and no business of Protestant, the litigation against Standal et al. belongs to the successors in interest (presently Applicant) in the land/hatchery that ruined the estuary. If Mr. Robertson had not thought it incumbent upon him, his management and his hatchery to comply with the outstanding Order in the matter, why would he have attempted to convince Protestant's representatives Nancy Ritter had settled the case? Moreover, the estuary in question, receiving waters for the fish farm's waste, at no time belonged to either the Plaintiffs or the Defendants in the litigation. On the contrary, it was then and still is an Idaho estuary, with Idaho water, used for many years by Idahoans for a broad range of recreational activities. As a non-profit Idaho corporation with a consistent history of concerns about water in Hagerman Valley, Protestant has every right to express interest in and concern over water quality whether or not the water in question is part of any lawsuit.

3. RITTER VS. STANDAL AND "THE PUBLIC INTEREST".

The concept of public interest did not become a part of Idaho Code § 203 until 1978. It was later redesignated as § 203A, but the public interest language was not changed. (1978 Idaho Session Laws, Ch. 306, § 1, p. 767). Since the concept of "public interest" was not even a part of Idaho water law when the litigation in question was brought by Judge Willis W. Ritter, it would be difficult for that concept to be referenced as such in the proceedings.

On the other hand, the outstanding Order yet to be complied with in this case states, in plain English, that the water in the channel "...will be completely suitable for the recreation uses heretofore made of the waters in the channel by plaintiffs AND THE PUBLIC (emphasis added) to-wit, for swimming, boating, fishing, hunting and wading." Add the words "water quality" and "aesthethics" and we have a graphic definition of "the local public interest" as it relates to the Application in question.

Restoration of the water quality in an estuary [illegible] is

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ludicrous to contemplate wading and masochistic to even consider swimming would clearly be in the public interest.

4. WATER QUALITY, PERMIT LIMITS AND THE PUBLIC INTEREST.

Applicant seems unaware the Idaho Department of Water Resources has an established record of recognizing the public interest in water quality with respect to fish farms (from the Silver Creek decision through Shokal vs. Dunn to the Niagara Springs decision). The plain fact is, much as Applicant might wish to separate the problem of water quality from everything else, water quality is the heart and soul of the public interest issue here as it impacts, negatively, the recreational uses heretofore made of the Bridal Veil Falls estuary.

The unsuitability of the estuary for recreational uses made of it prior to its degradation can only be attributed to a fish farm. If, as Applicant asserts, it has met its NPDES standards, the unsuitability of the water in the estuary speaks, graphically, to the question of the adequacy of the permit limits. In the best of all possible worlds, NPDES permits and their limits would indeed protect public values but there is no evidence this occurs in this instance. Regretable as it is, the estuary in question is not the only receiving water for fish farms that demonstrates this fact; Billingsley Creek and Crystal Springs Lake are equally appropriate examples of the inadequacy of NPDES permit limits for public interest water quality needs.

In addition to the evidence of the official government documents, Protestant gave sworn testimony regarding the unsuitable water quality of the estuary for the uses previously made of it by the public. While Protestant was prepared to go into great detail about the water quality of the estuary, no question was asked, no challenge was made, no cross-examination was offered by Applicant to refute these statements. Since Applicant obviously accepted and agreed with Protestant's assertions about the water quality of the estuary, it would have been most unseemly - even akin to beating a dead horse - for Protestant to further support the point. On the other hand, Applicant offered no proof that it follows the rules and thus no harm occurs to the estuary. While the goals of the Clean Water Act are certainly noble, simply asserting that meeting an NPDES permit ensures clean water under all circumstances and in all cases reflects neither the real world nor the actual conditions of the receiving waters under discussion.

5. THE RE-USE OF WATER.

Applicant wishes to convince the Department this Application for Re-use of water is innocuous. However, the evidence of the USEPA investigatory documents suggests waste from this operation ends up in the estuary. Protestant has shown the water quality in the estuary is already unsuitable for public interest water

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quality needs. Re-using water to increase production means an increase in waste as stated in Applicant's Exhibit "B" (McMaster letter). Since Applicant offered no evidence that their current waste management system is adequate to handle their existing waste let alone the added waste from the re-use of water, it follows that even more waste in the estuary is certainly not in the public interest.

CONCLUSION.

Notwithstanding all of Applicant's rhetoric, there is a problem with water quality in the Bridal Veil Falls' estuary which can only have been caused by a fish farm. Protestant has shown that the public interest in water quality in the Bridal Veil Falls estuary has already been compromised by the discharges from a fish hatchery. Applicant has offered no evidence its proposed re-use of water does **not** conflict with the public interest. The Department of Water Resources certainly has the authority to deny an application for re-use of water when the water already in use is perpetuating a nasty problem. By denying the application, the Department has given the public some assurance that the filth in the estuary will not worsen.

Protestant thoroughly supports the proposed Memorandum Decision and respectfully urges it be sustained.

DATED this 19th day of March, 1990.

S.S. Carleton, President
Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, ID 83332

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CERTIFICATE OF MAILING

I hereby certify that on this 20th day of March, 1990, I served a copy of the foregoing PROTESTANT'S RESPONSE, by depositing same in the United States mail, postage prepaid, in an envelope addressed to the following:

1) R. Keith Higginson
Director
Idaho Department of Water Resources
Statehouse
Boise, ID 83720

2) J. Evan Robertson
POB 1906
Twin Falls, ID 83301

Jill Joseph
Jill Joseph

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State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

February 8, 1990

Evan Robertson, Attorney at Law
P.O. 1906
Twin Falls, ID 83301

RE: Exception to Proposed Memorandum Decision and Order for Application for Permit to Appropriate Water No. 36-08356 in the Name of Pisces Investments, Inc.

Dear Mr. Robertson:

I acknowledge receipt of Exceptions to the Proposed Memorandum Decision and Order for application no. 36-08356.

I received an inquiry from the Hagerman Valley Citizen's Alert about whether exceptions had been filed. Apparently Hagerman Valley Citizen's Alert has not received a copy of the exceptions and the supporting brief. The Order Issuing the Proposed Memorandum Decision and Order states that the exceptions must be sent to each of the parties who appeared or their attorneys.

The Department will respond to the exceptions following service of the exceptions upon Hagerman Valley Citizen's Alert and running of the required time for response.

Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc. Southern Region
Hagerman Valley Citizen's Alert

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JAN 25 1990
Department of Water Resources

BEFORE THE DIRECTOR OF THE

DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN RE: Application for Permit to appropriate water No. 36-08356 in the name of Pisces Investments, Inc.	EXCEPTIONS TO PROPOSED MEMORANDUM DECISION

The Applicant in the above-named action, Pisces Investments, Inc., in response to the order issuing proposed Memorandum Decision dated January 10, 1990, executed by Gary Spackman, Hearing Officer, Department of Water Resources, hereby files the following exceptions to said proposed memorandum decision.

1. Exceptions to Findings of Fact:

(a) Finding of fact No. 11 in the proposed Memorandum Decision inaccurately characterizes Protestant's evidence and documentation as establishing that the Applicant had violated U.S. Environmental Protection Agency standards established by its NPDES waste discharge permit. In fact, while the U.S. Environmental Protection Agency cited the Applicant, alleging violation of certain "best management practices" provisions of the NPDES permit,

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the matter was eventually settled and resolved without any finding or conviction of any violation by the Applicant of any provision of its NPDES permit. See the consent agreement and order between Applicant and U.S. Environmental Protection Agency (Docket No. 1088-03-20-3099), introduced at the hearing as Applicant's Exhibit No. 2.

(b) The implications set forth in finding No. 12 incorrectly and prejudiciously suggest that the Applicant paid a fine to the United States Environmental Protection Agency for violations of NPDES permit. A legally correct reading of that consent agreement and order (Applicant's exhibit No. 2) will reveal that the Applicant admitted to no violation of its NPDES permit and the U.S. Environmental Protection Agency neither found nor proved any such violation. Any suggestion to the contrary contained in the proposed Memorandum Decision of the Idaho State Department of Water Resources misinterprets the legal effect and significance of the consent agreement and order executed between the Applicant and the United States Environmental Protection Agency. In particular, it is submitted that a proceeding to assess Class II administrative penalty under Clean Water Act §309(g) (Applicant's exhibit No. 2), at Section IV, paragraph 3 clearly refutes any implication in the proposed amendment

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decision and order that the Applicant has been determined to have violated any provision or requirement of its NPDES permit, by stating as follows:

> "3. It is understood and agreed that this consent agreement and order is entered into as a compromise of a doubtful and disputed claim, and that the execution of this consent agreement by Respondent and the entering of such order, and the making of the payment called for herein, is not to be construed as an admission of any violation of Respondent's NPDES permit or any provision of the act, and the Respondent denies any such alleged violation, and by entering into this agreement, intends merely to avoid further litigation and associated costs and expenses." (Emphasis added)

(c) With respect to findings of fact Nos. 11, 12, and 17, the Applicant hereby takes exception to said findings of fact on grounds that none of said findings is relevant or material to the Department's consideration and determination of the impact of the Application for Permit to appropriate water No. 36-08653. It is the position of the Applicant that the Idaho Department of Water Resources is constrained by the provisions of Idaho Code §42-203A(5), subsection (e) to evaluate [illegible] proposed use or uses of water sought to be appropriated against

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local public interest standards. Findings of fact 11, 12, and 17 have nothing to do with the proposed re-use of water sought in Application for Permit No. 36-08356, and it is instructive to note that no finding of fact nor evidence from the Protestant has been made or provided which relates to the impact of the re-use of water proposed in the Application for Permit on either the outstanding NPDES permit held by the Applicant from the U.S. Environmental Protection Agency or on the standards for the estuary set forth in the expired District Court order in Ritter vs. Standal, No. 14752 (Idaho Fifth Judicial District, June 22, 1979). The appropriate scope of inquiry for the Department of Water Resources pursuant to state law with respect to the Application for Permit makes findings of fact Nos. 11, 12, and 17 irrelevant and immaterial, and the Applicant submits that such findings cannot be used as the basis for rejecting Application for Permit No. 36-08356.

(d) Applicant takes exception to finding of fact No. 17 to the extent it purports to suggest or hold that the Protestant produced sufficient evidence that the proposed Application for Permit No. 36-08356 conflicts with local public interest. A general statement or allegation of conflict falls short of establishing prima facie, that the allegation is true. Consequently, Protestant's naked assertions

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did not shift the burden of proof or persuasion with respect to that criterion to the Applicant. Any suggestion in finding of fact No. 17 to the contrary is excepted by the Applicant.

(e) Exception is taken to finding of fact No. 17 to the extent that it sets forth the order in Fifth District Court case Ritter v. Standal as a prima facie statement of public interest. Ritter v. Standal was a private matter, litigated between W. W. Ritter Estate and John Ritter, plaintiffs against Norman S. Standal and George H. Lemmon, and Aquaculture Industries, Inc., a corporation, defendants. Nowhere in the order is any mention made of public interest. That issue simply was not determined by the court, and there is no evidence that those issues were litigated. The public interest criterion found in Idaho Code §42-203A(5), subsection (e) seemingly contemplates a balance between economic interests, recreational interests, scenic interests and other broad-ranging criteria. There is absolutely no indication from the order filed in Ritter v. Standal that these criteria were litigated or that the court, in its order, was attempting to establish "public interest" as that term is employed in Idaho Code §42-203A(5).

(f) Applicant takes exception to finding of fact No. 17 to the extent said finding implies that the applicant had a duty or burden to provide evidence

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that compliance with NPDES standards or state standards established by the Division of Environmental would preserve the recreational uses and natural fish and wildlife values set forth in the order issued in Ritter v. Standal. That NPDES standards do protect such uses and values is set forth in the Federal Water Pollution Control Act (33 U.S.C. §1251), and the Department should take judicial or administrative notice of that federal statute. Applicant also presumes that the Department of Water Resources is not attempting to place itself in a position to enforce an expired order in a private Fifth District Court litigation to which neither the Applicant nor the Protestant was a party, and which order did not expressly or impliedly deal with or address the public interest standards set forth in Idaho Code §42-203A(5), subsection (e).

2. Exception to the conclusions of law:

(a) Applicant takes exception to conclusion of law No. 5 to the extent said conclusion implies that the Applicant has the burden of persuasion with respect to the criteria of Idaho Code §42-203A(5), subsection (e) unless and until a prima facie case has been presented by the Protestant that the proposed Application for water use Permit is in violation of that subsection. There is no finding of fact in the proposed Memorandum Decision and order indicating that

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the Protestant has put forth any evidence with respect to the criteria of subsection (e), and the Applicant disputes that it nevertheless has the burden of persuading the Department of Water Resources that its application will not adversely impact the public interest.

(b) Applicant takes exception to conclusion of law No. 5 to the extent that it finds or implies that Applicant failed to establish that it has met, and could, upon approval of Application for Permit No. 36-08356, continue to meet all applicable effluent standards imposed by its NPDES permit, the compliance with which constitute prima facie evidence that the quality of water being discharged into the estuary is sufficient to meet the alleged local public interests of recreation and protection of fish and wildlife habitat and resources. In short, Applicant submits that it met the burden of persuasion referred to in Rule 4, 4, 3 of the Water Appropriation Rules and Regulations, and that the Protestant offered no competent evidence to rebut the same.

(c) Applicant takes exception to conclusion of law No. 7, respectfully submitting that the Idaho Department of Water Resources should take quasi-judicial or administrative notice of its own records and of the contents of the application under review, wherein it will find as follows:

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(i) That the application is for a re-use of water already under license to the Applicant, and is for a non-consumptive use, thereby not reducing the quantity of water under existing rights.

(ii) That there are no other filings on the source of the water being sought for the subject re-use permit.

(iii) That the Applicant presently has a license for over 140 cfs of water, and that this application is merely for a re-use of a portion of that licensed water, thereby making non-applicable the Department's conclusion that there has been no showing that sufficient water exists for the proposed use.

(iv) At the time of making application, the Applicant has filed proof of ownership of the property involved, plans for the facilities in which the proposed re-use water is to be applied, and a statement from the Twin Falls Bank & Trust concerning the financial capability of the Applicant to complete the project. Therefore, subsections "(c) and (d)" in conclusion of law No. 7 are not applicable.

(d) Applicant takes exception to conclusion of law No. 8, again respectfully submitting that the Department must take quasi-judicial or administrative

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notice of its own records and the application submitted by the Applicant. By doing so, the Department should recognize as follows:

(i) That the Applicant could not submit a list of users from the spring source on which this application has been filed, as there are no other users.

(ii) Information concerning the proposed development, contained in a letter dated September 8, 1987, from Arrington Brothers Construction Company was submitted to the Twin Falls office of the Department of Water Resources.

(iii) No information was contained in any submittal concerning the impact of the proposed development on other rights, as no other rights existed in the spring source being used, and because the application dealt with a re-use rather than an additional use of water from the spring source.

(iv) Existing water rights licensed to the Applicant, which contain detailed diagrams of the spring flows upon the Applicant's property, adequately demonstrate the availability of water to meet the requirements of the proposed project.

(v) The Department has copies of the Applicant's NPDES permit issued by the United States Environmental Protection Agency, and many

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references to that document are contained in the proposed Memorandum Decision and order.

(vi) Applicant is not aware of any permit required from "DEQ" and takes exception to conclusion of law 8(d) to the extent it suggests that a permit from DEQ is required.

(vii) Plans, specifications and estimated construction costs sufficiently definitive to allow determination of project impacts and implications were submitted to the Twin Falls office of the Idaho Department of Water Resources together with a cover letter from Arrington Brothers Construction to Mike Greene, President of Pisces Investments, Inc., dated September 8, 1987.

(e) Applicant takes exception to conclusion of law No. 9 on the grounds that it does not state a legal conclusion.

(f) Applicant takes exception to the entirety of conclusion of law No. 11 in the proposed Memorandum Decision and order for the following reasons:

(i) The Ritter judgment does not state that swimming, boating, fishing, wading, hunting or preservation of natural fish habitat in the estuary are important public uses of the estuary nor does it identify native fish habitat as an important local public value, and [illegible] is

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nothing therein which evidences that the court considered "local public interest" as that term is described in Idaho Code §42-203A or the criteria attendance thereto established by Rule 5, 1, 5 of the Water Appropriation Rules and Regulations promulgated by the Idaho Department of Water Resources.

(ii) Applicant also takes exception to conclusion of law No. 11 on grounds that it embraces the Ritter judgment as a statement of local public interest as that term is employed in Idaho Code §42-203A(5), when there has been no evidence submitted that local public interest as such was ever litigated in the Ritter proceedings. Such an assumption also fails to acknowledge that the Ritter v. Standal case was private litigation between two parties, neither of whom is before the Department of Water Resources at this time. To elevate the judgment in that case, some eleven years later, to a binding determination of "local public interest" for purposes of Idaho Code §42-203A(5) is legally indefensible.

(g) Applicant takes exception to conclusion of law No. 12 on grounds that it does not contain a legal conclusion, but merely states the actions of the Protestant at the protest hearing. Further, the Applicant submits that neither the Department of Water

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Resources nor the Protestant presented any evidence of water quality based upon any recognized scientific analysis, nor, as has been mentioned above, was any evidence submitted that the Applicant has ever violated water quality standards established by the U.S. Environmental Protection Agency. To the contrary, the Applicant has repeatedly stated, and provided evidence, that no violations of any applicable water quality standard has occurred on the facility. Water quality is strictly monitored by the Applicant and the United States Environmental Protection Agency, using scientifically recognized and accepted testing and analysis standards. To accept a naked statement from the Protestant that water quality standards have been violated, without either scientific evidence or any clear statement of the water quality standards being measured, violates not only acceptable rules of evidence, but also the Applicant's right to due process of law.

(h) Applicant takes exception to conclusion of law No. 13 on grounds that it does not state a legal conclusion. Further, conclusion of law No. 13 again implies that the Applicant has violated applicable water quality standards, an implication which is not grounded in any evidence produced at the hearing, either by the Protestant or the Department of Water Resources. To the contrary, the consent agreement and

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order in the matter of Pisces Investments, Inc., Respondent, NPDES Permit No. ID-000097-3 entered into between the Applicant and the regional administrator of the United States Environmental Protection Agency (Applicant's exhibit No. 2) was presented at the protest hearing and clearly states that there was no admission by the Applicant of any violation and no conviction or finding by the United States Environmental Protection Agency of any violation relating to water quality standards established by EPA.

(i) Applicant takes exception to conclusion of law No. 14 on the grounds that it does not state a legal conclusion.

(j) Applicant takes exception to conclusion of law No. 15 to the extent it implies that a determination has been made that the public interest requires a water quality standard exceeding standards established by the Idaho Department of Health and Welfare or the United States Environmental Protection Agency. No evidence of the existence or content of such alleged standards was produced at the hearing, and certainly no standard has been enunciated by the Idaho Department of Water Resources in the proposed Memorandum Decision. At best, conclusion of law No. 15 seems to imply that there is a water quality standard which has been established by the Department

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of Water Resources, apparently without notice to the Applicant, and apparently without any evidence being produced with regard to what water quality standards are necessary to satisfy "local public interest."

(k) Applicant takes exception to conclusion of law No. 16 if said conclusion implies or states that the Protestant, in this case, established, by competent evidence, a public interest, and made a prima facie case that the application under consideration violated that public interest. To the extent said conclusion merely states the applicable procedures to be followed, and makes no statement concerning the substantive issues raised in the instant case, the Applicant makes no exception to this conclusion of law.

(l) Applicant takes exception to conclusion of law No. 17 on grounds that it incompletely and inaccurately sets forth the law. Conclusion of law No. 17 states that the Protestant established that the maintenance of the estuary for native fish habitat, fishing, boating, swimming, wading and hunting was in the public interest. It is submitted that the Protestant produced no evidence to that effect, and that the hearing officer merely seized upon language contained in the Ritter judgment, adopting it as an adjudicated statement of the "local public interest" when in fact, no evidence was

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produced that Ritter v. Standal involved public interest nor that the issue of public interest was litigated in that case. Further, and perhaps more importantly, conclusion of law 17 misstates the law by saying that once the public interest was shown, the burden of proof or persuasion shifted to the Applicant. It is respectfully submitted that not only must the public interest be established, but that, pursuant to Idaho Code §42-203A(5), subsection (e), the Protestant must also show, or the Department, presumably on competent evidence must find, that the proposed application will "conflict with local public interest." In other words, the Protestant must establish what constitutes local public interest and must then, by competent evidence, make a prima facie case that the proposed application is in conflict with that public interest. Assuming, for the sake of argument, that the Department has properly found that the maintenance of the estuary for fish habitat, swimming, boating, wading and hunting is indeed in the "local public interest," it is submitted that no testimony was produced at the hearing which suggested that the Application for Permit No. 36-08356, if approved, and the ultimate use of the water for the project described in the application, would have any effect on the estuary, the quality of water being discharged from the Applicant's facility, nor any

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negative impact on fish habitat, fishing, boating, swimming, wading or hunting. In his zeal to protect what he perceived to be "local public interest," the hearing officer has completely overlooked the fact that the application under protest is for the re-use of water presently being used by the Applicant, that it does not alter or affect the points of discharge into the estuary, the configuration of the estuary, the continued provision of circulating water to the head end of the estuary, or the quality of water being discharged and its impact on the natural resources referenced in conclusion No. 17.

(m) Applicant takes exception to conclusion of law No. 18 on the following grounds:

(i) It fails to contain a conclusion of law.

(ii) It improperly suggests that there is a "estuary water quality standard" separate and apart from these contained in Applicant's NPDES Permit, although nothing contained in the proposed Memorandum Decision sets forth those standards, nor does anything placed in evidence by the Protestant at the protest hearing establish that the proposed re-use of the water sought in the Application for Permit No. 36-08356 will have any adverse effect on the "estuary water quality standards."

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(iii) Conclusion of law No. 18 implies that the Applicant has not placed into the record evidence that the proposed fish propagation facility will satisfy both discharge and estuary water quality standards. To the contrary, the Applicant has testified that the Magic Springs Trout Farm as it is presently configured, and with the addition of the ponds proposed pursuant to Application for Permit No. 36-08356, will be governed by, and will meet, all applicable water quality standards imposed upon its operations by the State of Idaho and by the U.S. Environmental Protection Agency. In particular, the Applicant has rebutted any allegation by the Protestant that the Magic Springs facility has violated, or is currently in violation of, its NPDES permit, and no other water quality standards have been established by the Idaho Department of Water Resources or the Protestant. Further, the Applicant is entitled to rely on the provisions of the Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C., §1251, which states that the NPDES water quality standards are designed to provide "protection and propagation of fish, shell fish, and wildlife and provides for recreation . . ." It is clear that compliance with the NPDES permit provides prima facie evidence that the Applicant

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is meeting all applicable water quality standards for its discharges into the estuary.

(iv) Conclusion of law 18 is not relevant to any finding or evidence presented with respect to the impact of the Applicant's use of water pursuant to Application for Permit No. 36-08356 on either the "local public interest" or the water quality standards applicable to the estuary in the Applicant's discharges into the estuary. In fact, the Protestant offered no evidence, relevant or material, to the impact on local public interest of the proposed application, and rather, contented itself to making unsubstantiated statements concerning the Applicant's existing facilities and its existing discharges into the estuary.

(n) Applicant takes exception to conclusion of law 19 for the following reasons:

(i) The conclusion relates to a "higher standard" of water quality, but no finding of fact or evidence presented at the hearing, or any statutory source exists to enunciate and quantify this alleged higher standard. Therefore, all references to such "higher standard" must be considered to be subjective, existing only in the imagination of the hearing officer.

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(ii) Conclusion of law No. 19 fails to deal with the impacts of the water uses sought in Applicant's Application for Permit No. 36-08356.

(iii) Conclusion of law No. 19 incorrectly states that compliance with EPA's water quality standards cannot satisfy the local public interest. It is submitted that there are no other applicable standards, and that 33 U.S.C. §1251 requires a finding that compliance with the Applicant's NPDES requirements create prima facie evidence that the local public interest has been satisfied, to the extent local public interest is defined, as it seemingly has been in the proposed Memorandum Decision, to include protection of fish, shell fish, wildlife and recreation. Protestant provided no evidence to overcome that prima facie case.

(iv) Conclusion of law No. 19 speaks to concern for the Applicant's discharge points into the estuary, and the construction of certain devices to prevent erosion within the estuary. Applicant has provided testimony that the use of the water sought in the Application for Permit No. 36-08356, will not alter the points of discharge into the estuary nor the existing structures and vegetation which have been installed to prevent erosion, and which have been found by the Idaho

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Department of Water Resources to be properly done. (See findings of fact 15 and 16.)

(v) Conclusion of law No. 19 does not contain an accurate conclusion of law.

(o) Applicant takes exception to conclusion of law No. 20, and submits for the reasons set forth hereinabove, and in the brief supporting this bill of exceptions, that the Applicant has proved that its Application for Permit No. 36-08356 will not alter the quality of water being discharged into the estuary and will not have any adverse effect on the suitability of the estuary for fish and wildlife habitat and recreational purposes. The Applicant has further established that the water presently being discharged into the estuary meets the requirements of NPDES permit and is suitable for fish and wildlife habitat and recreation, even though that inquiry is clearly beyond the scope of §42-203A, subsection (5), which restricts protest hearings to consideration of the impacts on local public interest of the application itself, and the proposed use of the water sought from said application. The proposed Memorandum Decision contains no findings and no conclusions which relate to the impact or effect of the application and the uses of water intended to be made pursuant thereto.

DATED this 25 day of January, 1990.

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

By: _____
J. Evan Robertson

EXHIBIT "A"
TO EXCEPTIONS TO MEMORANDUM DECISION

PERRINE OFFICE
TWIN FALLS BANK & TRUST COMPANY 1864 BLUE LAKES BLVD. N./P.O. BOX 1883 / TWIN FALLS, ID 83303-1883 / 208•734-1986

May 12, 1988

Idaho Department of Water Resource
Attn: Gary Funderberg
2148 Fourth Avenue East
Twin Falls, Idaho 83301

RE: Pisces Investments (Magic Springs)

TO: Whom it may concern

Pisces Investment, Inc. is a corporation of which I am very familiar with their financial position and borrowing ability.

I am also familiar with the project they have proposed for Magic Springs.

In my opinion, and to the best of my knowledge, Pisces Investment, Inc. accompanied with the financial abilities of Evan Robertson and Mike Greene, have the financial resources available to see the proposed project to a successful completion.

If I can be of any further help or answer any other questions, do not hesitate to call.

Respectfully,

C. Alan Horner
Vice President

/n

cc: Pisces Investment, Inc.

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JAN 24 '90 15:55 1 208 733 0325 PAGE.002

EXHIBIT "B"
TO EXCEPTIONS TO MEMORANDUM DECISION

ARRINGTON BROTHERS CONSTRUCTION

ROUTE ONE, BOX 4649
TWIN FALLS, IDAHO 83301
(208) 733-5695

September 8, 1987

Mike Greene
Pisces Investments
% Blue Lakes Trout
P.O. Box 1237
Twin Falls, Idaho 83303

Dear Mike,

I have received the materials and site work prices to finish the bid for the ponds at Magic Springs. Total cost for the site fill, ponds, raceways, 15" piping, 6" & 10" pond drainage piping and supply raceway and division is $144,564.00 (One hundred forty-four thousand, five hundred sixty-four dollars).

The estimated cost to install drains under ponds D, E, & F and a new 4" topping slab is $30,000 (Thirty-thousand dollars).

Thanks for the opportunity to bid the work. I am available to answer any questions you may have.

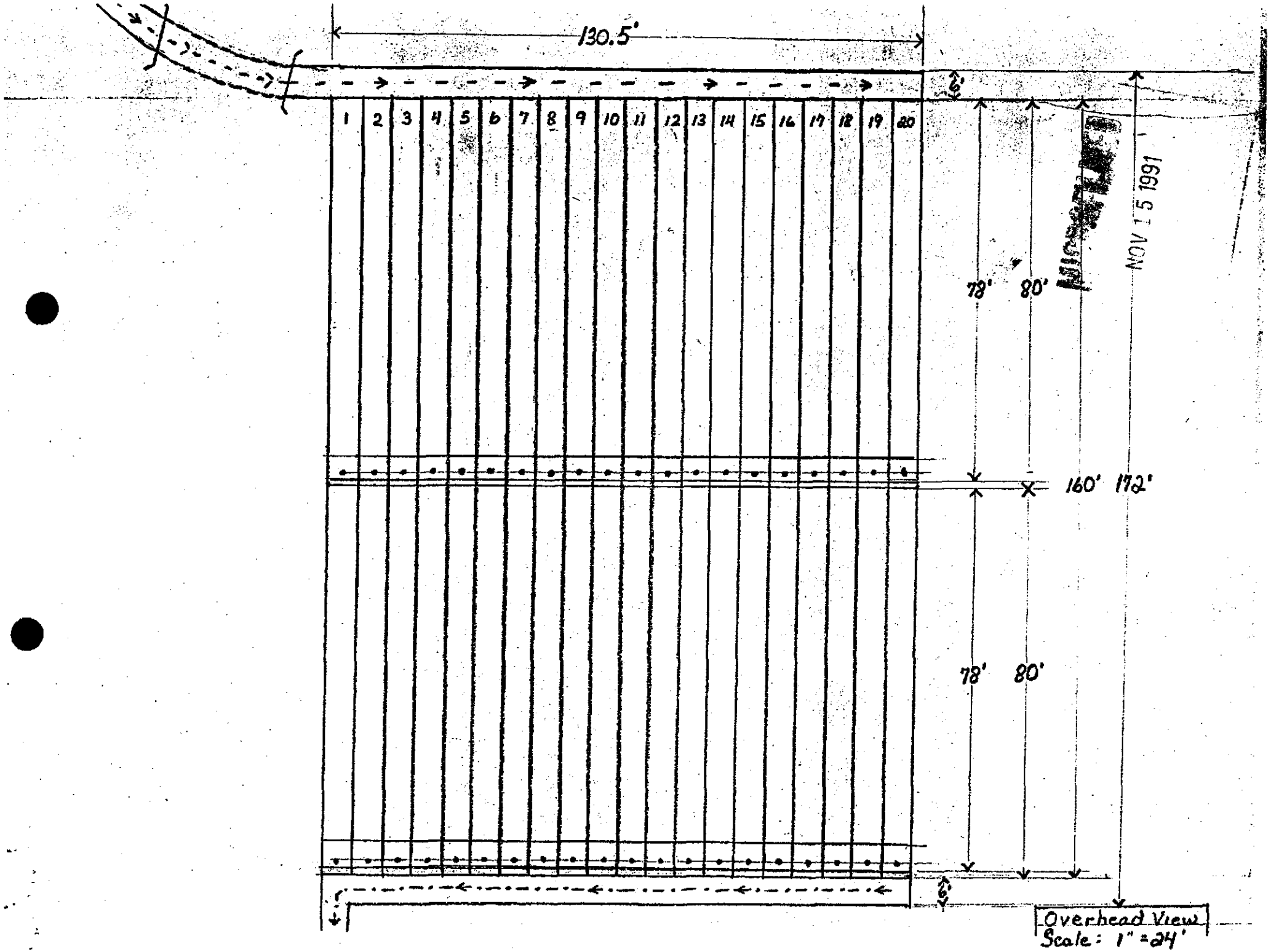
Sincerely,

Glenn S. Arrington
President

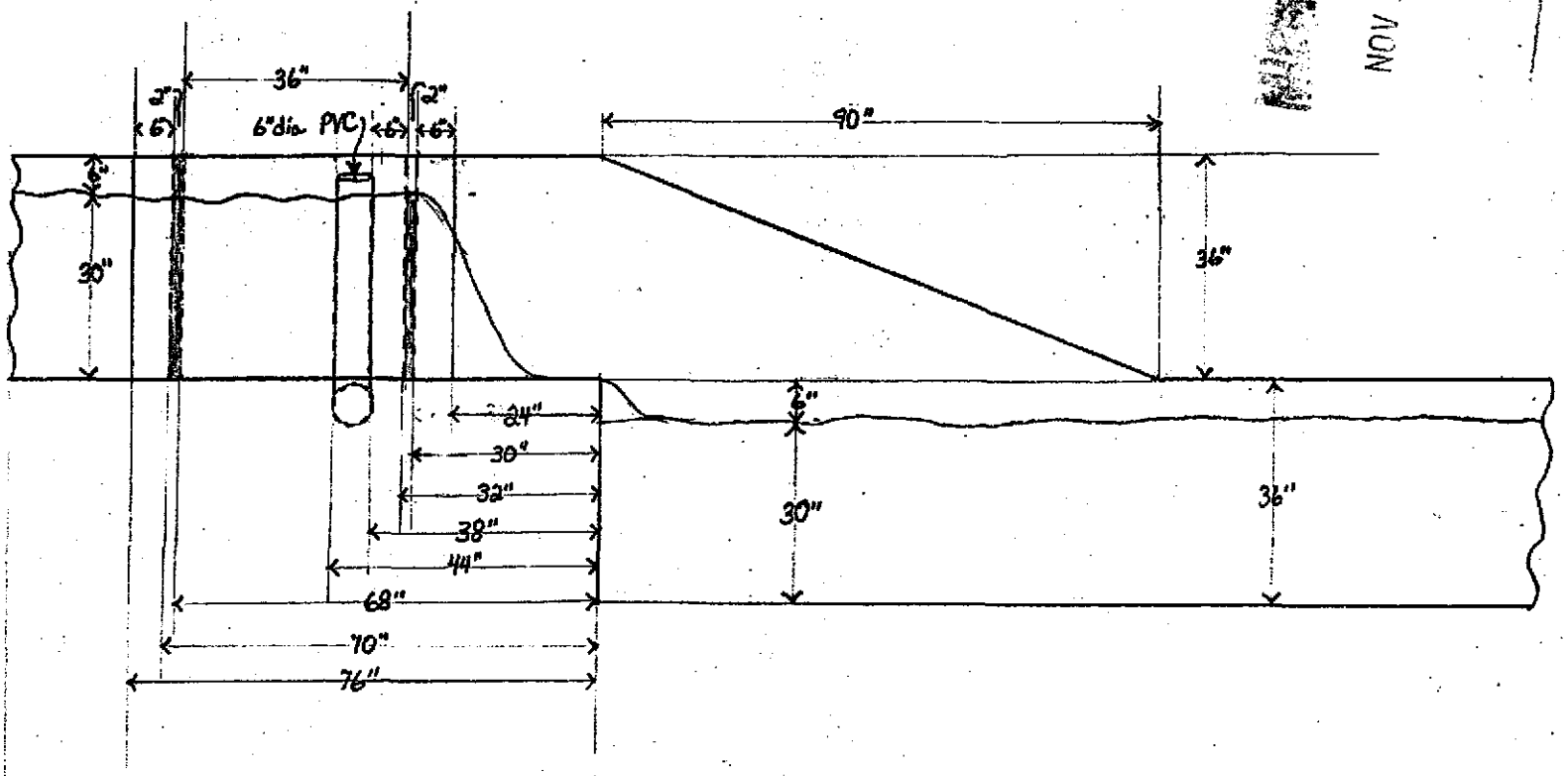
GSA/cq

Enc.

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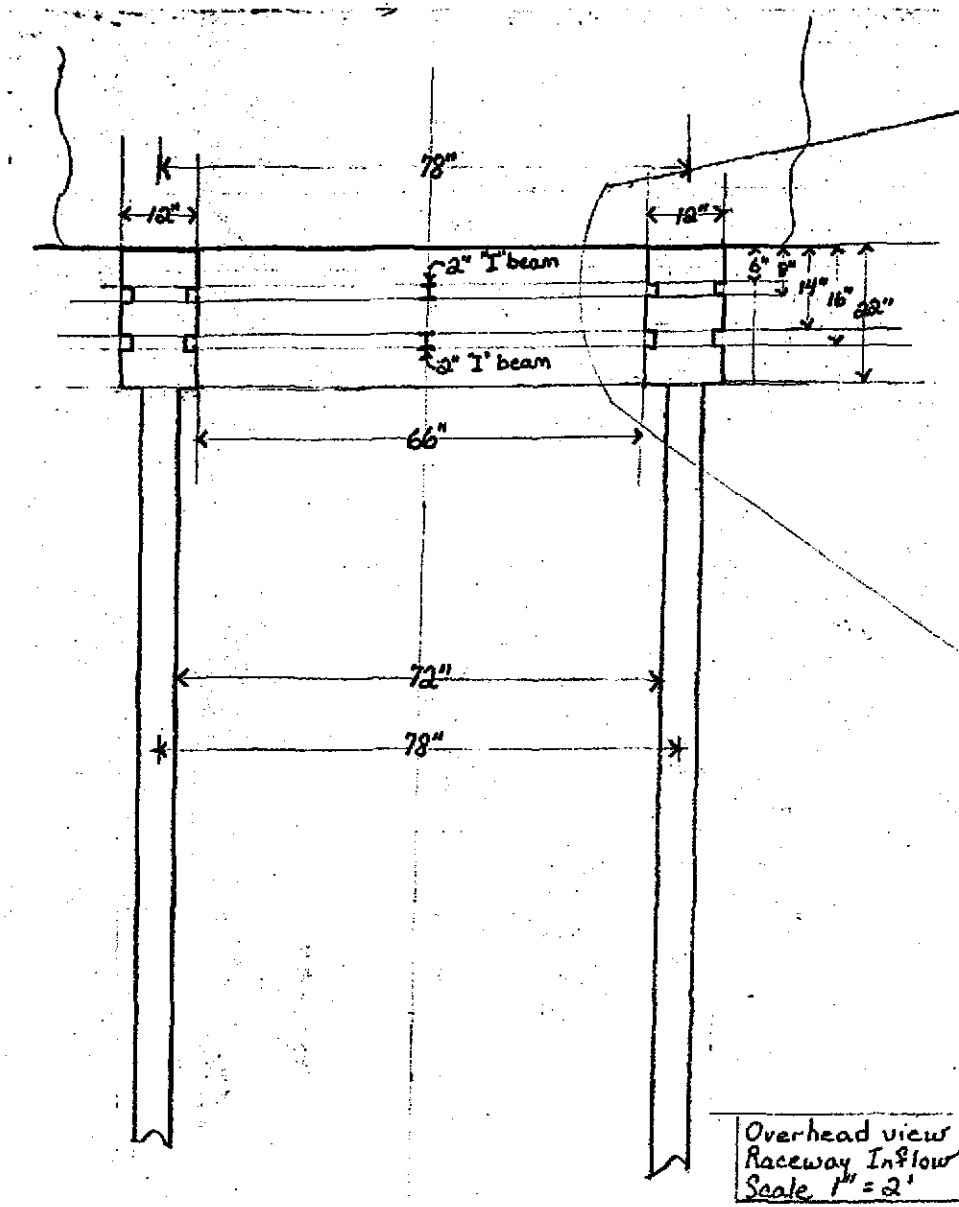

130.5'
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20
6'
78' 80'
160' 172'
78' 80'
6'
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Overhead View
Scale: 1" = 24'

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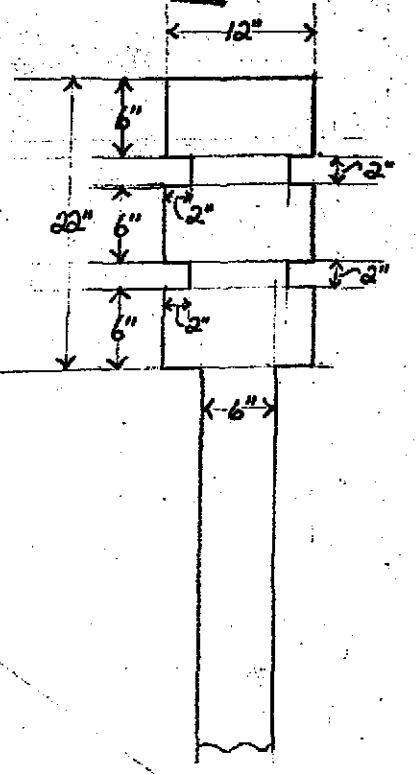


Side view Upper to lower Raceway
Scale: 1" = 2'

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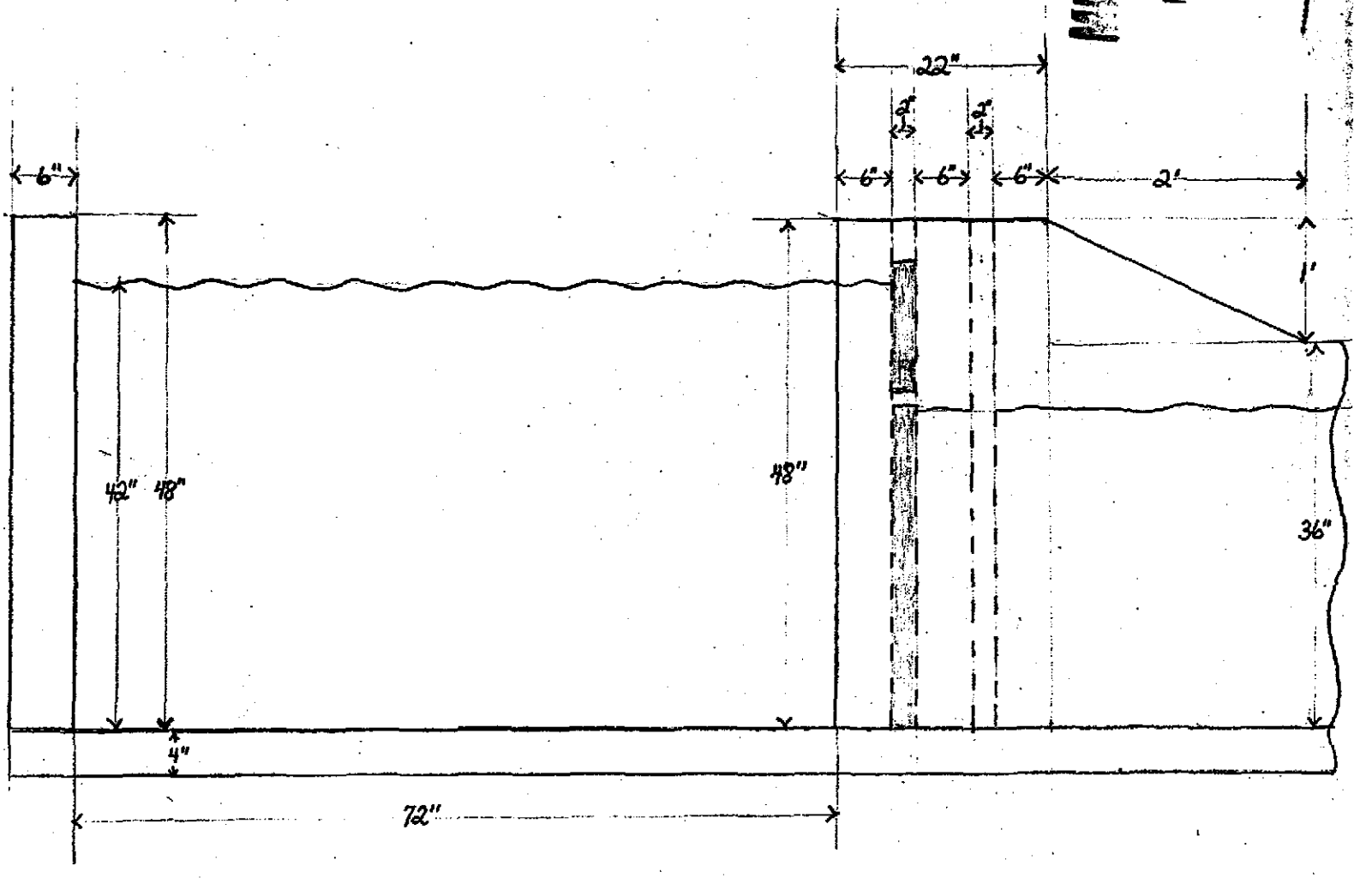


Overhead view
Raceway Inflow
Scale 1" = 2'

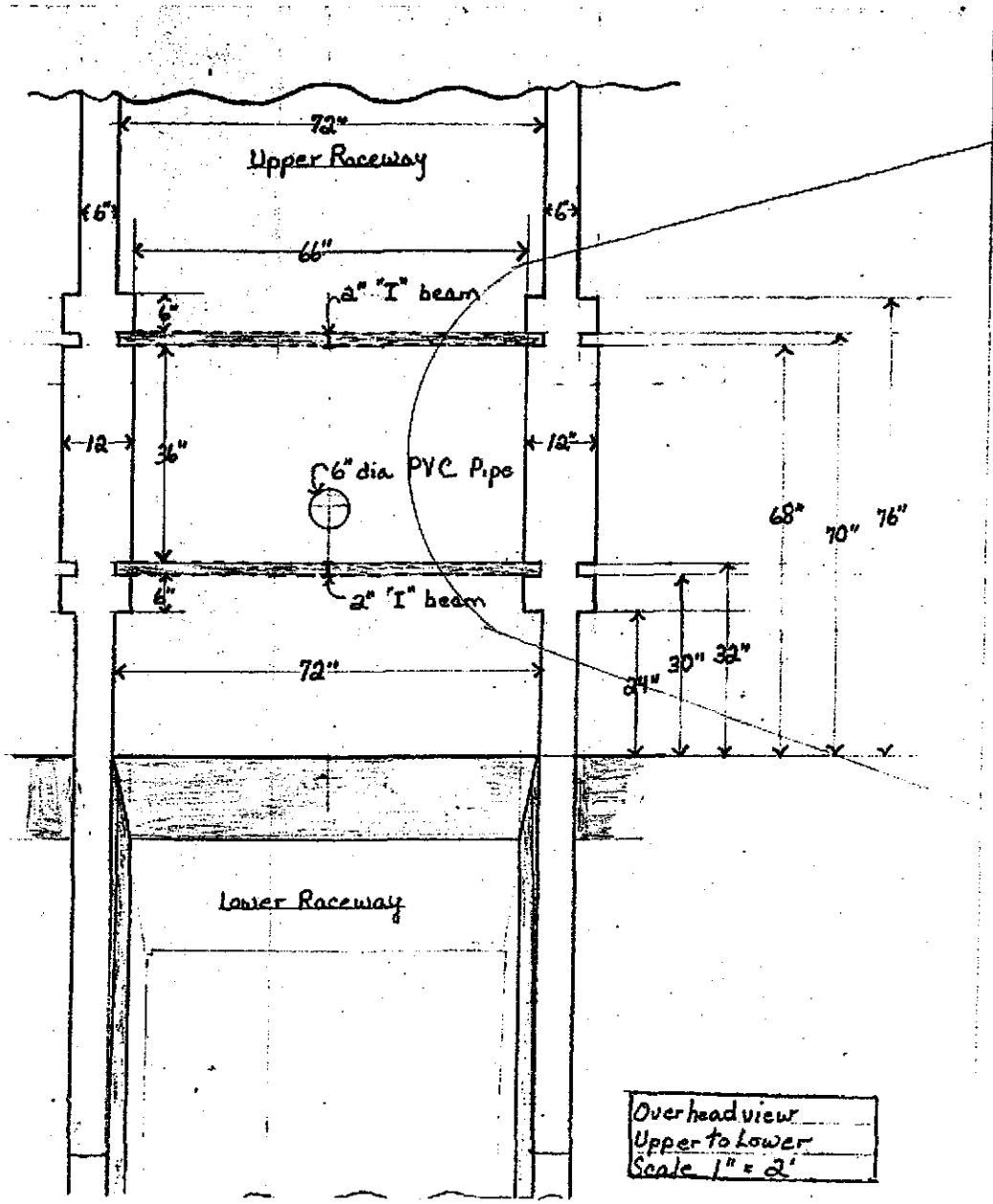


Detail Overhead view
Raceway Inflow
Scale: 1" = 1'

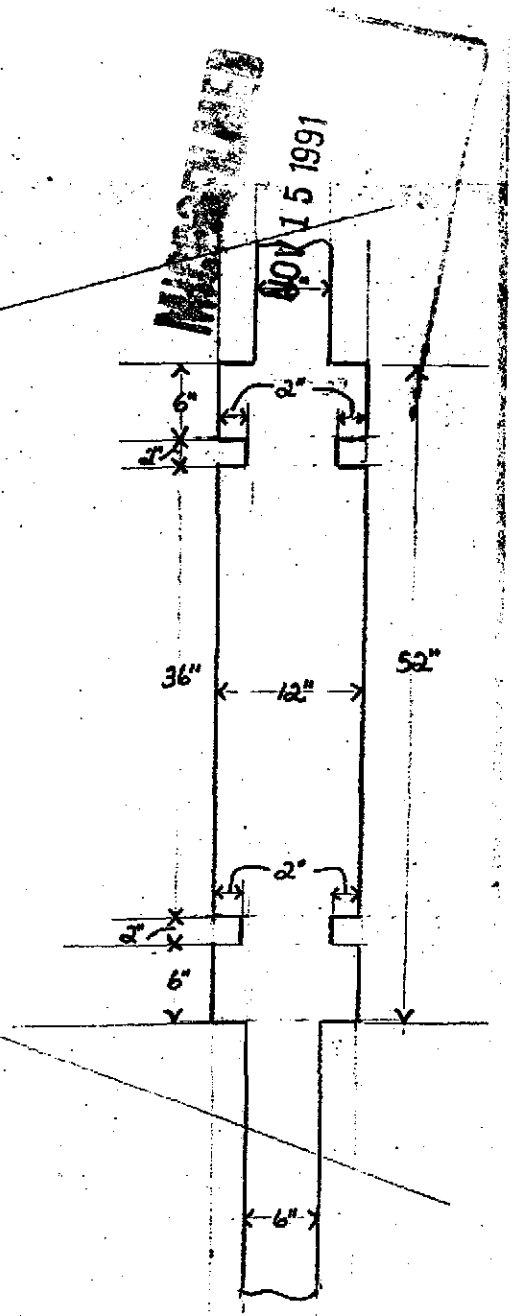
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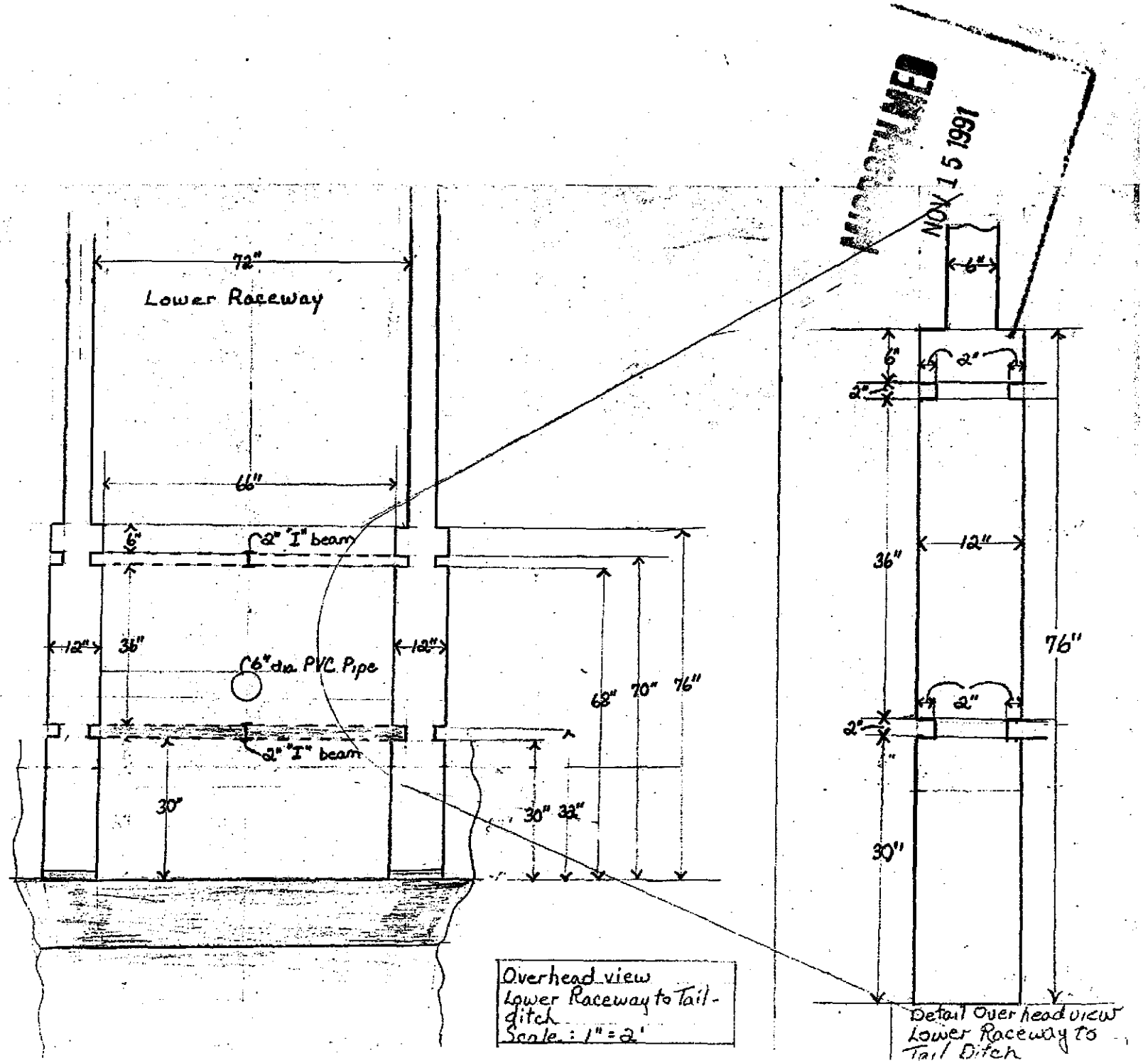
Sideview Headditch
Scale: 1" = 1'

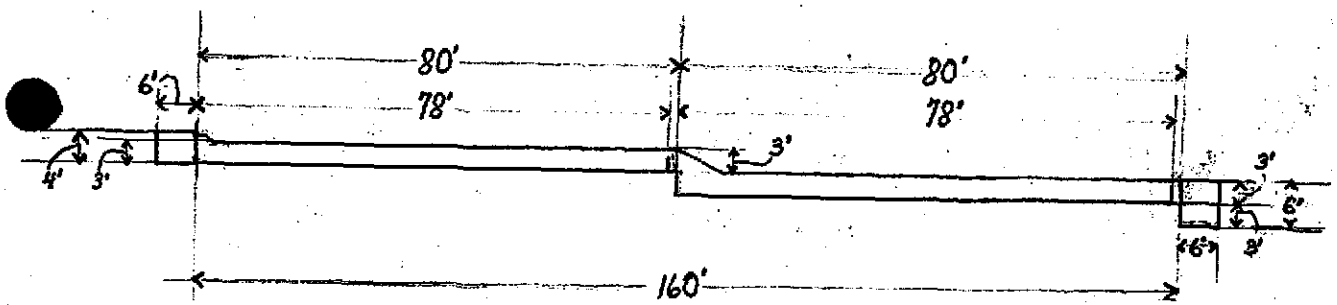


Overhead view
Upper to Lower
Scale 1" = 2'



Detail Overhead view
Upper to Lower Raceway
Scale: 1" = 1'

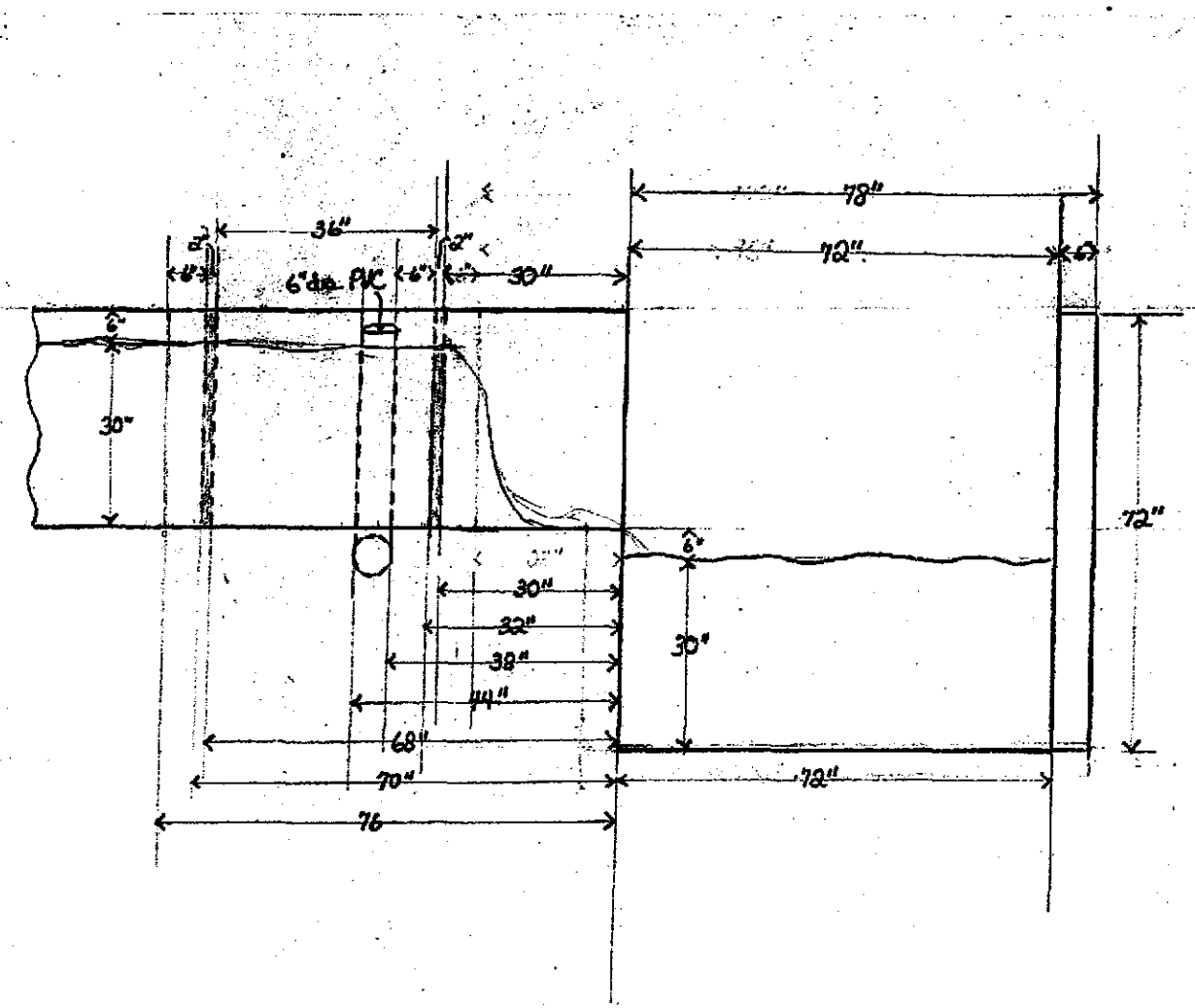

72"
Lower Raceway
66"
6"
2" "I" beam
12"
36"
6" dia. PVC Pipe
12"
62"
70"
76"
2" "I" beam
30"
30"
32"
Overhead view
Lower Raceway to Tail-ditch
Scale: 1" = 2'
6"
2"
6"
2"
2"
36"
12"
76"
2"
2"
30"
Detail Overhead view
Lower Raceway to
Tail Ditch



1" fall in 80' Upper and Lower Raceways

Side View
Scale: 1" = 24'

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Sideview Lower Raceway to Tail ditch
Scale : 1" = 2'

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

January 10, 1990

Hagerman Valley Citizen's Alert
ATTN: S. G. Carleton
P.O. Box 1
Hagerman, ID 83332

Dear Mr. Carleton:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision and Order for Application No. 35-08356 in the name of Pisces Investments, Inc.

Any party who disagrees with the Proposed Decision may file exceptions to the decision within fifteen (15) days of service of the Proposed Decision.

Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

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State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

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Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

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36-8356

Applicant Exhibit # 2 Admitted.

BEFORE THE REGIONAL ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 10
Seattle, Washington

IN THE MATTER OF:	)	
	)	Docket No. 1088-03-20-309(g)
PISCES INVESTMENTS, INC.	)	
	)	PROCEEDING TO ASSESS CLASS II
Respondent.	)	ADMINISTRATIVE PENALTY UNDER
	)	CLEAN WATER ACT,
	)	SECTION 309(g)
NPDES Permit No. ID-000097-3	)	

CONSENT AGREEMENT AND ORDER

I. Statutory Authority

The following stipulations as to facts are made and this Consent Agreement and Order are issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 309(g) of the Clean Water Act, 33 U.S.C. §1319(g), ("Act"). The Administrator has delegated these authorities to the Regional Administrator of EPA Region 10, who hereby issues this Final Order.

II. Consent Agreement and Findings

Upon consent of the Parties by their attorneys and authorized officials, the Parties stipulate and the Administrator finds:

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1. Respondent has been issued an NPDES permit number ID-000097-3 to discharge effluents to waters of the United States, pursuant to the Act.

2. This Consent Agreement and Agreed Order are entered into by the Parties to settle an administrative proceeding commenced by service by mail of a Complaint dated January 26, 1989. The public was notified of the Agency's proposed action, and four members of the public have responded to the notice. Likewise, the State of Idaho was given an opportunity to consult with EPA regarding the action but it has not formally responded.

3. On September 23, 1988, EPA Region 10 conducted an inspection of the facility. The inspection revealed Respondent's facility had no mechanical cleaning system (such as vacuum pumps) in place, and that allegedly accumulated wastes were being removed by sweeping into effluent waters discharging into waters of the United States. EPA contends such activity was in violation of Part I.D.3 of Respondent's permit.

4. Respondent denies any such activity or violation of Part I.D.3 of its NPDES permit. Respondent has constructed concrete waste-settling ponds and a vacuum waste-removal discharge system, at a cost of some Fifty Thousand Dollars ($50,000.00). EPA has considered the responsiveness of Respondent and its officers and their

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cooperative nature in acknowledging the need for pollution-control equipment and methods, and making corrections to avoid possible violations of the permit.

III. Payment Order and Consent

Based on the foregoing stipulations and findings, and taking into account the nature, circumstances, extent, and gravity of the alleged violation, Respondent's prior history of compliance, degree of culpability, economic benefit of savings resulting from the alleged violation, and ability to pay, and under the authority of Section 309(g) of the Act, 33 U.S.C. §1319(g), EPA Region 10 hereby ORDERS AND RESPONDENT HEREBY CONSENTS, that:

1. The provisions of this Consent Agreement and Order shall be binding upon the Respondent, its officers, directors, agents, servants, authorized representatives, employees, and successor or assigns.

2. Respondent shall pay Five Thousand Dollars ($5,000.00) by mailing a money order or certified check payable to the "Treasurer, United States of America" for the sum of $5,000.00 within thirty (30) days following the effective date of this Order to the following collection agent:

U.S. Environmental Protection Agency
Regional Hearing Clerk, Region 10
P.O. Box 360903M
Pittsburgh, Pennsylvania 15251

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Respondent shall send notice of such payment, including a photocopy of the money order or check, to:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue (SO-125)
Seattle, Washington 98101

IV. General Provisions

1. Pursuant to Section 309(g)(7) of the Act, issuance of or compliance with this Order does not exempt Respondent from responsibility to comply with all requirements of the Act and any legal order or permit issued pursuant thereto. Further, issuance of this Order does not constitute a waiver by EPA of its right to enforce the provisions of this Order and continued compliance with the requirements of Respondent's NPDES permit. This compliance can be either administratively or judicially pursuant to Section 309(a), (b) and (c) of the Act, 33 U.S.C. §1319(a), (b) and (c).

2. Upon payment of the sums designated herein, EPA does hereby release, acquit and forever discharge Respondent, Pisces Investments, Inc., and its successors, representatives, assigns, agents, officers, directors, servants, employees, attorneys, indemnitors and insurers, and their heirs, estates, representatives and any and all persons acting for, by or through, or in any way on behalf of said released entity, of and from all claims of every kind, actions,

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causes of action, judgments, damages, liabilities and demands of every and whatever kind, name or nature, known or unknown, contingent or mature, in any way having to do with, arising, arisen, to arise or which may arise, out of or by reason of any alleged activities or non-activities which EPA contends were or may have been violations of Respondent's NPDES permit as of the date of the filing of the administrative complaint in this matter.

3. It is understood and agreed that this Consent Agreement and Order is entered into as a compromise of a doubtful and disputed claim, and that the execution of this Consent Agreement by Respondent and the entering of such Order, and the making of the payment called for herein, is not to be construed as an admission of any violation of Respondent's NPDES permit or any provision of the Act, and that the Respondent denies any such alleged violation, and by entering into this Agreement, intends merely to avoid further litigation and associated costs and expenses.

4. Failure by Respondent to pay in full the payment agreed to in this Consent Agreement by its due date may subject Respondent to a civil action to collect the payment, plus interest, attorneys' fee, costs, and an additional quarterly nonpayment penalty pursuant to Section 309(g)(9). In any such collection action, the validity, amount, and appropriateness of the payment and this Consent Agreement shall not be subject to review.

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5. Respondent admits that the Administrator has jurisdiction to hear and determine this matter, and Respondent knowingly and explicitly waives its right pursuant to Sections 309(g)(2) and (8), 33 U.S.C. §1319(g)(2) and (8), to a hearing before an Administrative Law Judge on this penalty assessment, and to judicial review of this administrative penalty.

V. Effective Date

This Consent Agreement and Order shall become effective thirty (30) days after the date of issuance noted below unless a petition for a hearing is filed pursuant to Section 309(g)(4)(c) of the Act, 33 U.S.C. §1319(g)(4)(c) by a person who commented on the proposed penalty assessment. If such a petition is filed, EPA Region 10 will so notify Respondent and will inform Respondent of the effective date of this Consent Agreement and Order.

IT IS SO STIPULATED AND AGREED:

For Respondent:

Steven K. Tolman, Esquire
Nelson, Rosholt, Robertson,
Tolman & Tucker
1020 Main Street, Suite 400
P.O. Box 2139
Boise, Idaho 83701-2139
(208) 336-0700

For EPA:

Theodore R. Rogowski, Esquire
Associate Regional Counsel
(206) 442-1185

Robert S. Burd, Director
Water Management Division
EPA, Region 10

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Issued this 7th day of Sept., 1989.

IT IS SO ORDERED:

Robie G. Russell
Regional Administrator
U.S. EPA Region 10
1200 Sixth Avenue (SO-125)
Seattle, Washington 98101

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36-8356 1

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101

Protestant Exhibit # 1 Admitted

OCT 04 1988

REPLY TO ATTN OF: ES 098

MEMORANDUM

SUBJECT: Magic Springs Trout Hatchery

FROM: Robert J. Athmann, Civil Investigator
Engineering and Investigations Section

TO: Rick Parkin, Chief
Water Compliance Section

Monitoring of operations at Magic Springs Trout Hatchery was conducted to determine whether the information provided by Picses Investments, Inc. was an actual schedule of cleaning and whether the company conducted procedures for the removal and treatment of wastes generated by fish as described in their response to a Region 10 Section 308 request, dated 6/2/88. Monitoring consisted of observation of the facility conducted by Daniel R. Tangarone, Environmental Engineer, and Robert J. Athmann, Civil Investigator, during the period, 9/21/88 to 9/23/88, from positions on the rim of the Snake River Canyon overlooking Magic Springs Hatchery.

On 9/21/88, the hatchery was under direct observation by Tangarone and Athmann beginning at approximateley 9:00am until approximateley 12:00pm, from a position on the West canyon rim across the Snake River from the hatchery. During that time it was observed that several individuals were working on installing or repairing bird netting over Raceway L (see attached diagram). It also was observed that at least two other employees were engaged in filling automatic feeders at various ponds throughout most of the morning. Other employees were seen removing green vegetation from screens and ponds with rakes. At approximately 11:15am, a large truck with stainless steel tanks arrived and stopped at Raceway L. The driver and another individual set up hoses between the truck and a pond in Raceway L and appeared to be pumping fish into the truck. One individual was in the pond moving a screen towards the end of the pond towards the discharge wier. At approximately 11:55am the hoses were disconnected and the truck and driver departed. Individuals working in the area of Raceway L departed at approximately 12:00pm and surveilance was discontinued.

At approximately 1:00pm, Tangarone and Athmann initiated observation at the East rim of the canyon. Investigators observed that there were three concrete ponds at the southwest corner of Raceway N, which appeared to be of recent construction. The three ponds were empty and did not bear any stains

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or marks that indicated they had held any material. It also was observed that each pond in Raceways L and N contained screens approximately 10 feet from the discharge ends. (See Slide 7) Two ponds on the north side of Raceway L were empty and full of vegetation. (See Slide 6) Two men were observed to be working in the discharge end of Raceway L and frequently entered different ponds in the Raceway and went under a walkway that extended across the discharge end of Raceways L and N. At times they were observed taking lengths of pipe under the walkway. Other employees were seen removing green vetation from screens and ponds. The above activities continued throughout the afternoon and at approximately 4:00pm, employees were observed dumping green veetation material from a pickup truck into a ditch west of raceways L and N. Individuals working at the hatchery began putting equipment away and departed the area by 4:15pm. Surveilance was discontinued at approximately 4:30pm.

On 9/22/88, the facility was under observation by investigators from approximately 9:15am to 4:15pm. The vantage point was the East rim of the canyon above the hatchery. Workmen were continuing work on the netting over Raceway L and the same activity, pipe installation under the walkway at the discharge end of Raceways L and N, was observed throughout the day. At approximately 1:35pm a large truck with stainless steel tanks arrived and fish were pumped from Raceway L-10. Employees of the hatchery discontinued work at approximately 4:00pm and surveilance was discontined at 4:15pm.

On 9/23/88, the facility was under observation by investigators from approximately 9:00am until 4:15pm from the East rim of the canyon. Work on the bird netting was going on at Raceway L. One employee was observed to be standing in a pond in Raceway I and with a long-handled brush or scraper was sweeping the bottom of the pond towards the discharge end. This activity continued until approximately 11:30am, and the employee was observed moving from one pond to another until he reached the last pond on the south end of Raceway I. He then was observed to proceed to the first pond of Raceway J and scrape solid material from the bottom and dump it over the discharge wier into the discharge channel. He continued this procedure from one pond to another until he reached the last pond at approximately 11:30am. He then was observed to exit the last pond of Raceway I and depart the area. Also during this period, from approximately 10:00am to 10:30am, the pump truck had arrived and was observed at Raceway L-9 where hoses were set up by two individuals who pumped fish into the truck. These two individuals then were observed to place hoses over the wall to Raceway L-8 and investigators observed fish being pumped from Raceway L-9 into L-8. This operation was discontinued at approximately 10:30am and the truck and driver departed. Employees were observed leaving the raceway areas at approximately 12:00pm.

At approximately 1:00pm investigators observed an individual standing in a pond of Raceway K-9 and, with a long handled brush or scraper, was pushing material from the bottom towards the discharge end of the pond. The water in the pond was flowing over the discharge wier into the next pond, L-9 and was becoming brown and frothy until the water in both ponds was discolored. When the individual in the pond reached the discharge wier he was observed to scrape solid material from the wier over into the next pond. This caused the water in the lower pond to become even darker in appearance and more froth appeared on the surface. At approximately 2:00pm a large fish pump truck arrived and investigators observed the driver and another individual pumping fish from Raceway L-8. At approximately 2:30pm this operation was discontinued and the truck and driver departed.

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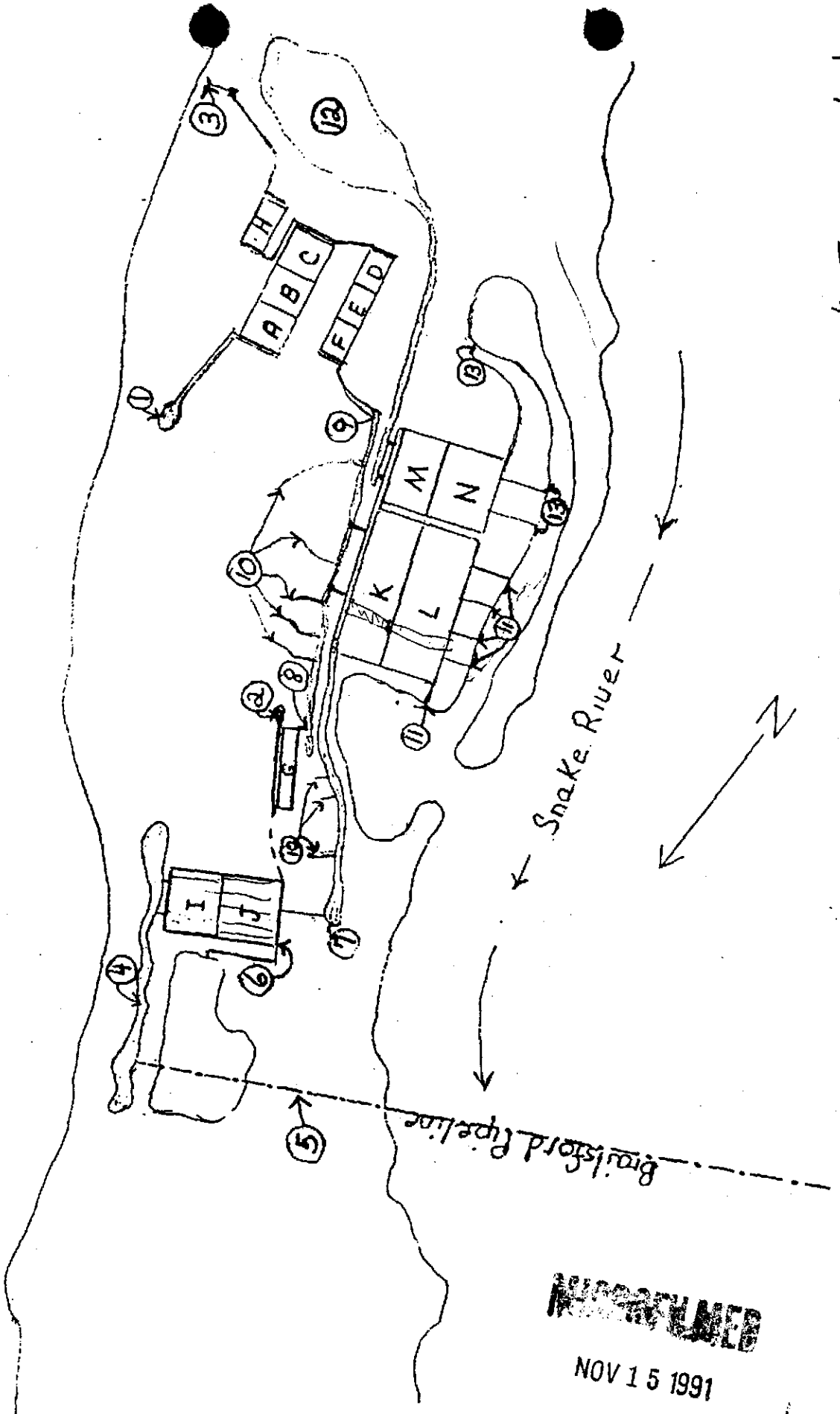
At approximately 3:38pm, investigators observed two individuals at Raceways K-7 and K-8, one in the water and one on the wall. Both were using long handled scrapers and were sweeping solids from these raceways into L-7 and L-8. The water of these two raceways became brown and murky in appearance. Work on these raceways continued until approximately 4:15pm, when the two individuals left the raceway. The water in the four ponds in Raceways L and K remained brown and murky in appearance throughout the cleaning process. Investigators observed that the water from these ponds was being discharged as usual into the discharge channel at the ends of Raceways L and N. Investigators did not observe any removal of solids from the ponds by any method, such as vacuum, pump or shovel, nor was the water level lowered or the flow stopped. Surveilance was discontinued at approximately 4:15pm.

Conclusions:

Investigation indicates that the cleaning methods and procedures utilized by the company are not as described by Michael G. Greene, President, Pisces Investments, Inc., in his response to EPA Region 10's Request for Information. Greene had stated that, "Ponds and raceways not in use were cleaned by turning off the inflow source waters allowing the pond to draw down until the accumulated solids could be manuall removed for use as landfill at the facility." Investigators observed that a full flow of water was flowing while the ponds were being cleaned and that bottom sediment was being discharged to the river. The cleaning process did not include manual removal of solids and investigators did not see any area on the property that was being used as a landfill for waste material, except for a small area that was being used for dumping vegetation removed from the screens and ponds. The three concrete lagoons recently constructed were not in use but activity observed at the hatchery seemed to indicate installation of a pipeline was in process.

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Diagram #1

ANALYTICAL LABORATORIES, INC.

1804 N. 33rd ST. BOISE, IDAHO 83703
PHONE 342-5515 AREA CODE 208

WATER QUALITY REPORT

SAMPLE NUMBER - 8244

MAGIC SPRINGS
P. O. BOX 1237
TWIN FALLS , ID 83301

SUBMITTED BY -:
SOURCE —: TSS-GRAB

DATE OF COLLECTION -: 11/03/87
TIME OF COLLECTION -: 11:00 AM
DATE RECEIVED -------: 11/06/87
DATE REPORTED -------: 11/12/87

RESULTS IN MG/1(PPM)	RESULTS IN ORGANISMS/100ml	RESULTS IN ORGANISMS/100ml
BIOCHEMICAL OXYGEN ——:	FECAL COLIFORM BACTERIA -:	TOTAL COLIFORM, MPN ——:
CHEMICAL OXYGEN DEMAND —:	FECAL STREP BACTERIA ——:	FECAL COLIFORM, MPN ——:
RESIDUE NONFILTERABLE —: (4.0	TOTAL COLIFORM BACTERIA -:	PSEUDOMONAS ----------:
OIL & GREASE ----------:		STAPHYLOCOCCUS / gram —:

RESULTS IN MG/L (PPM) UNLESS NOTED

ACIDITY ----------:	CYANIDE WEAK ACID DIS —:	PHOSPHATE TOTAL --------:
ALKALINITY ----------:	E P TOXICITY ----------:	RADIUM GA-GB ----------:
AMMONIA DIRECT ---------:	FLUORIDE DISTILLED -----:	RESIDUE VOLATILE -------:
AMMONIA DISTILLED -------:	FLUORIDE DIRECT --------:	RESIDUE TOTAL ----------:
BICARBONATE ----------:	HERBICIDES ----------:	RESIDUE TOTAL FILTERABLE-:
BORON ----------:	HARDNESS ----------:	SETTLEABLE MATTER ------:
BROMIDE ----------:	NITRATE N ----------:	STD PLATE COUNT --------:
CARBON DIOXIDE ---------:	NITRITE N ----------:	SULFATE ----------:
CARBONATE ----------:	NITROGEN ORGANIC -------:	SULFIDE ----------:
CHLORIDE ----------:	NITROGEN TOTAL KJELDAHL -:	SURFACTANT ----------:
CHLORINE RESIDUAL -------:	OXYGEN DISSOLVED -------:	TANNIN & LIGNIN --------:
COLOR ----------:	PCB ----------:	TEMPERATURE ----------:
CONDUCTIVITY ----------:	PESTICIDES ----------:	TOTAL ORGANIC CARBON ---:
CORROSIVITY ----------:	PHENOLS ----------:	TRIHALOMETHANE ----------:
CYANIDE FREE ----------:	pH (S.U.) ----------:	TURBIDITY (N.T.U.) ------:
CYANIDE TOTAL ----------:	PHOSPHATE ORTHO --------:	

ALUMINUM ----------:	COPPER ----------:	SELENIUM ----------:
ANTIMONY ----------:	GOLD ----------:	SILICA ----------:
ARSENIC ----------:	IRON ----------:	SILICON ----------:
BARIUM ----------:	LEAD ----------:	SILVER ----------:
BERYLLIUM ----------:	MAGNESIUM ----------:	SODIUM ----------:
CADMIUM ----------:	MANGANESE ----------:	THALLIUM ----------:
CALCIUM ----------:	MERCURY ----------:	TIN ----------:
CHROMIUM ----------:	MOLYBDENUM ----------:	TITANIUM ----------:
HEXAVALENT CHROMIUM ----:	NICKEL ----------:	VANADIUM ----------:
COBALT ----------:	POTASSIUM ----------:	ZINC ----------:

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Michael D. Moore

MICHAEL D. MOORE

36-8356

Protestant Exhibit # 3

Admitted

State of Utah)
:ss
County of Salt Lake)

I, NANCY RITTER, of lawful age and duly sworn, depose and say:

1. I am the Personal Representative of the estate of my father, W. W. RITTER.

2. In my capacity as Personal Representative of my father's estate, I am familiar with his lawsuit commonly referred to as the Bridal Veil Falls' estuary (Idaho Fifth Judicial District Case No. 14752).

3. In my capacity as Personal Representative of my father's estate, I have never signed any compromise, any settlement, any waiver, nor any form of agreement to compromise, settle or waive the Bridal Veil Falls' estuary decision as ordered by Judge Sherman J. Bellwood on June 22, 1979.

4. In my capacity as Personal Representative of my father's estate, it would be unconscionable for me to in any way compromise the Bridal Veil Falls' estuary decision because he understood, as I understand, the public interest values involved in the decision.

Dated this 13th day of October, 1989.

NANCY RITTER

STATE OF UTAH)
:SS
COUNTY OF SALT LAKE)

On this 13th day of October, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Nancy Ritter, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

Notary Public for Utah
My commission expires: 3-25-90

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BC-8356

FEB 18 1988

WATER COMPLIANCE SECTION

Protestant Exhibit #2

NPDES INSPECTION NARRATIVE

Admitted

Facility: Pisces Investments, Magic Springs Hatchery ID0000973
P.O. Box 701
Twin Falls, Idaho 83301

Site Location: Near Hagerman
Near National Hatchery

Inspection Date: 1/26/88

Inspector: Daniel R Tangarone DRT
Environmental Engineer
Engineering and Investigations Section
Technical Support Branch
Environmental Services Division

On January 25, 1988 I met Mr Michael Greene, Owner of Pisces Investments Magic Springs Hatchery during my inspection of the Blue Lakes Trout facility where Mr Greene is the General Manager. On January 26, 1988 I met with Mr Leon Klimes, Magic Springs Hatchery Manager and Mr Steve Bright, Assistant Hatchery Manager. I brought a copy of the Magic Springs permit, given to me by Mr Tom VanTassel, Manager of the Blue Lakes Hatchery. The DMR's for both Blue Lakes and Magic Springs are completed by Mr VanTassel from data provided by Analytical Laboratories, Boise, Idaho. I asked Mr Klimes if they had copies of the permit and DMR's. He said they did not have copies at the facility. I then gave him the copy of the permit which I brought from Blue Lakes. We reviewed the permit in detail. During this permit review and completion of the inspection checklist the following operational practices were observed and summarize the pollution control activities at the facility.

The facility does not have any system for the removal and/or treatment of wastes generated by the fish.

Wastes are not removed from the raceways.

There are no quiescent zones in the raceways.

Settleable Solids test results are not maintained.

The permit as issued includes reference to a fish processing facility. There used to be a processing plant here but it was removed to make way for construction of the new office building. Mr Klimes did not know if EPA was notified of the construction changes.

We toured the facility. I collected a grab sample from 6 of the 7 raceway discharges (one of the discharges was not readily accessable) and composited the grabs into one sample. Analytical results show Total Suspended Solids = 4.0 mg/l and Settleable Solids = 0.1 ml/l. Some of the raceway discharges may be seen (with use of a projector) in slides 1-2, and 12.

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Fish are crowded to the discharge end of the raceway, where a pump is installed (Slides 6, 7) which pumps fish into a truck for transport. This activity in the raceway causes solids to discharge since additional dam boards are not installed during the activity to prevent discharge from the raceway.

The DMR for November 1987 was reviewed with data (see attached) provided by Mr VanTassel at Blue Lakes. Mr Bright was taking a grab sample for checking the instantaneous maximum. I pointed out that the note at the bottom of the DMR indicates that there is no monitoring requirement for this limitation. He asked that we clarify this for him. The comment at the bottom of the DMR for the cleaning waste treatment system (002A) says just that "there is no discharge at Magic Springs from 002A". In actuality, there is no discharge from 002A because there is no 002A. There is no waste treatment system at this facility.

The following discussion relates to various permit conditions.

IA "For facilities that use a vacuum cleaning system, standpipe bottom-drain system or other method to remove solids from the raceways or ponds for treatment in a separate settling system, the permittee is authorized to discharge in accordance with the following requirements: ..."

COMMENT: This facility does not vacuum clean the raceways, does not have a standpipe bottom-drain system or any other method of removing solids from the raceways. There is no treatment system or treatment pond that could be used for waste treatment. Screens are not installed in the raceways to create solids settling zones.

I.A.1.g "The permittee may submit a request to change the monitoring sample type for total suspended solids from a 24 to an 8-hour (collected during normal working hours) composite sample."

COMMENT: Samples are now collected over an 8-hour period. It is not known if a request was submitted for this change. Currently, 1 pint/hour/raceway discharge is collected. This sample is then poured into the 250ml bottle supplied by the laboratory.

I.A.2 Cleaning Waste Treatment System

COMMENT: There is no waste treatment system.

I.B. Flow-Through Settling

COMMENT: This facility does not settle the entire raceway flow in a separate pond.

I.C. Processing Plant

COMMENT: There is no processing plant at this facility. It was removed for construction of the new office building.

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I.D.1. "Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner so as to prevent any pollutant from such materials from entering waters of the United States."

COMMENT: There is no removal of solids from this facility.

I.D.2. "Discharging untreated cleaning wastes (e.g. obtained from a vacuum or standpipe bottom drain system) to waters of the United States is prohibited."

COMMENT: The facility does not generate untreated cleaning wastes because wastes are not removed from the raceways.

I.D.3. "Sweeping accumulated solids from raceways to waters of the United States is prohibited."

COMMENT: Solids are not swept out of the raceways as a direct activity. When fish are removed from raceways for harvesting or moving, they are crowded to the discharge end of the raceway and pumped into a truck. The crowding and pumping activity causes solids to discharge from the raceway.

I.D.6. "The permittee shall keep records of all cleaning events including dates of cleaning and the raceway cleaned."

COMMENT: Mr Klimes told me that they do not clean raceways at the hatchery and do not have any cleaning records.

I.D.8. "A copy of this NPDES permit must be kept at the facility at all times and made available to all employees."

COMMENT: There was no permit at the facility. A copy was given to me by Mr Tom VanTassel (Blue Lakes Hatchery) to take to the Magic Springs facility. Mr VanTassel completes the DMR's for Magic Springs along with Blue Lakes Trout.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

II.F. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The date(s) analyses were performed;
4. The analytical techniques or methods used; and
5. The results of such analyses.

COMMENT: None of these records are maintained at the facility. Sample bottles are provided by Analytical Laboratories, Boise. Bottles are filled by Mr Steve Bright, Assistant Hatchery Manager and are then transported to the Blue Lakes facility for further transport to Analytical Labs in Boise. Analytical results are sent to the Blue Lakes facility for workup of the DMR's. Mr Klimes said they have an Imhoff cone at the facility for running settleable Solids. He said that they run settleable solids but do not keep any of the data.

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III.A. "The permittee must comply with all conditions of this permit....."

COMMENT: Very little activity is performed at the facility to attempt to comply with the permit.

III.E.2 ...All operating activities in raceways and/or ponds shall be performed to minimize the disturbance of accumulated solids.

COMMENT: The present practice of crowding fish to the lower end of the raceway for harvesting or moving disturbs solids.

IV. GENERAL REQUIREMENTS

IV.B. "The permittee shall give notice to the Director, as soon as possible, of any planned physical alterations or additions to the permitted facility. The permittee shall also give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements."

COMMENT: The processing facility was removed and a new building was erected at the facility. It is not known if notice was given to EPA of these changes.

Attachments
Checklist
3560-3
Slides

1 View of the lower raceways. Raceway discharges are to a backwater of the Snake River also seen in the slide.
2 Upper and lower raceways are shown
3 Upper raceways
4 Raceway discharge to the backwater area of the Snake R.
5 Lower raceways
6,7 Fish crowding activity and pumping to truck
8 Typical raceway without quiescent settling zones
9,10,12 General views of facility
11 Upper raceways.

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United States Environmental Protection Agency
Washington, D. C. 20460

EPA NPDES Compliance Inspection Report

Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5	3 I D 0 0 0 0 9 7 3 11	12 8 8 0 1 2 6 17	18 S	19 R	20 2

Remarks: FISH PRODUCTION FACILITY (21–66)

Reserved	Facility Evaluation Rating	BI	QA	Reserved	
67 69	70 1	71 N	72 N	73 74	75 80

Section B: Facility Data

Name and Location of Facility Inspected	Entry Time	Permit Effective Date
Pisces Investments - Magic Springs Hatchery Box 701 Twin Falls, ID (Facility located near National Hatchery near Hagerman)	☐ AM ☒ PM	10/29/84
	Exit Time/Date: 1/26/88	Permit Expiration Date: 10/30/89

Name(s) of On-Site Representative(s)	Title(s)	Phone No(s)
Mr Leon Klimes Mr Steve Bright	Hatchery Manager Asst Hatchery Manager	208 837-6541

Name, Address of Responsible Official	Title	Contacted
Mr Michael Greene	Owner	☒ Yes ☐ No
	Phone No.: 208-733-4631	

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U	Permit	N	Flow Measurement	N	Pretreatment	U	Operations & Maintenance
U	Records/Reports	N	Laboratory	N	Compliance Schedules	N	Sludge Disposal
N	Facility Site Review	S	Effluent/Receiving Waters	U	Self-Monitoring Program		Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

- Wastes generated by fish are not removed from raceways.
- There is no system of any kind for the removal of wastes from the raceways or for treatment of wastes.
- Screens are not used in the raceways to create settling zones.
- No records kept at site.
- No treatment facilities exist at site.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone	Date
Daniel K. Torgerson	EPA - Region 10 - ESD	2/18/88
Signature of Reviewer	Agency/Office	Date
	NOV 15 1991	

Regulatory Office Use Only

Action Taken	Date	Compliance Status
		☐ Noncompliance ☐ Compliance

EPA Form 3560-3 (Rev. 3-85) Previous editions are obsolete.

PCS V Js 10/17/88 V

ENVIRONMENTAL PROTECTION AGENCY, REGION X
NPDES INSPECTION CHECKLIST

V1.9 9/29/87

Facility Name/Address	Representative/Title	Inspection Date/Time	Inspector Name
Pisces Investments Magic Springs hatchery	Leon Klimes - Mgr Steve Bright - Asst Mgr	1/26/88	D.R. Tangeman

EPA INSPECTION PROCEDURES

YES	NO	NA	AUD CEI CSI PAI XSI BIO RI OI LSI PRE QA	
	X			Entry denied?
	X			Warrant required?
X				Credentials presented?
	X			Bio-Assay ____ Organics ____ samples collected?
X				Did permittee receive an EPA split sample?
	X			Did permittee sample at same time as EPA?
X				Photographs taken?
X				Permit reviewed?
X				OMR re-constructed? — for 11/87
		X		Treatment facilities inspected? — There are no treatment facilities.
				Flow measurement equipment inspected? — No Flow measurement equipment used
	X			Flow measured during inspection? Flow meas 2 years ago
				Portable flowmeter installed on effluent? when facility was taken over
				Permittee & EPA flows agree within 10%? by Pisces — (113-133 CFS
				QA sample left with the Permittee?
X				Grab samples taken?
X				Manual composite samples taken? Sample period ____Hr.
	X			Automatic composite samples obtained?
	X			Flow proportioned sample obtained? — Flows are approximately the same
				Sample representative of the discharge? — during afternoon on 1/26
	X			Sample taken from permittee sampling device?
X				Chain of Custody procedures employed?
	X			EPA inspection audited by RQAMO?
	X			Field Spike sample submitted?
	X			Field duplicate samples taken?
	X			Field blanks used? Transport ____ Transfer____
		X		Blank sample taken from automatic sampler?

FACILITY INSPECTION and SITE REVIEW

	X		All treatment units in service? YEAR facility constructed? — No treatment facilities exist,
X			Any unusual operational procedures observed? — no waste control facilities
		X	Standby power provided for treatment facilities? — there are no treatment facilities
		X	Would untreated discharge occur during a power failure?
		X	Do treatment facilities function without power?
		X	Adequate alarm system for power or equipment failures?
			Alarm system monitored ____ Hr/Day?
	X		Excessive Foam, Grease, Floating solids observed at the outfall?
		X	Overflow or by-pass discharges possible?
			Were flows observed in overflow channels or by-pass channels?
	X		Excessive odors at facility?
	X		Undiked, oil/chemical storage tanks used at facility?
		X	Sample aliquots adequate for automatic composites?
		X	Sludge generated from the treatment process?
			Disposition? Landfill____ Burned ____ Other ____
		X	Any leachate discharge from solid waste disposal site?
		X	Screenings generated by the treatment process?
			Screenings disposed of adequately?
	X	X	Wastes required to be ground?
		X	Are grinders functioning properly?
	X		Treatment facility maintainence records kept?
			Total Staff____ Chemists____ Lab Tech____ Certified Operators____
			Treatment plant staffed ____ Hr/day.
			Training provided to new operators? — THERE ARE NO TREATMENT FACILITIES.
		X	Training procedures established?
		X	Inventory of spare parts maintained?
		X	Inventory of equipment specifications?
		X	O&M instruction files kept on each major equipment item?
		X	O&M manual maintained on site?
X			Any treatment facility by-passing since last inspection? — No attempt made to remove and treat solids.
	X		If yes, was regulatory agency notified? Method? ____
		X	Hydraulic and/or organic overloads experienced?
			If yes, reasons?____
		X	Routine maintainence performed per manufacturers specifications?
		X	Chlorine room properly vented?
		X	Gas masks available?

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PERMIT VERIFICATION

2/5

YES	NO	NA	
	X		Current NPDES permit on site? — Permit was not on site. I brought a copy to facility from Blue Lakes Trout.
X			Correct Name & Mailing address?
★ X	X		All discharges permitted? — Permit may not apply to this facility. Review.
		X	Any storm sewer discharge to surface or ground waters?
X			Has discharge changed due to process or production modifications?
	X		Was EPA/State notified?
X			Correct name of receiving water? Name Snake River — (backwater from) Processing plant was removed from this location.

DMRs are completed for Magic Springs at Blue Lakes facility.

RECORDS & REPORTS

	X	X	Federal Construction Grant Funds used to build plant?
			O&M Manual Maintained at plant?
			Pretreatment
		X	Industrial Waste Ordinance in effect?
			Inventory of industries include compliance and user charge records?:
			Best Management Practices Program in place?
			SPCC
	X		SPCC plan required?
			Does facility have SPCC plan?
			Monitoring
	X		Monitoring records and DMRs kept on site?
	X		Monitoring records kept for 3 years?
			Flow Measurement equipment maintainence records kept?
			Flow recorder charts kept for 3 years?
			Flowmeter calibration records kept?
			Laboratory
			Equipment calibration & maintainence records kept? USE CONTRACT LABORATORY 1/
			Adequate analytical bench sheets used for each parameter?
			Bench sheet results transferred to data summary sheets?
			Summary sheets form basis for DMR?
			Analytical results consistent with DMR data?
X	X		DMRs completed properly? — HAVE NO SUPPORTING DATA FOR SETTLEABLE SOLIDS.
	X		Sampling/analysis records include Date, Time, Location?
			Sampler's name/initials?
			Analytical methods used?
			Analytical results? Do Not keep these Records
			Date of analysis?
			Name of analyst?

FLOW MEASUREMENT

Weirs used as measurement devices. Flows not recorded regularly

General

Flume____, Weir X, Propeller____, Orifice____, Venturi____, Other____

			Any problems with flow measuring device?
			Flow measurement device properly installed and maintained?
			Flow totalizer used?
			Totalizer calibrated against instantaneous flow over time?
			Totalizer trigger sampling device?
			Flow measurement equipment inspected ____/day, ____/wk, ____/mo, ____/yr.
			Flow measurement system calibrated ____/wk ____/mo ____/yr
			Flow measured on each outfall? Number of outfalls? ____
			Flow measurement device installed on each outfall?
			Influent flow measured? Design Peak Flow ____MGD, Current Peak Flow ____MGD
			Flow measured downstream of all contributory waste streams?
			Raw water intake flow measured?
			Effluent loadings calculated using Effluent flow?

Flumes

Parshall ____, Palmer Bowlus ____, Other ____

			Flow uniformly distributed & free of turbulence?
			Free of debris or deposits?
			Stilling well free of obstructions?
			Flume dimensions accurate?
			Side walls vertical and smooth?
			Flume throat sides vertical & parallel?
			Head on flume measured at proper location?
			Adequate for range of existing flows?
			Does flume always operate under free flow conditions?
			Does flume become submerged under certain flow conditions?

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★ determination should be made if permit applicable to this facility.

1/ Analytical Laboratories

FLOW MEASUREMENT (Continued)

WEIRS

Rectangular Suppressed _____, Contracted _____, Cippolletti _____, V-Notch _____
Dimensions of weir? _____

YES	NO	NA	
			Cipolletti - Do sides slope outward at 1 horizontal, 4 vertical?
			Contracted - End contractions at Right angle to weir?
			Weir axis perpendicular to approach channel axis?
			Head measured at least 4H upstream from weir plate?
			Sharp crested and level? Sharp edge installed upstream? _____
			Downstream edge of weir camfered at 45°?
			Weir plate plumb?
			Distance from sides of weir to side of channel at least 2H?
			Nappe aerated?
			Weir crest at zero elevation on installed staff gage?
			Upstream channel straight & free of disturbances for 4x Head?
			Stilling well free of obstructions?
			Debris buildup around weir?
			Proper flow formula used?
			Head measured properly?
			Leakage under weir?
			Area of approach channel at least (8*Nappe area) for upstream distance of 15H?
			If not, is velocity of approach too high?

V-Notch $Q=2.5H^{2.5}$
Cipolletti $Q=3.367LH^{1.5}$
Rectangular suppressed $Q=3.33LH^{1.5}$
Rectangular contracted $Q=3.33(L-.2H)H^{1.5}$

COMPLIANCE SCHEDULE

			Permittee on compliance schedule?
			Has permittee met the compliance schedule?
			Permittee under a compliance order?
			Have conditions of order been met?
			Construction started?
			Construction completed?
			Start-up begun?

PERMITTEE SAMPLING PROCEDURES

X			Samples collected & analyzed on frequency specified by permit? for TSS
			Samples analyzed for parameters specified? BOD___/TSS yes/pH___/FC___/SET SLDS No - Do not need any data
X			Sample locations adequate? NUTRIENTS___/METALS___/OTHER___
X			Flow proportioned samples required by permit? — constant flows
X			Permittee collect flow proportioned samples?
	X		Parameters other than those required by the permit analyzed?
X	X		Permittee collecting proper type of sample? — Do not need to collect extra grab samples which they now collect.
			If not, sample type? _____
X			Automatic sampler ___ or manual collection technique X employed?
			Automatic sampler portable ___ or permanently installed ___?
	X		Do samples contain chlorine?
			Sampler Cleaning procedures established and followed? Frequency _____
			Intake tubing clean?
			Sampler has a flushing cycle?
	X		Samples refrigerated during compositing?
X			Samples refrigerated prior to analysis? — sent to Blue Lakes where they are refrigerated.
	X		Samples analyzed on same day of collection?
X			Samples preserved prior to analysis? refrigerated
			Containers and sample holding times conform with 40CFR136.3?
V	X		Monitoring and analysis performed more often than required by permit?
			For what parameters? _____
			Additional results included when preparing the DMR?
			Contract laboratory used? Parameters _____
			Name/Address of Lab Analytical Labs - Boise
X			Samples refrigerated during transport to the contract laboratory? — Samples sent to Blue Lakes Tro for transport to Analytical Labs.
			QA samples sent to contract lab?
			Contract lab passed all tests?
			Number of permittees analyzed by contract lab? _____
	X		Bio-Monitoring required by the permit?
			Bio-Monitoring conducted by permittee _____ or contractor _____?
			Date of last test _____?
			Did effluent pass permit requirements?
			Were results reported on the DMR?
			Is a 24-Hr static Bio-Assay conducted?
			Has a static 24-Hr Bio-Assay ever been conducted by EPA?
			Is a written copy of the Bio-Assay test procedure available?
			Have any problems been experienced with the Bio-Assay test?

V Container supplied by Analytical Laboratories is a 250 ml plastic bottle. This size container is probably too small to produce reliable TSS results from the laboratory at the relatively low TSS concentrations experienced in [illegible] discharges.

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LABORATORY FACILITIES & EQUIPMENT

YES	NO	NA	
____	____	____	Adequate distilled water available?
____	____	____	Lab equipment available for analysis of required NPDES parameters?
____	____	____	Lab equipment operational?
____	____	____	Refrigerator available for sample storage?
____	____	____	Written operating procedures for lab instruments?
____	____	____	Daily instrument checks made?
____	____	____	Instrument maintainence schedules used?
____	____	____	Reagents and solvents properly stored?
____	____	____	Standards discarded after shelf life has expired?
____	____	____	*Reagent control samples analyzed with each series of samples?*
____	____	____	Safety equipment? Eye Wash _____. Fire extinguishers_____

LABORATORY QUALITY CONTROL

lab should be visited.

____	____	____	Is lab certified?
____	____	____	Are sample holding times observed?
____	____	____	Is there a lab methods manual?
____	____	____	EPA approved methods used?
____	____	____	Non-standard methods used?
____	____	____	Approval for non-standard method in writing? Obtain copy of method if PAI.
____	____	____	Analysis date and time recorded?
____	____	____	Annual EPA Performance Evaluation Sample results maintained?
____	____	____	Standard reference samples analyzed on regular basis?
____	____	____	Current edition of Standard Methods available?
____	____	____	Quality Control procedures used?
____	____	____	Quality Control procedures adequate?
____	____	____	Lab participates in any QA sample analysis program?
____	____	____	Written Quality Assurance manual available?
____	____	____	Analyses performed by chemist ____ or technician ____?
____	____	____	Same analyses performed by more than one person?
____	____	____	*QA procedures used to check technique of different analysts?*
____	____	____	Lab instruments calibrated & maintained?
____	____	____	Duplicate samples analyzed? % of time _____?
____	____	____	Spiked samples used? % of time _____?
____	____	____	7 replicates analyzed for type of quality control check?
____	____	____	Precision and accuracy control charts used for each parameter?
____	____	____	Data accepted/rejected based upon use of QC charts?

LABORATORY DATA HANDLING AND REPORTING PROCEDURES

____	____	NA	Provision for cross checking calculations?
____	____	____	Data summary report forms used?
____	____	____	Computer programs used for calculation of NPDES required reporting information?
____	____	____	Data reported properly on the DMR?
____	____	____	Lab books used for analysis records? Log book ____ . 3 ring ____
____	____	____	Calculations self explanatory?
____	____	____	Column headings adequate?
____	____	____	Pre printed laboratory bench sheets utilized?

LABORATORY ANALYSES

TSS

Frequency of balance calibration? _____
Make & Model? _____
Accuracy of analytical balance? _____
Filter type used? Reeve Angel _____ Gelman _____ Other _____
Type of filter apparatus? _____
Volume of sample filtered?
Make/Model of drying oven _____
Drying oven temperature during inspection _____

____	____	____	Temperature logged during sample drying?
____	____	____	Filters prewashed ___ & dried for 1 Hr at 103-105?
____	____	____	Filters stored in dessicator prior to weighing?
____	____	____	Standard Methods used for (TSS)?
____	____	____	Procedure written out for analyst or technician? Obtain copy if PAI
____	____	____	Adequate bench sheets for TSS?
____	____	____	Proper calculation procedures used for TSS?

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YES NO NA

BOD

Incubator temperature _____
_____ _____ _____ Standard Method ____ EPA ____ ASTM ____ Other ____?
_____ _____ _____ Sample dechlorinated if required?
_____ _____ _____ Samples frozen before analysis? Reseeded?_____
_____ _____ _____ pH of sample adjusted to 6.5-8.0 and reseeded?
_____ _____ _____ Sample requires seeding?
_____ _____ _____ Cultured seed utilized?
Seed obtained from _____
How long is seed kept?_____
_____ _____ _____ Commercial incubator used?
_____ _____ _____ Incubator temperature adjustable?
_____ _____ _____ Log of incubator temperatures kept during use?
_____ _____ _____ DO concentrations determined by Probe ____ Winkler ____ Other _____
_____ _____ _____ Written procedure available for analyst or technician?
Obtain copy if PAI
_____ _____ _____ Number of dilutions set?
_____ _____ _____ Effluent analyzed full strength?
_____ _____ _____ Reagent H2O used in prep of dilution H2O? Dist__,Deionized__,TapCl__,TapnonCl__?
_____ _____ _____ Reagent H2O aged prior to use? How long_____
How often is dilution water prepared? _____? Max age at setup?_____
_____ _____ _____ BOD's setup on day of collection? Holding time before analysis _____

Fecal Coliform

_____ _____ _____ Grab sample taken for Fecal Coliform analysis?
_____ _____ _____ Chlorine neutralized when sample is collected?
_____ _____ _____ Sample refrigerated and setup within _____ hours?
_____ _____ _____ Sample refrigerated during transport to laboratory?

POTW PRETREATMENT REQUIREMENTS REVIEW

_____ _____ _____ Sludge Disposal: Land App _____, Incin _____, Lndfl _____, Pub Dist ____, Oth_____
_____ _____ _____ POTW applied for 301(h) waiver? Granted? _____? Date: _____?
_____ _____ _____ Does NPDES permit contain pre-treatment requirements?
_____ _____ _____ Facility subject to pretreatment requirements?
_____ _____ _____ If yes, has the POTW Pretreatment Program been approved by EPA? Date _____?
_____ _____ _____ If not, is approval in progress?
_____ _____ _____ POTW in compliance with the enforceable schedule?
If not, Why? What is due? How will POTW remedy?
_____ _____ _____ Has POTW published annual notice of significant violators?
_____ _____ _____ Are IUs required to self-monitor and provide reports to POTW?
_____ _____ _____ Does POTW evaluate IU self-monitoring reports?
_____ _____ _____ Does POTW keep compliance file on each Categorical & Significant Non-Cat IU?
_____ _____ _____ Does POTW conduct monitoring on IU? Frequency _____?
_____ _____ _____ Analyses done by POTW? Contract Lab? _____?
_____ _____ _____ Is each Categorical and significant Non-Categorical IU covered by a permit?
_____ _____ _____ Was each Categorical IU inspected & sampled in last year?
_____ _____ _____ Was each Significant Non-Categorical IU inspected & sampled in last year?
_____ _____ _____ Does IU inspection include: Inspection of sampling procedures?
_____ _____ _____ Monitoring Records
_____ _____ _____ Pretreatment Facilities?
_____ _____ _____ Manufacturing process area?
Number of IU inspections completed by POTW in past year? _____?
Number of significant non-categorical IUs? _____?
Number of IU subject to categorical PT Standards? _____?
Number of STPs in POTW system? _____?
Number of Industrial contributors to system?_____
Number in compliance with standards?_____
Number in noncompliance? _____ Obtain list.
Number of Ind on compliance schedules that are meeting deadlines? _____
_____ _____ _____ Industries notified of responsibility to comply with standards?
_____ _____ _____ Baseline Monitoring Reports (BMR) (403.12) submitted to POTW?
_____ _____ _____ Industries in Noncompliance (on BMR reports) submitted compliance schedules?
_____ _____ _____ If compliance deadline passed, have all Ind submitted 90 day compliance reports?
_____ _____ _____ Contributory Industries subject to the requirement of semiannual reports? No._____
_____ _____ _____ All new industrial discharges in compliance with new source pretreatment standards?
_____ _____ _____ POTW submitted annual pretreatment report?
_____ _____ _____ POTW taken enforcement action against noncomplying Industrial users?
_____ _____ _____ POTW conducting inspections of industrial contributors?
_____ _____ _____ IU's subject to Prohibited Limits (403.5) & Local lim tougher than EPA's?
_____ _____ _____ If not, why? ?? need to revise limits???

NOV 15 1991

ANALYTICAL LABORATORIES, INC.

1804 N. 33rd ST. BOISE, IDAHO 83703
PHONE 342-5515 AREA CODE 208

WATER QUALITY REPORT

SAMPLE NUMBER - 8243

MAGIC SPRINGS
P. O. BOX 1237
TWIN FALLS , ID 83301

DATE OF COLLECTION -: 11/03/87
TIME OF COLLECTION -: 11:00 AM
DATE RECEIVED -------: 11/06/87
DATE REPORTED -------: 11/12/87

SUBMITTED BY -:
SOURCE --: TSS-COMP

RESULTS IN MG/1(PPM)	RESULTS IN ORGANISMS/100ml	RESULTS IN ORGANISMS/100ml
BIOCHEMICAL OXYGEN ——:	FECAL COLIFORM BACTERIA -:	TOTAL COLIFORM, MPN ——:
CHEMICAL OXYGEN DEMAND —:	FECAL STREP BACTERIA ——:	FECAL COLIFORM, MPN ——:
RESIDUE NONFILTERABLE —: (4.0	TOTAL COLIFORM BACTERIA -:	PSEUDOMONAS ————:
OIL & GREASE ————:		STAPHYLOCOCCUS / gram —:

RESULTS IN MG/L (PPM) UNLESS NOTED

ACIDITY ————:	CYANIDE WEAK ACID DIS —:	PHOSPHATE TOTAL ————:
ALKALINITY ————:	E P TOXICITY ————:	RADIUM GA-GB ————:
AMMONIA DIRECT ————:	FLUORIDE DISTILLED ——:	RESIDUE VOLATILE ————:
AMMONIA DISTILLED ——:	FLUORIDE DIRECT ————:	RESIDUE TOTAL ————:
BICARBONATE ————:	HERBICIDES ————:	RESIDUE TOTAL FILTERABLE-:
BORON ————:	HARDNESS ————:	SETTLEABLE MATTER ——:
BROMIDE ————:	NITRATE N ————:	STD PLATE COUNT ————:
CARBON DIOXIDE ————:	NITRITE N ————:	SULFATE ————:
CARBONATE ————:	NITROGEN ORGANIC ——:	SULFIDE ————:
CHLORIDE ————:	NITROGEN TOTAL KJELDAHL -:	SURFACTANT ————:
CHLORINE RESIDUAL ——:	OXYGEN DISSOLVED ——:	TANNIN & LIGNIN ——:
COLOR ————:	PCB ————:	TEMPERATURE ————:
CONDUCTIVITY ————:	PESTICIDES ————:	TOTAL ORGANIC CARBON —:
CORROSIVITY ————:	PHENOLS ————:	TRIHALOMETHANE ————:
CYANIDE FREE ————:	pH (S.U.) ————:	TURBIDITY (N.T.U.) ——:
CYANIDE TOTAL ————:	PHOSPHATE ORTHO ————:	

ALUMINUM ————:	COPPER ————:	SELENIUM ————:
ANTIMONY ————:	GOLD ————:	SILICA ————:
ARSENIC ————:	IRON ————:	SILICON ————:
BARIUM ————:	LEAD ————:	SILVER ————:
BERYLLIUM ————:	MAGNESIUM ————:	SODIUM ————:
CADMIUM ————:	MANGANESE ————:	THALLIUM ————:
CALCIUM ————:	MERCURY ————:	TIN ————:
CHROMIUM ————:	MOLYBDENUM ————:	TITANIUM ————:
HEXAVALENT CHROMIUM ——:	NICKEL ————:	VANADIUM ————:
COBALT ————:	POTASSIUM ————:	ZINC ————:

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Michael D. Moore
MICHAEL D. MOORE

Hearing 36-8356
October 19, 1989
Pisces Investments
Name . Hearing Officer -
Conference was conducted -
Informally state nature of objection

Procedure for the hearing -
Question about who should proceed first
Water App. Rules & Regs.
- first five criteria -

45.0 cfs - fish propagation reuse of water for fry -

Will recognize ~~He do~~ and take notice of documents in the files of the Department -
This file and and matters contained in files of Department related to permit no. 36-7072
Three exhibits

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Not opposed to the appropriation of the water -
Hagerman Valley Citizens Alert

S. G. Carleton - Times news
Protested about
In compliance with NP -
Jurisdiction
Very little activity -

Non compliance with court order -
Mr. Robertson has stated this matter has been settled -
A lawsuit to which not a party -
Judgment is not enforceable -

Protestants exhibit #3

Quality of Water is unsuitable

Asks application be held in abeyance for one year - F

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Tolman –

Water quality –

EPA commenced a complaint –
Investigations and observations in
September of 1988
A complaint by EPA
N
Does Dept. of Water Resources have
authority to impose higher water quality

~~Allegations by~~
Reached a compromise and stipulation
~~Es~~ with EPA

Ritter judgment –

Ritter suing predecessors in interest
Purchased by his clients –
Pisces reached agreement that would
satisfy

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Re: Application 36-08356, Pisces Investments Inc.

Place: Twin Falls

Date: October 19, 1989

Hearing Officer: Gary Spackman

Assisted by: Loren Holmes

ROSTER OF ATTENDANCE

NAME	ADDRESS	REPRESENTING
Steve Tolman	P.O Box 1906 T.F.	Pisces Investment
Jill Joseph	RR#1 Box 25A Hagerman	Self
S. G. Carleton	P.O. Box 1, Hagerman	Hagerman Valley C.A.
Michael G. Greene	PO Box 701 T.F.	Pisces Investments
Ted Swisher	Po Box 167 Bliss 83314	Hagerman Valley C.A.
Di'Anne Elsick	P.O. Box 123 Bliss 83314	Myself

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NOV 15 1991

MEMORANDUM

DATE: 12-Oct-1989

FROM: Loren Holmes LH

TO: File 36-8356, Pisces Investments Inc.

SUBJECT: Status of file prior to hearing scheduled for 10/19/89

A pre-hearing conference was held on Jan. 25, 1989. The applicant indicated that the application is for the purpose of increasing the size of the existing fish facility and not to increase existing diversions.

The protestant, Hagerman Valley citizen's Alert, objected to the application on local public interest grounds, but did not provide any specifics as to the adverse effect of the fish farm expansion. The main concern expressed was with the operation of the existing facility. It was alledged that the applicant was not meeting water quality standards and not performing as required by the judgement in the Ritter lawsuit.

Applicant maintains that the the judgement is binding only on the prior owners of the facility.

In February, 1989, EPA commenced an administrative penalty action against the applicant alleging water quality violations. The protestant requested that this application be held until the conclusion of that action. However, we have had several requests from the applicant to proceed.

NOV 15 1991

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

J. Evan Pederson
Pisces Investments
P.O. Box 701
Twin Falls ID 83303-0701

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NOV 15 1991

4. Article Number

867

Type of Service:

☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X Dorothy C Greene

7. Date of Delivery

10/4/91

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS
Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

NOV 1 5 1991

RECEIVED
OCT 06 1989
Department of Water Resources
Southern Region Office

U.S. MAIL

PENALTY FOR PRIVATE USE, $300

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
2148 4th AVENUE EAST
TWIN FALLS, IDAHO 83301

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Marne MERCER, President
Hagerman Valley Citizens'
Alert Inc.
P.O. Box 32
Hagerman, ID 83332

NOV 15 1991

4. Article Number

868

Type of Service:

☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ COD

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature – Addressee

X

6. Signature – Agent

X

7. Date of Delivery

10/4/89

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS
Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RECEIVED
OCT 05 1989
Department of Water Resources
Southern Region Office

U.S. MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

NOV 15 1991 DEPARTMENT OF WATER RESOURCES
2143 4th AVENUE EAST
TWIN FALLS, IDAHO 83301

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

NAME AND ADDRESS OF SENDER: IDWR

10/3/89

Re: 36-08356

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ Certified
☐ Express Mail

Check appropriate block for Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

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

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee / Remarks
1	867 ✓	J. Evan Robertson, Pisces Inv. Hagerman Valley	.25	.85	.95							
2	868 ✓	Marne Mercer, Pres. Citizens Alert Inc.	〃	〃	〃							
3												
4												
5												
6												
7												
8												
9												
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11												
12												
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14												
15												

NOV 15 1991

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	POSTMASTER, PER *(Name of receiving employee)*
2		

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document *reconstruction insurance* is $50,000 per piece subject to a limit of $500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is $500. The maximum indemnity payable is $25,000 for Registered Mail, $400 for COD and $400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.

PS Form 3877, Feb. 1982

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

☆ U.S. GOVERNMENT PRINTING OFFICE: 1984-445-138

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER NO. 36-08356	NOTICE OF HEARING
Pisces Investments Inc.	SOURCE: Springs
	COUNTY: Gooding
Applicant	
Hagerman Valley Citizen's Alert Inc.	
Protestant	

On May 9, 1988, Pisces Investments Inc, applicant, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. The Department received a protest against the approval of said application from Hagerman Valley citizen's Alert Inc. A pre-hearing conference in the matter was held January 25, 1989.

The Department has set the matter of protest for hearing for Thursday, October 19, at 10:00 AM, at the Dept. of Health & Welfare Mental Health Center, 823 Harrison St., Twin Falls.

The hearing will be held in accordance with chapter 2, Title 42 of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

Dated this 3 day of October, 1989.

Loren O. Holmes
Southern Region Manager

MICROFILMED

NOV 15 1991

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY T. UHLING
TERRY R. McDANIEL
F. BRUCE COVINGTON
JERRY JENSEN
GARY D. SLETTE
CAROLYN M. MINDER
BRUCE M. SMITH
G. RICHARD BEVAN
BRAD M. PURDY
GARY L. QUIGLEY
TIM J. WILLIAMS

142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

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AUG 31 1989
Department of Water Resources
Southern Region Office

August 29, 1989

Mr. Loren O. Holmes, P.E.
Southern Region Manager
Idaho Department of Water Resources
2148 Fourth Avenue East
Twin Falls, ID 83301

RE: Pisces Investment, Inc. Application for Permit No. 36-08356

Dear Loren:

I would like to request on behalf of Pisces Investments, Inc., that the protest filed in the above-referenced application by Hagerman Valley Citizens Alert, Inc., be scheduled for hearing. I know it was your feeling approximately a year ago that the protest would be withdrawn. However, that has apparently not happened and Pisces is anxious to move ahead with its expansion project.

I doubt seriously whether any further negotiations with the protestants would be fruitful, so I would like merely to put them to their proof at a formal hearing. Also, it is hoped that a second pre-hearing conference will be unnecessary since nothing has changed since the first conference was held last fall.

Again, please set this matter as soon as possible. Thank you.

Sincerely,

J. Evan Robertson/mw

J. Evan Robertson

JER:mw
31451

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NOV 15 1991

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY T. UHLING
TERRY R. McDANIEL
F. BRUCE COVINGTON
JERRY JENSEN
GARY D. SLETTE
CAROLYN M. MINDER
VICKI L. YRAZABAL
BRUCE M. SMITH
G. RICHARD BEVAN
BRAD M. PURDY
GARY L. QUIGLEY

1020 MAIN STREET
SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

April 7, 1989

Mr. Loren Holmes
Idaho Department of
Water Resources
2148 4th Ave. East
Twin Falls, ID 83301

Re: Pisces Investments

Dear Loren:

Pisces Investments, Inc. is still interested in completing the processing of its application for reuse at its Magic Springs Hatchery site. As you recall, we were set for a hearing on the protest filed by the Hagerman Citizens Alert several months ago, but you decided to cancel the hearing believing the protest would be withdrawn. However, I presume that the protest is still there and, possibly because of our recent dispute with EPA, will not be withdrawn as you had hoped. Therefore, I would like to request that you set the matter for hearing as quickly as possible. We do not believe the EPA issue is germane to our reuse application, and we would like to have the matter adjudicated as quickly as we can.

Please advise.

Sincerely,

J. Evan Robertson

JER/lz
19281

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APR 10 1989
Department of Water Resources
Southern Region Office

NOV 15 1991

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 18, 1989

J. Evan Robertson
Pisces Investments Inc.
P.O. Box 701
Twin Falls, ID 83303-0701

Re: Application for permit No. 36-08356, Pisces Investments Inc.

Dear Mr. Robertson:

On January 25, 1989, the Department held a pre-hearing conference on the above referenced application.

This office is tentatively scheduling the matter for a hearing for October 19, 1989. Notices formally setting the hearing time and place will be mailed about October 3, 1989.

If you will not be available on this date, please advise this office prior to formal setting.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

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NOV 15 1991

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 18, 1989

Marne Mercer, President
Hagerman Valley Citizen's Alert Inc.
P.O. Box 32
Hagerman, ID 83332

Re: Application for permit No. 36-08356, Pisces Investments Inc.

Dear Mr. Mercer:

On January 25, 1989, the Department held a pre-hearing conference on the above referenced application.

This office is tentatively scheduling the matter for a hearing for October 19, 1989. Notices formally setting the hearing time and place will be mailed about October 3, 1989.

If you will not be available on this date, please advise this office prior to formal setting.

Very Truly yours,

Loren O. Holmes

Loren O. Holmes, P. E.
Southern Region Manager

NOV 15 1991

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101

RECEIVED
FEB 13 1989
Department of Water Resources

FEB 09 1989

REPLY TO ATTN OF: WD-135

Re: Administrative Penalty Issued Against Pisces Investments, Inc., Magic Springs Hatchery, Hagerman, Idaho (ID-000097-3)

To Whom It May Concern:

The U.S. Environmental Protection Agency (EPA) Region 10 has commenced a Section 309(g) Administrative Penalty Action against Pisces Investments, Inc. Magic Springs Hatchery, near Hagerman, Idaho. This trout rearing facility allegedly discharged accumulated fish wastes from raceways to the Snake River in violation of the Clean Water Act.

EPA is proposing to issue a Final Order in this action, which will assess an Administrative Penalty in the amount of $60,000.00.

Persons wishing to comment on EPA's proposed action may do so by submitting written comments to:

Marian Atkinson
Regional Hearings Clerk (SO-125)
U.S. Environmental Protection Agency
1200 Sixth Avenue
Seattle, Washington 98101

All comments will become part of the administrative record in this case. Comments must be submitted within thirty days from the date of this letter.

For additional information or copies of the complaint filed on this action, please contact Donald Dossett at the Seattle address listed above or phone (206) 442-1834.

Sincerely,

Robert S. Burd
Director, Water Division

MICROFILMED
NOV 15 1991

Re: Pre-Hearing conference - Application 36-8356, Pisces Investments, Inc

Place: H & W Mental Health Center, Twin Falls

Date: January 25, 1989

Conference conducted by: Loren Holmes

Assisted by: Leah Street

ROSTER OF ATTENDANCE

NAME	ADDRESS	REPRESENTING
Evan Robertson	Box 1506 TF	Pisces
Michael Greene	Box 701 TF	Pisces Inv, Inc
Marne Mercer	919 Justice Grade Hagerman	Citizens Alert.
Maxine Mercer	" "	" "
DiAnne Flasick	Box 270 Rt #1 Hagerman ID	Citizens Alert
Jill Joseph	RR #1 Box 254 " "	" "
Leah Street	1048 4th Ave. East	IDWR

MICROFILMED
NOV 15 1991

Robertson:

Plans to expand Pond System
under will discharge to existing Ponds.

Meeuwig: Concern w/ condition of estuary
w Delivery of fresh water to Commencement
10 cfs inverse
+ flow of used water.

Tentative Hrg —

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Pre-Hearing Conference 01-25-89

Robertson: additional use of the same source - other ponds (fry)

Mercer: primary concern - restore estuary - still feels that estuary is still dead despite clean-up by Lisco) - water is still stagnant - suggestions 1. small flow (10 cfs) be permitted to flow into the estuary 2.

What is "sufficient"?

Robertson: "sufficient" was specified & Boundary approved pipe - not taking additional water out of estuary - taken below estuary - not going to divert 10 cfs of fresh spring water into estuary

Mercer:

Green: installed 12 or 15" PVC pipe - into the raceways: 20 longer an open ditch
± 8 cfs, put back into estuary -

Robertson: no (division) change in [illegible] to withdrawing the app.

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Mercer: anything can be done to reasonably increase the flow into the estuary - water wants ↑ # established on the ant.

Robertson: doesn't want any # established

Loren H. - talk in terms of relative elevations instead of amts.

Robertson: remedial work based upon 1st license - extraction brine on other concerns - meets EPA standards - later once 7 10 yrs. ago will look at ways to maximize the flow - wanted the project very fast weren't straight. - got the time to look at the systems - setting up meeting for Saturday - get manager to lead a tour. @ 2:00 Saturday -

Set up hearing for 16th of February (Monday) -

MICROFILMED
NOV 15 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER NO. 36-08356	NOTICE OF PRE-HEARING CONFERENCE
PISCES INVESTMENTS, INC. Applicant	SOURCE: Springs Tributary to Snake River
HAGERMAN VALLEY CITIZENS ALERT INC. Protestant	COUNTY: Twin Falls

On May 9, 1988, Pisces Investments, Inc, applicant, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On August 18, 1988, the Department received a protest against the approval of said application from Hagerman Valley Citizens Alert Inc.

The department has set a pre-hearing conference in the matter for Wednesday, January 25, 1989 at 10:00 AM. The conference will be held in the conference room at the Dept. of Health & Welfare Mental Health Center at 823 Harrison St., Twin Falls

The conference will be held in accordance with chapter 2, Title 42 of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

Dated this 13 day of January, 1989

Loren O. Holmes
Southern Region Manager

NOV 15 1991.

NAME AND ADDRESS OF SENDER: IDWR 1/13/89

Indicate type of mail
- ☐ Registered
- ☐ Insured
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- ☐ Commercial Insurance
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Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
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1	492	Pisces Investments Inc	.25	.85	.90	2.00					
2	493	Hagerman Valley Citizens Alert Inc	"	"	"						
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4											
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NOV 15 1991

PS Form 3877 April 1

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☆ U.S. GOVERNMENT PRINTING OFFICE : 1980 O - 317-867

CONFERENCE AND HEARING PROCEDURE

IN THE MATTER OF A PROTESTED APPLICATION FOR PERMIT

In accordance with IDAHO CODE, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

1) Will the proposed use reduce the quantity of water under existing rights?

2) Is the proposed water supply insufficient for the purposes intended?

3) Is the application made in good faith or for delay or speculative purposes?

4) Has the applicant sufficient financial resources with which to complete the proposed project?

5) Will the proposed use conflict with the local public interest?

PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

HEARING

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 at the expense of the requesting party. 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 [redacted] the appeal period.

NOV 15 1991

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not predjudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without predjudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 18, 1989

J. Evan Robertson
Pisces Investments Inc.
P.O. Box 701
Twin Falls, ID 83303-0701

Re: Application for permit No. 36-08356, Pisces Investments Inc.

Dear Mr. Robertson:

On January 25, 1989, the Department held a pre-hearing conference on the above referenced application.

This office is tentatively scheduling the matter for a hearing for October 19, 1989. Notices formally setting the hearing time and place will be mailed about October 3, 1989.

If you will not be available on this date, please advise this office prior to formal setting.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

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State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 18, 1989

Marne Mercer, President
Hagerman Valley Citizen's Alert Inc.
P.O. Box 32
Hagerman, ID 83332

Re: Application for permit No. 36-08356, Pisces Investments Inc.

Dear Mr. Mercer:

On January 25, 1989, the Department held a pre-hearing conference on the above referenced application.

This office is tentatively scheduling the matter for a hearing for October 19, 1989. Notices formally setting the hearing time and place will be mailed about October 3, 1989.

If you will not be available on this date, please advise this office prior to formal setting.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

NOV 15 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER NO. 36-08356	NOTICE OF PRE-HEARING CONFERENCE
PISCES INVESTMENTS, INC. Applicant	SOURCE: Springs Tributary to Snake River
HAGERMAN VALLEY CITIZENS ALERT INC. Protestant	COUNTY: Twin Falls

On May 9, 1988, Pisces Investments, Inc, applicant, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On August 18, 1988, the Department received a protest against the approval of said application from Hagerman Valley Citizens Alert Inc.

The department has set a pre-hearing conference in the matter for Wednesday, January 25, 1989 at 10:00 AM. The conference will be held in the conference room at the Dept. of Health & Welfare Mental Health Center at 823 Harrison St., Twin Falls

The conference will be held in accordance with chapter 2, Title 42 of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

Dated this 13 day of January, 1989.

Loren O. Holmes
Southern Region Manager

NOV 15 1991

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NAME AND ADDRESS OF SENDER: IDWR 4/13/89

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- ☐ Insured
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I certify that we have
- ☐ Commercial Insurance
- ☐ A deductible clause of $

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
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PS Form 3877 April 1980

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State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 31, 1988

J. Evan Robertson
Pisces Investments Inc.
P.O. Box 701
Twin Falls, ID 83303-0701

Re: Application for permit No. 36-08356

Dear Mr. Robertson:

Per your request, hearing on the matter of the above application will be postponed until January, 1989.

You will be notified when a new hearing date is scheduled.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

NOV 15 1991

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 31, 1988

Marne Mercer, President
Hagerman Valley Citizens Alert
P.O. Box 32
Hagerman, ID 83332

Re: Application for permit No. 36-08356, Pisces Investments Inc.

Dear Mr. Mercer:

The applicant in the above matter has requested that any hearing be delayed until January, 1989.

Therefore, the hearing will not be set in November as origially proposed.

You will be notified when a new hearing date is scheduled.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

NOV 15 1991

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY T. UHLING
TERRY R. McDANIEL
F. BRUCE COVINGTON
JERRY JENSEN
GARY D. SLETTE
CAROLYN M. MINDER
VICKI L. YRAZABAL
BRUCE M. SMITH
G. RICHARD BEVAN

142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700

RECEIVED
OCT [illegible] 1988
Department of Water Resources
Southern Region Office

October 18, 1988

Mr. Loren O. Holmes, P.E.
Southern Region Manager
Idaho Department of Water Resources
2148 4th Avenue East
Twin Falls, ID 83301

Dear Loren:

RE: Pisces Investments, Inc.
Application for Permit No. 36-08356

I represent Pisces Investments, Inc., the applicant for Permit No. 36-08356, and in that capacity have reviewed your letter to that corporation dated October 12, 1988, tentatively setting a protest hearing on said application for November 17, 1988. As you may recall, that permit has been protested by the Hagerman Valley Citizens Alert, Inc., pursuant to a protest letter signed by Marne Mercer, President, dated August 16, 1988. While we consider the contents of Mr. Mercer's protest letter to be an egregious abuse of administrative process based upon misinformation or, better yet, lack of information, the protest remains and a hearing will apparently be necessary. However, my schedule during the remainder of 1988 will make preparation for, and participation in, a hearing prior to the end of the year extremely difficult. Consequently, I am requesting on behalf of Pisces Investments, Inc., that the proposed hearing be postponed until January 1989. Any date in January would be acceptable, so please feel free to set it at the Department's convenience.

Please let me know if rescheduling the hearing is acceptable to the Department.

Sincerely,

J. Evan Robertson/mw

J. Evan Robertson

[illegible]
NOV 15 1991

JER:mw
01261

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 12, 1988

Pisces Investments Inc.
Box 701
Twin Falls, ID 83301-0701

Re: Application for permit No. 36-08356

Gentlemen:

Enclosed are copies of a protests filed against the issuance of a permit pursuant to your above referenced application. The Department suggests you contact the protestants directly in an effort to determine nature of the protests and to attempt to resolve the protests.

This office is tentatively scheduling the matter of protests for conference and/or hearing for Thursday, November 17, 1988. Formal notices setting the hearing and giving the time and place will be mailed about October 28.

At such a conference and/or hearing, the following are the principal items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

1) Will the proposed use reduce the quantity of water under existing rights?

2) Is the proposed water supply insufficient for the purposes intended?

3) Is the application made in good faith or for delay or speculative purposes?

4) Has the applicant sufficient financial resources with which to complete the proposed project?

5) Will the proposed use conflict with the local public interest?

NOV 15 1991

Re: Application for permit No. 36-08356

October 12, 1988

If you have any questions, or if this office can be of assistance in this matter, please contact us.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

NOV 15 1991

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 12, 1988

Hagerman Valley citizens Alert Inc.
Marne Mercer, President
P.O. Box 32
Hagerman, ID 83332

Re: Application for permit No. 36-08356, Pisces Investments Inc.

Dear Mr. Mercer:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

This office is tentatively scheduling the matter of protests for conference and/or hearing for Thursday, November 17, 1988. Formal notices setting the hearing and giving the time and place will be mailed about October 28.

At such a conference and/or hearing, the following are the principal items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

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4) Has the applicant sufficient financial resources with which to complete the proposed project?

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NOV 15 1991

Re: Application for permit No. 36-08356

October 12, 1988

If you have any questions, or if this office can be of assistance in this matter, please contact us.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

NOV 15 1991

Hagerman Valley Citizens Alert Inc.

Box 32

Hagerman, Idaho 83332

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AUG 18 1988

Department of Water Resources
Southern Region Office

August 16, 1988

Loren Holmes
Department of Water Resources
2148 4th Ave. East
Twin Falls, ID 83301

Re: 36-08356, Pisces Investments

Dear Mr. Holmes:

Hagerman Valley Citizens' Alert, Inc. protests the above-referenced application on public interest criteria. This fish facility has yet to demonstrate compliance with a Court Order mandating return of the Bridal Veil Falls estuary to its natural state (Case No. 14752 in the District Court of the Fifth Judicial District). Moreover, it is unclear to what degree this hatchery is in compliance with its NPDES permit limitations at its present level of operation.

Sincerely,

Marne Mercer

Marne Mercer
President
Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, ID 83332

MICROFILMED

NOV 15 1991

GOODING COUNTY
PLANNING & ZONING COMMISSION
P.O. Box 417
Gooding, Idaho 83330

RECEIVED
SEP 8 1988
Department of Water Resources
Southern Region Office

September 1, 1988

State of Idaho
Dept. of Water Resources
2148 4th Ave. E.
Twin Falls, ID 83301
Attn: Loren O. Holmes, P.E.

Dear Mr. Holmes,

In reply to the request from Mr. Robertson, Attorney for Pisces Investments, Inc., applicant No. 36-08356, the Gooding County Planning & Zoning Commission at its regular session on August 31st, did review the expansion of the fish farm at Magic Springs located in Section 8, Township 8 South, Range 14 E.B.M.

The Commission was also made aware of a telephone conversation the Administrator had with Mr. Robertson, in which he stated that Pisces Investments would be using only the water already allocated to them.

The expansion does not violate Gooding County Ordinance No. 25, nor the Comprehensive Plan so long as the project has clearance from the Department of Fish & Game, Idaho Department of Health and Welfare, Division of Environment, and the canal company involved. We rely on these agencies to see to adequate management of minimal flow and water quality in our County.

May we be supplied with copies of the agencies clearances and any protests filed, as this is the basis for our approval.

Sincerely,

Joyce C. Scanlon
Administrator

enc: Robertson letter dated 8/24/88

NOV 15 1991

STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE 734-9520

DIVISION OF ENVIRONMENTAL QUALITY
P. O. Box 1626
Twin Falls, Idaho 83303-1626

September 12, 1988

RECEIVED
SEP 13 1988
Department of Water Resources
Southern Region Office

Loren O. Holmes
Southern Region Manager
Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

Re: Permit Application No. 36-08356 - Magic Springs Hatchery

Dear Mr. Holmes:

We have reviewed the above referenced application and submit the following comments:

1) The application is for reuse of existing water for the propogation of small trout.

2) The increase of additional rearing capacity will generate additional waste materials. The systems shall be designed and operated in such a manner as to insure compliance with EPA's NPDES permit effluent requirements.

Provided adequate waste management facilities are included in the proposed use, we do not anticipate any water quality problems.

Should any questions arise, please contact me.

Sincerely,

Michael J. McMasters

Michael J. McMasters
Water Quality Field Supervisor

MJM/ta
cc: J. Evan Robertson
Larry L. Koenig/Jerry Yoder

RECEIVED
NOV 15 1991

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
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BRUCE M. SMITH
G. RICHARD BEVAN
MICK HODGES

142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700

RECEIVED
SEP 9 1988
Department of Water Resources
Southern Region Office

RECEIVED
AUG 25 1988
GOODING COUNTY CLERK

August 24, 1988

Ms. Joyce Scanlon
Gooding County Planning
and Zoning Commission
P.O. Box 417
Gooding, Idaho 83330

Dear Ms. Scanlon:

Enclosed is a copy of a letter I received from the Idaho Department of Water Resources concerning a pending water permit application in the name of Pisces Investments. Pisces owns the Magic Springs trout hatchery in Gooding County, and has applied for a permit to expand its facilities by adding a few small ponds for trout fry rearing, as you can see from the enclosed copy of the permit application. The project will consist of concrete ponds and will reuse water presently being used in our operation. All of the water will be treated in our discharge facilities before being returned to the Snake River.

Mr. Holmes, of the Department of Water Resources, needs a written statement from Planning and Zoning that the proposed project does not violate Gooding County's planning and zoning ordinances. If that is the case, I would appreciate it if you could send such written confirmation of that fact to Mr. Holmes, with a copy to me by September 20, 1988.

The facilities are presently licensed by the Idaho Fish and Game Department, and Bob Bell, regional biologist for that agency, has approved of the proposed expansion. The facilities are also currently regulated in the Environmental Protection Agency and pursuant to and NPDES permit from that agency, we must certify on a monthly basis that our discharge water meets their standards. Finally, we are regulated by the Idaho Department of Health, Division of Environment. Mike McMasters of that agency is aware of the prop[illegible] expansion and has approved it.

NOV 15 1988

I thank you for your help, and am available to appear before your commission or discuss the matter more fully with you if necessary.

Sincerely,

J. Evan Robertson/alm

J. Evan Robertson

JER:alm
96111

Enclosures

NOV 15 1991

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-08356

PISCES INVESTMENTS, INC.
C/O J. EVAN ROBERTSON
VICE PRESIDENT
BOX 701
TWIN FALLS, ID 83303-701

Source: SPRINGS Tributary: SNAKE RIVER

Diversion Pt: LOT 1 (SENWNW) Sec 8 T 08S R 14E; 3/4 mile South & 8 1/4 miles West of Wendell City Center.
Use: FISH PROPAGATION (45.000 CFS)

Date Filed: 5/09/1988

In: T08S R14E S08 Lot 1 (NWNW)

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, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before AUGUST 22, 1988.

R. Keith Higginson, Director

NOV 15 1991

Published 8/03/1988 & 8/10/1988

Gooding Co. Leader

GOODING LEGAL

OK MB 8/2/88

NOTICE OF APPLICATION
FOR WATER RIGHT

The following application (s) have been filed to appropriate the public waters of the State of Idaho:

36-08356

PISCES INVESTMENTS, INC., C/O J. EVAN ROBERTSON, VICE PRESIDENT, BOX 701, TWIN FALLS, IDAHO 83303-701

Source: SPRINGS. Tributary: SNAKE RIVER

Diversion Pt: LOT 1 (SENWNW) Sec. 8 T 08S R 14E; 3/4 mile South & 8¼ miles West of Wendell City Center.

Use: FISH PROPAGATION (45.000 CFS)

Date Filed: 5/09/1988

In: T08S R14E S08 Lot 1 (NWNW)

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, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before AUGUST 22, 1988.

R. Keith Higginson
Director

Publish: Aug. 3 & 10, 1988 G-5024

NOV 15 1991

NOTICE OF APPLICATION FOR WATER RIGHT

The Following appl[redacted]tion(s) have been filed [redacted]appropriate the public waters of the State of Idaho:

36-08356

PISCES INVESTMENTS, INC.
C/O J. EVAN ROBERTSON
VICE PRESIDENT
BOX 701
TWIN FALLS, ID 83303-701

Source: SPRINGS Tributary: SNAKE RIVER

Diversion Pt: LOT 1 (SENWNW) Sec 8 T 08S R 14E; 3/4 mile South & 8 1/4 miles West of Wendell City Center.
Use: FISH PROPAGATION (45.000 CFS)

Date Filed: 5/09/1988

In: T08S R14E S08 Lot 1 (NWNW)

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, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before AUGUST 22, 1988.

R. Keith Higginson, Director

Published 8/04/1988 & 8/11/1988

[redacted]

NOV 15 1991

statewide

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

JULY 20, 1988

POST REGISTER
P.O. BOX 1800
IDAHO FALLS, ID 83402

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 22, 1988.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

NOV 15 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

JULY 20, 1988

LEWISTON MORNING TRIBUNE
505 C STREET
LEWISTON, ID 83501

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 22, 1988.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

NOV 15 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

JULY 20, 1988

IDAHO STATESMAN
BOX 40
BOISE, ID 83707

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 22, 1988.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

NOV 15 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

JULY 20, 1988

TIMES NEWS
P.O. BOX 548
TWIN FALLS, ID 83303-548

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 22, 1988.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

NOV 15 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

JULY 20, 1988

GOODING COUNTY LEADER
BOX 56
GOODING, ID 83330

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 22, 1988.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

NOV 15 19

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

27-Jul-1988

John Evan Robertson, Attorney
c/o Pisces Investments, Inc.
Box 701
Twin Falls, ID 83303-701

Re: Application for Permit No. 36-08356

Dear Mr. Robertson:

The Department of Water Resources acknowledges receipt of your application for a water right permit. The application has been assigned identification No. 36-08356. Please refer to this number in all further correspondence.

This office is currently reviewing and processing your application pursuant to Idaho statutes and the department's Rules and Regulations for Water Appropriation.

A legal notice of the application is being prepared for publication in Gooding County Leader on 8/3 & 8/10/88 and will appear in the Times News, Lewiston Morning Tribune, Post Register and Idaho Statesman on 8/4 & 8/11/88. The last date for receiving protests against granting of the application will be August 22, 1988.

If the application is protested you will be notified and sent a copy of all protests filed.

Review of your application indicates the following additional information is required to be made part of the application file pursuant to IDAHO CODE section 42-203A and the Rules and Regulations for Water Appropriation:

1) Copies of deeds, leases, easments, or other information documenting that you have a possessory interest in the place of use. (Rule 4,5,3,3,1)

2) Copies of plans and specifications along with estimated construction costs for the project works. The plans must be definite enough to allow for determination of project impacts and implications. For fish propagation facilities the plans must show the number of ponds proposed and give the length, width and depth dimensions of all ponds. (Rule 4,5,3,4,[illegible]

RECEIVED
NOV 15 1991

3) A certified financial statement or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the proposed use. (Rule 4,5,3,4,1)

4) You must seek comment on the effects of the construction and operation of the proposed project from the city and/or county within which the project is to be located, the Idaho Department of Fish and Game, the Idaho Department of Health and Welfare, Division of Environment, and any irrigation district or canal company within which the project is to be located. (Rule 4,5,3,5,1) A copy of your application is enclosed for your use in seeking comments.

The required additional information must be submitted within 30 days after the final date for receiving protests (August 22, 1988). The time may be extended upon request and showing of good cause that additional time is required to submit the information.

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

Very truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

NOV 15 1991

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 2148 4th Ave. East. Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

21-Jul-1988

Carl H. Nellis
Idaho Dept. Fish & Game
P.O. Box 428
Jerome, ID 83338

Re: Application for Permit No. 36-08356

Gentlemen:

Please find enclosed a copy of the above referenced Application for Permit for your information and files.

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

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

Enclosure

NOV 15 1991

PISCES INVESTMENTS, INC.
36-08356

STAFF ANALYSIS SUPPLEMENT

1) Water District _____ Basin # 36

2) Local Description: (of one P/D)

☐ At the above street address

☐ 3/4 miles N/S S and 8/4 miles E/W W of Wendell city center (City or landmark).

☒ Other (describe) ~~Below Lake on 3/8 mile SE of Hatchery~~

Form No. 202a
2/79

PISCES, INVESTMENTS, INC.

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: J E Stanton APPLICATION NUMBER: 36-08356

CHECK:

- ☒ Source.
- ☒ Point of diversion.
- ☒ County.
- ☒ Description of diverting works.
- ☒ Time required for beneficial use of water.
- ☒ Place of use or acres irrigated.
- ☐ Map.
- ☒ Signature.
- ☒ Fee.
- ☒ Yes ☐ No Field check required.
- ☐ Yes ☒ No Critical groundwater area.
- ☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
- ☒ Yes ☐ No* In form to receipt.

Field check by: _____
Date: _____
Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

financial statement/cost estimate

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
- ☒ Idaho Fish and Game Department. mb 2/22/88
- ☐ Idaho Department of Lands.
- ☐ U.S. Bureau of Land Management.
- ☐ U.S. Forest Service.
- ☐ Other _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. AA-70
- ☒ Yes ☐ No Other rights on same place of use. 36-7072
- ☐ Yes ☐ No* In form for advertising.
  Final date for protests: _____
- ☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received. Date: _____
- ☐ Application published correctly. If not, record action taken: _____
- ☐ Fee amount, receipt date & number, recorded on application.
- ☐ Publication dates and paper, recorded on application.
- ☐ Protests, dates, withdrawal, etc., recorded on application.
- ☐ Recommendation & initial, recorded on application.
- ☐ Yes ☐ No Measuring device required.
- ☐ Yes ☐ No Access port required.
- ☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? _____
  _____ Date of priority recommended.

Special conditions of approval or cover letter. _____

Maine Mercer
Hvea
837-6655

By: _____ Date: _____

STATE OFFICE REVIEW:

☐ See attached sheet for more information.

By: _____ Date: _____

IN RE:

APPLICATION FOR PERMIT TO
APPROPRIATE WATER NO. 36-08356
IN THE NAME OF PISCES
INVESTMENTS, INC.

ACKNOWLEDGMENT OF RECEIPT

The undersigned hereby acknowledges receipt of Additional Evidence and Augmentation of the Record Upon Rehearing of Protest in Re: Application for Permit to Appropriate Water No. 36-08356 in the Name of Pisces Investments, Inc. this _____ day of September, 1990.

IDAHO DEPARTMENT OF WATER RESOURCES - SOUTHERN REGION

By _____

4407m

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SEP 14 1990
Department of Water Resources
Southern Region Office

MICROFILMED
MAR 0 6 2003

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

* * * * * * * * * * *

In re:	)	
Application for Permit to	)	**ADDITIONAL EVIDENCE AND**
Appropriate Water No. 36-08356	)	**AUGMENTATION OF THE**
in the Name of Pisces	)	**RECORD UPON REHEARING**
Investments, Inc.	)	**OF PROTEST**

* * * * * * * * * * *

COMES NOW the Applicant, Pisces Investments, Inc., pursuant to a rehearing of the protest filed by Hagerman Valley Citizen Alert, Inc. in the above-captioned matter, and offers the following additional information, evidence and augmentation of the record relating to the permit to appropriate water No. 36-08356:

1. The Applicant has heretofore filed an application for permit, which included, according to Department of Water Resources' personnel, all information required of said permit, and which was accompanied by the appropriate application fee.

2. Said Application includes the name and post office address of the Applicant, the name of the water source sought to be appropriated, which is listed simply as "Springs" on the geological survey map attached to the Application For

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Permit. Said Application For Permit also lists the points of diversion, to the nearest 10 acre tract, as is the quantity of water to be diverted (45 cfs), the nature of use (fish propagation), the period of each year during which the water is proposed to be diverted, the proposed method of diversion and conveyance, and the period of time required from completion of the project works. The Applicant requests that the Application For Permit together with its exhibits and attachments be included in the record for the rehearing.

3. The Application For Permit does contain a geological survey map showing the location of the project. However, the Applicant desires to augment that portion of the Application by submitting a boundary and topographic survey of Magic Springs Trout Farm indicating the location of the proposed project in red, a copy of which is attached hereto as Exhibit "A", and a diagram of Magic Springs Trout Farm previously submitted pursuant to Applicant's license to appropriate water No. 36-7072, on which is indicated the location of the expanded trout rearing ponds being proposed, a copy of which is attached hereto as Exhibit "B ".

4. Applicant desires to augment the record by providing the following information relative to the effect of the pending application for permit on existing water rights:

a. There are no other persons or entities that are presently using the Spring source sought by the Applicant, nor is the Applicant aware of any pending applications for the appropriation of said spring water by any person or entity. All of the water in said spring source is presently being appropriated and used by the Applicant pursuant to water right license No. 36-7072 issued by the Idaho Department of Water

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Resources on October 28, 1986. The pending Application merely contemplates an additional use of the water presently being used by the Applicant pursuant to its water right license. This is a reuse application. No new diversion from any natural spring or stream channel is sought and all discharge points remain unchanged.

b. Attached hereto as Exhibit "C", are detailed plans showing the design, construction and operation of the proposed project. Applicant would like to emphasize that all water to be utilized in the proposed project will be returned to the existing trout rearing facilities of the Applicant, where it will then be subjected to the existing waste water management facilities presently existing at Magic Springs Trout Farm before its discharge into the estuary leading to the Snake River.

c. Applicant hereby requests that the Department take notice of, and incorporate herein, the information contained in Water Right License No. 36-7072, as the same will clearly demonstrate that sufficient water is available at the proposed point of diversion to fill the requested 45 cubic feet per second.

d. The water sought by the application is not controlled by any canal company or irrigation district.

5. The Applicant asserts that the Application is sought in good faith and not for speculative purposes and submits relevant to that assertion the following:

a. A copy of Deed showing the Applicant's rights in the property upon which the project will be sited, a copy of which is attached hereto as Exhibit "D".

b. A copy of a letter to the U.S. Environmental Protection Agency requesting the inclusion of the proposed project in the currently pending NPDES application of file with the EPA for Magic Springs Trout Farm, a copy of which letter is attached hereto as Exhibit "E".

c. A financial statement from the Applicant's certified public accountant indicating the ability of the Applicant to finance and/or pay for the estimated project cost of $144,564 is being submitted to the Department of Water Resources under separate cover, and is not being provided to the protestants because

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of its confidential nature. Said project cost was established by Arington Brothers Construction Company, and is set forth in the first paragraph of the letter dated September 8, 1987 to Mr. Michael Greene of Pisces Investments, Inc., a copy of which has heretofore been submitted to the Idaho Department of Water Resources, and a subsequent copy of which is attached hereto as a part of Exhibit "C".

d. The Applicant has heretofore submitted plans of specifications for the proposed project which, according to personnel for the Idaho Department of Water Resources, Twin Falls office, are definite enough to allow for determination of the project impacts as required by Rule 4,5,3,4,2, of the Department. Said plans are attached as Exhibit "C". The project consists of ten concrete raceways, each containing two ponds with dimensions of 6 feet wide, 80 feet long and 3 1/2 feet deep.

e. Also attached as Exhibits "F" and "G" respectively, are letters from Mr. C. Alan Horner dated May 12, 1988, and from Mr. Brent Jussel dated August 3, 1990 relative to the financial capabilities of the Applicant.

6. With respect to the proposed project's potential conflict with local public interest, the Applicant states and submits as follows:

a. Applicant has previously submitted the letter approving the proposed project from the Gooding County Planning & Zoning Commission and the Idaho Department of Health & Welfare, Division of Environment. Copies of those letters are attached hereto marked as Exhibits "H" and "I". Comments from the Idaho Department of Fish and Game and the Idaho Department of Parks and Recreation have been sought and will be provided if obtained. (Exhibits "J" and "K".)

b. All water being used in the proposed facilities will, as stated hereinabove, be returned to existing raceways, the effluent from which will be subjected to the existing waste management facilities in place at Magic Springs Trout Farm. A description of those waste facilities is involved in the NPDES application attached hereto as Exhibit "L". As mentioned in the letter to Loren L. Holmes dated September 12, 1988 from Michael J. McMasters, Water Quality Field Supervisor for the Idaho Department of Health and Welfare, Division of Environmental Quality,

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the proposed facilities are designed for the propagation of small trout, and will add to the existing facilities only a small increase in biomass, in the estimated amount of 84,875 pounds, as set forth in the Affidavit of Leon Klimes, a copy of which is attached hereto as Exhibit "P". As expressed in the letter from Michael J. McMasters, no water quality problems are anticipated as a result of the additional facilities being proposed by the Applicant since all water discharged from said proposed facilities will be returned to the existing facilities and be treated in the waste management facilities presently located on the site.

c. While, in the Applicants opinion, the Department has throughout the process of evaluating this Application, incorrectly directed its attention not to the public interest effects of the project being proposed, but rather to the alleged present condition of the estuary separating Magic Springs Trout Farm from the Snake River, and the quality of the effluent presently being discharged into the estuary, the Applicant would submit the following information and evidence concerning the existing condition of the estuary and its compliance with the expired opinion rendered in Ritter v. Standal, issued June 22, 1979:

(i) The estuary supports a broad spectrum of fauna, including fish, waterfowl, aquatic birds and small aquatic mammals. (See that attached affidavits of David VanEngelen, Michael J. Florence, D.D.S., M.S., Randall Slickers, M.D. and Leon Klimes, copies of which are attached hereto as Exhibits "M", "N", "O", and "P" respectively.)

(ii) The estuary is actively used for hunting, boating and fishing. (See affidavit of David VanEngelen, Michael J. Florence, D.D.S., M.S., Randall Slickers, M.D. and Leon Klimes, Exhibits "M", "N", "O", and "P" respectively.)

(iii) The access to the estuary, on land belonging to the Applicant is, in the local public interest, made available for trappers, fisherman, boaters, hunters and other recreationists. (See Affidavits of David VanEngelen, Michael J. Florence, D.D.S., M.S., Randall Slikers, M.D. and Leon Klimes, Exhibits "M", "N", "O" and "P" respectively.) It should be noted that the property surrounding the Magic Springs Trout Farm, which is owned by the Nature Conservancy, and the U.S. Government, is

MAR 0 6 2002

closed to the local public for hunting and other recreational activities. (See photographs identified as Exhibit "Q".)

(iv) Contrary to the testimony and statements of the protestants, the estuary is not, in its current state, stagnant, as can be seen from photographs of the estuary taken in July, 1990 by the applicant, copies of which are attached hereto as Exhibit "R". As can be seen from said pictures, even in hot weather of July, the upper end of the estuary did not evidence any stagnation nor unusual accumulation of algae or moss, and the water, as can be seen from said photographs, does not evidence a murky or turbid state.

(v) The quality of the water being discharged into the estuary has consistently been in compliance with the National Pollution Elimination Discharge Elimination System permit issued by the U.S. Environment Protection Agency for the operation of the Magic Springs Trout Farm, as can be seen from the monthly samples (DMR's) attached hereto as Exhibit "S", which samples were taken in compliance with the regulations of the U.S. Environmental Protection Agency and analyzed by certified, independent laboratories.

(vi) While your Applicant is not aware of any intentional swimming in the estuary, it is submitted that the absence of such activities is a result not of the quality of water within the estuary, but rather its temperature. The water being discharged into the estuary remains a constant 58° to 60° Fahrenheit, which is well below even the water temperatures of 78° to 80° Fahrenheit which is required for competitive swimming events, and competitive swimming utilizes water temperatures lower than those considered optimum for recreational activities. (See the Affidavit of J.C. Burdick, Vice-Chairman of the Snake River Swimming, attached hereto as Exhibit "T".)

(vii) Impact on the current effluent being discharged into the estuary from the proposed project for which the current application is being sought would be virtually non-existent. Not only would that water from the proposed project be returned to existing raceways and eventual treatment in current waste management facilities before discharge, but, as mentioned

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MAR 0 5 2007

above, the estimated increase in biomass resulting from the proposed project will be very modest (See Affidavit of Leon Klimes, attached as Exhibit "P").

(viii) As local public interest must include the financial contribution of the proposed project to the local economy, the Applicant submits the following financial information:

(a) Prior to the acquisition of Magic Springs Trout Farm by the Applicant in 1985, the facility had languished in bankruptcy for several years and had been non-operational, contributing nothing to the local economy. Since its acquisition in 1985, the facility has become a viable trout production facility hiring eight full-time employees and several part-time personnel. The project for which the pending application has been made is, in the opinion of the management of the Applicant, reasonably necessary for the continued viability of the operation. Management estimates that the additional trout rearing ponds proposed in the pending application will result in 1.5 to 2 additional full-time employees. (See Affidavit of Leon Klimes, Exhibit "P").

(b) In addition to payroll expenses for the employees at the Magic Springs Trout Farm, the facility has resulted in the acquisition of goods and services within the local area totalling during the calendar year 1989 over $950,000, all of which was spent within a 40 miles radius of the Magic Springs site (See Affidavit of Dorothy Greene, Exhibit "U").

(c) In addition to contributing to the viability of the Magic Springs Trout Farm in general, the proposed project for which the pending application is being sought will add an estimated 1.5 to 2 additional full-time employees and will provide not only construction work to local construction concerns for the project cost estimated to be $145,000, but will thereafter necessitate additional spending for goods and services within the local area estimated to be in the neighborhood of $150,000 per year (See Affidavit of Leon Klimes, Exhibit "P").

MICROFILMED
MAR 0 6 2000

DATED this 14th day of September, 1990.

PISCES INVESTMENTS, INC.

J. Evan Robertson,
Vice President and Secretary

CERTIFICATE OF MAILING

I hereby certify that on this 14th day of September, 1990, I served a copy of the foregoing ADDITIONAL EVIDENCE AND AUGMENTATIN OF THE RECORD UPON REHEARING, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Hagerman Valley Citizens Alert, Inc.
Box 31
Hagerman, Idaho 83332

J. Evan Robertson

MICROFILMED
MAR 06 2003

Diagram of Magic Springs Hatchery

Permit No. 36-7072

Measurements made 3/18&19/85

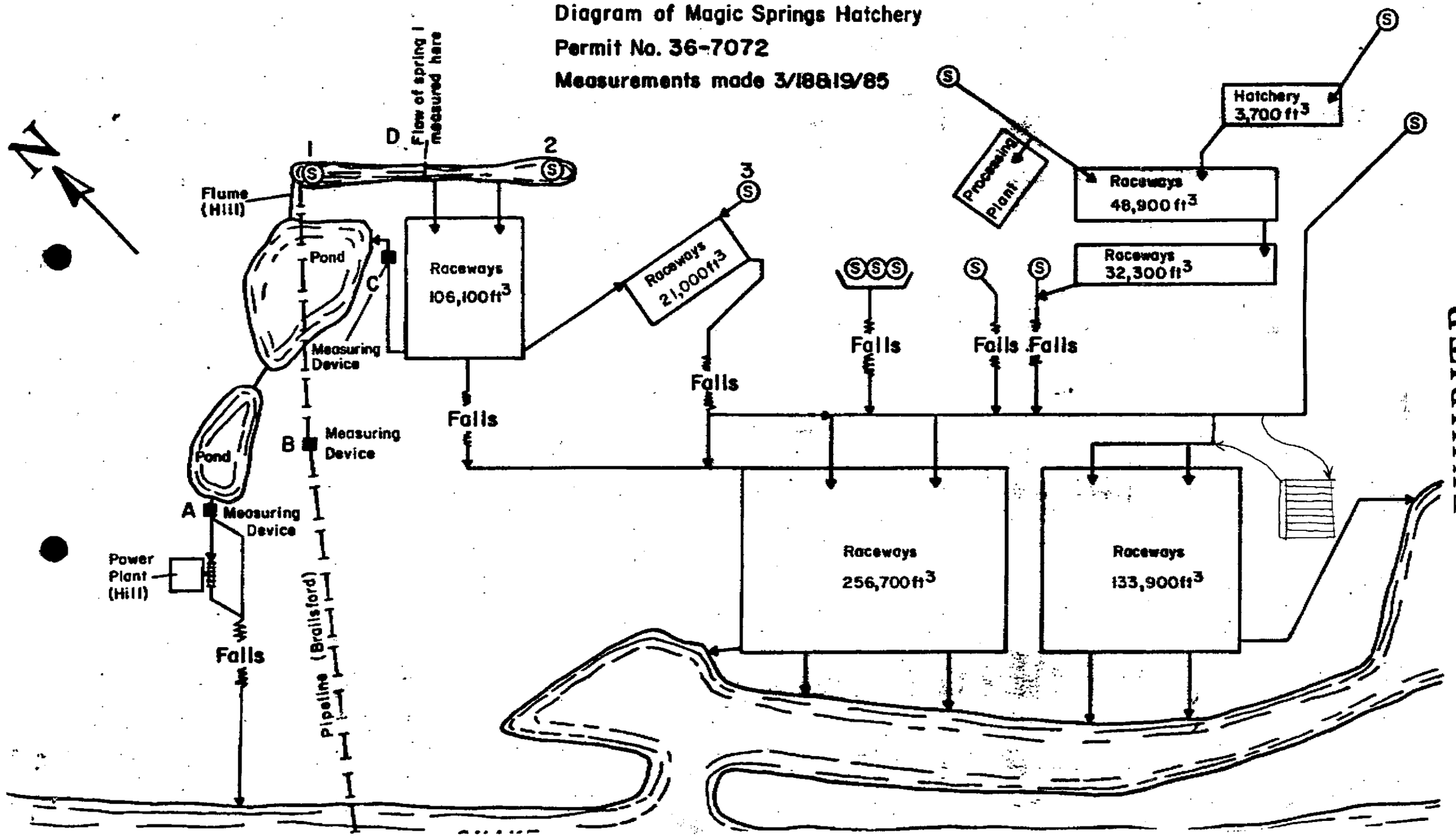


EXHIBIT B
1 208 733 0325 PAGE.005
JAN 24 '90 15:57

DEED

FOR VALUE RECEIVED, SOUTHERN IDAHO PRODUCTION CREDIT ASSOCIATION

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto PISCES INVESTMENTS, INC., an Idaho Corporation whose address is: P. O. Box 701, Twin Falls, Idaho 83303-0701 grantee, the following described real estate, to-wit:

See Attached Exhibit "A"
(Containing 4 Pages)

STATE OF IDAHO
COUNTY OF GOODING, SS
RECORDED AT REQUEST —
Land Title & Escrow
'85 AUG 28 PM 2 12
MARGARET E. CLEMENTS, REC.
DEP. ____ FEE 10.00

116656

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, and their heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this 27th day of August, 1985.

SOUTHERN IDAHO PRODUCTION CREDIT ASSOCIATION

By Richard Weathered
Richard Weathered
Site Manager

ATTEST:

STATE OF IDAHO
County of Jerome } ss.

On this 27th day of August, 1985 before me, a Notary public in and for said State, personally appeared Richard Weathered, known to me to be the Site Manager of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Reed Skinner
Notary Public

Residing at Jerome, Idaho

MICROFILMED
MAR 2 6 2003

EXHIBIT D

EXHIBIT "A"

Parcel No. 1:

TOWNSHIP 8 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 5: That part of the SW¼SW¼, described as follows:

Beginning at the Southwest corner of said Section;
Thence North on the West line of said Section to a point 100 feet North of the precipice of the upper Rim Rock of Snake River Canyon;
Thence Southeasterly paralleling the said Rim Rock at a distance of 100 feet to a point 100 feet East of the intersection of the South line of said Section 5 with the precipice of upper Rim Rock of Snake River Canyon;
Thence West along the South line of said Section to THE POINT OF BEGINNING.

Section 6: That part of Lot 8, described as follows:

Beginning at the Southeast corner of said Lot 8, being the corner common to Sections 5, 6, 7 and 8;
Thence North on the East boundary line of said Lot 8 to a point 100 feet North of the precipice of the upper Rim Rock of Snake River Canyon;
Thence Northwesterly paralleling the said Rim Rock at a distance of 100 feet to the strip of land in Lot 8 granted by the parties, Anna G. Bickel and Paul S. A. Bickel, her husband, to the Twin Falls North Side Land and Water Company by deed dated January 17, 1912, and recorded in Book J of Deeds, Page 331 and Book 20 of Deeds, Page 570, records of Gooding County, Idaho, and by said company and its successor(s) occupied with a ditch to convey waste water to Snake River;
Thence Southwesterly along the Southern boundary of said strip of land to its intersection with Snake River, and thence continuing to the thread of stream;
Thence Southeasterly following the thread of Snake River upstream to its intersection with the South line of said Lot 8;
Thence East along the South boundary of said Lot 8 to THE POINT OF BEGINNING.

EXCEPTING THEREFROM the following described tracts:

a. As set forth in Warranty Deed dated August 27, 1974 from Aquaculture Industries, Inc., to George H. Lemmon, recorded February 24, 1975 as Instrument Number 53570, records of Gooding County, Idaho;

b. As set forth in Warranty Deed dated August 27, 1974 from Aquaculture Industries, Inc., to Norman Standal, recorded February 24, 1975 as Instrument Number 53571, records of Gooding County, Idaho.

Section 7: Lot 1;

Section 8: All that portion of Lot 1 lying South and West of a line described as follows:

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MAR 0 6 2003

Beginning at a point on the North line of said Section 8, which is 100 feet East of the intersection of said North line with the upper Rim Rock of Snake River Canyon;
Thence Southeasterly paralleling the said Rim Rock at a distance of 100 feet to a point 100 feet North of the intersection of the East line of Lot 1 with the upper Rim Rock of Snake River Canyon;

AND

All that portion of the NE¼NW¼ lying South and West of a line described as follows:

Beginning at a point on the West line of said subdivision, which is 100 feet North of the intersection of said line with the upper Rim Rock of Snake River Canyon;
Thence Southeasterly paralleling said Rim Rock at a distance of 100 feet to a point on the South line of said subdivision, which is 100 feet East of the intersection of said South line with the upper Rim Rock of Snake River Canyon.

Parcel No. 2:

TOWNSHIP 8 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 6: A parcel located in Lot 8, described as follows:

Beginning at the Southeast corner of said Section 6;
Thence North 00°09'02" East, 729.16 feet along the Section line to an established 1½" pipe;
Thence North 29°43'58" West, 236.30 feet to THE REAL POINT OF BEGINNING;
Thence North 29°43'58" West, 225.77 feet to the centerline of a waste canal;
Thence following the centerline of the waste canal as follows:
South 67°25' West, 48.22 feet;
Thence South 89°35' West, 38.10 feet;
Thence South 66°24' West, 249.50 feet;
Thence South 50°24' West, 55.00 feet;
Thence South 58°24' West, 180.00 feet;
Thence South 54°24' West, 155.00 feet to a point identified as "E";
Thence South 33°54' West, 105.00 feet;
Thence South 23°39' West, 169.50 feet;
Thence South 18°57'33" West, 174.31 feet which point is referenced by a brass cap located South 66°21'19" East, 25.00 feet, identified as (E-H);
Thence continuing along the thread of said canal an undetermined distance to the thread of the Snake River;
Thence at right angles from the thread of the Snake River to a point on the meandering shore line which point is referenced by the above identified brass cap (E-H) North 75°55'13" West, 113.67 feet;
Thence North 44°07'52" East, 407.19 feet identified as point "F";
Thence North 60°02'22" East, 590.56 feet to THE REAL POINT OF BEGINNING.

EXCEPTING THEREFROM the following described parcels of land:

a. A 25 foot wide parcel which is parallel and adjacent to the centerline of the waste canal above described.
b. A 206.34 foot by 15 foot wide roadway easement which is parallel and adjacent to the Northeast boundary of the real property described above.
c. A 50 foot wide parcel which traverses the entire width of the real property described above, and is centered on a centerline as follows:

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MAR 0 6 2003

Beginning at the above identified point "F";
Thence North 65°35'30" West, 135.36 feet along the road centerline to the P.C. of a curve as follows: Delta - 25°14'16" Rt., Radius - 333.40 feet, Length - 146.86 feet, Chord - 145.67 feet, Tangent - 74.64 feet, which P.T. of said curve falls on the centerline of the waste canal South 33°54' West, 10.88 feet from the above identified point "E".

TOGETHER WITH:

1. The right of ingress and egress over and across the above identified parcel described in (c) above.
2. The right to establish four each access approaches in the real property described above to the 50 foot parcel, identified in (c) above;
3. The right to establish and maintain, at two locations across the above identified 50 foot parcel, a water and utility easement.
4. Access into the above described real property is to be provided on the following described easement or right of way;

Commencing at the 40-corner in the East boundary of said Section 6, which said corner is the Northeast corner of Lot 8 of said Section;
Thence West along the North boundary line of said Lot to the upper rim rock of the Snake River Canyon;
Thence Southeasterly along the line of an old roadway or grade formerly used over said Lot 8.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO THE FOLLOWING:

Unpatented mining claims; reservations or exceptions in patents or state grants or in Acts authorizing the issuance thereof, water rights, claims or title to water.

Taxes for 1985 and subsequent years, a lien, but not yet due and payable.

Power Line Easement given by Norman S. Standal and Anitia J. Standal, and George H. Lemmon and Irene E. Lemmon, to Idaho Power Company, a corporation, dated May 6, 1974, recorded January 10, 1975 as Instrument Number 52990, Gooding County records, affecting a portion of Lot 8 of Section 6, Township 8 South, Range 14, East Boise Meridian.

Power Line Easement given by Aquaculture Industries, Inc., a Corporation, to Idaho Power Company, a corporation, dated May 29, 1974, recorded January 10, 1975 as Instrument Number 52991, Gooding County records, affecting a portion of Lot 8 in Section 6, the Southwest corner of Section 5, and Lot 1 in Section 8, all Township 8 South, Range 14, East Boise Meridian.

Power Line Easement given by Valley Trout Farms, Inc., Kenneth Ellis, Pres. and Brenda Ellis, Sec., to Idaho Power Company, a corporation, dated November 29, 1980, recorded May 6, 1980 as Instrument Number 82970, Gooding County records, affecting a portion of the SE¼SE¼ of Section 6, Township 8 South, Range 14, East Boise Meridian.

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MAR 3 0 2009

Power Line Easement given by Valley Trout Farms, Inc., Kenneth S. Ellis, President, and Brenda Ellis, Secretary, to Idaho Power Company, a corporation, dated October 20, 1980, recorded January 19, 1981 as Instrument Number 87291, Gooding County records, affecting a portion of the SE¼SE¼ of Section 6, Township 8 South, Range 14, East Boise Meridian.

Power Line Easement given by Valley Trout Co., Inc., to Idaho Power Company, a corporation, dated May 5, 1981, recorded September 9, 1981 as Instrument Number 91266, Gooding County records, affecting a portion of the SE¼SE¼ of Section 6, Township 8 South, Range 14, East Boise Meridian.

Any claim arising from the difference in the mean high water line of the Snake River and the meander line as shown by the Government Survey.

MICROFILMED
MAR 9 6 2009

ARRINGTON BROTHERS CONSTRUCTION

ROUTE ONE, BOX 4849
TWIN FALLS, IDAHO 83301
(208) 733-5695

September 8, 1987

Mike Greene
Pisces Investments
% Blue Lakes Trout
P.O. Box 1237
Twin Falls, Idaho 83303

Dear Mike,

I have received the materials and site work prices to finish the bid for the ponds at Magic Springs. Total cost for the site fill, ponds, raceways, 15" piping, 6" & 10" pond drainage piping and supply raceway and division is $144,564.00 (One hundred forty-four thousand, five hundred sixty-four dollars).

The estimated cost to install drains under ponds D, E, & F and a new 4" topping slab is $30,000 (Thirty-thousand dollars).

Thanks for the opportunity to bid the work. I am available to answer any questions you may have.

Sincerely,

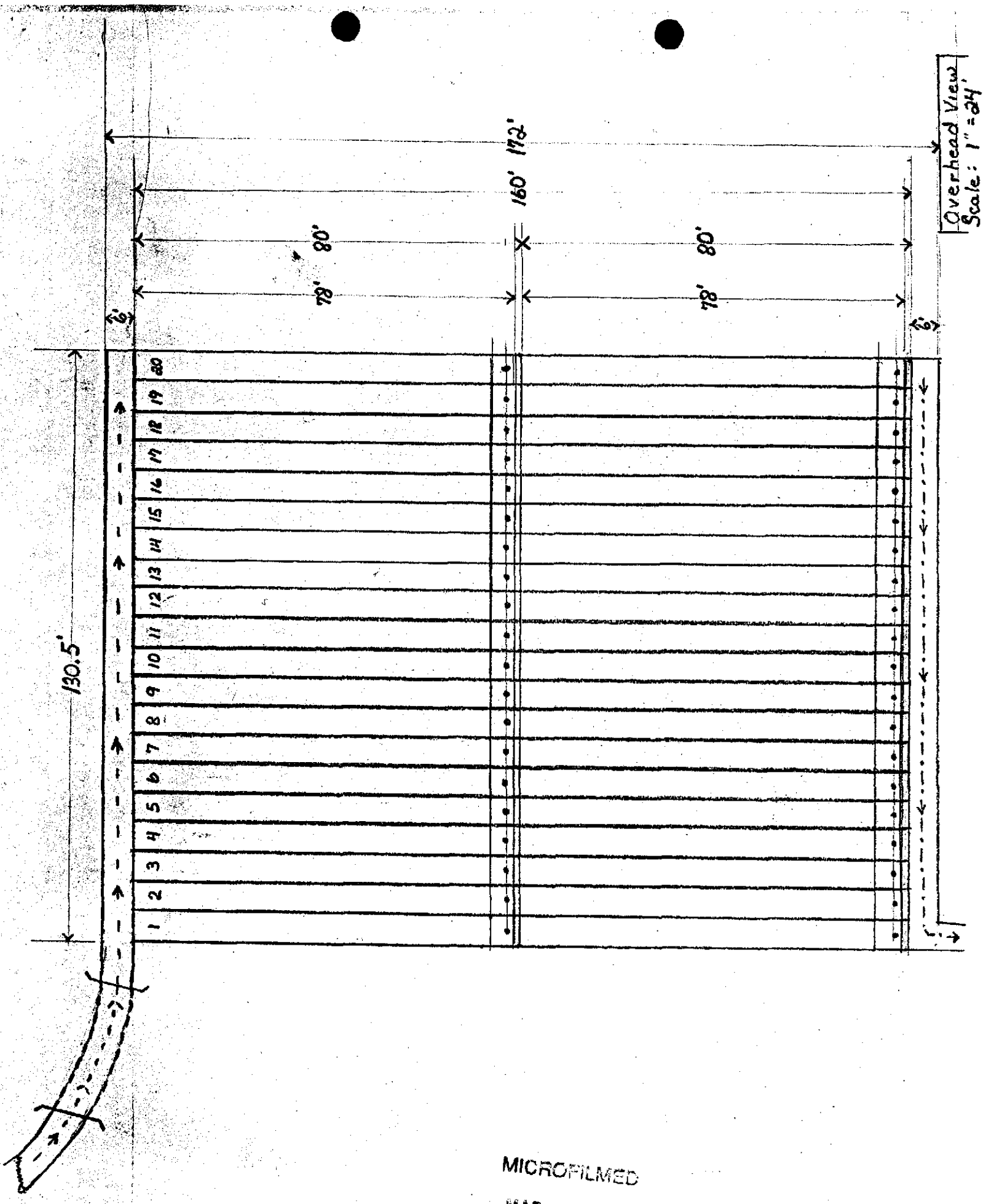
Glenn S. Arrington
President

GSA/cq

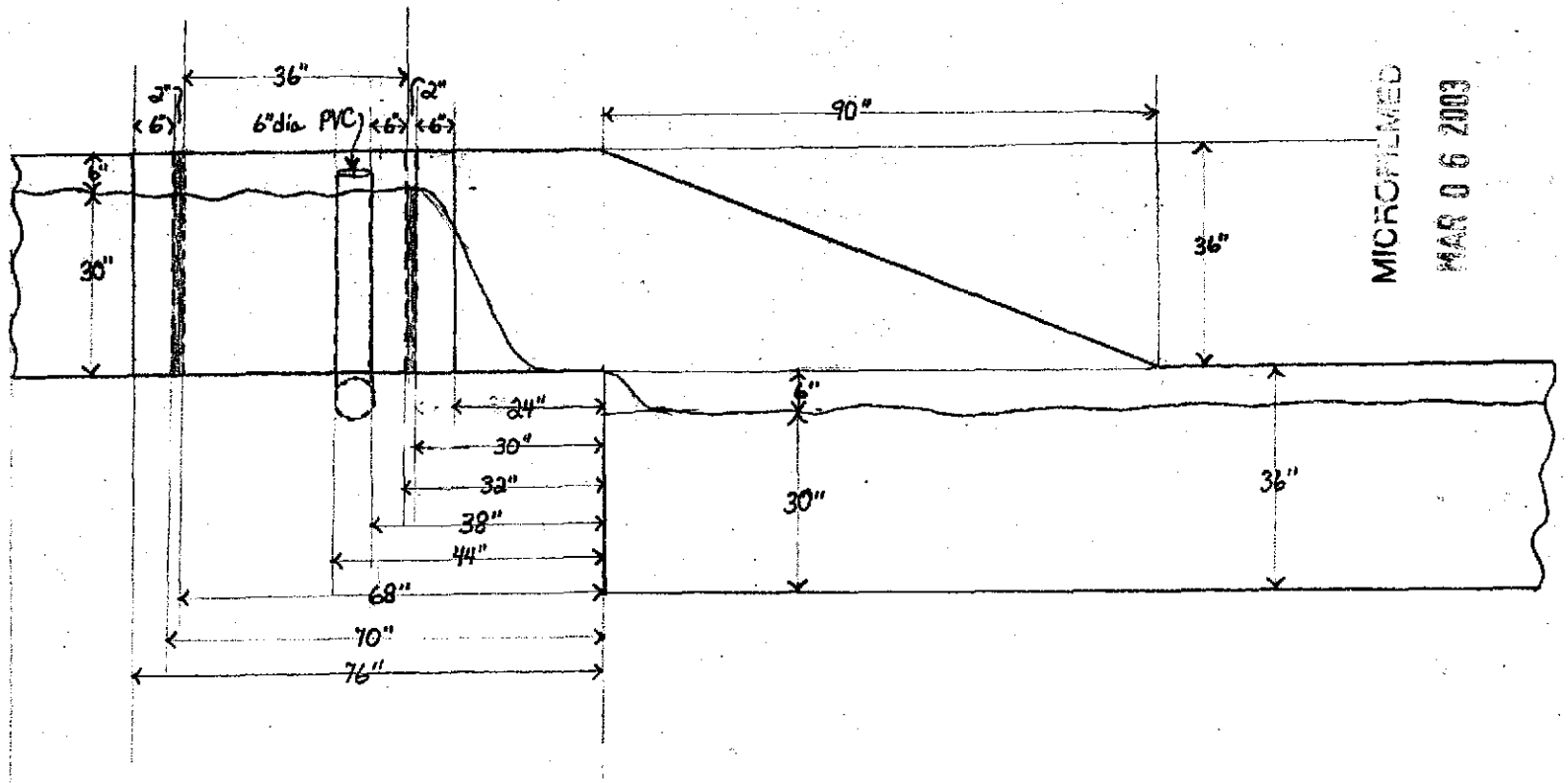
Enc.

MICROFILMED
MAR 0 6 2003

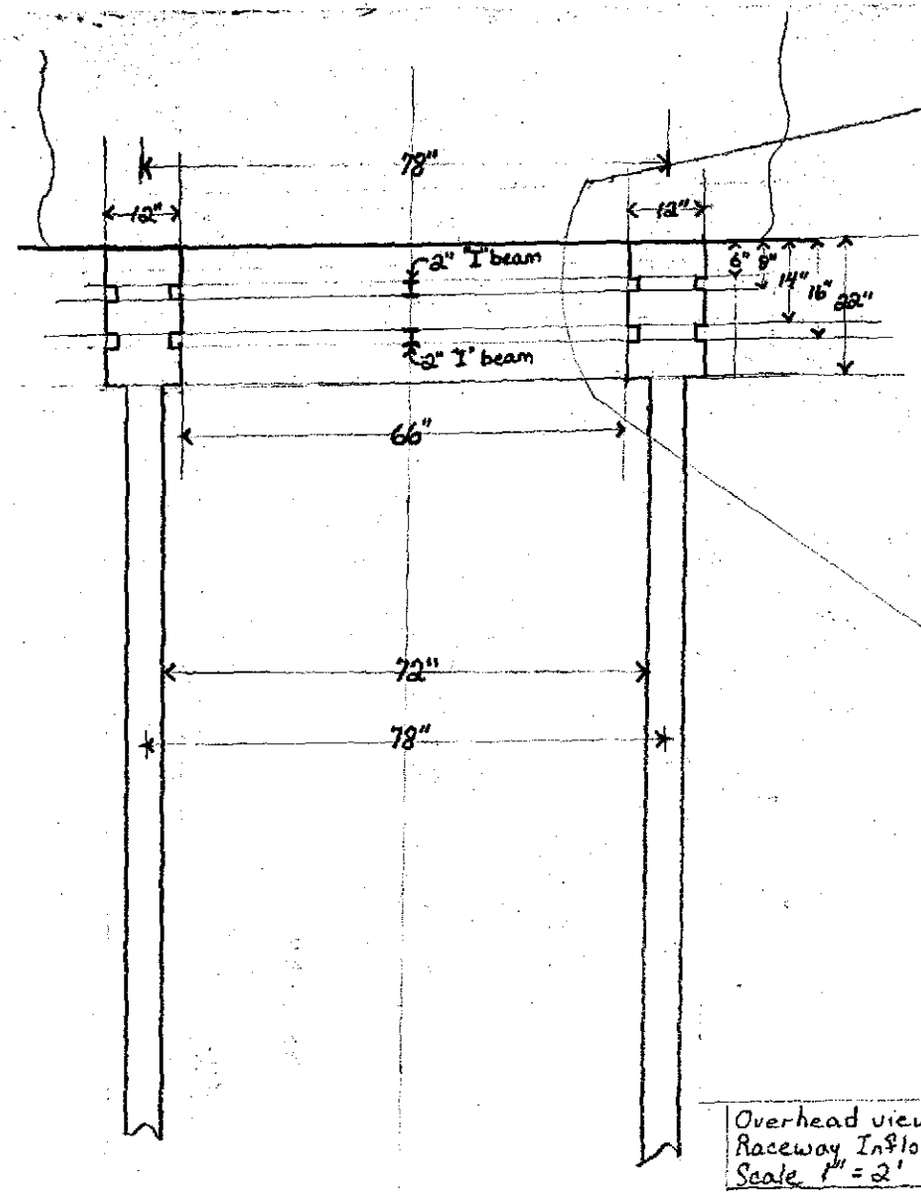
EXHIBIT C



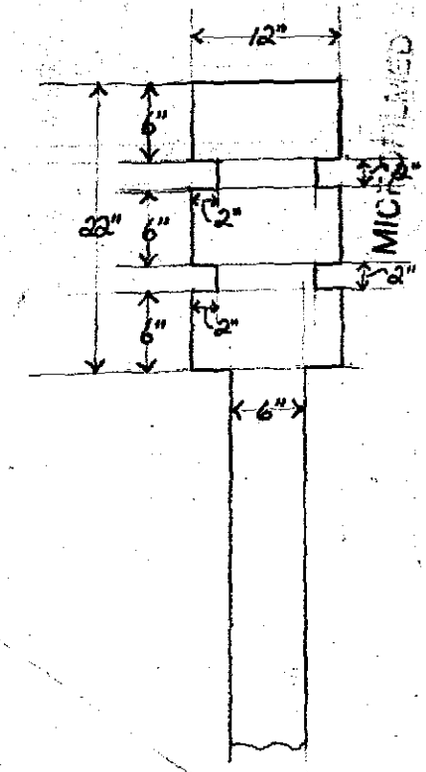
MICROFILMED
MAR 0 6 2003



Side view Upper to Lower Raceway
Scale: 1" = 2'



Overhead view
Raceway Inflow
Scale 1" = 2'

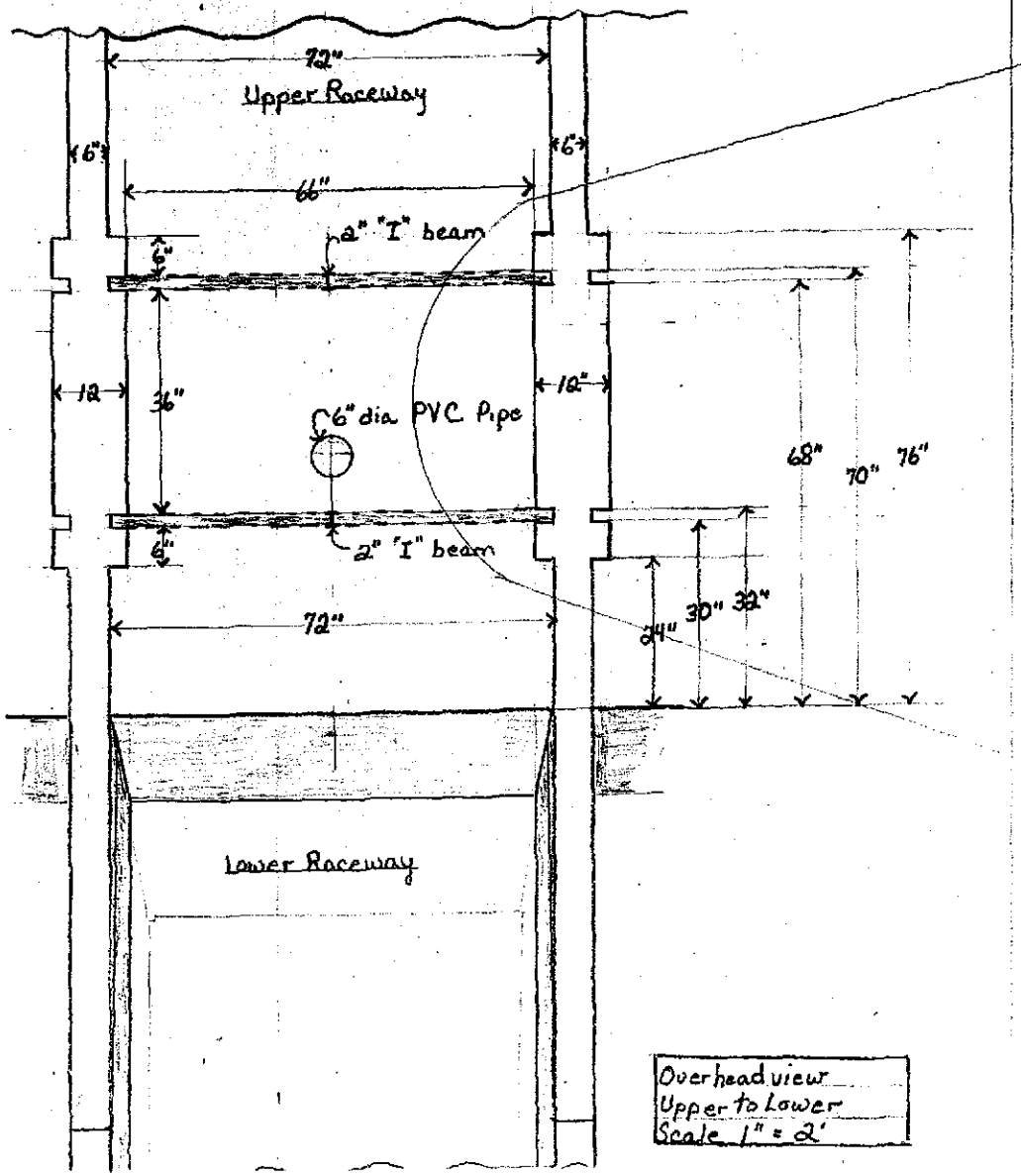


Detail Overhead view
Raceway Inflow
Scale: 1" = 1'

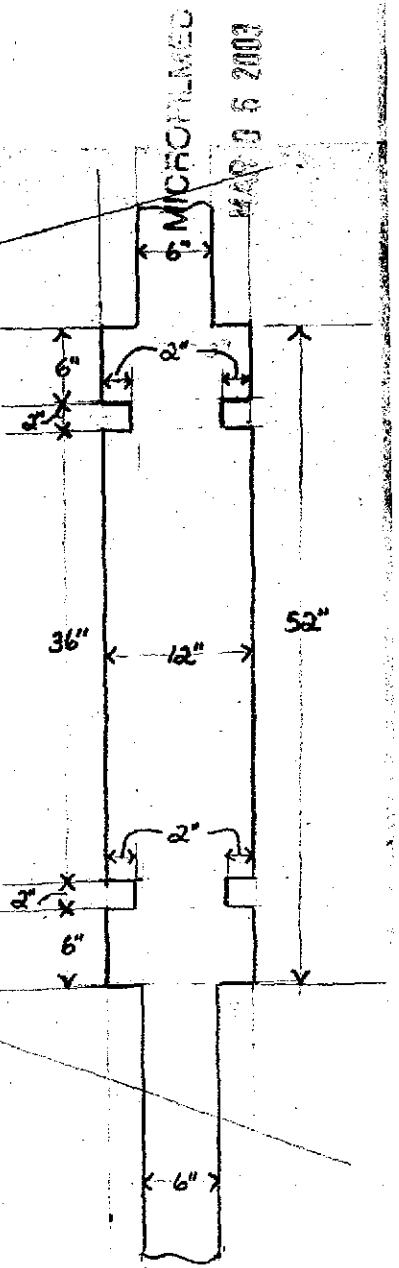
MAR 0 6 2009

Sideview Headditch
Scale : 1" = 1'

MICROFILMED
MAR 0 6 2003

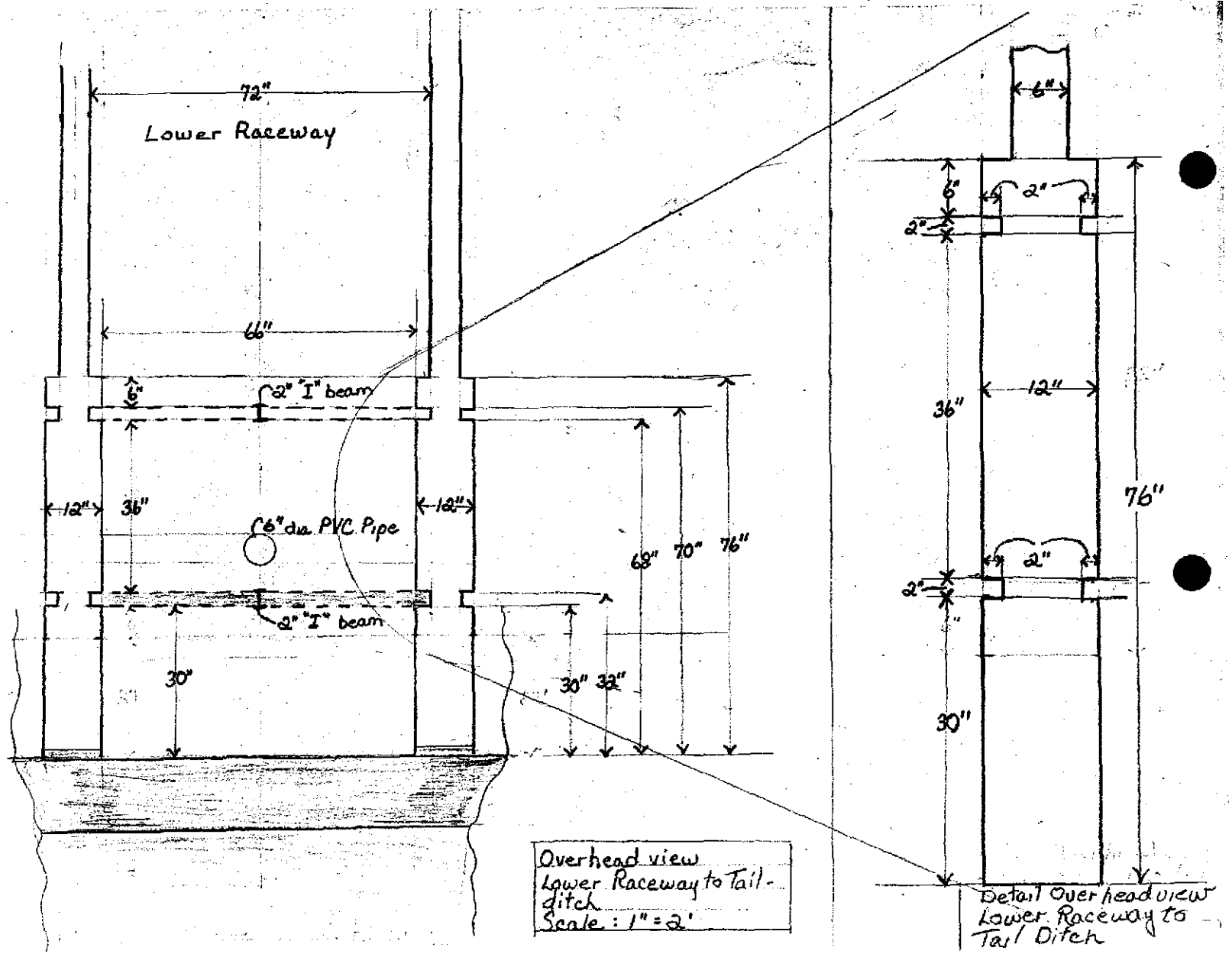


Overhead view
Upper to Lower
Scale 1" = 2'

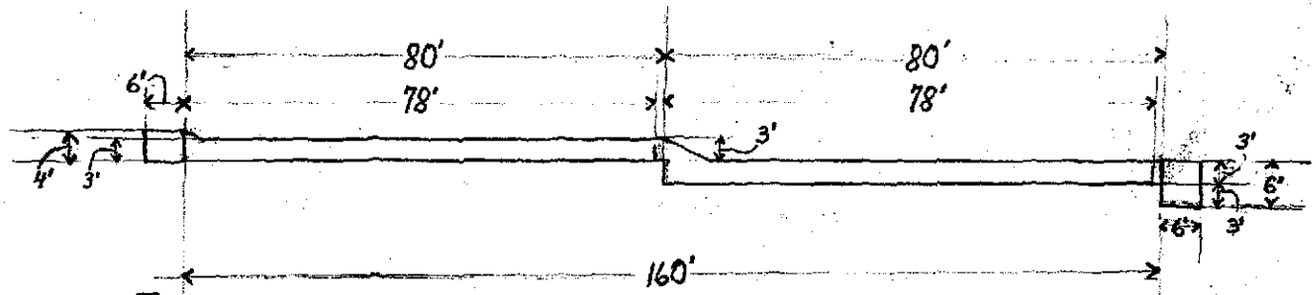


Detail Overhead view
Upper to Lower Raceway
Scale: 1" = 1'

MAR 0 6 2002



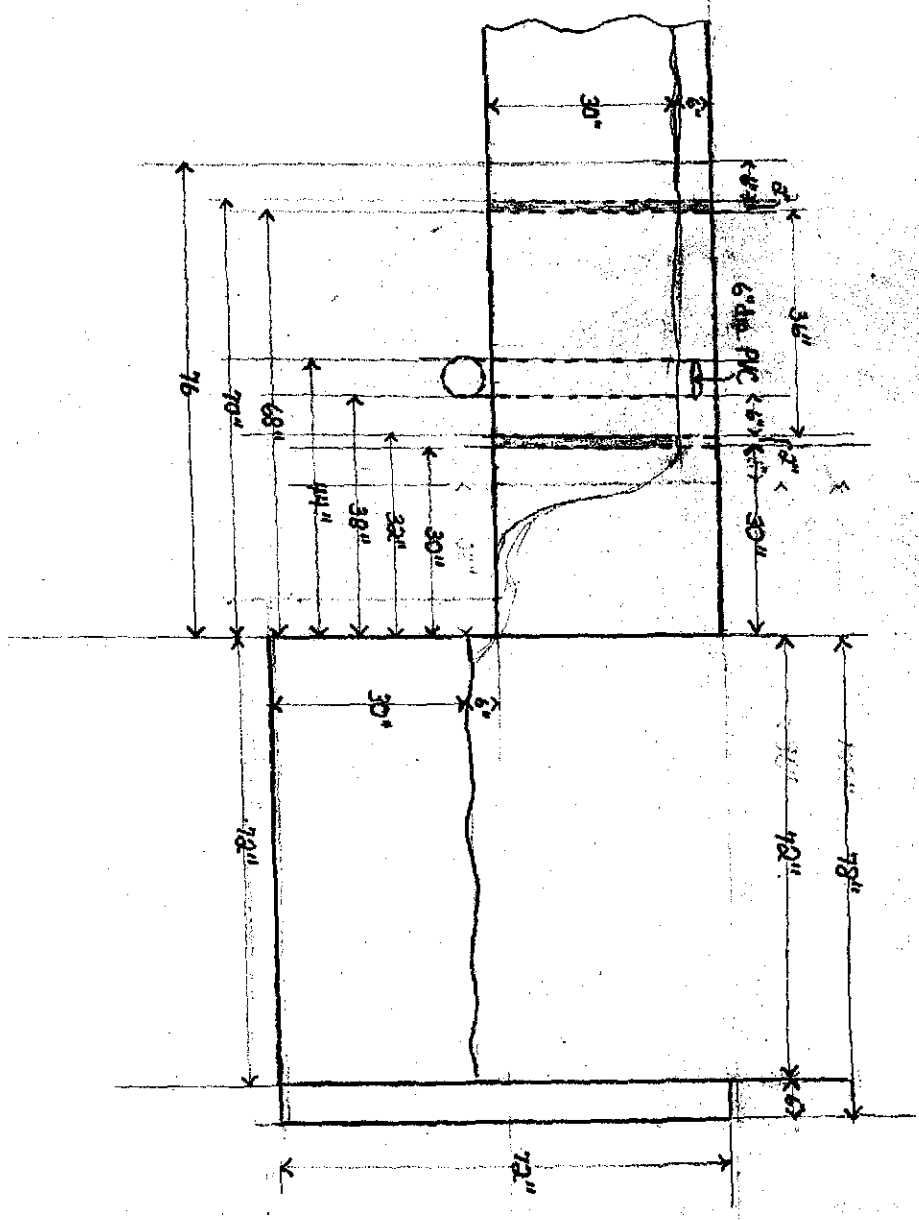
MICROFILMED
MAR 0 6 2003



MICRO 4" fall in 80' Upper and Lower Raceways

Side View
Scale: 1" = 24'

MAR 0 5 2003


30"
6"
6"
6

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW
1020 MAIN STREET
SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY R. McDANIEL
GARY D. SLETTE
F. BRUCE COVINGTON
JERRY JENSEN
CAROLYN M. MINDER
BRUCE M. SMITH
G. RICHARD BEVAN
GARY L. QUIGLEY
TIM J. WILLIAMS
JUSTIN R. SEAMONS

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

August 28, 1990

Mr. Robert S. Burd
Director, Region 10
U.S. Environmental Protection Agency
1200 Sixth Avenue
Seattle, WA 98101
Mail Stop WD-134

Re: NPDES Permit #ID0000973
Request for Modification of Permit

Dear Mr. Burd:

I represent Pisces Investments, Inc. owners and operators of the Magic Springs Trout Farm at Hagerman, Idaho, which has applied to the Idaho Department of Water Resources for reuse of 45 cfs of water for which said corporation holds a water license. The approval of this application for reuse would allow the construction of twenty new raceways containing two ponds each, with dimensions of approximately six feet by eighty feet for each pond. The new ponds, to be used for small fish, will increase biomass at the facility by approximately 85,000 pounds, and the total pounds of feed used per day by approximately 2,000 pounds.

A diagram of Magic Springs Trout Farm is enclosed showing the approximate location of the proposed ponds. Water will be diverted first into these new ponds, then returned to the feed ditch to be reused by the M and N raceways. No new diversions from natural stream channels will be involved, and no changes will be necessitated in existing discharge points or amounts.

Please let me know if there are further details you require in order to complete this modification of our present permit.

MICROFILMED
MAR 0 6 2003

Sincerely,

J. Evan Robertson

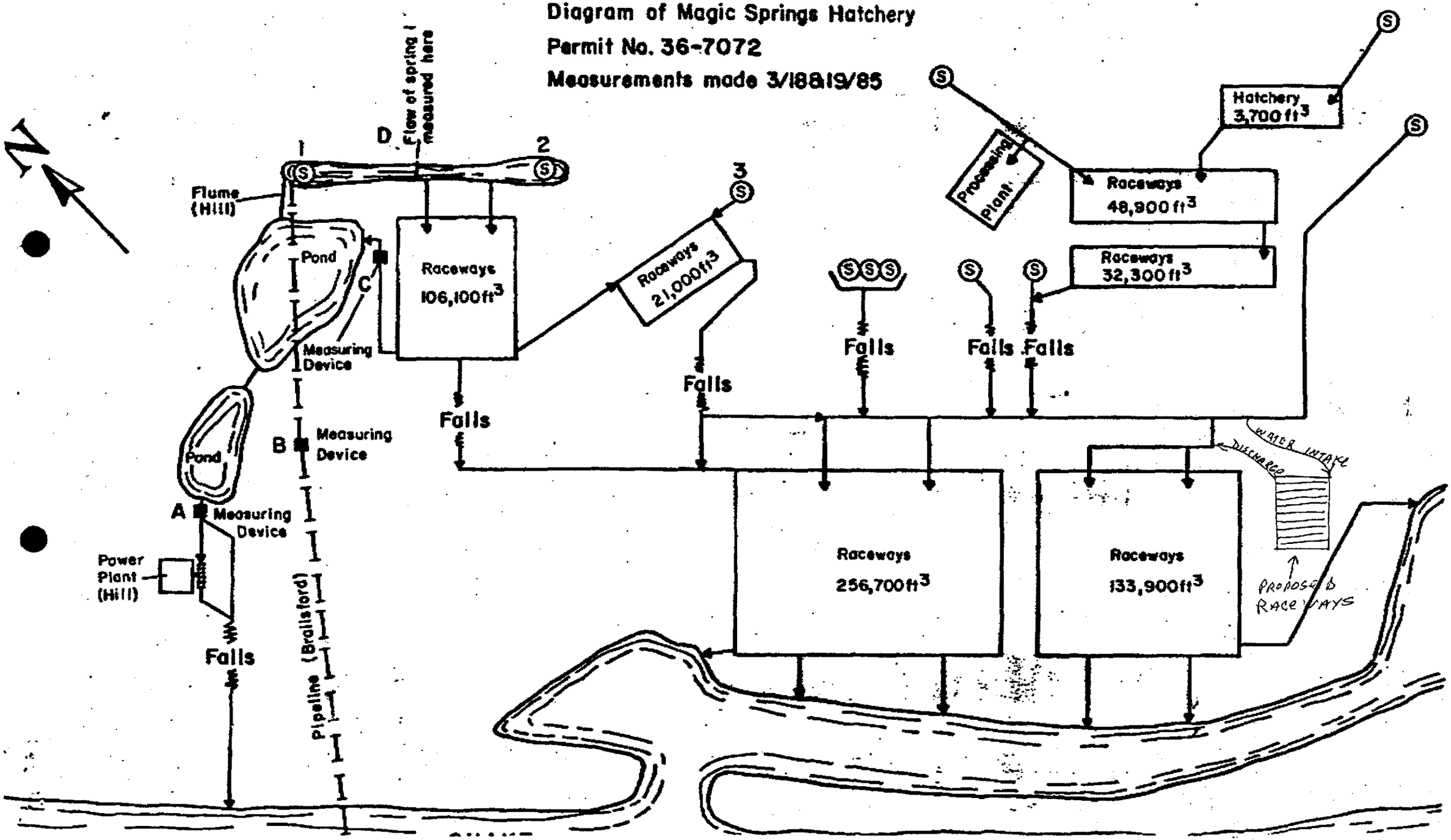
50571
Enclosures - Map, Construction Details

EXHIBIT E

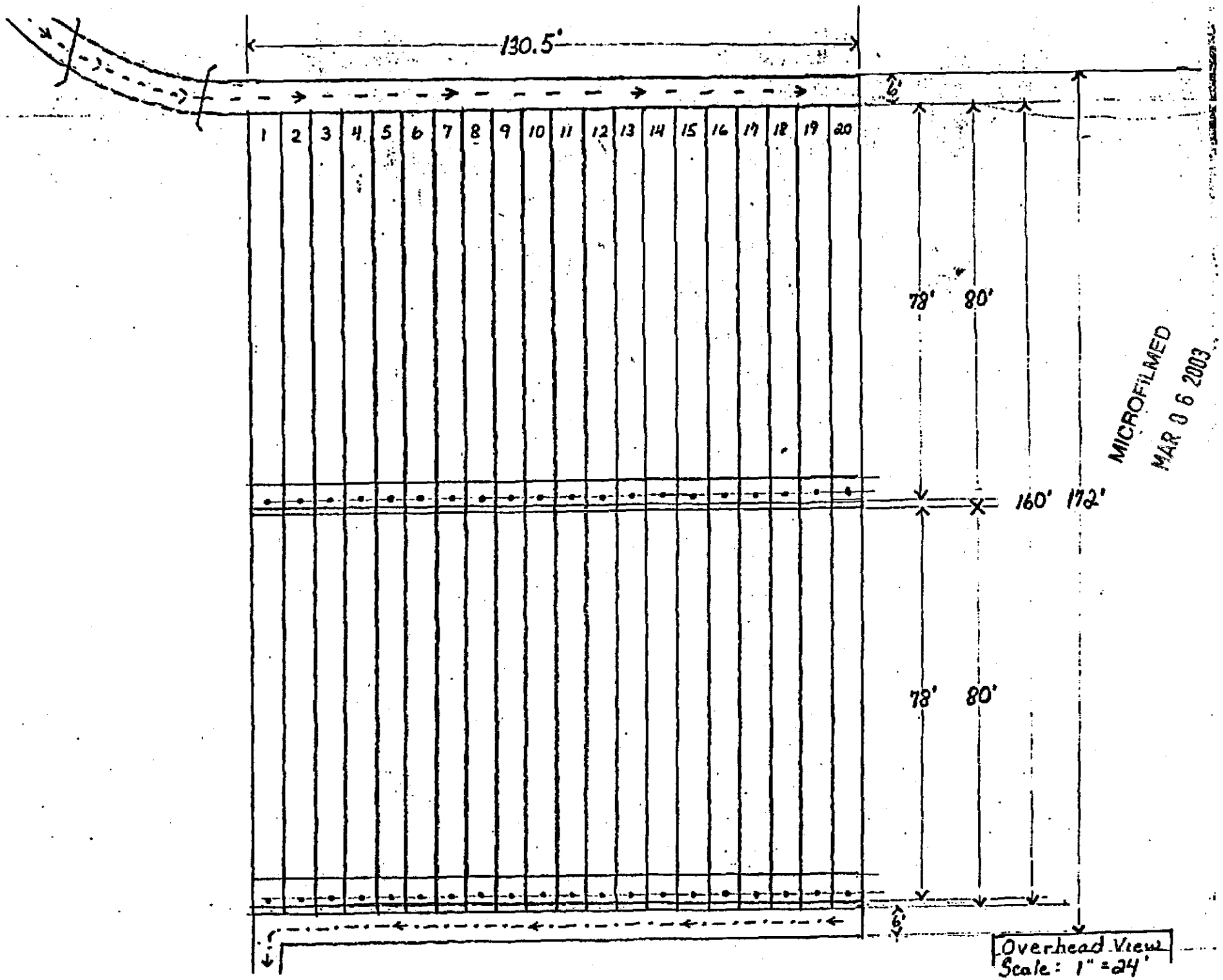
Diagram of Magic Springs Hatchery

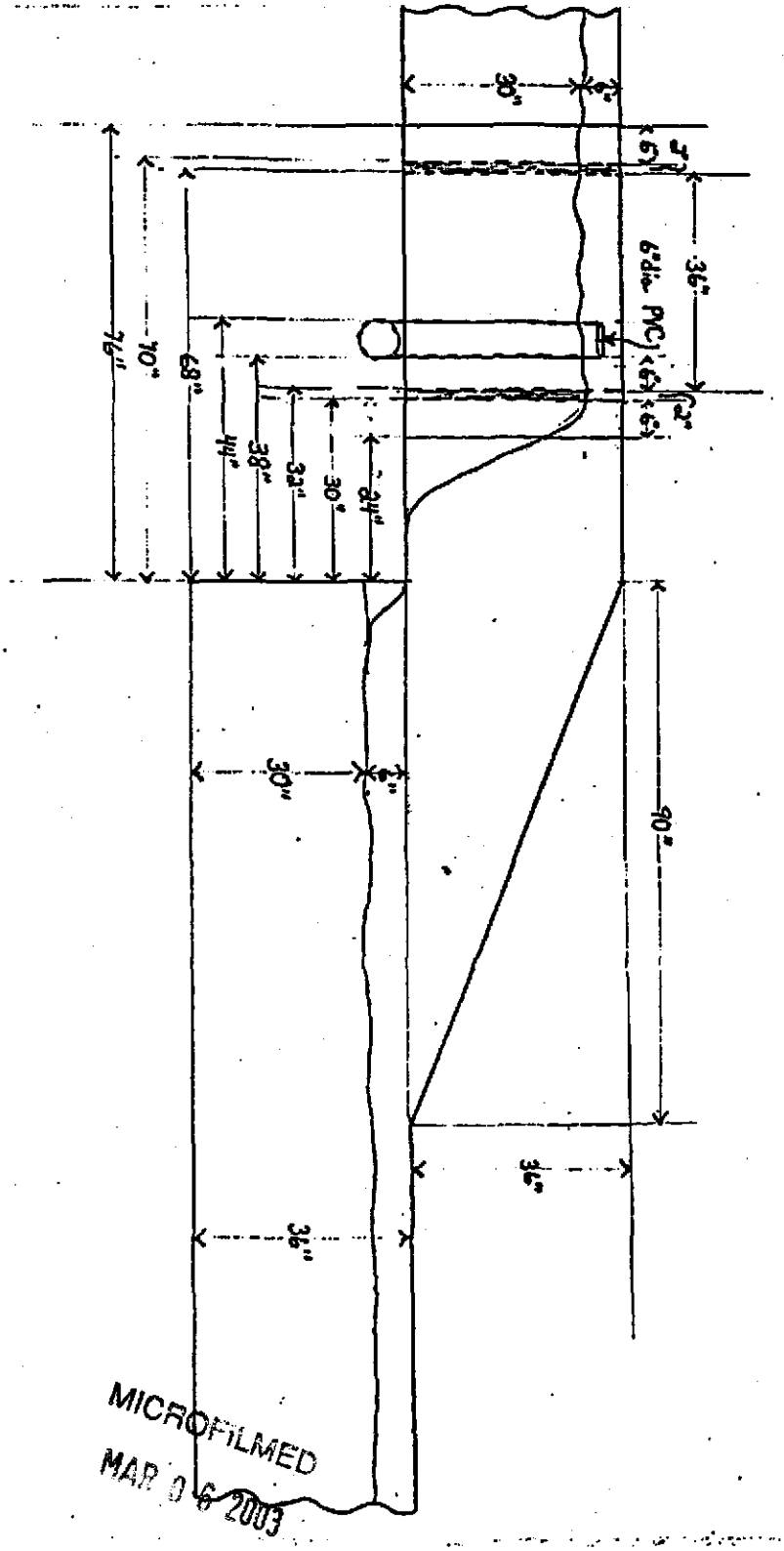
Permit No. 36-7072

Measurements made 3/18&19/85



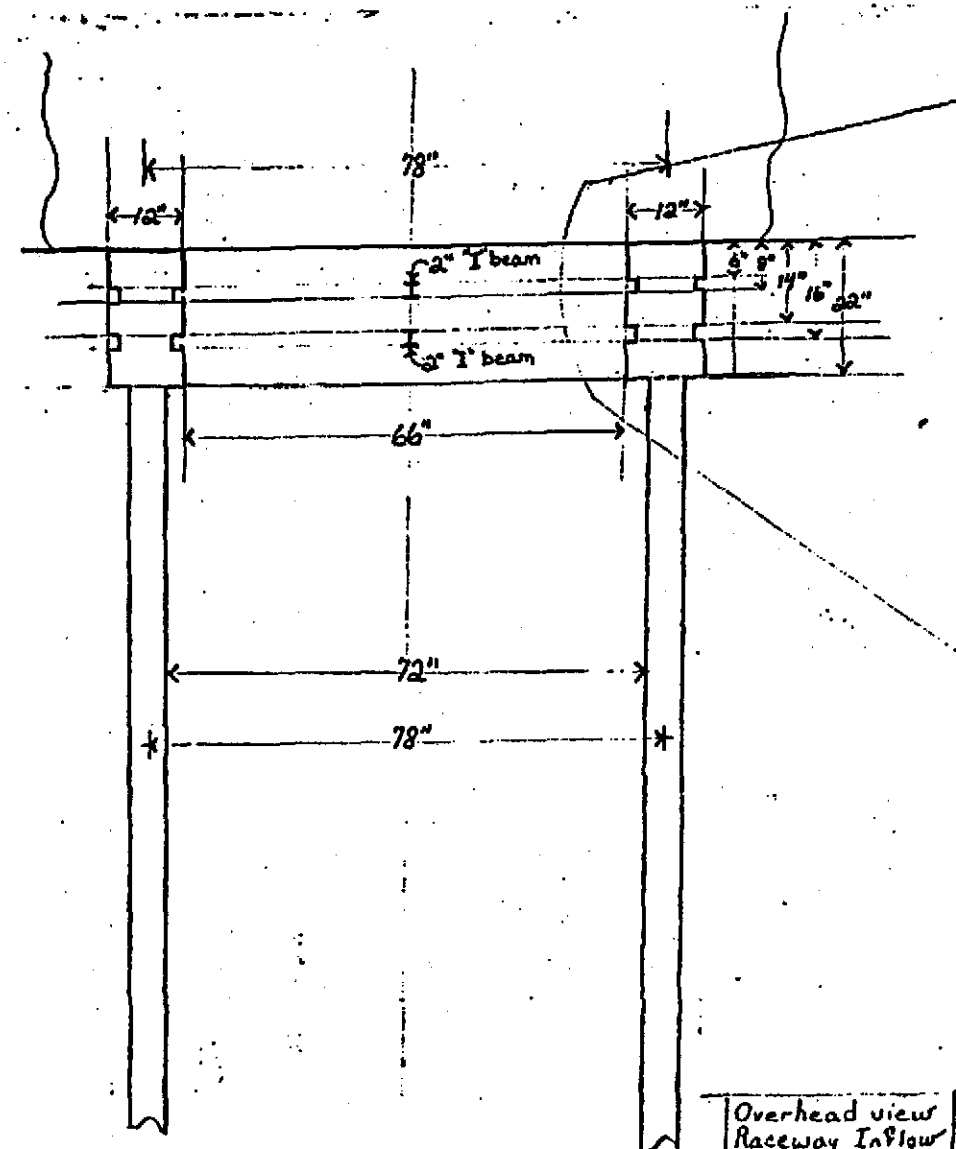
1 208 733 0325 PAGE.005
JAN 24 '90 15:57


130.5'
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20
6'
78' 80'
160' 172'
78' 80'
6'
MICROFILMED
MAR 0 6 2003
Overhead View
Scale: 1" = 24'

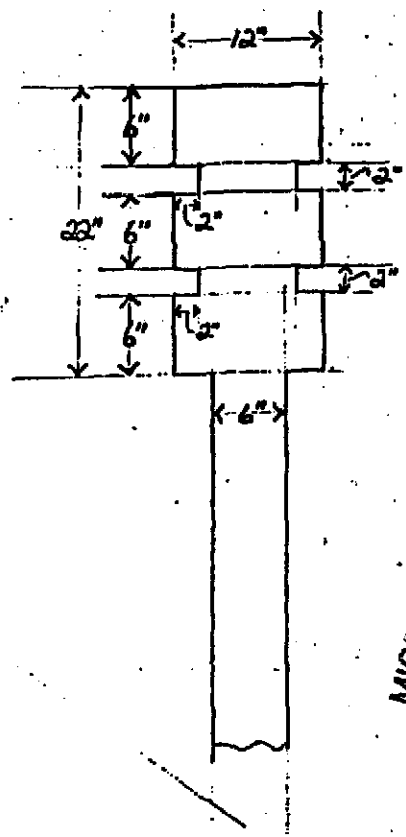


Side view Upper to lower Raceway
Scale: 1" = 2'

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MAR 06 2003



Overhead view
Raceway Inflow
Scale 1" = 2'

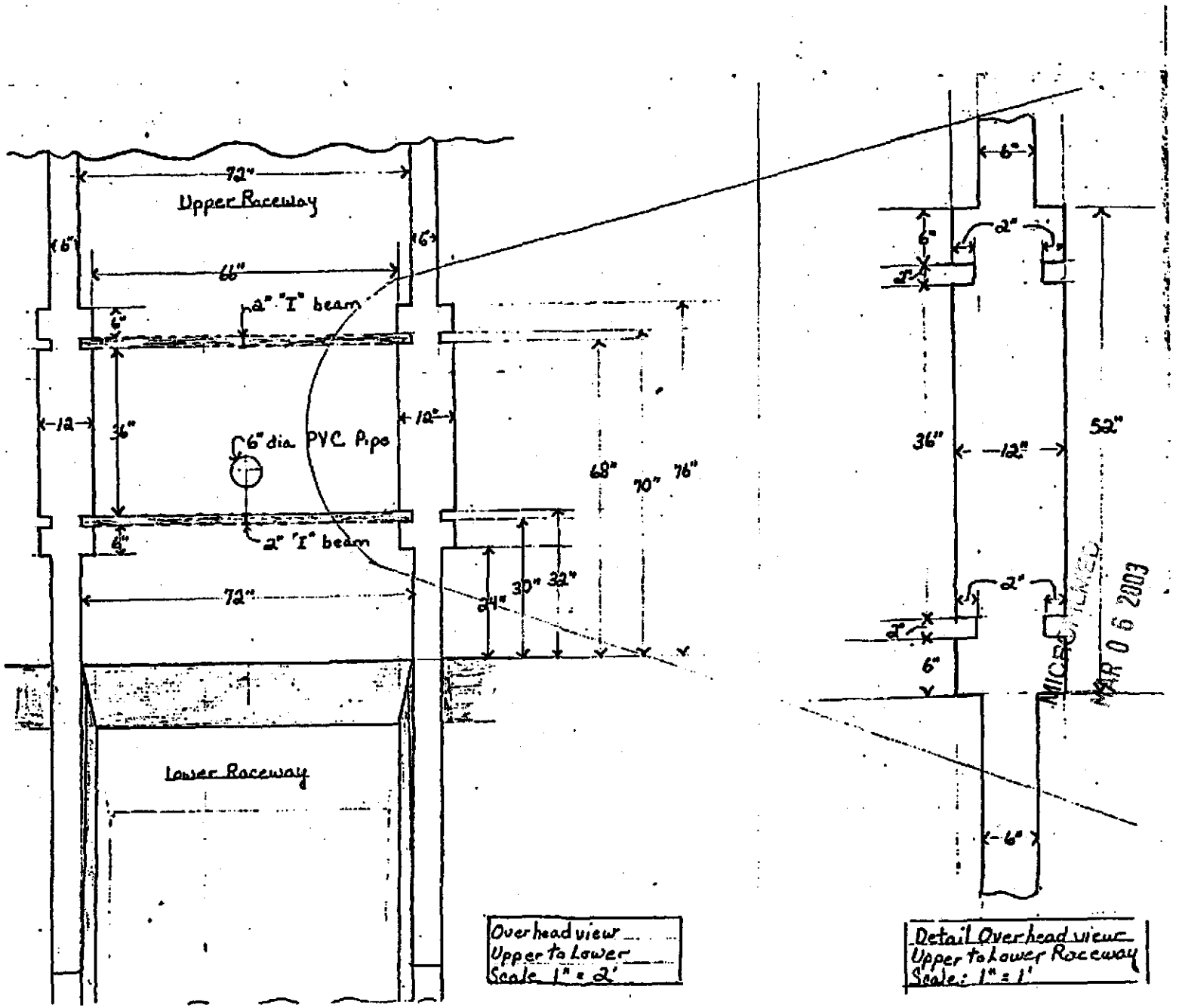


Detail Overhead view
Raceway Inflow
Scale: 1" = 1'

MICROFILMED
MAR 0 6 2003

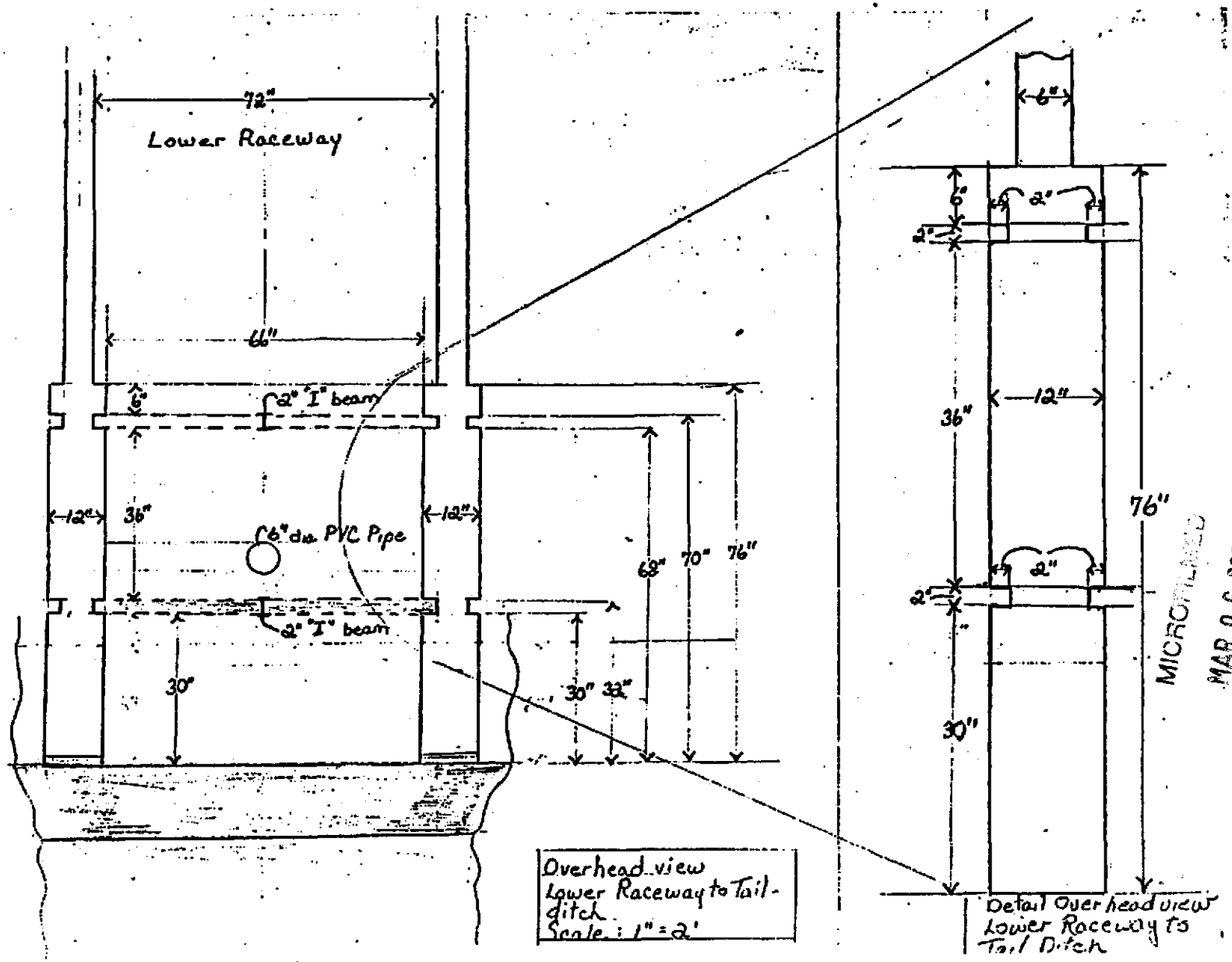
Sideview Headditch
Scale: 1" = 1'

MICROFILMED
MAR 06 2003



Overhead view
Upper to Lower
Scale 1" = 2'

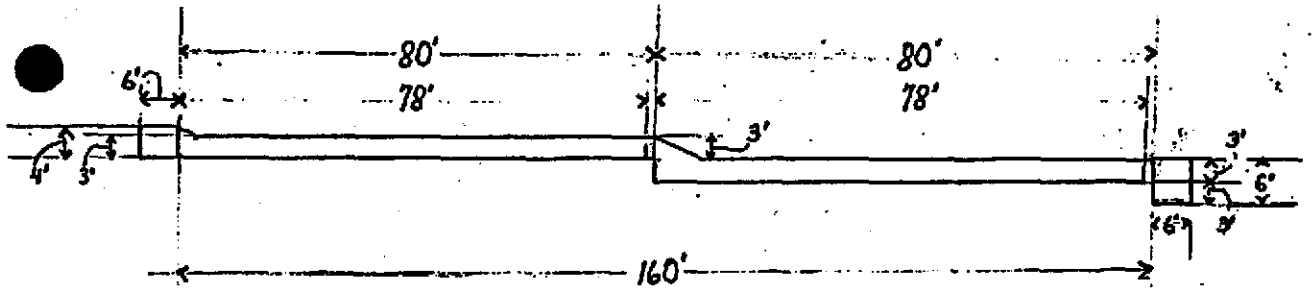
Detail Overhead view
Upper to Lower Raceway
Scale: 1" = 1'



Overhead view
Lower Raceway to Tail-ditch
Scale: 1" = 2'

Detail Overhead view
Lower Raceway to
Tail Ditch

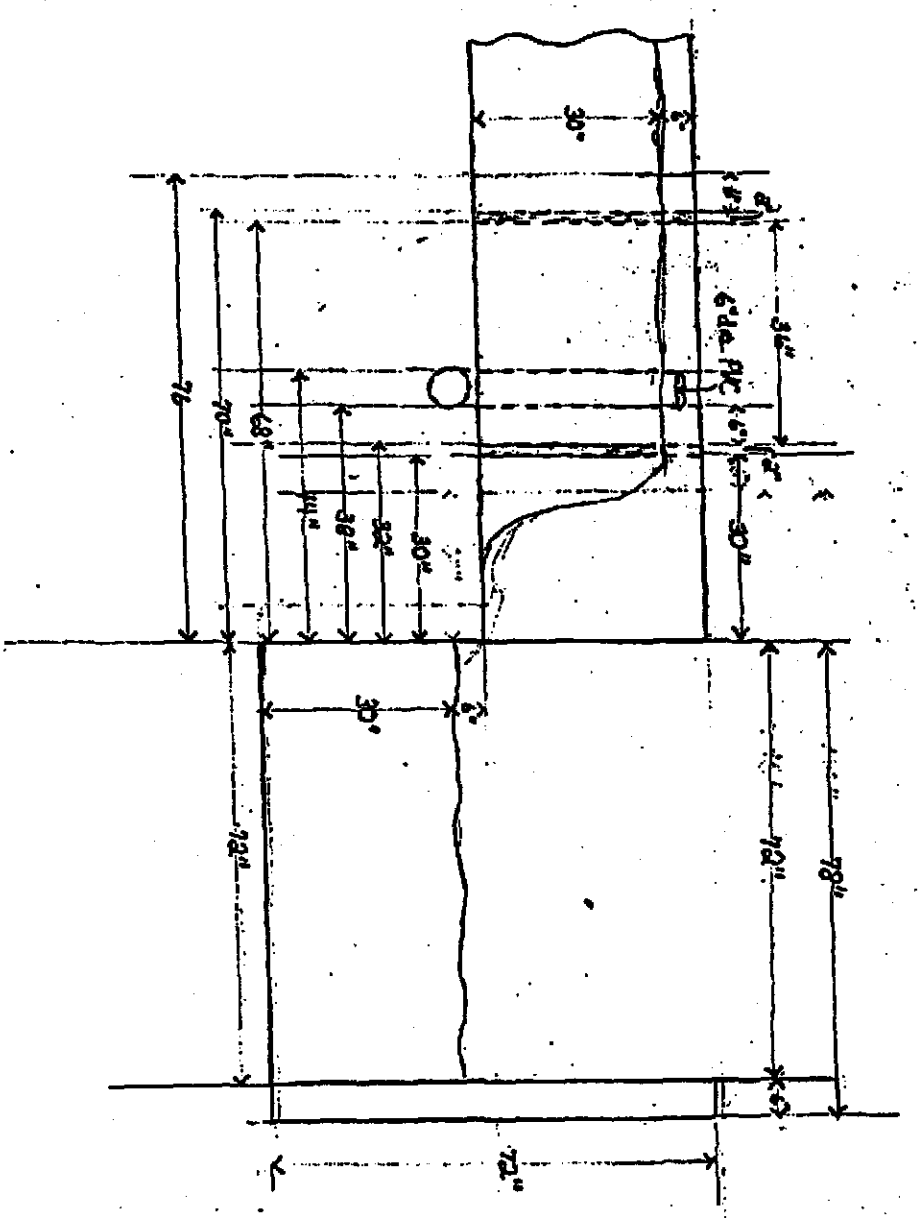
MICROFILMED
MAR 0 6 2003



1" fall in 80' Upper and Lower Raceways.

Side View
Scale: 1" = 24'

MICROFILMED
MAR 0 6 2003



Sidewiew Lower Raceway to Tailditch
Scale: 1" = 2'

MICROFILMED
MAR 0 6 2003

EXHIBIT "A"
TO EXCEPTIONS TO MEMORANDUM DECISION

PERRINE OFFICE
TWIN FALLS BANK & TRUST COMPANY 1804 BLUE LAKES BLVD. N./P.O. BOX 1883 / TWIN FALLS, ID 83303-1883 / 208-734-1986

May 12, 1988

Idaho Department of Water Resource
Attn: Gary Funderberg
2148 Fourth Avenue East
Twin Falls, Idaho 83301

RE: Pisces Investments (Magic Springs)

TO: Whom it may concern

Pisces Investment, Inc. is a corporation of which I am very familiar with their financial position and borrowing ability.

I am also familiar with the project they have proposed for Magic Springs.

In my opinion, and to the best of my knowledge, Pisces Investment, Inc. accompanied with the financial abilities of Evan Robertson and Mike Greene, have the financial resources available to see the proposed project to a successful completion.

If I can be of any further help or answer any other questions, do not hesitate to call.

Respectfully,

C. Alan Horner
Vice President

/n

cc: Pisces Investment, Inc.

MICROFILMED
MAR 0 6 2003

RECEIVED AUG 0 8 1990

First Security Bank SM

August 3, 1990

Mr. Loren Holmes
Idaho Department of Water Resources
2148 4th Avenue East
Twin Falls, ID 83301

RE: Pisces Investments Inc.

Dear Mr. Holmes:

Evan Robertson, who is a stockholder in the above mentioned corporation, has asked me to address this letter to your attention as it relates to their financing capabilities. Evan specifically requested that I comment on their ability to obtain financing in the approximate amount of $145,000 to either purchase or make capital improvements on fish ponds located in an undisclosed area. Although no application has been made or loan commitments extended, it is my professional opinion that the corporation has the ability to obtain financing in this amount from a conventional lending source. As of the date of this writing, the corporation currently has sufficient cash deposits with our bank which would cover this amount in its entirety.

Our credit experience with Pisces Investments Inc. has been satisfactory with all obligations being paid as agreed to date. Corporate management has been responsive to our credit needs and I will look forward to entertaining any future credit requests. If can provide additional information, please feel free to contact me at 736-1306.

Sincerely yours,

Brent Jussel
Vice President
Commercial Loan Manager

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MAR 0 6 2003

EXHIBIT G

RECEIVED SEP 2 1988

GOODING COUNTY
PLANNING & ZONING COMMISSION
P.O. Box 417
Gooding, Idaho 83330

Copy

September 1, 1988

State of Idaho
Dept. of Water Resources
2148 4th Ave. E.
Twin Falls, ID 83301
Attn: Loren O. Holmes, P.E.

Dear Mr. Holmes,

In reply to the request from Mr. Robertson, Attorney for Pisces Investments, Inc., applicant No. 36-08356, the Gooding County Planning & Zoning Commission at its regular session on August 31st, did review the expansion of the fish farm at Magic Springs located in Section 8, Township 8 South, Range 14 E.B.M.

The Commission was also made aware of a telephone conversation the Administrator had with Mr. Robertson, in which he stated that Pisces Investments would be using only the water already allocated to them.

The expansion does not violate Gooding County Ordinance No. 25, nor the Comprehensive Plan so long as the project has clearance from the Department of Fish & Game, Idaho Department of Health and Welfare, Division of Environment, and the canal company involved. We rely on these agencies to see to adequate management of minimal flow and water quality in our County.

May we be supplied with copies of the agencies clearances and any protests filed, as this is the basis for our approval.

Sincerely,

Joyce C. Scanlon

Joyce C. Scanlon
Administrator

MICROFILMED
MAR 0 6 2009

EXHIBIT H

RECEIVED [redacted] 1988

EXHIBIT "B" TO APPLICANT'S BRIEF

STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE 734-9520

DIVISION OF ENVIRONMENTAL QUALITY
P. O. Box 1626
Twin Falls, Idaho 83303-1626

September 12, 1988

Loren O. Holmes
Southern Region Manager
Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

Re: Permit Application No. 36-08356 - Magic Springs Hatchery

Dear Mr. Holmes:

We have reviewed the above referenced application and submit the following comments:

1) The application is for reuse of existing water for the propogation of small trout.

2) The increase of additional rearing capacity will generate additional waste materials. The systems shall be designed and operated in such a manner as to insure compliance with EPA's NPDES permit effluent requirements.

Provided adequate waste management facilities are included in the proposed use, we do not anticipate any water quality problems.

Should any questions arise, please contact me.

Sincerely,

Michael J. McMasters

Michael J. McMasters
Water Quality Field Supervisor

MJM/ta
cc: J. Evan Robertson
Larry L. Koenig/Jerry Yoder

MICROFILMED
MAR 0 6 2003

EXHIBIT I

EQUAL OPPORTUNITY EMPLOYER

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY R. McDANIEL
GARY D. SLETTE
F. BRUCE COVINGTON
JERRY JENSEN
CAROLYN M. MINDER
BRUCE M. SMITH
G. RICHARD BEVAN
GARY L. QUIGLEY
TIM J. WILLIAMS
JUSTIN R. SEAMONS

142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

August 21, 1990

Mr. Carl H. Nellis
Idaho Department of Fish & Game
P.O. Box 428
Jerome, ID 83338

RE: Department of Water Resources
Application for Permit No. 36-08356

Dear Mr. Nellis:

I represent Pisces Investments, Inc., the applicant in the above-referenced permit for the appropriation and re-use of 45 cfs of water. The water sought is presently appropriated and being used by the applicant in its Magic Springs Trout Farm in Hagerman Valley. This is an application for a re-use of a portion of the water presently being used in Magic Springs, to facilitate the expansion of the facilities to include twenty narrow concrete raceways, containing two ponds each, each pond to have a dimension of 6 feet by 80 feet. The purpose of the ponds is to promote the rearing of small rainbow trout.

After being used in the new ponds, the water will be returned to the existing raceways, the effluent from which will be treated in the existing wastewater management facilities in place at Magic Springs. The proposed re-use does not involve the appropriation or diversion of any water not now being used by Magic Springs Trout Farm, and will not involve any change in the amounts of water discharged into the Snake River estuary, nor the existing points of discharge. All discharges will be regulated by the NPDES permit for Magic Springs issued by the United States Environmental Protection Agency.

I am enclosing a general diagram of the Magic Springs Hatchery, where I have indicated, in red, the location of the proposed additional ponds and the water circulation system through those ponds. I am also enclosing a copy of the application for permit, although I believe you received one from Mr. Loren Holmes, Southern Region Manager of the Idaho Department of Water Resources on July 21, 1988.

MICROFILMED
MAR 0 6 2003

EXHIBIT J

Since this application for permit involves only the re-use of water already being utilized in the Magic Springs Trout Farm, and changes nothing with respect to the quantities of water being discharged from the facility, nor the points of discharge, I do not believe it will have any impact on matters within the jurisdiction or concern of the Department of Fish and Game. However, as you know, the application process of the Department of Water Resources requires that the applicant seek comment on the effects of the construction and operation of the proposed project from your Department. Consequently, I am asking that you provide such comment directly to Loren O. Holmes, P.E., Southern Region Manager of the Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, Idaho, 83301 as soon as possible. Our application for permit is to be considered by the Department on October 17, 1990, and it would like your comment 30 days prior to that date. I certainly appreciate your assistance in this matter, and would be happy to answer any further questions you might have concerning the application for permit or the proposed project.

Sincerely,

J. Evan Robertson

JER:mw
67151

Enclosures

MICROFILMED
MAR 0 6 2003

Form 202
6/85

Ident. No. 36-08356

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Pisces Investments, Inc. Phone 733-4631

   Post office address Box 701 Twin Falls, ID 83303-701

2. Source of water supply Springs which is a tributary of Snake River

3. Location of point of diversion is SE ¼ of NW ¼ of NW ¼, Govt. Lot 1

   Sec. 8 Township 8S Range 14E B.M. Gooding County; additional

   points of diversion if any: _____

4. Water will be used for the following purposes:

   Amount 45.00cfs (cfs or acre-feet per annum) for fish propagation purposes from 01-01 to 12-31 (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated is (a) 45.00 cfs (cubic feet per second) and/or (b) _____ (acre feet per annum)

6. *Proposed diverting works:*

   a. Description of ditches, flumes, pumps, headgates, etc. Head Ditch, raceways. 20 Raceways (40 ponds) 6' wide x 80' long

   b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

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

   d. Is ground water with a temperature of greater than 90°F being sought? _____

7. *Time required for the completion of the works and application of the water to the proposed beneficial use is* 5 years (*minimum 1 year*).

MICROFILMED
MAR 0 6 2009

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

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. *Municipal; show name of municipality.* _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

_____

_____

9. Description of place of use:

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

b. 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	
8S	14E	8						Ltl X											

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 36-7072

_____

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

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

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: _____

_____

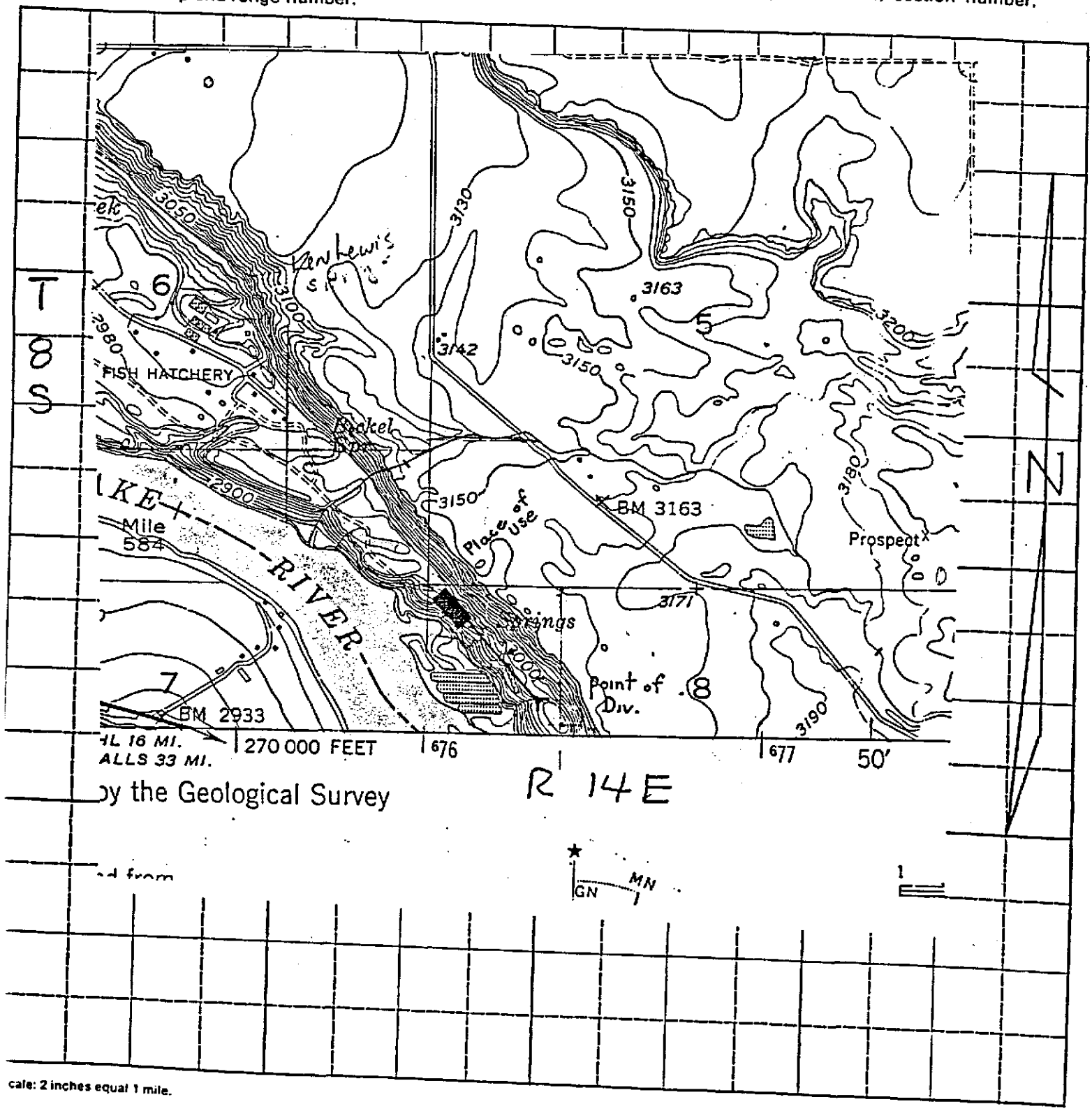
_____

_____

MICROFILMED

MAR 2 6 2003

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



cale: 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.

MICROFILMED
MAR 0 6 2003

Pisces Investments, Inc
J. Evan Allen, V.P.
(Applicant)

Received by HJ Date 5-9-88 Time 1:30 P.M. Preliminary check by JG Clanton

Fee $ 675.00 ck 562 Receipted by M. Baldwin # 5000 210 Date 5/12/88

Publication prepared by M Baldwin Date 7/18/88 Published in Post Register, ID. Statesman, Gooding Co. Leader Times, Lewiston am. Tribune

Publication approved _____ Date _____

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.

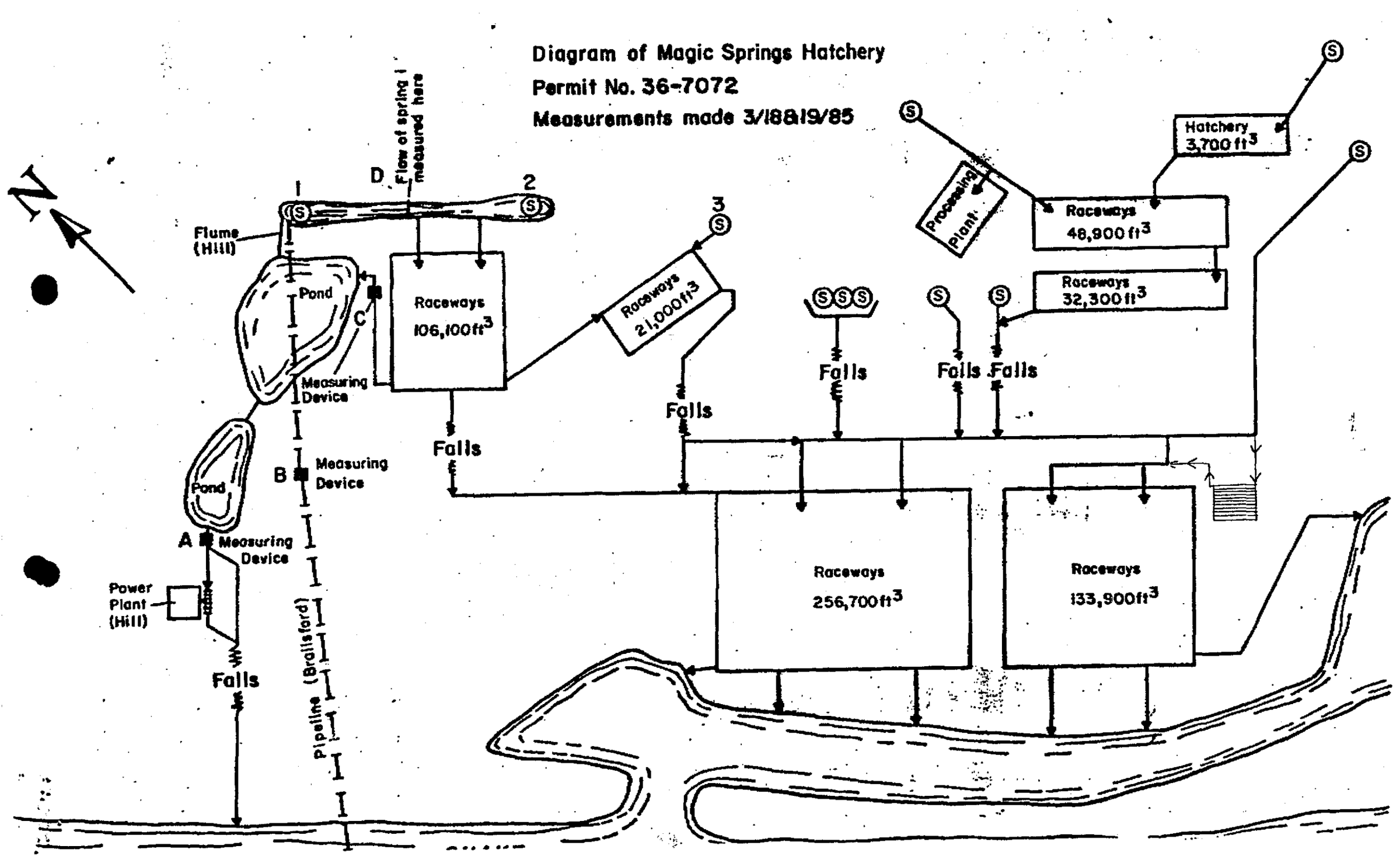
   e. Other:

MICROFILMED
MAR 0 6 2003

Diagram of Magic Springs Hatchery

Permit No. 36-7072

Measurements made 3/18&19/85



1 208 733 0325 PAGE.005
JAN 24 '90 15:57

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY R. McDANIEL
GARY D. SLETTE
F. BRUCE COVINGTON
JERRY JENSEN
CAROLYN M. MINDER
BRUCE M. SMITH
G. RICHARD BEVAN
GARY L. QUIGLEY
TIM J. WILLIAMS
JUSTIN R. SEAMONS

1020 MAIN STREET
SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

August 29, 1990

Yvonne S. Ferrell, Director
Department of Parks
and Recreation
2177 Warm Springs Avenue
Boise, Idaho 83720

Re: Application for Permit to Appropriate Water No. 36-08356 in the Name of Pisces Investments, Inc.

Dear Sir:

I represent Pisces Investments, Inc., the applicant for the above-referenced permit on file with the Idaho Department of Water Resources. The IDWR has asked, pursuant to their Rule No. 4,5,3,5,1, that the applicant seek comments from the Department of the Idaho Department of Parks and Recreation concerning the application, which I am hereby requesting.

The application is for the reuse of water at the existing Magic Springs Trout Farm in Hagerman Valley, which is owned and operated by Pisces Investments, Inc.

The application is being sought in order that the trout rearing facilities at the Magic Springs Trout Farm can be expanded to include 20 narrow concrete raceways for the production of small rainbow trout, each raceway containing two ponds. The dimensions of the ponds are 6 feet wide by 80 feet long by 3 1/2 feet deep. I want to emphasize that the project does not involve the appropriation, diversion or use of any water which is not presently being used in the existing facilities at Magic Springs Trout Farm pursuant to an existing license issued by the IDWR. This application is merely for permission to reuse a portion of the water (approximately 45 cfs) now flowing through concrete raceways at the facility. The point of diversion from the natural stream will not change, as the water will be diverted from an existing canal on the premises. The application also does not involve any change of the points where water from the Magic Springs Trout Farm is

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MAR 0 6 2003

EXHIBIT K

discharged into the Snake River estuary, nor the amount of water being discharged at the five existing discharge points. All of the water which is sought in this permit will run through the new raceways, and be returned for use in the existing raceways. I have enclosed herewith a diagram of the Magic Springs Trout Farm which shows the existing raceways, water flows and discharge points. In red, I have indicated the location of the proposed expansion raceways and have indicated, by arrow, where the water will inflow to those raceways and where it will be returned back to the existing raceways. All of the water will be subject to the waste water management system now being utilized at Magic Springs Trout Farm.

It should also be noted that the water being discharged from the Magic Springs Trout Farm is regulated by the U.S. Environmental Protection Agency, pursuant to an NPDES permit issued to Pisces Investments, Inc. The new raceways, and all discharges therefrom, shall similarly be included in the NPDES for the facility. The U.S. Environmental Protection Agency has been notified of the proposed expansion, and have been asked to include the proposed raceways into the new NPDES permit which is pending for the facility.

The application will be considered by the IDWR on the 19th of September, 1990. I would appreciate very much receiving your comments on the proposal prior to that time. Your comments may be sent to me, to Mr. Lauren O. Holmes, Southern Region Manager, Idaho Department of Water Resources, 2148 Fourth Avenue East, Twin Falls, Idaho 83301, or to Gary Spackman, Manager, Water Right Permit Section, Idaho Department of Water Resources, 1301 N. Orchard Street, Statehouse Mail, Boise, Idaho 83720. In the event your comments go directly to the Department of Water Resources, I would appreciate a copy of those comments. I am not aware of any jurisdiction which your department may have over the proposed reuse of water within the Magic Springs facility, or the expansion of the additional facilities for the rearing of small rainbow trout. However, the IDWR has asked that I seek your comments, and I would appreciate receiving them at your earliest convenience to avoid further delay in the processing of our application. Thank you very much for your cooperation.

Sincerely,

J. Evan Robertson

50591
Enclosure

MICROFILMED
MAR 0 6 2003

Form 202
6/85

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Pisces Investments, Inc. Phone 733-4631

   Post office address Box 701 Twin Falls, ID 83303-701

2. Source of water supply Springs which is a tributary of Snake River

3. Location of point of diversion is SE ¼ of NW ¼ of NW ¼, Govt. Lot 1

   Sec. 8 Township 8S Range 14E B.M. Gooding County; additional

   points of diversion if any: _____

4. Water will be used for the following purposes:

   Amount 45.00cfs (cfs or acre-feet per annum) for fish propagation purposes from 01-01 to 12-31 (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated is (a) 45.00 cfs (cubic feet per second) and/or (b) _____ (acre feet per annum)

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Head Ditch, raceways. 20 Raceways (40 ponds) 6' wide x 80' long

   b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

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

   d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (*minimum 1 year*).

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MAR 0 6 2003

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

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

_____

_____

9. Description of place of use:

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

b. 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	
8S	14E	8						Ltl X											

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 36-7072

_____

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

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

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: _____

_____

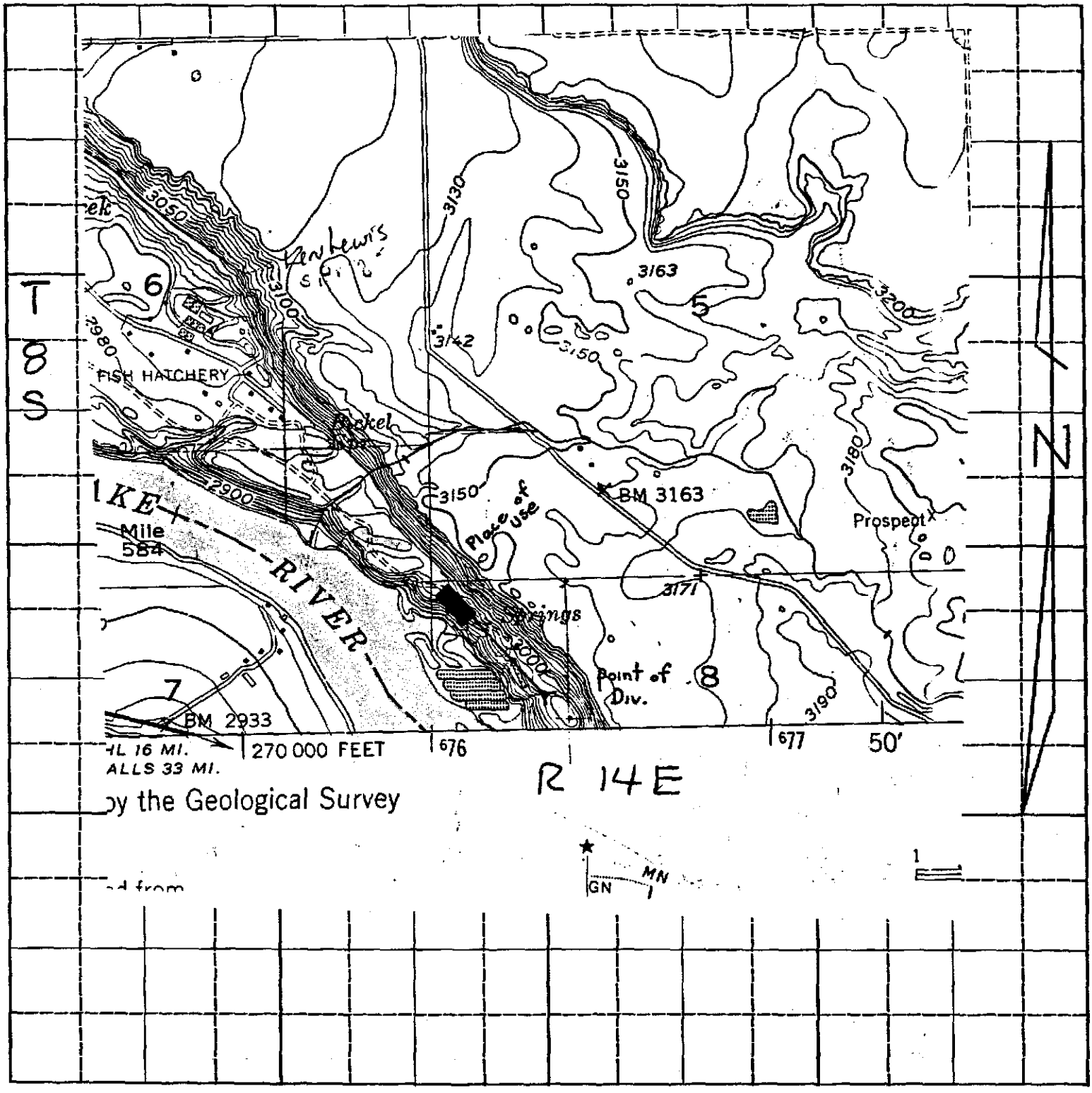
_____

_____

MICROFILMED

MAR 2 6 2003

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.

Pisces Investments, Inc
Duane Allen, V.P.
(Applicant)

MICROFILMED
MAR 0 6 2003

Received by MT Date 9-9-88 Time 1:30 PM Preliminary check by _____

Fee $ 625.00 Receipted by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

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____.

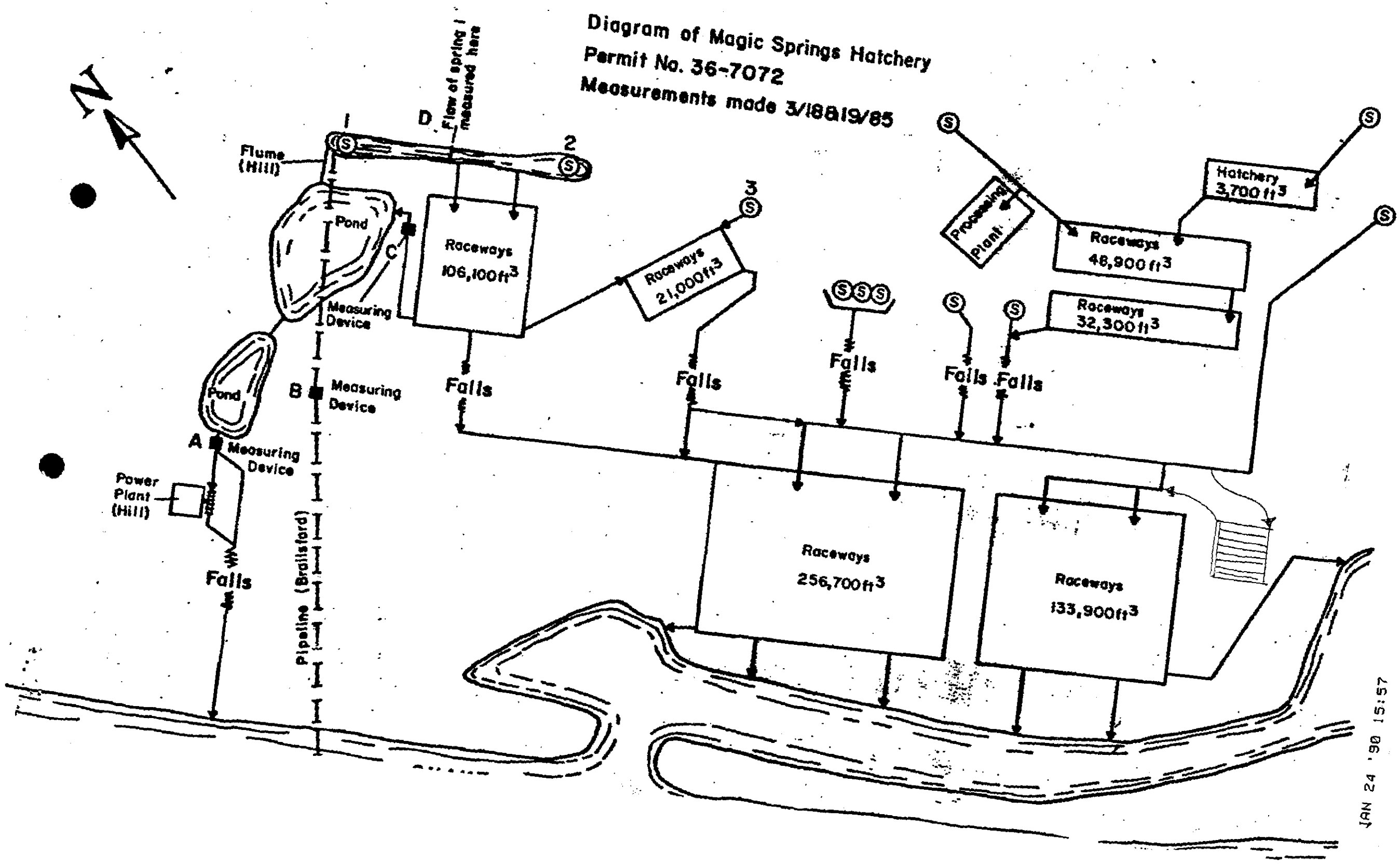
   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   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:

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MAR 3 5 2003

Diagram of Magic Springs Hatchery
Permit No. 36-7072
Measurements made 3/18&19/85



1 208 733 0325 PAGE.005
JAN 24 '90 15:57

RECEIVED AUG 3 0 1990

APPLICATION FOR NPDES PERMIT RENEWAL

Office Copy

PISCES
INVESTMENTS,
INC.
P.O. Box 701
Twin Falls, ID 83303-0701

April 28, 1989

Jeannine Brown
U.S. Environmental Protection Agency
1200 Sixth Avenue, Mail Stop WD-134
Seattle, WA 98101

Re: ID-000097-3 (Magic Springs Hatchery)

Dear Ms. Brown

We submit for your approval and reissuance of our National Pollutant Discharge Elimination System permit the following information:

1. NPDES application forms 1, 2B

2. Response to questions regarding operating practices and a list of drugs and chemicals used.

3. Schematic drawings of the facility which include:

   - individual raceways and ponds,
   - water flow patterns,
   - waste treatment ponds,
   - discharge points,
   - influent and effluent monitoring points, and
   - receiving waters.

These drawings do not include an overall view with all things in perspective to one another. We were unable to complete a survey which would allow a more detailed representation of boundaries, buildings, ponds, etc., in the short time allowed. These will be forwarded as soon as they are available.

We would also be interested to known when we might expect to see a draft of the proposed new permits.

MICROFILMED
MAR 0 6 2003

Sincerely,

Michael G. Greene, President
Pisces Investments, Inc.

EXHIBIT L

Pisces Investments, Inc.
E.P.A. I.D. #ID000097-3

This facility is operated on a year-round basis. Is is not a farm pond operation.

Pisces Investments, Inc.'s Magic Springs Hatchery uses an off-line vacuum waste treatment facility. In general the ponds are cleaned on a schedule of approximately 21 to 35 days. If unusual accumulations of waste are observed, and/or individual ponds indicate more or less frequent vacuuming, then the schedule is adjusted up or down to meet those demands.

The solids are removed from the ponds via the vacuuming system, conveyed by pipe to a series of off-line concrete settling lagoons.

Screens have been placed at the end of each raceway to create a quiescent settling area for solids to settle out.

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MAR 0 6 2003

Please print or type in the unshaded areas only
(fill—in areas are spaced for elite type, i.e., 12 characters/inch).

Form Approved. OMB No. 2040-0086 Approval expires 7-31-

FORM 1 GENERAL

U.S. ENVIRONMENTAL PROTECTION AGENCY

GENERAL INFORMATION

Consolidated Permits Program

(Read the "General Instructions" before starting.)

I. EPA I.D. NUMBER: F I D 0 0 0 0 9 7 - 3

LABEL ITEMS

I. EPA I.D. NUMBER

III. FACILITY NAME

V. FACILITY MAILING ADDRESS

VI. FACILITY LOCATION

PLEASE PLACE LABEL IN THIS SPACE

GENERAL INSTRUCTIONS

If a preprinted label has been provided, af it in the designated space. Review the infor ation carefully; if any of it is incorrect, cr through it and enter the correct data in appropriate fill—in area below. Also, if any the preprinted data is absent *(the area to left of the label space lists the informati that should appear)*, please provide it in proper fill—in area(s) below. If the label complete and correct, you need not compl Items I, III, V, and VI *(except VI-B wh must be completed regardless)*. Complete Items if no label has been provided. Refer the instructions for detailed item descr tions and for the legal authorizations unc which this data is collected.

II. POLLUTANT CHARACTERISTICS

INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold—faced terms.

SPECIFIC QUESTIONS	MARK 'X' YES	NO	FORM ATTACHED
A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)		X	
B. Does or will this facility *(either existing or proposed)* include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)	X		X
C. Is this a facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 2C)		X	
D. Is this a proposed facility *(other than those described in A or B above)* which will result in a discharge to waters of the U.S.? (FORM 2D)		X	
E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)		X	
F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)		X	
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)		X	
H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)		X	
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X	
J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X	

III. NAME OF FACILITY

1 SKIP: MAGIC SPRINGS HATCHERY

IV. FACILITY CONTACT

A. NAME & TITLE (last, first, & title)	B. PHONE (area code & no.)
2 GREENE, MICHAEL PRESIDENT	208 733 4631

V. FACILITY MAILING ADDRESS

A. STREET OR P.O. BOX: 3 PO BOX 701

B. CITY OR TOWN	C. STATE	D. ZIP CODE
4 TWIN FALLS	ID	83303

VI. FACILITY LOCATION

A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER: 5 3059-K NATIONAL FISH HATCHERY ROAD

B. COUNTY NAME: GOODING

C. CITY OR TOWN	D. STATE	E. ZIP CODE	F. COUNTY CODE (if known)
6 HAGERMAN	ID	83332	

MICROFILMED

EPA Form 3510-1 (Rev. 10-80)

CONTINUE ON REVERS

CONTINUED FROM THE FRONT

VII. SIC CODES (4-digit, in order of priority)

A. FIRST: 0921 (specify) REARING RAINBOW TROUT

B. SECOND: 7 (specify) N/A

C. THIRD: 7 (specify) N/A

D. FOURTH: 7 (specify) N/A

VIII. OPERATOR INFORMATION

A. NAME: PISCES INVESTMENTS, INC.

B. Is the name listed in Item VIII-A also owner? [X] YES [ ] NO

C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box; if "Other", specify.)
F = FEDERAL; M = PUBLIC (other than federal or state); S = STATE; O = OTHER (specify); P = PRIVATE

(specify)

D. PHONE (area code & no.): A

E. STREET OR P.O. BOX: PO BOX 701

F. CITY OR TOWN: TWIN FALLS

G. STATE: ID

H. ZIP CODE: 83301

IX. INDIAN LAND

Is the facility located on Indian lands? [ ] YES [X] NO

X. EXISTING ENVIRONMENTAL PERMITS

A. NPDES (Discharges to Surface Water): N ID 000097-3

D. PSD (Air Emissions from Proposed Sources): P

B. UIC (Underground Injection of Fluids): U

E. OTHER (specify)

(specify)

C. RCRA (Hazardous Wastes): R

E. OTHER (specify)

(specify)

XI. MAP

Attach to this application a topographic map of the area extending to at least one mile beyond property bounderies. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements.

XII. NATURE OF BUSINESS (provide a brief description)

PROPAGATION OF RAINBOW TROUT (ONCORHYNCHUS-MYKISS)

MICROFILMED

MAR 0 6 2003

XIII. CERTIFICATION (see instructions)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (type or print)	B. SIGNATURE	C. DATE SIGNED
MICHAEL G. GREENE, PRESIDENT		4/28/89

COMMENTS FOR OFFICIAL USE ONLY

C

See the instructions on the reverse.
Please print or type in the unshaded areas only.

EPA I.D. NUMBER (copy from Item 1 of Form 1)
ID 000097-3

Form Approved.
OMB No. 2040-0086.
Approval expires 7-31-88.

FORM 2B NPDES

EPA

U.S. ENVIRONMENTAL PROTECTION AGENCY
APPLICATION FOR PERMIT TO DISCHARGE WASTEWATER
CONCENTRATED ANIMAL FEEDING OPERATIONS AND AQUATIC ANIMAL PRODUCTION FACILITIES
Consolidated Permits Program

I. GENERAL INFORMATION

A. TYPE OF BUSINESS	B. LEGAL DESCRITION OF FACILITY LOCATION	C. FACILITY OPERATION STATUS
☐ 1. CONCENTRATED ANIMAL FEEDING OPERATION (complete items B, C, and Section II) ☐ 2. CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITY (complete items B,C, and Section III)	SEE ATTACHMENT #1	☒ 1. EXISTING FACILITY ☐ 2. PROPOSED FACILITY

II. CONCENTRATED ANIMAL FEEDING OPERATION CHARACTERISTICS

A. TYPE & NUMBER OF ANIMALS IN OPEN CONFINEMENT & HOUSED UNDER ROOF

1. TYPE	2. NO. IN OPEN CONFINEMENT	3. NO. HOUSED UNDER ROOF	B. NO. OF ACRES FOR CONFINEMENT FEEDING
N/A	N/A	N/A	

C. If there is open confinement, has a runoff diversion and control system been constructed?
☐ YES (complete items 1, 2, & 3 below)
☐ NO (go to Section IV)

1. What is the design basis for the control system?

a. ☐ 10 YEAR, 24 - HOUR STORM (specify inches)	INCHES	b. ☐ 25 YEAR, 24 — HOUR STORM (specify inches)	INCHES	c. OTHER (specify inches & type)	INCHES	TYPE
	N/A		N/A		N/A	N/A

2. Report the number of acres of contributing drainage.	ACRES	3. Report the design safety factor	SAFETY FACTOR
	N/A		N/A

III. CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITY CHARACTERISTICS

A. For each outfall give the maximum daily flow, maximum 30 day flow, and the long term average flow.

1. OUTFALL NO.	2. FLOW (gallons per day) a. MAXIMUM DAILY	b. MAXIMUM 30 DAY	c. LONG TERM AVERAGE
#1 THRU #7	VARIES	VARIES	64.5 MGD--84.03 MGD
#8	VARIES	VARIES	VARIES

B. Indicate the total number of ponds, raceways, and similar structures in your facility.

1. PONDS	2. RACEWAYS	3. OTHER
150	N/A	N/A

C. Provide the name of the receiving water and the source of water used by your facility.

1. RECEIVING WATER	2. WATER SOURCE
SNAKE RIVER	THOUSAND SPRINGS

D. List the species of fish or aquatic animals held and fed at your facility. For each species, give the total weight produced by your facility per year in pounds of harvestable weight, and also give the maximum weight present at any one time.

1. COLD WATER SPECIES a. SPECIES	b. HARVESTABLE WEIGHT (pounds) (1) TOTAL YEARLY	(2) MAXIMUM	2. WARM WATER SPECIES a. SPECIES	b. HARVESTABLE WEIGHT (pounds) (1) TOTAL YEARLY	(2) MAXIMUM
RAINBOW TROUT (ONCORHYNCHUS-MYKISS)	17 TO 25 THOUSAND LBS PER CFS PER YEAR	VARIES WITH SIZE OF FISH, SEASONAL WATER VOLUME CHANGES.	N/A/	N/A	N/A

E. Report the total pounds of food fed during the calendar month of maximum feeding.

1. MONTH	2. POUNDS OF FOOD
DECEMBER	300,000

IV. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (print or type)	B. PHONE NO. (area code & no.)
MICHAEL G. GREENE, PRESIDENT	208 733 4631
C. SIGNATURE	D. DATE SIGNED
	4/28/89

EPA Form 3510-2B (6-80)

THIS FORM REPLACES EPA FORMS 7550-7 & 7550-7A WHICH ARE O[illegible]LETE

PISCES INVESTMENTS, INC., OWNERS AND OPERATORS OF THE MAGIC SPRINGS HATCHERY HAS DISCONTINUED PROCESSING, AND THE FACILITY HAS BEEN TORN DOWN.

THEREFORE, FORM2C WILL NOT BE COMPLETED.

MICROFILMED
MAR 0 6 2003

Please print or type in the unshaded areas only.

EPA I.D. NUMBER (copy from Item 1 of Form 1)

Form Approved.
OMB No. 2000-0059
Approval expires 12-31-85

FORM 2C NPDES

EPA

U.S. ENVIRONMENTAL PROTECTION AGENCY
APPLICATION FOR PERMIT TO DISCHARGE WASTEWATER
EXISTING MANUFACTURING, COMMERCIAL, MINING AND SILVICULTURAL OPERATIONS
Consolidated Permits Program

I. OUTFALL LOCATION

For each outfall, list the latitude and longitude of its location to the nearest 15 seconds and the name of the receiving water.

A. OUTFALL NUMBER (list)	B. LATITUDE			C. LONGITUDE			D. RECEIVING WATER (name)
	1. DEG.	2. MIN.	3. SEC.	1. DEG.	2. MIN.	3. SEC.	

II. FLOWS, SOURCES OF POLLUTION, AND TREATMENT TECHNOLOGIES

A. Attach a line drawing showing the water flow through the facility. Indicate sources of intake water, operations contributing wastewater to the effluen and treatment units labeled to correspond to the more detailed descriptions in Item B. Construct a water balance on the line drawing by showing averag flows between intakes, operations, treatment units, and outfalls. If a water balance cannot be determined *(e.g., for certain mining activities)*, provide pictorial description of the nature and amount of any sources of water and any collection or treatment measures.

B. For each outfall, provide a description of: (1) All operations contributing wastewater to the effluent, including process wastewater, sanitary wastewate cooling water, and storm water runoff; (2) The average flow contributed by each operation; and (3) The treatment received by the wastewater. Contin on additional sheets if necessary.

1. OUTFALL NO. (list)	2. OPERATION(S) CONTRIBUTING FLOW		3. TREATMENT	
	a. OPERATION (list)	b. AVERAGE FLOW (include units)	a. DESCRIPTION	b. LIST CODES FR TABLE 2C-1

C. Except for storm runoff, leaks, or spills, are any of the discharges described in Items II-A or B intermittent or seasonal?

☐ YES *(complete the following table)* ☐ NO *(go to Section III)*

1. OUTFALL NUMBER *(list)*	2. OPERATION(s) CONTRIBUTING FLOW *(list)*	3. FREQUENCY		4. FLOW				
		a. DAYS PER WEEK *(specify average)*	b. MONTHS PER YEAR *(specify average)*	a. FLOW RATE *(in mgd)*		b. TOTAL VOLUME *(specify with units)*		c. DURATION *(in days)*
				1. LONG TERM AVERAGE	2. MAXIMUM DAILY	1. LONG TERM AVERAGE	2. MAXIMUM DAILY	

III. PRODUCTION

A. Does an effluent guideline limitation promulgated by EPA under Section 304 of the Clean Water Act apply to your facility?

☐ YES *(complete Item III-B)* ☐ NO *(to to Section IV)*

B. Are the limitations in the applicable effluent guideline expressed in terms of production *(or other measure of operation)*?

☐ YES *(complete Item III-C)* ☐ NO *(go to Section IV)*

C. If you answered "yes" to Item III-B, list the quantity which represents an actual measurement of your level of production, expressed in the terms and units used in the applicable effluent guideline, and indicate the affected outfalls.

1. AVERAGE DAILY PRODUCTION			2. AFFECTED OUTFALLS *(list outfall numbers)*
a. QUANTITY PER DAY	b. UNITS OF MEASURE	c. OPERATION, PRODUCT, MATERIAL, ETC. *(specify)*	

IV. IMPROVEMENTS

A. Are you now required by any Federal, State or local authority to meet any implementation schedule for the construction, upgrading or operation of wastewater treatment equipment or practices or any other environmental programs which may affect the discharges described in this application? This includes, but is not limited to, permit conditions, administrative or enforcement orders, enforcement compliance schedule letters, stipulations, court orders, and grant or loan conditions.

☐ YES *(complete the following table)* ☐ NO *(go to Item IV-B)*

1. IDENTIFICATION OF CONDITION, AGREEMENT, ETC.	2. AFFECTED OUTFALLS		3. BRIEF DESCRIPTION OF PROJECT	4. FINAL COMPLIANCE DATE	
	a. NO.	b. SOURCE OF DISCHARGE		a. REQUIRED	b. PROJECTED

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B. OPTIONAL: You may attach additional sheets describing any additional water pollution control programs *(or other environmental projects which may affect your discharges)* you now have underway or which you plan. Indicate whether each program is now underway or planned, and indicate your actual or planned schedules for construction. ☐ MARK "X" IF DESCRIPTION OF ADDITIONAL CONTROL PROGRAMS IS ATTACHED

Drugs and Chemicals

Oxytetracycline Hydrochloride: Broad-sprectrum antibiotic.

Purpose and Use: To control both external and systemic bacterial infections of fish.

Expected Concentrations entering receiving water: Less than .001 ppm per day of treatment.

Neutralization: None. F.D.A. approved.

Sulfamerazine: Antibiotic mixed in feed.

Purpose and Use: Used to control systemic bacterial infections in fish.

Expected concentrations entering receiving waters: Less than .011 ppm per day of treatment.

Neutralization: None. F.D.A. approved.

Romet: Sulfadimethozine with ormetoprin enhancer, an antibiotic mixed in feed.

Purpose anduse: To control systemic bacterial infections in fish.

Expected concentrations entering receiving waters: Less than .011 ppm per day of treatment.

Neutralization: None. F.D.A. approved.

Potassium Permanganate, $KMnO_4$: An oxidizer.

Purpose and use: To promote dissolved oxygen enhancement, raceway disenfectant and bactericide.

Expected concentrations entering receiving waters: .10 to 3.0 ppm per day of treatment.

neutralization: By the dillution effects of the water.

Quaternarry Ammonium compounds: Bactericide.

Purpose and use: To kill external bacteria and disenfect ponds.

Expected concentrations entering receiving waters: Less than .2 ppm per day of treatment.

Neutralizations: None.

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Celated Copper Compounds: Algaecide.

Purpose and use: Pond disenfectant and to kill algae.

Expected concentrations entering receiving waters: Less than 2 ppm per day of treatment.

Neutralization: None.

Copper Sulfate, CoSo4: Algaecide.

Purpose and Use: Pond disenfection and to kill algae.

Expected concentration entering receiving waters: Less than 2 ppm per day of treatment.

Neutralization: None.

Iodophores: Germicide, non selective.

Purpose and Use: Disenfection of eggs and equipment.

Expected concentration entering receiving waters: 0.0

Neutralization: None.

Calcium Hyprochloride: Disenfectant.

Purpose and Use: Disenfectant and sanitizer for ponds and equipment.

Expected concentration entering receiving waters: 0.0

Neutralization: Sodium Thiosulfate in 1 to 1 ratio.

Sodium chloride: Salt

Purpose and Use: To enhance osmoregulatatory system, remove excess gill mucous.

Expected concentration entering receiving waters: Less than .1% per day of treatment.

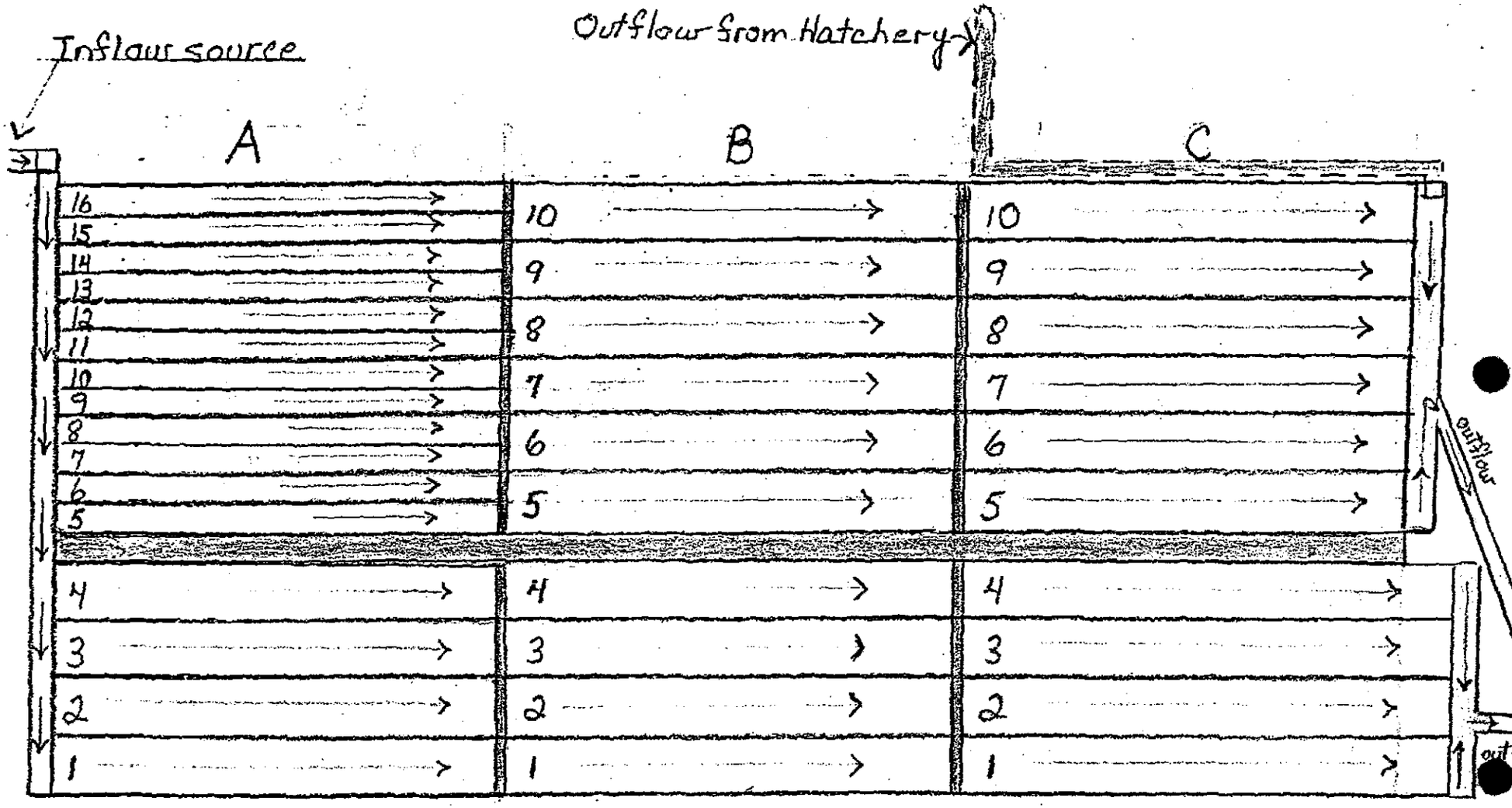
Formalin: 37% formaldehyde gas.

Purpose and Use: Disenfectant, fungi and parasite control on trout eggs.

Expected concentration entering receiving waters: Less than .01 ppm per day of treatment.

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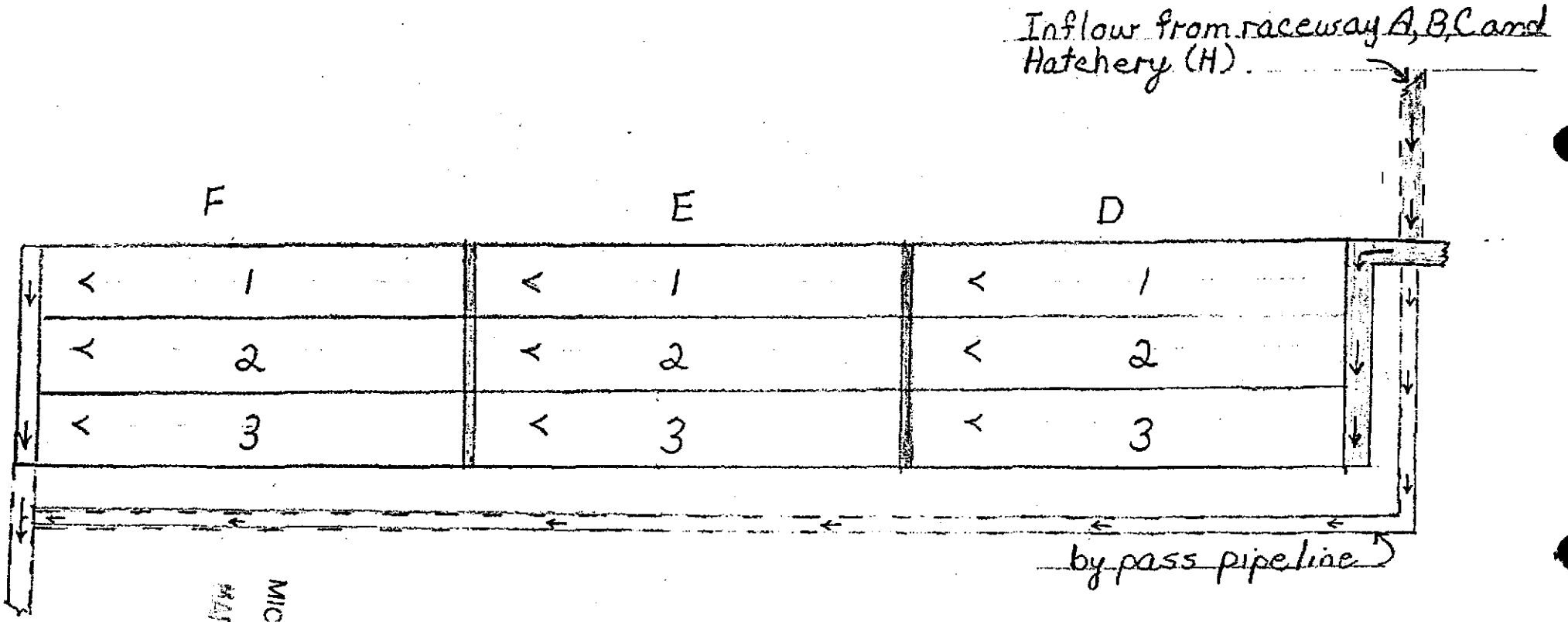
Neutralization: None.



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Diagram # 2

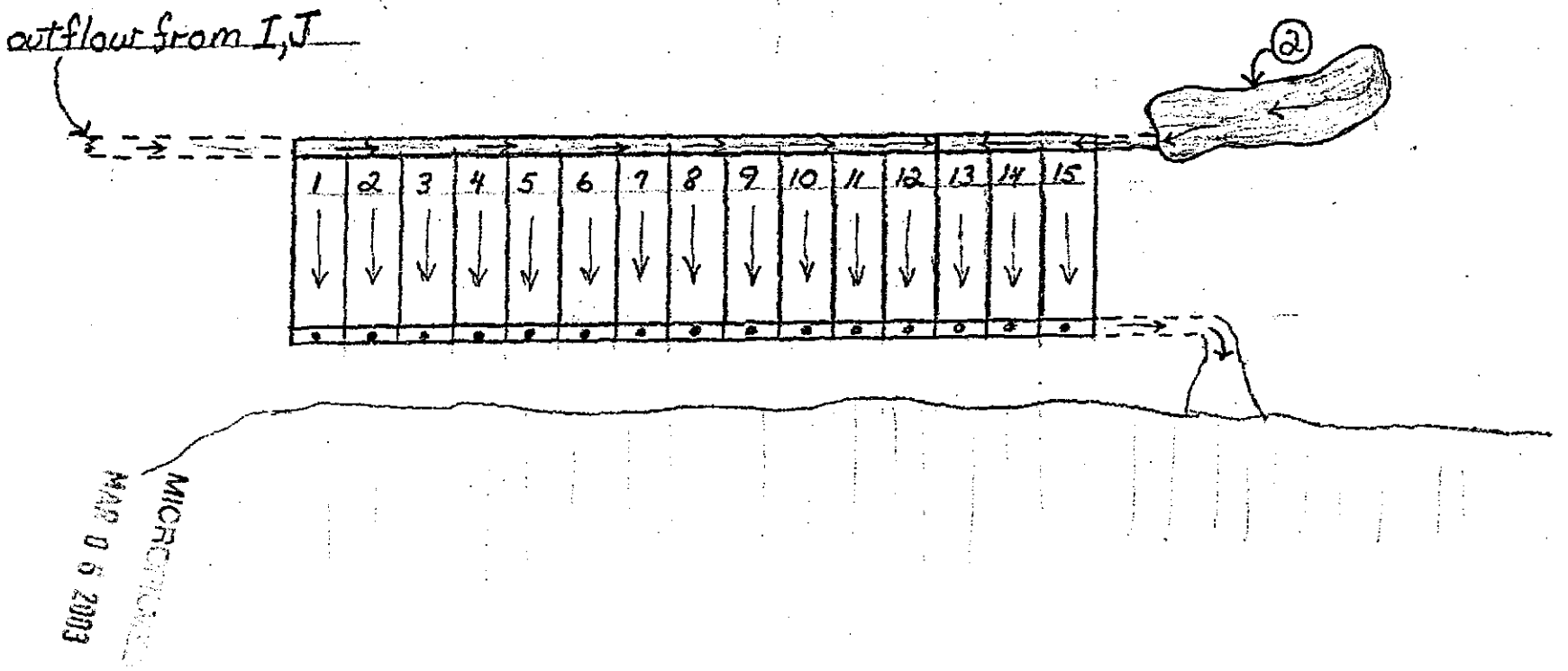
Pisces Investments Incorporated
Diagram: A, B and C raceways



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MAR 0 6 2003

Pisces Investments Incorporated
Diagram : D, E and F raceways

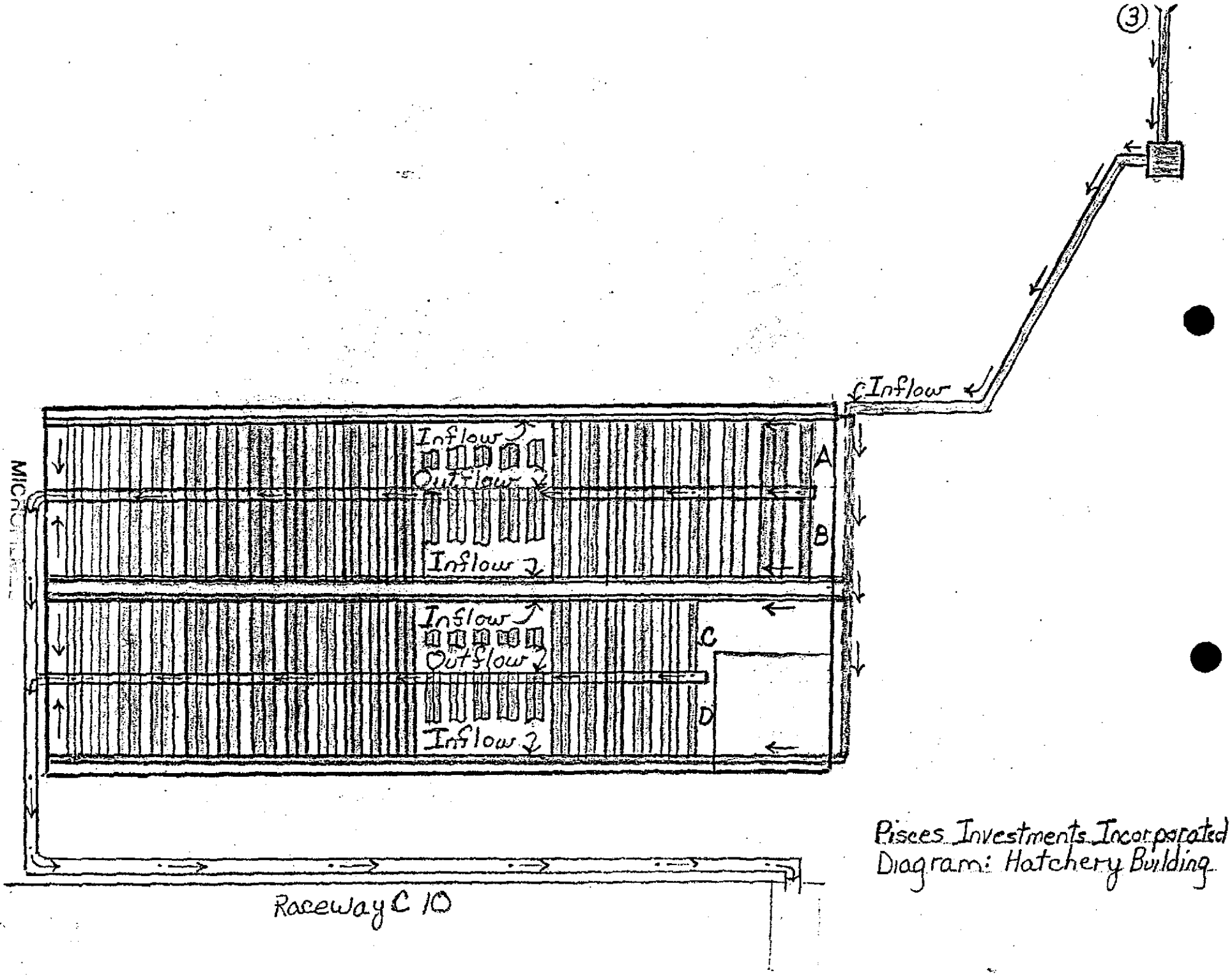
Diagram #3



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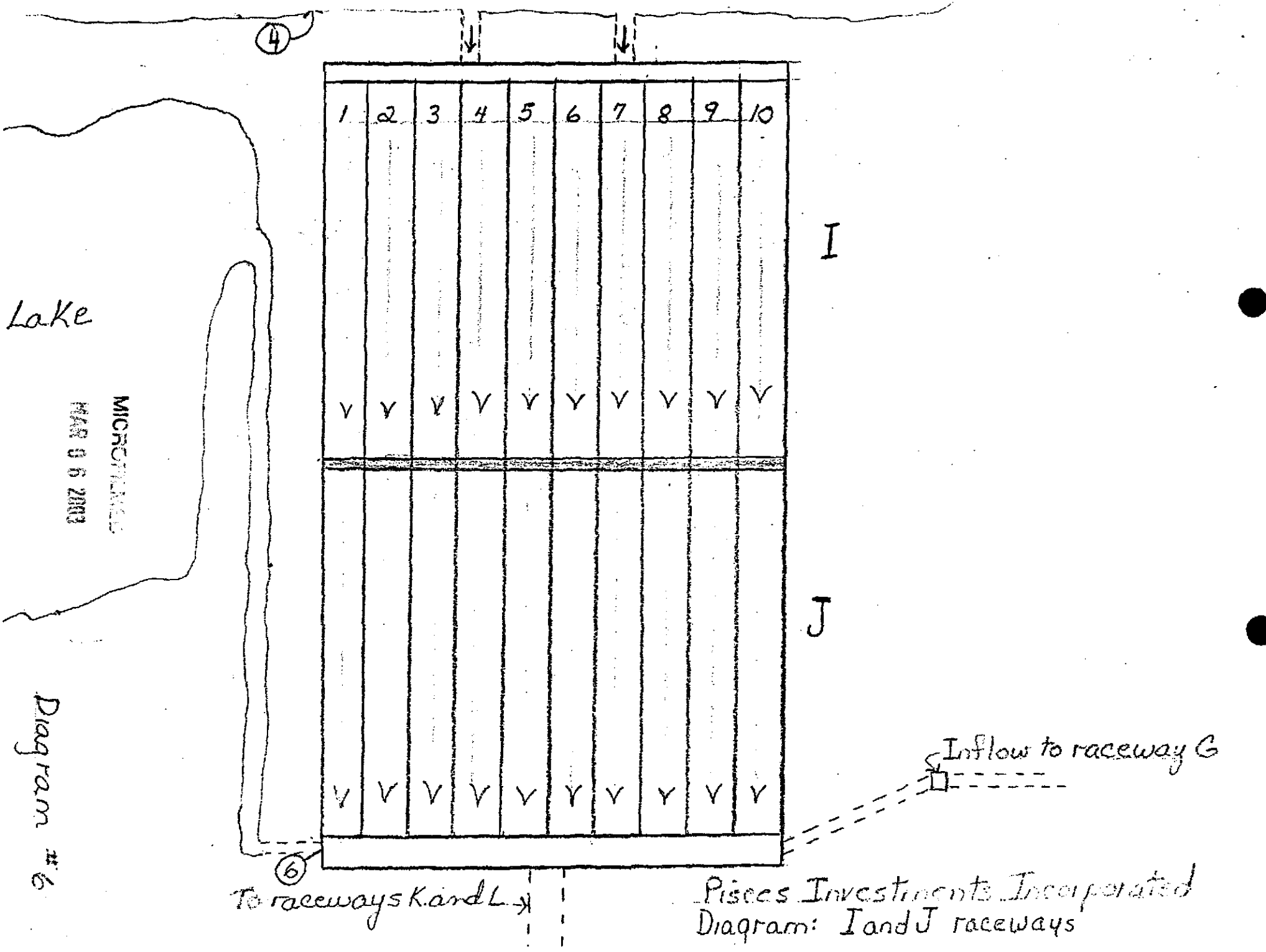
Diagram # 4

Pisces Investments Incorporated
Diagram: Graceways



Pisces Investments Incorporated
Diagram: Hatchery Building

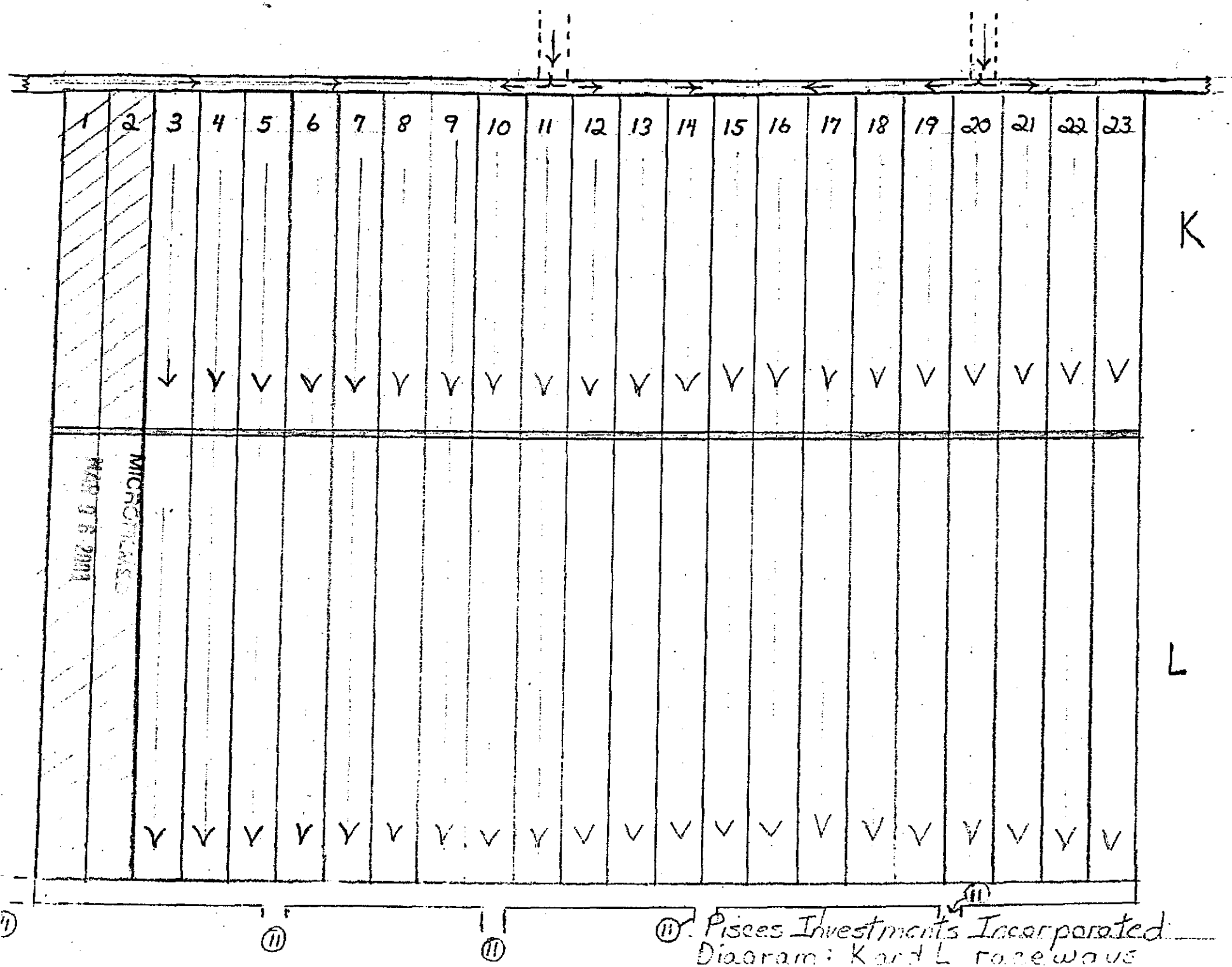
Diagram #5

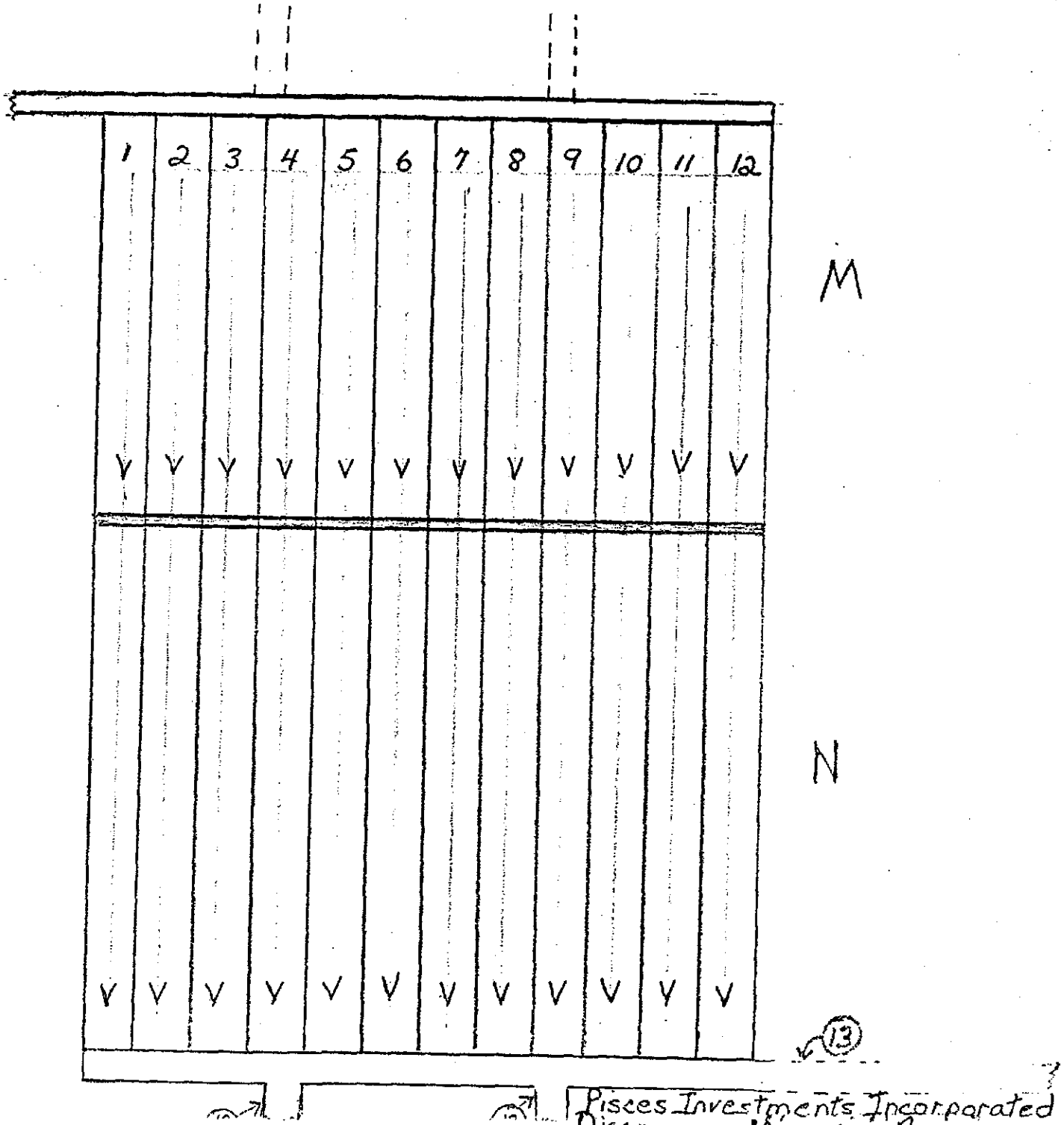


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Pisces Investments Incorporated
Diagram: I and J raceways

Diagram #6


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Pisces Investments Incorporated
Diagram: K and L raceways



Pisces Investments Incorporated
Diagram: M & N Raceways

Diagram #8

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Diagram #9

Pisces Investments, Incorporated
Diagram: discharge monitoring

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PISCES INVESTMENTS, INC.
NPDES PERMIT NO. ID 000097-3

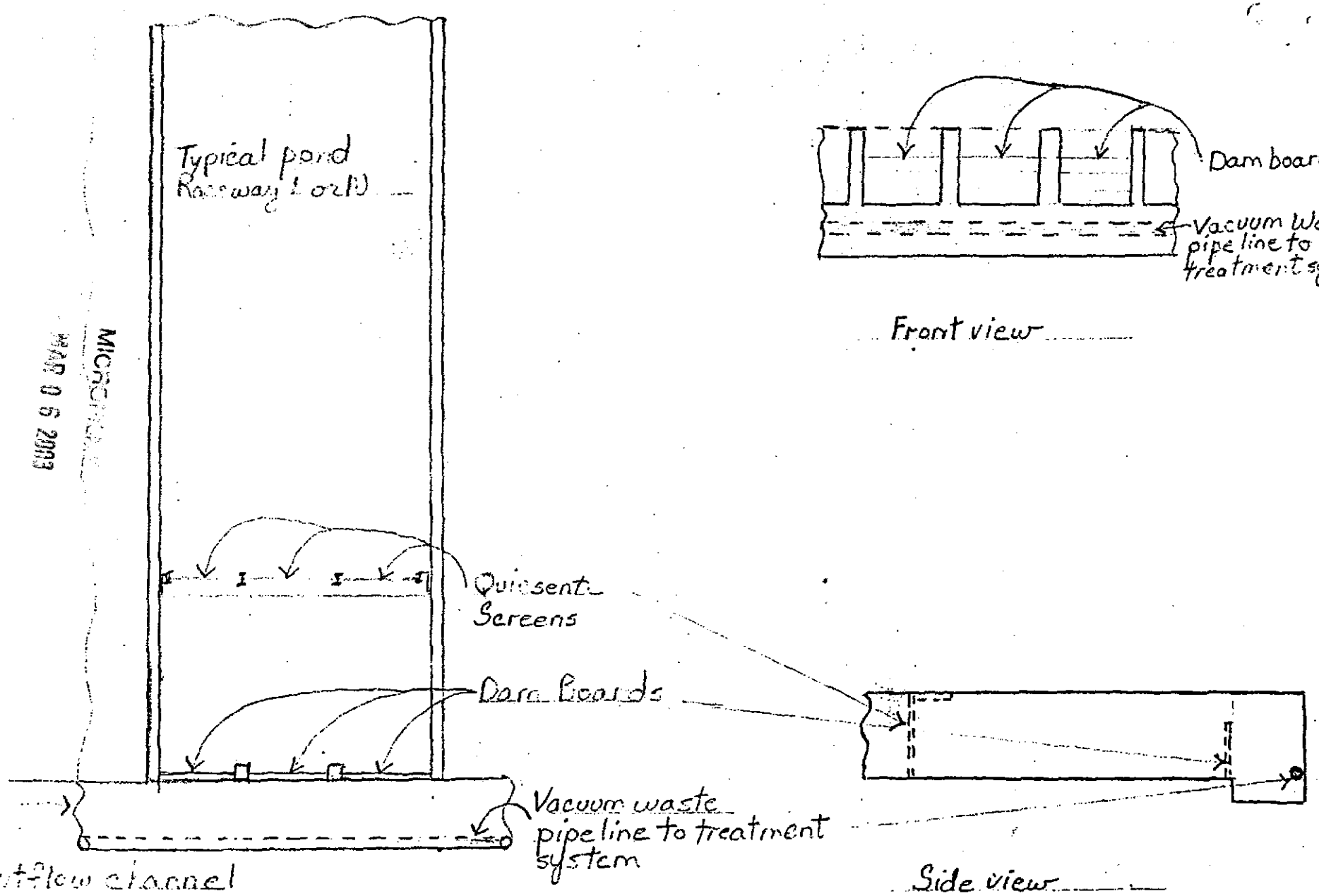
The vacuum waste treatment system installed at Magic Springs Hatchery consists of three concrete settling lagoons, each 10 feet wide, 4 feet deep, and 118 feet in length. A ramp at one end of each facilitates mechanical removal of dried solids. Each lagoon is equiped with three surface scrapers at approximately 30 foot intervals. In addition, a baffle is placed 4 feet from the outflow pipe. Solids enter the settling lagoons from a series of valves designed to allow the drying of one lagoon while the others are in operation. (Diagram 14)

The vacuumed solids enter the settling lagoons from a pipeline attached to the inside wall of the outflow channel of raceways L and N. This pipe is 8 inches in diameter, and 565 feet long. Over the length of the pipe, there is a slope of 12 inches. Valved openings in th pipeline are placed approximately 45 feet apart, which allows for vacuuming the raceways in groups of three.

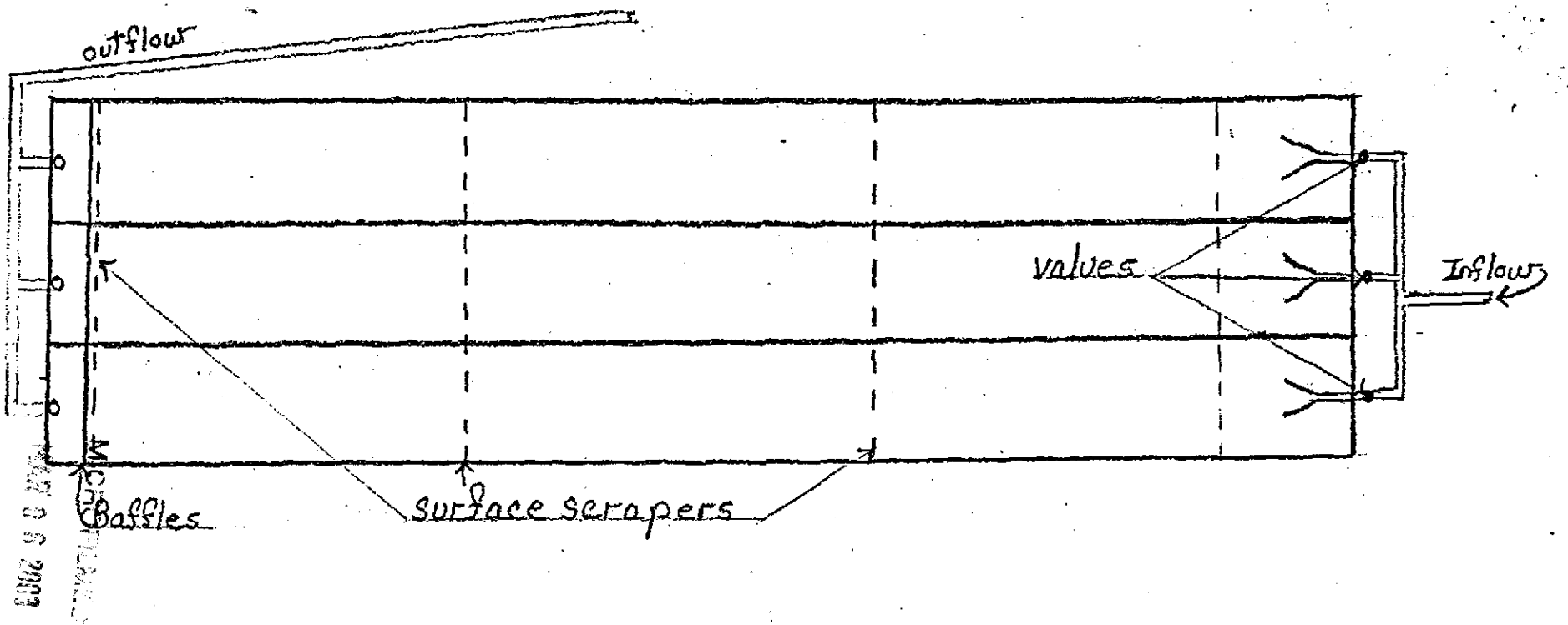
The pumping unit consists of a semi-open vane pump and a three-phase, 220 volt electric motor. The pump has a capacity of approximately three hundred gallons per minute, under normal useage.

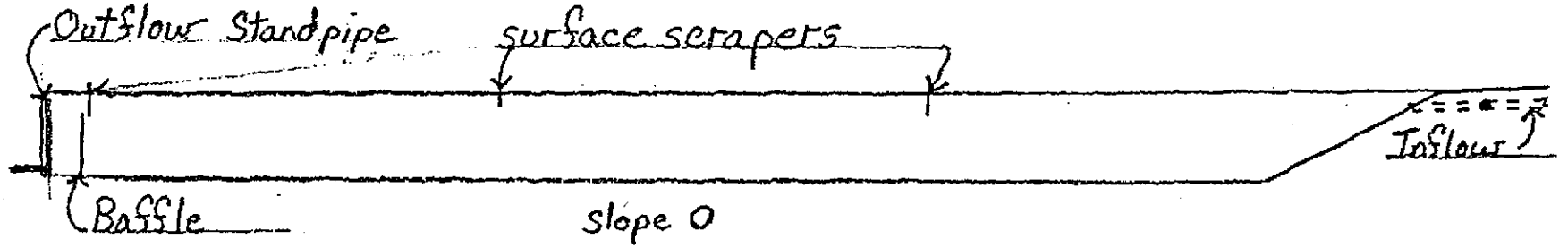
Quiesence screens were installed approximately 10 feet from the end of each usable pond in raceways 1 and N. This area is approximately 15 feet wide and 30 inches deep. (Diagram 15)

Each vacuum waste settling lagoon has a capacity of approximately 4720 cubic feet (35,305 gallons) or a total of 14,160 cubic feet (105,915 gallons) for the entire system. Pumping capacity at 300 gallons per minute yields a total settling lagoon retention time of approximately 5.88 hours per day.



Pisces Investments Incorporated
Diagram of Quiescent Screens





Pisces Investments Inc
Waste Treatment Lagoons

BEFORE THE DIRECTOR OF THE

DEPARTMENT OF WATER RESOURCES OF THE

STATE OF IDAHO

IN RE: Application for Permit to appropriate water No. 36-08356 in the name of Pisces Investments, Inc.	AFFIDAVIT OF DAVID VANENGELEN

* * * * * * * * * * *

STATE OF IDAHO)
) ss.
County of TWIN FALLS)

I, DAVID VANENGELEN, being first duly sworn on oath, depose and state:

1. That I am a certified public accountant, practicing and residing in Twin Falls, Idaho.

2. That I am, and for many years have been, an active water fowl hunter in the Snake River drainage in the Magic Valley area.

3. That I have for several years, including the 1989-90 hunting season, hunted property in the Hagerman Valley owned by Pisces Investments, Inc., and commonly known and referred to as the Magic Springs Trout Farm.

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 EXHIBIT M

4. That I primarily hunted ducks in and along the estuary separating Magic Springs Trout Farm from the Snake River (hereinafter referred to as "The Estuary").

5. That while hunting The Estuary I have witnessed a variety of waterfowl species, fish and fur-bearing mammals utilizing the water in The Estuary, after its discharge from the Magic Springs Trout Farm.

6. That during the time that I have hunted The Estuary, I have seen no indication that the water therein is stagnant, malodorous or unfit for fishing, hunting or other recreational pursuits.

7. While hunting in The Estuary, I have personally witnessed persons engaged in fur trapping, sport fishing and boating in The Estuary.

8. That the property encompassed by the Magic Springs Trout Farm, and owned by Pisces Investments, Inc., is the only property in the immediate area on which hunting is permitted. The property immediately upstream, owned by The Nature Conservancy, is posted against hunting and trespassing, and the property immediately downstream, which is controlled by the U.S. Fish & Wildlife Service, is not open to hunting.

9. I consider The Estuary to be an excellent resource for hunting, boating and fishing for the local public, and consider its continued availability for public access and recreational pursuits to be in the interest of the local public.

10. I am aware of the present proposal for additional trout-rearing pond development by Pisces Investments, Inc., and do not believe that that project, if approved by the Idaho

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Department of Water Resources, will have a negative impact upon the recreational value of The Estuary.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DAVID VANENGELEN

SUBSCRIBED and SWORN To before me this 10 day of ~~July~~ September, 1990.

Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 8-9-95

3765p

MICROFILMED
MAR 0 6 2003

BEFORE THE DIRECTOR OF THE

DEPARTMENT OF WATER RESOURCES OF THE

STATE OF IDAHO

IN RE:	
Application for Permit to appropriate water No. 36-08356 in the name of Pisces Investments, Inc.	AFFIDAVIT OF MICHAEL J. FLORENCE

* * * * * * * * * * *

STATE OF IDAHO)
) ss.
County of TWIN FALLS)

I, MICHAEL J. FLORENCE, D.D.S., M.S., being first duly sworn on oath, depose and state:

1. That I am a periodontist, practicing and residing in Boise, Idaho.

2. That I am an active waterfowl hunter in the Snake River drainage in the Magic Valley area.

3. That I have for several years, including the 1989-90 hunting season, hunted property in the Hagerman Valley owned by Pisces Investments, Inc., and commonly known and referred to as the Magic Springs Trout Farm.

4. That I primarily hunted ducks in and along the estuary separating Magic Springs Trout Farm from the Snake River (hereinafter referred to as "The Estuary").

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EXHIBIT N

5. That while hunting The Estuary I have witnessed a variety of waterfowl species, fish and fur-bearing mammals utilizing the water in The Estuary, after its discharge from the Magic Springs Trout Farm.

6. That during the time that I have hunted The Estuary, I have seen no indication that the water therein is stagnant, malodorous or unfit for fishing, hunting or other recreational pursuits.

7. While hunting in The Estuary, I have personally witnessed persons engaged in hunting, fishing and boating in The Estuary.

8. That the property encompassed by the Magic Springs Trout Farm, and owned by Pisces Investments, Inc., is the only property in the immediate area on which hunting is permitted. The property immediately upstream, owned by The Nature Conservancy, is posted against hunting and trespassing, and the property immediately downstream, which is controlled by the U.S. Fish & Wildlife Service, is not open to hunting.

9. I consider The Estuary to be an excellent resource for hunting, boating and fishing for the local public, and consider its continued availability for public access and recreational pursuits to be in the interest of the local public.

10. I am aware of the present proposal for additional trout-rearing pond development by Pisces Investments, Inc., and do not believe that that project, if approved by the Idaho Department of Water Resources, will have a negative impact upon the recreational value of The Estuary.

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MAR 0 8 2003

FURTHER YOUR AFFIANT SAYETH NAUGHT.

MICHAEL J. FLORENCE, D.D.S., M.S.

SUBSCRIBED and SWORN To before me this 10 day of September July, 1990.

Holly R. Reese
Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 8.9.95

3910p

MICROFILMED
MAR 06 2003

BEFORE THE DIRECTOR OF THE

DEPARTMENT OF WATER RESOURCES OF THE

STATE OF IDAHO

IN RE: Application for Permit to appropriate water No. 36-08356 in the name of Pisces Investments, Inc.	AFFIDAVIT OF RANDALL SLICKERS, M.D.

* * * * * * * * * * *

STATE OF IDAHO)
) ss.
County of TWIN FALLS)

I, RANDALL SLICKERS, M.D., being first duly sworn on oath, depose and state:

1. That I am a physician practicing and residing in Twin Falls, Idaho.

2. That I am, and for many years have been, an active water fowl hunter in the Snake River drainage in the Magic Valley area.

3. That I have for several years, including the 1989-90 hunting season, hunted property in the Hagerman Valley owned by Pisces Investments, Inc., and commonly known and referred to as the Magic Springs Trout Farm.

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EXHIBIT 0

4. That I primarily hunted ducks in and along the estuary separating Magic Springs Trout Farm from the Snake River (hereinafter referred to as "The Estuary").

5. That while hunting The Estuary I have witnessed a variety of waterfowl species, fish and fur-bearing mammals utilizing the water in The Estuary, after its discharge from the Magic Springs Trout Farm.

6. That during the time that I have hunted The Estuary, I have seen no indication that the water therein is stagnant, malodorous or unfit for fishing, hunting or other recreational pursuits.

7. While hunting in The Estuary, I have personally witnessed persons engaged in hunting, fishing and boating in The Estuary.

8. That the property encompassed by the Magic Springs Trout Farm, and owned by Pisces Investments, Inc., is the only property in the immediate area on which hunting is permitted. The property immediately upstream, owned by The Nature Conservancy, is posted against hunting and trespassing, and the property immediately downstream, which is controlled by the U.S. Fish & Wildlife Service, is not open to hunting.

9. I consider The Estuary to be an excellent resource for hunting, boating and fishing for the local public, and consider its continued availability for public access and recreational pursuits to be in the interest of the local public.

10. I am aware of the present proposal for additional trout-rearing pond development by Pisces Investments, Inc., and do not believe that that project, if approved by the Idaho

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Department of Water Resources, will have a negative impact upon the recreational value of The Estuary.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

RANDALL SLICKERS, M.D.

SUBSCRIBED and SWORN To before me this 10 day of September, 1990.

Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 8-95

3766p

MICRO

BEFORE THE DIRECTOR OF THE

DEPARTMENT OF WATER RESOURCES OF THE

STATE OF IDAHO

IN RE:	
Application for Permit to appropriate water No. 36-08356 in the name of Pisces Investments, Inc.	AFFIDAVIT OF LEON KLIMES

* * * * * * * * * * *

STATE OF IDAHO)
) ss.
County of TWIN FALLS)

I, LEON KLIMES, being first duly sworn on oath, depose and state:

1. That I am the General Manager of the Magic Springs Trout Farm, situated in the Hagerman Valley and owned by Pisces Investments, Inc., and that I have been so employed since 1985.

2. That during my employment as manager of the Magic Springs Trout Farm, I have had many occasion to observe the recreational activities on the estuary into which Magic Springs Trout Farm discharges its water, and the neighboring estuary belonging to The Nature Conservancy, which contains virgin spring water.

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EXHIBIT P

3. On numerous occasions, I have seen waterfowl hunting occurring on and around the Magic Springs estuary, but I have not witnessed any such activity on The Nature Conservancy estuary.

4. I have seen recreational fishing on both estuaries; however, the incidence of recreational fishing on the Magic Springs estuary is, in my opinion, more frequent.

5. I have seen a wide variety of waterfowl, aquatic birds, fish (of both game and non-game varieties), and fur-bearing mammals using the Magic Springs estuary.

6. I have personally allowed members of the public to hunt and fish in and about the Magic Springs estuary, and to access said estuary through property belonging to Pisces Investments, Inc.

7. I have never witnessed anyone wading, without wading boots, or swimming in either the Magic Springs estuary or the neighboring estuary belonging to The Nature Conservancy.

8. I am familiar with the proposed development of additional trout-rearing ponds on the Magic Springs Trout Farm presently under review by the Idaho Department of Water Resources, and hereby give testimony concerning the same as follows:

(a) That the application contemplates the reuse of water presently used in the existing trout-rearing ponds on the Magic Springs Trout Farm. No additional water will be appropriated or diverted.

(b) That the installation of the proposed trout-rearing ponds would not alter the points or amounts of water presently discharged into the estuary, inasmuch as all of the water used in the proposed ponds would be returned to existing ponds prior to discharge.

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(c) All water used in the proposed ponds, would be subject to the effluent treatment program presently implemented by Magic Springs Trout Farm prior to its discharge into the estuary. Said treatment includes the settling of solids in quiescent zones and vacuum removal of the same to off-line settling basins or eventual removal and land application.

(d) That the proposed development would not diminish or in any way adversely affect the water rights held by any third party.

(e) That all water used in the proposed ponds would be subject to the effluent discharge limitations imposed by the U.S. Environmental Protection Agency pursuant to the Clean Water Act through the NPDES permit issued by the EPA for the Magic Springs Trout Farm.

9. That to promote the local economic interest, Magic Springs Trout Farm purchased, from trade creditors situated within 40 miles from its boundaries, over a $950,000 during 1989, in supplies, services and merchandise, including gas, oil, lumber, hardware, trout rearing equipment, insurance, vehicles, fish feed and miscellaneous supplies. Further, the facility presently employees eight full-time and several part-time personnel, all of whom reside within reasonable proximity of the trout farm. The expansion for which application No. 36-08356 is sought would, in my estimation, require 1.5 to 2 additional employees.

10. That I am in charge of gathering and submitting for analysis by certified laboratories, water samples from the Magic Springs Trout Farm, including effluent, pursuant to the requirements of the U.S. Environmental Protection Agency.

11. That the Magic Springs Trout Farm has consistently met the water quality standards imposed upon it by the U.S. Environmental Protection Agency.

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12. That I am not aware of any outstanding water quality violation or alleged violation with respect to the water being discharged in the Magic Springs estuary.

13. That when my employment at the Magic Springs Trout Farm commenced in 1985, the facility was not operational, had no employees or inventory, and was contributing nothing to the local economy.

14. That, in my opinion as a general manager of Magic Springs Trout Farm, the proposed trout-rearing pond expansion now before the Idaho Department of Water Resources is reasonably necessary to assure the continued viability of the Magic Springs Trout hatchery as a commercial entity contributing to the local economy and local public interest in recreation, in the manner and to the extent set forth hereinabove.

15. That the purpose of the proposed new ponds is to allow the rearing of additional small rainbow trout. The maximum additional biomass generated by the anticipated production in the proposed ponds is 84,875 pounds, making the proposed expansion extremely small in relation to the existing facilities at the Magic Springs Trout Farm.

16. I estimate that the production from the proposed new ponds will necessitate the expenditure, in the local economy, of approximately $150,000 per year.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

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Leon Klimes

LEON KLIMES

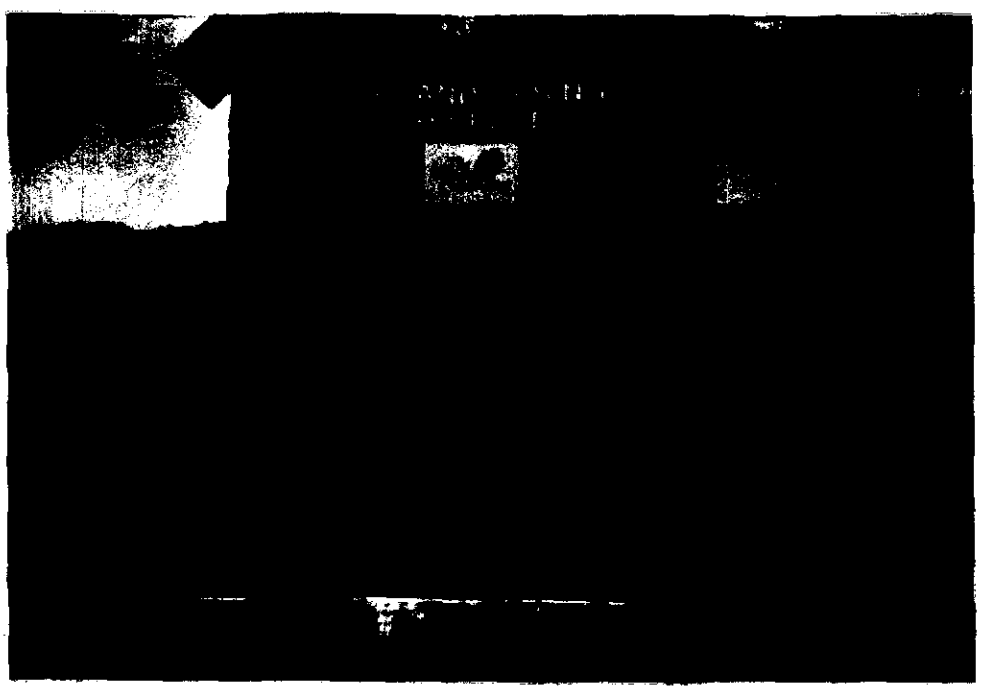
SUBSCRIBED and SWORN To before me this 6th day of ~~July~~ SEPTEMBER, 1990.

Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 12-2-92

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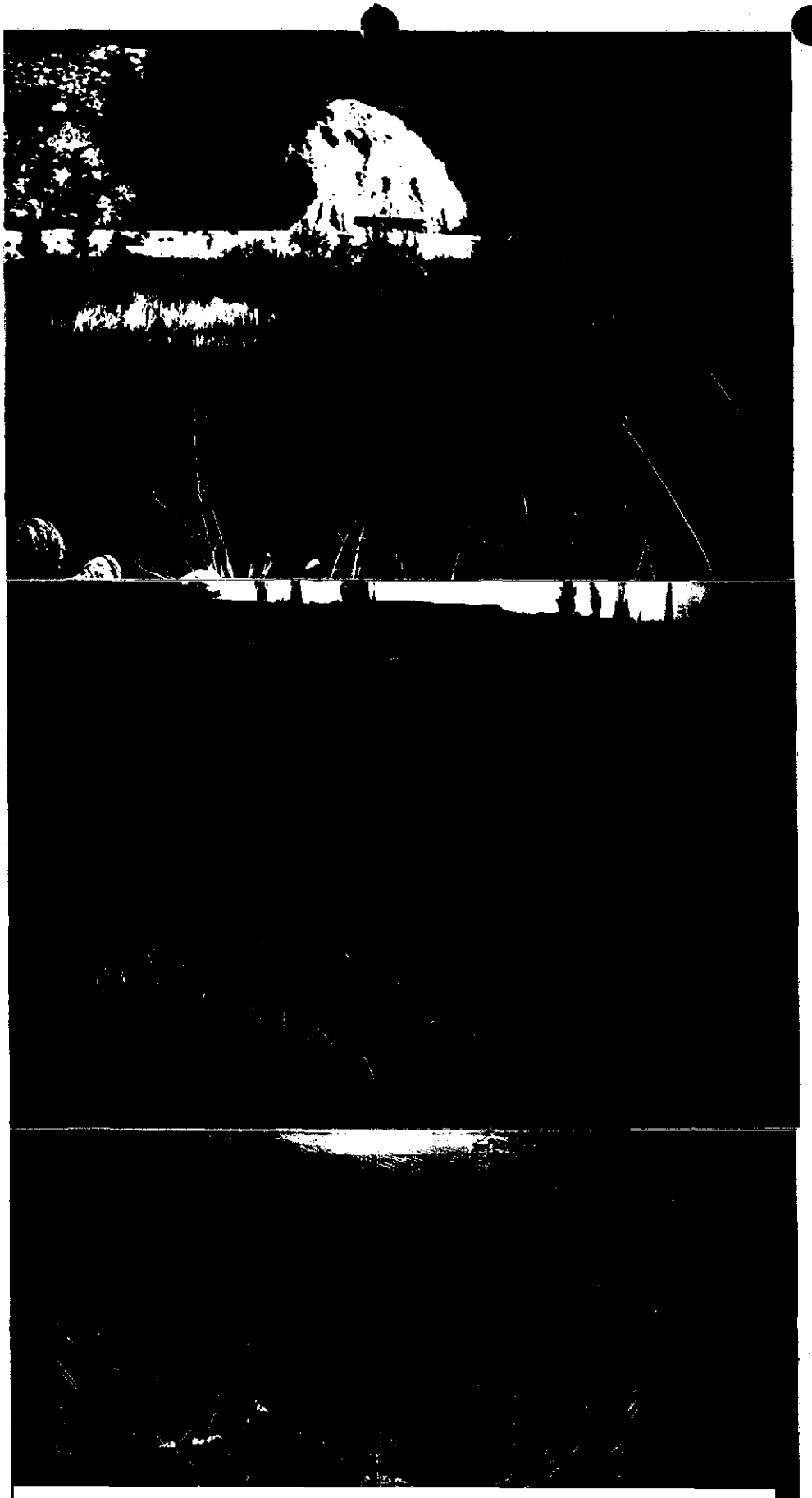
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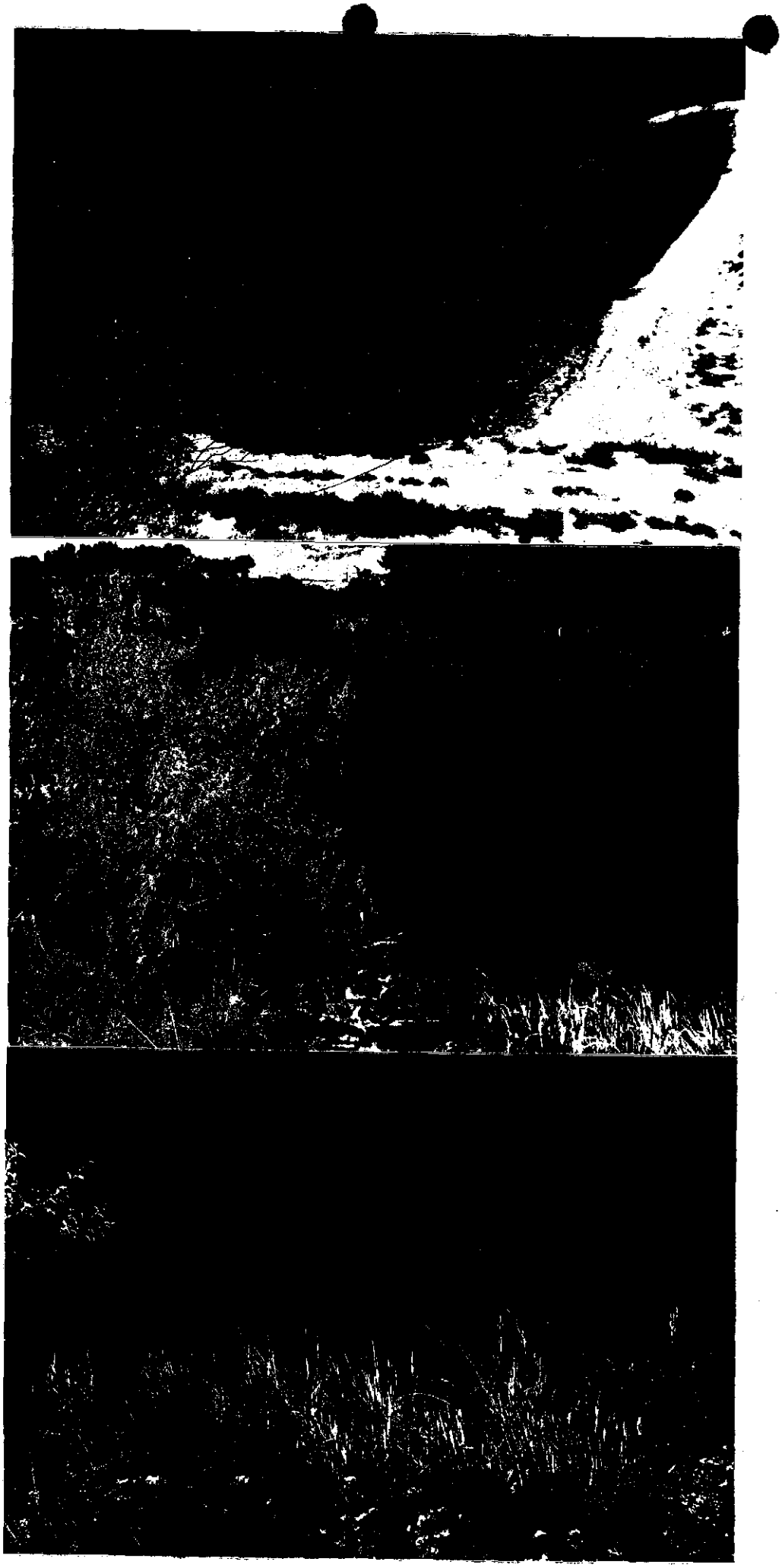
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EXHIBIT Q



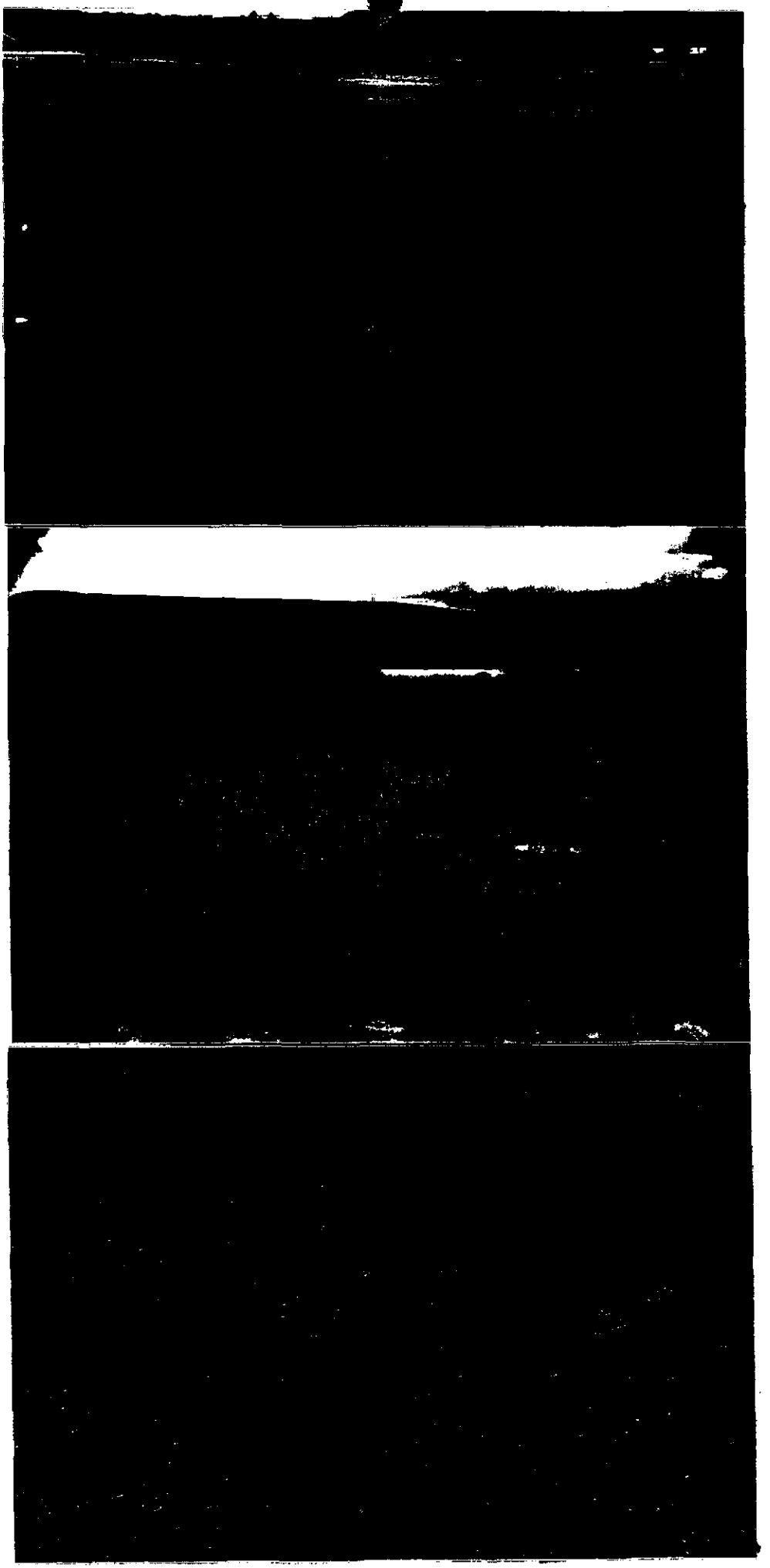
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EXHIBIT R

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83301
FACILITY
LOCATION
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

Form Approved
OMB No. 2040-0004
Expires 3-31-88

(2-16) PERMIT NUMBER: 100000973
(17-19) DISCHARGE NUMBER: 002 A

F - FINAL
CLEANING WASTE TREATMENT SYS

Moxie Spring Copy

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	89	08	01	TO	89	08	31
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 G D 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT	*******	*******		*******	5360	*******			1/30	Comp
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	REPORT DAILY AV	*******	MG/L		ONCE/ MONTH	COMPOS
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALU	SAMPLE MEASUREMENT	*******	*******		*******	*******	43.0			1/30	Comp
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	*******	100 DAILY MX	MG/L		ONCE/ MONTH	COMP-S
SOLIDS, SETTLEABLE 00545 G D 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT	*******	*******		*******	130	*******			1/30	Comp
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	REPORT DAILY AV	*******	ML/L		ONCE/ MONTH	COMPOS
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALU	SAMPLE MEASUREMENT	*******	*******		*******	*******	Trace			3/30	GR
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	*******	1.0 DAILY MX	ML/L		WEEKLY	GRAB
FLOW, IN CONDUIT OR THRU TREATMENT PLA 50050 1 0 0 EFFLUENT GROSS VALU	SAMPLE MEASUREMENT	0.135	*******		*******	*******	*******			1/30	Total
	PERMIT REQUIREMENT	REPORT DAILY AV	*******	MGD	*******	*******	*******	***** *****		WEEKLY	TOTALE
SOLIDS, SUSPENDED PERCENT REMOVAL 81011 K 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT	*******	*******		99.0	*******	*******			1/30	Calc
	PERMIT REQUIREMENT	*******	*******	***** *****	85 MONTH AV	*******	*******	PER-CENT		ONCE/ MONTH	CALC
SETTLEABLE SOLIDS PERCENT REMOVAL 81402 K MICO PERCENTREMOVSOC	SAMPLE MEASUREMENT	*******	*******		99.0	*******	*******			1/30	Calc
	PERMIT REQUIREMENT	*******	*******	***** *****	70 MONTH AV	*******	*******	PER-CENT		ONCE/ MONTH	CALC

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
MAR 06 2003
Greene Michael G
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 USC § 1319. (Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)

Michael G Greene
SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208, NUMBER 733-1631

DATE: YEAR 89, MO 09, DAY 06

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

SEE PERMIT FOR SAMPLING INSTRUCTIONS.

EPA Form 3320-1 (Rev. 10-79) PREVIOUS EDITION TO BE USED (REPLACES EPA FORM T-40 WHICH MAY NOT BE USED.)

PAGE OF

EXHIBIT S

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83301
FACILITY
LOCATION
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

Form Approved
OMB No. 2040-0004
Expires 3-31-88

(2-16) PERMIT NUMBER: 100000973
(17-19) DISCHARGE NUMBER: 001 A

F - FINAL
RACEWAY OR POND DISCHARGES
Monic Springs Copy
MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

MONITORING PERIOD

	YEAR (20-21)	MO (22-23)	DAY (24-25)		YEAR (26-27)	MO (28-29)	DAY (30-31)
FROM	89	08	01	TO	89	08	31

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 P 0 0 SEE COMMENTS BELOW	SAMPLE MEASUREMENT	******	******		******	******	NA			—	—
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	*******	15.0 INST MX	MG/L			
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	******	******		******	2.0	******			1/30	Comp
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	REPORT DAILY AV	*******	MG/L		ONCE/ MONTH	COMP 24
SOLIDS, TOTAL SUSPENDED 00530 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT	******	******		******	2.0	******			1/30	Calc
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	5.0 DAILY AV	*******	MG/L		ONCE/ MONTH	CALCTD
SOLIDS, TOTAL SUSPENDED 00530 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT	******	******		******	NA	******			—	—
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	REPORT DAILY AV	*******	MG/L		ONCE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*******	*******		*******	<0.1	*******			2/30	GR
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	REPORT DAILY AV	*******	ML/L		TWICE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT	*******	*******		*******	<0.1	*******			2/30	Calc
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	0.1 DAILY AV	*******	ML/L		TWICE/ MONTH	CALC
SOLIDS, SETTLEABLE 00545 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT	*******	*******		*******	NA	*******			—	—
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	REPORT DAILY AV	*******	ML/L		TWICE/ MONTH	GRAB

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
MICHAEL G. GREENE
MAR 06 2009
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. (Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE — NUMBER —
DATE: YEAR — MO — DAY —

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83301
FACILITY
LOCATION
ATTN: MICHAEL G. GREENE, PRESIDENT

(2-16) ID0000973 PERMIT NUMBER
(17-19) 001 A DISCHARGE NUMBER

MONITORING PERIOD

	YEAR (20-21)	MO (22-23)	DAY (24-25)		YEAR (26-27)	MO (28-29)	DAY (30-31)
FROM	89	08	01	TO	89	08	31

F - FINAL
RACEWAY OR POND DISCHARGES
MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

OMB No. 2040-0004
Expires 3-31-88

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLAN 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	84.03	*******		*******	*******	*******				
	PERMIT REQUIREMENT	REPORT DAILY AV	******	MGD	******	******	******	*****		ONCE/ MONTH	TOTAL Z
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
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	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

MICROFILMED MAR 06 1989

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
Greene, Michael G
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

Michael G Greene
SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208, NUMBER 733-1831
DATE: YEAR 89, MO 09, DAY 06

COMMENT AND EXPLANATION OF ANY VIOLATIONS (*Reference all attachments here*)

"P" INDICATES TSS NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME SISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83301
FACILITY
LOCATION
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

Form Approved
OMB No. 2040-0004
Expires 3-31-88

(2-16) PERMIT NUMBER: 100000973
(17-19) DISCHARGE NUMBER: 001 A

F - FINAL
RACEWAY OR POND DISCHARGES

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	89	09	01	TO	89	09	30
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLAN 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	8406	*******		*******	*******	*******			1/30	Total
	PERMIT REQUIREMENT	REPORT DAILY AV	*******	MGD	*******	*******	*******	******		SINCE/ MONTH	TOTAL
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

MICROFILMED
MAR 05 1990

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
Greene, Michael G
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

Michael G Greene
SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208 NUMBER 733-1631

DATE: YEAR 89 MO 10 DAY 09

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"NPN" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83301
FACILITY
LOCATION
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

Form Approved
OMB No. 2040-0004
Expires 3-31-88

F - FINAL
RACEWAY OR POND DISCHARGES

(2-16) ID0000973 PERMIT NUMBER
(17-19) 001 A DISCHARGE NUMBER

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	89	09	01	TO	89	09	30
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 P 0 0 SEE COMMENTS BELOW	SAMPLE MEASUREMENT	*******	*******		*******	*******	NA			NA	NA
	PERMIT REQUIREMENT	*******	*******	*****	*******	*******	15.0 INST MX	MG/L		NA	NA
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALU	SAMPLE MEASUREMENT	*******	*******		*******	2.0	*******			1/30	24
	PERMIT REQUIREMENT	*******	*******	*****	*******	REPORT DAILY AV	*******	MG/L		ONCE/ MONTH	COMP
SOLIDS, TOTAL SUSPENDED 00530 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT	*******	*******		*******	2.0	*******			1/30	Calc
	PERMIT REQUIREMENT	*******	*******	*****	*******	5.0 DAILY AV	*******	MG/L		ONCE/ MONTH	CALC'D
SOLIDS, TOTAL SUSPENDED 00530 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT	*******	*******		*******	NA	*******			NA	NA
	PERMIT REQUIREMENT	*******	*******	*****	*******	REPORT DAILY AV	*******	MG/L		ONCE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALU	SAMPLE MEASUREMENT	*******	*******		*******	<0.1	*******			3/30	GR
	PERMIT REQUIREMENT	*******	*******	*****	*******	REPORT DAILY AV	*******	ML/L		THICE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT	*******	*******		*******	<0.1	*******			2/30	Calc
	PERMIT REQUIREMENT	*******	*******	*****	*******	0.1 DAILY AV	*******	ML/L		THICE/ MONTH	CALC'D
SOLIDS, SETTLEABLE 00545 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT	*******	*******		*******	NA	*******			NA	NA
	PERMIT REQUIREMENT	*******	*******	*****	*******	REPORT DAILY AV	*******	ML/L		THICE/ MONTH	GRAB

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. (Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE | NUMBER
DATE: YEAR | MO | DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

"PM" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

NAME FISCUS INVESTMENTS INC

ADDRESS P.O. BOX 701

TWIN FALLS ID 83301

FACILITY

LOCATION

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER: 100060973 (17-19) DISCHARGE NUMBER: 002 A

MONITORING PERIOD: FROM YEAR 89 MO 09 DAY 01 (20-21) (22-23) (24-25) TO YEAR 89 MO 09 DAY 30 (26-27) (28-29) (30-31)

F - FINAL

CLEANING WASTE TREAT

Magic Spring Copy

MAJOR (SUBR 05)

OMB No. 2040-0004 Expires 3-31-88

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 G D D RAW SEW/INFLUENT	SAMPLE MEASUREMENT					5939				1/30	Comp
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		UNCL/ MONTH	CALCD
SOLIDS, TOTAL SUSPENDED 00530 1 D D EFFLUENT GROSS VALU	SAMPLE MEASUREMENT						67.0			1/30	Comp
	PERMIT REQUIREMENT						100 DAILY MX	MG/L		UNCL/ MONTH	CALCD
SOLIDS, SETTLEABLE 00545 G D D RAW SEW/INFLUENT	SAMPLE MEASUREMENT					150				1/30	Comp
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		UNCL/ MONTH	CALCD
SOLIDS, SETTLEABLE 00545 1 D D EFFLUENT GROSS VALU	SAMPLE MEASUREMENT						<0.5			1/30	GR
	PERMIT REQUIREMENT						1.0 DAILY MX	ML/L		WEEKLY	CALCD
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 D D EFFLUENT GROSS VALU	SAMPLE MEASUREMENT	0.135								8/30	Tot
	PERMIT REQUIREMENT	REPORT DAILY AV		MGD						WEEKLY	CALC
SOLIDS, SUSPENDED PERCENT REMOVAL 81011 K D D PERCENTREMOVAL	SAMPLE MEASUREMENT				98.87					1/30	Calc
	PERMIT REQUIREMENT				85 MONTH AV			PER-CENT		UNCL/ MONTH	CALCD
SETTLEABLE SOLIDS PERCEN VAL 81402 D D PERCENTREMOVAL	SAMPLE MEASUREMENT				99.66					1/30	Calc
	PERMIT REQUIREMENT				90 MONTH AV			PER-CENT		UNCL/ MONTH	CALCD

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

Greene, Michael G

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

Michael G Greene

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208, NUMBER 7334631

DATE: YEAR 89, MO 10, DAY 09

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

SEE PERMIT FOR SAMPLING INSTRUCTIONS.

NAME PISCES INVESTMENTS INC

ADDRESS P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

(2-16) PERMIT NUMBER: ID0000973

(17-19) DISCHARGE NUMBER: 001 A

MONITORING PERIOD (20-21 YEAR, 22-23 MO, 24-25 DAY) FROM 89 10 01 TO (26-27 YEAR, 28-29 MO, 30-31 DAY) 89 10 31

F - FINAL

RACEWAY OR POND DISCHARGES

Office Copy

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 P 0 0 SEE COMMENTS BELOW	SAMPLE MEASUREMENT	******	******		******	******	NA			—	—
	PERMIT REQUIREMENT	********	********	**** ****	********	*******	15.0 INST MX	MG/L		—	—
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	******	******		******	2.0	******			1/30	Comp
	PERMIT REQUIREMENT	********	********	**** ****	********	REPORT DAILY AV	*******	MG/L		ONCE/ MONTH	CALCTD
SOLIDS, TOTAL SUSPENDED 00530 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT	*******	*******		******	2.0	*******			1/30	Calc
	PERMIT REQUIREMENT	********	********	**** ****	********	5.0 DAILY AV	*******	MG/L		ONCE/ MONTH	CALCTD
SOLIDS, TOTAL SUSPENDED 00530 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT	*******	*******		*******	NA	********			—	—
	PERMIT REQUIREMENT	********	********	**** ****	********	REPORT DAILY AV	*******	MG/L		ONCE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*******	*******		*******	<0.1	********			2/30	GR
	PERMIT REQUIREMENT	********	********	**** ****	********	REPORT DAILY AV	*******	ML/L		TWICE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT	*******	*******		*******	<0.1	*******			2/30	Calc
	PERMIT REQUIREMENT	********	********	**** ****	********	0.1 DAILY AV	*******	ML/L		TWICE/ MONTH	CALCTD
SOLIDS, SETTLEABLE 00545 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT	*******	*******		*******	NA	*******			—	—
	PERMIT REQUIREMENT	********	********	**** ****	********	REPORT DAILY AV	*******	ML/L		TWICE/ MONTH	GRAB

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. (*Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.*)

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE (10-12) NUMBER (13-19)

DATE: YEAR (20-21) MO (22-23) DAY (24-25)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (*Reference all attachments here*)

"PH" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83303-0701
FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

(2-16) PERMIT NUMBER: 100001973
(17-19) DISCHARGE NUMBER: 001 A

F - FINAL
RACEWAY OR POND DISCHARGES

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	89	10	01	TO	89	10	31
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) (46-53) QUANTITY OR LOADING (54-61) AVERAGE	MAXIMUM	UNITS	(4 Card Only) (38-45) QUALITY OR CONCENTRATION (46-53) MINIMUM	AVERAGE	MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	85.01	******	MGD	******	******	******			1/30	Total
	PERMIT REQUIREMENT	REPORT DAILY AV	******		******	******	******	**** ****		UNLES MONTH	TOTAL
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

MICROFILMED
MAR 05 1990

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
Greene Michael G
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208 NUMBER 3381631

DATE: YEAR 89 MO 11 DAY 07

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"np" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83303-0701
FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

(2-16) PERMIT NUMBER: ID0000973
(17-19) DISCHARGE NUMBER: 002 A

F - FINAL
CLEANING WASTE TREATMENT SYS

MONITORING PERIOD (20-21 YEAR, 22-23 MO, 24-25 DAY) FROM 09 10 01 TO (26-27 YEAR, 28-29 MO, 30-31 DAY) 09 10 31

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 G 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT					47/7				1/30	Comp
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		UNCE/ MONTH	GRAB
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT						56.6			1/30	Comp
	PERMIT REQUIREMENT						100 DAILY MX	MG/L		UNCE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 G 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT					90				1/30	GR
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		UNCE/ MONTH	COMPOS
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT						trace			3/30	GR
	PERMIT REQUIREMENT						1.0 DAILY MX	ML/L		WEEKLY	GRAB
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	0.135								3/30	Tot'l
	PERMIT REQUIREMENT	REPORT DAILY AV		MGD						WEEKLY	CALC
SOLIDS, SUSPENDED PERCENT REMOVAL 81011 K 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT				98.8					1/30	Calc
	PERMIT REQUIREMENT				85 MONTH AV			PER-CENT		UNCE/ MONTH	GRAB
SETTLEABLE SOLIDS PERCENT REMOVAL 61402 M 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT				99.9					1/30	Calc
	PERMIT REQUIREMENT				90 MONTH AV			PER-CENT		UNCE/ MONTH	CALCTD

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
Greene, Michael G
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

Michael G Greene
SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208, NUMBER 733-4131

DATE: YEAR 89, MO 11, DAY 09

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*
SEE PERMIT FOR SAMPLING INSTRUCTIONS.

NAME: CLOSED INVESTMENTS INC

ADDRESS: P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY: MAGIC SPRINGS HATCHERY

LOCATION: TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR) (2-16): 1D0000973 PERMIT NUMBER

(17-19): 001 A DISCHARGE NUMBER

F = FINAL

RACEWAY OR POND DISCHARGE

Magic Springs Copy

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

MONITORING PERIOD (20-21 / 22-23 / 24-25): FROM YEAR 03 MO 11 DAY 01 TO (26-27 / 28-29 / 30-31): YEAR 03 MO 11 DAY 30

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 P 0 0 SEE COMMENTS BELOW	SAMPLE MEASUREMENT						NA			NA	NA
	PERMIT REQUIREMENT						15.0 DAILY MX	MG/L		NA	NA
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT					3.0				1/30 CALC MONTH	8
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L			
SOLIDS, TOTAL SUSPENDED 00530 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT					3.0				1/30 CALC MONTH	Calc
	PERMIT REQUIREMENT					DAILY AV		MG/L			
SOLIDS, TOTAL SUSPENDED 00530 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT					NA				NA CALC MONTH	NA
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L			
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT					Trace				2/30 CALC MONTH	GR
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L			
SOLIDS, SETTLEABLE 00545 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT					<0.1				2/30 CALC MONTH	Calc
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L			
SOLIDS, SETTLEABLE 00545 MGD 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT					NA				NA CALC MONTH	NA
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L			

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

9/5/2003

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE / NUMBER

DATE: YEAR / MO / DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"F" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT. THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83303-0701
FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER: ID0000973
(17-19) DISCHARGE NUMBER: 001 A

F - FINAL
RACEWAY OR POND DISCHARGES

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	99	11	01	TO	99	11	30
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	83.39	*******		*******	*******	*******			1/30	Total
	PERMIT REQUIREMENT	REPORT DAILY AV	*******	MGD	*******	*******	*******	*****		ONCE/ MONTH	TOTAL
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

Michael Greene MAR 2 6 2000

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
Greene Michael G
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 USC § 1319. (Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT: Michael G Greene

TELEPHONE: AREA CODE 208, NUMBER 733-6631

DATE: YEAR 99, MO 12, DAY 21

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)

NAME: MSCES INVESTMENTS INC

ADDRESS: P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY: MAGIC SPRINGS HATCHERY

LOCATION: TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

DISCHARGE MONITORING REPORT (DMR)

(2-16) ID0000973 PERMIT NUMBER

(17-19) 002 A DISCHARGE NUMBER

F - FINAL

CLEANING WASTE TREATMENT SYS

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	89	11	01	TO	89	11	30
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 Eff. Gross/INFLUENT	SAMPLE MEASUREMENT	*******	*******		******	10,040	*******			1/30	8
	PERMIT REQUIREMENT	*******	*******	*****	******	REPORT DAILY AV	*******	MG/L		ONCE/ MONTH	COMPOS
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*******	*******		******	*******	100.0			1/30	8
	PERMIT REQUIREMENT	*******	*******	*****	******	*******	100 DAILY MX	MG/L		ONCE/ MONTH	COMP-S
SOLIDS, SETTLEABLE 00545 1 0 0 Eff. Gross/INFLUENT	SAMPLE MEASUREMENT	*******	*******		******	150	*******			1/30	GR
	PERMIT REQUIREMENT	*******	*******	*****	******	REPORT DAILY AV	*******	ML/L		ONCE/ MONTH	COMPOS
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*******	*******		******	*******	<1.0			1/30	GR
	PERMIT REQUIREMENT	*******	*******	*****	******	*******	1.0 DAILY MX	ML/L		WEEKLY	GRAB
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	0.116	*******		******	*******	*******			2/30	Total
	PERMIT REQUIREMENT	REPORT DAILY AV	*******	MGD	******	*******	*******	***** *****		WEEKLY	TOTAL
SOLIDS, SUSPENDED PERCENT REMOVAL 81011 K 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT	*******	*******		99.00	*******	*******			1/30	Calc
	PERMIT REQUIREMENT	*******	*******	*****	85 MONTH AV	*******	*******	PER-CENT		ONCE/ MONTH	CALCT
SETTLEABLE SOLIDS PERCENT REMOVAL 81402 K 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT	*******	*******		99.0	*******	*******			1/30	Calc
	PERMIT REQUIREMENT	*******	*******	*****	90 MONTH AV	*******	*******	PER-CENT		ONCE/ MONTH	CALCTD

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

Greene, Michael G

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. (Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)

Michael G Greene

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208 | NUMBER 7334631

DATE: YEAR 89 | MO 12 | DAY 01

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

SEE PERMIT FOR SAMPLING INSTRUCTIONS.

Facility Name/Location if different

NAME PISCES INVESTMENTS INC

ADDRESS P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR) (2-16)

IDOOOO973 — PERMIT NUMBER (17-19)

001 A — DISCHARGE NUMBER

F - FINAL

RACEWAY OR POND DISCHARGES

Magic Springs Co.

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	89	12	01	TO	89	12	31
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 P 0 0 SEE COMMENTS BELOW	SAMPLE MEASUREMENT	*******	*******		*******	*******	NA			—	—
	PERMIT REQUIREMENT	*******	*******	*****	*******	*******	15.0 INST MX	MG/L		—	—
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*******	*******		*******	2.0	*******			1/30	GRAB
	PERMIT REQUIREMENT	*******	*******	*****	*******	REPORT DAILY AV	*******	MG/L		ONCE/ MONTH	COMP24
SOLIDS, TOTAL SUSPENDED 00530 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT	*******	*******		*******	2.0	*******			1/30	Calc
	PERMIT REQUIREMENT	*******	*******	*****	*******	5.0 DAILY AV	*******	MG/L		ONCE/ MONTH	CALC TO
SOLIDS, TOTAL SUSPENDED 00530 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT	*******	*******		*******	NA	*******			—	—
	PERMIT REQUIREMENT	*******	*******	*****	*******	REPORT DAILY AV	*******	MG/L		ONCE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*******	*******		*******	<0.1	*******			2/30	GR
	PERMIT REQUIREMENT	*******	*******	*****	*******	REPORT DAILY AV	*******	ML/L		TWICE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT	*******	*******		*******	<0.1	*******			2/30	Calc
	PERMIT REQUIREMENT	*******	*******	*****	*******	0.1 DAILY AV	*******	ML/L		TWICE/ MONTH	CALC TO
SOLIDS, SETTLEABLE 00545 MR 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT	*******	*******		*******	NA	*******			—	—
	PERMIT REQUIREMENT	*******	*******	*****	*******	REPORT DAILY AV	*******	ML/L		TWICE/ MONTH	GRAB

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER		TELEPHONE		DATE		
TYPED OR PRINTED	I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. (Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	AREA CODE	NUMBER	YEAR	MO	DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

Facility Name/Location if different)

NAME PISCES INVESTMENTS INC

ADDRESS P. O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR) (2-16)

ID0000973 — PERMIT NUMBER

001 A — DISCHARGE NUMBER (17-19)

F - FINAL

RACEWAY OR POND DISCHARGES

Magic Springs Copy

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

MONITORING PERIOD

FROM YEAR (20-21)	MO (22-23)	DAY (24-25)	TO YEAR (26-27)	MO (28-29)	DAY (30-31)
89	12	01	89	12	31

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	89.98	******		******	******	******			1/30	total
	PERMIT REQUIREMENT	REPORT DAILY AV	******	MGD	******	******	******	***** *****		ONCE/ MONTH	TOTAL
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

MICROFILMED MAR 06 2003

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

Greene, Michael G.

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. (Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)

Michael G. Greene

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208, NUMBER 733-1631

DATE: YEAR 90, MO 01, DAY 08

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT. THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

NAME PISCES INVESTMENTS INC

ADDRESS P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER: ID0000973

(17-19) DISCHARGE NUMBER: 002 A

F - FINAL

CLEANING WASTE TREATMENT SYS

Magic Springs Copy

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	89	12	01	TO	89	12	31
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-43) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 G 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		ONCE/ MONTH	COMPOS
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT						100 DAILY MX	MG/L		ONCE/ MONTH	COMP-8
SOLIDS, SETTLEABLE 00545 G 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		ONCE/ MONTH	COMPOS
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT						1.0 DAILY MX	ML/L		WEEKLY	GRAB
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT	REPORT DAILY AV		MGD						CONTINUOUS	TOTALIZ
SOLIDS, SUSPENDED PERCENT REMOVAL 81011 K 0 3 PERCENTREMOVAL	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT				85 MONTH AV			PER-CENT		ONCE/ MONTH	CALCTD
SETTLEABLE SOLIDS PERCENT REMOVAL 81402 K 0 6 PERCENTREMOVAL	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT				90 MONTH AV			PER-CENT		ONCE/ MONTH	CALCTD

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

Greene Michael G

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. (SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208 | NUMBER 733-1631

DATE: YEAR 90 | MO 01 | DAY 08

COMMENT AND EXPLANATION OF ANY VIOLATIONS (*Reference all attachments here*)

SEE PERMIT FOR SAMPLING INSTRUCTIONS.

Waste Lagoons dried for cleaning 12-7-89 to 12-27-89 no samples taken

EPA Form 3320-1 (Rev. 9-88) *Previous editions may be used.* (REPLACES EPA FORM T-40 WHICH MAY NOT BE USED.)

00195/092189-1752

PAGE 1 OF 1

(Facility Name/Location if different)

NAME FASCO INVESTMENTS INC

ADDRESS P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR)

(2-16)	(17-19)
ID0003913	001 A
PERMIT NUMBER	DISCHARGE NUMBER

P = FINAL

RAILWAY OR POND DISCHARGE

MONITORING PERIOD

YEAR	MO	DAY		YEAR	MO	DAY
92	02	01	TO	92	02	29
(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

FROM

MAJOR (SUBR. 00)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED	SAMPLE MEASUREMENT						2.01			2/30	24
00530 P 0 0 SEE COMMENTS BELOW	PERMIT REQUIREMENT						15. INST MX	MG/L		2/30	24
SOLIDS, TOTAL SUSPENDED	SAMPLE MEASUREMENT					2.005				2/30	24
00530 1 0 0 EFFLUENT GROSS VALUE	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		MCE/ MONTH	GRAB
SOLIDS, TOTAL SUSPENDED	SAMPLE MEASUREMENT					2.005				2/30	GRAB
00530 2 0 0 EFFLUENT NET VALUE	PERMIT REQUIREMENT					5. DAILY AV		MG/L		MCE/ MONTH	CALCULATED
SOLIDS, TOTAL SUSPENDED	SAMPLE MEASUREMENT					NA				—	—
00530 7 0 0 INTAKE FROM STREAM	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		MCE/ MONTH	GRAB
SOLIDS, SETTLEABLE	SAMPLE MEASUREMENT					<.1				2/30	GRAB
00545 1 0 0 EFFLUENT GROSS VALUE	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		MCE/ MONTH	GRAB
SOLIDS, SETTLEABLE	SAMPLE MEASUREMENT					<.1				2/30	GRAB
00545 2 0 0 EFFLUENT NET VALUE	PERMIT REQUIREMENT					0.1 DAILY AV		ML/L		MCE/ MONTH	CALCULATED
SOLIDS, SETTLEABLE	SAMPLE MEASUREMENT					NA				—	—
00545 7 0 0 INTAKE FROM STREAM	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		MCE/ MONTH	GRAB

MICRO

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE | NUMBER

DATE: YEAR | MO | DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

(Name, address, location, if different)

NAME [illegible]

ADDRESS [illegible]

[illegible]

FACILITY [illegible]

LOCATION [illegible]

ATT: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER: [illegible]

(17-19) DISCHARGE NUMBER: 001 A

E = FINAL

RECEIVING WATER: [illegible]

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	90	01	01	TO	90	01	31
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	81.00	******	MGD	******	******	******			1/30	Total
	PERMIT REQUIREMENT	REPORT DAILY AV	MAXIMUM		MINIMUM	AVERAGE	MAXIMUM			UNCL/ MONTH	STAL
	SAMPLE MEASUREMENT										●
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										●
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

MICROFILMED MAR 06 2009

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

Greene, Michael G.

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208 NUMBER 7334131

DATE: YEAR 90 MO 02 DAY 09

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 19.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

NAME [illegible]

ADDRESS [illegible]

[illegible]

FACILITY [illegible]

LOCATION [illegible]

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER: [illegible]

(17-19) DISCHARGE NUMBER: 002 A

F - FINAL

CLEANING WASTE TREATMENT SYS

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	91	01	01	TO	91	01	31
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT					7698.5				2/30	8
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		NCE/ MONTH	GRAB
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT						133.5			2/30	8
	PERMIT REQUIREMENT						100 DAILY MX	MG/L		NCE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 1 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT					165.0				1/30	CCM4
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		NCE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT						<1.0			4/30	GR
	PERMIT REQUIREMENT						2.0 DAILY MX	ML/L		WEEKLY	GRAB
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	.072								4/30	Total
	PERMIT REQUIREMENT	REPORT DAILY AV		MG/D						WEEKLY	TOTAL
SOLIDS, SUSPENDED PERCENT REMOVAL 81011 1 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT				98.27					1/30	Calc.
	PERMIT REQUIREMENT				65 MONTH AV			PER-CENT		NCE/ MONTH	CALCTD
SETTLEABLE SOLIDS PERCENT REMOVAL 81452 1 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT				99.9					1/30	Calc.
	PERMIT REQUIREMENT				65 MONTH AV			PER-CENT		NCE/ MONTH	CALCTD

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

Greene, Michael G.

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 205 NUMBER 7334631

DATE: YEAR 92 MO 02 DAY 09

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

SEE PERMIT FOR SAMPLING INSTRUCTIONS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

(2-16) ID0000973 F — PERMIT NUMBER
(17-19) 002 A — DISCHARGE NUMBER

F - FINAL
CLEANING WASTE TREATMENT SYS

MONITORING PERIOD: FROM YEAR 90 MO 02 DAY 01 (20-21) (22-23) (24-25) TO YEAR 90 MO 02 DAY 28 (26-27) (28-29) (30-31)

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 G O O RAW SEW/INFLUENT	SAMPLE MEASUREMENT					6220				1/30	8
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		ONCE/ MONTH	COMPOS
SOLIDS, TOTAL SUSPENDED 00530 1 O O EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT						58.0			1/30	8
	PERMIT REQUIREMENT						100 DAILY MX	MG/L		ONCE/ MONTH	COMPOS
SOLIDS, SETTLEABLE 00545 G O O RAW SEW/INFLUENT	SAMPLE MEASUREMENT					1.35				1/30	comp.
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		ONCE/ MONTH	COMPOS
SOLIDS, SETTLEABLE 00545 1 O O EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT						< 1.0			4/30	GR
	PERMIT REQUIREMENT						1.0 DAILY MX	ML/L		WEEKLY	GRAB
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 O O EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	192								4/30	total
	PERMIT REQUIREMENT	REPORT DAILY AV		MGD						WEEKLY	TOTALZ
SOLIDS, SUSPENDED PERCENT REMOVAL 81011 K O O PERCENTREMOVAL	SAMPLE MEASUREMENT				99.07					1/30	Calc
	PERMIT REQUIREMENT				65 MONTH AV			PER-CENT		ONCE/ MONTH	CALCU
SETTLEABLE SOLIDS PERCENT REMOVAL 81402 K O O PERCENTREMOVAL	SAMPLE MEASUREMENT				99.9					1/30	Calc
	PERMIT REQUIREMENT				90 MONTH AV			PER-CENT		ONCE/ MONTH	CALCU

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
Greene Michael G.
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT SEE 18 U.S.C. § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208 NUMBER 733-4631

DATE: YEAR 90 MO 03 DAY 08

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

SEE PERMIT FOR SAMPLING INSTRUCTIONS.

EPA Form 3320-1 (Rev. 9-88) *Previous editions may be used.*

NAME PISCES INVESTMENTS INC

ADDR P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR) (2-16)

IDOOOO973 — PERMIT NUMBER

001 A — DISCHARGE NUMBER (17-19)

F - FINAL

RACEWAY OR POND DISCHARGES

MONITORING PERIOD

YEAR	MO	DAY		YEAR	MO	DAY
90	02	01	TO	90	02	28
(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

FROM

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		QUANTITY OR LOADING (3 Card Only) (46-53) AVERAGE	QUANTITY OR LOADING (54-61) MAXIMUM	UNITS	QUALITY OR CONCENTRATION (4 Card Only) (38-45) MINIMUM	QUALITY OR CONCENTRATION (46-53) AVERAGE	QUALITY OR CONCENTRATION (54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 P D 0 SEE COMMENTS BELOW	SAMPLE MEASUREMENT						3.0			1/30	24.
	PERMIT REQUIREMENT						15.0 INST MX	MG/L		1/30	24
SOLIDS, TOTAL SUSPENDED 00530 1 D 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT					3.0				1/30	24
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		MONTH	
SOLIDS, TOTAL SUSPENDED 00530 2 D 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT					3.0				1/30	calc.
	PERMIT REQUIREMENT					5.0 DAILY AV		MG/L		MONTH	CALC
SOLIDS, TOTAL SUSPENDED 00530 7 D 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT					NA				—	—
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		MONTH	CALC
SOLIDS, SETTLEABLE 00545 1 D 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT					<0.1				1/30	Grab
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		MONTH	CALC
SOLIDS, SETTLEABLE 00545 2 D 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT					<0.1				1/30	calc.
	PERMIT REQUIREMENT					0.1 DAILY AV		ML/L		MONTH	CALC
SOLIDS, SETTLEABLE 00545 7 D 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT					NA				—	—
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		MONTH	CALC

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE — NUMBER —

DATE: YEAR — MO — DAY —

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

NAME PISCES INVESTMENTS INC

ADDRESS P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR) (2-16)

PERMIT NUMBER: ID0000973

DISCHARGE NUMBER (17-19): 001 A

F - FINAL

RACEWAY OR POND DISCHARGES

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	90	02	01	TO	90	02	28
(20-21)		(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT		******		******	******	******			1/30	Total
	PERMIT REQUIREMENT	REPORT DAILY AV	******	MGD	******	******	******	*****		ONCE/ MONTH	TOTAL
	SAMPLE MEASUREMENT	81.00									
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

MUNC... MAR 0 ...

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

Greene Michael G.

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C § 1001 AND 33 U.S.C § 1319. *(Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)*

Michael G. Greene

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208, NUMBER 733-4631

DATE: YEAR 90, MO 03, DAY 08

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

DISCHARGE MONITORING REPORT (DMR)

F - FINAL

CLEANING WASTE TREATMENT SYS

Magic Springs Copy

A [illegible] PIGEON INVESTMENTS INC

A [illegible] P.O. BOX 701

[illegible] TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

(2-16) PERMIT NUMBER: ID0000973

(17-19) DISCHARGE NUMBER: 002 A

MONITORING PERIOD (20-21 YEAR, 22-23 MO, 24-25 DAY) FROM 90 03 01 TO (26-27 YEAR, 28-29 MO, 30-31 DAY) 90 03 31

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 G 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT					15625				1/30	Comp.
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		NCE/ MONTH	GRAPES
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT						70.0			1/30	Comp.
	PERMIT REQUIREMENT						100 DAILY MX	MG/L		NCE/ MONTH	GRAPES
SOLIDS, SETTLEABLE 00545 0 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT					170				1/30	Comp
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		NCE/ MONTH	GRAPES
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT						<1.0			4/30	Gr.
	PERMIT REQUIREMENT						1.0 DAILY MX	ML/L		NCE/LT	GRAB
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	.192								4/30	total
	PERMIT REQUIREMENT	REPORT DAILY AV		MGD						NCE/LT	TOTAL
SOLIDS, SUSPENDED PERCENT REMOVAL 81011 KG 0 PERCENT REMOVAL	SAMPLE MEASUREMENT				99.56					1/30	Calc.
	PERMIT REQUIREMENT				65 MIN AV			PER-CENT		NCE/ MONTH	CALCTD
SETTLEABLE SOLIDS PERCENT REMOVAL 51402 KG 0 PERCENT REMOVAL	SAMPLE MEASUREMENT				99.9					1/30	calc.
	PERMIT REQUIREMENT				[illegible] AV			PER-CENT		NCE/ MONTH	CALCTD

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

Greene Michael G.

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

Michael G. Greene

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208, NUMBER 7334631

DATE: YEAR 90, MO 4, DAY 4

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

SEE PERMIT FOR SAMPLING INSTRUCTIONS.

SUBMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83301-0701

FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83301-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER	(17-19) DISCHARGE NUMBER
10000973	001 A

F - FINAL
RACEWAY OR POND DISCHARGES

MONITORING PERIOD

FROM YEAR	MO	DAY	TO YEAR	MO	DAY
90	03	01	90	03	31
(20-21)	(22-23)	(24-25)	(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	81.00	******		******	******	******			1/30	total
	PERMIT REQUIREMENT	REPORT	REPORT	MGD				**** ****		MONTH	TOTAL
	SAMPLE MEASUREMENT	81.00									
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

MICROFILMED
MAR 0 6 2003

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
Greene Michael G.
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN, AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

Michael G. Greene
SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208 | NUMBER 733-1631

DATE: YEAR 90 | MO 4 | DAY 4

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83303-0701
FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER: ID0000973
(17-19) DISCHARGE NUMBER: 001 A

F - FINAL
RACEWAY OR POND DISCHARGES

MONITORING PERIOD
FROM YEAR 90 MO 03 DAY 01 TO YEAR 90 MO 03 DAY 31
(20-21) (22-23) (24-25) (26-27) (28-29) (30-31)

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 P 0 0 SEE COMMENTS BELOW	SAMPLE MEASUREMENT						< 1.0			1/30	24
	PERMIT REQUIREMENT						15.0 INST MX	MG/L		1/30	24
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT					< 1.0				1/30	24
	PERMIT REQUIREMENT					30 MO AV DAILY AV		MG/L		ONCE/MONTH	COMP24
SOLIDS, TOTAL SUSPENDED 00530 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT					< 1.0				1/30	calc
	PERMIT REQUIREMENT					15.0 DAILY AV		MG/L		ONCE/CALCD MONTH	
SOLIDS, TOTAL SUSPENDED 00530 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT					N/A				—	—
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		ONCE/GRAB MONTH	
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT					< .1				2/30	Grab
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		TWICE/GRAB MONTH	
SOLIDS, SETTLEABLE 00545 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT					< .1				2/30	calc
	PERMIT REQUIREMENT					.1 DAILY AV		ML/L		TWICE/CALCD MONTH	
SOLIDS, SETTLEABLE 00545 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT					N/A				—	—
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		TWICE/GRAB MONTH	

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE — NUMBER —

DATE: YEAR — MO — DAY —

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

Facility (name and location if different)

NAME PISCES INVESTMENTS INC

ADDRESS P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR) (2-16)

100000973 — PERMIT NUMBER

011 A (17-19) — DISCHARGE NUMBER

F - FINAL

RACEWAY OR POND DISCHARGES

Magic Springs Copy

MAJOR (GUAR 05)

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	90	04	01	TO	90	04	30
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 P 0 0 SEE COMMENTS BELOW	SAMPLE MEASUREMENT						1.0			1/30	24
	PERMIT REQUIREMENT						15.0 INST MX	MG/L		1/30	24
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT					1.0				1/30	[redacted]
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		ONCE/ MONTH	GRAB
SOLIDS, TOTAL SUSPENDED 00530 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT					1.0				1/30	CALCTN
	PERMIT REQUIREMENT					5.0 DAILY AV		MG/L		ONCE/ MONTH	CALCTN
SOLIDS, TOTAL SUSPENDED 00530 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT					N.A.				—	—
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		ONCE/ MONTH	
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT					<1				2/30	Grab
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		TWICE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT					<1				2/30	CALCTD
	PERMIT REQUIREMENT					0.1 DAILY AV		ML/L		TWICE/ MONTH	CALCTD
SOLIDS, SETTLEABLE 00545 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT					N.A.				—	—
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		TWICE/ MONTH	GRAB

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER		TELEPHONE		DATE		
	I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*		AREA CODE	NUMBER	YEAR	MO	DAY
TYPED OR PRINTED	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT					

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)

NAME PISCES INVESTMENTS INC

ADDRESS P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER: I000000973

(17-19) DISCHARGE NUMBER: 001 A

F - FINAL

RACEWAY OR POND DISCHARGES

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	90	04	01	TO	90	04	30
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	81	******		******	******	******			1/30	Total
	PERMIT REQUIREMENT	REPORT DAILY AV	UNLIMITED	MGD	NO REQUIREMENT	NO REQUIREMENT	NO REQUIREMENT	**** ****		ONCE/ MONTH	TOTAL
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

MICRO

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

Greene Michael G.

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208, NUMBER 733-4431

DATE: YEAR 90, MO 5, DAY 9

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"F" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER: ID0000973
(17-19) DISCHARGE NUMBER: 002 A

MONITORING PERIOD: FROM YEAR 90 MO 04 DAY 01 (20-21) (22-23) (24-25) TO YEAR 90 MO 04 DAY 30 (26-27) (28-29) (30-31)

F - FINAL
CLEANING WASTE TREATMENT SYS

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT					5600				1/30	Comp
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		ONCE/ MONTH	COMPOS
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT						22.0			1/30	Comp
	PERMIT REQUIREMENT						100 DAILY MX	MG/L		ONCE/ MONTH	COMP-8
SOLIDS, SETTLEABLE 00545 1 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT					145				1/30	Comp.
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		ONCE/ MONTH	COMPOS
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT						< 1.0			3/30	Grab
	PERMIT REQUIREMENT						1.0 DAILY MX	ML/L		WEEKLY	GRAB
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	432								3/30	total
	PERMIT REQUIREMENT	REPORT DAILY AV		MGD						WEEKLY	TOTALZ
SOLIDS, SUSPENDED PERCENT REMOVAL 81011 K 0 0 PERCENT REMOVAL	SAMPLE MEASUREMENT				99.61					1/30	calc
	PERMIT REQUIREMENT				65 MONTH AV			PER-CENT		ONCE/ MONTH	CALCTD
SETTLEABLE SOLIDS PERCENT REMOVAL 81402 K 3 0 PERCENT REMOVAL	SAMPLE MEASUREMENT				99.9					1/30	calcTD
	PERMIT REQUIREMENT				90 MONTH AV			PER-CENT		ONCE/ MONTH	CALCTD

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
Greene Michael G.
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208, NUMBER 733-463

DATE: YEAR 90, MO 5, DAY 9

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

SEE PERMIT FOR SAMPLING INSTRUCTIONS.

Cleaned settling ponds 4-1 thru 4-10

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P/U BOX 701
TWIN FALLS ID 83303-0701
FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

(2-16) ID0000973 PERMIT NUMBER

(17-19) 002 A DISCHARGE NUMBER

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	90	05	01	TO	90	05	31
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

F - FINAL
CLEANING WASTE TREATMENT SYS
Magic Springs Copy
MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED	SAMPLE MEASUREMENT	******	******		******	1,520	******			1/30	Comp.
00530 G 0 0 KAN SEW/INFLUENT	PERMIT REQUIREMENT	********	********	*****	********	REPORT DAILY AV	********	MG/L		ONCE/ MONTH	COMPOS
SOLIDS, TOTAL SUSPENDED	SAMPLE MEASUREMENT	******	******		******	******	27			1/30	comp
00530 1 0 0 EFFLUENT GROSS VALUE	PERMIT REQUIREMENT	********	********	*****	********	********	100 DAILY MX	MG/L		ONCE/ MONTH	COMP-8
SOLIDS, SETTLEABLE	SAMPLE MEASUREMENT	******	******		******	60	******			1/30	comP.
00545 G 0 0 KAN SEW/INFLUENT	PERMIT REQUIREMENT	********	********	*****	********	REPORT DAILY AV	********	ML/L		ONCE/ MONTH	COMPOS
SOLIDS, SETTLEABLE	SAMPLE MEASUREMENT	******	******		******	******	<1.0			4/30	Grab
00545 1 0 0 EFFLUENT GROSS VALUE	PERMIT REQUIREMENT	********	********	*****	********	********	1.0 DAILY MX	ML/L		WEEKLY	GRAB
FLOW, IN CONDUIT OR THRU TREATMENT PLANT	SAMPLE MEASUREMENT	.192	******		******	******	******			4/30	total
50050 1 0 0 EFFLUENT GROSS VALUE	PERMIT REQUIREMENT	REPORT DAILY AV	********	MGD	********	********	********	*****		WEEKLY	TOTALZ
SOLIDS, SUSPENDED PERCENT REMOVAL	SAMPLE MEASUREMENT	******	******		99.83	******	******			1/30	calc
81011 K 0 0 PERCENTREMOVAL	PERMIT REQUIREMENT	********	********	*****	65 MONTH AV	********	********	PER-CENT		ONCE/ MONTH	CALCTD
SETTLEABLE SOLIDS PERCENT REMOVAL	SAMPLE MEASUREMENT	******	******		99.9	******	******			1/30	Calc.
81402 K 0 0 PERCENTREMOVAL	PERMIT REQUIREMENT	********	********	*****	90 MONTH AV	********	********	PER-CENT		ONCE/ MONTH	CALCTD

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
Greene, Michael G.
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 USC § 1319. (Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208, NUMBER 733-4631

DATE: YEAR 90, MO 5, DAY 11

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

SEE PERMIT FOR SAMPLING INSTRUCTIONS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)

NAME BISCES INVESTMENTS INC

ADDRESS P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

DISCHARGE MONITORING REPORT (DMR)

(2-16) ID0000973 PERMIT NUMBER

(17-19) 001 A DISCHARGE NUMBER

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	90	05	01	TO	90	05	31
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

F - FINAL

RACEWAY OR POND DISCHARGES

Magic Springs Copy

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 C EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	8.00	******	MGD	******	******	******			1/30	total
	PERMIT REQUIREMENT	REPORT DAILY AV	******		******	******	******	*****		ONCE/ MONTH	TOTALZ
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

MICROFILMED

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

Greene Michael G.

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. (Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)

Michael G. Greene

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208 | NUMBER 733-4631

DATE: YEAR 90 | MO 5 | DAY 11

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NC MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83303-0701

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

F = FINAL
RACEWAY OR POND DISCHARGES

(2-16) PERMIT NUMBER	(17-19) DISCHARGE NUMBER
ID0000973	001 A

FACILITY MAGIC SPRINGS HATCHERY
LOCATION WIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	90	05	01	TO	90	05	31
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 P 0 0 SEE COMMENTS BELOW	SAMPLE MEASUREMENT	*******	*******		*******	*******	< 3.0			1/30	24
	PERMIT REQUIREMENT	*******	*******	**** ****	*******	*******	15.0 INST MX	MG/L		1/30	24
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*******	*******		*******	< 3.0	*******			1/30	24
	PERMIT REQUIREMENT	*******	*******	**** ****	*******	REPORT DAILY AV	*******	MG/L		ONCE/ MONTH	COMP24
SOLIDS, TOTAL SUSPENDED 00530 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT	*******	*******		*******	< 3.0	*******			1/30	Calc.
	PERMIT REQUIREMENT	*******	*******	**** ****	*******	5.0 DAILY AV	*******	MG/L		ONCE/ MONTH	CALCTD
SOLIDS, TOTAL SUSPENDED 00530 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT	*******	*******		*******	NA	*******			—	—
	PERMIT REQUIREMENT	*******	*******	**** ****	*******	REPORT DAILY AV	*******	MG/L		ONCE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*******	*******		*******	< .1	*******			2/30	Grab
	PERMIT REQUIREMENT	*******	*******	**** ****	*******	REPORT DAILY AV	*******	ML/L		TWICE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT	*******	*******		*******	< .1	*******			2/30	Calc Fed
	PERMIT REQUIREMENT	*******	*******	**** ****	*******	0.1 DAILY AV	*******	ML/L		TWICE/ MONTH	CALCTD
SOLIDS, SETTLEABLE 00545 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT	*******	*******		*******	NA	*******			—	—
	PERMIT REQUIREMENT	*******	*******	**** ****	*******	REPORT DAILY AV	*******	ML/L		TWICE/ MONTH	GRAB

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN, AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208 | NUMBER 733-4631

DATE: YEAR 90 | MO 5 | DAY 11

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83303-0701
FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER	(17-19) DISCHARGE NUMBER
ID0000973	002 A

MONITORING PERIOD

YEAR (20-21)	MO (22-23)	DAY (24-25)		YEAR (26-27)	MO (28-29)	DAY (30-31)
~~90~~	~~06~~	~~01~~	TO	~~90~~	~~06~~	~~30~~

F - FINAL
CLEANING WASTE TREATMENT SYS
Magic Springs Copy
MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 G O O RAW SEW/INFLUENT	SAMPLE MEASUREMENT					16,430				1/30	Comp.
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		ONCE/ MONTH	COMPOS
SOLIDS, TOTAL SUSPENDED 00530 1 O O EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT						84			2/30	Comp.
	PERMIT REQUIREMENT						100 DAILY MX	MG/L		ONCE/ MONTH	COMP-C
SOLIDS, SETTLEABLE 00545 G O O RAW SEW/INFLUENT	SAMPLE MEASUREMENT					165				1/30	Comp.
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		ONCE/ MONTH	COMPOS
SOLIDS, SETTLEABLE 00545 1 O O EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT						<1.0			4/30	GR
	PERMIT REQUIREMENT						1.0 DAILY MX	ML/L		WEEKLY	GRAB
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 O O EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	.192								4/30	total
	PERMIT REQUIREMENT	REPORT DAILY AV		MGD						WEEKLY	TOTAL
SOLIDS, SUSPENDED PERCENT REMOVAL 81011 K O O PERCENTREMOVAL	SAMPLE MEASUREMENT				99.49					1/30	Calc.
	PERMIT REQUIREMENT				85 MONTH AV			PER-CENT		ONCE/ MONTH	CALCTD
SETTLEABLE SOLIDS PERCENT REMOVAL 81402 K O O PERCENTREMOVAL	SAMPLE MEASUREMENT				99.9					1/30	Calc.
	PERMIT REQUIREMENT				90 MONTH AV			PER-CENT		ONCE/ MONTH	CALCTD

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
Greene, Michael G.
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN, AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and a maximum imprisonment of between 6 months and 5 years.)*

Michael G. Greene
SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208 | NUMBER 733-4631

DATE: YEAR 90 | MO 7 | DAY 10

COMMENT AND EXPLANATION OF ANY VIOLATIONS (*Reference all attachments here*)

SEE PERMIT FOR SAMPLING INSTRUCTIONS.

NAME PISCES INVESTMENTS INC

ADDRESS P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER: 100000973

(17-19) DISCHARGE NUMBER: 001 A

F - FINAL

RACEWAY OR POND DISCHARGES

Magic Springs Copy

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM (20-21) (22-23) (24-25)	90	06	01	TO (26-27) (28-29) (30-31)	90	06	30

PARAMETER (32-37)		(3 Card Only) (46-53) QUANTITY OR LOADING (54-61) AVERAGE	MAXIMUM	UNITS	(4 Card Only) (38-45) QUALITY OR CONCENTRATION (46-53) MINIMUM	AVERAGE	MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	8100	******		******	******	******			1/30	total
	PERMIT REQUIREMENT	REPORT DAILY AV	******	MGD	******	******	******	*****		ONCE/ MONTH	TOTALZ
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

Greene Micheal G.

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

Michael G. Greene

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208 | NUMBER 733-4631

DATE: YEAR 90 | MO 7 | DAY 10

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

NAME PISCES INVESTMENTS INC

ADDRESS P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR)

(2-16) ID0000973 PERMIT NUMBER

(17-19) 001 A DISCHARGE NUMBER

F - FINAL

RACEWAY OR POND DISCHARGES

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	90	00	01	TO	90	00	30
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 P 0 0 SEE COMMENTS BELOW	SAMPLE MEASUREMENT	*******	*******		*******	*******	3.66			3/30	24
	PERMIT REQUIREMENT	*******	******* ****	****	*******	*******	15.0 INST MX	MG/L		3/30	24
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*******	*******		*******	4.0	*******			3/30	[redacted]
	PERMIT REQUIREMENT	*******	******* ****	****	*******	REPORT DAILY AV	*******	MG/L		ONCE/ MONTH	CALCTD
SOLIDS, TOTAL SUSPENDED 00530 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT	*******	*******		*******	4.0	*******			3/30	calc
	PERMIT REQUIREMENT	*******	******* ****	****	*******	5.0 DAILY AV	*******	MG/L		ONCE/ MONTH	CALCTD
SOLIDS, TOTAL SUSPENDED 00530 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT	*******	*******		*******	NA	*******			—	—
	PERMIT REQUIREMENT	*******	******* ****	****	*******	REPORT DAILY AV	*******	MG/L		ONCE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*******	*******		*******	<.1	*******			2/30	Grab
	PERMIT REQUIREMENT	*******	******* ****	****	*******	REPORT DAILY AV	*******	ML/L		TWICE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT	*******	*******		*******	<.1	*******			2/30	[redacted]
	PERMIT REQUIREMENT	*******	******* ****	****	*******	0.1 DAILY AV	*******	ML/L		TWICE/ MONTH	CALCTD
SOLIDS, SETTLEABLE 00545 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT	*******	*******		*******	NA	*******			—	—
	PERMIT REQUIREMENT	*******	******* ****	****	*******	REPORT DAILY AV	*******	ML/L		TWICE/ MONTH	GRAB

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE — NUMBER

DATE: YEAR — MO — DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT. THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

* * * * * * * * * * *

In re: Application for Permit to Appropriate Water No. 36-08356 in the Name of Pisces Investments, Inc.	)))))	AFFIDAVIT OF JANET BURDICK

* * * * * * * * * * *

STATE OF IDAHO)
) ss.
County of Jerome)

JANET BURDICK being first duly sworn on oath deposes and states:

1. That I reside at 222 E. Avenue B, Jerome, Idaho.

2. That I have for a number of years been involved in organized swimming activities and organizations involving both competitive and recreational swimming.

3. That I am presently the vice-chairman of Snake River Swimming, which represents a local organization associated with United States Swimming, Inc., a national organization which governs competitive swimming events throughout the United States.

MICRO
MAR 0 6 2003

EXHIBIT T

4. That Snake River Swimming is an organization founded for the purpose of encouraging and governing swimming activities in southern Idaho, eastern Oregon and parts of northern Nevada.

5. That the competitive swimming events endorsed or sponsored by Snake River Swimming and by United States Swimming, Inc. are, at the present time, controlled and governed by the 1990 addition of the Rules and Regulations promulgated by United States Swimming, Inc.

6. That Article 103 of the 1990 Rules and Regulations of the United States Swimming, Inc., at Rule 103.6.1 of the Technical Rules states that water temperature for competitive events shall be maintained at 78° to 80° Fahrenheit.

7. In my opinion, spring water at a temperature of 58° to 60° Fahrenheit is too cold to be conducive or suitable for either competitive swimming or recreational swimming.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Janet C. Burdick
JANET BURDICK

SUBSCRIBED and SWORN To before me this 31st day of August, 1990.

Amy L Meulene
Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 2-7-95

3862p/2659p

MICR...
MAR 0 5 2003

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

* * * * * * * * * *

In re: Application for Permit to Appropriate Water No. 36-08356 in the Name of Pisces Investments, Inc.	)))))	AFFIDAVIT OF DOROTHY GREENE

* * * * * * * * * *

STATE OF IDAHO)
) ss.
County of TWIN FALLS)

DOROTHY GREENE, being first duly sworn on oath deposes and states:

1. That I am a resident of Twin Falls, Idaho, and am currently employed by Pisces Investments, Inc., and in that capacity manage the books and records relating to the Magic Springs Trout Farm.

2. In the course of my employment, I am responsible for the calculation and payment of the payroll for Magic Springs Trout Farm and the payment of all trade payables.

3. As a result of my work for Pisces Investments, Inc., I can, and hereby do, certify that Magic Springs Trout Farm currently has eight full time employees and three part

MAR 0 6 2003

EXHIBIT U

time employees, with a total annual payroll exceeding $190,000.00.

4. That during the calendar year 1989, Pisces Investments, Inc., in furtherance of the business activities of Magic Springs Trout Farm, spent in addition to its payroll, a sum in excess of $950,000.00 for goods and services provided by supplies situated within a 40 miles radius of the Magic Springs Trout Farm.

FURTHER your Affiant sayeth naught.

Dorothy C. Greene
DOROTHY GREENE

SUBSCRIBED and SWORN To before me this 30th day of August, 1990.

Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 12-2-92

3837p/2567p

MICROFILMED
MAR 06 2003

BEFORE THE DIRECTOR OF THE

DEPARTMENT OF WATER RESOURCES OF THE

STATE OF IDAHO

IN RE: Application for Permit to appropriate water No. 36-08356 in the name of Pisces Investments, Inc.	APPLICANT'S BRIEF IN SUPPORT OF EXCEPTIONS TO PROPOSED MEMORANDUM DECISION

MICROFILMED
MAR 0 6 2003

BEFORE THE DIRECTOR OF THE

DEPARTMENT OF WATER RESOURCES OF THE

STATE OF IDAHO

IN RE: Application for Permit to appropriate water No. 36-08356 in the name of Pisces Investments, Inc.	APPLICANT'S BRIEF IN SUPPORT OF EXCEPTIONS TO PROPOSED MEMORANDUM DECISION

I

STATEMENT OF FACTS

This brief is submitted in support of the exceptions made by Pisces Investments, Inc. (hereinafter referred to as the "Applicant") from the order issuing a proposed memorandum decision after a hearing conducted on October 19, 1989, pursuant to a protest filed by the Hagerman Valley Citizens Alert (hereinafter referred to as "Protestant") of the Applicant's application for permit to appropriate water No. 36-08356 (hereinafter referred to as "Permit Application 36-08356).

To understand the Applicant's opposition to the proposed Memorandum Decision (hereinafter referred to as "Memorandum Decision"), the reader must first understand the nature of the Applicant's present trout farm operation and the relationship of the proposed project for which Permit Application 36-08356 was sought. The Applicant owns and operates a trout farm in the Hagerman Valley known as the Magic

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Springs Trout Farm which is located in Sections 5, 6, 7 and 8 of Township 8 South, Range 14 East, B.M. That facility presently has a license for over 140 cfs of water from various spring sources emanating in different locations on the property. All of the trout rearing ponds function in a serial manner, with all water eventually flowing into a final series of ponds located adjacent to the estuary which has received so much attention in the proposed findings and conclusions of law dealt with in the proposed Memorandum Decision. Attached hereto, marked Exhibit "A," is a two-dimensional map showing the location of the property, the springs sources and trout rearing ponds on the property. The final series of ponds, which retains all of the water used on the property prior to its discharge into the above-referenced estuary is marked as pond series K, L, M, and N. From those ponds, there can be seen seven arrows extending into the estuary area in question, representing all of the existing discharge points from the trout farm to the receiving waters of the United States. These seven discharge points are closely monitored and regulated by the U.S. Department of Environmental Protection, pursuant to the NPDES permit it has issued to the Applicant for the Magic Springs Hatchery (NPDES Permit No. ID-000097-3). To ensure compliance with the discharge limitations set forth in its NPDES permit, the Applicant has, within the last 18 months, completed the installation of quiescent zones at the down stream end of the ponds in series K, L, M and N to collect settleable solids for removal. It has also installed a vacuum

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system to remove the settled solids from the ponds, transporting them to the settling ponds shown on Exhibit "A" for further consolidation and removal to land application disposal.

Application for Permit No. 36-08356 was filed for the purpose of allowing the Applicant to re-use a portion (45 cfs) of the water presently being diverted and used under the Applicant's existing license for trout propagation purposes. The location of the proposed pond expansion related to Application for Permit No. 36-08356 is shown on Exhibit "A," labeled "proposed new pond area." As can be seen, the discharge from those proposed ponds will return and be used in pond series K, L, M, and N, which, of course, means that the water discharged from the proposed ponds will flow into the quiescent zones where the settleable solids will settle and be removed by the vacuum pumps for additional treatment in the settling ponds. The addition of the proposed ponds will not change the effluent treatment program presently in place, nor will it have any effect on the points at which water from the Magic Springs Trout Farm is discharged into the estuary, nor will it have any effect on the Applicant's obligations to meet the effluent discharge limitations set forth in its NPDES Permit No. ID-000097-3.

Among other salient facts, of which the hearing officer was apparently unaware, is that no permit is required from the Idaho Department of Health and Welfare, Department of Environmental, for the discharges presently being made from the

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Magic Springs Trout Farm into the estuary at the discharge points shown on Exhibit "A." Further, to the knowledge of the Applicant, no water quality standards have been established or promulgated by the Idaho Department of Water Resource which are applicable to Magic Springs Trout Farm. The U.S. Environmental Protection Agency has, after lengthy study, established water quality standards for point source discharges through its NPDES permit program which it believes will protect the quality of the receiving water of the United States at a level which will promote and protect recreational uses and fish and wildlife resources and habitat. Discharges made by Magic Springs Trout Farm are subject to review by the U.S. Environmental Protection Agency, and are regularly monitored and analyzed by approved scientific laboratories. At no time has the Applicant violated the limitations established by its NPDES permit for the discharge of pollutants into the estuary or the Snake River.

II

SCOPE OF THE PROTEST HEARING IS LIMITED TO THE IMPACTS OF THE APPLICATION FOR PERMIT UNDER REVIEW.

The permissible scope of the hearing conducted on October 19, 1989, by the Idaho Department of Water Resources with respect to Application for Permit No. 36-08356, and the subsequent order issuing a proposed Memorandum Decision therein, is found in Idaho Code §42-203A, subsection (5), which states as follows:

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> (5) Such hearing shall be conducted in accordance with the provisions of Section 42-1701A(1) and (2), Idaho Code. The Director of the Department of Water Resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications, whether protested or not protested, or the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the Department that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the Applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use; the director of the Department of Water Resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions. The provisions of this section shall apply to any boundary stream between this and any other state in all cases where the water sought to be appropriated has its source largely within the state, irrespective of the location of any proposed power generating plant.

Subsection (5) and, indeed, the entirety of §42-203A of the Idaho Code, clearly limits the scope of concern to the application and the appropriation and water uses intended by that application. It is submitted that the scope of inquiry at a protest hearing must be restricted to the application itself and to the impact that approval of that application will have on the criteria set forth in Idaho Code §42-203A(5). As mentioned above, the application in this instance was for the re-use of 40 cfs of water presently being used at the Applicant's trout farm. By statute, the protest hearing should

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have been restricted solely to consideration of the effects of that application, and the application should be denied only if the uses set forth in the application would adversely impact local public interest or violate one of the other criterion set forth in the above-referenced statute.

At a pre-hearing conference conducted by Mr. Loren Holmes of the Idaho Department of Water Resources, the Applicant and representatives of the Protestant met to discuss the scope of the protest and the proposed hearing. During that pre-hearing conference, Mr. Holmes informed both the Applicant and the Protestant that the Department could focus only on the Application for Permit, and the impact of the proposed uses contained therein in determining whether or not to approve the application. Unfortunately, during the protest hearing, and in the order issuing the proposed Memorandum Decision, the hearing officer ignored the limited scope of his statutory review, and the proposed Memorandum Decision is replete with findings and conclusions which are in no way related to the potential impacts of the proposed re-use of licensed water, which findings and conclusions are therefore irrelevant and immaterial, and cannot support a denial of the application.

III

NO EVIDENCE WAS PRESENTED THAT THE USES PROPOSED IN THE APPLICATION FOR PERMIT WERE ADVERSE TO LOCAL PUBLIC INTEREST.

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If the Department, as it is required to do by statute, limited its scope of review to the potential impacts of the application, and not other issues of what it perceives to be the general public interest in the Hagerman Valley, the proposed Memorandum Decision cannot be upheld. The Memorandum Decision, in its finding of fact No. 17 states as follows:

> The Protestant generally stated that the estuary was unfit for the recreational purposes set forth in the Ritter order. Other than these general allegations, neither party submitted any evidence to show that the conditions in the estuary were or were not suitable for recreational purposes, or to show the cause of unsuitability. Further, no evidence was submitted to show whether compliance to the NPDES standards or state standards established by the Division of Environmental Quality (DEQ) would preserve the recreational uses and natural fishery values set forth in Ritter. (emphasis added)

Even assuming for the moment that "general statements" and "general allegations" rise to the stature of competent evidence that such statements and allegations are indeed true, it is submitted that the Protestant did not present any evidence or make any statements or allegations concerning the impact of the re-use of water sought in the Application for Permit on the quality of water or other conditions in the estuary which extends along the downstream side of pond series K, L, M, and N as shown on Exhibit "A" hereto. Similarly, the Memorandum Decision, at conclusion of law No. 12, states that "the Protestant submitted information to show that there was a likelihood the Applicant had been violating water quality standards." That information contained what was alleged to be a water sample taken from the estuary. No scientific analysis

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had been undertaken on that sample by the Applicant, nor was there any evidence or testimony as to what water quality standard the sample allegedly violated. Muddy water, black mud from river bottoms, and similar "evidence" can likely be obtained from nearly any water source in the State of Idaho, and the acceptance of such submitted information or exhibits by the hearing officer and the determination by the hearing officer that the same violates water quality standards, without requiring scientific analysis and without reference to what water quality standards are being violated, is an abuse of due process and basic evidentiary safeguards which should be applicable to any quasi-judicial or administrative hearings. It is submitted that the information referred to in conclusion of law No. 12 proves absolutely nothing in the context of the general water quality existing in the estuary, and, more importantly, is irrelevant and immaterial if offered as evidence of the public interest impact which may be anticipated from approval of the Application for Permit No. 36-08356.

Conversely, it is submitted by the Applicant that it did provide credible evidence concerning water quality and public interest concerns relating to the Application for Permit No. 36-08356, and the anticipated impact of the proposed re-use of water on the effluent being discharged from Magic Springs Trout Farm to the estuary. In particular, the original application shows the location of the new ponds being proposed, and the discharge of the water flowing through them to existing pond series K, L, M, and N. That information indicated that no

new direct discharges into the estuary were being sought. Further, the Applicant explained to the hearing officer that approval of the re-use would in no way affect the Applicant's obligation to meet the discharge requirements set forth in its existing NPDES permit issued by the U.S. Environmental Protection Agency. Finally, at the hearing, the Applicant explained that the water discharged from the new ponds being proposed would be treated, as is all other water being used on the Magic Springs facility, in the quiescent zones, vacuum waste removal system and settling ponds prior to being discharged into the estuary, thereby protecting the use of the estuary for recreation and fish and wildlife resources.

In finding of fact No. 11, the hearing officer stated as follows:

> 11. The Protestant submitted documents which indicated that the Applicant had violated U.S. Environmental Protection Agency (EPA) standards established by its NPDES waste discharge permit. These documents, labeled as Protestant's exhibits No. 1 and No. 2, were investigatory observations.

Again, it is submitted that finding No. 11 clearly indicates that the hearing officer has not restricted his inquiry to the impact of the proposed re-use of water sought in Permit Application No. 36-08356, as required by Idaho Code §42-203A. It is further submitted that the Applicant, in the face of those allegations, went forward and met its burden of refuting the evidence on which finding of fact No. 11 was based. The Applicant not only testified that no violations of its NPDES permit have occurred, but also submitted into evidence its Exhibit No. 2, which is a consent agreement and

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order in the matter of Pisces Investments, Inc., Respondent, NPDES Permit No. ID-000097-3. In that consent agreement and order, it is clear that the Environmental Protection Agency established no violation of the Applicant's NPDES permit governing the discharge of effluent from the Magic Springs Hatchery.

The Applicant would also like to point out that the proceeding to assess Class II administrative penalties brought by the U.S. Environmental Protection Agency against the Applicant, which the Protestant referred to in the hearing as evidence of water quality violations, was actually an allegation that the Applicant had violated certain "best management practices" required by its NPDES permit. There was never any allegation by the U.S. Environmental Protection Agency that the effluent being discharged from the Applicant's Magic Springs Trout Farm facility into the estuary violated the water quality limitations established by the NPDES permit. It is submitted that the hearing officer had a duty to take quasi-judicial or administrative notice of the EPA proceedings with the Applicant if that proceeding was to be used as the basis for the proposed Memorandum Decision.

IV

THE ORDER ISSUED BY THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING, IN THE CASE ENTITLED W. W. RITTER ESTATE AND JOHN RITTER, PLAINTIFFS, VS. NORMAN S. STANDAL AND GEORGE H. LEMMON,

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AND AQUACULTURE INDUSTRIES, INC., DEFENDANTS, CASE NO. 14752 DOES NOT ESTABLISH LOCAL PUBLIC INTEREST AS DEFINED BY IDAHO CODE §42-203A.

The proposed Memorandum Decision seizes upon the order issued in the above-referenced Fifth District Court case (hereinafter referred to as "Ritter v. Standal"), as establishing local public interest, as that term is used in Idaho Code §42-203A, subsection (5). For various reasons set forth herein, it is submitted that the decision in Ritter v. Standal cannot be used in that manner.

First, the order referred to in Ritter v. Standal has lapsed, having been rendered on June 22, 1979, and having not been renewed. It is therefore not a judgment which can presently be enforced.

Second, Ritter v. Standal was private litigation between two parties, neither of whom is involved in the Application for Permit No. 36-08356 as an Applicant or a Protestant. To assume that the order is applicable to the protest hearing, and that the Idaho Department of Water Resources has the right or authority to enforce that judgment against persons not a party thereto is legally untenable.

Third, there is nothing contained in the order in Ritter v. Standal which indicates that "local public interest" as that term is employed in Idaho Code §42-203A was an issue in the Ritter v. Standal litigation, or that the judge, in issuing the order, even considered local public interest. It is submitted that in order for the Idaho Department of Water

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Resources to collaterally use said order as legally establishing the "local public interest" as it relates to Application for Permit No. 36-08356, there must be a showing that the issue was a clearly identified in Ritter v. Standal, that it was litigated by the parties thereto, and that the judge's order therein clearly adjudicated the issue and ruled on it. None of those elements appears to have been involved in the order, and the order itself makes no reference of local public interest, nor does it suggest that the court considered or ruled on the local public interest criteria defined by Section 5, 1, 5 of the Water Appropriation Rules and Regulations promulgated and enacted by the Idaho Department of Water Resources.

V

NO EVIDENCE WAS PRESENTED THAT THE RE-USE OF WATER PROPOSED IN APPLICATION FOR PERMIT NO. 36-08356 VIOLATED ANY WATER QUALITY STANDARDS REFERRED TO IN RITTER V. STANDAL.

Once again, it is submitted that the scope of inquiry at the protest hearing held on October 19, 1989, was limited to consideration of the pending Application for Permit No. 36-08356, and the impact the proposed uses of water set forth in that application would have on the criteria contained in Idaho Code §42-203A. Assuming, for the sake of argument only, that the order in Ritter v. Standal did establish that local public interest requires the quality of water in the estuary to be suitable for recreational uses including swimming, boating, fishing, hunting and wading. The Applicant

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finds nothing in the findings of fact or conclusions of law contained in the proposed Memorandum Decision, nor in any evidence produced by the Protestant at the hearing, which proves, implies or even suggests that the additional uses proposed in the Application for Permit No. 36-08356 will have any adverse effect on the fitness of the estuary for swimming, boating, fishing, hunting and wading. No evidence produced by the Protestant at the hearing was germane to a consideration of the pending Application for Permit, but rather seemed to deal with presently existing licensed water uses at Magic Springs Trout Farm.

Conversely, the Applicant did provide competent evidence that the proposed uses contained in the Application for Permit No. 36-08356 would not be adverse to the alleged public interest criteria set forth in the order in Ritter v. Standal. As mentioned above, the Applicant testified that the discharge from the additional trout rearing raceways proposed as part of the Application for Permit would be governed by the effluent limitations set forth in the Applicant's NPDES permit. The Applicant also filed with the Department a letter dated September 12, 1988, from the Division of Environmental Quality addressed to Mr. Loren Holmes which states that compliance with NPDES standards will eliminate any water quality problems. (A copy of said letter is attached hereto as Exhibit "B.") Not only did the Applicant provide evidence that the water discharged from the new ponds would go into pond series K, L, M, and N, but also testified as to the existing

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water treatment facilities, including quiescent zones, vacuum treatment facilities, and settling ponds, on line to enhance the quality of water being discharged into the estuary. The Applicant further presented the hearing officer with a copy of the consent agreement and order in the proceedings before the U.S. Environmental Protection Agency (Docket No. 1088-03-20-309(G)) (Applicant's exhibit No. 2 in the protest hearing), which refuted the Protestant's assertions that violations of the effluent limitations contained in the Applicant's NPDES permit had been violated. In short, the Applicant provided competent evidence that it had and was complying with the provisions of its NPDES permit, and that proposed uses under the re-use permit being sought would have no adverse impact on water quality.

Notwithstanding suggestions to the contrary contained in the proposed Memorandum Decision, the Applicant submits that compliance with the requirements of its NPDES permit creates prima facie proof that the alleged "local public interest" set forth in the order in Ritter v. Standal are being satisfied. Section 101 of the Federal Water Pollution Contract Act, also known as the Clean Water Act, 33 U.S.C. §1251(a), provides as follows:

> (a) The objective of this chapter is to restore and maintain the chemical, physical and biological integrity of the nation's waters. In order to achieve this objective, it is hereby declared that, consistent with the provisions of this chapter--
>
> (1) It is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985;

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> (20 It is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shell fish, and wildlife and provides for recreation in and on the water, be achieved by July 1, 1983;
>
> (3) It is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited;
>
> (4) It is the national policy that federal financial assistance be provided to construct publicly owned waste treatment works;
>
> (5) It is the national policy that area-wide waste treatment management planning processes be developed and implemented to assure adequate control of sources of pollutants in each state; and
>
> (6) It is the national policy that a major research and demonstration effort be made to develope technology necessary to eliminate the discharge of pollutants into the navigable waters, waters of the contiguous zone, and the oceans.

As can be seen, the purpose of the NPDES permit system is to assure that the quality of water being discharged into receiving waters of the United States, including the estuary in question is to be such that it will provide for the protection and propagation of fish, shell fish, wildlife and recreation. The federal government has carefully studied the matter, and has as a result placed severe limitations on the Applicant through its NPDES permit. Evidence which has been submitted to the effect that the Applicant has been meeting the effluent discharge limits set forth in that NPDES permit should therefore be accepted as prima facie evidence that the quality of water being discharged does protect fish, shell fish,

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wildlife and recreational uses of the estuary. No evidence to the contrary has been provided by the Idaho Department of Water Resources or the Protestant.

VI

THE EXISTING DISCHARGES FROM MAGIC SPRINGS TROUT FARM ARE NOT IN VIOLATION OF THE LOCAL PUBLIC INTEREST STANDARDS ALLEGEDLY SET FORTH IN RITTER V. STANDAL.

Assuming, for the sake of argument only, that the Idaho Department of Water Resources has statutory authority to reject an application for the appropriation and use of water on the basis that the Applicant is at the time of application violating a local public interest, it is submitted that no such violation exists in this case.

As mentioned above, the proposed Memorandum Decision does not deal with the Application for Permit, and the uses of water to be made thereunder, but rather focuses apparently on alleged water quality problems existing at the Magic Springs Trout Farm. Again, assuming for the sake of argument that the order issued in Ritter v. Standal sets forth a legitimate local public interest standard, for purposes of Idaho Code §42-203A, subsection (5), and that the Department is empowered to consider existing uses of water licensed to the Applicant, rather than the uses intended to be made of the water sought in its Application for Permit in its deliberation on whether to approve or reject an application, it is submitted that no violation of that local public interest has occurred.

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As mentioned above, the Federal Water Pollution Control Act (more commonly known and referred to as the Clean Water Act) has established as its goal and policy the attainment of water quality standards necessary for the protection and propagation of fish, shell fish, wildlife, and recreation. The water quality standards set forth in the Applicant's NPDES permit are intended to attain that goal, and the evidence submitted by the Applicant that the limitations set forth in said permit have been met constitutes a prima facie case that those public interest goals have in fact been met. Since those standards, as set forth in the federal statutes, are generally consistent with those mentioned in the order in Ritter v. Standal, it is further submitted that compliance with the NPDES permit also makes a prima facie case that the public interest contained in the court order issued in Ritter v. Standal have been met. The Protestant offered no evidence, such as water analyses, discharge monitoring reports submitted by the Applicant on a periodic basis to the EPA, or EPA records to support its contention that the existing activities of the Applicant violate the NPDES permit or fail to meet the standards set forth in the order entered in Ritter v. Standal. Consequently, no such finding can be sustained in the Memorandum Decision.

VII

MEMORANDUM DECISION MAKES REFERENCES TO, AND IS INCORRECTLY BASED UPON, NON-EXISTENT WATER QUALITY STANDARDS.

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In reviewing the proposed Memorandum Decision, it appears that the hearing officer has held that the Applicant must meet a water quality standard exceeding that established by the U.S. Environmental Protection Agency in order for its pending application for water re-use can be approved. In conclusion No. 19, the Memorandum Decision states as follows:

> 19. Proof of compliance with DEQ's or EPA's water quality standards will not conclusively satisfy the local public interest inquiry, however. A higher standard may be imposed at specific locations where local public interests dictate that recreational uses or natural fishery values be preserved. Water quality may also depend on where the water is released to the estuary, whether some fresh water must be released at the head of the estuary and whether construction techniques have been employed to prevent erosion.

First, it must be said that the application under review will result in no change in where water is released in the estuary, nor will it alter in any way the water which is presently being discharged into the head of the estuary, nor will it affect facilities and installations already in place to prevent erosion of the banks of the estuary. All of those issues were raised in 1985 and 1986 when the Applicant proceeded to license its existing water right for Magic Springs Trout Farm. The entire facility was reviewed and inspected at that time by the Department of Water Resources, as well as by private hydrologist, Mr. Charles Brockway, who represented the heirs of the W. W. Ritter Estate. With respect to these issues, the Applicant would ask the reader to refer to findings of fact Nos. 15 and 16 in the proposed Memorandum Decision which state as follows:

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15. Stream channel alteration permit No. 36-S-11 required the following: (a) the estuary had to be restored to its approximate size as of 1969; (b) sufficient water had to be discharged at the head of the restored estuary to prevent stagnation; (c) shrubs and or trees were required to be planted and maintained to provide a good vegetative screen between the restored estuary and the proposed raceways; (d) banks of the estuary had to be constructed at a stable slope not to exceed 2 to 1 and had to be protected from surface erosion and sloughing with the establishment of suitable vegetation; and (e) well graded angular rock large enough to resist displacement was required to be placed along the east bank at the elevation of the proposed water level to protect the bank from erosion.

16. The Department records indicate that the conditions of the stream channel alteration permit were satisfied at the time of inspection.

In other words, the Department inspected the facility, found all of the conditions to be met before issuing Water Right License No. 36-7072. No changes have been made in the operations of Magic Springs Trout Farm since that inspection, and there is certainly nothing involved with the present Application for Permit No. 35-08356 which will have any impact on those items mentioned in finding of fact No. 15.

More troubling, however, is the reference in conclusion of law No. 19 to a water quality standard which exceeds that of the U.S. Environmental Protection Agency and the State Department of Health and Welfare, Division of Environmental Quality. Conclusion of law No. 19 suggests that a higher water quality standard "may be imposed," presumably by the Idaho Department of Water Resources. No such higher standard, however, has been promulgated to the knowledge of the Applicant, either in general or as specifically related to the

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Applicant's Application for Permit No. 36-08356. If such a higher standard exists, it is incumbent upon the Idaho Department of Water Resources to set forth that standard in order that it might be met by the Applicant. Reference to a non-existent standard and the use of that standard to deny the proposed application is legally indefensible.

If it is the intent of conclusion of law No. 19 to hold that the application for re-use of water contained in Application for Permit No. 36-08356 violates the outstanding NPDES permit or the alleged local public interest interests mentioned in Ritter v. Standal, then the Applicant would submit that the Protestant has produced no evidence of either. They have alleged violations of the NPDES permit, which allegations have been conclusively rebutted by the Applicant. They have presented a sample of water allegedly taken from the estuary which they contend makes the estuary unfit for the recreational uses mentioned in Ritter v. Standal. However, no analysis of the water sample had been completed, no proof was presented that the water quality made the estuary unfit for recreational purposes, including fish and wildlife preservation, and most importantly, no evidence, allegations or statements were given by the Protestant concerning the effect approval of Application for Permit No. 36-08356 might be expected to have on the quality of the effluent being discharged from Magic Springs Trout Farm into the estuary.

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Conversely, as mentioned above, evidence was presented by the Applicant to the effect that its NPDES permit was being complied with, and would continue to govern discharges into the estuary after installation of additional ponds proposed in Application for Permit No. 36-08356. Protection of recreation uses, and fish and wildlife habitat were the goals legislatively mandated in the Clean Water Act, and the NPDES permit program is designed to attain those goals. The standards set forth in the Applicant's NPDES permit resulted from substantial investigation of conditions by the U.S Environmental Protection Agency, and should not be upset by unsubstantiated allegations from the Protestant that the water quality in the estuary does not meet local public interest, nor by references to a "higher standard" which, to the Applicant's knowledge, has never be promulgated or published by the Idaho Department of Water Resources.

VIII

CONCLUSION

For the reasons set out hereinabove, it is respectfully contended that the proposed Memorandum Decision should be reversed, and that Application for Permit No. 36-08356, for the re-use of 45 cfs of water at the Applicant's Magic Springs Trout Farm should be approved. The most disturbing part of the proposed Memorandum Decision is its total disregard for the statutorily imposed scope of the protest hearing. Idaho Code §42-203A requires that any such review be related strictly to the application for permit which

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has been protested, and the uses which the Applicant intends to make of the water being sought. Without justification, the entire Memorandum Decision deals with what the hearing officer apparently perceives to be water quality problems which exist at the Applicant's Magic Springs Trout Farm at the present time, making no finding or conclusion with respect to the impact which the application for permit under consideration might or might not have on the quality of water being discharged from the facility.

The proposed Memorandum Decision also incorrectly concludes that the Applicant's existing facilities at Magic Springs Trout Farm, with or without approval of Application for Permit No. 36-08356, violate a local public interest standard which is taken, with some creativity and imagination, from a lapsed judgment in private District Court litigation, known as Ritter v. Standal. Even assuming for the sake of argument that the standard contained in that order issued in Ritter v. Standal is an acceptable statement of local public interest for purposes of Idaho Code §42-203A, the proposed Memorandum Decision wrongfully concludes that those standards are, or with the approval of Application for Permit No. 36-08356 will, violate those standards. The Protestant has offered no evidence that the estuary is not presently suitable for recreational uses including swimming, boating, fishing, hunting and wading. Protestant attempted to do so by suggesting or stating that the Applicant was in violation of its NPDES permit, an allegation which was thoroughly rebutted by the

testimony of the Applicant and by the submittal of Applicant's Exhibit No. 2. Protestant attempted to further establish the unsuitability of the estuary for recreational purposes by presenting a sample of water, alleged to have been taken from the estuary. The Protestant did not present the hearing officer with any scientific analysis of the sample, or any evidence of the source, extent or nature of the pollutants supposedly contained in the sample, nor any testimony establishing that water consistent with that contained in the sample was unfit for recreational purposes.

The Applicant presented evidence that its facility was presently meeting its NPDES permit which, according to federal statutes (Clean Water Act), were designed and intended to preserve the quality of receiving waters of the United States, including the estuary into which Magic Springs Trout Farm discharges its water for recreation, fish and wildlife. The Applicant further, in its application and supporting documentation, provided the Idaho Department of Water Resources with evidence that the proposed uses to be made of the water sought in Application for Permit No. 36-08356 would not change the nature or content of the water being discharged from Magic Springs Trout Farm, nor the location of discharges. The Applicant also testified that all water used pursuant to the Application for Permit No. 36-08356 would be treated in quiescent zones, vacuum removal systems and settling ponds to assure that all water being discharged into the estuary would meet or exceed the limitations imposed by the U.S.

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Environmental Protection Agency. Such evidence is consistent with the recommendation of the Idaho Department of Health and Welfare to insure good water quality in the estuary (See September 12, 1988, letter from Mr. McMarten to Loren E. Holmes, a copy of which is attached hereto as Exhibit "B.")

Finally, in conclusion, the Applicant wishes to reiterate its belief that the findings of fact and conclusions of law to which it took exception are irrelevant and immaterial to the legitimate scope of the protest hearing, and have no value in determining the impact on local public interest of Application for Permit No. 36-08356, as those findings and conclusions relate only to the existing facilities, now under license to the Applicant, and have no bearing whatsoever on the effects and impacts which can be expected from approval of Application for Permit No. 36-08356, and the re-use of the water therein sought for additional trout rearing ponds.

Therefore, it is respectfully urged that the proposed Memorandum Decision be reversed, and that Application for Permit No. 36-08356 be approved.

DATED this 25th day of Jan, 1990.

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

By: J. Evan Robertson

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EXHIBIT "B"
TO APPLICANTS BRIEF

STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE 734-9520

DIVISION OF ENVIRONMENTAL QUALITY
P. O. Box 1626
Twin Falls, Idaho 83303-1626

September 12, 1988

Loren O. Holmes
Southern Region Manager
Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

Re: Permit Application No. 36-08356 - Magic Springs Hatchery

Dear Mr. Holmes:

We have reviewed the above referenced application and submit the following comments:

1) The application is for reuse of existing water for the propogation of small trout.

2) The increase of additional rearing capacity will generate additional waste materials. The systems shall be designed and operated in such a manner as to insure compliance with EPA's NPDES permit effluent requirements.

Provided adequate waste management facilities are included in the proposed use, we do not anticipate any water quality problems.

Should any questions arise, please contact me.

Sincerely,

Michael J. McMasters

Michael J. McMasters
Water Quality Field Supervisor

MJM/ta
cc: J. Evan Robertson
Larry L. Koenig/Jerry Yoder

MICRO
MAR 0 6 2002

36-8356

Tape Speed = 1.2

Exhibits - F&C 1 - ∞
Applicant - A - ∞
Protestant - 101 - ∞

Tape #1

00 Intro

99 Tolman —

1130 Tolman - Direct Exam Mike Green.

1325 App Ex A Admitted

1540 App Ex B Admitted

App Ex C

1960 Goddard Cross Exam - Mike Green.

3000 Prot. (HUCA) Ex 101 & 102 admitted

3398 Tolman - Re-Direct Exam Mike Green.

3445 Re-Cross Ex Mike Green by Goddard

3906 F&C Ex # 22 Admitted

4013 Applicant's Exhibit D Admitted

4129 Tolman Direct Exam - Dorothy Green

4289 Goddard Cross Exam - D. Green.

4311 Carleton Cross Exam " "

4533 Tolman Direct Exam - Evan Robertson

5270 Cross Exam by Goddard " "

5485 Carleton - Cross Exam " "

5542 Tolman Direct Exam J. C. Botdick

5715 Goddard Cross Exam " "

5915 Carleton " " " "

6155 Tolman Direct Exam - David Van Engelen

6597 Goddard - Cross Exam " "

Tape 2

00 Goddard — Continued

0112 Carleton Cross Exam David Van Engelen

0220 Tolman Direct Exam Leon Klimes

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Applicant E
F&G 11-21
Protestant 101 102 103

Tape #2 (cont)

~	Tolman Direct Exam Leon Klimes (cont)
0601	Applicants Exhibit E Admitted
0650	Goddard Cross Exam Leon Klimes
0776	Carleton " " " "
1042	Tolman Direct Exam - Mike McMasters
1270	Goddard Cross Exam " "
1450	Carleton " " " "
~~	Tolman - Re-Direct " "
2040	Goddard - Re cross Exam " "
2618	Tolman Direct Exam Matt Lucachek
~~	
3466	Carleton Direct Exam - Fran Grissom
3630	Goddard Cross Exam " "
3661	Tolman " " " "
~~	
3739	Goddard Direct Exam Dutch Schultz
4707	Tolman Cross Exam " "
4865	Goddard Re-Direct " "
4918	Goddard - Direct Exam - Diane Klassick
5375	F&G Exhibits 11-21 Admitted
6135	Tolman Cross Exam Diane Klassic

Tape #3

0103	Carleton Direct Exam Butt Holmes
0290	Tolman - cross Exam " "
0339	Goddard - Cross Exam " "
0427	Carleton — Testimony.
0700	Protestant Ex 103 Admitted

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Tape #3 (cont)

0846	Admission Device - Protestant Ex 104
0900	Prot Ex 105 offered - - - - Withdrawn
1099	Prot Ex 112 & 113 offered
1240	" " " " Admitted
1268	" " 107 offered
1310	" " " Admitted
1403	" " 108 Admitted
1436	" " 109 offered
1514	" " 109 Admitted
1530	" " 110 offered
1550	" " 110 Admitted
1557	" " 111 offered
1577	" " 111 Admitted
1750	Tolman - Cross Exam Catleton
1813	Catleton - Statement
1835	Catleton - Direct Exam Carter Wilson
1930	Goddard - Cross-Exam " "
1959	Tolman - " " " "
1980	Goddard Re Cross " "
2040	Goddard - Direct Exam Robert Johnson
3200	Catleton Cross Exam " "
3465	Tolman Cross Exam " "
3660	Goddard - Re-Direct " "
3784	Goddard Direct Exam - Catleton
3827	Ex 106 offered
3904	" 106 Admitted
3944	Tolman Cross Exam Catleton

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Tape #3 (Cont)

3970	Goddard Direct Exam Nancy Ritter
4127	F#6 Ex 1, 2, 3, 4 offered
4157	" " " Admitted
5059	F#6 Ex 6 offered
5450	Tolman Cross Exam Nancy Ritter
5738	F#6 Ex #6 Debate
5918	" " Admitted
5928	Goddard direct Exam Chip Corsi

Tape #4

~~	" " " " (Cont)
0624	F#6 Ex 23 offered
0665	" " " Admitted
1094	Tolman - Cross Examin Chip Corsi
1476	Goddard - Re-Direct " "
1764	Tolman - Closing Argument
1910	Goddard - " "

100 105

~~4~~ 1910

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MAR 06 2003

36-8356

1

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101

Protestant Exhibit # 1 Admitted

OCT 04 1988

REPLY TO ATTN OF: ES 098

IDFG
JUN 26 1990
LEGAL/PERSONNEL

MEMORANDUM

SUBJECT: Magic Springs Trout Hatchery

FROM: Robert J. Athmann, Civil Investigator
Engineering and Investigations Section

TO: Rick Parkin, Chief
Water Compliance Section

Monitoring of operations at Magic Springs Trout Hatchery was conducted to determine whether the information provided by Picses Investments, Inc. was an actual schedule of cleaning and whether the company conducted procedures for the removal and treatment of wastes generated by fish as described in their response to a Region 10 Section 308 request, dated 6/2/88. Monitoring consisted of observation of the facility conducted by Daniel R. Tangarone, Environmental Engineer, and Robert J. Athmann, Civil Investigator, during the period, 9/21/88 to 9/23/88, from positions on the rim of the Snake River Canyon overlooking Magic Springs Hatchery.

On 9/21/88, the hatchery was under direct observation by Tangarone and Athmann beginning at approximateley 9:00am until approximateley 12:00pm, from a position on the West canyon rim across the Snake River from the hatchery. During that time it was observed that several individuals were working on installing or repairing bird netting over Raceway L (see attached diagram). It also was observed that at least two other employees were engaged in filling automatic feeders at various ponds throughout most of the morning. Other employees were seen removing green vegetation from screens and ponds with rakes. At approximately 11:15am, a large truck with stainless steel tanks arrived and stopped at Raceway L. The driver and another individual set up hoses between the truck and a pond in Raceway L and appeared to be pumping fish into the truck. One individual was in the pond moving a screen towards the end of the pond towards the discharge wier. At approximately 11:55am the hoses were disconnected and the truck and driver departed. Individuals working in the area of Raceway L departed at approximately 12:00pm and surveilance was discontinued.

At approximately 1:00pm, Tangarone and Athmann initiated observation at the East rim of the canyon. Investigators observed that there were three concrete ponds at the southwest corner of Raceway N, which appeared to be of recent construction. The three ponds were empty and did not bear any stains

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Protestants Exhibit 101
Admitted 10/1/90
101

or marks that indicated they had held any material. It also was observed that each pond in Raceways L and N contained screens approximately 10 feet from the discharge ends. (See Slide 7) Two ponds on the north side of Raceway L were empty and full of vegetation. (See Slide 6) Two men were observed to be working in the discharge end of Raceway L and frequently entered different ponds in the Raceway and went under a walkway that extended across the discharge end of Raceways L and N. At times they were observed taking lengths of pipe under the walkway. Other employees were seen removing green vetation from screens and ponds. The above activities continued throughout the afternoon and at approximately 4:00pm, employees were observed dumping green veetation material from a pickup truck into a ditch west of raceways L and N. Individuals working at the hatchery began putting equipment away and departed the area by 4:15pm. Surveilance was discontinued at approximately 4:30pm.

On 9/22/88, the facility was under observation by investigators from approximately 9:15am to 4:15pm. The vantage point was the East rim of the canyon above the hatchery. Workmen were continuing work on the netting over Raceway L and the same activity, pipe installation under the walkway at the discharge end of Raceways L and N, was observed throughout the day. At approximately 1:35pm a large truck with stainless steel tanks arrived and fish were pumped from Raceway L-10. Employees of the hatchery discontinued work at approximately 4:00pm and surveilance was discontined at 4:15pm.

On 9/23/88, the facility was under observation by investigators from approximately 9:00am until 4:15pm from the East rim of the canyon. Work on the bird netting was going on at Raceway L. One employee was observed to be standing in a pond in Raceway I and with a long-handled brush or scraper was sweeping the bottom of the pond towards the discharge end. This activity continued until approximately 11:30am, and the employee was observed moving from one pond to another until he reached the last pond on the south end of Raceway I. He then was observed to proceed to the first pond of Raceway J and scrape solid material from the bottom and dump it over the discharge wier into the discharge channel. He continued this procedure from one pond to another until he reached the last pond at approximately 11:30am. He then was observed to exit the last pond of Raceway I and depart the area. Also during this period, from approximately 10:00am to 10:30am, the pump truck had arrived and was observed at Raceway L-9 where hoses were set up by two individuals who pumped fish into the truck. These two individuals then were observed to place hoses over the wall to Raceway L-8 and investigators observed fish being pumped from Raceway L-9 into L-8. This operation was discontinued at approximately 10:30am and the truck and driver departed. Employees were observed leaving the raceway areas at approximately 12:00pm.

At approximately 1:00pm investigators observed an individual standing in a pond of Raceway K-9 and, with a long handled brush or scraper, was pushing material from the bottom towards the discharge end of the pond. The water in the pond was flowing over the discharge wier into the next pond, L-9 and was becoming brown and frothy until the water in both ponds was discolored. When the individual in the pond reached the discharge wier he was observed to scrape solid material from the wier over into the next pond. This caused the water in the lower pond to become even darker in appearance and more froth appeared on the surface. At approximately 2:00pm a large fish pump truck arrived and invesitgators observed the driver and another individual pumping fish from Raceway L-8. At approximately 2:30pm this operation was discontinued and the truck and driver departed.

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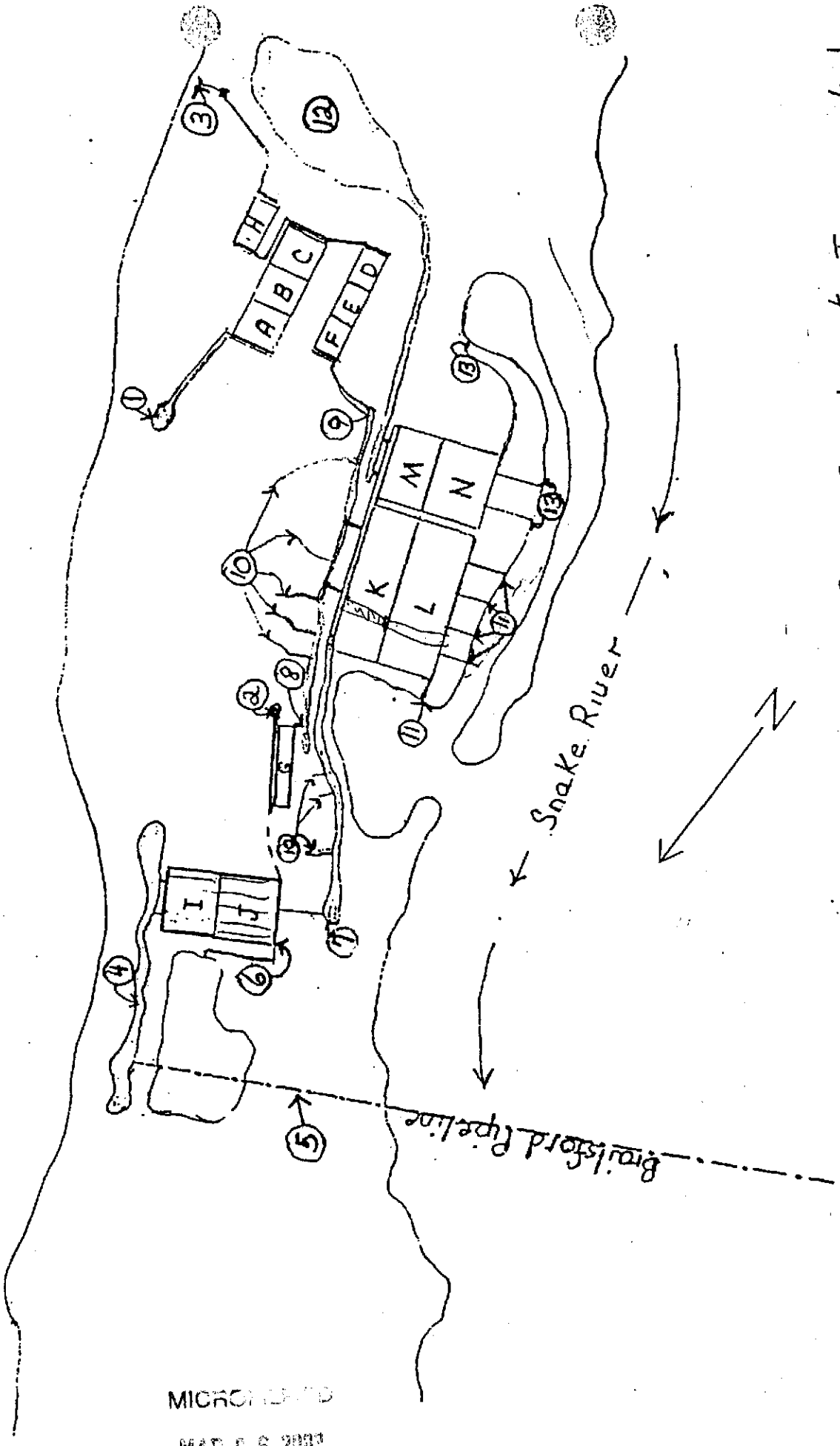
At approximately 3:38pm, investigators observed two individuals at Raceways K-7 and K-8, one in the water and one on the wall. Both were using long handled scrapers and were sweeping solids from these raceways into L-7 and L-8. The water of these two raceways became brown and murky in appearance. Work on these raceways continued until approximately 4:15pm, when the two individuals left the raceway. The water in the four ponds in Raceways L and K remained brown and murky in appearance throughout the cleaning process. Investigators observed that the water from these ponds was being discharged as usual into the discharge channel at the ends of Raceways L and N. Investigators did not observe any removal of solids from the ponds by any method, such as vacuum, pump or shovel, nor was the water level lowered or the flow stopped. Surveilance was discontinued at approximately 4:15pm.

Conclusions:

Investigation indicates that the cleaning methods and procedures utilized by the company are not as described by Michael G. Greene, President, Pisces Investments, Inc., in his response to EPA Region 10's Request for Information. Greene had stated that, "Ponds and raceways not in use were cleaned by turning off the inflow source waters allowing the pond to draw down until the accumulated solids could be manuall removed for use as landfill at the facility." Investigators observed that a full flow of water was flowing while the ponds were being cleaned and that bottom sediment was being discharged to the river. The cleaning process did not include manual removal of solids and investigators did not see any area on the property that was being used as a landfill for waste material, except for a small area that was being used for dumping vegetation removed from the screens and ponds. The three concrete lagoons recently constructed were not in use but activity observed at the hatchery seemed to indicate installation of a pipeline was in process.

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Diagram #1

ANALYTICAL LABORATORIES, INC.

1804 N. 33rd ST. BOISE, IDAHO 83703
PHONE 342-5515 AREA CODE 208

WATER QUALITY REPORT

SAMPLE NUMBER - 8244

MAGIC SPRINGS
P. O. BOX 1237
TWIN FALLS , ID 83301

DATE OF COLLECTION -: 11/03/87
TIME OF COLLECTION -: 11:00 AM
DATE RECEIVED -------: 11/06/87
DATE REPORTED -------: 11/12/87

SUBMITTED BY -:
SOURCE --: TSS-GRAB

RESULTS IN MG/1(PPM)	RESULTS IN ORGANISMS/100ml	RESULTS IN ORGANISMS/100ml
BIOCHEMICAL OXYGEN ----:	FECAL COLIFORM BACTERIA -:	TOTAL COLIFORM, MPN ----:
CHEMICAL OXYGEN DEMAND --:	FECAL STREP BACTERIA ----:	FECAL COLIFORM, MPN ----:
RESIDUE NONFILTERABLE ---: <4.0	TOTAL COLIFORM BACTERIA -:	PSEUDOMONAS ----------:
OIL & GREASE ----------:		STAPHYLOCOCCUS / gram ---:

RESULTS IN MG/L (PPM) UNLESS NOTED

ACIDITY ----------:	CYANIDE WEAK ACID DIS ---:	PHOSPHATE TOTAL --------:
ALKALINITY ----------:	E P TOXICITY ----------:	RADIUM GA-GB ----------:
AMMONIA DIRECT --------:	FLUORIDE DISTILLED ------:	RESIDUE VOLATILE -------:
AMMONIA DISTILLED -------:	FLUORIDE DIRECT --------:	RESIDUE TOTAL ----------:
BICARBONATE ----------:	HERBICIDES ----------:	RESIDUE TOTAL FILTERABLE-:
BORON ----------:	HARDNESS ----------:	SETTLEABLE MATTER -------:
BROMIDE ----------:	NITRATE N ----------:	STD PLATE COUNT --------:
CARBON DIOXIDE ---------:	NITRITE N ----------:	SULFATE ----------:
CARBONATE ----------:	NITROGEN ORGANIC -------:	SULFIDE ----------:
CHLORIDE ----------:	NITROGEN TOTAL KJELDAHL -:	SURFACTANT ----------:
CHLORINE RESIDUAL -------:	OXYGEN DISSOLVED -------:	TANNIN & LIGNIN --------:
COLOR ----------:	PCB ----------:	TEMPERATURE ----------:
CONDUCTIVITY ----------:	PESTICIDES ----------:	TOTAL ORGANIC CARBON ----:
CORROSIVITY ----------:	PHENOLS ----------:	TRIHALOMETHANE ----------:
CYANIDE FREE ----------:	pH (S.U.) ----------:	TURBIDITY (N.T.U.) -------:
CYANIDE TOTAL ----------:	PHOSPHATE ORTHO --------:	

ALUMINUM ----------:	COPPER ----------:	SELENIUM ----------:
ANTIMONY ----------:	GOLD ----------:	SILICA ----------:
ARSENIC ----------:	IRON ----------:	SILICON ----------:
BARIUM ----------:	LEAD ----------:	SILVER ----------:
BERYLLIUM ----------:	MAGNESIUM ----------:	SODIUM ----------:
CADMIUM ----------:	MANGANESE ----------:	THALLIUM ----------:
CALCIUM ----------:	MERCURY ----------:	TIN ----------:
CHROMIUM ----------:	MOLYBDENUM ----------:	TITANIUM ----------:
HEXAVALENT CHROMIUM ----:	NICKEL ----------:	VANADIUM ----------:
COBALT ----------:	POTASSIUM ----------:	ZINC ----------:

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MAR 0 6 2003

Michael D. Moore

MICHAEL D. MOORE

3C-835C

FEB 16 1988

WATER COMPLIANCE SECTION

Protestant Exhibit #2

NPDES INSPECTION NARRATIVE

Admitted

Facility: Pisces Investments, Magic Springs Hatchery ID0000973
P.O. Box 701
Twin Falls, Idaho 83301

Site Location: Near Hagerman
Near National Hatchery

Inspection Date: 1/26/88

Inspector: Daniel R Tangarone DRT
Environmental Engineer
Engineering and Investigations Section
Technical Support Branch
Environmental Services Division

On January 25, 1988 I met Mr Michael Greene, Owner of Pisces Investments Magic Springs Hatchery during my inspection of the Blue Lakes Trout facility where Mr Greene is the General Manager. On January 26, 1988 I met with Mr Leon Klimes, Magic Springs Hatchery Manager and Mr Steve Bright, Assistant Hatchery Manager. I brought a copy of the Magic Springs permit, given to me by Mr Tom VanTassel, Manager of the Blue Lakes Hatchery. The DMR's for both Blue Lakes and Magic Springs are completed by Mr VanTassel from data provided by Analytical Laboratories, Boise, Idaho. I asked Mr Klimes if they had copies of the permit and DMR's. He said they did not have copies at the facility. I then gave him the copy of the permit which I brought from Blue Lakes. We reviewed the permit in detail. During this permit review and completion of the inspection checklist the following operational practices were observed and summarize the pollution control activities at the facility.

The facility does not have any system for the removal and/or treatment of wastes generated by the fish.

Wastes are not removed from the raceways.

There are no quiescent zones in the raceways.

Settleable Solids test results are not maintained.

The permit as issued includes reference to a fish processing facility. There used to be a processing plant here but it was removed to make way for construction of the new office building. Mr Klimes did not know if EPA was notified of the construction changes.

We toured the facility. I collected a grab sample from 6 of the 7 raceway discharges (one of the discharges was not readily accessable) and composited the grabs into one sample. Analytical results show Total Suspended Solids = 4.0 mg/l and Settleable Solids = 0.1 ml/l. Some of the raceway discharges may be seen (with use of a projector) in slides 1-2, and 12.

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Protestant's Exhibit 102
Admitted 10/17/90
LH

Fish are crowded to the discharge end of the raceway, where a pump is installed (Slides 6, 7) which pumps fish into a truck for transport. This activity in the raceway causes solids to discharge since additional dam boards are not installed during the activity to prevent discharge from the raceway.

The DMR for November 1987 was reviewed with data (see attached) provided by Mr VanTassel at Blue Lakes. Mr Bright was taking a grab sample for checking the instantaneous maximum. I pointed out that the note at the bottom of the DMR indicates that there is no monitoring requirement for this limitation. He asked that we clarify this for him. The comment at the bottom of the DMR for the cleaning waste treatment system (002A) says just that "there is no discharge at Magic Springs from 002A". In actuality, there is no discharge from 002A because there is no 002A. There is no waste treatment system at this facility.

The following discussion relates to various permit conditions.

IA "For facilities that use a vacuum cleaning system, standpipe bottom-drain system or other method to remove solids from the raceways or ponds for treatment in a separate settling system, the permittee is authorized to discharge in accordance with the following requirements: ..."

COMMENT: This facility does not vacuum clean the raceways, does not have a standpipe bottom-drain system or any other method of removing solids from the raceways. There is no treatment system or treatment pond that could be used for waste treatment. Screens are not installed in the raceways to create solids settling zones.

I.A.1.g "The permittee may submit a request to change the monitoring sample type for total suspended solids from a 24 to an 8-hour (collected during normal working hours) composite sample."

COMMENT: Samples are now collected over an 8-hour period. It is not known if a request was submitted for this change. Currently, 1 pint/hour/raceway discharge is collected. This sample is then poured into the 250ml bottle supplied by the laboratory.

I.A.2 Cleaning Waste Treatment System

COMMENT: There is no waste treatment system.

I.B. Flow-Through Settling

COMMENT: This facility does not settle the entire raceway flow in a separate pond.

I.C. Processing Plant

COMMENT: There is no processing plant at this facility. It was removed for construction of the new office building.

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I.D.1. "Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner so as to prevent any pollutant from such materials from entering waters of the United States."

COMMENT: There is no removal of solids from this facility.

I.D.2. "Discharging untreated cleaning wastes (e.g. obtained from a vacuum or standpipe bottom drain system) to waters of the United States is prohibited."

COMMENT: The facility does not generate untreated cleaning wastes because wastes are not removed from the raceways.

I.D.3. "Sweeping accumulated solids from raceways to waters of the United States is prohibited."

COMMENT: Solids are not swept out of the raceways as a direct activity. When fish are removed from raceways for harvesting or moving, they are crowded to the discharge end of the raceway and pumped into a truck. The crowding and pumping activity causes solids to discharge from the raceway.

I.D.6. "The permittee shall keep records of all cleaning events including dates of cleaning and the raceway cleaned."

COMMENT: Mr Klimes told me that they do not clean raceways at the hatchery and do not have any cleaning records.

I.D.8. "A copy of this NPDES permit must be kept at the facility at all times and made available to all employees."

COMMENT: There was no permit at the facility. A copy was given to me by Mr Tom VanTassel (Blue Lakes Hatchery) to take to the Magic Springs facility. Mr VanTassel completes the DMR's for Magic Springs along with Blue Lakes Trout.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

II.F. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The date(s) analyses were performed;
4. The analytical techniques or methods used; and
5. The results of such analyses.

COMMENT: None of these records are maintained at the facility. Sample bottles are provided by Analytical Laboratories, Boise. Bottles are filled by Mr Steve Bright, Assistant Hatchery Manager and are then transported to the Blue Lakes facility for further transport to Analytical Labs in Boise. Analytical results are sent to the Blue Lakes facility for workup of the DMR's. Mr Klimes said they have an Imhoff cone at the facility for running Settleable Solids. He said that they run settleable solids but do not keep any of the data.

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III.A. "The permittee must comply with all conditions of this permit....."

COMMENT: Very little activity is performed at the facility to attempt to comply with the permit.

III.E.2 ...All operating activities in raceways and/or ponds shall be performed to minimize the disturbance of accumulated solids.

COMMENT: The present practice of crowding fish to the lower end of the raceway for harvesting or moving disturbs solids.

IV. GENERAL REQUIREMENTS

IV.B. "The permittee shall give notice to the Director, as soon as possible, of any planned physical alterations or additions to the permitted facility. The permittee shall also give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements."

COMMENT: The processing facility was removed and a new building was erected at the facility. It is not known if notice was given to EPA of these changes.

Attachments
Checklist
3560-3
Slides
1 View of the lower raceways. Raceway discharges are to a backwater of the Snake River also seen in the slide.
2 Upper and lower raceways are shown
3 Upper raceways
4 Raceway discharge to the backwater area of the Snake R.
5 Lower raceways
6,7 Fish crowding activity and pumping to truck
8 Typical raceway without quiescent settling zones
9,10,12 General views of facility
11 Upper raceways.

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United States Environmental Protection Agency
Washington, D. C. 20460

EPA NPDES Compliance Inspection Report

Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5	3 I D 0 0 0 0 9 7 3 11	12 8 8 0 1 2 6 17	18 S	19 R	20 2

Remarks: FISH PRODUCTIVITY FACILITY (21–66)

Reserved	Facility Evaluation Rating	BI	QA	Reserved	
67 69	70 1	71 N	72 N	73 74	75 80

Section B: Facility Data

Name and Location of Facility Inspected	Entry Time	Permit Effective Date
Pisces Investments - Magic Springs Hatchery Box 701 Twin Falls, ID (Facility located near National Hatchery near Hagerman)	☐ AM ☒ PM	10/29/84
	Exit Time/Date: 1/26/88	Permit Expiration Date: 10/30/89

Name(s) of On-Site Representative(s)	Title(s)	Phone No(s)
Mr Leon Klimes Mr Steve Bright	Hatchery Manager Asst Hatchery Manager	208 837-6541

Name, Address of Responsible Official	Title	Phone No.	Contacted
Mr Michael Greene	Owner	208-733-4631	☒ Yes ☐ No

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U	Permit	N	Flow Measurement	N	Pretreatment	U	Operations & Maintenance
U	Records/Reports	N	Laboratory	N	Compliance Schedules	N	Sludge Disposal
N	Facility Site Review	S	Effluent/Receiving Waters	U	Self-Monitoring Program		Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

- Wastes generated by fish are not removed from raceways.
- There is no system of any kind for the removal of wastes from the raceways or for treatment of wastes.
- Screens are not used in the raceways to create settling zones.
- No records kept at site.
- No treatment facilities exist at site.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone	Date
Daniel K. Torgerson	EPA - Region 10 ESD	2/18/88
Signature of Reviewer	Agency/Office	Date

Regulatory Office Use Only

Action Taken	Date	Compliance Status
MAR 6 6 2089		☐ Noncompliance ☐ Compliance

EPA Form 3560-3 (Rev. 3-85) Previous editions are obsolete.

Pcs V Js 10/17/88 V

ENVIRONMENTAL PROTECTION AGENCY, REGION X
NPDES INSPECTION CHECKLIST

V1.9 9/29/87

Facility Name/Address	Representative/Title	Inspection Date/Time	Inspector Name
Pisces Investments	Leon Vlimes - Mgr	1/27/88	[illegible]

[redacted]

YES	NO	NA	AUD CEI CSI PAI XSI BIO RI DI LSI PRE QA	
	X		Entry denied?	
	X		Warrant required?	
X			Credentials presented?	
	X		Bio-Assay ___ Organics ___ samples collected?	
X			Did permittee receive an EPA split sample?	
	X		Did permittee sample at same time as EPA?	
X			Photographs taken?	
X			Permit reviewed?	
X			DMR re-constructed? — for 11/87	
		X	Treatment facilities inspected? — There are no treatment facilities.	
			Flow measurement equipment inspected? — No Flow measurement equipment used	
	X		Flow measured during inspection?	
			Portable flowmeter installed on effluent?	
			Permittee & EPA flows agree within 10%?	
			QA sample left with the Permittee?	
X			Grab samples taken?	
X			Manual composite samples taken? Sample period ___ Hr.	

Flow meas 4 Ryears ago when facility was taken over by Pisces — 113-133 cf

PERMIT VERIFICATION

YES	NO	NA	
	X		Current NPDES permit on site? — Permit was not on site. I brought a copy to facility from Blue Lakes I could.
X			Correct Name & Mailing address?
★ X	X		All discharges permitted? — Permit may not apply to this facility. Review.
		X	Any storm sewer discharge to surface or ground waters?
X			Has discharge changed due to process or production modifications?
	X		Was EPA/State notified?
X			Correct name of receiving water? Name Snake River — (backwater from)
			Processing plant was removed from this location.

DMRs are completed for Magic Springs at the Blue Lakes facility.

RECORDS & REPORTS

	X	X	Federal Construction Grant Funds used to build plant?
			O&M Manual Maintained at plant?
			Pretreatment
		X	Industrial Waste Ordinance in effect?
			Inventory of industries include compliance and user charge records?:
			Best Management Practices Program in place?
			SPCC
	X		SPCC plan required?
			Does facility have SPCC plan?
			Monitoring
	X		Monitoring records and DMRs kept on site?
	X		Monitoring records kept for 3 years?
			Flow Measurement equipment maintainence records kept?
			Flow recorder charts kept for 3 years?
			Flowmeter calibration records kept?
			Laboratory
			Equipment calibration & maintainence records kept? USE CONTRACT LABORATORY ✓
			Adequate analytical bench sheets used for each parameter?
			Bench sheet results transferred to data summary sheets?
			Summary sheets form basis for DMR?
			Analytical results consistent with DMR data?
X	X		DMRs completed properly? — HAVE NO SUPPORTING DATA FOR SETTLEABLE SOLIDS.
	X		Sampling/analysis records include Date, Time, Location?
			Sampler's name/initials?
			Analytical methods used? Do Not Keep these Records
			Analytical results?
			Date of analysis?
			Name of analyst?

FLOW MEASUREMENT

Weirs used as measurement devices. Flows not recorded regularly

General

			Flume___. Weir X, Propeller___. Orifice___. Venturi___. Other___
			Any problems with flow measuring device?
			Flow measurement device properly installed and maintained?
			Flow totalizer used?
			Totalizer calibrated against instantaneous flow over time?
			Totalizer trigger sampling device?
			Flow measurement equipment inspected _____/day, _____/wk, _____/mo, _____/yr.
			Flow measurement system calibrated ____/wk ____/mo ____/yr
			Flow measured on each outfall? Number of outfalls? _____
			Flow measurement device installed on each outfall?
			Influent flow measured? Design Peak Flow _____MGD, Current Peak Flow _____MGD
			Flow measured downstream of all contributory waste streams?
			Raw water intake flow measured?
			Effluent loadings calculated using Effluent flow?

Flumes

			Parshall _____, Palmer Bowlus _____, Other _____
			Flow uniformly distributed & free of turbulence?
			Free of debris or deposits?
			Stilling well free of obstructions?
			Flume dimensions accurate?
			Side walls vertical and smooth?
			Flume throat sides vertical & parallel?
			Head on flume measured at proper location?
			Adequate for range of existing flows?
			Does flume always operate under free flow conditions?
			Does flume become submerged under certain flow conditions?

★ determination should be made if permit applicable to this facility.

✓ Analytical Laboratories

MAR 08 2001

*FLOW MEASUREMENT (Continued)

HEIRS

Rectangular Suppressed _____, Contracted _____, Cipolletti _____, V-Notch _____
Dimensions of weir? _____

YES	NO	NA	
			Cipolletti - Do sides slope outward at 1 horizontal, 4 vertical?
			Contracted - End contractions at Right angle to weir?
			Weir axis perpendicular to approach channel axis?
			Head measured at least 4H upstream from weir plate?
			Sharp crested and level? Sharp edge installed upstream? _____
			Downstream edge of weir camfered at 45°?
			Weir plate plumb?
			Distance from sides of weir to side of channel at least 2H?
			Nappe aerated?
			Weir crest at zero elevation on installed staff gage?
			Upstream channel straight & free of disturbances for 4x Head?
			Stilling well free of obstructions?
			Debris buildup around weir? V-Notch $Q=2.5H^{2.5}$
			Proper flow formula used? Cipolletti $Q=3.367LH^{1.5}$
			Head measured properly? Rectangular suppressed $Q=3.33LH^{1.5}$
			Leakage under weir? Rectangular contracted $Q=3.33(L-.2H)H^{1.5}$
			Area of approach channel at least (8*Nappe area) for upstream distance of 15H?
			If not, is velocity of approach too high?

COMPLIANCE SCHEDULE

			Permittee on compliance schedule?
			Has permittee met the compliance schedule?
			Permittee under a compliance order?
			Have conditions of order been met?
			Construction started?
			Construction completed?
			Start-up begun?

PERMITTEE SAMPLING PROCEDURES

X			Samples collected & analyzed on frequency specified by permit? for TSS
			Samples analyzed for parameters specified? BOD___/TSS yes/pH___/FC___/SET SLDS No – Do not need any data
X			Sample locations adequate? NUTRIENTS___/METALS___/OTHER___
X			Flow proportioned samples required by permit? – constant flows
X			Permittee collect flow proportioned samples?
	X		Parameters other than those required by the permit analyzed?
X	X		Permittee collecting proper type of sample? – Do not need to collect extra grab samples which they now collect.
			If not, sample type? _____
X			Automatic sampler ___ or manual collection technique X employed?
			Automatic sampler portable ___ or permanently installed ___?
	X		Do samples contain chlorine?
			Sampler Cleaning procedures established and followed? Frequency _____
			Intake tubing clean?
			Sampler has a flushing cycle?
	X		Samples refrigerated during compositing?
X			Samples refrigerated prior to analysis? – sent to Blue Lakes where they are refrigerated.
	X		Samples analyzed on same day of collection?
X			Samples preserved prior to analysis? refrigerated
			Containers and sample holding times conform with 40CFR136.3?
	X		Monitoring and analysis performed more often than required by permit?
			For what parameters? _____
			Additional results included when preparing the DMR?
			Contract laboratory used? Parameters _____
			Name/Address of Lab Analytical Labs - Boise
X			Samples refrigerated during transport to the contract laboratory? – samples sent to Blue Lakes T for transport to Analytical Labs.
			QA samples sent to contract lab?
			Contract lab passed all tests?
			Number of permittees analyzed by contract lab? _____
	X		Bio-Monitoring required by the permit?
			Bio-Monitoring conducted by permittee ___ or contractor___?
			Date of last test _____?
			Did effluent pass permit requirements?
			Were results reported on the DMR?
			Is a 24-Hr static Bio-Assay conducted?
			Has a static 24-Hr Bio-Assay ever been conducted by EPA?
			Is a written copy of the Bio-Assay test procedure available?
			Have any problems been experienced with the Bio-Assay test?

V/M Container supplied by Analytical Laboratories is a 250 ml plastic bottle. This size container is probably too small to produce reliable TSS results from the laboratory at the relatively low TSS concentrations encountered in [illegible] discharges.

YES	NO	NA	
____	____	____	Adequate distilled water available?
____	____	____	Lab equipment available for analysis of required NPDES parameters?
____	____	____	Lab equipment operational?
____	____	____	Refrigerator available for sample storage?
____	____	____	Written operating procedures for lab instruments?
____	____	____	Daily instrument checks made?
____	____	____	Instrument maintainence schedules used?
____	____	____	Reagents and solvents properly stored?
____	____	____	Standards discarded after shelf life has expired?
____	____	____	Reagent control samples analyzed with each series of samples?
____	____	____	Safety equipment? Eye Wash _____. Fire extinguishers_____

LABORATORY QUALITY CONTROL

lab should be visited.

____	____	____	Is lab certified?
____	____	____	Are sample holding times observed?
____	____	____	Is there a lab methods manual?
____	____	____	EPA approved methods used?
____	____	____	Non-standard methods used?
____	____	____	Approval for non-standard method in writing? Obtain copy of method if PAI.
____	____	____	Analysis date and time recorded?
____	____	____	Annual EPA Performance Evaluation Sample results maintained?
____	____	____	Standard reference samples analyzed on regular basis?
____	____	____	Current edition of Standard Methods available?
____	____	____	Quality Control procedures used?
____	____	____	Quality Control procedures adequate?
____	____	____	Lab participates in any QA sample analysis program?
____	____	____	Written Quality Assurance manual available?
____	____	____	Analyses performed by chemist ____ or technician ____?
____	____	____	Same analyses performed by more than one person?
____	____	____	QA procedures used to check technique of different analysts?
____	____	____	Lab instruments calibrated & maintained?
____	____	____	Duplicate samples analyzed? % of time _____?
____	____	____	Spiked samples used? % of time _____?
____	____	____	7 replicates analyzed for type of quality control check?
____	____	____	Precision and accuracy control charts used for each parameter?
____	____	____	Data accepted/rejected based upon use of QC charts?

LABORATORY DATA HANDLING AND REPORTING PROCEDURES

____	____	NA	Provision for cross checking calculations?
____	____	____	Data summary report forms used?
____	____	____	Computer programs used for calculation of NPDES required reporting information?
____	____	____	Data reported properly on the DMR?
____	____	____	Lab books used for analysis records? Log book ____ , 3 ring ____
____	____	____	Calculations self explanatory?
____	____	____	Column headings adequate?
____	____	____	Pre printed laboratory bench sheets utilized?

LABORATORY ANALYSES

TSS

Frequency of balance calibration? _____
Make & Model? _____
Accuracy of analytical balance? _____
Filter type used? Reeve Angel _____ Gelman _____ Other _____
Type of filter apparatus? _____
Volume of sample filtered?
Make/Model of drying oven _____
Drying oven temperature during inspection _____

____	____	____	Temperature logged during sample drying?
____	____	____	Filters prewashed ___ & dried for 1 Hr at 103-105?
____	____	____	Filters stored in dessicator prior to weighing?
____	____	____	Standard Methods used for (TSS)?
____	____	____	Procedure written out for analyst or technician? Obtain copy if PAI
____	____	____	Adequate bench sheets for TSS?
____	____	____	Proper calculation procedures used for TSS?

MICHIGAN
MAR 0 6 2009

YES	NO	NA	
			BOD
			Incubator temperature _____
			Standard Method ____ EPA ____ ASTM ____ Other ____?
			Sample dechlorinated if required?
			Samples frozen before analysis? Reseeded?_____
			pH of sample adjusted to 6.5-8.0 and reseeded?
			Sample requires seeding?
			Cultured seed utilized?
			Seed obtained from _____
			How long is seed kept?_____
			Commercial incubator used?
			Incubator temperature adjustable?
			Log of incubator temperatures kept during use?
			DO concentrations determined by Probe ____ Winkler ____ Other _____
			Written procedure available for analyst or technician?
			Obtain copy if PAI
			Number of dilutions set?
			Effluent analyzed full strength?
			Reagent H2O used in prep of dilution H2O? Dist__,Deionized__,TapCl__,TapnonCl__?
			Reagent H2O aged prior to use? How long_____
			How often is dilution water prepared? _____? Max age at setup?_____
			BOD's setup on day of collection? Holding time before analysis _____
			Fecal Coliform
			Grab sample taken for Fecal Coliform analysis?
			Chlorine neutralized when sample is collected?
			Sample refrigerated and setup within _____ hours?
			Sample refrigerated during transport to laboratory?

POTW PRETREATMENT REQUIREMENTS REVIEW

			Sludge Disposal: Land App _____, Incin _____, Lndfl _____, Pub Dist ____, Oth_____
			POTW applied for 301(h) waiver? Granted? _____? Date: _____?
			Does NPDES permit contain pre-treatment requirements?
			Facility subject to pretreatment requirements?
			If yes, has the POTW Pretreatment Program been approved by EPA? Date _____?
			If not, is approval in progress?
			POTW in compliance with the enforceable schedule?
			If not, Why? What is due? How will POTW remedy?
			Has POTW published annual notice of significant violators?
			Are IUs required to self-monitor and provide reports to POTW?
			Does POTW evaluate IU self-monitoring reports?
			Does POTW keep compliance file on each Categorical & Significant Non-Cat IU?
			Does POTW conduct monitoring on IU? Frequency _____?
			Analyses done by POTW? Contract Lab? _____?
			Is each Categorical and significant Non-Categorical IU covered by a permit?
			Was each Categorical IU inspected & sampled in last year?
			Was each Significant Non-Categorical IU inspected & sampled in last year?
			Does IU inspection include: Inspection of sampling procedures?
			Monitoring Records
			Pretreatment Facilities?
			Manufacturing process area?
			Number of IU inspections completed by POTW in past year? _____?
			Number of significant non-categorical IUs? _____?
			Number of IU subject to categorical PT Standards? _____?
			Number of STFs in POTW system? _____?
			Number of Industrial contributors to system?_____
			Number in compliance with standards?_____
			Number in noncompliance? _____ Obtain list.
			Number of Ind on compliance schedules that are meeting deadlines? _____
			Industries notified of responsibility to comply with standards?
			Baseline Monitoring Reports (BMR) (403.12) submitted to POTW?
			Industries in Noncompliance (on BMR reports) submitted compliance schedules?
			If compliance deadline passed, have all Ind submitted 90 day compliance reports?
			Contributory Industries subject to the requirement of semiannual reports? No._____
			All new industrial discharges in compliance with new source pretreatment standards?
			POTW submitted annual pretreatment report?
			POTW taken enforcement action against noncomplying Industrial users?
			POTW conducting inspections of Industrial contributors?
			IU's subject to Prohibited Limits (403.5) &/or Local lim tougher than EPA's?
			If not, why? ?? need to revise limits?????

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ANALYTICAL LABORATORIES, INC.

1804 N. 33rd ST. BOISE, IDAHO 83703
PHONE 342-5515 AREA CODE 208

WATER QUALITY REPORT

SAMPLE NUMBER - 8243

MAGIC SPRINGS
P. O. BOX 1237
TWIN FALLS , ID 83301

DATE OF COLLECTION -: 11/03/87
TIME OF COLLECTION -: 11:00 AM
DATE RECEIVED -------: 11/06/87
DATE REPORTED -------: 11/12/87

SUBMITTED BY -:
SOURCE --: TSS-COMP

RESULTS IN MG/1(PPM)	RESULTS IN ORGANISMS/100ml	RESULTS IN ORGANISMS/100ml
BIOCHEMICAL OXYGEN ——:	FECAL COLIFORM BACTERIA -:	TOTAL COLIFORM, MPN ——:
CHEMICAL OXYGEN DEMAND.—:	FECAL STREP BACTERIA ——:	FECAL COLIFORM, MPN ——:
RESIDUE NONFILTERABLE —: 14.0	TOTAL COLIFORM BACTERIA -:	PSEUDOMONAS ————:
OIL & GREASE ————:		STAPHYLOCOCCUS / gram —:

RESULTS IN MG/L (PPM) UNLESS NOTED

ACIDITY ————:	CYANIDE WEAK ACID DIS —:	PHOSPHATE TOTAL ————:
ALKALINITY ————:	E P TOXICITY.————:	RADIUM GA-G8 ————:
AMMONIA DIRECT.————:	FLUORIDE DISTILLED ——:	RESIDUE VOLATILE ———:
AMMONIA DISTILLED ———:	FLUORIDE DIRECT ———:	RESIDUE TOTAL ————:
BICARBONATE ————:	HERBICIDES ————:	RESIDUE TOTAL FILTERABLE-:
BORON ————:	HARDNESS ————:	SETTLEABLE MATTER ———:
BROMIDE ————:	NITRATE N ————:	STD PLATE COUNT ———:
CARBON DIOXIDE ———:	NITRITE N ————:	SULFATE ————:
CARBONATE ————:	NITROGEN ORGANIC ———:	SULFIDE ————:
CHLORIDE ————:	NITROGEN TOTAL KJELDAHL -:	SURFACTANT ————:
CHLORINE RESIDUAL ———:	OXYGEN DISSOLVED ———:	TANNIN & LIGNIN ———:
COLOR ————:	PCB ————:	TEMPERATURE ————:
CONDUCTIVITY ————:	PESTICIDES ————:	TOTAL ORGANIC CARBON —:
CORROSIVITY ————:	PHENOLS ————:	TRIHALOMETHANE ————:
CYANIDE FREE ————:	pH (S.U.) ————:	TURBIDITY (N.T.U.) ——:
CYANIDE TOTAL ————:	PHOSPHATE ORTHO ———:	

ALUMINUM ————:	COPPER ————:	SELENIUM ————:
ANTIMONY ————:	GOLD ————:	SILICA ————:
ARSENIC ————:	IRON ————:	SILICON ————:
BARIUM ————:	LEAD ————:	SILVER ————:
BERYLLIUM ————:	MAGNESIUM ————:	SODIUM ————:
CADMIUM ————:	MANGANESE ————:	THALLIUM ————:
CALCIUM ————:	MERCURY ————:	TIN ————:
CHROMIUM ————:	MOLYBDENUM ————:	TITANIUM ————:
HEXAVALENT CHROMIUM ——:	NICKEL ————:	VANADIUM ————:
COBALT ————:	POTASSIUM ————:	ZINC ————:

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MAR 0 6 2003

Michael D. Moore

MICHAEL D. MOORE

F & G Ex. 8

Protestants Ex 103
Admitted 10/18/90

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IDFG
OCT 15 1990
LEGAL/PERSONNEL

IN THE MATTER OF THE APPLICATION FOR PERMIT NO. 36-7072, NORMAN STANDAL AND GEORGE LEMMON, and APPLICATION FOR PERMIT NO. 36-7085, ROBERT BRAILSFORD, PRESIDENT OF THE BRAILSFORD BROTHERS, INC., an IDAHO CORPORATION.

ORDER

The Director of the Department of Water Administration, State of Idaho, having entered Findings of Fact and Conclusions of Law herein, hereby enters the following ORDER thereon.

NOW THEREFORE IT IS HEREBY ORDERED:

1. That Application No. 36-7072 be and is hereby approved and that a Permit be issued therefore subject, however, to the rights of prior appropriations for the use of water from the same source.

2. That Application No. 36-7085 be and is hereby approved and that a Permit be issued therefore subject, however, to the rights of prior appropriators for the use of water from the same source and to the right of the holders of Application No. 36-7072 to proceed under a Permit to be issued thereon to divert and apply waters from the same source of supply to beneficial use.

3. That the Applicants to Application No. 36-7072 be given a period of two years from the date of the issuance of a Permit thereon to construct the facility and apply all the water to beneficial use with the understanding that an extension of time could be granted under Idaho Code, Section 42-218.

4. That the Applicants to Application No. 36-7085 be given a period of four years from the date of the issuance of the Permit thereon to construct the facility and apply all the water to beneficial use with the understanding that an extension of time could be granted under Idaho Code, Section 42-218.

5. That the Permits to be issued on Applications 36-7072 and 36-7085 shall be subject also to the following conditions:

A. That neither of the Permits be assigned or sold without written consent of the Department of Water Administration and that failure to receive such consent will be deemed by the Department of Water Admini-

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36-7085

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stration to be admission that the Permit so sold or assigned was obtained for speculative purposes and as such will be subject to cancellation.

B. That permanent measuring devices of a type approved by the Department of Water Administration be placed and maintained at such locations as to accurately measure the amount of water diverted to the project and the effluent from the project.

C. That the applicants shall take all reasonable precautions in constructing the diversion works and hatchery facilities to protect the public interest in the enjoyment of the aesthetic and recreation quality of the springs and stream channels. Plans and specifications showing the location and type of structures to be installed and method of construction shall be submitted to this office for approval. The use of or alteration of stream channels shall be subject to all applicable provisions of state and federal law.

DATED this 9TH day of November 1970.

R. KEITH HIGGINSON
Director

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MAR 0 6 2003

11-10-70 Cert. Mail 22239

Protestant's Ex 107
Admitted 10/18/90
ZH

The Nature Conservancy

August 20, 1990

Certified Mail/Return Receipt Requested:

Mr. J. Evan Robertson
Vice President
Pisces Investment Inc.
P.O. Box 701
Twin Falls, ID 83303-701

RE: Encroachment on The Nature Conservancy's Thousand Springs Preserve.

Dear Mr. Robertson,

We received your May 11, 1990 letter regarding the above referenced matter. We appreciate your past cooperation and would have very much liked to have discussed in a neighborly fashion your enlargement of the embankment below Bridal Veil Falls before you bulldozed part of it onto our property. It was the impunity of this action, and the betrayal of our neighborly relationship that offended us so deeply.

We also did not find the ruse about the fence line which you offered in your letter to be at all constructive. Even the boundary map which you submitted this year in support of your application #36-8356 for a permit to appropriate water shows the survey line, rather than the more southwesterly fence line, as the property boundary between our properties. You have never maintained this fence nor contributed to its maintenance to our knowledge. The fence does not extend beyond the estuary and does not fully separate our properties. There is nothing to indicate that this fence is now or ever was honored as the property line.

My letter also was not inaccurate about the placement of fill material in the Snake River estuary. I did contact Mr. Greg Martinez of The U.S. Army Corps of Engineers prior to writing that letter, and he had found upon inspection that the enlargement of the embankment had filled at least two feet of the Snake River estuary. Mr. Martinez also reported to me that your on-site manager, Mr. Leon Cline, acknowledged that the estuary had been filled and that Mr. Cline had agreed to remove it. As of this date, I am informed that neither the encroachment on our property nor this filling of the estuary had been removed.

It also appears to us that this filling of the estuary violates your existing stream alteration permit #36-S-11 because

Colorado Field Office
1244 Pine Street • Boulder, Colorado 80302 • (303) 444-2950

MICRO
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this permit limited the filling of the estuary to conditions that existed prior to the enlargement of the embankment. The issuance of your existing water right license #36-7072 was predicated on your compliance with this permit and this license does not excuse the violation. Furthermore, since the enlargement of the embankment has filled a wetland and has reduced the reach of waters of the U.S., it is illegal without a permit from the U.S. Army Corps of Engineers, even if the enlargement is considered to be a normal farming activity or to be authorized under your existing water right license, which it is not.

The enlarged embankment is a trespass and is otherwise illegal. We insist on the removal of its encroachment on our property and further insist that the filling of the estuary also be removed. Please let us know within the next 2 weeks whether and when you intend to remedy these intrusions.

Very truly yours,

Robert F. Wigington
Western Water Attorney

RFW/ytg

cc: Mr. Norman Young
Mr. Gary Spackman
Mr. Greg Martinez
Mr. Bill McDonald
Mr. John Olson
Mr. Guy Bonnivier

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MAR 16 2004

GOODING COUNTY
BOARD OF COUNTY COMMISSIONERS
P.O. Box 417
GOODING, IDAHO 83330

Robert Muffley, Dist. III 934-4781
Robert E. Tupper, Dist. II 837-4862
Don C. Morrow, Dist. I 934-5233
John A. Myers, Clerk 934-4221

October 2, 1990

Protestants Ex 109
Admitted 10/18/90
KH

Congressman Richard H. Stallings
House Office Building
Washington, D. C. 20515

Dear Richard:

I know you've been working hard on a lot of very depressing issues and I thought you'd like to have some good news for a change. About a year ago you accepted my invitation to view Crystal Springs Lake south of Wendell. You probably remember that the lake was filled with fish affluent and overgrown with algae. The good news is that Gooding County received the E.P.A. grant that was needed for the clean-up. With the help of the State's Department of Enviromental Quality, the Fish and Game Department and the State Park's Department the clean-up should start this winter or next spring. Within two years the lake should be rejuvenated. People will once again be able to enjoy the lake's recreational opportunities. This project proved to me that good things can happen if the state and federal agencies work with local units of government.

Because of our success with Crystal Springs Lake, I decided to take on a new and much larger project. The clean-up of the middle section of the Snake River. I co-chair a new group known as the Mid-Snake River Study Group. This group was founded and funded by the county commissioners of Twin Falls, Jerome, Lincoln and Gooding Counties. The counties signed a joint powers agreement and a commissioner from each county is an active member of the group. The group meets monthly and works very closely with seven state and federal agencies. The purpose of the group is to write a management plan for the mid-Snake and its area of impact. We have two priorities. First we must significantly reduce the silt and nutrient load entering the river from aquaculture and agriculture returns and second we must find some way to increase the river flow to rejuvenate the river's natural flushing action.

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MAR 0 6 2003

I believe that cleaning up the river is imperative because of the perceived impact of the Hagerman Fossil Beds. National Parks reported to our group that when the improvements to the fossil beds are complete 200,000 to 300,000 people will visit the site each year. This could mean millions of tourist dollars to our local economy, expecially if we can offer camping facilities and a clear river for the tourists to fish and play in. We have more than enough attractions in and around the Snake River and its canyon to make it a tourist destination area, but we must put our best foot forward and protect a our natural resources before they're lost forever.

I stated above that we have the help and co-operation of various state and federal agencies, but we need a voice in Washington D. C.. Someone who can talk to the federal bureaucrates on their own turf (and in language that they understand). It is my hope that you will agree to be that voice. If you agree to this request I would like to set up a meeting between you and the study group when you next visit the Magic Valley area.

Thank you for your concern about the Crystal Springs Lake clean-up effort and for your part in the development of the Hagerman Fossil Beds. I look forward to hearing from you...

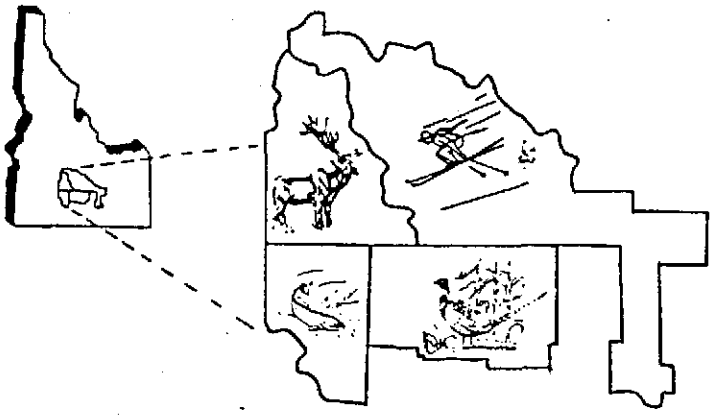
Sincerely,

Bob J. Muffley
Chairman

BJM:hp

MICRO
MAR 9 8 2003

WOOD RIVER
RESOURCE CONSERVATION and DEVELOPMENT AREA
BLAINE-CAMAS-GOODING-LINCOLN Counties, Idaho



131 3rd Avenue East
Gooding, Idaho 83330
(208) 934-4149

October 2, 1990

Protestants Ex 110
Admitted 10/4/90
FJH

Columbia River System Operation
Review, Interagency Team
P.O. Box 2988
Portland, Oregon 97208-2988

Dear Team Members:

The County Commissioners of Twin Falls, Jerome, Lincoln, and Gooding Counties in South Central Idaho formed a study group in January of this year for the purpose of developing a comprehensive plan for land adjoining what we define as the middle Snake River. The Middle Snake is that portion of the Snake River lying between the Milner and Bliss Dams. The Commissioners formed and funded this Committee because they are concerned about the deteriorating conditions of the river as it flows through our Counties.

This seventy mile stretch of the river contains five hydroelectric dams, a multitude of State, Federal and private fish hatcheries, and thousands of acres of irrigated farm land all draining into the Snake. The agriculture and aquaculture returns are putting an enormous silt and nutrient load on the river and the dams have blocked much of the rivers natural flushing action.

The problems with the middle Snake are thence two-fold. There is an extremely high silt and nutrient load and there is insufficient water to flush this load down stream. The Counties are working on a comprehensive management plan for this section of the river. It is our hope that through voluntary actions and stronger ordinances, the pollutants entering the river can be greatly reduced. We have already had a success story through the efforts of the Soil Conservation Service, which helped in cleaning up much of the sediment load in a relatively large tributary near Twin Falls.

Reducing the silt and nutrient load, however, will not, by itself, solve the problem. There must also be more water running through this section of the Snake. Milner Dam and the canal companies which own the Dam have first right to all upstream water for the purpose of irrigation. In dry years, and even most normal years, this means that

MAR 8 6 2002

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no water, other than seepage, comes through the Dam during the spring and summer months. The only water entering the river from that point to the Columbia comes from small tributaries, springs and agriculture returns. The water coming from these sources is sufficient to flush the river to the west of the Bliss Dam, but insufficient for the area between the Milner and Bliss Dams. One of our primary tourist attractions, The Shoshone Falls (also known as The Niagara of the West) is completely dried up during our tourist season.

A small part of the answer to increasing water flow is the 47,000 acre-feet of water that is at the disposal of the Sho-Ban Tribe. It is imperative that this water be sold to a down-stream user, one who would use the water during the spring months. This would not only help flush the river, but would also help to flush upstream smolts down river to the Pacific Ocean, thus helping to allow fish runs to recover. The 47,000 acre-feet is just a very small portion of what is needed, however. We must also look at the possibility of periodic releases of water from upstream reservoirs, and improving inefficient irrigation water delivery systems.

County governments in the middle Snake River area of Idaho are attempting to do their part in saving this portion of the River, but we need help from your team to increase flows in the spring and summer months. The benefits to water quality, fisheries, wildlife and recreational uses could be enormous.

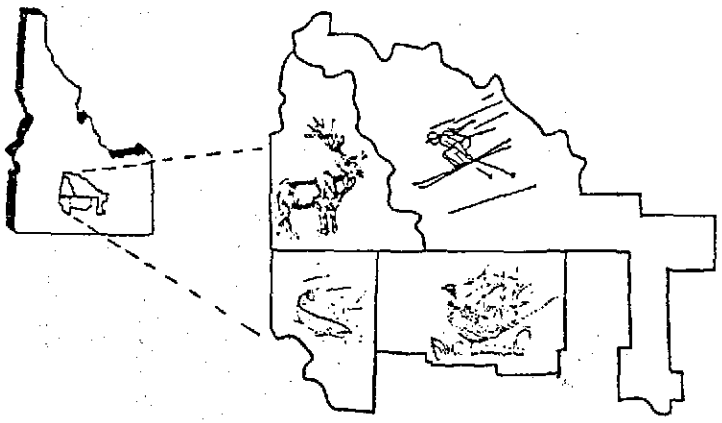
Sincerely,

Chairman, Gooding County Commissioners
Co-Chairman Mid Snake River
Study Group

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WOOD RIVER
RESOURCE CONSERVATION and DEVELOPMENT AREA
BLAINE-CAMAS-GOODING-LINCOLN Counties, Idaho

131 3rd Avenue East
Gooding, Idaho 8333(
(208) 934-4149



Protestants Ex 111
Admitted 10/18/90
TM

June 11, 1990

Frank Sherman
Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mr. Sherman:

Re: Mid-Snake River Study Group Testimony on the Protected Rivers System for the Middle Snake River

I apologize for being unable to attend your public hearing on 6-4-90, and it is my hope that you will accept this letter as my testimony on this critical issue. As you know, I chair the Mid-Snake River Study Group, which is a cooperative effort between the counties of Twin Falls, Jerome and Gooding. The group was formed because county government in these three counties became very concerned about the condition of the Snake River as it flows through our counties. The broad goal of our Study Group is to look for ways to enhance the quality and aesthetics of the River and canyon while retaining the economic viability of the area. We look at the Snake as our most valued resource because of the multi-use characteristics of this stretch of the River. The balance of use, however, appears to have become lopsided with the aesthetic and recreational values being the losers.

The Committee views this stretch of the River as a unique geological phenomenon which deserves a measure of protection. None of the committee members are geologists, but we can all appreciate the canyon for the marvelous thing that it is. The people of Magic Valley speak with pride about their beautiful Snake River Canyon and entice others to view this treasure for themselves. I'm sure you agree that the view is awesome, and a big part of the grandeur is the River running below. The Snake has always been a working river, and we appreciate the economic stability

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it has given our region of the State. We are worried, however, that we may be working this streth of the River to death. How aesthetic would it be for a tourist to look over the edge of the canyon to find a dead river below? If I were that tourist I would wonder about the people of this area who allowed it to happen.

My group's study of the River and canyon area has revealed many interesting facts about the Middle Snake. We have discovered that this stretch of the River used to be an important fishery and boasted large populations of several species of fish, including salmon and sturgeon. Man-made structures stopped the salmon from returning, but it is suspicioned that a few sturgeon still remain. If water quality is allowed to deteriorate further, however, these creatures will disappear as well. Trout fishing was and still is a recreational activity on the River, but many people refuse to eat the fish taken from the Snake because of the pollution in the waters they were taken from.

The canyon walls have been rich with birds and other wildlife, many of which are dependent on the River for their nourishment. Man has tampered with the habitat of the canyon for many years, to the probable detriment of the wildlife. It is now time to assess the damage and take corrective action before allowing future development to occur.

Congress recently approved two national monuments in Twin Falls County. One is the City of Rocks Monument and the other is the Hagerman Fossil Beds. The National Parks Department is planning the development of these monuments at this time. It is too soon to know for sure what impact the monuments will have to this area, but we are very sure that tourism will increase dramatically. Tourism will have a very positive economic impact on our three county area, but if we can couple tourism with recreation on the River, the impact could be multiplied several times over, as each day a tourist remains in the area the more it will impact area business. A necessary ingredient in developing the area's recreational possibilities is the enhancement of the quality and quantity of water in the Middle Snake River. No one wants to play in or around a waterway that is covered with algae bloom and displeasing to the eye. If the rumors concerning the number of tourists who will be attracted to these new national monuments are only half true, the economic impact will be tremendous and we must start preparing now for the housing and entertainment of our guests. Idaho must put her best foot forward so our visitors will tell others about their wonderful experiences while visiting our great state. Parks and campgrounds need to be developed near the River. Water activities must be promoted and better accesses built for boats and other recreational vehicles.

The committee was excited to hear that a recent agreement between the upriver Indians and the State will place some additional water in the hands of the Water Resource Board. Low water years have taken a toll on the

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Middle Snake River, and some important recreation areas have been lost, or nearly lost. It is our sincere hope that this additional water can be put to use downstream from the Bliss Dam so we can increase the flushing action of the River. This will be extremely important to recreational development.

Sincerely,

Bob Muffley
Chairman
Mid-Snake River Study Group

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F&G #10

Protestant's Ex 112
Admitted 10/18/90
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IDFG

JUN 21 1990

LEGAL/PERSONNEL

State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 3, 1980

Valley Trout Farms, Inc.
Route #3
Buhl, ID 83316

RE: 36-S-11

Gentlemen:

You may consider this letter as approval of your request for extension of time in order to complete the work on Stream Channel Alteration No. 36-S-11 subject to the following conditions (some of which were not on the original permit):

1. THE ESTUARY SHALL BE RESTORED TO AS NEAR AS PRACTICAL TO ITS SIZE IN 1969, AS SHOWN BY AERIAL PHOTOS AT THE GOODING COUNTY SOIL CONSERVATION SERVICE OFFICE.

2. WATER SHALL BE DIVERTED AROUND THE AREA OF CONSTRUCTION WHILE CONSTRUCTION IS IN PROGRESS.

3. SUFFICIENT WATER SHALL BE DISCHARGED INTO THE HEAD OF THE RESTORED ESTUARY TO PREVENT STAGNATION.

4. SHRUBS AND/OR TREES SHALL BE PLANTED AND MAINTAINED TO PROVIDE A VEGETATIVE SCREEN BETWEEN THE RESTORED ESTUARY AND THE PROPOSED RACEWAYS PRIOR TO THE EXPIRATION OF THIS EXTENSION.

5. BANKS OF THE ESTUARY SHALL BE CONSTRUCTED AT A STABLE SLOPE NOT TO EXCEED 2:1 (2 FEET HORIZONTAL TO 1 FOOT VERTICAL) AND SHALL BE PROTECTED FROM SURFACE EROSION AND SLUFFING BY ESTABLISHING A SOD FORMING DEEP ROOTED GRASS OR OTHER SUITABLE VEGETATION.

6. WELL-GRADED ANGULAR ROCK LARGE ENOUGH TO RESIST DISPLACEMENT SHALL BE PLACED ALONG THE EAST BANK AT THE ELEVATION OF THE PROPOSED WATER LEVEL TO PROTECT THE BANK FROM EROSION BY WAVE ACTION WHILE VEGETATION IS BEING ESTABLISHED.

7. THE SOUTHERN REGIONAL OFFICE OF THE DEPARTMENT OF WATER RESOURCES SHALL BE NOTIFIED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION AND IMMEDIATELY UPON COMPLETION OF CONSTRUCTION OF THE ESTUARY.

8. CONSTRUCTION OF THE ESTUARY SHALL NOT TAKE PLACE ON WEEKENDS OR HOLIDAYS TO AVOID CONFLICTS WITH RECREATION ON THE ADJACENT RIVER.

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9. THIS PERMIT CONSTITUTES A PERMIT FROM THE IDAHO DEPARTMENT OF LANDS.

10. THIS PERMIT DOES NOT CONSTITUTE A PERMIT FROM THE CORPS OF ENGINEERS NOR ANY OTHER FEDERAL AGENCY WHICH MAY REQUIRE ONE.

11. ALL STREAM CHANNEL RESTORATION WORK SHALL BE COMPLETED ON OR BEFORE SEPTEMBER 1, 1980.

If you have any questions, please do not hesitate to contact this office or our Southern Regional Office.

Very truly yours,

Norman C Young

NORMAN C. YOUNG, Administrator
Resources Administration Division

NCY:LGS:ldt

CC: IDWR - Southern Region
Fish & Game
Lands
Health & Welfare
Corps of Engineers
Dale Higer
Robert Weaver

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SEP 0 8 2003

Protestants Ex 113
Admitted 10/18/90
LH

F & G Ex. # 9

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

August 25, 1978

Valley Trout Farms, Inc.
Route #3
Buhl, ID 83316

RE: 36-S-11

Gentlemen:

This office has reviewed your application for a permit to alter a stream channel and has prepared a decision as provided for under Section 42-3805 of the Idaho Code.

You may consider this letter as a permit to alter the stream channel shown on your application provided that the conditions listed below are adhered to.

1. THE ESTUARY SHALL BE RESTORED TO AS NEAR AS PRACTICAL TO ITS SIZE IN 1969, AS SHOWN BY AERIAL PHOTOS AT THE GOODING COUNTY SOIL CONSERVATION SERVICE OFFICE.

2. THE WATER SHALL BE DIVERTED AROUND AREA OF CONSTRUCTION WHILE CONSTRUCTION IS IN PROGRESS.

3. SUFFICIENT WATER SHALL BE DISCHARGED INTO THE HEAD OF THE RESTORED ESTUARY TO PREVENT STAGNATION.

4. EXISTING DISCHARGE PIPES BETWEEN THE RESTORED ESTUARY AND THE RIVER CHANNEL SHALL REMAIN INTACT.

5. SHRUBS AND/OR TREES SHALL BE PLANTED AND MAINTAINED TO PROVIDE A VEGETATIVE SCREEN BETWEEN THE RESTORED ESTUARY AND THE PROPOSED RACEWAYS.

6. CONSTRUCTION OF THE ESTUARY SHALL NOT TAKE PLACE ON WEEKENDS OR HOLIDAYS TO AVOID CONFLICTS WITH RECREATION ON THE ADJACENT RIVER.

7. THE SOUTHERN REGION OFFICE OF THE DEPARTMENT OF WATER RESOURCES SHALL BE NOTIFIED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION AND IMMEDIATELY UPON COMPLETION OF CONSTRUCTION OF THE ESTUARY.

8. THIS PERMIT CONSTITUTES A PERMIT FROM THE IDAHO DEPARTMENT OF LANDS.

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9. THIS PERMIT DOES NOT CONSTITUTE A PERMIT FROM THE CORPS OF ENGINEERS NOR ANY OTHER FEDERAL AGENCY WHICH MAY REQUIRE ONE.

10. THIS PERMIT EXPIRES JANUARY 31, 1979.

If you object to the decision, you have fifteen days in which to notify this office in writing that you request a formal hearing on the matter. If an objection has not been received within fifteen days, this decision will be final.

If you have any questions, please contact this office.

Very truly yours,

C. STEPHEN ALLRED
Director

CSA:KHF:ldt

Enclosure

CC: IDWR - Southern Region
Fish & Game
Lands
Health & Welfare
Corps of Engineers

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MAR 0 9 2005

FG # 23
Admitted 10/18/20
LA.

IDAHO ANGLERS A SURVEY OF OPINIONS AND PREFERENCES



IDAHO DEPARTMENT OF FISH AND GAME

BETTER FISHING THROUGH GOOD MANAGEMENT

Funded by

FEDERAL AID IN FISH RESTORATION

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MAR 26 2003

A SURVEY OF 1987 IDAHO ANGLERS

OPINIONS AND PREFERENCES

Job Completion Report
F-35-R-13
Submitted to the U.S. Fish and Wildlife Service
Under
Federal Aid in Fish Restoration Program

By

Will Reid
Resident Staff Biologist

July 17, 1989

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ANGLER OPINION SURVEY
1987

EXECUTIVE SUMMARY

During 1987, sportsmen purchased 421,727 licenses to fish Idaho waters. Those anglers expended about 10 million days of effort. Idaho residents purchased just over 60% of all licenses sold, and over one-third of those anglers reside in Fish and Game's Region 3 (southwestern Idaho). The remaining two-thirds of the Idaho residents are equally distributed throughout the remaining five regions. Nearly 30% of the Idaho license buyers were nonresidents that spent less than ten days fishing. The nonresident anglers to Idaho came primarily from California, Washington, Utah, Oregon and Montana.

The average age of fishermen in Idaho has changed little from 1967. Anglers in the 30-39 and 40-49 age class made up almost one-half of the state's fishermen. Juvenile license buyers may have declined slightly from 1967. However, without statistical data from the 1967 survey, we cannot determine the significance, if any, of the decline. The Department should, however, continue information and education programs to introduce fishing to juveniles throughout the state. Those programs should be directed towards families that do not currently fish. Survey results indicate that family togetherness is one of the major reasons why people fish. The survey results also show that if a fishing family has children under 14 living at home, those children probably fish. The large number of female license buyers in Idaho is also indicative of the "family fishing" concept displayed by the Idaho anglers.

Sportsmen that belong to organized groups in Idaho are more vocal in letting their preferences be known than are fishermen who do not belong to organized sportsmen groups. In Idaho, less than one out of every five fishermen belongs to any sportsmen group. Based on a comparison of questions from the survey, there is a major difference between the opinions of group members and nongroup members. Those that join organized groups tend to be more oriented towards quality/trophy regulations and tend not to be bait fishermen.

Results of the survey also indicate that there is a significant difference in responses based on type of terminal gear preferred. Fly fishermen tend to favor, in greater numbers, more restrictive regulations, larger fish, protection of wild trout, and habitat protection programs. Bait anglers, on the other hand, tend to want high catch rates and less restrictive regulations. Bait fishermen support protection of wild trout and habitat protection but not in as great a percentage as fly fishermen. On most issues, those that stated a preference for lure fishing had opinions that would lie between those of fly and bait anglers.

Statewide, just over one-third of the fishermen in Idaho own a boat used for fishing. In Region 1, with a large portion of Idaho's lakes, over one-half of the fishermen own boats used for fishing.

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Over two-thirds of both residents and nonresidents felt the current limit of 6 trout to be "about right." More nonresidents than residents thought 6 fish to be "too many." Over one-half of the Idaho anglers would not want the possession limit on lakes and reservoirs increased from one daily bag to two daily bag limits if it would result in lower catch rates.

The general Idaho angler seems quite satisfied with the quality of the Idaho Fish and Game's hatchery product. About one-third of the fishermen in the survey would like to have a few trout larger than 9 inches stocked, even knowing that one 12-inch trout will displace three 9-inch trout from the hatchery. A slightly larger percent of the fishermen did not want larger fish at the expense of numbers. Over two-thirds of the survey respondents would like to have additional program emphasis on hatchery trout for lakes, reservoirs, rivers and streams.

The issues of catch-and-release fishing, wild trout protection and trophy trout management appear to be the most volatile topics in the survey. Of all the topics addressed, these three issues drew the highest response rate and least number of "no opinion" responses. The vast majority of anglers fishing in Idaho feel protection and enhancement of wild trout needs additional program emphasis, and they would not want wild trout replaced with hatchery trout. They also would like to have more lakes or streams managed to provide larger than average trout. Over one-third of the survey respondents, resident and nonresident, said they would fish catch-and-release waters. However, nearly 60% of the Idaho resident fishermen said they would abandon their favorite stream if they had to release all trout caught, and over one-half would not fish a catch-and-release lake or stream for the opportunity to catch a trophy trout. If restrictions are needed to increase the size or catch rates of trout, most anglers would prefer bag restrictions. Size restrictions and tackle restrictions were the next most preferred options. Shorter season length was the least preferred option to increase size or catch rates. There was not a great deal of difference between the number of choices favoring size restrictions and tackle restrictions, indicating these two options may have been selected in tandem.

Over one-half of the survey respondents felt that fishing tournaments and contests should be regulated or prohibited. These opinions are unchanged from those expressed in 1977.

Shortly after completion of this survey, the Idaho Legislature passed legislation giving authority to the Idaho Department of Fish and Game to draft rules and regulations to govern fishing contests and tournaments.

Survey results indicated that almost one-half of the fishermen in Idaho would favor managing additional lakes or ponds to provide bass greater than 15 inches in length. Over 30% of the survey respondents had "no opinion" on this and most other warmwater-related questions.

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The smallest bass acceptable to most warmwater fishermen was 12 inches in length. A 16-inch bass was the size most often considered a trophy. Fishermen did differentiate between largemouth and smallmouth bass. Both the minimum acceptable size and the trophy size of smallmouth bass was generally 2 inches shorter than that given for largemouth bass. This information would indicate general acceptance of the current bass regulations in Idaho by people fishing for largemouth bass. Smallmouth bass fishermen may tend to have a higher noncompliance rate. The Department should continue efforts to display the benefits of the current bass regulations or be prepared to have separate regulations for the two species.

The Idaho Department of Fish and Game has introduced walleye into three reservoirs in southern Idaho. Those waters selected to receive walleye are considered "safe," that is, they will not have the potential to impact other game fish populations outside the waters where introduced. This opinion survey indicates the Idaho fishermen generally agree with that policy. Almost 60% of the survey respondents would oppose further introductions of walleye if they might impact other game fish populations.

The majority of Idaho anglers that returned a survey questionnaire did not feel that additional emphasis needed to be directed towards warmwater fishery programs. The warmwater program category also received the highest percent of anglers in favor of less emphasis.

Just over three-fourths of Idaho fishermen prefer fishing for coldwater species. Trout species alone accounted for two-thirds of the anglers giving a preferred species. Rainbow trout are the single most popular species in Idaho. Over 20% of the fishermen said they preferred fishing for rainbow trout, and in excess of 80% said they fished for rainbow at least once during 1987. Anglers that prefer warmwater species have increased from 7% to almost 23% between 1977 and 1987. Anglers stating a preference for bass accounted for 10% of the survey respondents. Just over 30% of the fishing effort in 1987 was directed towards warm or coolwater species, up from 17% in 1977.

As a single body of water, more people fished the Snake River than any other water in the state. The Salmon River was the next most popular water. However, both the Snake and Salmon rivers flow across regional boundaries. Cascade Reservoir, in Region 3, was the most fished water within a single region. Other top-ten waters include the Clearwater River, the Boise River, Henry's Lake, the Big Wood River, Island Park Reservoir, Coeur d'Alene Lake, Pend Oreille Lake, the Payette River and Lucky Peak Reservoir. The Snake River within Region 3 would rank Number 4 if the Snake were to be broken out by regions. For the most part, the top ten waters have remained the same since 1977, with only changes in order.

Fishing on rivers and streams remains the most preferred "water type" for fishing, as it was in 1967 and again in 1977. Anglers also preferred bank or shore fishing, and bait was the preferred terminal tackle in this survey. Nonresident fishermen most preferred fly fishing. Boat angling with lures on lakes and reservoirs was most popular with warmwater fishermen.

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Although more anglers preferred river or stream fishing over lakes and reservoirs, the fishery types had almost equal numbers of individuals that fished each water type at least once during 1987, and 54% of the days spent fishing was reportedly fished on flat water.

Idaho anglers have expressed overall satisfaction with trout programs on both lake and river systems. Fishing at high mountain lakes received the highest satisfaction rating of all programs. Anglers also expressed general satisfaction with the fishing for perch and sunfish. Anadromous fish, landlocked salmon, walleye and pike fisheries received a poor satisfaction mark from most anglers. It becomes readily apparent that time and dollars do not necessarily equate to high satisfaction marks from the public. High mountain lakes in Idaho receive the least management attention of all programs yet receive the highest rating for angler satisfaction. On the other hand, the anadromous fishery programs spend the most time and money yet receive some of the lowest ratings. General dissatisfaction with some of the warmwater programs may stem from the newness of those programs and resistance to change. The Idaho Department of Fish and Game should increase efforts to promote and introduce anglers to new programs.

When selecting "where to fish," most Idaho fishermen place a great deal of emphasis on "aesthetic" factors such as water quality and natural beauty of the area. Social factors, such as avoidance of other recreationists and avoidance of angler crowding, were also given as important "where to fish" factors. Although important, catchability of fish, the chance to catch a trophy fish, or the chance to catch a variety of fish did not weigh as heavily as the aesthetic or social factors. Material factors such as nearness to restaurants, boat launching facilities, marinas, or travel distance appeared to be relatively unimportant.

The high value anglers place on aesthetic factors could, in part, account for the high satisfaction rating given to high mountain lake fishing. It could also partially explain the lower satisfaction rating given to warmwater fisheries which occur in lowland areas close to population centers and with lower water quality than many of the trout fisheries.

"Why" anglers fish in Idaho correlates well with "where" they choose to fish. Relaxation, to enjoy nature, solitude and family togetherness are given as important reasons why people fish. Catching fish for consumption or the opportunity to catch a trophy fish does not appear important to most fishermen.

Overall, the general opinion of Idaho fishermen, as a population, has changed little over the past 20 years. The median age has remained about the same, and the most fished waters are about the same. Preferences for river and stream fishing, bank or shore fishing and the use of bait as the preferred terminal tackle has changed little. Also, anglers are asking for program emphasis for the same programs as they did in 1967 and 1977.

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Based on the results of this survey, it seems appropriate for the Department to keep in place many of the current goals and policies. It would seem extremely important for the Department to increase efforts to maintain water quality and protect fish habitat. The Department should also continue efforts to protect and enhance wild trout populations. "Trophy trout" and "trophy bass" programs should be expanded but not at the total expense of anglers who prefer bait fishing. The Department of Fish and Game will also have to increase efforts to make the public aware of the sacrifices needed to accomplish various goals. Walleye and other exotic fish should not be introduced in Idaho where they may have negative impacts on other game fish populations. The Department should also increase efforts to direct angling activity to fisheries that can withstand, or need, added fishing pressure. Hatchery trout should be stocked in waters where returns to the creel can be maximized. Bait and lure fishermen which fish on lakes and reservoirs appear to place more emphasis on catch rates than the size of fish caught. Efforts should be made to increase catch rates with the hatchery product by stocking greater numbers of "fingerling-size" rainbow and allowing the lake system to produce the occasional trophy fish.

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INTRODUCTION

Legislation which formed the Idaho Department of Fish and Game also declared all wildlife within the state to be the property of the State of Idaho. That legislation directs the Department of Fish and Game to preserve, protect, perpetuate and manage that wildlife resource. If the resource manager had only the duties of resource preservation, protection and perpetuation, his or her job would be relatively simple. However, as the title implies, he or she must also manage that resource. Good management implies providing a range of experiences for different recreationists. Those recreational experiences should, within biological limitations, attempt to meet the expectations of the various user groups within the fishing community. The resource manager must balance good biology with social demands. He or she must also insure that future generations will have the opportunity to experience Idaho's wildlife resources while maximizing current user satisfaction. As the population of Idaho increases and the angling community becomes more diversified, the job of the manager will become more complicated as he or she tries to allocate limited fisheries to different users needs.

It is the purpose of this survey to provide the resource manager with the opinions, preferences and expectations of the Idaho angler. It should also provide a gauge for the manager to judge past management programs by rating angler satisfaction for each of the various fishery segments.

This survey will also continue the tradition established by Gordon (1970) and Mallet (1980) of providing the Idaho Department of Fish and Game with long-range planning tools which will help set goals, establish objectives and determine policies for the next 15-year planning period. The goals, objectives and policies established should reflect the type of management options that the public will accept and that will provide a satisfying experience to that public. The resource manager must exercise sound judgment when using opinion survey data and not manage by "vote." The biological potential of a water and the charge to protect, preserve and perpetuate should provide the bounds of good management.

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TECHNIQUES USED

Questionnaire Content

Prior to designing the questionnaire, I asked Idaho Department of Fish and Game personnel to submit questions, topics, or areas of concern that they thought might need public direction during the next 15-year planning period. I assembled all material received and grouped the proposed "questionnaire topics" into similar subject categories. Based on the topics submitted by Department personnel, I formulated 34 questions (Appendix I) which would address the specific issues. Where possible, I used questions from previous Idaho angler surveys to meet the expected need for public input and to continue trend information started by Gordon and Mallet. I also used questions from other state fish and game agency surveys that addressed like survey needs (Mongillo and Hahn, 1988; Fletcher and King, 1988; Kinman and Hoyt, 1982). I then asked Department personnel to provide a review of the questionnaire. After incorporating second review comments, I mailed a draft of the questionnaire to Dr. Mark Snow of the Sociology Department at Boise State University for a review of questionnaire clarity and question bias.

To obtain a better understanding of the different user groups fishing Idaho waters, we compared sociological factors such as age, sex, family size and residence with management related questions. I did not attempt to assess economic status of the respondent.

Sample Size and Mailing

In 1987, the Idaho Department of Fish and Game sold 421,727 licenses to fish Idaho waters. These included resident season fishing; resident season combination; nonresident season fishing; nonresident 10 day, 3 day, and 1 day fishing; junior season fishing; junior combination and senior combination. From the total number of licenses sold we randomly selected 28,950 (7%) names for questionnaire mailing. After mailing, the U.S. Postal Service returned 5,252 of the questionnaires as undeliverable, leaving a total sample size of 5.5%. After six weeks, we mailed a reminder letter to those individuals that had failed to return a questionnaire. We also issued a public service announcement, as a reminder, which aired in area newspapers and on radio and television stations. Anglers returned a total of 8,599 usable questionnaires, which represents a 2% sample of 1987 Idaho anglers.

We conducted this survey primarily to gather the statewide opinions and preferences of anglers fishing Idaho waters. We also wanted to make comparisons between Fish and Game Regions, between resident and nonresident anglers and between different user groups. We thought the survey should represent opinions and preferences in proportion to the type of licenses sold. To accomplish those

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objectives, we determined that a minimum of 400 respondents would be needed for each data set for that information to fall within the 95% confidence limit that a particular response was within five percentage points of a true response. That level of response was achieved for all comparisons made.

Survey Bias

In a effort to measure any potential angler response bias, we randomly selected a subsample of names of people who had failed to return a completed questionnaire. From this list of names, we conducted a telephone survey and asked selected questions from the mail survey. We then compared answers from the mail survey response and the follow-up telephone survey.

Questionnaire Analysis

We summarized all data to provide a statewide overview. We extracted regional information by county of residence. Nonresident anglers were grouped by state of residency. All responses were correlated with sociological features such as age, sex, marital status, participation in sportsmen groups and type of terminal tackle preferred.

For the most part, I have used only data from anglers that provided a response. Where a lack of a response provides some significant insight into angler opinions and preferences, that data will be provided. Some questions offered "no opinion" as a question response. A "no opinion" response will be treated as a response and differs from "no response". In all cases, the number of respondents used to calculate a given percentage, on any one question, is expressed as the N value for that question. Some questions provided the survey recipient with the opportunity to give more than one response. In those cases, I felt it more appropriate to present the raw return data rather than a percent.

Researchers have recognized that this type of survey will provide a poor estimate of days fished. In this survey, I asked individuals to report days fished for each type of fishery they participated in. As one individual could fish for more than one type of fish at any one time, I would obtain a gross overestimate of total days fished by summing the estimates of individual fishery types. To obtain a realistic estimate of total days fished, I summed the days reported fished for each type of fishery and divided by the sum of the anglers fishing each fishery type (reported days per angler). The resultant days fished per fisherman was then multiplied by the total number of licenses sold to arrive at total days fished. The estimated number of days fished for each fishery type is given as a percent of the total. Results presented for the number of days fishing or steelhead are

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comparable to the 1987 estimates presented in the Estimated 1987 Spring Steelhead Season Harvest and Effort Survey (McArthur, 1988).

RESULTS

Angler Profile

Age

The 30-39 age class had the greatest number of respondents (24.5%). The 40-49 age class and the 20-29 age class had the next highest response with 21.1% and 13.5, respectively. The 14-19 age class had the lowest response, with only 6.1% of the returns. The 1987 angler profile reflects a slightly higher percent of responses in the 30-39 age group than reported by Gordon in 1967 (Table 1) but has remained essentially unchanged over the past 20-year period. The lower percentage of juvenile anglers, from 1967 to 1987, could represent a decline in fishing interest, or a general decline in the number of juveniles.

Sex

Male anglers outnumbered females in the survey by a margin of 3:1 (Table 2). Nonresident males purchased 81.5% of the nonresident license sales as compared to 71.2% for resident anglers. Gordon reported a 4:1 male to female ratio in 1967. This data is also comparable to reported material from California (Fletcher, 1988) Washington (Mangillo, 1988) and Montana (Allen, 1988).

Residence

Idaho resident anglers purchased 63.4% of the licenses sold in Idaho during 1987 and returned 68.5% of the questionnaires. Resident combination licenses to hunt and fish made up 34.2% of the licenses sold (Table 3). Nonresident season fishing licenses made up 6% of the licenses sold, while 10-day, 3-day and 1-day licenses totaled 30%. Anglers from California, Washington, Utah, Oregon and Montana combined to make up about 75% of all nonresident fishing licenses sold in the state of Idaho during 1987 (Table 4). In 1967, 81.5% of all nonresident reporting came from those same five states (Gordon, 1970). Idaho residents, living within Idaho Department of Fish and Game Region 3 (Fig. 1), provided 38.1% of the questionnaire returns. Region 3 also has 36.3% of the state's population (Table 5). Regions 1, 2, 4, 5, and 6 returned 12.5%, 10.3%, 12.8%, 13.0%, 12.3% of the questionnaires, respectively. Results from the angler opinion survey conducted in 1978 indicate that the distribution of fishermen within Idaho has changed

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Table 1. Age class of survey respondents by percent, for the total sample, resident only and nonresident only angler, 1967 and 1987.

		AGE CLASS (years)					
		14-19	20-29	30-39	40-49	50-59	60+
Entire Sample	(87)	6.1	13.5	24.5	21.1	16.1	18.7
	(67)	9.7	16.7	18.1	22.1	19.7	14.7
Residents	(87)	7.1	14.5	25.6	20.4	15.4	17.1
	(67)	12.3	17.3	17.2	20.8	19.0	13.4
Non residents	(87)	3.9	11.3	22.2	22.6	17.7	22.3
	(67)	6.3	15.8	19.3	23.9	20.5	15.1

Table 2. Sex of survey participants, by percent, for total sample, resident only and nonresident only, 1987.

	Sample	Resident	Nonresident
Male	74.4	71.2	81.5
Female	24.6	28.8	18.5

Table 3. Percent of 1987 licenses sales and percent of questionnaire returns by license type.

License Type	Percent Sold	Percent Response
Resident combination*	34.2	44.9
Season fish#	30.1	24.6
Nonresident season	6.0	8.9
Nonresident 10-day	5.2	8.6
Nonresident 3-day	11.0	9.6
Nonresident 1-day	13.6	3.5

*Includes regular resident combination, junior combination and senior combination.
#Includes regular season fish, junior resident fish and senior resident fish.

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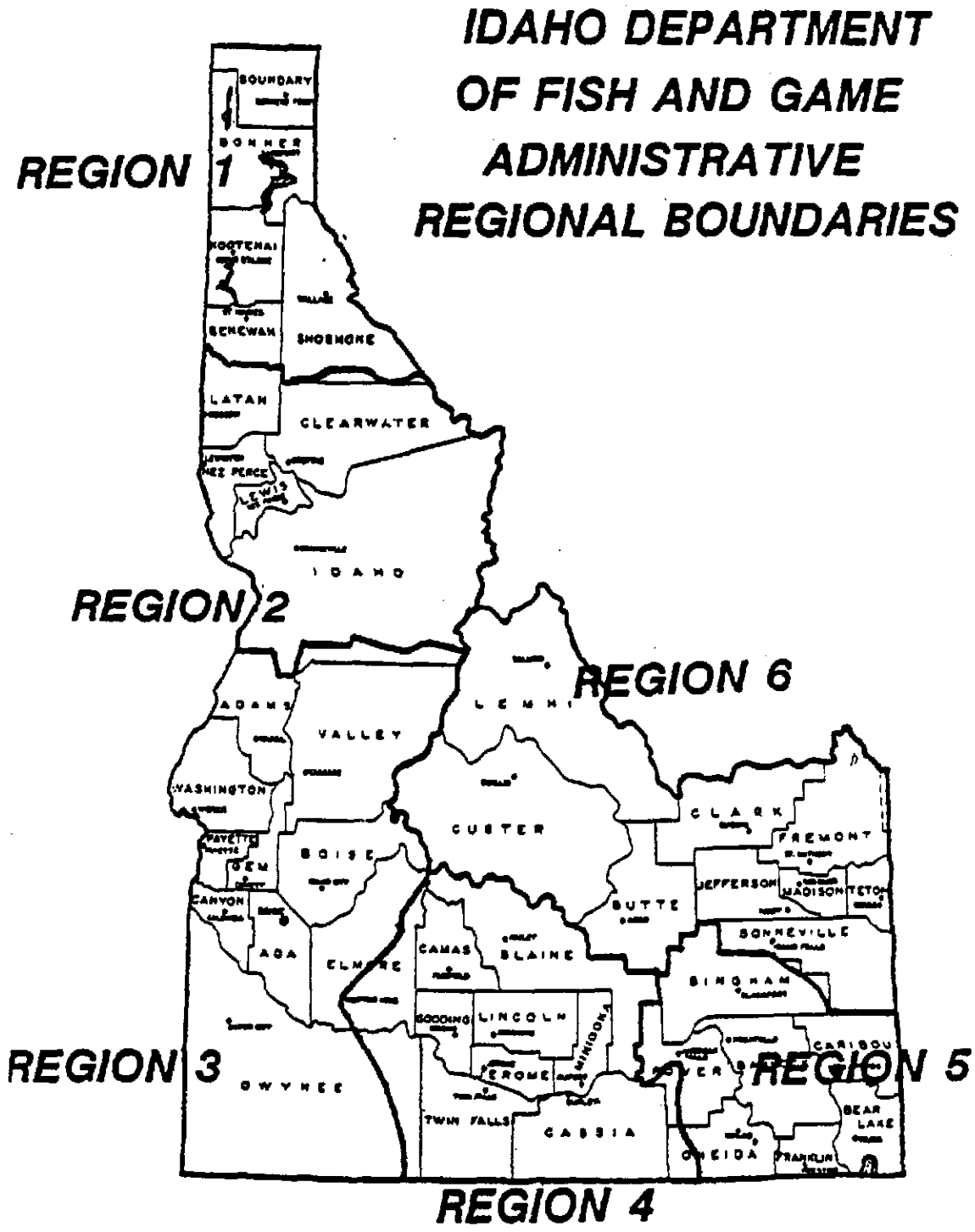


Figure 1. State of Idaho with Idaho Department of Fish and Game regional boundaries.

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little over the past ten years.

Family

Just over one-half (54.1%) of all survey respondents stated that they had a spouse that fished in 1987. Nearly 20% reported they were not married. More resident than nonresident anglers reported they have a spouse that fished in Idaho (Fig. 2)

In Idaho, resident children under the age of 14 do not need a license to fish, nor do nonresident children under 14 when accompanied by an individual with a valid Idaho license. The number of children under the age of 14 in each household ranged from 0 to 20, with an average of 2.1 per respondent that reported having children living at home. Over 65% of the households indicated that they did not have any children under 14 living at home.

Only 30% of all households stated that they had children under 14 living at home that participated in fishing. The mean number of children that fished was 1.8 per family. A simple expansion from the number of licenses sold (421,727) minus the number of license buyers that said they did not fish (3%) will yield 629,975 total anglers fishing Idaho waters.

Sportsmen Organizations

Overall, only one fisherman in five indicated that he belonged to an organized sportsmen group. Resident fishermen tend to be less group-oriented than the nonresident anglers, with less than 16% that belonged to any organized sportsmen group (Table 6). Idaho Department of Fish and Game Regions 4 and 5 had the greatest percent of respondents reporting membership in a sportsmen group.

Boat Ownership

Thirty-five percent of the responding anglers stated that they owned a boat for fishing in 1987. Only one-fourth of the nonresident anglers said that they owned boats used for fishing, while resident anglers that owned boats for fishing made up over 40% of the responses. Residents of Idaho Department of Fish and Game Region 1 reported the highest percentage of respondents that own a boat used for fishing (58%). Responses by anglers from the other regions ranged from 34.2% to 39.4% that own boats used for fishing (Table 7).

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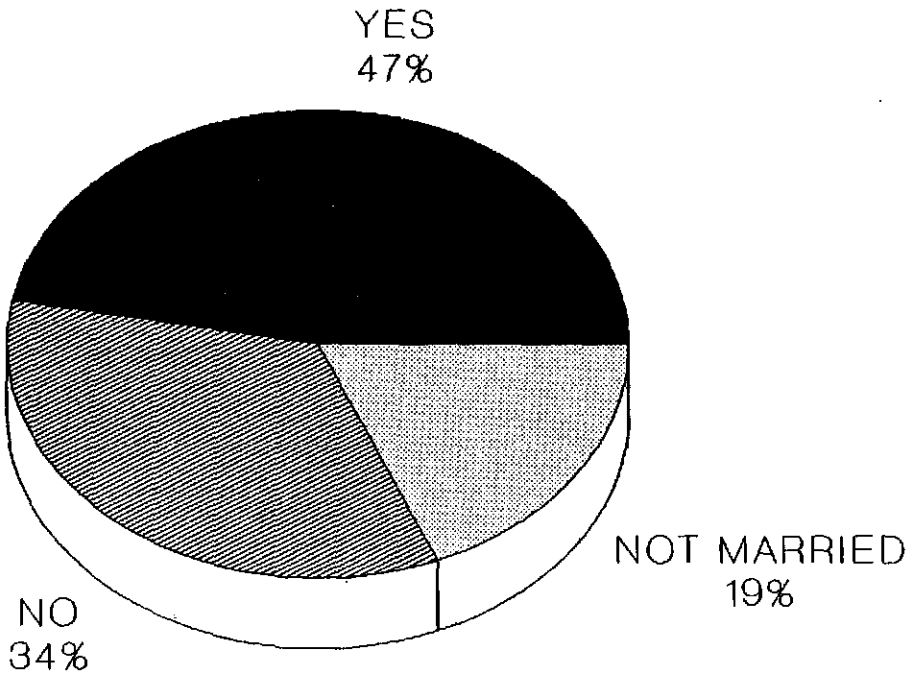


Figure 2. Percent of survey participants that did or did not have a spouse that fished in 1987.

Table 4. Percent of 1987 nonresident anglers by state of residence, for the top five states only.

	Percent Nonresidence by State				
	California	Washington	Utah	Oregon	Montana
1967	27.2	25.6	17.6	6.2	4.9
1987	23.8	22.4	18.1	5.9	4.0

Table 5. Population statistics 1975 to 1985 and 1977 to 1987 questionnaire returns, by percent, by region of residence for Idaho resident anglers.

	Population		Response	
Region	1975	1985	1977	1987
1	11.8	15.6	13.5	12.5
2	10.6	6.0	10.6	10.3
3	33.9	36.3	32.8	39.1
4	15.3	14.9	14.7	12.8
5	14.5	14.1	13.5	13.0
6	13.9	13.1	14.9	12.3

Table 6. Percent of survey respondents that belong to organized sportsmen organizations during 1987.

		Response	
Region	N	Yes	No
1	725	16.0	84.0
2	596	16.4	83.6
3	2225	15.8	84.2
4	742	34.2	65.8
5	752	34.7	65.3
6	788	14.9	85.1
Nonresident	2692	25.2	74.8
Total sample	8599	18.7	25.6

Management Preferences

License Price

The majority (81%) of anglers that fish Idaho waters felt the price they paid for a license was "about right." Seventy-eight percent of the nonresident anglers stated that they felt the license price was about right, and 21% thought the price too high (Table 8).

Bag Limits

Over two-thirds of all respondents felt that the current trout limit of 6 fish was "just about right." Those who felt that the current limit was "too few" accounted for only 15.6% of the respondents (Table 9). In 1968, with a trout limit of 15 fish, anglers thought the limits "about right" (Gordon 1970).

Current Idaho regulations allow no more than one daily bag limit in possession while in the field or in transit. Because of the frequency of multiple-day fishing trips, some anglers have expressed a desire to retain in possession two daily bag limits from lakes and reservoirs. With the understanding that catch rates could be reduced, 55% of the responding anglers said they would not want an increased possession limit, while 31% said they would (Table 10).

Hatchery Trout

The Idaho Department of Fish and Game raises primarily 8- to 9-inch rainbow trout for the put-and-take trout program. Based on this opinion survey, almost one-half of the anglers would prefer that the Department continue stocking primarily 8- to 9-inch rainbow trout as catchables (Table 11). However, over one-third of the respondents indicated a preference for having a few larger trout stocked, even if it means overall numbers of trout available for stocking would be reduced by one-third. Nonresident anglers seem about evenly split on the question, with 37% in favor of larger trout stocked and 38% opposed. Resident fishermen appeared more emphatic that they did not want numbers reduced in favor of a few larger trout. About 50% of the resident anglers opposed larger fish at the expense of numbers, while just over 30% favored larger hatchery trout.

Both resident and nonresident anglers seem satisfied with the quality of trout produced by the Idaho Department of Fish and Game. Overall, 56% of the survey respondents feel the quality of trout planted is either good or excellent, with 27.2% stating that the quality is either fair or poor (Table 12).

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Table 7. Percent of survey respondents that reported owning a boat used for fishing during 1987, by area of residence.

Region	N	Response	
		Yes	No
1	728	58.0	42.0
2	599	38.6	61.4
3	2227	39.3	60.7
4	740	34.2	65.8
5	756	34.7	65.3
6	786	37.8	62.2
Nonresident	2693	24.6	75.4
Total sample	8599	35.2	64.8

Table 8. Opinions expressed on the price paid for a license to fish Idaho waters in 1987, by area of residence.

Region	N	Response		
		About Right	Too High	Too Low
1	719	83.1	14.9	2.0
2	588	82.1	15.3	2.6
3	2199	82.9	13.8	3.3
4	740	79.7	17.7	2.6
5	746	85.4	11.9	2.7
6	780	80.6	16.3	3.1
Nonresident	2646	78.1	21.1	0.8
Total Sample	8599	81.1	16.7	2.2

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Table 9. Opinions expressed on the number of fish allowed in the statewide 6-trout bag limit in 1987.

Region	N	Response		
		Too Many	Too few	About Right
1	722	6.5	20.8	65.1
2	590	5.1	29.3	60.0
3	2194	5.7	17.7	70.9
4	683	6.4	17.0	71.3
5	746	7.5	14.2	73.7
6	777	7.7	14.5	72.7
Nonresident	2654	15.3	9.8	65.5
Total sample	8419	9.1	15.6	68.4

Table 10. Percent of survey participants that would or would not support a possession limit of two daily bag limits on lakes and reservoirs, knowing that catch rates might decline.

Response	Sample	Residence						
		NonRes	1	2	3	4	5	6
Yes	30.9	32.6	29.4	33.1	33.2	29.0	26.9	24.1
No	55.0	48.9	58.2	51.0	55.1	58.5	62.2	65.0
No Opinion	14.1	18.5	12.4	15.9	11.7	12.6	10.9	10.9
N =	8390	2643	720	720	2191	739	741	771

Table 11. Percent of opinions expressed by survey participants regarding the conversion of a portion of the 9-inch hatchery trout production to 12-inch trout, knowing that one 12-inch trout will replace three 9-inch trout in the hatchery.

Response	Sample	Residence						
		NonRes	1	2	3	4	5	6
Yes	34.2	36.7	26.7	31.4	36.3	35.2	33.9	28.4
No	45.8	38.7	54.9	50.7	46.8	46.4	47.7	53.2
No opinion	20.0	24.6	18.4	17.9	16.9	18.4	18.5	18.4
N =	8487	2667	721	598	2219	745	753	784

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More nonresident fishermen gave trout stocked by the Idaho Department of Fish and Game an "excellent" rating than did resident fishermen. Region 3 respondents gave the Fish and Game hatchery product the highest ratings of resident anglers, while Region 1 gave the lowest ratings.

Wild Trout

The majority of Idaho anglers still feel that wild trout should receive protection (Table 13) and not be replaced with hatchery trout. Gordon (1970) reported that anglers also favored restricting the harvest of wild trout. Mallet (1980) found anglers wanted wild trout protection by a margin of 47% to 37%. Nonresident anglers in this survey favored wild trout protection by a greater margin than did resident anglers.

Regions 6 and 5 had the narrowest ratios in favor of wild trout protection, with about 47% favoring protection of wild trout and 35% favoring replacement of wild trout with hatchery trout. Region 3 anglers provided the widest ratio in favor of wild trout protection, with 54% favoring protection of wild trout and 29% preferring replacement of wild trout with hatchery fish.

Mallet reported that he may have solicited a biased response to this question by leading anglers to believe that hatchery trout could replace wild trout without any biological impacts. This survey also could have led anglers to believe no biological impacts would occur if wild trout were replaced with hatchery trout.

Quality/Trophy Trout

A majority of Idaho Anglers would like to have additional waters managed to provide larger than average trout at increased catch rates, even knowing some restrictions would be needed. There remains, however, a large block of anglers that said they would not like additional restrictions to produce larger fish (Table 14). Nonresident fishermen would be more supportive of trophy trout management (61%) than would resident fishermen (51%). Region 5 fishermen expressed the greatest desire to have additional waters managed for trophy trout waters and Region 6 the least.

In 1967, 60% of the respondents from Gordon's survey indicated that "fishing for fun" (catch-and-release) was a worthwhile idea. In 1980, Mallet reported that 78% of the 1978 survey respondents stated "special regulations are a worthwhile idea," but only 42% had fished waters with special regulations. Although I did not ask the identical question, "Do you think fishing for fun is a worthwhile idea?", results presented below should be comparable to 1967 and 1978 survey returns.

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Table 12. Rating of the quality of trout stocked by the Idaho Department of Fish and Game, by percent of survey respondent.

Residence	N	Response				
		Excellent	Good	Fair	Poor	No Opinion
Sample	8480	10.1	46.4	21.5	5.7	15.3
NonRes.	2658	13.4	43.9	12.9	3.0	26.7
1	724	4.8	37.2	28.6	13.1	16.3
2	598	7.0	42.8	28.9	8.0	13.2
3	2220	11.0	52.6	21.4	3.8	11.2
4	746	9.9	48.0	26.3	6.3	9.5
5	751	6.7	45.9	30.4	9.2	7.9
6	784	6.6	47.5	25.9	7.8	12.3

Table 13. Angler preference regarding protection of wild trout in Idaho streams.

Region	Restrict Wild Trout Harvest	Replace Wild Trout w/ hatchery	N
Sample	55.8	27.4	8455
Nonres.	65.0	20.0	2620
1	53.1	31.0	719
2	50.9	29.8	587
3	53.9	29.1	2212
4	50.6	30.7	743
5	48.5	32.4	747
6	47.2	35.2	779

Table 14. Angler preferences regarding the management of additional waters to provide larger trout at increased catch rates, knowing restrictions would be needed, by percent of survey participants, by area of residence.

Response	Sample	Residence						
		NonRes	1	2	3	4	5	6
Yes	54.2	61.1	48.3	48.9	52.5	51.7	54.1	47.4
No	30.5	21.0	39.2	36.7	29.1	32.6	32.7	38.8
No-opinion	15.3	17.9	12.5	14.4	17.0	15.8	19.1	18.8
N =	8455	2661	722	592	2211	739	748	782

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Respondents to this survey indicate that the 1987 fishing population is equally divided on the issue of catch-and-release fishing. Just over 44% of the responding anglers said that they would continue to fish their favorite streams if they had to release all fish caught, while 50% said they would not and 5% had no opinion (Table 15). However, when asked if they would fish a stream or lake if it could provide the opportunity to catch trophy trout, even knowing all trout would have to be released, 48% said they would fish such a water, while 45% said they would not (Table 16). A greater percentage of nonresidents would favor catch-and-release fishing from their favorite stream (55%) and, if provided, the opportunity to catch larger fish (59%).

Catch-and-release fishing does not appear as attractive to most resident fishermen. Overall, only 38% of the resident anglers said they would fish their favorite stream if all trout had to be released. If they had the opportunity to catch trophy trout from a catch-and-release stream or lake, only 42% said they would fish that body of water. Region 3 anglers seemed most favorable to catch-and-release fishing. Forty-three percent of the Region 3 fishermen gave a positive reaction to catch-and-release fishing on a favorite stream, and 48% said they would fish a catch-and-release water if given the opportunity to catch a trophy trout. Fly fishermen and anglers belonging to sportsmen organizations were more inclined to support catch-and-release management than were either bait or lure fishermen. Lure fishermen did have a significantly greater number of fishermen in favor of catch-and-release fishing than bait fishermen.

Given that some type of restriction would be needed to increase the size and catch rates of trout on a given water, most Idaho anglers would prefer reduced bag limits. The data also indicates a large number of anglers would prefer artificial tackle restrictions and size restrictions. Shorter seasons were the least attractive option to increase the size of fish or to provide better catch rates. There appeared to be very little difference in the response between regions. Regions 1, 4, 5 and 6 favored reduced bag limits, with size restrictions as the second choice. Regions 2 and 3 reversed the order of the two top preferences (Table 17).

Program Emphasis

The majority of the respondents stated they would favor greater emphasis for all programs listed except warmwater fisheries (Table 18). Habitat protection solicited the highest percentage of anglers in favor of providing additional program emphasis (72%) and the lowest percentage favoring less emphasis (3%). More program emphasis for wild trout, hatchery production for streams and salmon and steelhead solicited high responses from all anglers. Nonresident anglers favored an even greater emphasis on wild trout and habitat protection. Greater emphasis for warmwater programs received the least number of responses (6,796), the lowest percentage favoring more program emphasis (30%), and the highest percentages in favor of less (14%) or no change (58%) in program emphasis.

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Table 15. Percent of anglers that would or would not continue to fish their favorite stream if they had to release all trout caught.

		Residence						
Response	Sample	NonRes	1	2	3	4	5	6
Yes	44.1	55.3	32.9	35.0	43.2	36.0	30.6	38.9
No	50.5	38.6	60.2	59.5	51.0	59.0	58.5	57.5
No opinion	5.4	6.1	6.9	5.5	5.8	4.6	2.9	3.7
N =	8515	2684	726	598	2220	747	755	785

Table 16. Percent of anglers that would or would not fish a lake or stream if it provided the opportunity to catch trophy trout, even if all fish had to be released.

		Residence						
Response	Sample	NonRes	1	2	3	4	5	6
Yes	48.4	58.3	37.0	41.3	48.3	44.5	40.8	41.8
No	45.2	34.3	57.4	51.2	45.5	50.4	54.5	57.5
No opinion	5.4	7.4	5.7	7.5	6.3	6.3	4.9	5.5
N =	8483	2676	725	598	2213	742	753	783

Table 17. Types of restrictions anglers would prefer to increase the size and catch rates of trout, knowing that restriction would be needed.

		Residence						
Restriction	Sample	Nonres	1	2	3	4	5	6
Artificial tackle	21.5	26.9	20.9	21.1	18.6	15.8	17.9	18.5
Reduced bag limit	31.1	32.1	28.4	25.7	31.3	32.2	30.2	32.6
Shorter season	13.4	8.9	16.2	17.4	14.3	17.8	15.9	16.0
Size restriction	26.0	25.6	27.1	26.2	27.6	24.7	25.7	23.7
No opinion	8.0	6.5	7.5	9.6	8.2	9.6	10.3	9.2
N =	14290	4917	1181	953	3669	1155	1180	1235

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This information indicates little change from 1978 where Mallet reported that 69% of the reporting fishermen favored increased program emphasis on protection and enhancement of wild trout, 68% favored more emphasis on habitat protection and 61% stated a preference for major emphasis on hatchery production. Only 40% of the 1978 reporting anglers stated they would favor more emphasis on warmwater fishing.

Fishing Contests and Tournaments

Over one-third of all Idaho anglers would like to have fishing contests in Idaho regulated (Table 19). Twenty-two percent of the anglers felt that fishing contests should not be regulated and another 17% said contests should be prohibited. Nonresidents had a greater percentage of fishermen that favored regulating tournaments and contests (42%) than did resident anglers (35%).

Warmwater Fish Management

Even knowing that restrictions would be needed, 47% of the survey respondents stated they would favor a management program that would increase the catch rates for bass larger than 15 inches (Table 20). Fly fishermen and organized sportsmen were more supportive of a quality bass regulation than were lure or bait fishermen. Of those anglers that fish for bass, 38% stated the smallest largemouth bass they would keep would be 12 inches, and 33% would keep largemouth 10 inches in length (Table 21). The response changed slightly for smallmouth bass, with 40% selecting a 10-inch bass and 32% selecting 12 inches as the smallest size they would keep (Table 22). The majority of nonresident anglers picked 12 inches as the smallest size they would keep for both largemouth bass and smallmouth bass.

Most (38%) of the reporting warmwater anglers consider a largemouth bass greater than 16 inches a quality, while 24% would consider a 14-inch largemouth bass a quality size (Table 23). One-third of Idaho warmwater fishermen consider a 14-inch smallmouth bass a quality bass and another one-third would consider 16 inches as a quality size (Table 24).

In an attempt to provide increased diversity and angling opportunity, the Idaho Department of Fish and Game has introduced walleye into three Idaho reservoirs. Current Fish and Game policy limits walleye introductions to waters in which walleye will not have the opportunity to impact other fisheries or will not have access to other waters. The majority (58.6%) of Idaho anglers responding to this survey would agree with continuation of that policy and do not want walleye introduced into other waters if they could impact other fisheries. Only 18.8% of the respondents stated that they would like to have walleye expanded at the expense of resident fisheries (Table 25).

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Table 18. Anglers' opinions regarding the degree of program emphasis that should be devoted to various programs.

Programs	Program Emphasis			
	More	Less	No Change	N
Hatchery trout production for lakes	54.8	6.5	38.7	7502
Protection and enhancement of wild trout	67.3	5.1	27.6	7618
Warmwater fisheries	30.3	14.1	55.6	6796
Hatchery production for streams	60.0	5.1	27.6	7417
Habitat protection	71.7	3.1	25.2	7540
Salmon and steelhead	60.0	5.5	34.5	7398

Table 19. Anglers' opinions regarding regulation of fishing contests and tournaments.

Option	Total	Resident	Nonresident
	%	%	%
Should remain unregulated	22.2	26.2	14.7
Should be regulated	38.5	35.3	42.1
Should be prohibited	17.3	16.7	20.3
No opinion	21.9	21.9	22.9

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Table 20. Anglers' opinions regarding the management of lakes and ponds to provide bass greater than 15 inches at increased catch rates, knowing that restrictions would be needed.

			Residence					
Response	Sample	NonRes	1	2	3	4	5	6
Yes	46.9	47.0	50.4	50.4	48.9	44.3	45.4	38.9
No	19.5	12.1	30.8	23.8	25.4	19.2	17.7	17.1
No opinion	33.5	4.9	18.8	25.8	25.7	36.4	36.8	44.0
N =	8490	2675	725	601	2212	744	752	782

Table 21. Shortest largemouth bass, in inches, the Idaho angler would consider keeping, if not restricted.

	Total	NonRes.	Regions					
Length	%	%	1	2	3	4	5	6
6 in.	1.8	1.0	1.6	1.3	1.9	2.0	3.4	2.7
8 "	9.3	5.2	7.9	12.3	10.4	10.4	13.2	12.6
10 "	33.3	26.6	28.2	39.2	38.1	35.2	35.7	32.8
12 "	38.1	42.4	41.1	35.4	37.2	36.2	32.1	34.0
14 "	17.5	24.8	21.2	11.8	12.4	16.2	15.7	17.9

Table 22. Shortest smallmouth bass, in inches, the Idaho angler would consider keeping, if not restricted.

	Total	NonRes.	Regions					
Length	%	%	1	2	3	4	5	6
6 in.	2.7	1.8	2.4	2.9	2.4	3.5	4.6	4.8
8 "	13.9	10.3	10.2	15.6	15.2	15.7	18.8	16.7
10 "	40.4	34.1	36.0	49.1	46.3	40.4	40.2	34.3
12 "	32.3	38.0	39.3	26.7	29.2	29.5	25.2	32.6
14 "	10.8	15.9	12.2	5.8	7.1	10.9	11.2	11.6

Table 23. Length, in inches, of largemouth bass Idaho anglers would consider a quality size.

Length	Total %	NonRes. %	Regions 1	2	3	4	5	6
12 in.	13.6	10.6	15.5	17.1	14.0	15.6	13.7	13.8
14 "	24.3	22.1	22.0	28.8	26.4	23.7	22.9	23.7
16 "	38.0	38.4	40.7	36.4	37.0	37.8	39.8	36.5
18 "	17.1	19.5	14.8	14.3	16.2	16.4	17.6	19.4
20 "	7.1	9.5	7.0	3.5	6.4	6.6	6.0	6.6

Table 24. Length, in inches, of smallmouth bass Idaho anglers would consider a quality size.

Length	Total %	NonRes. %	Regions 1	2	3	4	5	6
12 in.	23.4	23.4	27.6	25.1	24.3	25.5	20.8	13.8
14 "	34.7	33.6	33.2	40.0	33.8	30.5	32.5	23.7
16 "	30.2	30.5	28.3	27.4	31.0	30.5	32.7	36.5
18 "	9.8	8.8	6.9	5.5	8.3	9.5	10.1	19.4
20 "	4.9	3.6	4.1	2.1	2.6	4.0	4.0	6.6

Table 25. Anglers' opinions regarding the expansion of walleye, in percent, by area of residence.

Response	Sample	NonRes	Residence 1	2	3	4	5	6
Yes	18.8	12.9	27.8	24.2	23.2	17.6	19.1	15.0
No	58.6	59.2	56.1	56.2	57.0	64.5	57.9	60.2
No opinion	22.6	27.9	16.1	19.6	19.8	17.9	23.0	24.8
N =	8380	2624	722	591	2188	737	741	774

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Table 26. Anglers' opinions regarding increased fishing information from the Idaho Department of Fish and Game, in percent, by area of residence.

Response	Sample	Residence						
		NonRes	1	2	3	4	5	6
Yes	55.3	55.0	50.8	49.6	56.9	58.5	60.4	52.2
No	31.1	25.0	38.5	37.8	33.1	29.4	29.2	37.7
No opinion	13.6	20.0	10.8	12.7	10.1	12.1	10.5	10.1
N =	8397	2632	723	593	2197	737	741	771

Table 27. Most preferred species of fish in percent of the sample total, 1987.

Coldwater=77.4		Warmwater=22.6	
Species	%	Species	%
Rainbow trout	20.8	Any Bass	7.1
Any trout	13.2	Crappie	3.2
Cutthroat trout	11.9	Perch	2.8
Steelhead trout	7.2	Catfish	3.0
Brook trout	6.6	Largemouth bass	1.9
Brown trout	6.5	Walleye	1.6
Kokanee	3.6	Smallmouth bass	1.4
Anadromous chinook	2.3	Bluegill	0.9
Lake trout	1.8	Pike	0.5
Bull trout	1.3	Other species	0.2
Coho	1.0		
Other species	1.2		

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Throughout the survey, a consistent 30-35% of the respondents gave a "no opinion" response to "warmwater" fishery-related questions. This would seem to indicate that, at a minimum, about 30% of the responding anglers did not participate in any warmwater program.

Public Information

During the previous 15-year planning period, the Idaho Department of Fish and Game has had a policy against "hot spotting." That is, we would not direct angler effort for fear of revealing the favorite spot of another fisherman or increasing effort to the point where the quality of fishing was impacted. Results from this survey, however, indicates that anglers would like the Idaho Department of Fish and Game to place some additional effort into providing better informational tools to the angler (Table 26). Also, about one-third of the state's fishermen came from outside the state of Idaho and spent less than ten days fishing Idaho waters; those fishermen need some direction if they hope to have an enjoyable experience. Information and education efforts should be directed towards "general" information or towards warmwater or hatchery-supported trout fisheries that can withstand or need additional fishing pressure.

Preferences

Preferred Species

The majority (77%) of Idaho anglers that fished in 1987 preferred fishing for coldwater species. About 23% of the anglers fished primarily for warmwater species (Table 27). Anglers preferring trout species alone made up about 65% of the survey respondents, down about 14 percentage points from 1977. Warmwater preferences increased nearly 16 percentage points during the same time period. Coldwater fishery preferences varied by region. The greatest proportion of coldwater fishermen (92%) reside in Region 6 . The lowest proportion (70%) of coldwater fishermen came from Region 1. Over 85% of the nonresident anglers prefer catching coldwater species.

Rainbow trout were by far the most preferred species, with any trout and cutthroat trout the next most desired. Preferences for largemouth bass, smallmouth bass and any bass totaled 10% of the survey respondents. Steelhead and anadromous salmon were the species preferred by 7% and 2% of the responding anglers, respectively. Rainbow trout were the most preferred species in Regions 5, 4, 6 and with nonresident anglers (Table 28).

Cutthroat trout and rainbow trout were the most preferred species in Region 1. Anglers in Region 3 most preferred any trout and rainbow trout, while Region 2 anglers preferred steelhead, cutthroat trout,

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Table 28. Most preferred species of fish in percent by area of residence, 1987.

Species	Residence						
	1	2	3	4	5	6	NR
Anadromous chinook	1.6	1.5	2.1	2.7	1.7	2.2	3.4
Brook trout	5.3	6.0	4.4	6.4	10.0	11.6	6.7
Brown trout	1.8	1.7	2.2	5.7	7.8	13.0	8.7
Bull trout	2.3	2.2	1.2	1.0	0.7	1.2	1.3
Coho	1.0	0.9	1.8	1.0	0.6	0.8	0.7
Cutthroat trout	14.0	15.0	5.4	5.4	18.7	12.3	14.1
Kamloop trout	0.7	-	-	-	-	-	1.5
Kokanee salmon	10.7	8.0	2.5	0.7	0.8	1.5	3.7
Lake trout	2.3	0.7	1.3	1.4	2.5	2.4	2.2
Landlocked chinook	1.0	-	0.3	0.4	0.4	0.3	0.2
Rainbow trout	13.4	13.8	16.3	22.0	25.6	30.6	24.8
Steelhead	4.0	18.8	5.6	7.7	5.7	8.9	6.9
Any trout	10.9	11.0	19.3	19.7	10.9	6.1	10.4
Whitefish	0.2	0.2	0.5	0.2	0.3	0.4	0.2
Sturgeon	-	0.8	0.5	0.4	-	0.1	0.3
Any Bass	10.8	8.7	10.8	5.9	4.9	2.2	5.0
Bluegill	0.5	0.2	0.9	2.3	1.8	1.0	0.5
Catfish	1.3	2.3	6.7	4.4	1.2	0.8	1.3
Crappie	4.9	1.0	7.9	1.8	0.5	0.5	1.4
Largemouth bass	3.7	1.7	2.1	1.2	1.4	0.9	2.0
Perch	4.1	1.5	4.6	5.5	2.3	1.2	1.1
Pike	2.8	0.5	0.2	-	0.3	0.2	0.4
Smallmouth bass	0.8	2.8	2.5	0.4	0.4	0.4	1.1
Walleye	1.8	0.9	1.1	3.7	1.3	1.1	1.8
N =	733	604	1977	752	761	792	2714

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rainbow trout and any trout. Regions 1 and 3 had the greatest percent of reporting anglers that stated a preference for warmwater species in general.

During 1987, 84% of the anglers responding to the survey indicated they had fished for rainbow trout at least once during the year. The next most fished for species were cutthroat trout, brook trout, brown trout and lake trout. Largemouth bass and smallmouth bass were the most fished for warmwater species, with 22% of all anglers having fished for each of them at least once (Table 29).

Preferred Water

The Snake River is, by far, the most fished water in the state of Idaho, with 10% of the survey respondents placing it as one of the three most fished waters. The Salmon River, Cascade Reservoir, the Clearwater River and the Boise River were the next most frequently fished waters (Table 30). Cascade Reservoir, the Clearwater River and the Boise River were the most fished waters contained within a single region. Mallet (1980) reported that anglers fishing Idaho waters during 1977 also named the Snake River as the most fished body of water. They also named Cascade Reservoir as the most fished body of water within a single region.

Coeur d'Alene Lake and Pend Oreille Lake drew the largest number of fishermen from Region 1 (Table 31). In Region 2, anglers most frequently fished the Clearwater River, Dworshak Reservoir and the Snake River. Cascade Reservoir, the Snake River and the Boise River were the most frequently fished waters in Region 3. Anderson Ranch Reservoir on the Boise River received almost 3% of the Region 3 angling use, yet is managed by Region 4. Anglers in Region 4 listed the Snake River and Magic Reservoir as the most fished by those residents. The Salmon River was preferred by almost 8% of Region 4 anglers. Within Region 5, the Snake River, American Falls Reservoir and the Blackfoot River and Blackfoot Reservoir appear as the most fished waters. Five of the top ten waters, as given by anglers in Region 5, lie outside that region. Island Park Reservoir, Palisades Reservoir and Henry's Lake lie in Region 6, and the Big Wood River is in Region 4. Anglers in Region 6 preferred fishing the Snake River, the Salmon River and Island Park Reservoir. Nonresident anglers fished primarily on the Snake river, the Salmon River, the Henry's Fork of the Snake River, Henry's Lake and Pend Oreille Lake.

Preferred Water Type

Anglers that fished rivers and streams at least once made up 45% of the survey respondents, as compared to 41% for lakes and reservoirs and 14% for high mountain lakes. Rivers and streams drew the largest number of coldwater fishermen, while warmwater fishermen were attracted primarily to lakes and reservoirs. Fishing for rainbow trout had the

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Table 29. Percent of anglers returning survey questionnaires that fished of each species at least once during 1987.

SPECIES	Total	Percent of Reporting Anglers						
		Non-Res.	Regions					
			1	2	3	4	5	6
Perch	21.3	9.2	44.3	9.4	32.8	32.3	19.2	9.6
Bluegill/pumpkinseed	13.4	6.6	16.6	7.6	21.4	17.3	18.8	6.6
Crappie	19.7	8.5	45.6	13.6	40.2	11.4	4.3	3.9
Smallmouth bass	22.3	11.9	23.2	39.6	40.8	17.7	10.5	7.1
Largemouth bass	22.6	13.9	46.3	21.9	34.8	15.8	18.7	6.6
Walleye	4.2	3.1	3.1	1.3	3.3	15.3	5.8	1.9
Pike	3.1	2.5	17.7	4.3	1.0	0.8	0.5	1.0
Steelhead trout	19.5	12.7	15.8	50.3	19.8	18.9	17.0	24.4
Anadromous chinook	2.9	1.8	3.1	3.0	4.0	3.7	3.0	2.0
Landlocked chinook	6.0	4.2	17.5	4.8	6.8	4.0	3.9	4.3
Cutthroat trout	49.8	49.7	66.3	56.3	33.1	33.0	71.6	72.6
Rainbow trout	83.9	80.1	76.5	78.6	86.4	90.3	89.2	89.1
Brook trout	46.3	39.4	46.4	42.7	43.6	45.4	64.7	64.0
Bull trout	17.1	13.1	23.9	24.8	20.5	14.1	14.9	16.4
Brown trout	30.6	34.2	19.2	8.6	19.4	38.3	48.0	53.4
Lake trout	23.7	17.6	29.6	19.0	25.1	28.3	32.3	32.8
Kokanee	22.5	16.7	51.4	33.6	23.4	11.8	12.5	23.0
Catfish	18.8	7.3	19.7	17.7	38.9	25.3	9.5	4.3
Sturgeon	3.1	1.8	1.9	7.3	5.1	4.3	0.9	1.0
Whitefish	9.7	6.2	12.4	12.1	11.5	6.4	9.9	15.5
Nongame	13.8	1.6	3.6	4.0	5.7	4.3	6.7	2.8

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Table 30. The ten most frequently fished waters from throughout the state of Idaho as given by survey respondents for 1987.

Water	%	Region
Snake River	10.3	2,3,4,5,6
Salmon River	5.1	2,3,6
Cascade Reservoir	3.7	3
Clearwater River	2.6	2
Boise River	2.5	3
Henry's Lake	2.5	6
Big Wood River	2.4	4
Island Park Res.	2.1	6
Coeur D'Alene Lake	2.1	1
Pend Oreille Lake	2.1	1
Payette River	2.1	3
Lucky Peak Res.	2.0	3

N = 8599

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Table 31. Most frequently fished waters as given by survey respondents for area of residence during 1987.

Region 1		Region 2	
Water	%	Water	%
Couer D'Alene Lake	12.4	Clearwater River	19.3
Pend Oreille Lake	10.7	Dworshak Reservoir	10.8
Couer D'Alene River	6.5	Snake River	10.2
Hayden Lake	5.6	North Fork Clearwater	5.4
St. Joe River	5.2	Salmon River	5.2
Spirit Lake	4.1	Spring Valley Reservoir	4.3
Hauser Lake	3.6	Lochsa River	2.7
Fernan Lake	3.4	Winchester Lake	2.7
Priest Lake	2.5	Selway River	2.3
Clearwater River	2.2	Couer D'Alene Lake	2.3
N=733		N=571	

Region 3		Region 4	
Water	%	WATER	%
Cascade Reservoir	11.5	Snake River	16.5
Snake River	10.8	Magic Reservoir	12.9
Boise River	7.7	Big Wood River	11.4
Lucky Peak Reservoir	6.4	Salmon River	7.9
Brownlee Reservoir	4.3	Salmon Falls Creek Res.	2.6
Salmon River	4.3	Morman Reservoir	2.5
Lake Lowell Res.	3.4	Silver Creek	2.3
C.J. Strike Res.	3.3	Roseworth Reservoir	2.2
Anderson Ranch Res.	2.8	American Falls Res.	2.1
South Fork Boise River	2.8		
N=2079		N=683	

Region 5		Region 6	
Water	%	Water	%
Snake River	11.8	Snake River	13.4
American Falls Res.	6.6	Island Park Res.	7.9
Blackfoot River	6.5	Salmon River	7.7
Blackfoot Reservoir	6.4	Palisades Reservoir	7.5
Island Park Reservoir	4.6	Henry's Lake	5.3
Palisades Reservoir	3.7	South Fork Snake River	4.9
Henry's Lake	3.7	Ririe Reservoir	4.5
Salmon River	3.2	Teton River	4.4
Hawkins Reservoir	2.4	Henry's Fork of Snake	4.1
Big Lost River	2.1	Big Lost River	2.0
N=699		N=745	

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Table 31. Continued.

Nonresident Water	%	Region
Snake River	9.2	2,3,4,5,6
Salmon River	6.3	2,3,6
Henry's fork of Snake	5.2	6
Henry's Lake	5.2	6
Pend Oreille Lake	3.9	1
Clearwater River (NF)	3.7	2
Big Wood River	3.6	4
Coeur d'Alene Lake	2.9	1
Island Park Reservoir	2.7	6
Silver Creek	2.6	4
Boise River(MF,NF,SF)	1.8	3
Priest Lake	1.8	1
Payette River(MF,NF,SF)	1.7	3
Teton River	1.2	6
Cascade Reservoir	1.2	3
Dworshak Reservoir	1.2	2
Deep Creek	1.2	?
Devil Creek	1.0	?
Palisades Reservoir	1.0	6
Blackfoot Reservoir	1.0	5
Boise River	1.0	3
Magic Reservoir	0.9	4

N=2448

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largest number of fishermen attracted to each of the fishery types, with 5,342 of the 8,599 survey respondents reporting they fished for rainbow trout in rivers or streams, 4,075 fished for rainbow trout in lakes or reservoirs and 2,044 fished for rainbow in high mountain lakes (Table 32).

The most preferred water type with the Idaho angler remains streams and rivers, with 56% of the respondents preferring to fish flowing water, 37% preferring lakes and reservoirs and 6% stating a preference for high mountain lakes (Table 33). This information remains virtually unchanged from the two previous surveys. Gordon (1970) reported 56% of the anglers preferred rivers and streams, and Mallet (1980) found that about 58% of all anglers preferred to fish in rivers or streams. Nonresident anglers preferred rivers and streams by a larger amount than did the general resident angler.

Preferred Fishing Mode

Fishing from the shore, either from the bank or by wading, appears to be the most popular (Table 34), as well as the most preferred (Table 35), mode of fishing. Boat angling seems more popular with bass and crappie fishermen, while trout anglers seem to prefer shore or bank fishing. Only in Region 1 did boat anglers have a greater percent of the responses.

Preferred Fishing Methods

Of the 8,599 responding anglers, more said they preferred bait angling (37%) over lure fishing (35%) and fly fishing (28%-) (Table 36). Bait fishing also received the greatest number of responses for those that used each fishing method at least once (Table 37). The nonresident angler preferred fly fishing (42%) over lure/spin fishing (32%) and bait fishing (25%).

The telephone survey, conducted to detect any nonresponse bias, indicated that bait anglers reported at a rate lower than would be expected. However, the shift occurred towards lure fishing, not use of flies. As most lure and bait angler opinions did not differ significantly, we determined that the bias exerted by nonresponding bait fishermen did not influence the overall outcome of the survey.

Days Fished

The 421,727 anglers that purchased a license to fish Idaho waters in 1987 expended a total of 4,491,482 days, for an average of 10.2 days per fisherman. From 1977 to 1987, the State of Idaho saw a 4% increase in license sales and a 14% increase in angler use. The average angler in 1977 spent 9.2 days fishing, as compared to 10.2 days in 1987.

Table 32. Number of survey participants that fished each water type at least once for each fish species during 1987.

Species	Mountain Lakes	Lakes and Reservoirs	Rivers and Streams
Perch	126	1666	217
Bluegill/pumpkinseed	0	1090	126
Crappie	0	1599	184
Smallmouth bass	0	1457	816
Largemouth bass	0	1749	454
Walleye	0	336	45
Pike	35	202	19
Steelhead	0	0	1647
Anadromous chinook salmon	16	62	179
Landlocked chinook salmon	65	408	103
Cutthroat trout	1301	1803	3146
Rainbow trout	2044	4075	5342
Brook trout	1065	1028	3388
Bull trout	383	539	1031
Brown trout	509	1079	2064
Lake trout	714	1565	410
Kokanee/coho	286	1659	277
Catfish	88	1003	956
Sturgeon	0	0	268
Whitefish	49	157	734
Nongame	37	193	242

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Table 33. Anglers' preferred water type, in percent, by area of residence, 1987.

Region	N	Mountain Lakes	Lake/Reservoir	Stream/River
1	632	6.3	57.0	36.7
2	538	5.9	26.6	67.5
3	1977	9.4	43.5	47.1
4	648	5.1	42.9	52.0
5	661	2.9	37.7	59.4
6	700	4.7	29.0	66.3
Sample	7473	6.4	37.5	56.1
NonRes	2320	5.7	30.5	63.8

Table 34. Numbers of survey participants that fished each mode of fishing for each fishery segment during 1987.

	Mode of Fishing			
Species	Shore/Wade	Boat	Float Tube	Ice Fish
Perch	1094	926	119	370
Bluegill/pumpkinseed	738	517	199	57
Crappie	858	1125	181	40
Smallmouth bass	1176	1159	166	21
Largemouth bass	1054	1251	257	30
Walleye	120	273	19	15
Pike	113	196	7	22
Steelhead	1246	815	16	12
Anadromous chinook	174	96	8	2
Landlocked salmon	184	382	13	20
Cutthroat trout	3483	1701	418	179
Rainbow trout	5865	3192	742	518
Brook trout	3583	860	320	87
Bull trout	1184	496	86	30
Brown trout	2182	941	258	106
Lake trout	1143	1210	124	117
Kokanee/coho	583	1524	55	145
Catfish	1333	577	37	6
Whitefish	735	147	27	55
Nongame	284	84	21	17

Table 37. Number of survey participants that fished each method of fishing of each fishery segment at least once during 1987.

Fishery Type	Method of Fishing			
	Lure/Spin	Bait	Fly	Other
Perch	577	1566	143	46
Bluegill/pumpkinseed	448	839	271	30
Crappie	1172	805	254	85
Smallmouth bass	1470	941	245	67
Largemouth bass	1544	831	289	73
Walleye	292	200	14	12
Pike	205	131	18	9
Steelhead trout	1309	782	441	59
Anadromous chinook	169	145	33	6
Landlocked chinook	385	248	84	28
Cutthroat trout	2503	2337	2164	77
Rainbow trout	4245	4662	3197	133
Brook trout	1938	2511	1856	62
Bull trout	888	876	523	30
Brown trout	1379	1487	1320	46
Lake trout	1357	1306	442	63
Kokanee/ coho	1402	1044	169	78
Catfish	271	1490	35	37
Sturgeon	29	246	9	4
Whitefish	258	535	287	23
Nongame	118	256	43	51

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Table 35. Anglers' preferred mode of fishing by area of residence, 1987.

Preferred mode	Regions 1	2	3	4	5	6	NR
Shore/Wade	39.8	57.9	54.8	58.2	62.3	61.7	59.4
Boat	58.9	40.6	38.3	34.7	32.5	34.5	36.9
Float tube	0.4	1.3	6.5	7.1	3.9	2.7	3.4
Ice fish	0.9	0.2	0.4	0.0	1.3	10.6	0.3
N =	643	535	2002	658	674	643	2359

Table 36. Anglers' preferred method of fishing, in percent, by area of residence, 1987.

Method of Fishing	Regions 1	2	3	4	5	6	NR
Lure/spin	49.5	44.9	37.5	28.2	31.2	27.2	32.0
Bait	30.0	34.2	42.2	50.3	47.2	46.8	25.2
Fly	19.2	20.1	19.7	21.2	21.0	25.7	42.2
Other	1.3	0.7	0.7	0.2	0.6	0.3	0.6
N =	642	642	2005	662	670	709	2399

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Continuing the expansion to include the nonlicense buying public, i.e. those under 14 years of age, I estimated that a total of 629,977 anglers fished Idaho water in 1987. If we can assume that the under 14 year old segment also expended 10.2 days fishing per fisherman, we would arrive at a total of 6,425,761 days fished. The 1985 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation reported an estimated total of 6,622,400 days of use.

Fishing Idaho rivers and streams for trout drew the largest number of anglers, with 26% of the total days fished. Fishing on lakes and reservoirs for trout had the next highest number of angler days expended, with 23% of the use (Table 38). People fishing for warmwater or coolwater species expended just over 30% of the total Idaho fishing days; an increase from 17% in 1977. Region 3 had the greatest percent of days fished for 12 of the 17 fishery segments listed in the 1987 survey questionnaire (Table 39). Anglers reported a greater number of days fished for landlocked salmon (Region 1), steelhead trout (Region 2), lakes and reservoirs for kokanee (Region 1), lakes and reservoirs for Pike (Region 1) and walleye (Region 4) in regions other than Region 3.

Angler Satisfaction

Anglers expressed overall satisfaction with the more popular Idaho fisheries (Fig. 3). Fifty-two percent of the reporting anglers rated trout fishing in lakes and reservoirs as good or excellent and almost 60% rated the river and stream fishing for trout as good or better. High mountain lakes received the best marks for angler satisfaction, with 19.6% of the anglers giving an excellent rating and 61% giving a rating of good or better. Anglers seemed generally satisfied with perch and crappie/sunfish fishing also (Fig 4).

Anadromous chinook and steelhead received poor satisfaction marks (Fig 5). Most anglers felt that fishing for kokanee or coho salmon was fair to good. Fishing for landlocked chinook salmon, however, was considered poor (Fig. 6). Anglers generally gave lower satisfaction ratings to fisheries for bass, walleye and pike (Fig. 7). Fishing for whitefish, white sturgeon and "other" species rated fair to good (Fig. 8).

Given the large amounts of time and money devoted to anadromous programs and the overall success of steelhead recovery in Idaho, one might expect a higher satisfaction rating than the one observed. The poor marks might be partially explained by the poor anadromous fish returns in 1987. Low satisfaction ratings for warmwater programs could, in part, be due to programs that were relatively new in 1987 which imposed a statewide 12-inch minimum size restriction on bass. The 12-inch minimum severely restricted the number of bass that an angler could harvest.

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Table 38. Number of days fished by survey participants and estimated days fished by Idaho anglers that purchased a license to fish in 1987.

Fishery Type	Mean Days	Reported Days	Estimated Days
Anadromous chinook	5.0	1073	10,767
Landlocked chinook	8.1	2419	37,899
Steelhead trout	8.3	11363	183,640
High mountain lakes	6.5	10642	135,060
Lakes and reservoirs for trout	11.9	50005	1,163,771
Lakes and reservoirs for kokanee	9.5	12336	230,756
Lakes and reservoirs for bass	11.4	19992	447,730
Lakes and reservoirs for perch	9.3	12895	233,770
Lakes and reservoirs for sunfish	9.1	11320	201,556
Lakes and reservoir for walleye	7.1	2050	27,133
Lakes and reservoir for pike	6.8	1460	20,198
Lakes and reservoirs for other	11.2	5377	11,703
Rivers and streams for trout	11.8	57583	1,330,270
Rivers or streams for whitefish	7.6	4275	64,601
Rivers and streams for bass	9.4	7521	13,606
Rivers and streams for other	13.1	6508	167,963
Sturgeon	7.3	1484	210,859
TOTAL		218,573	4,491,482

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Table 39. Percent of total days fished that were expended by resident and nonresident fishermen in each region for each fishery type, 1987.

Fishery Type	Residence						
	NonRes	1	2	3	4	5	6
Anadromous chinook	26.4	11.7	6.1	32.1	8.7	6.8	8.2
Landlocked chinook	15.3	37.8	3.0	28.6	7.4	3.8	4.1
Steelhead	18.3	4.8	27.0	20.0	6.2	6.5	17.2
High mountain lakes	13.3	17.0	7.1	35.6	7.4	8.4	11.2
Lakes/res for trout	16.1	11.4	5.8	33.9	12.2	12.3	8.3
Lakes/res for kokanee	22.8	29.8	10.1	20.7	3.2	3.2	10.2
Lakes/res for bass	13.6	21.0	5.6	44.7	5.7	7.2	2.2
Lakes/res for perch	10.5	24.7	2.6	39.0	13.2	6.9	3.0
Lakes/res for sunfish	10.5	23.9	2.9	52.9	4.8	3.4	1.6
Lakes for walleye	14.9	5.9	0.7	20.3	36.3	16.0	5.9
Lakes/res for pike	15.8	63.4	8.9	7.9	1.4	1.6	1.0
Lakes/res for other	13.5	12.4	5.3	42.0	10.0	8.3	8.5
Riv/str for trout	17.5	8.0	7.1	27.4	12.9	11.7	15.4
Riv/st for whitefish	11.9	12.8	8.6	35.7	4.1	10.0	16.9
Riv/str for bass	11.2	5.8	16.4	54.7	7.7	2.0	2.2
Riv/str for other	7.1	6.1	4.4	56.1	15.0	3.9	7.4
sturgeon	13.1	4.2	8.1	61.6	11.5	0.6	1.2

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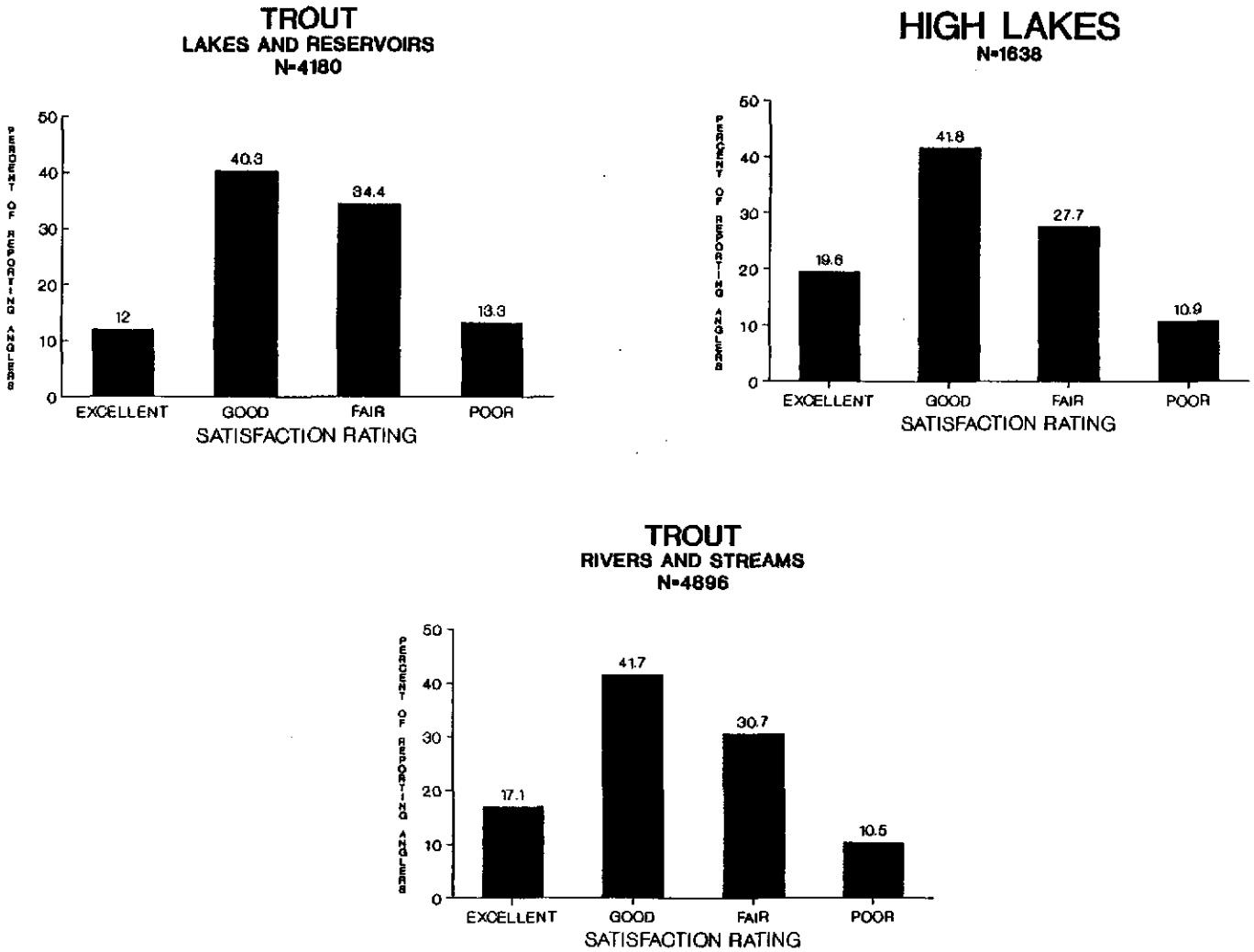


Figure 3. Angler satisfaction with lakes and reservoirs for trout, high lakes, and rivers and streams for trout fishery segment by percent of reporting anglers, 1987.

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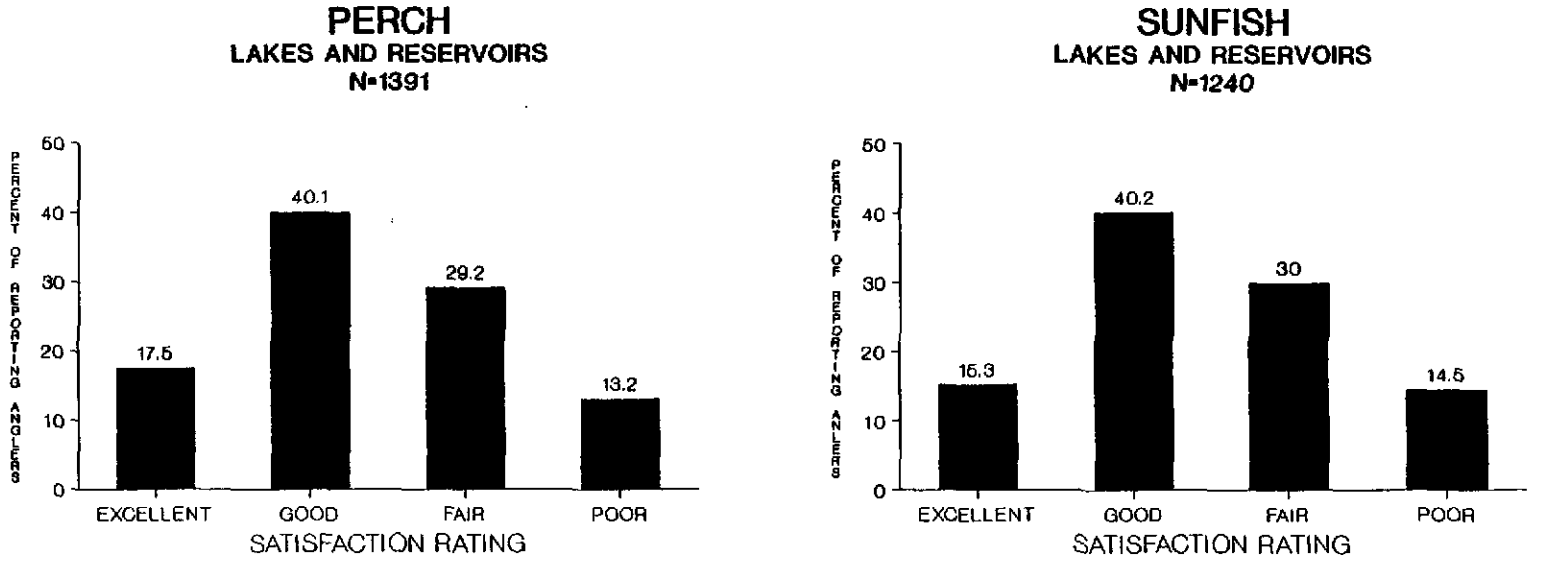


Figure 4. Angler satisfaction with lakes and reservoirs for perch and sunfish by percent of reporting anglers, 1987.

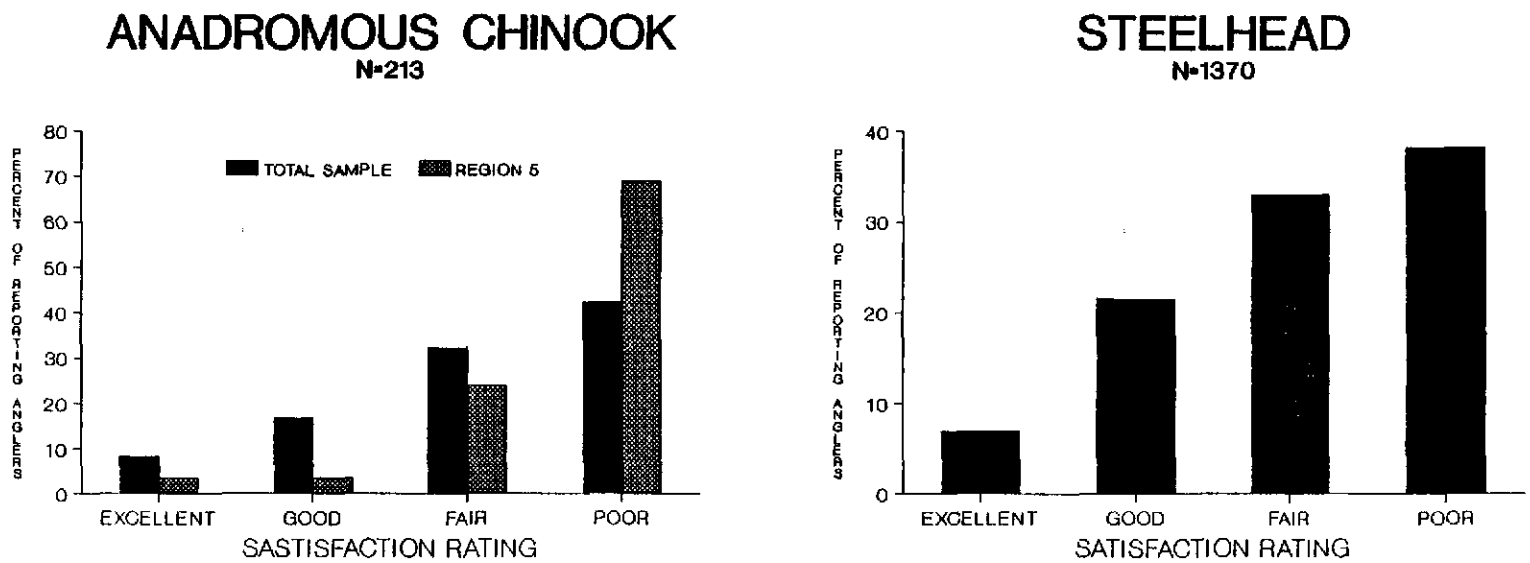


Figure 5. Angler satisfaction with anadromous chinook and steelhead trout by percent of reporting anglers, 1987.

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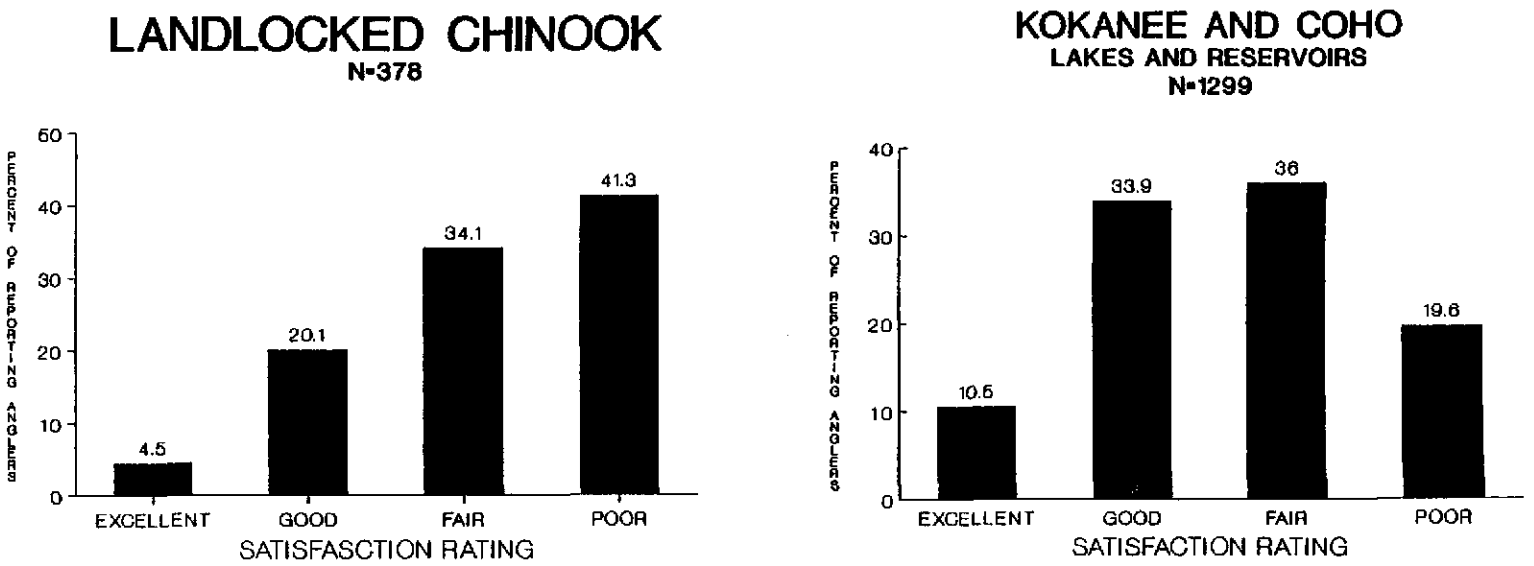


Figure 6. Angler satisfaction with landlocked chinook and kokanee - coho by percent of reporting anglers, 1987.

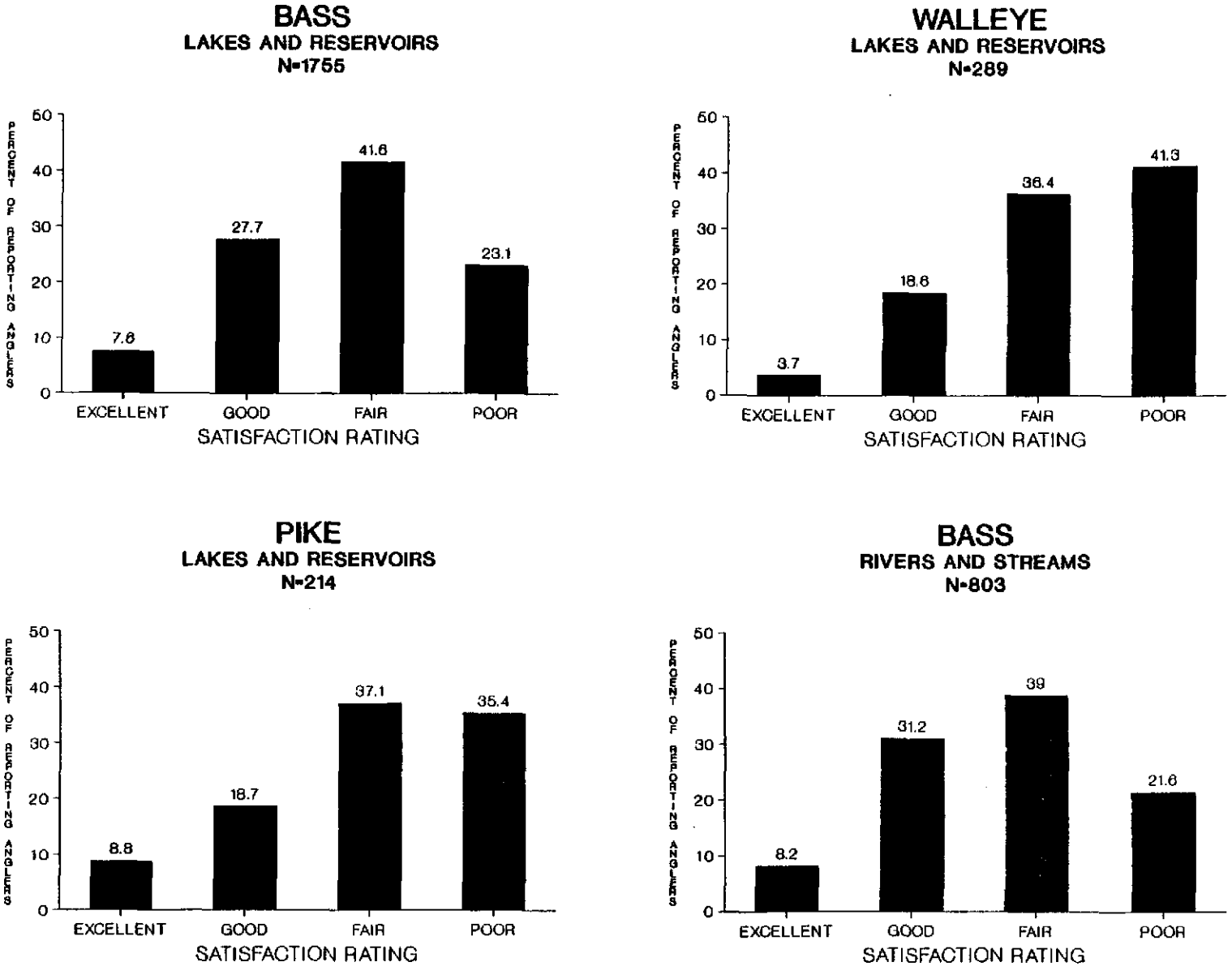


Figure 7. Angler satisfaction with lakes and reservoirs for bass, walleye, pike, and rivers and streams for bass by percent of reporting anglers, 1987.

Where to Fish Factors

Idaho fishermen have placed a high value on "aesthetic" and "social" factors when selecting "where" to fish. Items such as water quality and beauty of the area had high percentages of survey respondents that gave crucial, very important, or important ratings (Fig. 9). Water quality had the greatest percentage of crucial or very important responses in determining where anglers fish. Social factors such as avoidance of angler crowding and avoidance of other types of recreationists are also very important factors that determine where anglers fish (Fig. 10). Responding anglers placed only moderate levels of importance on catch rates of fish (Fig. 11), the chance to catch trophy fish, or the chance to catch a variety of fish. However, the presence of a favorite fish or opportunity to catch wild fish did seem important (Fig. 12). Responses from Region 5 indicated that a larger percentage of anglers from that region placed a greater value on catching trophy fish than did fishermen from other regions, which may explain why such a large number of those anglers travel to other regions to fish.

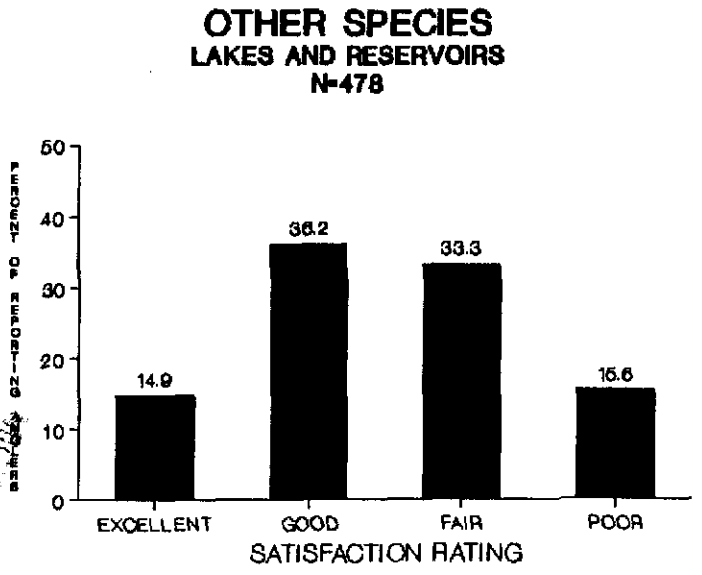
Material factors such as availability of marina facilities, boat launching facilities, restaurants or bait and tackle shops (Fig. 13), or travel distance from home or cabin appear to be relatively unimportant to the angler fishing Idaho waters (Fig. 14). The angler fishing Idaho waters does appear to place some importance on items such as familiarity with the area, accessibility and the opportunity for bank fishing (Fig. 15).

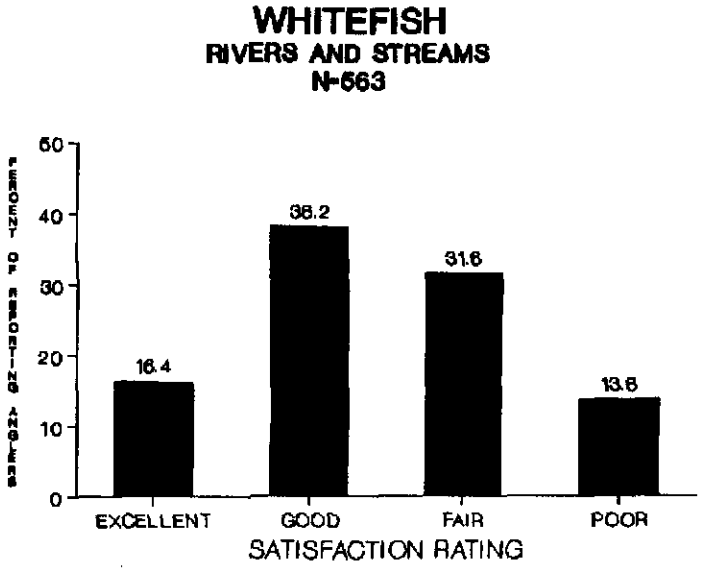
Why Anglers Fish

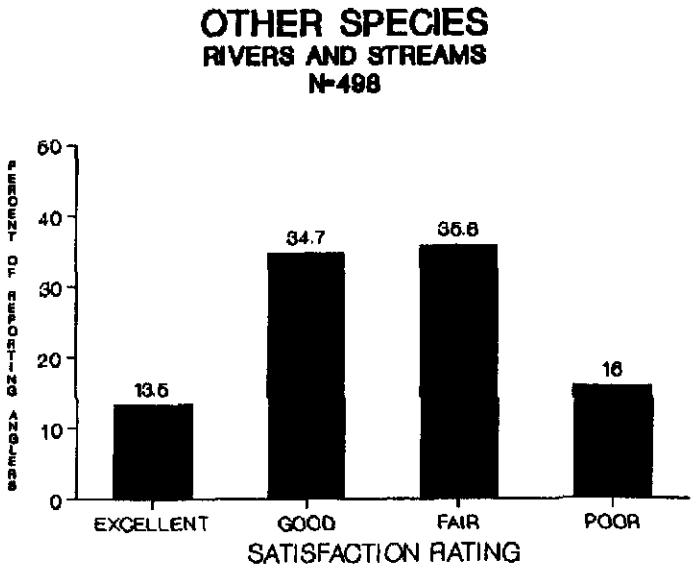
To enjoy nature and relaxation surfaced as the two very important reasons "why" anglers fish in Idaho (Fig. 16). To catch fish was also given as an important reason for fishing, while catching fish for consumption and the chance to catch a trophy fish did not rate extremely high (Fig. 17). Fishing competitively was not an important item in determining "why" anglers fish (Fig. 18), nor did fishing to improve skills or fishing for exercise. Social values such as family togetherness and companionship appeared to be relatively important while the opposite, "to be alone," was important to only a few (Fig. 19).

The importance placed on aesthetic factors may account for the high satisfaction rating given to high lake fishing and, to some degree, fishing for salmonids. The natural setting and outstanding water quality found in most salmonid fisheries would tend to appeal to those seeking an aesthetic experience. On the other hand, many most warmwater programs are located in lowlands with deteriorated water quality and close to population centers.

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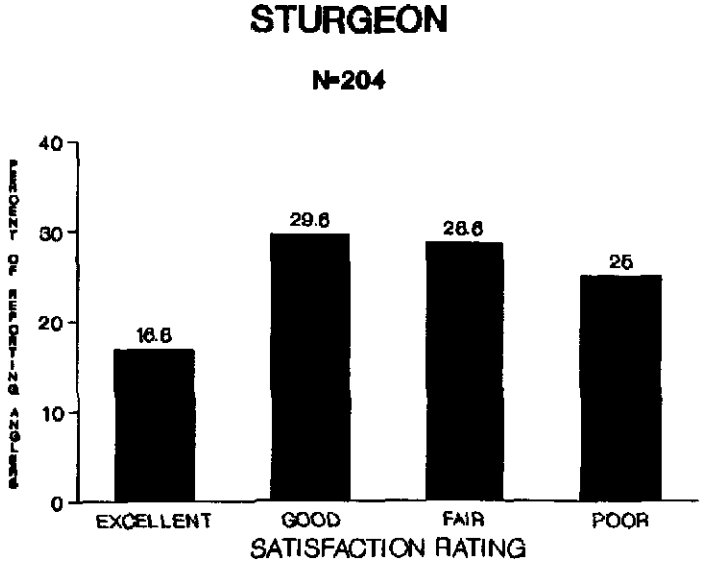


Figure 8. Angler satisfaction with whitefish, white sturgeon and other species fishery segment, by percent of reporting anglers for 1987.

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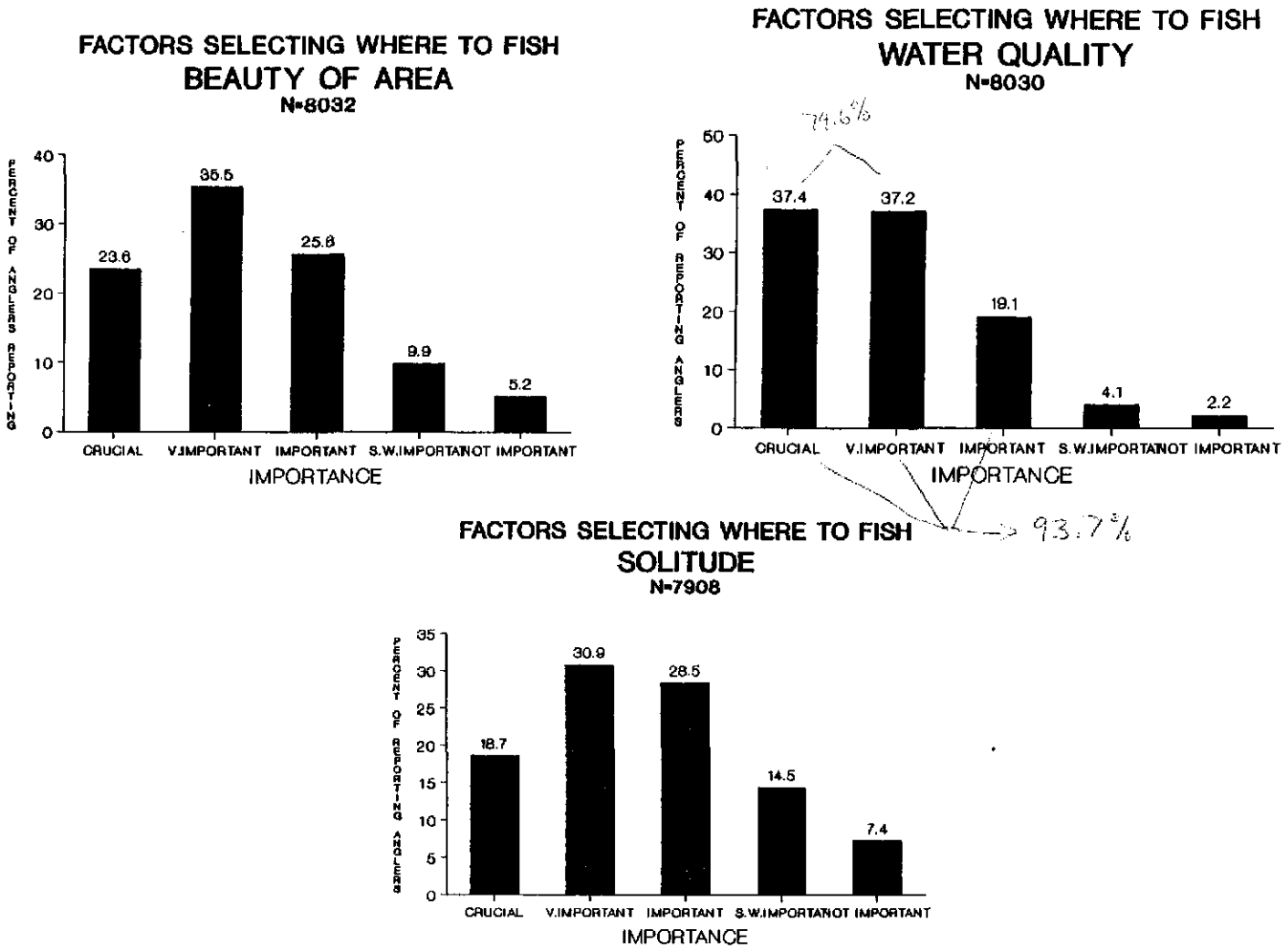
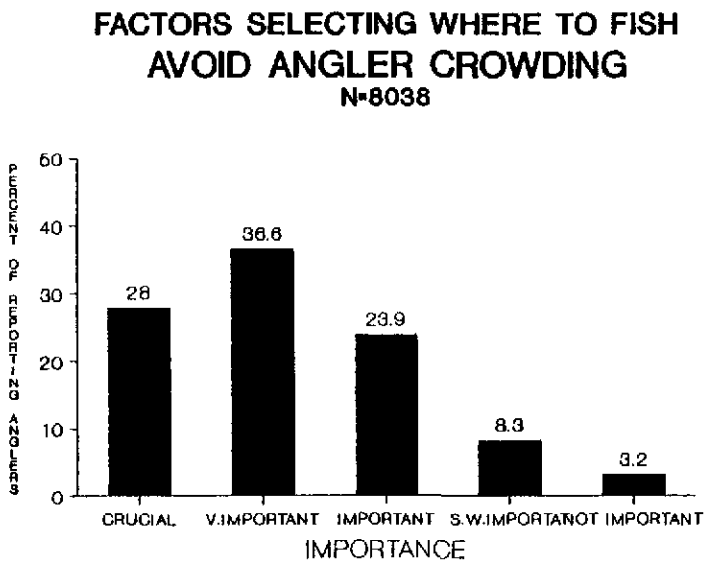


Figure 9. Importance anglers place on the factors "beauty of area," "water quality," and "solitude" in selecting where to fish by percent of reporting anglers, 1987.



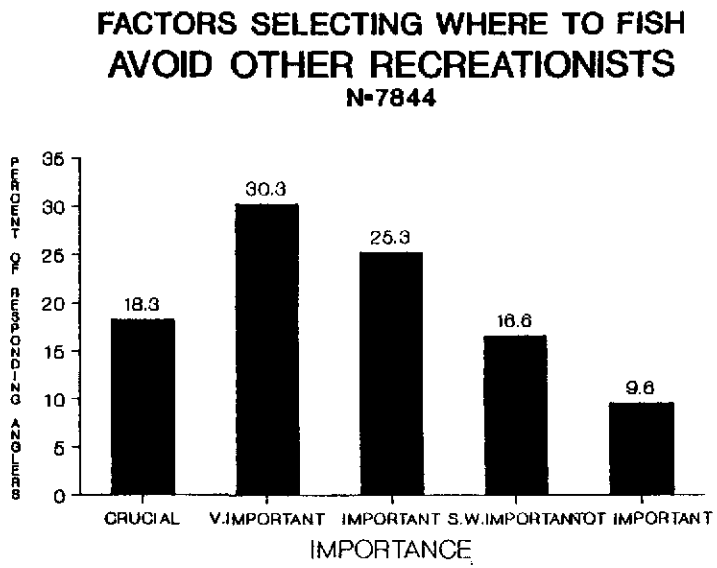


Figure 10. Importance anglers place on the factors "to avoid angler crowding" and "to avoid other forms of recreation" in selecting where to fish by percent of reporting anglers, 1987.

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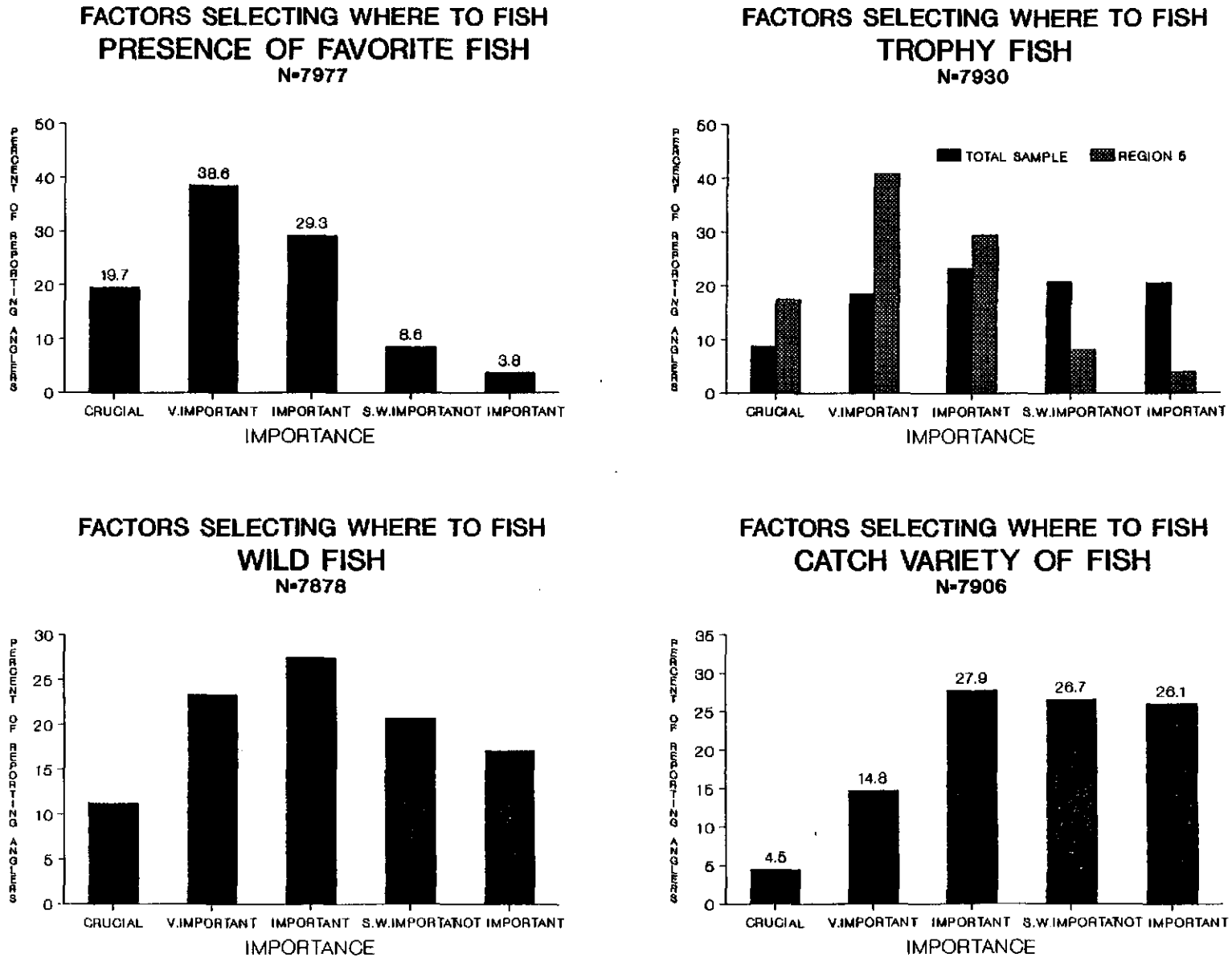
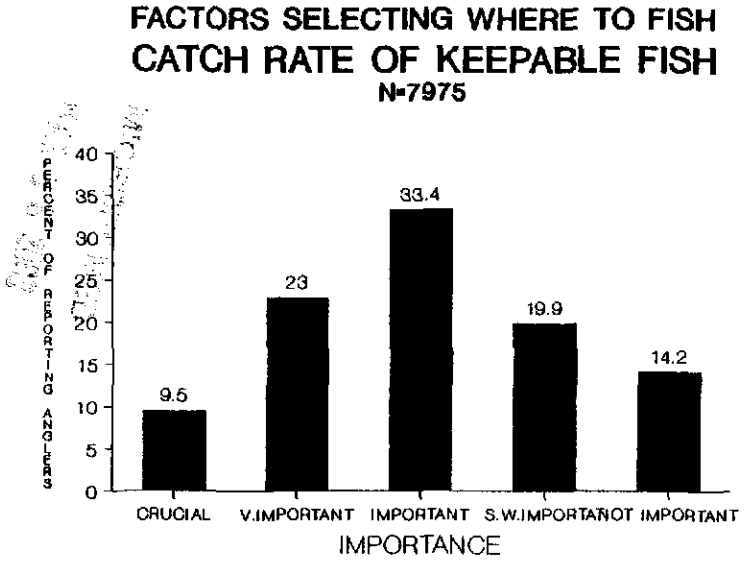


Figure 12. Importance anglers place on the factors "presence of favorite fish," "trophy fish," "wild fish," and "chance to catch a variety of fish" in selecting where to fish by percent of reporting anglers, 1987.



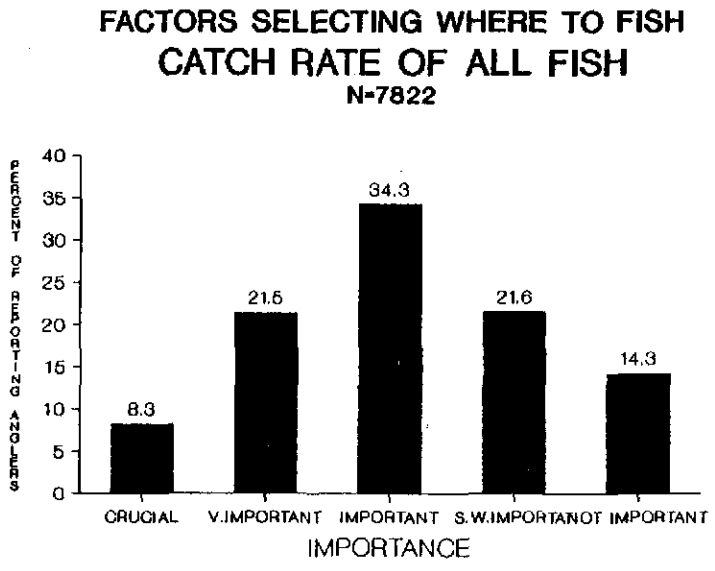
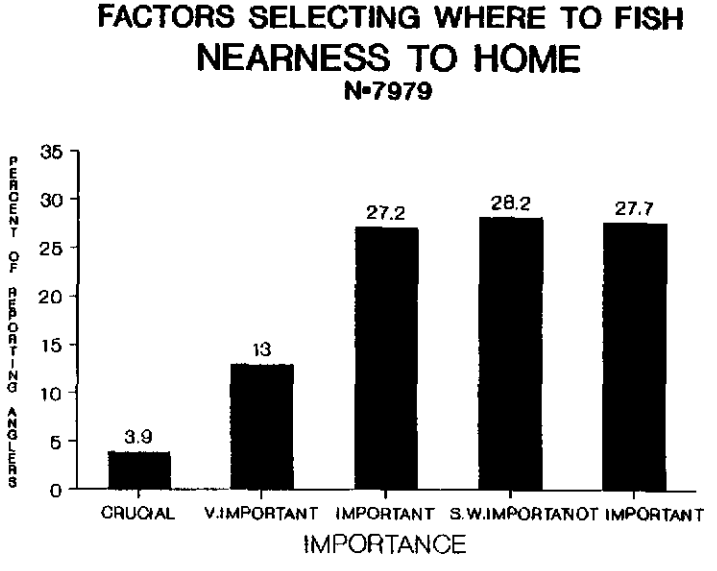


Figure 11. Importance anglers place on the factors "catch rates of keepable fish" and "catch rates of all fish" in selecting where to fish by percent of reporting anglers, 1987.

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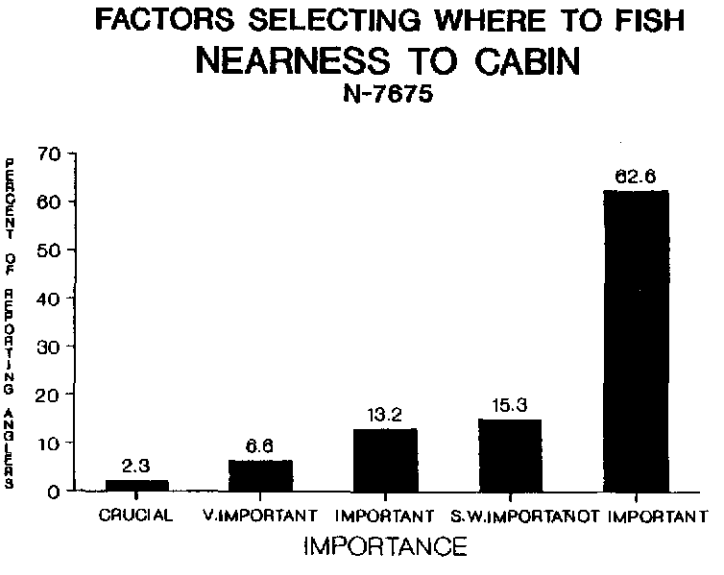
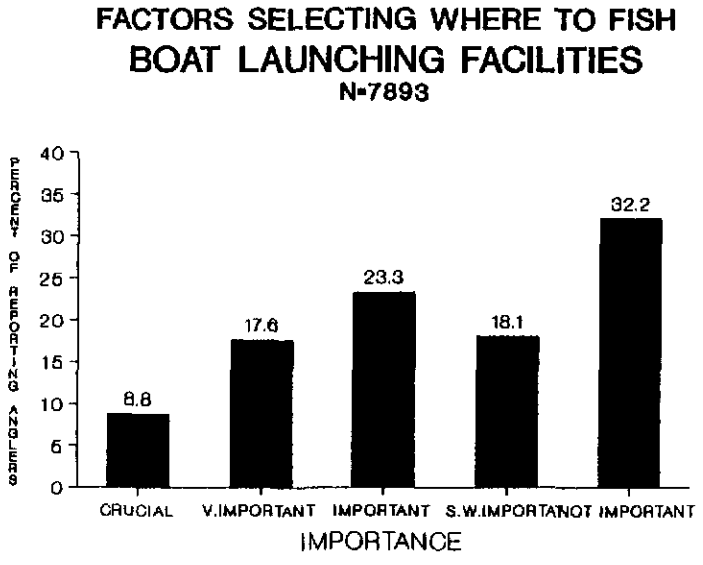
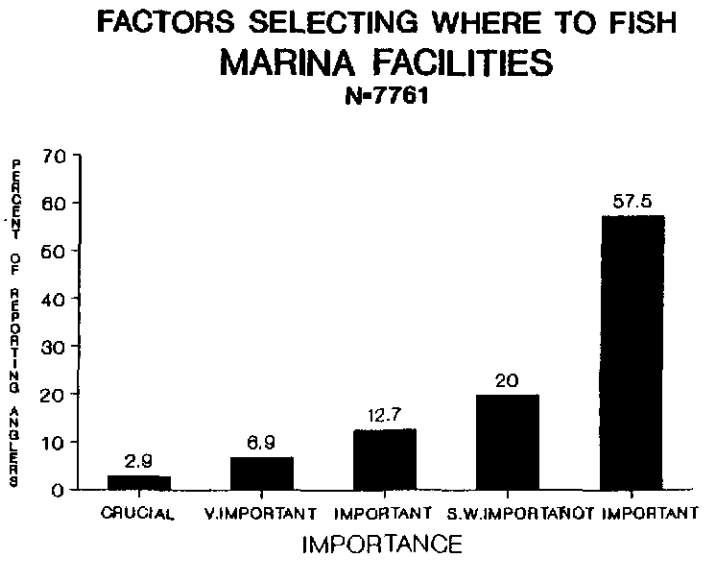
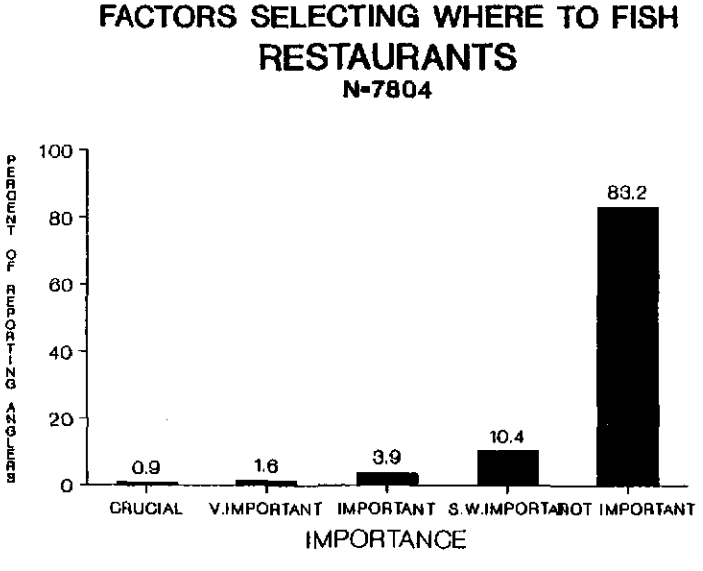


Figure 14. Importance anglers place on the factor "nearness to home" and "nearness to cabin" in selecting where to fish by percent of reporting anglers, 1987.







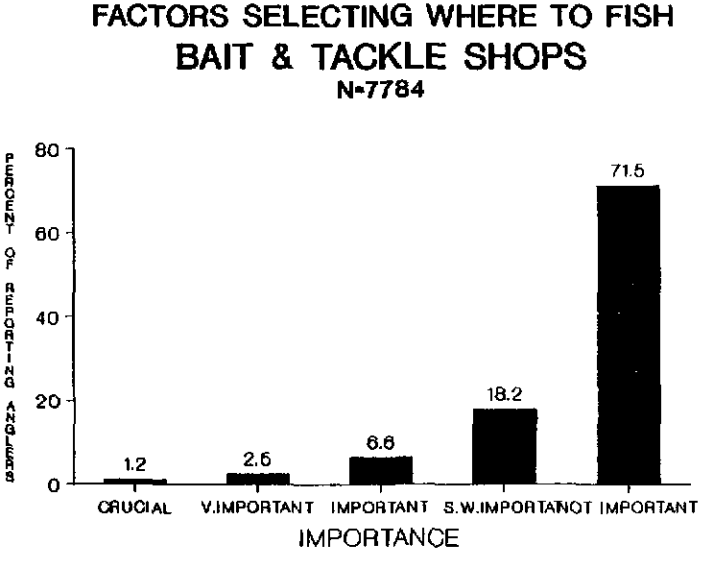


Figure 13. Importance anglers place on the factors "boat launching facilities," "marina facilities," "nearness of restaurants," and "nearness to bait and tackle shops" in selecting where to fish by percent of reporting anglers, 1987.

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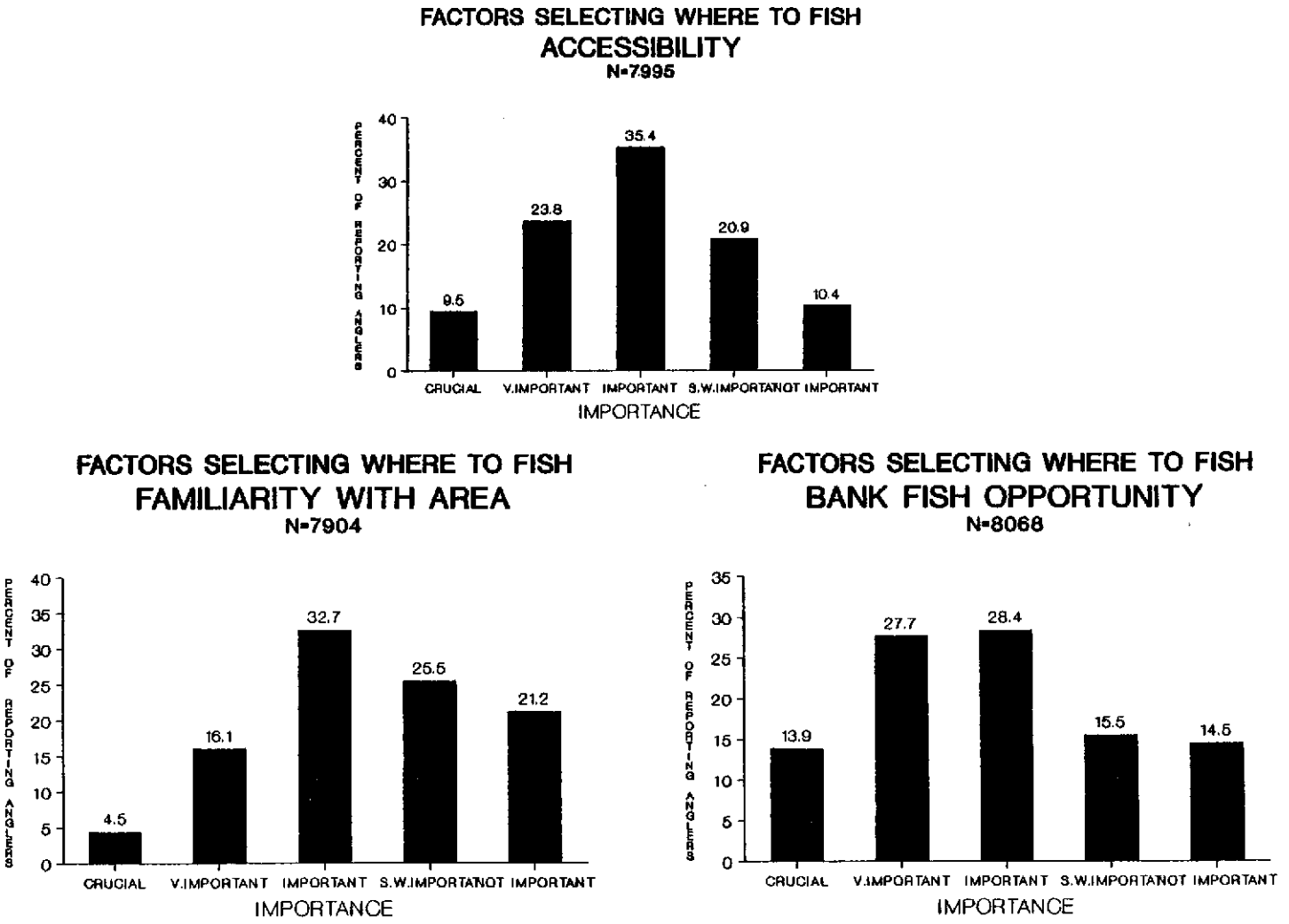
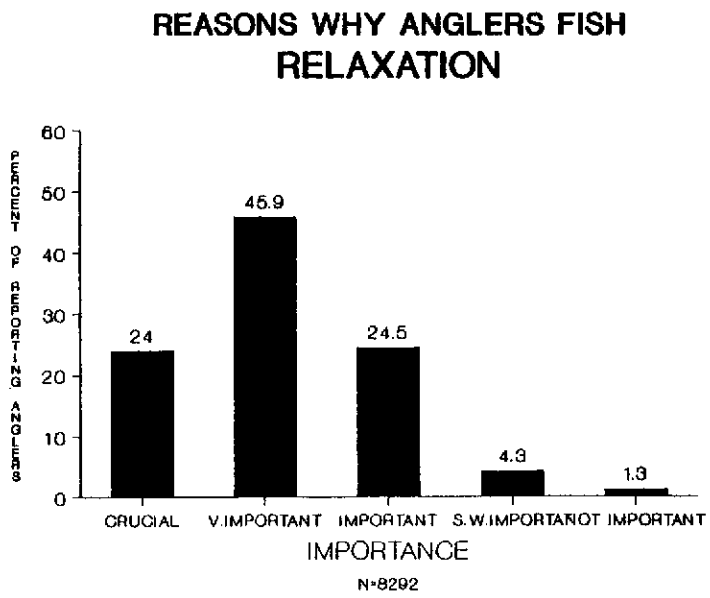


Figure 15. Importance anglers place on the factors "accessibility," "familiarity with area," and "bank fishing opportunity" by percent of reporting anglers, 1987.



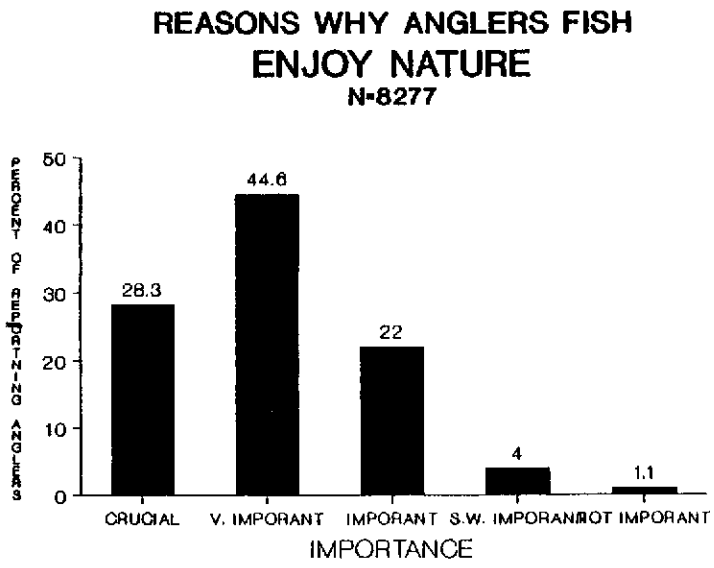


Figure 16. Reasons why anglers fish and the importance they place on the factors "relaxation" and to "enjoy nature" by percent of reporting anglers, 1987.

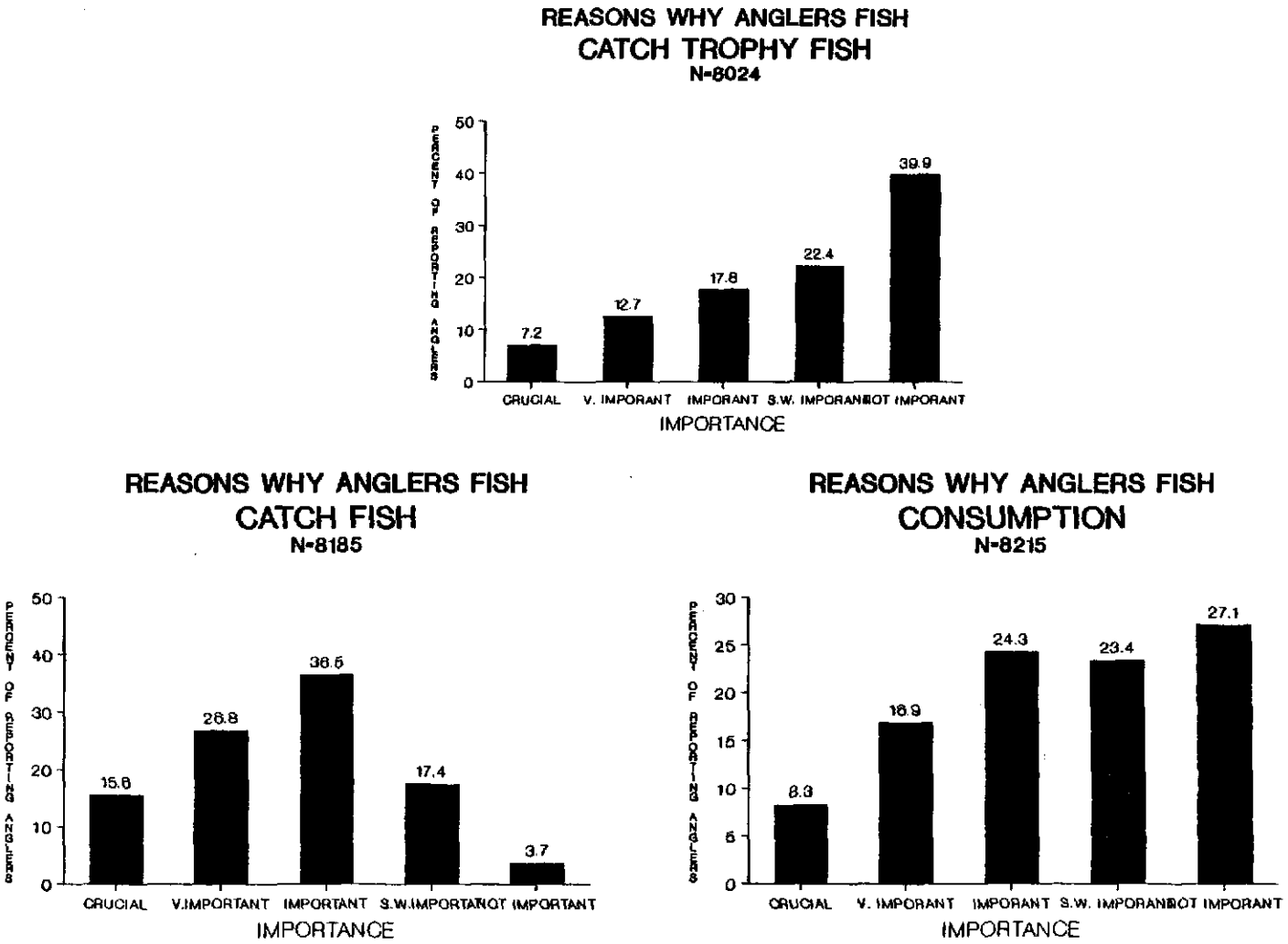
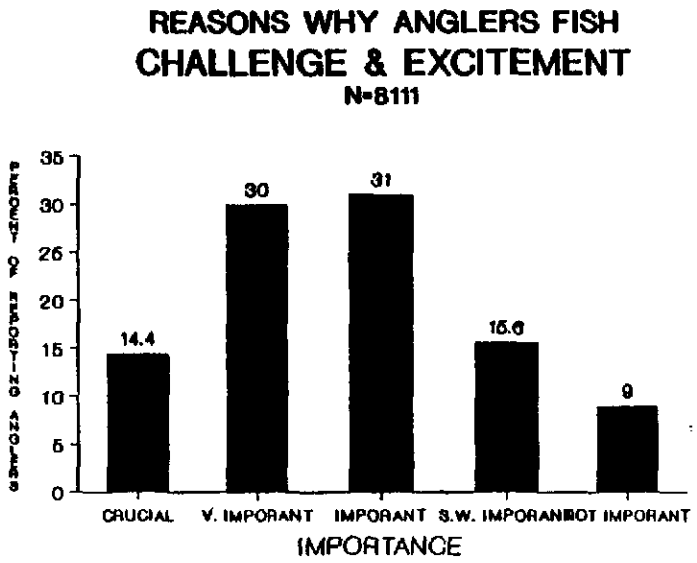
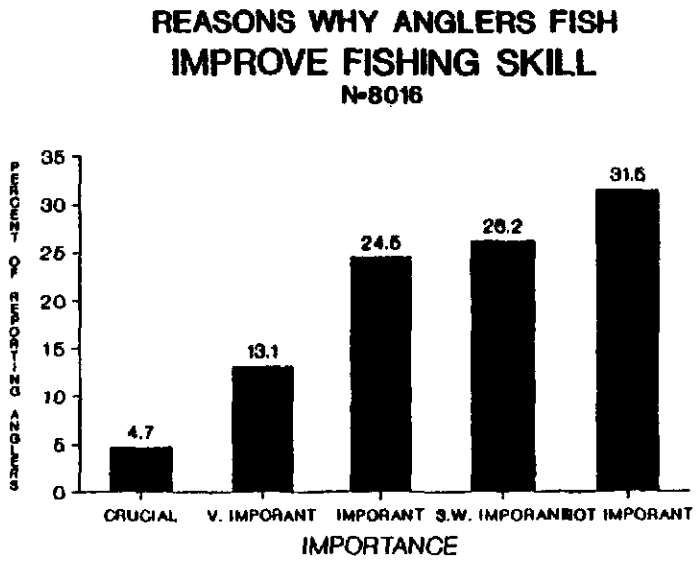
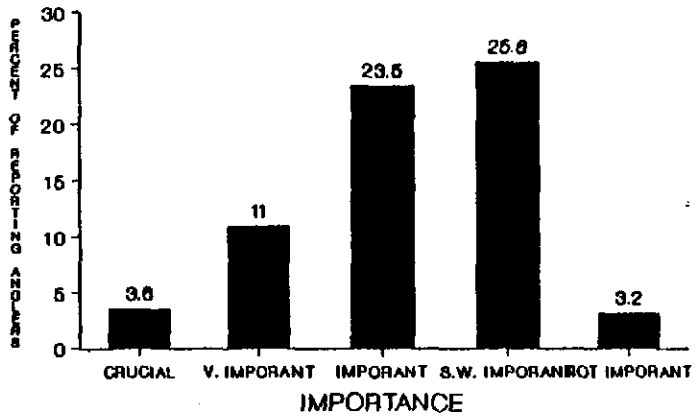


Figure 17. Reasons why anglers fish and the importance they place on the factors, "to catch trophy fish," "to catch fish," and "to fish for consumption," by percent of reporting anglers, 1987.







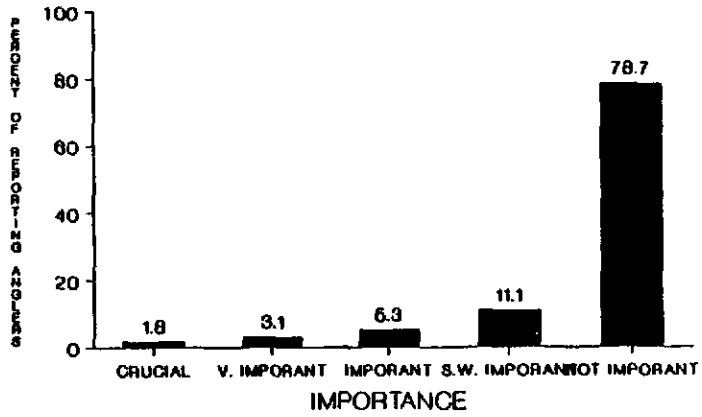


Figure 18. Reason why anglers fish and the importance they place on the factors, "the challenge and excitement," "to improve fishing skills," "for exercise," and "for competition," by percent of reporting anglers, 1987.

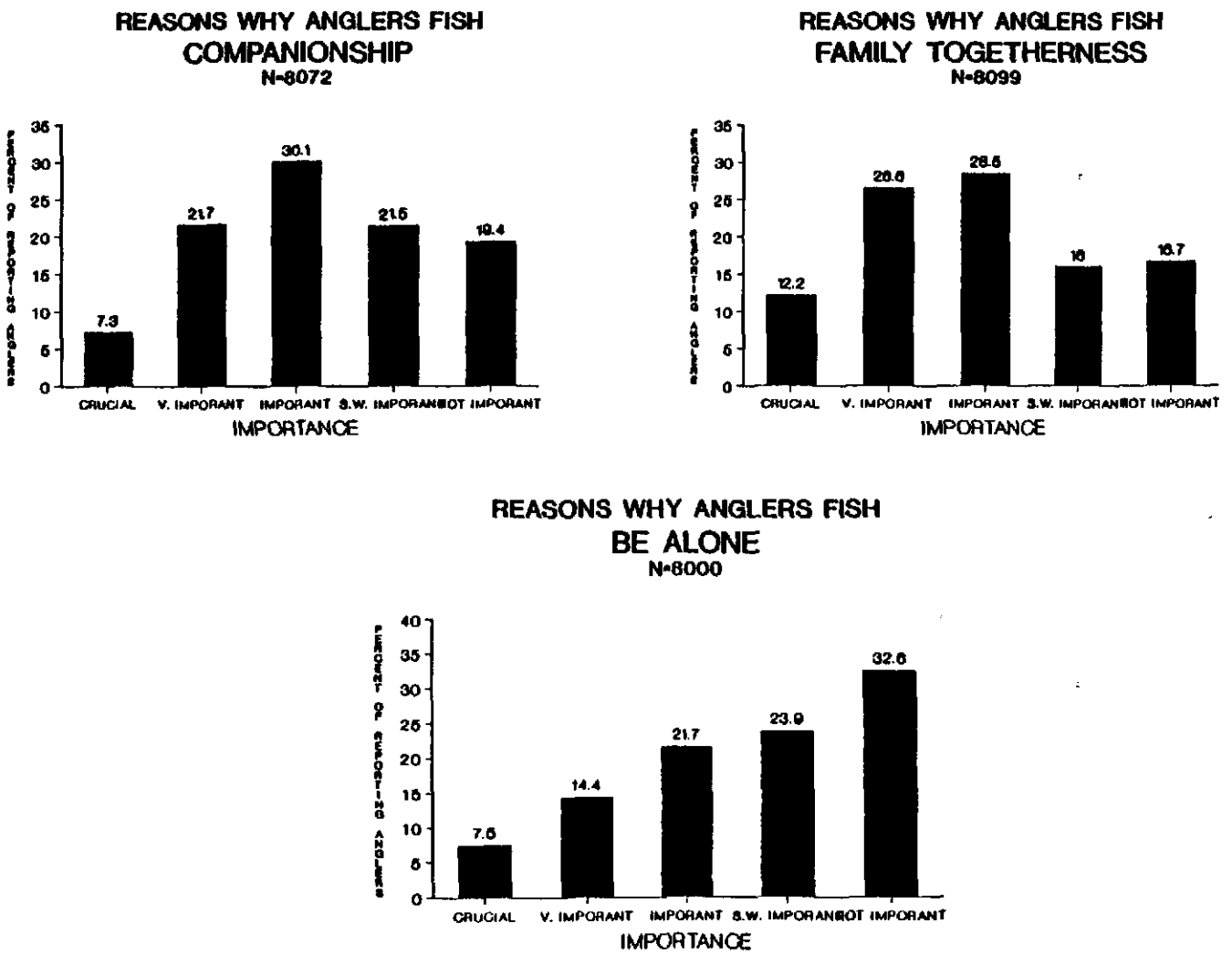


Figure 19. Reasons why anglers fish and the importance they place on the factors, "companionship," "family togetherness," and "to be alone," by percent of reporting anglers, 1987.

Survey Bias

To detect any nonresponse bias from a particular segment of the fishing public, we conducted a telephone survey of a subsample of individuals that had failed to return questionnaires. We did detect a higher incidence of bait fishermen in the telephone survey than we found in the mail survey. We also found that nonresident 1-, 3-, and 10-day license buyers and individuals in the 60+ age group did not make up as great a percent of the survey as what occurred in the license buying population. We do not believe these biases had any negative impacts on the results of the survey. Lure and bait anglers did not differ greatly in opinions and preferences throughout the survey, and we did not detect great differences in responses provided between nonresident user groups or age groups.

DISCUSSION

Results of this survey indicate that many of the demographics, opinions and preferences of the Idaho angler have changed little over the past 20 years, since Douglas Gordon conducted the first Idaho opinion survey in 1968. The median age of the Idaho fisherman remains at about 30 to 40 years of age and over three-fourths of the fishermen are male. As in the past, over one-third of Idaho's population and fishing license buyers reside in southwest Idaho. Also, nearly three-fourths of the nonresident fishermen to Idaho continue to come from the five surrounding states plus California.

Although the median age has changed little over the past 20 years, the percent of juvenile anglers has declined from previous survey work to the present. It is difficult to determine if the decline in juvenile fishermen is significant as previous workers did not include statistical results. However, the Idaho Department of Fish and Game should continue information and education programs designed to introduce the youth of Idaho to the fishing opportunities in this state and develop fishery programs of interest to the younger fishermen. Those efforts should be directed towards single-parent families or families that do not currently fish. Results of this survey indicate that if one parent in a family participates in fishing activities, the children will also fish.

Fishermen in this survey gave "family togetherness" as one of the primary reason why they fish in Idaho. If a respondent stated they had a spouse, over 60% said that spouse also participated in fishing. Also, about one in every four license buyers in Idaho is female. Survey results provide a strong indication that, for those with families, fishing does provide a desirable recreation form that all can participate in. The Idaho Department of Fish and Game should continue to foster family togetherness in its information and education programs, work with land management agencies to provide dispersed camping facilities and develop new access available to those with young children.

Most Idaho fishermen still want to continue protection of wild trout and want increased emphasis on management of wild trout populations. In addition, most fishermen in Idaho would like to have additional waters managed to provide trophy trout.

As in past surveys, Idaho fishermen have expressed a preference for fishing in rivers and streams. They have also expressed the desire for the Department to place increased emphasis on habitat protection. The direction provided by the fishing public is for maintenance of quality river and stream habitat. Regional Fishery Managers throughout the state already spend a disproportionate amount of time on habitat-related problems. To meet public expectations, the Idaho Department of Fish and Game may have to create additional staff to coordinate with land management agencies to ensure adequate measures are being taken to protect or improve stream habitats.

Although the majority of Idaho fishermen still prefer fishing on rivers and streams, over one-half of the actual effort was spent on lakes and reservoirs. In addition, one out of three fishermen in Idaho owns a boat for fishing. The Department should increase efforts to provide additional access to lakes and reservoirs throughout the state. Lake and reservoir access development also creates the opportunity to satisfy a need for increased handicap access and to remove consumptive fishing pressure from rivers and streams that need a reduction in wild trout exploitation. The primary thrust of reservoir and lake access development should be towards bank or shore fishermen first and improving or constructing boat launching facilities second.

Fishermen in the state of Idaho have also remained oriented toward fishing for coldwater species, specifically rainbow trout and cutthroat trout. The number of fishermen that prefer rainbow trout alone accounted for almost as many anglers as the entire warmwater fishery program. In addition, the majority of survey respondents stated a desire for greater emphasis on wild trout management, hatchery trout production for lakes and hatchery production for streams. They also asked for "no change" in the emphasis towards warmwater fisheries, the only category that anglers did not want "more" program emphasis for. The direction provided is to continue efforts to maintain or improve coldwater fisheries as the first priority. The Department should continue efforts to improve warmwater populations but not at the expense of coldwater fisheries or coldwater fish habitat. The Department should continue efforts to improve and diversify warmwater fishing opportunities. Warmwater populations should be expanded only where habitats will no longer support coldwater species or where available habitat exists for both cold and warmwater species to co-exist.

For the most part, people fishing Idaho waters seem satisfied with the quality of trout planted by the Idaho Department of Fish and Game. Those anglers generally would not want a few larger trout planted if it would reduce the numbers available for stocking. However, at least one-third of all respondents said they would like a few larger trout stocked and a large number of anglers would like quality improved. In addition, the majority of Idaho anglers would like more emphasis placed

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on hatchery trout production. The objective of the Department should be to maintain the number of hatchery trout available, provide a few larger fish in put-and-take fisheries and maintain or improve the quality of the hatchery product. We can achieve those objectives by making more efficient use of the current hatchery product, such as reducing or eliminating put-and-take fisheries from streams with poor returns and good wild trout populations and increasing the use of fingerling trout in reservoirs and lakes that have good growth potential. More trout should then become available for stocking high use areas, and additional space could be found in hatcheries for a few larger fish.

A majority of people responding to this survey would not support further introductions of walleye if they might impact other game fish populations. The Department should take this as strong direction to proceed with caution when considering any exotic introduction. Efforts should be taken to ensure that predators will have an adequate prey base, a vacant niche exists and the introduced species will not adversely impact other resources.

Organized sportsmen tend to become more involved with the management of the fishery resource in Idaho. As a result, the opinions and preferences of those sportsmen is heard more often than nonorganized fishermen. However, as stated earlier, only one out of every five fishermen belong to sportsmen groups. It then becomes desirable to know how the organized fishermen differ from those that do not belong to organized clubs or other groups and how those differences may affect the results expressed in this survey.

The demographics of those belonging to organized groups differ from those of nongroup fishermen in some categories surveyed. A significantly higher proportion of the individuals that belong to sportsmen groups are between 40-49 years of age, while anglers from 14 through 29 years of age are more likely to not belong to any groups. Also, fishermen older than 60 years tend to not belong to organized groups. Men are more likely to belong to sportsmen groups, and a group member is more likely to own a boat.

Overall survey opinions or preferences do not change as a result of differences expressed by members of sportsmen groups versus nongroup members. However, significant differences expressed to some questions can be used to distinguish group and nongroup respondents. Those that belong to organized sportsmen groups were more likely to say the six fish trout limit is too many. They were also more likely to want larger fish as opposed to numbers and would be more inclined to favor restricting harvest to protect wild fish. The sportsmen group segment of the survey would be more likely to support wild trout protection and catch-and-release regulations. Sportsmen group members also differed by stating a stronger preference for river and stream fishing and the use of artificial flies as terminal gear.

Although females that preferred rivers and streams outnumbered those that preferred other water types, women were more likely than men to prefer lakes and reservoirs. Likewise, a significantly larger

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proportion of the male fishing population preferred fishing on rivers and streams. When selecting "where to fish," female anglers placed greater importance on material factors such as marina facilities, camping facilities and access than did male anglers. Female anglers are more likely to participate in fishing for companionship and family togetherness than are male fishermen.

Although the overall opinions and preferences will not change, we did observe significantly different responses to some questions based on the type of terminal gear preferred. Bait fishermen were the least likely to belong to an organized sportsmen group, while fly anglers were the most likely to belong. Lure fishermen differed significantly from the other two but were not as prone to join groups as fly anglers and more apt to join than bait fishermen. Those anglers that prefer lures as terminal tackle were more likely to own a boat. While lure and bait anglers feel the current statewide trout limit of 6 fish is about right, the majority of the fly fishermen feel that 6 fish is too many. Fly and lure fishermen are more likely to want a few larger fish planted, while bait fishermen seem to prefer maintaining numbers.

Fly fishermen are much more likely to prefer protection of wild trout than are bait or lure fishermen. Lure anglers, however, are more likely to prefer management options that would protect wild trout than are anglers that prefer bait as terminal tackle. A similar relationship holds with regard to providing larger trout, knowing restrictive regulations would be needed; providing more habitat protection and catch-and-release regulations. On the issue of catch-and-release regulations, bait and fly fishermen are at extreme poles, with fly anglers voicing support for catch-and-release regulations and bait anglers in opposition. Anglers preferring lures for terminal tackle are split almost 50:50 on the issue. On the other hand, bait fishermen are more apt to favor increases in hatchery production, while fly and lure fishermen seem pleased with current levels of fish stocked.

Basic differences between fly and bait fishermen seem to relate to quality versus quantity, with bait fishermen opting for numbers and fly fishermen preferring larger or wild fish. When tied with the importance these fishermen place on selecting where to fish and why they fish, some guidelines develop regarding stocking programs and selection of waters to manage for quality or wild trout management.

Factors such as avoidance of angler crowding, solitude, the chance to catch wild fish and the chance to catch trophy fish seem more important to fly fishermen than they are to bait fishermen. On the other hand, bait fishermen tend to place more importance on catch rates, travel distances and accessibility. It would then seem that waters close to populations centers with low numbers of wild trout would be the better location for stocking of hatchery-reared trout. Streams or rivers in remote areas with only moderate to low fishing pressure and high densities of wild trout would provide the better location for regulations which would protect wild trout and may provide quality or trophy fishing.

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It has been recognized that this type of survey is a poor method of obtaining angler use and harvest information. We can, at best, hope the information will be somewhat comparable to other survey work in the state. The estimate of days fished given in this report appears to be comparable to estimates provided by Mallet from the 1977 angler survey and results from the 1985 Survey of Fishing, Hunting, and Wildlife-Recreation.

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ACKNOWLEDGEMENTS

I wish to acknowledge Tom McArthur, who provided the statistical and computer know-how. Without his help this project would have been much more demanding. I also wish to thank Al Van Vooren and Virgil Moore for their technical review.

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Appendix I

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IDAHO FISH & GAME
600 South Walnut / Box 25
Boise, Idaho 83707

May 17, 1988

Dear Angler:

You will find on the enclosed pages the Idaho Angler Opinion Survey. The Idaho Department of Fish and Game conducts this survey every 10 years. Survey results will help determine the policies and goals governing the management of the State Fishery Resource through the next 10 year planning period.

Your help in determining Idaho's fishing future is greatly appreciated.

Sincerely,

Jerry M. Conley
Director

Enclosure

1988 IDAHO ANGLER OPINION SURVEY

1. What is your age?

14-19	20-29	30-39	40-49	50-59	60+
☐	☐	☐	☐	☐	☐

2. What is your sex? Male ☐ Female ☐

3. Did you fish in Idaho in 1987? Yes ☐ No ☐

4. What is your permanent residence?

State _____ County _____

5. Does your spouse fish? Yes ☐ No ☐ Not married ☐

6. How many children under age 14 are there living at your home? _____

7. How many children under age 14 living at home participate in fishing? _____

8. Do you belong to a sportsman organization? Yes ☐ No ☐

9. Do you own a boat used for fishing in Idaho? Yes ☐ No ☐

10. What type of Idaho license did you purchase in 1987?

RESIDENT		NONRESIDENT	
Hunt-Fish Combination	☐	Season Fishing	☐
Season Fishing	☐	10-Day Fishing	☐
		3-Day Fishing	☐
		1-Day Fishing	☐

11. Do you feel the price you paid for your license to fish in Idaho waters in 1987 was:

Too High ☐ About Right ☐ Too Low ☐

12. If you fished in Idaho during 1987, please list the three waters most frequently fished:

Water: _____ County: _____

Water: _____ County: _____

Water: _____ County: _____

13. If you fished for trout in Idaho during 1987, do you believe the present statewide limit of 6 trout is:

Too Many ☐ About Right ☐ Too Few ☐ No Opinion ☐

14. Would you like a portion of the 9-inch hatchery trout production converted into a few trout larger than 12 inches? Even knowing that one 12-inch trout will replace three 9-inch trout available for stocking in Idaho waters?

Yes ☐ No ☐ No Opinion ☐

15. How would you rate the quality of trout stocked by the Idaho Department of Fish and Game?

Excellent ☐ Good ☐ Fair ☐ Poor ☐ No Opinion ☐

16. Increased fishing pressure has reduced wild trout populations in some Idaho streams. To maintain fishable populations would you favor:

☐ Restrict the number or size of wild trout that could be kept?

☐ Replace wild trout with hatchery trout?

☐ No Opinion.

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17. Would you like to have additional streams or lakes managed to provide larger than average trout and increased catch rates, even knowing that methods of fishing and numbers and size of fish that could be kept would be restricted?

Yes ☐ No ☐ No Opinion ☐

18. If you knew that restrictions were needed to increase the size and catch rates of trout on a given water, would you prefer (more than one box may be checked):

- ☐ Artificial tackle only.
- ☐ Reduced bag limits.
- ☐ Shorter seasons.
- ☐ Size restriction.
- ☐ No opinion.

19. Please indicate the programs you feel should receive more or less emphasis:

	More	Less	No Change
Hatchery trout production for lakes	☐	☐	☐
Protection and enhancement of wild trout	☐	☐	☐
Warm water fisheries	☐	☐	☐
Hatchery trout production for streams	☐	☐	☐
Habitat protection	☐	☐	☐
Salmon and Steelhead	☐	☐	☐

20. If you had to release all of the trout you caught from your favorite trout stream, would you continue to fish that stream?

Yes ☐ No ☐ No Opinion ☐

21. If a stream or lake could provide the opportunity to catch trophy trout, would you fish that stream or lake, even if you had to release all the fish you caught?

Yes ☐ No ☐ No Opinion ☐

22. Fishing contests and tournaments are currently unregulated in Idaho. Please check the box that best describes your feelings about tournaments and contests.

- ☐ Should remain unregulated.
- ☐ Should be regulated.
- ☐ Should be prohibited.
- ☐ No opinion.

23. Would you like some lakes or ponds in Idaho managed to provide increased catch rates for bass greater than 15 inches in length, even knowing that numbers and size of fish that could be kept would be restricted?

Yes ☐ No ☐ No Opinion ☐

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24. If you fish for bass in Idaho, what is the smallest (a) largemouth bass, (b) smallmouth bass you would keep if not restricted?

Largemouth	Smallmouth
❑ 6 inches	❑ 6 inches
❑ 8 inches	❑ 8 inches
❑ 10 inches	❑ 10 inches
❑ 12 inches	❑ 12 inches
❑ 14 inches	❑ 14 inches

25. If you fish for bass in Idaho, what would you consider a quality-size (a) largemouth bass, (b) smallmouth bass?

Largemouth	Smallmouth
❑ 12 inches	❑ 12 inches
❑ 14 inches	❑ 14 inches
❑ 16 inches	❑ 16 inches
❑ 18 inches	❑ 18 inches
❑ 20 inches	❑ 20 inches

26. Do you feel the Idaho Department of Fish and Game should provide more information about available fishing opportunities, such as location of lakes and streams, public access areas, or types of fish available?

Yes ❑ No ❑ No Opinion ❑

27. Would you favor allowing two daily bag limits as a possession limit for lakes and reservoirs even though it may mean lower catch rates?

Yes ❑ No ❑ No Opinion ❑

28. The Department's Fish Management Plan limits walleye introductions to two reservoirs where fisheries have been established. Would you like to see walleye introduced in additional reservoirs even knowing trout and other fisheries would be impacted?

Yes ❑ No ❑ No Opinion ❑

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29. Would you please check in the boxes below (1) all of the fish species you fished for in 1987, (2) the types of water you fished, (3) the modes of fishing (shore, boat, ice, float tube), and (4) the types of fishing gear you used. Please check all appropriate boxes.

1 Species Fished For in 1987		2 Water Typed Fished			3 Mode of Fishing				4 Method of Fishing			
		Mountain Lakes	Lake/ Reservoir	Stream/ River	Shore/ Wade	Boat	Float Tube	Ice Fish	Lure/ Spin	Bait	Fly	Other
EXAMPLE: (Bass)	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Yellow Perch	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Bluegill/Pumpkinseed	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Crappie	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Smallmouth bass	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Largemouth bass	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Walleye	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Pike	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Steelhead	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Anadromous chinnok salmon	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Landlocked chinook salmon	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Cutthroat trout	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Rainbow trout	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Brook trout	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Bull trout (Dolly Varden)	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Brown trout	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Lake trout	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Kokanee/Coho	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Catfish	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Sturgeon	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Whitefish	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Nongame	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

30. Please list the three species you most prefer to catch (1 = most preferred): 1._____ 2. _____ 3._____

31. Please name the <u>one</u> water type (listed above) you most prefer: _____

32. Please name the <u>one</u> mode of fishing (listed above) you most prefer: _____

33. Please name the <u>one</u> method of fishing (listed above) you most prefer: _____

34. Please check the box that best describes your satisfaction in 1987 while fishing the fishery types listed below and estimate the number of days spent fishing each fishery type:

Fishery Type	Days Fished	Excellent	Good	Fair	Poor
Anadromous chinook salmon		❑	❑	❑	❑
Landlocked chinook salmon		❑	❑	❑	❑
Steelhead		❑	❑	❑	❑
High Mountain Lakes		❑	❑	❑	❑
Lakes and Reservoirs for trout		❑	❑	❑	❑
Lakes and Reservoirs for kokanee		❑	❑	❑	❑
Lakes and Reservoirs for bass		❑	❑	❑	❑
Lakes and Reservoirs for perch		❑	❑	❑	❑
Lakes and Reservoirs for sunfish/crappie		❑	❑	❑	❑
Lakes and Reservoirs for walleye		❑	❑	❑	❑
Lakes and Reservoirs for pike		❑	❑	❑	❑
Lakes and Reservoirs for other		❑	❑	❑	❑
Rivers and Streams for trout		❑	❑	❑	❑
Rivers and Streams for whitefish		❑	❑	❑	❑
Rivers and Streams for bass		❑	❑	❑	❑
Rivers and Streams for other		❑	❑	❑	❑
Sturgeon		❑	❑	❑	❑

35. In order to improve fishing opportunities, we need to know what factors are important to you in selecting **where** to fish. Please check **one** box for each factor indicating the importance you place on the factors shown in the table below.

Factor	Crucial	Very Important	Important	Somewhat Important	Not Important
Avoid angler crowding	❑	❑	❑	❑	❑
Avoid other forms of recreationists	❑	❑	❑	❑	❑
Boat launching facilities	❑	❑	❑	❑	❑
Marina facilities	❑	❑	❑	❑	❑
Nearness to restaurants	❑	❑	❑	❑	❑
Nearness to bait and tackle shops	❑	❑	❑	❑	❑
Nearness to camping facilities	❑	❑	❑	❑	❑
Natural beauty of the area	❑	❑	❑	❑	❑
Solitude	❑	❑	❑	❑	❑
Catch rate of keepable fish	❑	❑	❑	❑	❑
Catch rate of all fish	❑	❑	❑	❑	❑
Presence of favorite fish (species)	❑	❑	❑	❑	❑
Chance to catch a large or trophy fish	❑	❑	❑	❑	❑
Chance to catch wild fish	❑	❑	❑	❑	❑
Water quality	❑	❑	❑	❑	❑
Chance to catch a variety of fish	❑	❑	❑	❑	❑
Nearness to home (travel distance)	❑	❑	❑	❑	❑
Nearness to second home or cabin	❑	❑	❑	❑	❑
Familiarity with the area	❑	❑	❑	❑	❑
Accessibility	❑	❑	❑	❑	❑
Bank fishing opportunity	❑	❑	❑	❑	❑

36. We would like to know some of the reasons why you fish. Please check the box indicating the importance you place on each reason.

Reason	Crucial	Very Important	Important	Somewhat Important	Not Important
To catch fish	❑	❑	❑	❑	❑
For relaxation	❑	❑	❑	❑	❑
To enjoy nature	❑	❑	❑	❑	❑
For companionship	❑	❑	❑	❑	❑
For the challenge and excitement	❑	❑	❑	❑	❑
To be alone	❑	❑	❑	❑	❑
To improve fishing skill	❑	❑	❑	❑	❑
For exercise	❑	❑	❑	❑	❑
Family togetherness	❑	❑	❑	❑	❑
Chance to catch trophy fish	❑	❑	❑	❑	❑
Competition with other anglers	❑	❑	❑	❑	❑
Catch fish for consumption	❑	❑	❑	❑	❑

Submitted by:

Will W. Reid
Staff Biologist

Approved by:

IDAHO DEPARTMENT OF FISH AND GAME

Jerry M. Conley, Director

Steven M. Huffaker, Chief
Bureau of Fisheries

Al Van Vooren
Resident Fishery Manager

F & G #6.
Admitted 10/18/88
FH

GUY M. BONNIVIER
POST OFFICE BOX 624
PICABO, IDAHO 83348

July 5, 1986

Dear Nancy,

This note is so long in being overdue, but certainly no less meaningful in purpose. The past months have been overwhelming to say the least, and it seems every time I turn around some new demand on my time squeezes away the precious moments I have to reflect on it all. Somehow, with you by our side, we did it. I've gotten to know the Farm intimately, at least in its summer appeal. Not once have I ever even had the least bit of hesitation or second thoughts about what we had to do. Thousand Springs is a monument, not only of the natural world, but also of the people in its past who loved it and believed in it. We only follow them, with the same purpose in mind.

I should'nt even say, Nancy, that without you, it could'nt have been possible. Getting to know you, and watching you as we slipped past one hurdle after another, was actually a pleasure as I now look back on it. Although, it might have been hard to convince either of us at the time! Things like that only happen once in a lifetime, and to very few people. I feel privelaged to have played a part in something so meaningful, and in my work, to know people like you who make wonderful things happen. I just want to say thank you from very deep within, and that I will do everything in my power to merit the trust and responsibilities which have been passed on to me.

I've put together a pretty good team of people who are helping me with all the work. Dennis, from the power plant, is my man on site, my eyes and ears when I'm off somewhere. Cathy, Alan's wife, who loves the place dearly, is down at least twice a week, and has served my guests some perfect dinners. The boys from Silver Creek are down once a week working on the yard. Alan built some beautiful picnic tables which are out on the lawn. My own nights are spent sleeping on the porch with the breeze flowing by... and, of course, the girls are in heaven down there, chasing ducks in that river full of near drinking water. The TV crew even filmed that!

A lot of work lies ahead but when you love something so much it does'nt resemble work at all. I just wanted to say thanks in writing for the confidence you've shown in me and the work we do. You are a very special lady.

Please give my best to Neal, I know how important it was to have him behind you through it all.

With all the best,

Guy

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F+G Ex. 22

Admitted 10/17/90
LH

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

IN THE MATTER OF:	
Pisces Investments, Inc. Magic Springs Hatchery Hagerman, Idaho	Docket No. 1088-03-20-309(g) Administrative Complaint and Proposal to Assess Administrative Penalty
NPDES Permit No. ID-000097-3	Under CWA §309(g)(2)(B)

ADMINISTRATIVE COMPLAINT,
NOTICE OF PROPOSED ASSESSMENT OF A CIVIL PENALTY, AND
NOTICE OF OPPORTUNITY TO REQUEST A HEARING

I. STATUTORY AUTHORITY

1. This Administrative Complaint is issued pursuant to Section 309(g) of the Clean Water Act (the Act), 33 U.S.C. §1319(g), and the authority thereunder of the Administrator of the U.S. Environmental Protection Agency (EPA), which authority has been duly delegated to the Director, Water Division, EPA, Region 10.

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II. DESCRIPTION OF VIOLATIONS

2. Pisces Investments, Inc., (Respondent), owns and operates Magic Springs Fish Hatchery (facility) located near Hagerman, Idaho. Respondent is a corporation incorporated under the laws of the state of Idaho and is, therefore, a person within the meaning of Section 502(5) of the Act, 33 U.S.C. §1362(5).

3. Respondent's facility discharges wastewater to Snake River, which is waters of the United States as defined by Section 502(7) of the Act, 33 U.S.C. §1362(7), and 40 CFR §122.2.

4. The facility's discharge contains accumulated solids that are pollutants within the meaning of Section 502(6) of the Act, 33 U.S.C. §1362(6).

5. Respondent's facility is a point source within the meaning of Section 502(14) of the Act, 33 U.S.C. §1362(14).

6. Discharges occurring from this facility constitute discharges of pollutants within the meaning of Section 502(12) of the Act, 33 U.S.C. §1362(12).

7. Section 301(a) of the Act, 33 U.S.C. §1311(a), prohibits the point source discharge of pollutants by any person into waters of the United States except in compliance with the terms and conditions of a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to Section 402 of the Act, 33 U.S.C. §1342.

8. On August 27, 1985, NPDES permit No. ID-000097-3 (the permit) was transferred to Respondent from Southern Idaho Production Credit Association (SIPCA). The permit was transferred to SIPCA from Valley Trout Farms, Inc. on October 29, 1984. The permit was effective October 29, 1984, and will expire October 30, 1989.

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9. The original application for discharges from this facility was submitted by Valley Trout Farms, Inc. on January 21, 1983. That application included a diagram of the facility which showed settling ponds for treatment of vacuum cleaning wastes located between the last set of raceways (L and N) and the Snake River.

10. On January 26, 1988, a compliance inspection was conducted at the facility by an EPA inspector. The inspector observed that there was no system for the removal and/or treatment of wastes generated by the fish. An employee of Respondent confirmed to the EPA inspector that they did not clean the raceways at the hatchery and thus, did not have any records of cleaning the raceways.

11. On June 2, 1988, Respondent submitted information in response to an EPA Request for Information dated May 17, 1988. Included in the response were copies of raceway cleaning records for the period September 2, 1985, through May 27, 1988, which Respondent indicated were from the notebook of Mr. Steve Bright, Respondent's environmental technician. Also included was a description of Respondent's cleaning methods and procedures. Respondent stated that when ponds (raceways) were emptied due to redistribution of fish or harvest, the ponds were cleaned by turning off the inflow source waters and allowing the pond to draw down until the accumulated solids could be manually removed for use as landfill at the facility. In turn, these cleaned ponds were returned to production and a different set of ponds were taken out of production for cleaning in the same manner.

12. On September 23, 1988, EPA investigators observed operations at Respondent's facility. The investigators observed persons removing accumulated wastes from the raceways by sweeping it into the effluent that was discharged into waters of the United States.

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13. In addition, on September 23, 1988, the EPA investigators observed recently constructed concrete waste settling ponds (not in use at that time) and ongoing construction of a vacuum waste removal and treatment system. Other than this partially completed waste treatment system, the EPA investigators observed no system in place that would remove and treat the wastes accumulated in the raceways. In addition, the EPA investigators observed no area on the property that was being utilized as a landfill for waste material, except for a small area being used for dumping vegetation removed from the screens and ponds.

14. On November 1, 1988, EPA issued a follow-up Request for Information to Respondent pursuant to Section 308 of the Act, 33 U.S.C. §1318. EPA requested a construction schedule for the new vacuum system and waste treatment facility, and copies of raceway cleaning records for the period June 1, 1988, through September 30, 1988.

15. On November 10, 1988, Respondent submitted information in response to EPA's request of November 1, 1988. Included in the response was a cleaning schedule for the ponds, which Respondent indicated was copied from the notebook of Mr. Steve Bright, Respondent's environmental technician. This schedule showed that pond M-2 was cleaned on September 23, 1988. However, EPA's observations on that date revealed no cleaning activities on pond M-2. In addition, the method of cleaning the raceways as observed by EPA is not consistent with the cleaning method described by Respondent in the information submitted to EPA on June 2, 1988 (see paragraph 11 above).

16. Part I.D.3. of Respondent's permit prohibits the sweeping of accumulated solids from raceways to waters of the United States.

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17. For the period January 26, 1988, through September 23, 1988, Respondent removed accumulated solids from raceways by sweeping them into the effluent that was discharged from the raceways to the Snake River. Respondent's cleaning records show that raceways were cleaned on 62 days of this time period. Respondent's method of removing solids by discharging them to waters of the United States constitutes 62 violations of Section 301 of the Act, 33 U.S.C. §1311.

III. NOTICE OF PROPOSED ORDER ASSESSING A CIVIL PENALTY

18. Section 309(g) of the Clean Water Act, 33 U.S.C. §1319(g), authorizes EPA to assess a civil penalty of up to $10,000 per day for each violation of a permit issued under the Act. Based on the foregoing Description of Violations, EPA Region 10 hereby proposes a civil penalty in the amount of sixty thousand dollars ($60,000.00) for the violations cited herein which occurred at the facility near Hagerman, Idaho. The proposed penalty amount was determined by EPA after taking into account the nature, circumstances, extent and gravity of the violations, and Respondent's prior compliance history, degree of culpability for the cited violations, any economic benefit or savings accruing to Respondent by virtue of the violations, Respondent's ability to pay the proposed penalty, and such other matters as justice may require, all factors identified at Section 309(g)(3) of the Act, 33 U.S.C. §1319(g)(3).

19. The nature, circumstances, extent, and gravity of the violations were determined by the number of violations, the duration of the violations, and the environmental impact caused by Respondent's discharge of pollutants into waters of the United States. Respondent's culpability was determined by considering the degree of Respondent's control over the acts and events

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constituting the violations, and the extent to which that control could have been exerted to reasonably anticipate and avoid the repeated violative acts. The proposed penalty amount also incorporates an economic benefit component calculated by estimating the savings accruing to Respondent through its failure to install, maintain, and operate a waste removal and treatment system that would bring it into compliance with the terms and conditions of its permit. Based on the information available to EPA at this time, the amount of the proposed penalty reflects a presumption of Respondent's ability to pay the penalty and to continue in business. Respondent may submit appropriate documentation to rebut this presumption during settlement negotiations. Based on the fact that there is no prior history of such violations by Respondent, no adjustment of the penalty is made at this time for that factor. EPA has not identified any "other matters as justice may require" that merit adjustment of the penalty at this time.

20. EPA may issue the Final Order assessing administrative penalties twenty (20) days after Respondent receives this Notice, unless Respondent, within that time, submits an answer and requests a hearing on this Notice as provided below.

IV. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

21. Respondent may, pursuant to Section 309(g) of the Act, 33 U.S.C. §1319(g), request within twenty (20) days of receipt of this Notice a hearing on the civil penalty assessment proposed herein, and at the hearing may contest any material fact contained in the Description of Violations, and the appropriateness of the proposed penalty described above. The procedures for the hearing, if one is requested, are set out in "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the

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Revocation or Suspension of Permits", 40 CFR Part 22, a copy of which is attached.

22. Also attached is a copy of the Interim Final Rule, published at 52 Federal Register 30671 (August 17, 1987), which supplements 40 CFR Part 22 with procedures applicable to "Class II" penalty proceedings under Section 309(g)(2)(B) of the Act, 33 U.S.C. §1319(g)(2)(B). Any answer and request for a hearing must be submitted to the following address within twenty (20) days and must comply with 40 CFR §22.15;

Regional Hearing Clerk (SO-125)
U.S. Environmental Protection Agency
1200 Sixth Avenue
Seattle, Washington 98101

23. Be aware that should you request a hearing on this proposed penalty assessment, members of the public, to whom EPA is obligated to give notice of this proposed action, will have a right under Section 309(g)(4)(B) of the Act, 33 U.S.C. §1319(g)(4)(B), to be heard and to present evidence on the appropriateness of the penalty assessment. Should you not request a hearing, EPA will issue a Final Order Assessing Administrative Penalties and any members of the public who commented on this proposed assessment during the 20 day period following your receipt of this document will have an additional thirty (30) days to petition EPA to set aside the Final Order Assessing Administrative Penalties and to request EPA to hold a hearing thereon. EPA will grant the petition and will hold a hearing provided the petitioner's evidence is material and was not considered by EPA in the issuance of the Final Order Assessing Administrative Penalties.

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24. Neither assessment nor payment of an administrative civil penalty pursuant to Section 309(g) of the Act shall affect your continuing obligation to comply with the Clean Water Act, with every term and condition of your NPDES permit, and with any separate Compliance Order issued to you under Section 309(a) of the Act, 33 U.S.C. §1319(a), concerning the violations alleged herein.

Dated this 26th day of January, 1989.

Robert S. Burd
Director, Water Division

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U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101

JAN 26 1989

REPLY TO ATTN OF: WD-135

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

J. Evan Robertson
Registered Agent for
Pisces Investments, Inc.
389 Meadows Lane
Twin Falls, Idaho 83303

Re: Notice of Proposed Assessment of a Civil Penalty to
Pisces Investments, Inc., Magic Springs Hatchery
Docket No. 1088-03-20-309(g)

Dear Mr. Robertson:

Enclosed is a document entitled "Administrative Complaint, Notice of Proposed Assessment of a Civil Penalty, and Notice of Opportunity to Request a Hearing", hereinafter referred to as the "Complaint." We have filed this Complaint against Pisces Investments, Inc., under the authority of Section 309(g) of the Clean Water Act (Act), 33 U.S.C. §1319(g). In the Complaint, the U.S. Environmental Protection Agency (EPA) alleges that Pisces Investments, Inc. has violated Section 301(a) of the Act, 33 U.S.C. §1311(a), and the terms of NPDES Permit No. ID-000097-3 issued under the authority of the Act. The alleged violations are specifically set out in Section II of the Complaint.

The company has the right to request a hearing regarding the violations alleged in the Complaint and the proposed administrative civil penalty. Please pay particular attention to Section IV of the Complaint, entitled "Notice of Opportunity to Request a Hearing." Note that should the company fail to request a hearing within twenty (20) days of its receipt of the Complaint, the company will have waived its right to such a hearing and the proposed civil penalty may be assessed without further proceedings. The company has the right to be represented by an attorney at any stage of these proceedings.

We invite the company to confer informally with EPA concerning the alleged violations and the amount of the proposed penalty. EPA encourages all parties against whom it files a Complaint proposing assessment of a penalty, to pursue the possibility of settlement as a result of an informal conference. If a mutually satisfactory settlement can be reached, it would be formalized by a Consent Order signed by the company and EPA Region 10. The issuance of such a Consent Order would constitute a waiver by the company of its right to a hearing on, and to a judicial appeal of, the findings and penalty assessment contained in that Consent Order.

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Taking part in informal discussions does not extend the requirement that the company must submit any request for a hearing in this matter within twenty (20) days of its receipt of this Complaint. If you have any questions, or wish to discuss the possibility of settlement of this matter, please contact Joan Shirley, Attorney, U.S. Environmental Protection Agency, SO-125, 1200 Sixth Avenue, Seattle, Washington 98101, or telephone (206) 442-0978.

We urge your prompt attention to this matter.

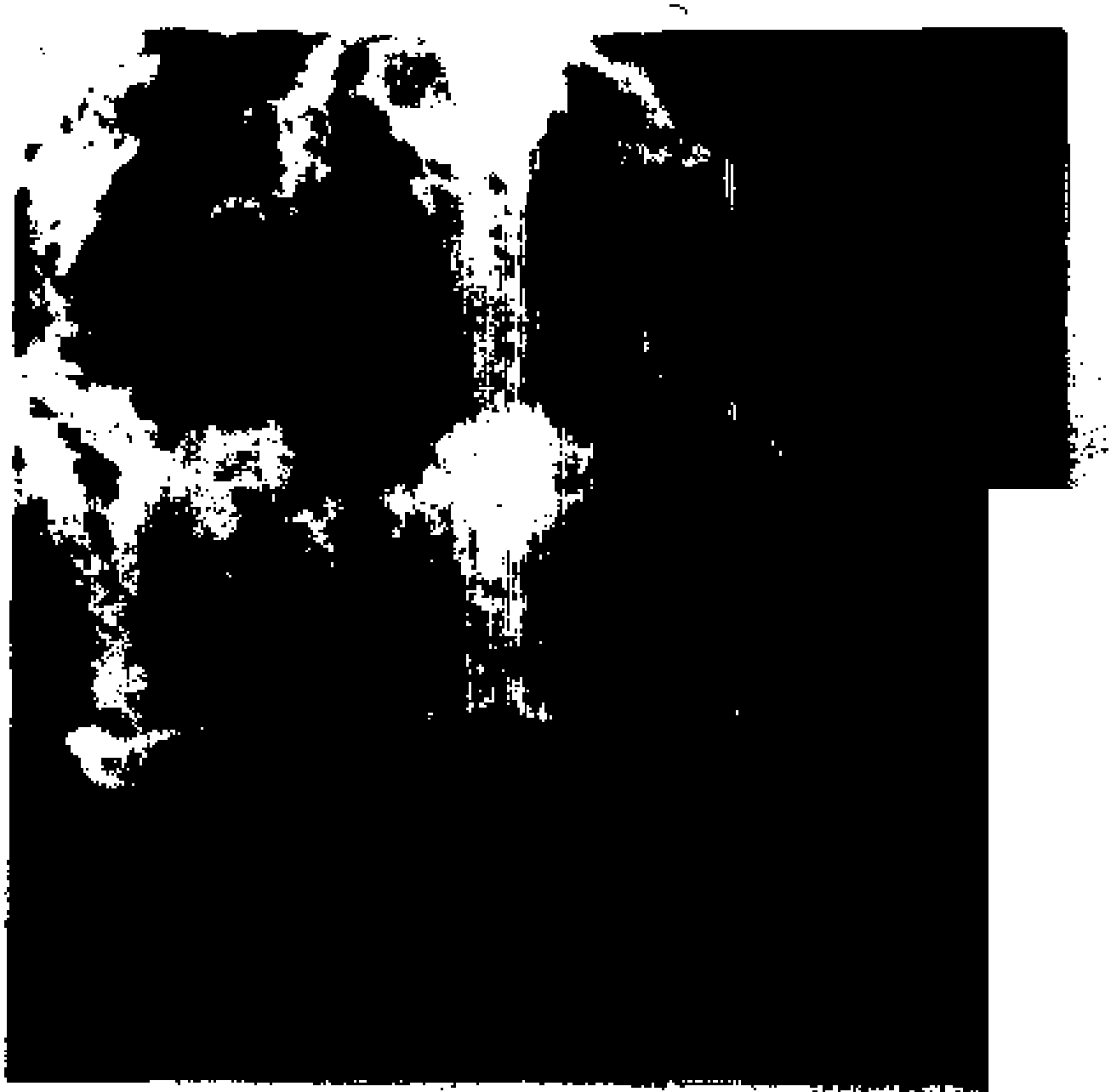
Sincerely,

Robert S. Burd
Director, Water Division

Enclosure

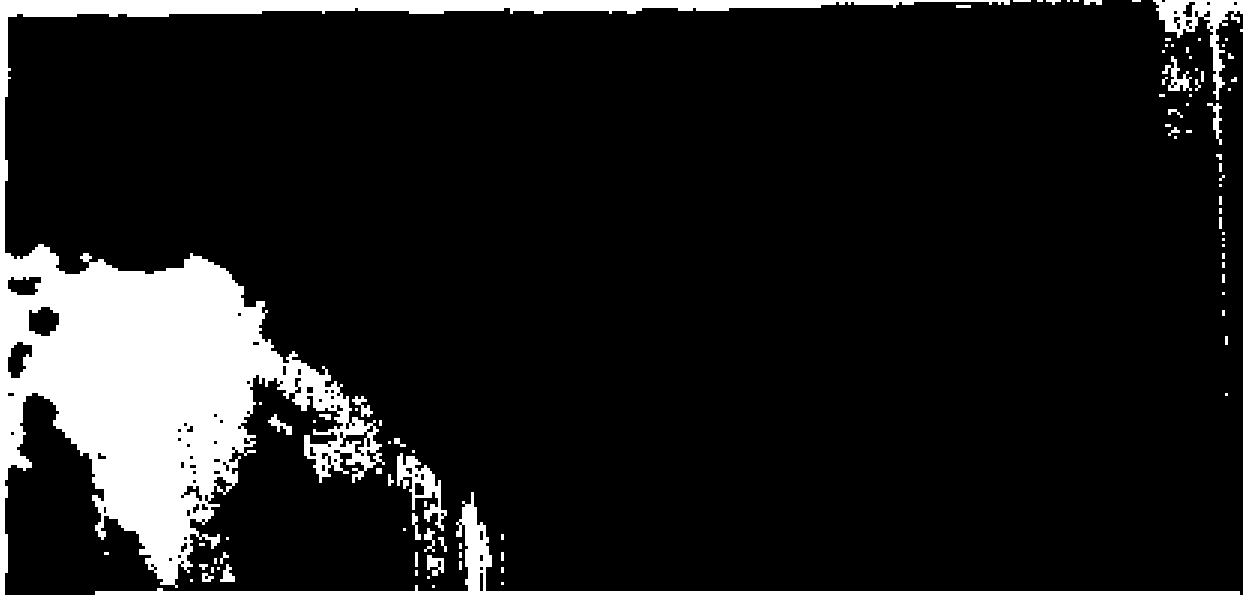
cc: Michael G. Greene, President, Pisces Investments, Inc.
IDHW-DEQ, Boise

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F-6
#4

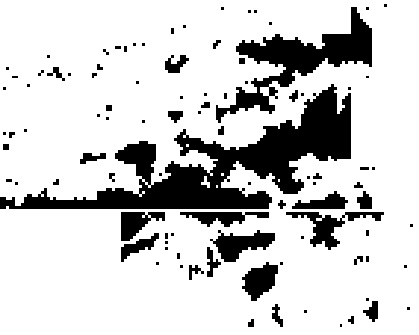
Admitted 10/18/90
CH



#3 tt6 Ex.

Admitted 10/18/90

ZH



EDG Exhibit
#1

Admitted 10/18/00
ZH

F & G Ex.
2

Admitted 10/18/90
ZH



10/9/90 DiAnne Elsick
Bridal Veil Falls Estuary

13B

Southern end of estuary

F to C # 11 Admitted 9/12/90
LH

3B

10-9-90

DiAnne Elasick

Bridal Veil Falls Estuary

F & G #12 Admitted 10/11/90

Facing the south side of the end of the estuary



10-9-90

7B

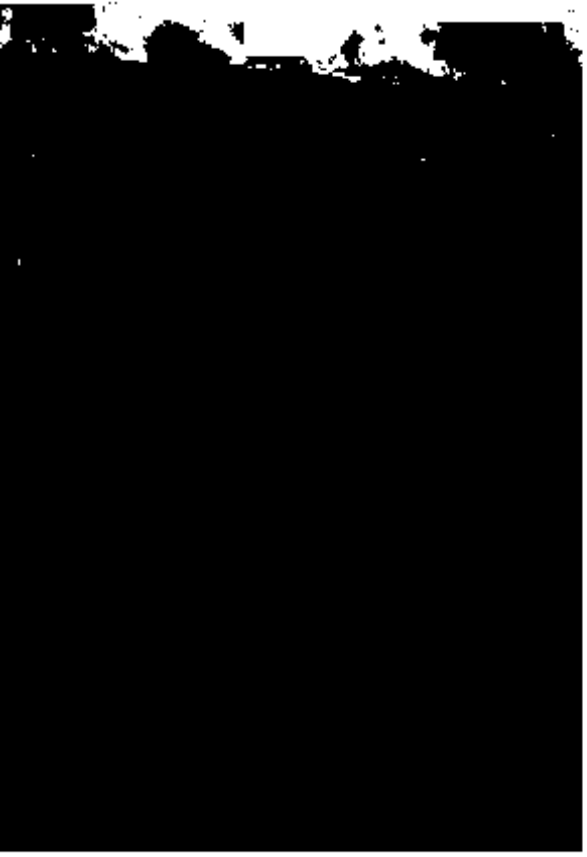
DiAnna Elasick

Bridal Veil Falls Estuary

E-SE end

Admitted 10/12/90

F-Q #13





10-9-90

10B

Dianne Elasick

Bridal Veil Falls Estuary

2 1 N 2-N 20 26 550

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SE of Dam (Dam on left)

F + G # 14

Admitted 10/12/90

EB

T 1-N 2-N 20 26 55E

10-9-90
DiAnne Elasick
Bridal Veil Falls

MICACH

MAR 0 6 2003

Bridal Veil Falls + Dam

F & G #15

Admitted 10/11/90



10/9/90 DiAnne Eksisk
Bridal Veil Falls Estuary

22B

Discharge Area

F + G #16

Admitted 10/12/9

ZH

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MAR 0 6 2003

10/4/90 Diane Eksick
Bridal Veil Falls Estuary

~~17B~~
23B

path of Discharge flow

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MAR 0 6 2003

F+G # 17
Admitted 10/12/90

10/4/90 DiAnne Elasick
Bridal Veil Falls Estuary

15B

T N 2-N 20 E6 S50

Algae covering vegetation in estuary

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MAR 3 6 2003

F & G #18
Admitted 10/11/90
RL

10/9/90 DiAnne Elasick
Bridal Veil Falls Estuary

16B

LHRN 20 26 550

Algae in estuary

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NOV 06 2003

F + G # 19
Admitted 10/17/90



10-9-90
DiAnne Elasick
Bridal Veil Falls Estuary
"Silt"

35A

F + C # 20

Admitted 10/17/90
ZH

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APR 0 6 2005

10/9/90 DiAnne Elsick 24E
Bridal Veil Falls Estuary 2 N 2 W 20 26 SSE

poking the bottom (muddy silt)
note - silt had foul odor

F + G # 21

Admitted 10/12/90
LH

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NOV 0 6 2003



Bridal Vail Falls Estuary
Winter 84

Protestant's Exhibit 108
Admitted 10/15/84
LH

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DUPLICATE MARKED

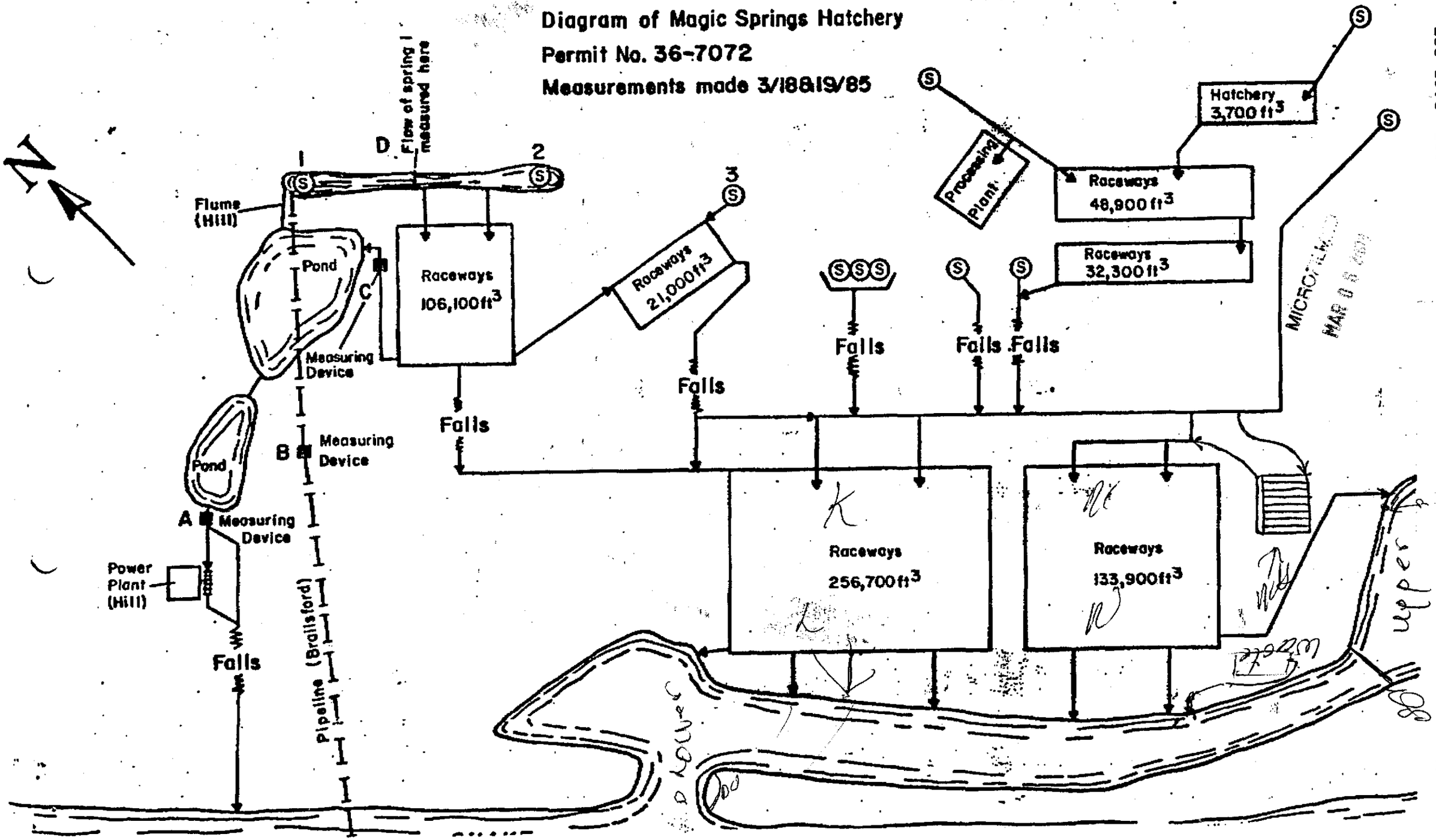
108

Applicant Ex A.

Diagram of Magic Springs Hatchery

Permit No. 36-7072

Measurements made 3/18&19/85



1 208 733 0325 PAGE.005
JAN 24 '90 15:57

New Permit

Applicant's Ex B
Admitted 10/12/90
LH

Permit No.: ID-000097-3
Application No.: ID-000097-3

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

AUTHORIZATION TO DISCHARGE UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et seq., as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

PISCES INVESTMENTS, INC.
Magic Springs Hatchery
P.O. Box 701
Twin Falls, ID 83303

is authorized to discharge from a facility located in Hagerman, Idaho,

to receiving waters named Snake River,

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective October 22, 1990.

This permit and the authorization to discharge shall expire at midnight, October 23, 1995.

Signed this 21st day of September 1990.

Robert D Burd

Director, Water Division, Region 10
U.S. Environmental Protection Agency

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I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Off-Line Settling.

For facilities that use a vacuum cleaning system, standpipe bottom-drain system or other method to remove solids from the raceways or ponds for treatment in a separate settling system, the permittee is authorized to discharge in accordance with the following requirements:

1. Raceway or Pond Discharges

a. During the period beginning on the effective date of this permit and lasting through the expiration date (except where noted otherwise), discharges from raceways or ponds shall be limited and monitored as specified below:

Effluent Characteristics (Units)	Effluent Limitations Monthly Average	Instantaneous Maximum	Monitoring Requirements Minimum Frequency	Sample Type
Flow (mgd)	---	---	1/month	24 hr. total
Total Suspended Solids	5.0 mg/l*	---	1/month	8 or 24 hr. comp.
	---	15.0 mg/l*	-	-
Settleable Solids	0.1 ml/l*	---	2/month	Grab

Unless the permittee participates in an State/EPA-approved nutrient characterization plan[1], the following parameters shall be monitored as specified below for a period of one year, beginning May 1991:

Nitrate - Nitrite (as N)*	---	---	1/month	8 or 24 hr. comp.
Ammonia (as N)*	---	---	1/month	8 or 24 hr. comp.
Total Kjeldahl Nitrogen*	---	---	1/month	8 or 24 hr. comp.
Total Phosphorus (as P)*	---	---	1/month	8 or 24 hr. comp.

*Net value. See Part I.A.1.b. below.

[1] In lieu of the nutrient monitoring requirements set forth above, the permittee may choose to participate in a nutrient characterization study conducted by the Idaho fish culturing industry. The study shall include a monitoring program that, at a minimum, determines nutrient loadings to the Snake River associated with hatchery discharges. The study plan shall clearly identify each participating facility. The study plan shall be submitted to the State and EPA for approval on or before March 1, 1991. Study implementation shall begin within 30 days of notification of approval. The duration of study shall not exceed twelve months, and results shall be provided to the State and EPA within one month of study completion. If the plan is not approved by May 1, 1991, then all facilities shall comply with nutrient monitoring conditions set forth in this permit. For those facilities that do not wish to participate in the industry study, nutrient monitoring shall begin May 1991 as set forth in this permit.

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b. In order to obtain credit for net values, intake water samples must be taken on the same day, during the same time period that the effluent sample is taken, using a grab. Intake water samples shall be taken at the point where the water enters the facility prior to mixing with other flows. Nutrient parameters shall be reported as net values.

c. Effluent samples shall be taken prior to mixing with the receiving water or any other flow.

d. Effluent samples shall be taken from all outfalls which discharge raceway water to the receiving waters.

e. Effluent samples may be combined into one sample for analysis pursuant to the definition in Part I.F.11. of this permit.

f. There shall be no discharge of floating solids or visible foam in other than trace amounts.

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DEC 26 2003

2. Cleaning Waste Treatment System

a. During the period beginning on the effective date of this permit and lasting through the expiration date (except where specified otherwise), discharges from cleaning waste treatment systems shall be limited and monitored as specified below:

Influent/Effluent Characteristics (Units)	Influent/Effluent Limitations Daily Minimum	Daily Maximum	Monitoring Requirements Minimum Frequency	Sample Type
Effluent Flow (mgd)	---	---	1/week	24 hr. total
Total Suspended Solids				
influent	---	---	1/month	(See c. below)
effluent	85% removal	100 mg/l	1/month	8 hr. comp. (See d. below)
Settleable Solids				
influent	---	---	1/month	(See c. below)
effluent	90% removal	---	1/month	Grab(See d. below)
effluent	---	1.0 ml/l	1/week	Grab

Unless the permittee participates in an State/EPA-approved nutrient characterization plan[1], the following parameters shall be monitored as specified below for a period of one year, beginning May 1991:

Nitrate - Nitrite (as N)	---	---	1/month	8 hr. comp.
Ammonia (as N)	---	---	1/month	8 hr. comp.
Total Kjeldahl Nitrogen	---	---	1/month	8 hr. comp.
Total Phosphorus (as P)	---	---	1/month	8 hr. comp.

[1] In lieu of the nutrient monitoring requirements set forth above, the permittee may choose to participate in a nutrient characterization study conducted by the Idaho fish culturing industry. The study shall include a monitoring program that, at a minimum, determines nutrient loadings to the Snake River associated with hatchery discharges. The study plan shall clearly identify each participating facility. The study plan shall be submitted to the State and EPA for approval on or before March 1, 1991. Study implementation shall begin within 30 days of notification of approval. The duration of study shall not exceed twelve months, and results shall be provided to the State and EPA within one month of study completion. If the plan is not approved by May 1, 1991, then all facilities shall comply with nutrient monitoring conditions set forth in this permit. For those facilities that do not wish to participate in the industry study, nutrient monitoring shall begin May 1991 as set forth in this permit.

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b. Influent and effluent samples shall be collected on the same day, during the same time period.

c. Influent samples shall be collected during a cleaning event, and prior to entering the treatment system. The sample shall consist of four grab samples taken at such times which will result in a composite sample representative of the cleaning waste entering the treatment system.

d. The effluent sample measuring percent removal shall be taken during the same period the influent sample is taken. The TSS or settleable solids result for this effluent sample may also be used to satisfy the monthly TSS or weekly settleable solids effluent monitoring requirements, respectively.

e. All effluent samples shall be taken prior to mixing with the receiving water or any other flow.

f. The treatment system shall continuously provide at least an 85 percent removal of total suspended solids (TSS) and at least a 90 percent removal of settleable solids.

g. The permittee shall monitor the influent and effluent for both TSS and settleable solids as required above, then calculate and report the percent TSS and settleable solids removed.

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B. Flow-Through Settling.

For facilities that settle the entire raceway flows in a settling pond, the permittee is authorized to discharge from the pond in accordance with the following requirements:

1. During the period beginning on the effective date of this permit and lasting through the expiration date (except where specified otherwise), discharges from the pond shall be limited and monitored as specified below:

Effluent Characteristics (Units)	Effluent Limitations Monthly Average	Instantaneous Maximum	Monitoring Requirements Minimum Frequency	Sample Type
Flow (mgd)	---	---	1/month	24 hr. total
Total Suspended Solids	5.0 mg/l*	---	1/month	8 or 24 hr. comp.
	---	15.0 mg/l*	---	---
Settleable Solids	0.1 ml/l*	---	2/month	Grab

Unless the permittee participates in an State/EPA-approved nutrient characterization plan[1], the following parameters shall be monitored as specified below for a period of one year, beginning May 1991:

Nitrate - Nitrite (as N)*	---	---	1/month	8 or 24 hr. comp.
Ammonia (as N)*	---	---	1/month	8 or 24 hr. comp.
Total Kjeldahl Nitrogen*	---	---	1/month	8 or 24 hr. comp.
Total Phosphorus (as P)*	---	---	1/month	8 or 24 hr. comp.

*Net value. See Part I.B.2. below.

[1] In lieu of the nutrient monitoring requirements set forth above, the permittee may choose to participate in a nutrient characterization study conducted by the Idaho fish culturing industry. The study shall include a monitoring program that, at a minimum, determines nutrient loadings to the Snake River associated with hatchery discharges. The study plan shall clearly identify each participating facility. The study plan shall be submitted to the State and EPA for approval on or before March 1, 1991. Study implementation shall begin within 30 days of notification of approval. The duration of study shall not exceed twelve months, and results shall be provided to the State and EPA within one month of study completion. If the plan is not approved by May 1, 1991, then all facilities shall comply with nutrient monitoring conditions set forth in this permit. For those facilities that do not wish to participate in the industry study, nutrient monitoring shall begin May 1991 as set forth in this permit.

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2. In order to obtain credit for net values, intake water samples must be taken on the same day, during the same time period that the effluent sample is taken, using a grab. Intake water samples shall be taken at the point where the water enters the facility prior to mixing with other flows. Nutrient parameters shall be reported as net values.

3. Effluent samples shall be taken prior to mixing with the receiving water or any other flow.

4. Effluent samples shall be taken from all outfalls which discharge from the settling pond.

5. Effluent samples may be combined into one sample for analysis pursuant to the definition in Part I.F.11. of this permit.

6. There shall be no discharge of floating solids or visible foam in other than trace amounts.

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C. Other Requirements and Conditions.

1. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner so as to prevent any pollutant from such materials from entering waters of the United States.

2. Fish mortalities and spawning or processing wastes shall be disposed of in a manner so as to prevent such materials from entering waters of the United States.

3. Discharging untreated cleaning wastes (e.g., obtained from a vacuum or standpipe bottom drain system) to waters of the United States is prohibited.

4. Sweeping accumulated solids from raceways or ponds to waters of the United States is prohibited.

5. Practices, such as removing or raising dam boards in raceways or ponds, which allow accumulated solids to discharge to waters of the United States, are prohibited.

6. Rearing of fish within settling ponds and/or cleaning waste treatment ponds is not permitted.

7. In addition to requirements outlined under III.E. Proper Operation and Maintenance, the permittee shall comply with the following:

   Cleaning of raceways and/or ponds shall occur on a frequent basis such that accumulation of solids is minimized. Raceways and/or ponds shall be inspected for excessive buildup of solids on a regular basis. Washing or eroding of solids up and over the top of dam boards into waters of the United States is prohibited. Solids which build up in raceways and/or ponds shall be removed before washing or eroding occurs.

   All operating activities in raceways and/or ponds shall be performed to minimize the disturbance of accumulated solids.

   The methods used to remove accumulated solids from a cleaning waste treatment pond (or settling pond) shall be implemented to prevent the unnecessary release of accumulated settled material. The following measures shall be implemented to the extent possible:

   a. The water level in the ponds shall be lowered slowly to prevent the escapement of accumulated settled material into waters of the United States in amounts or concentrations exceeding applicable permit limitations.

   b. During the removal of material there will be no discharge from the pond into waters of the United States in amounts or concentrations exceeding applicable permit limitations.

8. The discharge of any drugs, chemicals, or medications in toxic amounts (i.e., exceeding EPA's Water Quality Criteria and those criteria as subsequently amended) to waters of the United States is prohibited. When a raceway is disinfected with chlorine, the water within that raceway must be neutralized before it can be discharged. When other chemicals are used to disinfect a raceway, the water within that raceway must be detoxified before it can be discharged.

9. Use of drugs, medications, and disease control chemicals is limited to those which: are approved for hatchery use by the United States Food and Drug Administration (USFDA) or the United States Environmental Protection Agency; are exempt from registration for fishery use; or are declared as "generally regarded as safe" (GRAS) by USFDA. Approved products shall be used in accordance with the permitted uses and application practices specified on product labels, where provided.

10. The permittee shall record and report on the respective month's DMR the date(s) the settling pond(s) and/or cleaning waste treatment pond(s) were cleaned.

11. A copy of this NPDES permit must be kept at the facility at all times and made available to all employees or the Director upon request.

D. Reopener Clause.

EPA may reopen this permit on the basis of monitoring results, other reported information, or other causes consistent with federal regulations, to modify and/or establish specific monitoring requirements, effluent limitations, or other permit conditions.

E. Production Changes.

If during the term of this permit, the projected annual production is less than 20,000 pounds per year and feeding rate is less than 5,000 pounds of food during the calendar month of maximum feeding, the permittee is exempt from the monitoring requirements of Part I.A. or B. Additionally, the permittee must notify EPA of the projection. The permittee may assume that the facility is exempt from the monitoring requirements of this permit 30 days after submittal of the notice, unless EPA disapproves of the exemption.

If, following the period of low production, the projected production is expected to exceed the above criteria, the permittee must notify EPA and begin immediately to follow the monitoring requirements of this permit.

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F. Definitions.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

2. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

3. "Daily Maximum" means the maximum value attained on any day.

4. "Daily Minimum" means the minimum value attained on any day.

5. A "Grab" sample is a single sample or measurement taken at a specific time or over as short a period of time as is feasible.

6. "Instantaneous Maximum" is the value attained at any given time.

7. "mg/l" = milligrams per liter.

8. "mgd" = millions of gallons per day.

9. "ml/l" = milliliters per liter.

10. "Monthly Average" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

11. "Representative Sample": Multiple outfalls with similar waste streams can be sampled and combined into one sample for just one analysis. The sample volume from each outfall shall be apportioned according to the volume of flow at the time of sampling. These apportioned samples can then be combined into one representative sample and sent to the laboratory for analysis.

12. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

13. A "composite" sample shall mean a flow-proportioned mixture of not less than 8 discrete aliquots. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.

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14. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

C. Reporting Requirements. Monitoring results shall be summarized each month on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1). The permittee shall indicate on the DMR form the type of discharge(s) and the corresponding permit limits (i.e., Parts I.A. or I.B.). If no discharge to waters of the United States occurs during a given month, the monthly report shall indicate "No Discharge" and shall be submitted as required below. Alternatively, for longer periods of no discharge, the permittee may submit written notice listing the expected or actual date operations ceased, and the expected date the facility will resume operation.

The reports listed below (1. and 2.) shall be submitted monthly and are to be postmarked by the 10th day of the following month. Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of Part IV.H., Signatory Requirements, and submitted to the Director, Water Division and the State agency at the following addresses:

original to: United States Environmental Protection Agency (EPA)
Region 10
1200 Sixth Avenue, WD-135
Seattle, Washington 98101

copy to: Idaho Department of Health and Welfare (IDHW-DEQ)
Division of Environmental Quality
Statehouse
Boise, Idaho 83720

1. Reporting of Monitoring Results. Monitoring results shall be summarized each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1).

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2. Reporting of Usage of Medications, Drugs, Chemicals, and Disinfectants. The permittee shall report any use of medications, drugs, disease control chemicals, and disinfectants. The report shall be summarized each month and submitted with the monthly Discharge Monitoring Reports and shall include information specified in II.E.2. below.

D. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.

E. Records Contents.

1. Records of monitoring information shall include:

   a. The date, exact place, and time of sampling or measurements;

   b. The individual(s) who performed the sampling or measurements;

   c. The date(s) analyses were performed;

   d. The individual(s) who performed the analyses;

   e. The analytical techniques or methods used; and

   f. The results of such analyses.

2. The permittee shall also keep records on all medications, drugs, disease control chemicals, and disinfectants used within the hatchery and discharged to waters of the United States. The records shall include:

   a. Person responsible for the administration of the medications, drugs, chemicals, or disinfectants.

   b. Date, time, and pond or raceway being treated or disinfected.

   c. The trade name of the applied medication, drug, chemical, or disinfectant.

   d. Pond or raceway treatment concentration of the active ingredient, duration of treatment, and amount in gallons or pounds of the medication, drug, chemical, or disinfectant used.

   e. Estimate of concentration of active ingredient at the point of discharge to the receiving water.

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F. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. Data collected on-site, copies of Discharge Monitoring Reports, and a copy of this NPDES permit must be maintained on-site during the duration of activity at the permitted location.

G. Twenty-four Hour Notice of Noncompliance Reporting.

1. The following occurrences of noncompliance shall be reported by telephone within 24 hours from the time the permittee becomes aware of the circumstances:

   a. Any noncompliance which may endanger health or the environment;

   b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III.G., Bypass of Treatment Facilities.);

   c. Any upset which exceeds any effluent limitation in the permit (See Part III.H., Upset Conditions.); or

   d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.

2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:

   a. A description of the noncompliance and its cause;

   b. The period of noncompliance, including exact dates and times;

   c. The estimated time noncompliance is expected to continue if it has not been corrected; and

   d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Compliance Section in Seattle, Washington, by phone, (206) 442-1213.

4. Reports shall be submitted to the addresses in Part II.C., Reporting of Monitoring Results.

H. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.C. are submitted. The reports shall contain the information listed in Part II.G.2.

I. Inspection and Entry. The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

III. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

B. Penalties for Violations of Permit Conditions.

1. Civil Penalty. The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to a civil penalty, not to exceed $25,000 per day for each violation.

2. Criminal Penalties:

a. Negligent Violations. The Act provides that any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or by both.

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b. Knowing Violations. The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or by both.

c. Knowing Endangerment. The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this subparagraph, be subject to a fine of not more than $1,000,000.

d. False Statements. The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more that $10,000, or by imprisonment for not more than 2 years, or by both.

Except as provided in permit conditions in Part III.G., Bypass of Treatment Facilities and Part III.H., Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Removed Substances. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the United States.

G. Bypass of Treatment Facilities:

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.

2. Notice:

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.G., Twenty-four Hour Notice of Noncompliance Reporting.

3. Prohibition of bypass.

a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:

(1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under paragraph 2 of this section.

b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this section.

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H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

   a. An upset occurred and that the permittee can identify the cause(s) of the upset;

   b. The permitted facility was at the time being properly operated;

   c. The permittee submitted notice of the upset as required under Part II.G., Twenty-four Hour Notice of Noncompliance Reporting; and

   d. The permittee complied with any remedial measures required under Part III.D., Duty to Mitigate.

3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

I. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

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IV. GENERAL REQUIREMENTS

A. Changes in Discharge of Toxic Substances. Notification shall be provided to the Director as soon as the permittee knows of, or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

   a. One hundred micrograms per liter (100 ug/l);

   b. Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

   c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or

   d. The level established by the Director in accordance with 40 CFR 122.44(f).

2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

   a. Five hundred micrograms per liter (500 ug/l);

   b. One milligram per liter (1 mg/l) for antimony;

   c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or

   d. The level established by the Director in accordance with 40 CFR 122.44(f).

B. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or

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2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Part IV.A.1.

C. Anticipated Noncompliance. The permittee shall also give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

D. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

E. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.

F. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

G. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.

H. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.

1. All permit applications shall be signed as follows:

   a. For a corporation: by a responsible corporate officer.

   b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

   c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described above and submitted to the Director.

b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

3. Changes to authorization. If an authorization under paragraph IV.H.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.H.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section shall make the following certification:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

I. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State water pollution control agency and the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

J. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

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K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

L. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

M. Transfers. This permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;

2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.

N. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

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Applicant's Ex C
Admitted 10/12/90
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Permit No.: ID-000097-3
Application No.: ID-000097-3

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

AUTHORIZATION TO DISCHARGE UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. §1251 et seq; the "Act"),

SOUTHERN IDAHO PRODUCTION CREDIT ASSOCIATION
Magic Springs Hatchery & Processing
834 Falls Avenue, Suite 1050
Twin Falls, ID 83301

is authorized to discharge from a facility located in Hagerman

to receiving waters named Snake River

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective October 29, 1984.

This permit and the authorization to discharge shall expire at midnight, October 30, 1989.

Signed this 27th day of September 1984.

/s/ Robert S. Burd
Director, Water Division, Region 10
U.S. Environmental Protection Agency

This permit transfer from "Valley Trout Farms, Inc." became effective as of October 29, 1984.

Signed this 23rd day of January 1985.

Robert S. Burd
Director, Water Division, Region 10
U.S. Environmental Protection Agency

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I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Off-Line Settling

For facilities that use a vacuum cleaning system, standpipe bottom-drain system or other method to remove solids from the raceways or ponds for treatment in a separate settling system, the permittee is authorized to discharge in accordance with the following requirements:

1. Raceway or Pond Discharges

a. During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, discharges from raceways or ponds shall be limited and monitored as specified below:

Effluent Characteristics	Effluent Limitations		Monitoring Requirements	
(Units)	Daily Average	Instantaneous Maximum	Minimum Frequency	Sample Type
Flow (mgd)	-	-	Monthly	24 hr. total
Total Suspended Solids	5.0 mg/l*	-	Once per month	24 hr. comp.
	-	15.0 mg/l*	-	-
Settleable Solids	0.1 ml/l*	-	Twice per month	Grab

* Net values. See Part I.A.1.b. below.

b. In order to obtain credit for net values, intake water samples must be taken on the same day the effluent sample is taken, using a grab.

c. Effluent samples shall be taken prior to mixing with the receiving water or any other flow.

d. Effluent samples shall be taken from all outfalls which discharge raceway water to the receiving waters.

e. Effluent samples may be combined into one sample for analysis pursuant to the definition in Part I.G.7. of this permit.

f. There shall be no discharge of floating solids or visible foam in other than trace amounts.

g. The permittee may submit a request to change the monitoring sample type for total suspended solids from a 24 to an 8-hour (collected during normal working hours) composite sample.

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2. Cleaning Waste Treatment System

a. During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, discharges from a cleaning waste treatment system shall be limited and monitored as specified below:

Influent/Effluent Characteristics	Influent/Effluent Limitations		Monitoring Requirements	
(Units)	Daily Minimum	Daily Maximum	Minimum Frequency	Sample Type
Effluent Flow (mgd)	-	-	1/Week	24 hr. total
Total Suspended Solids				
influent	-	-	1/Month	(See c. below)
effluent	85% removal	100 mg/l	1/Month	8 hr. comp. (See d. below)
Settleable Solids				
influent	-	-	Monthly	(See c. below)
effluent	90% removal	-	Monthly	Grab (See d. below)
effluent	-	1.0 ml/l	Weekly	Grab

b. Influent and effluent samples shall be collected on the same day.

c. Influent samples shall be collected during a cleaning event, and prior to entering the treatment system. The sample shall consist of four grab samples taken at such times which will result in a composite sample representative of the cleaning waste entering the treatment system.

d. The effluent sample, to measure the percent removal, shall be taken during the same period the influent sample is taken. The TSS or settleable solids result for this effluent sample may also be used to satisfy the monthly TSS or weekly settleable solids effluent monitoring requirements, respectively.

e. All effluent samples shall be taken prior to mixing with the receiving water or any other flow.

g. The treatment system shall continuously provide at least a 85 percent removal of total suspended solids (TSS) and at least a 90 percent removal of settleable solids.

g. The permittee shall monitor the influent and effluent for both TSS and settleable solids as required above, then calculate and report the percent TSS and settleable solids removed.

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B. Flow-Through Settling

For facilities that settle the entire raceway flows in a settling pond, the permittee is authorized to discharge from the pond in accordance with the following requirements:

1. During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, discharges from the pond shall be limited and monitored as specified below:

Effluent Characteristics	Effluent Limitations		Monitoring Requirements	
(Units)	Daily Average	Instantaneous Maximum	Minimum Frequency	Sample Type
Flow (mgd)	-	-	Monthly	24 hr. total
Total Suspended Solids	5.0 mg/l*	-	Once per month	24 hr. comp.
	-	15.0 mg/l*	-	-
Settleable Solids	0.1 ml/l	-	Twice per month	Grab

*Net values. See Part I.B.2. below.

2. In order to obtain credit for net values, intake water samples must be taken on the same day the effluent sample is taken, using a grab.

3. Effluent samples shall be taken prior to mixing with the receiving water or any other flow. Intake water samples shall be taken at the point where the water enters the facility prior to mixing with other flows.

4. Effluent samples shall be taken from all outfalls that discharge from the settling pond.

5. Effluent samples may be combined into one sample for analysis pursuant to the definition in Part I.G.7. of this permit.

6. There shall be no discharge of floating solids or visible foam in other than trace amounts.

7. The permittee may submit a request to change the monitoring sample type for total suspended solids from a 24 to an 8-hour (collected during normal working hours) composite sample.

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C. Processing Plant

For facilities that process fish, the permittee is authorized to discharge in accordance with the following requirements:

1. During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge wastewater from the processing plant in accordance with the following effluent limitations and monitoring requirements:

Effluent Characteristics	Effluent Limitations		Monitoring Requirements	
(Units)	Daily Average	Daily Maximum	Measurement Frequency	Sample Type
Flow (mgd)	-	-	Weekly	24 hr. total
Total Suspended Solids (lbs/day)	47	94	2/Month	8 hr. comp.
Biochemical Oxygen Demand, 5-day (lbs./day)	47	94	2/Month	8 hr. comp.
Oil and Grease (lbs/day)	25	50	2/Month	Grab

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored twice per month.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

4. Effluent samples shall be taken prior to mixing with the receiving waters or any other flow.

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D. Best Management Practices (BMP) Plans

1. A plan shall be developed which establishes Best Management Practices (BMPs) to be followed in operating the facility, cleaning the raceways and/or ponds, and removing and disposing of the solids. The purpose of the plan is to identify and describe practices which minimize the amount of pollutants discharged to surface waters.

2. The plan shall be signed and certified as required in Part IV.G. and be submitted to EPA within thirty (30) days of the effective date of this permit.

3. The plan is automatically approved, unless EPA notifies the permittee in writing that the plan does not meet one or more of the minimum requirements of Part I.D.6., below. The permittee shall have 15 day after receipt of such notification from EPA to make the changes necessary to comply with Part I.D.6., and to submit the revised plan to EPA.

4. Upon approval, the BMP plan becomes an enforceable part of this permit and shall be implemented by the permittee.

5. The permittee shall amend the BMP plan whenever there is a change in facility design, construction, operation, or maintenance which affects the potential for the discharge of pollutants to waters of the United States. Amendments to the BMP plan shall be reviewed and approved by EPA in the same manner as Part I.D.3. above.

6. The BMP plan shall include, as a minimum, the following items:

a. During Operations:

Drop 1 - A description of the pollution control equipment or methods used to enhance solids collection. An example is the use of screens to create a quiescent zone in the downstream end of ponds or raceways, and the use of a suction device to remove the accumulated solids to a settling pond.

Keep in §3E 2. - A description of how excessive solids buildup will be identified to trigger more frequent cleaning frequencies such that the accumulated solids do not erode from the bed of solids and wash up and over the dam boards.

Drop 3 - A description of the methods used in feeding, such as self feeders, to minimize the amount of excess feed in the discharge.

Drop 4 - A description of the preventive maintenance program for the cleaning equipment so delays in cleaning due to equipment failure are avoided.

Keep §II E - Identification of those operating activities that take place in raceways or ponds, and describe what steps will be taken by the people who perform these activities to minimize the disturbance of accumulated solids. An example is that a raceway will be cleaned before grading fish in that raceway.

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b. Cleaning of Cleaning Waste or Flow-Thru Settling Ponds:

drop - Details about the settling pond design capacity, such as the volume, reserve volume for precipitation, design settling time, and actual settling times.

keep DE - Describe in detail how the accumulated solids are to be removed, and methods for disposal. The following measures shall be implemented to the extent possible:

the water level in the pond should be lowered slowly to prevent the escapement of accumulated settled material; and

during the removal of material there will be no discharges from the pond.

keep E-1 - Describe where the removed material is to be placed to prevent it from re-entering the pond or any waters of the United States.

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c. Other Practices:

drop - Describe the training to be provided for employees to assure that they understand the goals and objectives of the BMPs, requirements of the NPDES permit, and their individual responsibilities for complying with the goals and objectives of the BMP plans and this NPDES permit.

- List all drugs or chemicals that are applied in the raceways or ponds. For each drug or chemical identify:

2. amend. Perhaps in SI E-5 chlorine only

- what the drug or chemical is used to treat,
- the method of application,
- the dosage rate,
- the method(s) used to detoxify the wastewater before discharge, and
- information on the drug or chemicals's persistence and its toxicity.

E. Other Requirements and Conditions

1. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner so as to prevent any pollutant from such materials from entering waters of the United States.

2. Discharging untreated cleaning wastes (e.g. obtained from a vacuum or standpipe bottom drain system) to waters of the United States is prohibited.

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3. Sweeping accumulated solids from raceways to waters of the United States is prohibited.

4. Practices, such as raising dam boards in raceways or ponds, which allow accumulated solids to discharge to waters of the United States are prohibited.

5. The discharge of any drugs or chemicals in toxic amounts to waters of the United States is prohibited.

6. The permittee shall keep records of all cleaning events including dates of cleaning and the raceway cleaned, and the approximate pounds of fish in the raceway cleaned.

7. During all phases of operation of the facility, the permittee shall implement the BMP plan required in Part D. above.

8. The permittee shall record and report on the respective month's DMR the date the pond or ponds were cleaned.

9. A copy of the BMP plans and this NPDES permit must be kept at the facility at all times and made available to all employees

F. Production Changes

1. If during the term of this permit the projected annual production is less than 20,000 pounds per year and the feeding rate is less than 5,000 pounds of food during the calendar month of maximum feeding, the permittee is exempt from the monitoring requirements of Part I.A. or B. Additionally, the permittee must notify EPA of the projection. The permittee may assume that the facility is exempt from the monitoring requirements of this permit after 30 days of submittal of the notice, unless EPA disapproves of the exemption.

If following the period of low production, the projected production is expected to exceed the above criteria, the permittee must notify EPA and begin immediately to follow the monitoring requirements of this permit.

2. If the facility is planning to shut down operations for more than one month the permittee shall submit a written notice to EPA, listing the expected or actual date operations ceased, and the expected date the facility will be back in operation.

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G. Definitions

1. "Daily Average" ("Daily Avg.") shall be determined by the summation of the measured daily discharges divided by the number of days during the monitoring month when the measurements were made. The TSS daily average (for non-processing wastes) may be calculated by the geometric mean method.

2. "Daily Maximum" ("Daily Max.") shall mean the maximum value attained on any day.

3. "Daily Minimum" shall mean the minimum value attained on any day.

4. "Instantaneous Maximum" is the value attained at any given time.

5. A "24 hour composite" ("24 hr. Comp.") sample shall mean a flow-proportioned mixture of not less than 8 discrete aliquots. An "8 hour composite" ("8 hr. comp.") sample shall mean a flow-proportioned mixture of not less than 6 discrete aliquots. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.

6. A "Grab" sample is an individual discrete sample.

7. "Representative Sample" Multiple outfalls with similar waste streams can be sampled and combined into one sample for just one analysis. The sample volume from each outfall shall be apportioned according to the volume of flow at the time of sampling. These apportioned samples can then combined into one representative sample and sent to the laboratory for analysis.

8. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

9. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

10. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

11. mg/l = milligrams per liter

12. ml/l = milliliters per liter

13. mgd = million gallons per day

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II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I shall be collected from the effluent stream prior to discharge into the receiving waters. Influent samples shall be taken at the point where the water enters the facility or settling pond. Samples and measurements shall be representative of the volume and nature of the monitored influent or effluent.

B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

C. Penalties for Tampering. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

D. Reporting of Monitoring Results. Monitoring results shall be summarized each month on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1). The permittee shall indicate on the DMR form the type of discharge(s) and the corresponding permit limits (i.e. Parts I.A. and C., or I.B. and C.).

The reports shall be submitted monthly and are to be postmarked by the 10th day of the following month. Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of Part IV.G. Signatory Requirements, and submitted to the Director, Water Division and the State agency at the following addresses:

original to: United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Attn: Water Compliance Section, Mail Stop 513

copy to: Idaho Dept. of Health and Welfare
Division of Environment
Statehouse
Boise, Idaho 83720

DMR forms may be obtained from EPA at the above address or by calling (206) 442-1213.

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E. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.

F. Records Contents. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;

2. The individual(s) who performed the sampling or measurements;

3. The date(s) analyses were performed;

4. The individual(s) who performed the analyses;

5. The analytical techniques or methods used; and

6. The results of such analyses.

G. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

H. Twenty-four Hour Notice of Noncompliance Reporting.

1. The following occurrences of noncompliance shall be reported by telephone within 24 hours from the time the permittee becomes aware of the circumstances:

a. Any noncompliance which may endanger health or the environment.

b. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See Part III.F. Bypass of Treatment Facilities.)

c. Any upset which exceeds any effluent limitation in the permit. (See Part III.G. Upset Conditions.)

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2. A written submission shall also be provided within 5 days of the time that the permittee becomes aware of the circumstances. The written description shall contain:

   a. A description of the noncompliance and its cause;

   b. The period of noncompliance, including exact dates and times;

   c. The estimated time noncompliance is expected to continue if it has not been corrected; and

   d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Compliance Section in Seattle, Washington by phone, (206) 442-1213.

4. Reports shall be submitted to the addresses in Part II.D. Reporting of Monitoring Results.

I. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.D. are submitted. The reports shall contain the information listed in Part II.H.2.

J. Inspection and Entry. The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

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III. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

B. Penalties for Violations of Permit Conditions. The Clean Water Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed $10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than $2,500, nor more than $25,000 per day of violation, or by imprisonment for not more than 1-year, or both. Except as provided in permit conditions on Part III.F. Bypass of Treatment Facilities and Part III.G. Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

C. Need to Halt or Reduce not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

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F. Bypass of Treatment Facilities:

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2. and 3. of this section.

2. Notice:

   a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.

   b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.H. Twenty-Four Hour Reporting.

3. Prohibition of bypass.

   a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:

      (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

      (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

      (3) The permittee submitted notices as required under paragraph 2. of this section.

   b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this section.

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G. Upset Conditions

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph 2. of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

   a. An upset occurred and that the permittee can identify the specific cause(s) of the upset;

   b. The permitted facility was at the time being properly operated; and

   c. The permittee submitted notice of the upset as required under Part II.H. Twenty-Four Hour Notice of Noncompliance Reporting.

   d. The permittee complied with any remedial measures required under Part III.D. Duty to Mitigate.

3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

H. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

IV. GENERAL REQUIREMENTS

A. Changes in Discharge of Toxic Substances. Notification shall be provided to the Director as soon as the permittee knows of, or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

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a. One hundred micrograms per liter (100 ug/l);

b. Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

c. Five (5) times the maximum concentration value reported for that pollutant in the permit application;

2. That the permittee has begun or expects to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

B. Planned Changes. The permittee shall give notice to the Director, as soon as possible, of any planned physical alterations or additions to the permitted facility. The permittee shall also give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

C. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

D. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.

E. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

F. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.

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G. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.

1. All permit applications shall be signed as follows:

   a. For a corporation: by a responsible corporate officer;

   b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

   c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described above and submitted to the Director.

   b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

3. Changes to authorization. If an authorization under paragraph IV.G.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.G.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section shall make the following certification:

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. Penalties for Falsification of Reports. The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

I. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State water pollution control agency and the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

J. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

L. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

M. Transfers. This permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;

2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2. above.

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BEFORE THE REGIONAL ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 10
Seattle, Washington

IN THE MATTER OF:	)	
	)	Docket No. 1088-03-20-309(g)
PISCES INVESTMENTS, INC.	)	
	)	PROCEEDING TO ASSESS CLASS II
Respondent.	)	ADMINISTRATIVE PENALTY UNDER
	)	CLEAN WATER ACT,
	)	SECTION 309(g)
NPDES Permit No. ID-000097-3	)	

CONSENT AGREEMENT AND ORDER

I. Statutory Authority

The following stipulations as to facts are made and this Consent Agreement and Order are issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 309(g) of the Clean Water Act, 33 U.S.C. §1319(g), ("Act"). The Administrator has delegated these authorities to the Regional Administrator of EPA Region 10, who hereby issues this Final Order.

II. Consent Agreement and Findings

Upon consent of the Parties by their attorneys and authorized officials, the Parties stipulate and the Administrator finds:

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1. Respondent has been issued an NPDES permit number ID-000097-3 to discharge effluents to waters of the United States, pursuant to the Act.

2. This Consent Agreement and Agreed Order are entered into by the Parties to settle an administrative proceeding commenced by service by mail of a Complaint dated January 26, 1989. The public was notified of the Agency's proposed action, and four members of the public have responded to the notice. Likewise, the State of Idaho was given an opportunity to consult with EPA regarding the action but it has not formally responded.

3. On September 23, 1988, EPA Region 10 conducted an inspection of the facility. The inspection revealed Respondent's facility had no mechanical cleaning system (such as vacuum pumps) in place, and that allegedly accumulated wastes were being removed by sweeping into effluent waters discharging into waters of the United States. EPA contends such activity was in violation of Part I.D.3 of Respondent's permit.

4. Respondent denies any such activity or violation of Part I.D.3 of its NPDES permit. Respondent has constructed concrete waste-settling ponds and a vacuum waste-removal discharge system, at a cost of some Fifty Thousand Dollars ($50,000.00). EPA has considered the responsiveness of Respondent and its officers and their

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cooperative nature in acknowledging the need for pollution-control equipment and methods, and making corrections to avoid possible violations of the permit.

III. Payment Order and Consent

Based on the foregoing stipulations and findings, and taking into account the nature, circumstances, extent, and gravity of the alleged violation, Respondent's prior history of compliance, degree of culpability, economic benefit of savings resulting from the alleged violation, and ability to pay, and under the authority of Section 309(g) of the Act, 33 U.S.C. §1319(g), EPA Region 10 hereby ORDERS AND RESPONDENT HEREBY CONSENTS, that:

1. The provisions of this Consent Agreement and Order shall be binding upon the Respondent, its officers, directors, agents, servants, authorized representatives, employees, and successor or assigns.

2. Respondent shall pay Five Thousand Dollars ($5,000.00) by mailing a money order or certified check payable to the "Treasurer, United States of America" for the sum of $5,000.00 within thirty (30) days following the effective date of this Order to the following collection agent:

U.S. Environmental Protection Agency
Regional Hearing Clerk, Region 10
P.O. Box 360903M
Pittsburgh, Pennsylvania 15251

Respondent shall send notice of such payment, including a photocopy of the money order or check, to:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue (SO-125)
Seattle, Washington 98101

IV. General Provisions

1. Pursuant to Section 309(g)(7) of the Act, issuance of or compliance with this Order does not exempt Respondent from responsibility to comply with all requirements of the Act and any legal order or permit issued pursuant thereto. Further, issuance of this Order does not constitute a waiver by EPA of its right to enforce the provisions of this Order and continued compliance with the requirements of Respondent's NPDES permit. This compliance can be either administratively or judicially pursuant to Section 309(a), (b) and (c) of the Act, 33 U.S.C. §1319(a), (b) and (c).

2. Upon payment of the sums designated herein, EPA does hereby release, acquit and forever discharge Respondent, Pisces Investments, Inc., and its successors, representatives, assigns, agents, officers, directors, servants, employees, attorneys, indemnitors and insurers, and their heirs, estates, representatives and any and all persons acting for, by or through, or in any way on behalf of said released entity, of and from all claims of every kind, actions,

MICROFILMED
NOV 2 1 2003

causes of action, judgments, damages, liabilities and demands of every and whatever kind, name or nature, known or unknown, contingent or mature, in any way having to do with, arising, arisen, to arise or which may arise, out of or by reason of any alleged activities or non-activities which EPA contends were or may have been violations of Respondent's NPDES permit as of the date of the filing of the administrative complaint in this matter.

3. It is understood and agreed that this Consent Agreement and Order is entered into as a compromise of a doubtful and disputed claim, and that the execution of this Consent Agreement by Respondent and the entering of such Order, and the making of the payment called for herein, is not to be construed as an admission of any violation of Respondent's NPDES permit or any provision of the Act, and that the Respondent denies any such alleged violation, and by entering into this Agreement, intends merely to avoid further litigation and associated costs and expenses.

4. Failure by Respondent to pay in full the payment agreed to in this Consent Agreement by its due date may subject Respondent to a civil action to collect the payment, plus interest, attorneys' fee, costs, and an additional quarterly nonpayment penalty pursuant to Section 309(g)(9). In any such collection action, the validity, amount, and appropriateness of the payment and this Consent Agreement shall not be subject to review.

5. Respondent admits that the Administrator has jurisdiction to hear and determine this matter, and Respondent knowingly and explicitly waives its right pursuant to Sections 309(g)(2) and (8), 33 U.S.C. §1319(g)(2) and (8), to a hearing before an Administrative Law Judge on this penalty assessment, and to judicial review of this administrative penalty.

V. Effective Date

This Consent Agreement and Order shall become effective thirty (30) days after the date of issuance noted below unless a petition for a hearing is filed pursuant to Section 309(g)(4)(c) of the Act, 33 U.S.C. §1319(g)(4)(c) by a person who commented on the proposed penalty assessment. If such a petition is filed, EPA Region 10 will so notify Respondent and will inform Respondent of the effective date of this Consent Agreement and Order.

IT IS SO STIPULATED AND AGREED:

For Respondent:

Steven K. Tolman, Esquire
Nelson, Rosholt, Robertson,
Tolman & Tucker
1020 Main Street, Suite 400
P.O. Box 2139
Boise, Idaho 83701-2139
(208) 336-0700

For EPA:

Theodore R. Rogowski, Esquire
Associate Regional Counsel
(206) 442-1185

Robert S. Burd, Director
Water Management Division
EPA, Region 10

MICROFILMED
MAR 06 2003

Issued this 7th day of Sept., 1989.

IT IS SO ORDERED:

Robie G. Russell
Regional Administrator
U.S. EPA Region 10
1200 Sixth Avenue (SO-125)
Seattle, Washington 98101

MICROFILMED
MAR 0 6 2003

Applicant's Exhibit 2
Admitted 10/21/88

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83301
FACILITY
LOCATION
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

Form Approved
OMB No. 2040-0004
Expires 3-31-88

ID0000973 (2-16) PERMIT NUMBER
002 A (17-19) DISCHARGE NUMBER
F - FINAL
CLEANING WASTE TREATMENT SYS

Monroe Spring Copy

MONITORING PERIOD
FROM YEAR 89 (20-21) MO 08 (22-23) DAY 01 (24-25)
TO YEAR 89 (26-27) MO 08 (28-29) DAY 31 (30-31)

MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 G 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT	*******	*******		*******	5360	*******			1/30	Comp
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	REPORT DAILY AV	*******	MG/L		ONCE/ MONTH	COMPOS
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALU	SAMPLE MEASUREMENT	*******	*******		*******	*******	43.0			1/30	Comp
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	*******	100 DAILY MX	MG/L		ONCE/ MONTH	COMP.
SOLIDS, SETTLEABLE 00545 G 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT	*******	*******		*******	130	*******			1/30	Comp
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	REPORT DAILY AV	*******	ML/L		ONCE/ MONTH	COMPOS
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALU	SAMPLE MEASUREMENT	*******	*******		*******	*******	Trace			3/30	GR
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	*******	1.0 DAILY MX	ML/L		WEEKLY	GRAB
FLOW, IN CONDUIT OR THRU TREATMENT PLA 50050 1 0 0 EFFLUENT GROSS VALU	SAMPLE MEASUREMENT	0.135	*******		*******	*******	*******			1/30	Total
	PERMIT REQUIREMENT	REPORT DAILY AV	*******	MGD	*******	*******	*******	***** *****		WEEKLY	TOTAL
SOLIDS, SUSPENDED PERCENT REMOVAL 81011 K 0 0 PERCENT REMOVAL	SAMPLE MEASUREMENT	*******	*******		99.0	*******	*******			1/30	Calc
	PERMIT REQUIREMENT	*******	*******	***** *****	85 MONTH AV	*******	*******	PER-CENT		ONCE/ MONTH	CALCU
SETTLEABLE SOLIDS PERCENT REMOVAL 81402 K 0 0 PERCENT REMOVAL	SAMPLE MEASUREMENT	*******	*******		99.0	*******	*******			1/30	Calc
	PERMIT REQUIREMENT	*******	*******	***** *****	90 MNTH AV	*******	*******	PER-CENT		ONCE/ MONTH	CALCU

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
Greene Michael G
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. (Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208, NUMBER 733-1631
DATE: YEAR 89, MO 09, DAY 06

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

SEE PERMIT FOR SAMPLING INSTRUCTIONS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83301
FACILITY
LOCATION
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

Form Approved
OMB No. 2040-0004
Expires 3-31-88

(2-16) ID0000973 PERMIT NUMBER
(17-19) 001 A DISCHARGE NUMBER

F - FINAL
RACEWAY OR POND DISCHARGES
Magic Springs Copy
MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

MONITORING PERIOD

	YEAR (20-21)	MO (22-23)	DAY (24-25)		YEAR (26-27)	MO (28-29)	DAY (30-31)
FROM	89	08	01	TO	89	08	31

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 P 0 0 SEE COMMENTS BELOW	SAMPLE MEASUREMENT	*******	*******		*******	*******	NA	MG/L		—	—
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	*******	15.0 INST MX				
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*******	*******		*******	2.0	*******			1/30 ONCE/ MONTH	Comp CONPAT
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	REPORT DAILY AV	*******	MG/L			
SOLIDS, TOTAL SUSPENDED 00530 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT	*******	*******		*******	2.0	*******			1/30 ONCE/ MONTH	Calc CALCTD
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	5.0 DAILY AV	*******	MG/L			
SOLIDS, TOTAL SUSPENDED 00530 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT	*******	*******		*******	N/A	*******			—	—
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	REPORT DAILY AV	*******	MG/L		ONCE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*******	*******		*******	<0.1	*******			2/30 TWICE/ MONTH	GR GRAB
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	REPORT DAILY AV	*******	ML/L			
SOLIDS, SETTLEABLE 00545 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT	*******	*******		*******	<0.1	*******			2/30 TWICE/ MONTH	Calc CALC
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	0.1 DAILY AV	*******	ML/L			
SOLIDS, SETTLEABLE 00545 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT	*******	*******		*******	N/A	*******			—	—
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	REPORT DAILY AV	*******	ML/L		TWICE/ MONTH	GRAB

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN, AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE — NUMBER —

DATE: YEAR — MO — DAY —

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83301
FACILITY
LOCATION
ATTN: MICHAEL G. GREENE, PRESIDENT

(2-16) PERMIT NUMBER: ID0000973
(17-19) DISCHARGE NUMBER: 001 A

F - FINAL
RACEWAY OR POND DISCHARGES

OMB No. 2040-0004
Expires 3-31-88

MONITORING PERIOD

FROM YEAR (20-21)	MO (22-23)	DAY (24-25)	TO YEAR (26-27)	MO (28-29)	DAY (30-31)
89	08	01	89	08	31

MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	84.03	*******		*******	*******	*******				
	PERMIT REQUIREMENT	REPORT DAILY AV	*******	MGD	*******	*******	*******	*****		ONCE/ MONTH	TOTAL
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

MAR 0 5 2009

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER (TYPED OR PRINTED): Greene Michael G

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT: Michael G Greene

TELEPHONE: AREA CODE 208, NUMBER 733-1890

DATE: YEAR 08, MO 06, DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS: NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83301
FACILITY
LOCATION
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

Form Approved
OMB No. 2040-0004
Expires 3-31-88

(2-16) PERMIT NUMBER: I00000973
(17-19) DISCHARGE NUMBER: 001 A

F - FINAL
RACEWAY OR POND DISCHARGES

Monitoring Rpt

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	89	09	01	TO	89	09	30
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLAN	SAMPLE MEASUREMENT	8406	******		******	******	******			1/30	Total
50050 1 0 0	PERMIT REQUIREMENT	REPORT DAILY AV	******	MGD	******	******	******	***** *****		ONCE/ MONTH	TOTAL 2
EFFLUENT GROSS VALU	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
Greene, Michael G
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. (Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)

Michael G Greene
SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208, NUMBER 733631
DATE: YEAR 89, MO 10, DAY 09

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

"pp" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83301
FACILITY
LOCATION
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

Form Approved
OMB No. 2040-0004
Expires 3-31-88

F - FINAL
RACEWAY OR POND DISCHARGES

(2-16) PERMIT NUMBER: ID0000973
(17-19) DISCHARGE NUMBER: 001 A

MONITORING PERIOD

	YEAR (20-21)	MO (22-23)	DAY (24-25)		YEAR (26-27)	MO (28-29)	DAY (30-31)
FROM	89	09	01	TO	89	09	30

MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 P 0 0 SEE COMMENTS BELOW	SAMPLE MEASUREMENT	*******	*******		*******	*******	NA			NA	NA
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	*******	15.0 INST MX	MG/L		NA	NA
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALU	SAMPLE MEASUREMENT	*******	*******		*******	2.0	*******			1/30	24
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	REPORT DAILY AV	*******	MG/L		ONCE/ MONTH	COMP.
SOLIDS, TOTAL SUSPENDED 00530 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT	*******	*******		*******	2.0	*******			1/30	Calc
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	5.0 DAILY AV	*******	MG/L		ONCE/ MONTH	CALCTD
SOLIDS, TOTAL SUSPENDED 00530 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT	******	******		******	NA	******			NA	NA
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	REPORT DAILY AV	*******	MG/L		ONCE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALU	SAMPLE MEASUREMENT	******	******		******	<0.1	******			3/30	GR
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	REPORT DAILY AV	*******	ML/L		TWICE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT	******	******		******	<0.1	******			2/30	Calc
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	0.1 DAILY AV	*******	ML/L		TWICE/ MONTH	CALCT
SOLIDS, SETTLEABLE 00545 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT	******	******		******	NA	******			NA	NA
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	REPORT DAILY AV	*******	ML/L		TWICE/ MONTH	GRAB

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 USC § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE / NUMBER

DATE: YEAR / MO / DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"PN" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT. THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

NAME PISCES INVESTMENTS INC

ADDRESS P.O. BOX 701

TWIN FALLS ID 83301

FACILITY

LOCATION

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR)

(2-16) 1000009?3 PERMIT NUMBER

(17-19) 002 A DISCHARGE NUMBER

MONITORING PERIOD

FROM YEAR 89 MO 09 DAY 01 (20-21) (22-23) (24-25)

TO YEAR 89 MO 09 DAY 30 (26-27) (28-29) (30-31)

F - FINAL

CLEANING WASTE TREAT

Magic Spring Copy

OMB No. 2040-0004 Expires 3-31-88

MAJOR (000 05?)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 0 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT					5939				1/30	Comp
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		ONCE/ MONTH	CONTINUED
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALU	SAMPLE MEASUREMENT						67.0			1/30	Comp
	PERMIT REQUIREMENT						100 DAILY MX	MG/L		ONCE/ MONTH	CONTINUED
SOLIDS, SETTLEABLE 00545 1 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT					150				1/30	Comp
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		ONCE/ MONTH	CONTINUED
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALU	SAMPLE MEASUREMENT						<0.5			1/30	GR
	PERMIT REQUIREMENT						1.0 DAILY MX	ML/L		WEEKLY	GRAB
FLOW, IN CONDUIT OR THRU TREATMENT PLAN 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	0.135								0/30	Tot
	PERMIT REQUIREMENT	REPORT DAILY AV		MGD						WEEKLY	TOTALZ
SOLIDS, SUSPENDED PERCENT REMOVAL 81011 K 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT				98.87					1/30	Calc
	PERMIT REQUIREMENT				85 MONTH AV			PER-CENT		ONCE/ MONTH	CALCD
SETTLEABLE SOLIDS PERCENT REMOVAL 81402 K 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT				99.66					1/30	Calc
	PERMIT REQUIREMENT				90 MONTH AV			PER-CENT		ONCE/ MONTH	CALCD

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

Greene Michael G

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208, NUMBER 7334631

DATE: YEAR 89, MO 10, DAY 09

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

SEE PERMIT FOR SAMPLING INSTRUCTIONS.

NAME PISCES INVESTMENTS INC

ADDRESS P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

(2-16) PERMIT NUMBER: ID0000973

(17-19) DISCHARGE NUMBER: 001 A

MONITORING PERIOD (20-21 YEAR, 22-23 MO, 24-25 DAY) FROM 09 10 01 (26-27 YEAR, 28-29 MO, 30-31 DAY) TO 09 10 31

F - FINAL

RACEWAY OR POND DISCHARGES

Office Copy

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 P 0 0 SEE COMMENTS BELOW	SAMPLE MEASUREMENT						NA			—	—
	PERMIT REQUIREMENT						15.0 INST MX	MG/L		—	—
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT					2.0				1/30	Comp
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		ONCE/ MONTH	GRAB
SOLIDS, TOTAL SUSPENDED 00530 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT					2.0				1/30	Calc
	PERMIT REQUIREMENT					5.0 DAILY AV		MG/L		ONCE/ MONTH	CALC'D
SOLIDS, TOTAL SUSPENDED 00530 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT					NA				—	—
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		ONCE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT					<0.1				2/30	GR
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		TWICE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT					<0.1				2/30	Calc
	PERMIT REQUIREMENT					0.1 DAILY AV		ML/L		TWICE/ MONTH	CALC'D
SOLIDS, SETTLEABLE 00545 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT					NA				—	—
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		TWICE/ MONTH	GRAB

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE / NUMBER

DATE: YEAR / MO / DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"PH" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT. THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

NAME PISCES INVESTMENTS INC

ADDRESS P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

(2-16) PERMIT NUMBER: ID0000973

(17-19) DISCHARGE NUMBER: 001 A

F - FINAL
RACEWAY OR POND DISCHARGES

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	89	10	01	TO	89	10	31
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	85.01	******		******	******	******			1/30	Total
	PERMIT REQUIREMENT	REPORT DAILY AV	******	MGD	******	******	******	*****		ONCE/ MONTH	TOTAL
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

Greene Michael G
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

Michael G Greene
SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208 | NUMBER 733-1631

DATE: YEAR 89 | MO 11 | DAY 07

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"PH" INDICATES TSS: NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

(2-16) PERMIT NUMBER: ID0000973
(17-19) DISCHARGE NUMBER: 002 A

F - FINAL
CLEANING WASTE TREATMENT SYS

MONITORING PERIOD: FROM YEAR 89 MO 10 DAY 01 TO YEAR 89 MO 10 DAY 31
(20-21) (22-23) (24-25) (26-27) (28-29) (30-31)

MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 G 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT					47/7				1/30	Comp
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		ONCE/ MONTH	COMPOS
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT						56.6			1/30	Comp
	PERMIT REQUIREMENT						100 DAILY MX	MG/L		ONCE/ MONTH	COMPOS
SOLIDS, SETTLEABLE 00545 G 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT					90				1/30	GR
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		ONCE/ MONTH	COMPOS
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT						trace			3/30	GR
	PERMIT REQUIREMENT						2.0 DAILY MX	ML/L		2/WEEKLY	GRAB
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	0.135								3/30	Tot'l
	PERMIT REQUIREMENT	REPORT DAILY AV		MGD						3/WEEKLY	TOTAL
SOLIDS, SUSPENDED PERCENT REMOVAL 81011 K 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT				98.8					1/30	Calc
	PERMIT REQUIREMENT				85 MONTH AV			PER-CENT		ONCE/ MONTH	CALCTD
SETTLEABLE SOLIDS PERCENT REMOVAL 81402 K 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT				99.9					1/30	Calc
	PERMIT REQUIREMENT				90 MONTH AV			PER-CENT		ONCE/ MONTH	CALCTD

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
Greene, Michael G
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208, NUMBER 733-6317
DATE: YEAR 89, MO 11, DAY 09

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*
SEE PERMIT FOR SAMPLING INSTRUCTIONS.

NAME TROUT INVESTMENTS INC

ADDRESS P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR) (2-16) (17-19)

ID0000973 PERMIT NUMBER

001 A DISCHARGE NUMBER

F - FINAL RACEWAY OR POND DISCHARGE

Magic Springs Copy

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

MONITORING PERIOD

FROM YEAR (20-21)	MO (22-23)	DAY (24-25)	TO YEAR (26-27)	MO (28-29)	DAY (30-31)
89	11	01	89	11	30

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 P 0 0 SEE COMMENTS BELOW	SAMPLE MEASUREMENT						NA			NA	NA
	PERMIT REQUIREMENT						45.0 INST MX	MG/L		NA	NA
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT					3.0				1/30	8
	PERMIT REQUIREMENT					30.0 DAILY AV		MG/L		MONTH	
SOLIDS, TOTAL SUSPENDED 00530 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT					3.0				1/30	Calc
	PERMIT REQUIREMENT					30.0 DAILY AV		MG/L		MONTH	
SOLIDS, TOTAL SUSPENDED 00530 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT					NA				NA	NA
	PERMIT REQUIREMENT					DAILY AV		MG/L		MONTH	
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT					Trace				3/30	GR
	PERMIT REQUIREMENT					0.1 DAILY AV		ML/L		MONTH	
SOLIDS, SETTLEABLE 00545 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT					<0.1				3/30	Calc
	PERMIT REQUIREMENT					DAILY AV		ML/L		MONTH	
SOLIDS, SETTLEABLE 00545 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT					NA				NA	NA
	PERMIT REQUIREMENT					DAILY AV		ML/L		MONTH	

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER		TELEPHONE		DATE		
	I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*		AREA CODE	NUMBER	YEAR	MO	DAY
TYPED OR PRINTED		SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT				

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"F" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT. THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER	(17-19) DISCHARGE NUMBER
ID0000973	001 A

F - FINAL
RACEWAY OR POND DISCHARGES

MONITORING PERIOD

FROM YEAR	MO	DAY	TO YEAR	MO	DAY
89 (20-21)	11 (22-23)	01 (24-25)	89 (26-27)	11 (28-29)	30 (30-31)

MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLANT OUTFALL 003 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	83.39	*******	MGD	*******	*******	*******			1/30 MONTH	Total
	PERMIT REQUIREMENT	REPORT DAILY AV	*******		*******	*******	*******	*****		MONTH	TOTAL
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

MICROFILMED

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
Greene Michael G
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN, AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)*

Michael G Greene
SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE AREA CODE	NUMBER	DATE YEAR	MO	DAY
208	733-6310	89	12	21

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

PERMITTEE NAME/ADDRESS (Include Facility Name if location if different)

NAME MISCES INVESTMENTS INC

ADDRESS P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER: ID0000973

(17-19) DISCHARGE NUMBER: 002 A

F - FINAL

CLEANING WASTE TREATMENT SYS

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	89	11	01	TO	89	11	30
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT	*******	*******		******	10,040	*******	MG/L		1/30	8
	PERMIT REQUIREMENT	*******	*******	*****	*******	REPORT DAILY AV	*******			ONCE/ MONTH	COMPOS
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*******	*******		*******	*******	100.0			1/30	8
	PERMIT REQUIREMENT	*******	*******	*****	*******	*******	150 DAILY MX	MG/L		ONCE/ MONTH	COMP-S
SOLIDS, SETTLEABLE 00545 1 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT	*******	*******		*******	150	*******			1/30	GR
	PERMIT REQUIREMENT	*******	*******	*****	*******	REPORT DAILY AV	*******	ML/L		ONCE/ MONTH	COMPOS
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*******	*******		*******	*******	<1.0			1/30	GR
	PERMIT REQUIREMENT	*******	*******	*****	*******	*******	1.0 DAILY MX	ML/L		WEEKLY	GRAB
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	0.116	*******		*******	*******	*******			2/30	Total
	PERMIT REQUIREMENT	REPORT DAILY AV	*******	MGD	*******	*******	*******	*****		WEEKLY	TOTAL
SOLIDS, SUSPENDED PERCENT REMOVAL 81011 K 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT	*******	*******		99.00	*******	*******			1/30	Calc
	PERMIT REQUIREMENT	*******	*******	*****	85 MONTH AV	*******	*******	PER-CENT		ONCE/ MONTH	CALCT
SETTLEABLE SOLIDS PERCENT REMOVAL 81402 K 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT	*******	*******		99.0	*******	*******			1/30	Calc
	PERMIT REQUIREMENT	*******	*******	*****	90 MONTH AV	*******	*******	PER-CENT		ONCE/ MONTH	CALCTD

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

Greene, Michael G

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. (Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)

Michael G. Greene

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208, NUMBER 7334631

DATE: YEAR 89, MO 12, DAY 01

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

SEE PERMIT FOR SAMPLING INSTRUCTIONS.

Facility Name/Location if different

NAME PISCES INVESTMENTS INC

ADDRESS P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR) (2-16)

IDD000973 — PERMIT NUMBER

001 A (17-19) — DISCHARGE NUMBER

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	89	12	01	TO	89	12	31
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

F - FINAL

RACEWAY OR POND DISCHARGES

Magic Springs Co.

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		QUANTITY OR LOADING (3 Card Only) (46-53) AVERAGE	QUANTITY OR LOADING (54-61) MAXIMUM	UNITS	QUALITY OR CONCENTRATION (4 Card Only) (38-45) MINIMUM	QUALITY OR CONCENTRATION (46-53) AVERAGE	QUALITY OR CONCENTRATION (54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED	SAMPLE MEASUREMENT	*******	*******		*******	*******	NA			—	—
00530 P 0 0 SEE COMMENTS BELOW	PERMIT REQUIREMENT	*******	*******	*****	*******	******	15.0 INST MX	MG/L		—	—
SOLIDS, TOTAL SUSPENDED	SAMPLE MEASUREMENT	*******	*******		*******	2.0	*******			1/30	GR
00530 1 0 0 EFFLUENT GROSS VALUE	PERMIT REQUIREMENT	*******	*******	*****	*******	REPORT DAILY AV	*******	MG/L		1/MONTH	GRAB/COMP24
SOLIDS, TOTAL SUSPENDED	SAMPLE MEASUREMENT	*******	*******		*******	2.0	*******			1/30	Calc
00530 2 0 0 EFFLUENT NET VALUE	PERMIT REQUIREMENT	*******	*******	*****	*******	5.0 DAILY AV	*******	MG/L		1/MONTH	CALCTD
SOLIDS, TOTAL SUSPENDED	SAMPLE MEASUREMENT	*******	*******		*******	NA	*******			—	—
00530 7 0 0 INTAKE FROM STREAM	PERMIT REQUIREMENT	*******	*******	*****	*******	REPORT DAILY AV	*******	MG/L		1/MONTH	GRAB
SOLIDS, SETTLEABLE	SAMPLE MEASUREMENT	*******	*******		*******	<0.1	*******			2/30	GR
00545 1 0 0 EFFLUENT GROSS VALUE	PERMIT REQUIREMENT	*******	*******	*****	*******	REPORT DAILY AV	*******	ML/L		1/MONTH	GRAB
SOLIDS, SETTLEABLE	SAMPLE MEASUREMENT	*******	*******		*******	<0.1	*******			2/30	Calc
00545 2 0 0 EFFLUENT NET VALUE	PERMIT REQUIREMENT	*******	*******	*****	*******	0.1 DAILY AV	*******	ML/L		1/MONTH	CALCTD
SOLIDS, SETTLEABLE	SAMPLE MEASUREMENT	*******	*******		*******	NA	*******			—	—
00545 7 0 0 INTAKE FROM STREAM	PERMIT REQUIREMENT	*******	*******	*****	*******	REPORT DAILY AV	*******	ML/L		1/MONTH	GRAB

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER — TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 USC § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE — AREA CODE — NUMBER

DATE — YEAR — MO — DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

Facility Name/Location if different)

NAME PISCES INVESTMENTS INC

ADDRESS P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER: ID0000973

(17-19) DISCHARGE NUMBER: 001 A

F - FINAL

RACEWAY OR POND DISCHARGES

Magic Springs Copy

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	89	12	01	TO	89	12	31
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	89.98	******		*******	******	******			1/30	Total
	PERMIT REQUIREMENT	REPORT DAILY AV	******	MGD	*******	*******	******	***** *****		ONCE/ MONTH	TOTAL
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER			TELEPHONE		DATE		
Greene Michael G.	I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 USC § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*	Michael G Greene	208	2334631	90	01	08
TYPED OR PRINTED		SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	AREA CODE	NUMBER	YEAR	MO	DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83303-0701
FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER: ID0000973
(17-19) DISCHARGE NUMBER: 002 A

MONITORING PERIOD: FROM YEAR 89 MO 12 DAY 01 (20-21) (22-23) (24-25) TO YEAR 89 MO 12 DAY 31 (26-27) (28-29) (30-31)

F - FINAL
CLEANING WASTE TREATMENT SYS
Magic Springs Copy
MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 G 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT	*******	*******		*******		*******			—	—
	PERMIT REQUIREMENT	******	******	**** ****	******	REPORT DAILY AV	******	MG/L		ONCE/ MONTH	COMPOS
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*******	*******		*******	*******	—				
	PERMIT REQUIREMENT	******	******	**** ****	******	******	100 DAILY MX	MG/L		ONCE/ MONTH	COMP-8
SOLIDS, SETTLEABLE 00545 G 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT	*******	*******		*******	—	*******			—	—
	PERMIT REQUIREMENT	*******	******	**** ****	*******	REPORT DAILY AV	******	ML/L		ONCE/ MONTH	COMPOS
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*******	*******		*******	*******	—			—	—
	PERMIT REQUIREMENT	*******	*******	**** ****	*******	*******	1.0 DAILY MX	ML/L		WEEKLY	GRAB
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	—	*******		*******	*******	*******			—	—
	PERMIT REQUIREMENT	REPORT DAILY AV	******	MGD	******	******	******	**** ****		WEEKLY	TOTALZ
SOLIDS, SUSPENDED PERCENT REMOVAL 81011 K 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT	*******	*******		—	*******	*******			—	—
	PERMIT REQUIREMENT	******	******	**** ****	85 MONTH AV	*******	******	PER-CENT		ONCE/ MONTH	CALCTD
SETTLEABLE SOLIDS PERCENT REMOVAL 81402 K 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT	*******	*******		—	*******	*******			—	—
	PERMIT REQUIREMENT	*******	*******	**** ****	90 MONTH AV	*******	******	PER-CENT		ONCE/ MONTH	CALCTD

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
Greene Michael G
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 USC § 1319. (Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years)

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208 NUMBER 7334631

DATE: YEAR 90 MO 01 DAY 08

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

SEE PERMIT FOR SAMPLING INSTRUCTIONS.
Waste Lagoons dried for cleaning 12-7-89 to 12-27-89 no samples taken

EPA Form 3320-1 (Rev. 9-88) Previous editions may be used. (REPLACES EPA FORM T-40 WHICH MAY NOT BE USED.)

00195/092189-1752

PAGE 1 OF 1

Facility Name/Location if different

NAME PACIFIC [illegible]

ADDRESS P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER: ID0000973

(17-19) DISCHARGE NUMBER: 001 A

MONITORING PERIOD: FROM YEAR 90 MO 01 DAY 01 (20-21) (22-23) (24-25) TO YEAR 90 MO 01 DAY 31 (26-27) (28-29) (30-31)

F - FINAL

RAILWAY OR POND DISCHARGES

MAJOR (SUBR 35)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) (46-53) QUANTITY OR LOADING (54-61) AVERAGE	MAXIMUM	UNITS	(4 Card Only) (38-45) QUALITY OR CONCENTRATION (46-53) MINIMUM	AVERAGE	MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 P 0 0 SEE COMMENTS BELOW	SAMPLE MEASUREMENT						2.01			2/30	24
	PERMIT REQUIREMENT						15.0 INST MX	MG/L		2/30	24
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT					2.005				2/30	24
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		MONTH	
SOLIDS, TOTAL SUSPENDED 00530 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT					2.005				2/30	24
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		MONTH	
SOLIDS, TOTAL SUSPENDED 00530 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT					NA				—	—
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		MONTH	
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT					<.1				2/30	24
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		MONTH	
SOLIDS, SETTLEABLE 00545 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT					<.1				2/30	24
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		TWICE/MONTH	GRAB
SOLIDS, SETTLEABLE 00545 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT					NA				—	—
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		MONTH	GRAB

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 USC § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE — NUMBER —

DATE: YEAR — MO — DAY —

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

Facility (Name/Location) (If different)

NAME [illegible]

ADDRESS [illegible]

[illegible]

FACILITY [illegible]

LOCATION [illegible]

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER: [illegible]

(17-19) DISCHARGE NUMBER: 001A

F - FINAL

RAILWAY OR POND DISCHARGE

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	90	01	01	TO	90	01	31
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	81.00	******		******	******	******			1/30	Total
	PERMIT REQUIREMENT	REPORT DAILY AV	******	MGD	******	******	******	*****		ONCE/ MONTH	TOTAL
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

Greene Michael G.

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 268 | NUMBER 7334631

DATE: YEAR 90 | MO 02 | DAY 09

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

NAME [illegible]

ADDRESS [illegible]

[illegible] 30333-0701

FACILITY [illegible]

LOCATION [illegible] [illegible]-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR) (2-16)

PERMIT NUMBER [illegible]

DISCHARGE NUMBER (17-19) [illegible]

F - FINAL

CLEANING WASTE TREATMENT SYS.

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	[illegible]	01	01	TO	90	01	31
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 G U O RAW SEW/INFLUENT	SAMPLE MEASUREMENT	******	******		******	7698.5	******	MG/L		2/30	8
	PERMIT REQUIREMENT	******	******	*****	******	REPORT DAILY AV	******			ONCE/ MONTH	GRAB
SOLIDS, TOTAL SUSPENDED 00530 L U O EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	******	******		******	******	133.5	MG/L		2/30	8
	PERMIT REQUIREMENT	******	******	*****	******	******	10 DAILY MX			ONCE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 G U O RAW SEW/INFLUENT	SAMPLE MEASUREMENT	******	******		******	165.0	******	ML/L		1/30	COMP
	PERMIT REQUIREMENT	******	******	*****	******	REPORT DAILY AV	******			ONCE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 L U O EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	******	******		******	******	<1.0	ML/L		4/30	GR
	PERMIT REQUIREMENT	******	******	*****	******	******	1.0 DAILY MX			ONCE/ MONTH	GRAB
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 L U O EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	.072	******		******	******	******	MGD		4/30	Total
	PERMIT REQUIREMENT	REPORT DAILY AV	******	MGD	******	******	******	*****		CONTIN/ MONTH	TOTAL
SOLIDS, SUSPENDED PERCENT REMOVAL 81011 K U O PERCENT REMOVAL	SAMPLE MEASUREMENT	******	******		98.27	******	******	PER-CENT		1/30	Calc
	PERMIT REQUIREMENT	******	******	*****	85 MONTH AV	******	******			ONCE/ MONTH	CALCTD
SETTLEABLE SOLIDS PERCENT REMOVAL 81402 K U O PERCENT REMOVAL	SAMPLE MEASUREMENT	******	******		99.9	******	******	PER-CENT		1/30	Calc.
	PERMIT REQUIREMENT	******	******	*****	90 MONTH AV	******	******			ONCE/ MONTH	CALCTD

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

Greene, Michael G.

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

[signature]

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE

AREA CODE	NUMBER
305	7334131

DATE

YEAR	MO	DAY
90	02	09

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

SEE PERMIT FOR SAMPLING INSTRUCTIONS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADD P.O. BOX 701
TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

(2-16)	(17-19)
ID0000973	002 A
PERMIT NUMBER	DISCHARGE NUMBER

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	90	02	01	TO	90	02	28
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

F - FINAL
CLEANING WASTE TREATMENT SYS
MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 G O O RAW SEN/INFLUENT	SAMPLE MEASUREMENT					6220				1/30	8
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		NCE/ MONTH	COMPOS
SOLIDS, TOTAL SUSPENDED 00530 1 O O EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT						58.0			1/30	8
	PERMIT REQUIREMENT						100 DAILY MX	MG/L		NCE/ MONTH	COMPOS
SOLIDS, SETTLEABLE 00545 G O O RAW SEN/INFLUENT	SAMPLE MEASUREMENT					135				1/30	comp
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		NCE/ MONTH	COMPOS
SOLIDS, SETTLEABLE 00545 1 O O EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT						< 1.0			4/30	GR
	PERMIT REQUIREMENT						1.0 DAILY MX	ML/L		WEEKLY	GRAB
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 O O EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	192								4/30	Total
	PERMIT REQUIREMENT	REPORT DAILY AV		MGD						WEEKLY	TOTAL
SOLIDS, SUSPENDED PERCENT REMOVAL 81011 K O O PERCENTREMOVAL	SAMPLE MEASUREMENT				99.07					1/30	Calc
	PERMIT REQUIREMENT				55 MONTH AV			PER-CENT		NCE/ MONTH	CALCU
SETTLEABLE SOLIDS PERCENT REMOVAL 81402 K O O PERCENTREMOVAL	SAMPLE MEASUREMENT				99.9					1/30	Calc
	PERMIT REQUIREMENT				90 MONTH AV			PER-CENT		NCE/ MONTH	CALCU

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER		TELEPHONE		DATE		
Greene Michael G.	I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN, AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT SEE 18 USC § 1001 AND 33 USC § 1319. (Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)	Michael G. Greene	208	733-4631	90	03	08
TYPED OR PRINTED		SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	AREA CODE	NUMBER	YEAR	MO	DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

SEE PERMIT FOR SAMPLING INSTRUCTIONS.

EPA Form 3320-1 (Rev. 9-88) Previous editions may be used

NAME PISCES INVESTMENTS INC

ADDRESS P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER	(17-19) DISCHARGE NUMBER
100000973	001 A

F - FINAL

RACEWAY OR POND DISCHARGES

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	90	01	01	TO	90	02	28
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 P 0 0 SEE COMMENTS BELOW	SAMPLE MEASUREMENT						3.0			1/30	24.
	PERMIT REQUIREMENT						15.0 INST MX	MG/L		1/30	24
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT					3.0				1/30	24
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		1/CE1 MONTH	
SOLIDS, TOTAL SUSPENDED 00530 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT					3.0				1/30	calc.
	PERMIT REQUIREMENT					15.0 DAILY AV		MG/L		1/CE1 MONTH	
SOLIDS, TOTAL SUSPENDED 00530 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT					NA				—	—
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		1/CE1 MONTH	
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT					< 1				1/30	Grab
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		1/CE1 MONTH	
SOLIDS, SETTLEABLE 00545 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT					< 1				1/30	calc.
	PERMIT REQUIREMENT					0.1 DAILY AV		ML/L		1/CE1 MONTH	
SOLIDS, SETTLEABLE 00545 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT					NA				—	—
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		1/CE1 MONTH	

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER		TELEPHONE		DATE		
TYPED OR PRINTED	I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN, AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 USC § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	AREA CODE	NUMBER	YEAR	MO	DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

NAME PISCES INVESTMENTS INC

ADDRESS P.O. BOX 711

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

(2-16) PERMIT NUMBER: ID0000973

(17-19) DISCHARGE NUMBER: 001 A

F = FINAL
RACEWAY OR POND DISCHARGE

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	90	02	01	TO	90	02	28
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT		******		******	******	******			1/30	Total
	PERMIT REQUIREMENT	REPORT DAILY AV	******	MGD	******	******	******	**** ****		ONCE/ MONTH	TOTAL
	SAMPLE MEASUREMENT	81.00									
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

Greene Michael G.

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

Michael G. Greene

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208, NUMBER 733-4631

DATE: YEAR 90, MO 03, DAY 08

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

N [illegible] PISCO INVESTMENTS INC

A[illegible]ESS [illegible]

[illegible] TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER: ID0000973

(17-19) DISCHARGE NUMBER: 002 A

F - FINAL

CLEANING WASTE TREATMENT SYS

Magic Springs Copy

MONITORING PERIOD: FROM YEAR 90 MO 03 DAY 01 (20-21) (22-23) (24-25) TO YEAR 90 MO 03 DAY 31 (26-27) (28-29) (30-31)

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 G O 0 RAW EFF/INFLUENT	SAMPLE MEASUREMENT	******	******		******	15625	******			1/30	COMP.
	PERMIT REQUIREMENT	******	******	*****	******	REPORT DAILY AV.	******	MG/L		1/CAL MONTH	24HRS
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	******	******		******	******	70.0			1/30	COMP.
	PERMIT REQUIREMENT	******	******	*****	******	******	100 DAILY MX	MG/L		1/CAL MONTH	COMP-6
SOLIDS, SETTLEABLE 00545 G O 0 RAW EFF/INFLUENT	SAMPLE MEASUREMENT	******	******		******	170	******			1/30	Comp
	PERMIT REQUIREMENT	******	******	*****	******	REPORT DAILY AV.	******	ML/L		1/CAL MONTH	24 HRS
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	******	******		******	******	<1.0			4/30	Gr.
	PERMIT REQUIREMENT	******	******	*****	******	******	1.0 DAILY MX	ML/L		WEEKLY	GRAB
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	.192	******		******	******	******			4/30	total
	PERMIT REQUIREMENT	REPORT MONTH AV	******	MGD	******	******	******	*****		WEEKLY	TOTAL
SOLIDS, SUSPENDED PERCENT REMOVAL 81011 K 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT	******	******		99.56	******	******			1/30	Calc.
	PERMIT REQUIREMENT	******	******	*****	85 MONTH AV	******	******	PER-CENT		1/CAL MONTH	CALCD
SETTLEABLE SOLIDS PERCENT REMOVAL 51402 K 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT	******	******		99.9	******	******			1/30	calc.
	PERMIT REQUIREMENT	******	******	*****	MONTH AV	******	******	PER-CENT		1/CAL MONTH	CALCD

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER: Greene Michael G.

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 USC § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208, NUMBER 7334631

DATE: YEAR 90, MO 4, DAY 4

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

SEE PERMIT FOR SAMPLING INSTRUCTIONS.

I RMITTEE NAME/ADDRESS (Include
F ity Name/Location if different)
N E PISCES INVESTMENTS INC
A DRESS P.O. BOX 721
TWIN FALLS ID 83303-0721

FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83303-0721
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER	(17-19) DISCHARGE NUMBER
10000973	001 A

F - FINAL
RACEWAY OR POND DISCHARGES

MONITORING PERIOD	YEAR	MO	DAY		YEAR	MO	DAY
FROM	90	03	01	TO	90	03	31
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	81.00	******		******	******	******			1/30	total
	PERMIT REQUIREMENT	******	******	MGD	******	******	******	**** ****		MEAS/ MONTH	TOTALZ
	SAMPLE MEASUREMENT	81.00									
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

MAR 31 2003 MICRO FILMED

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER			TELEPHONE		DATE		
Greene Michael G.	I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN, AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*	Michael G. Greene	208	733-1631	90	4	4
TYPED OR PRINTED		SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	AREA CODE	NUMBER	YEAR	MO	DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 15.6 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83303-0701
FACILITY MAGIC SPRINGS HATCHERY
LOCATION WIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

(2-16) ID0000973 PERMIT NUMBER

(17-19) 001 A DISCHARGE NUMBER

MONITORING PERIOD: FROM YEAR 90 MO 03 DAY 01 TO YEAR 90 MO 03 DAY 31
(20-21) (22-23) (24-25) (26-27) (28-29) (30-31)

F - FINAL
RACEWAY OR POND DISCHARGES

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED	SAMPLE MEASUREMENT						< 1.0			1/30	24
00530 P 0 0 SEE COMMENTS BELOW	PERMIT REQUIREMENT						15. INST MX	MG/L		1/30	24
SOLIDS, TOTAL SUSPENDED	SAMPLE MEASUREMENT					< 1.0				1/30	24
00530 1 0 0 EFFLUENT GROSS VALUE	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		ONCE/ MONTH	COMP 24
SOLIDS, TOTAL SUSPENDED	SAMPLE MEASUREMENT					< 1.0				1/30	calc
00530 2 0 0 EFFLUENT NET VALUE	PERMIT REQUIREMENT					5. DAILY AV		MG/L		ONCE/ MONTH	CALCTD
SOLIDS, TOTAL SUSPENDED	SAMPLE MEASUREMENT					NA				—	—
00530 7 0 0 INTAKE FROM STREAM	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		ONCE/ MONTH	GRAB
SOLIDS, SETTLEABLE	SAMPLE MEASUREMENT					< .1				2/30	Grab
00545 1 0 0 EFFLUENT GROSS VALUE	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		TWICE/ MONTH	GRAB
SOLIDS, SETTLEABLE	SAMPLE MEASUREMENT					< .1				2/30	calc
00545 2 0 0 EFFLUENT NET VALUE	PERMIT REQUIREMENT					< .1 DAILY AV		ML/L		TWICE/ MONTH	CALCTD
SOLIDS, SETTLEABLE	SAMPLE MEASUREMENT					NA				—	—
00545 7 0 0 INTAKE FROM STREAM	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		TWICE/ MONTH	GRAB

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 USC § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE — NUMBER

DATE: YEAR — MO — DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

Facility Name/Location (if different)

NAME PISCES INVESTMENTS INC

ADDRESS P.O. BOX 701

TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY

LOCATION TWIN FALLS ID 83303-0701

ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR)

F - FINAL

RACEWAY OR POND DISCHARGES

Magic Springs Copy

MAJOR (GUAR 05)

NOTE: Read instructions before completing this form.

(2-16) PERMIT NUMBER	(17-19) DISCHARGE NUMBER
100000973	001 A

MONITORING PERIOD

	YEAR (20-21)	MO (22-23)	DAY (24-25)		YEAR (26-27)	MO (28-29)	DAY (30-31)
FROM	93	04	01	TO	93	04	30

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 P 0 0 SEE COMMENTS BELOW	SAMPLE MEASUREMENT						1.0			1/30	24
	PERMIT REQUIREMENT						15.0 INST MX	MG/L		1/30	24
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT					1.0				1/30	24
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		1/MONTH	24
SOLIDS, TOTAL SUSPENDED 00530 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT					1.0				1/30	calc
	PERMIT REQUIREMENT					5.0 DAILY AV		MG/L		1/MONTH	CALC
SOLIDS, TOTAL SUSPENDED 00530 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT					N.A.				—	—
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		1/MONTH	—
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT					<.1				2/30	Grab
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		1/MONTH	GRAB
SOLIDS, SETTLEABLE 00545 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT					~~N.D~~ <.1				2/30	calc
	PERMIT REQUIREMENT					0.1 DAILY AV		ML/L		1/MONTH	CALC
SOLIDS, SETTLEABLE 00545 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT					N.A.				—	—
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		1/MONTH	GRAB

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER		TELEPHONE		DATE		
	I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)*		AREA CODE	NUMBER	YEAR	MO	DAY
TYPED OR PRINTED	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT					

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83303-0701
FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER: ID0000973
(17-19) DISCHARGE NUMBER: 001 A

F - FINAL
RACEWAY OR POND DISCHARGES

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	90	04	01	TO	90	04	30
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) (46-53) QUANTITY OR LOADING (54-61) AVERAGE	MAXIMUM	UNITS	(4 Card Only) (38-45) QUALITY OR CONCENTRATION (46-53) MINIMUM	AVERAGE	MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	81	******	MGD	******	******	******			1/30	Total
	PERMIT REQUIREMENT	REPORT DAILY AV	REPORT DAILY MX					**** ****		ONCE/ MONTH	TOTAL 2
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

MAR 0 8 2005

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
Greene Michael G.
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 USC § 1001 AND 33 USC § 1319. (Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208 | NUMBER 733-4431

DATE: YEAR 90 | MO 5 | DAY 9

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

"F" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

(2-16)	(17-19)
ID0000973	002 A
PERMIT NUMBER	DISCHARGE NUMBER

MONITORING PERIOD

YEAR	MO	DAY		YEAR	MO	DAY
90	04	01	TO	90	04	30
(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

F - FINAL
CLEANING WASTE TREATMENT SYS

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT					5600				1/30	Comp
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		ONCE/ MONTH	COMPOS
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT						22.0			1/30	Comp
	PERMIT REQUIREMENT						100 DAILY MX	MG/L		ONCE/ MONTH	COMP-8
SOLIDS, SETTLEABLE 00545 1 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT					145				1/30	Comp.
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		ONCE/ MONTH	COMPOS
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT						< 1.0			3/30	Grab
	PERMIT REQUIREMENT						1.0 DAILY MX	ML/L		WEEKLY	GRAB
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	.432								3/30	total
	PERMIT REQUIREMENT	REPORT DAILY AV		MGD						WEEKLY	TOTAL
SOLIDS, SUSPENDED PERCENT REMOVAL 81011 K 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT				99.61					1/30	calc
	PERMIT REQUIREMENT				65 MONTH AV			PER-CENT		ONCE/ MONTH	CALCTD
SETTLEABLE SOLIDS PERCENT REMOVAL 81402 K 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT				99.9					1/30	calcTD
	PERMIT REQUIREMENT				90 MONTH AV			PER-CENT		ONCE/ MONTH	CALCTD

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER		TELEPHONE		DATE		
Greene Michael G.	I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT SEE 18 U.S.C. § 1001 AND 33 USC § 1319. (Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)	208	733-4163	YEAR	MO	DAY
TYPED OR PRINTED	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	AREA CODE	NUMBER	90	5	9

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

SEE PERMIT FOR SAMPLING INSTRUCTIONS.

Cleaned Settling Ponds 4-1 Thru 4-10

EPA Form 3320-1 (Rev. 9-88) Previous editions may be used (REPLACES EPA FORM 3320-1, WHICH IS OBSOLETE)

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P O BOX 701
TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER: 100000973
(17-19) DISCHARGE NUMBER: 002 A

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	90	05	01	TO	90	05	31
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

F - FINAL
CLEANING WASTE TREATMENT SYS
Magic Springs Copy
MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 G 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT	*******	*******		*******	1,520	*******			1/30	Comp.
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	REPORT DAILY AV	*******	MG/L		ONCE/ MONTH	COMPOS
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*******	*******		*******	*******	27			1/30	Com.
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	*******	100 DAILY MX	MG/L		ONCE/ MONTH	COMP-8
SOLIDS, SETTLEABLE 00545 0 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT	*******	*******		*******	60	*******			1/30	Comp.
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	REPORT DAILY AV	*******	ML/L		ONCE/ MONTH	COMPOS
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*******	*******		*******	*******	<1.0			4/30	Grab
	PERMIT REQUIREMENT	*******	*******	***** *****	*******	*******	1.0 DAILY MX	ML/L		WEEKLY	GRAB
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	.192	*******		*******	*******	*******			4/30	total
	PERMIT REQUIREMENT	REPORT DAILY AV	*******	MGD	*******	*******	*******	***** *****		WEEKLY	TOTALZ
SOLIDS, SUSPENDED PERCENT REMOVAL 81011 K 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT	*******	*******		99.83	*******	*******			1/30	calc
	PERMIT REQUIREMENT	*******	*******	***** *****	85 MONTH AV	*******	*******	PER-CENT		ONCE/ MONTH	CALCTD
SETTLEABLE SOLIDS PERCENT REMOVAL 81402 K 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT	*******	*******		99.9	*******	*******			1/30	Calc.
	PERMIT REQUIREMENT	*******	*******	***** *****	90 MONTH AV	*******	*******	PER-CENT		ONCE/ MONTH	CALCTD

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
Greene Michael G.
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 USC § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208, NUMBER 733-4631

DATE: YEAR 90, MO 5, DAY 11

COMMENT AND EXPLANATION OF ANY VIOLATIONS (*Reference all attachments here*)

SEE PERMIT FOR SAMPLING INSTRUCTIONS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME BISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER: I00000973
(17-19) DISCHARGE NUMBER: 001 A

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	90	05	01	TO	90	05	31
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

F - FINAL
RACEWAY OR POND DISCHARGES
Magic Springs Copy
MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	8.00	******		*******	*******	*******			1/30	total
	PERMIT REQUIREMENT	REPORT DAILY AV	*******	MGD	*******	*******	*******	***** *****		CONT/ MONTH	TOTALZ
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

MICRO

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
Greene Michael G.
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. (Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)

Michael G. Greene
SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208 | NUMBER 733-4631

DATE: YEAR 90 | MO 5 | DAY 11

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NC MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

EPA Form 3320-1 (Rev. 9-88) Previous editions may be used. (PREVIOUS EPA FORM 7-10 WHICH MAY NOT BE USED)

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER: ID0000973
(17-19) DISCHARGE NUMBER: 001 A

MONITORING PERIOD: FROM YEAR 90 MO 05 DAY 01 (20-21) (22-23) (24-25) TO YEAR 90 MO 05 DAY 31 (26-27) (28-29) (30-31)

F - FINAL
RACEWAY OR POND DISCHARGES
MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 P 0 0 SEE COMMENTS BELOW	SAMPLE MEASUREMENT	*******	*******		*******	*******	< 3.0			1/30	24
	PERMIT REQUIREMENT	*******	*******	*****	*******	*******	15.0 INST MX	MG/L		1/30	24
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*******	*******		*******	< 3.0	*******			1/30	24
	PERMIT REQUIREMENT	*******	*******	*****	*******	REPORT DAILY AV	*******	MG/L		ONCE/ MONTH	COMP24
SOLIDS, TOTAL SUSPENDED 00530 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT	*******	*******		*******	< 3.0	*******			1/30	Calc.
	PERMIT REQUIREMENT	*******	*******	*****	*******	5.0 DAILY AV	*******	MG/L		ONCE/ MONTH	CALCTD
SOLIDS, TOTAL SUSPENDED 00530 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT	*******	*******		*******	NA	*******			—	—
	PERMIT REQUIREMENT	*******	*******	*****	*******	REPORT DAILY AV	*******	MG/L		ONCE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*******	*******		*******	< .1	*******			2/30	Grab
	PERMIT REQUIREMENT	*******	*******	*****	*******	REPORT DAILY AV	*******	ML/L		TWICE/ MONTH	GRAB
SOLIDS, SETTLEABLE 00545 2 0 0 EFFLUENT NET VALUE	SAMPLE MEASUREMENT	*******	*******		*******	< .1	*******			2/30	Calc Grab
	PERMIT REQUIREMENT	*******	*******	*****	*******	0.1 DAILY AV	*******	ML/L		TWICE/ MONTH	CALCTD
SOLIDS, SETTLEABLE 00545 7 0 0 INTAKE FROM STREAM	SAMPLE MEASUREMENT	*******	*******		*******	NA	*******			—	—
	PERMIT REQUIREMENT	*******	*******	*****	*******	REPORT DAILY AV	*******	ML/L		TWICE/ MONTH	GRAB

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 USC § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208 | NUMBER 733-4631

DATE: YEAR 90 | MO 5 | DAY 11

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PISCES INVESTMENTS INC
ADDRESS P.O. BOX 701
TWIN FALLS ID 83303-0701
FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

(2-16) PERMIT NUMBER: I00000973
(17-19) DISCHARGE NUMBER: 002 A

MONITORING PERIOD: FROM YEAR 90 MO 06 DAY 01 TO YEAR 90 MO 06 DAY 30
(20-21) (22-23) (24-25) (26-27) (28-29) (30-31)

F - FINAL
CLEANING WASTE TREATMENT SYS
Magic Springs Copy
MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (46-53) MINIMUM	AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED 00530 G 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT					16,430				1/30	Comp.
	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		ONCE/ MONTH	COMPOS
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT						84			2/30	Comp.
	PERMIT REQUIREMENT						100 DAILY MX	MG/L		ONCE/ MONTH	COMP-C
SOLIDS, SETTLEABLE 00545 G 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT					165				1/30	Comp.
	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		ONCE/ MONTH	COMPOS
SOLIDS, SETTLEABLE 00545 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT						<1.0			4/30	G-R
	PERMIT REQUIREMENT						1.0 DAILY MX	ML/L		WEEKLY	GRAB
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	.193								4/30	total
	PERMIT REQUIREMENT	REPORT DAILY AV		MGD						WEEKLY	TOTALZ
SOLIDS, SUSPENDED PERCENT REMOVAL 81011 K 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT				99.49					1/30	Calc.
	PERMIT REQUIREMENT				95 MONTH AV			PER-CENT		ONCE/ MONTH	CALCTD
SETTLEABLE SOLIDS PERCENT REMOVAL 81402 K 0 0 PERCENTREMOVAL	SAMPLE MEASUREMENT				99.9					1/30	Calc.
	PERMIT REQUIREMENT				90 MONTH AV			PER-CENT		ONCE/ MONTH	CALCTD

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
Greene Michael G.
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN, AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 USC § 1001 AND 33 USC § 1319. (Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208, NUMBER 733-4631

DATE: YEAR 90, MO 7, DAY 10

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)
SEE PERMIT FOR SAMPLING INSTRUCTIONS.

NAME PISCES INVESTMENTS INC
ADDRESS P.O.BOX 701
TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR) (2-16)

PERMIT NUMBER: 100000973 (17-19)
DISCHARGE NUMBER: 001 A

F - FINAL
RACEWAY OR POND DISCHARGES
Magic Springs Copy

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	90	06	01	TO	90	06	30
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)
NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (36-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	8.00	******	MGD	******	******	******			1/30	total
	PERMIT REQUIREMENT	REPORT DAILY AV	******		******	******	******	**** ****		ONCE/ MONTH	TOTAL
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER
Greene Micheal G.
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 USC § 1319. *(Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)*

Michael G. Greene
SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE 208 | NUMBER 733-4631

DATE: YEAR 90 | MO 7 | DAY 10

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS; NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

NAME PISCES INVESTMENTS INC

ADDRESS P.O. BOX 701
TWIN FALLS ID 83303-0701

FACILITY MAGIC SPRINGS HATCHERY
LOCATION TWIN FALLS ID 83303-0701
ATTN: MICHAEL G. GREENE, PRESIDENT

DISCHARGE MONITORING REPORT (DMR) (2-16)

IDOOOO973 — PERMIT NUMBER

001 A — DISCHARGE NUMBER (17-19)

F - FINAL
RACEWAY OR POND DISCHARGES

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM	90	00	01	TO	90	00	30
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

MAJOR (SUBR 05)

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
SOLIDS, TOTAL SUSPENDED	SAMPLE MEASUREMENT						3.66			3/30	24
00530 P 0 0 SEE COMMENTS BELOW	PERMIT REQUIREMENT						15.0 INST MX	MG/L		3/30	24
SOLIDS, TOTAL SUSPENDED	SAMPLE MEASUREMENT					4.0				3/30	
00530 1 0 0 EFFLUENT GROSS VALUE	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		ONCE/ MONTH	CALCTD
SOLIDS, TOTAL SUSPENDED	SAMPLE MEASUREMENT					4.0				3/30	Calc
00530 2 0 0 EFFLUENT NET VALUE	PERMIT REQUIREMENT					30.0 DAILY AV		MG/L		ONCE/ MONTH	CALCTD
SOLIDS, TOTAL SUSPENDED	SAMPLE MEASUREMENT					NA				—	—
00530 7 0 0 INTAKE FROM STREAM	PERMIT REQUIREMENT					REPORT DAILY AV		MG/L		ONCE/ MONTH	GRAB
SOLIDS, SETTLEABLE	SAMPLE MEASUREMENT					<.1				2/30	Grab
00545 1 0 0 EFFLUENT GROSS VALUE	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		TWICE/ MONTH	GRAB
SOLIDS, SETTLEABLE	SAMPLE MEASUREMENT					<.1				2/30	C
00545 2 0 0 EFFLUENT NET VALUE	PERMIT REQUIREMENT					0.1 DAILY AV		ML/L		TWICE/ MONTH	CALCTD
SOLIDS, SETTLEABLE	SAMPLE MEASUREMENT					NA				—	—
00545 7 0 0 INTAKE FROM STREAM	PERMIT REQUIREMENT					REPORT DAILY AV		ML/L		TWICE/ MONTH	GRAB

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE, 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. *(Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)*

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE: AREA CODE | NUMBER

DATE: YEAR | MO | DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS *(Reference all attachments here)*

"P" INDICATES TSS: NET VALUE OF 15.0 MG/L AS BEING LIMITED W/NO MONITORING REQUIREMENT.
THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.