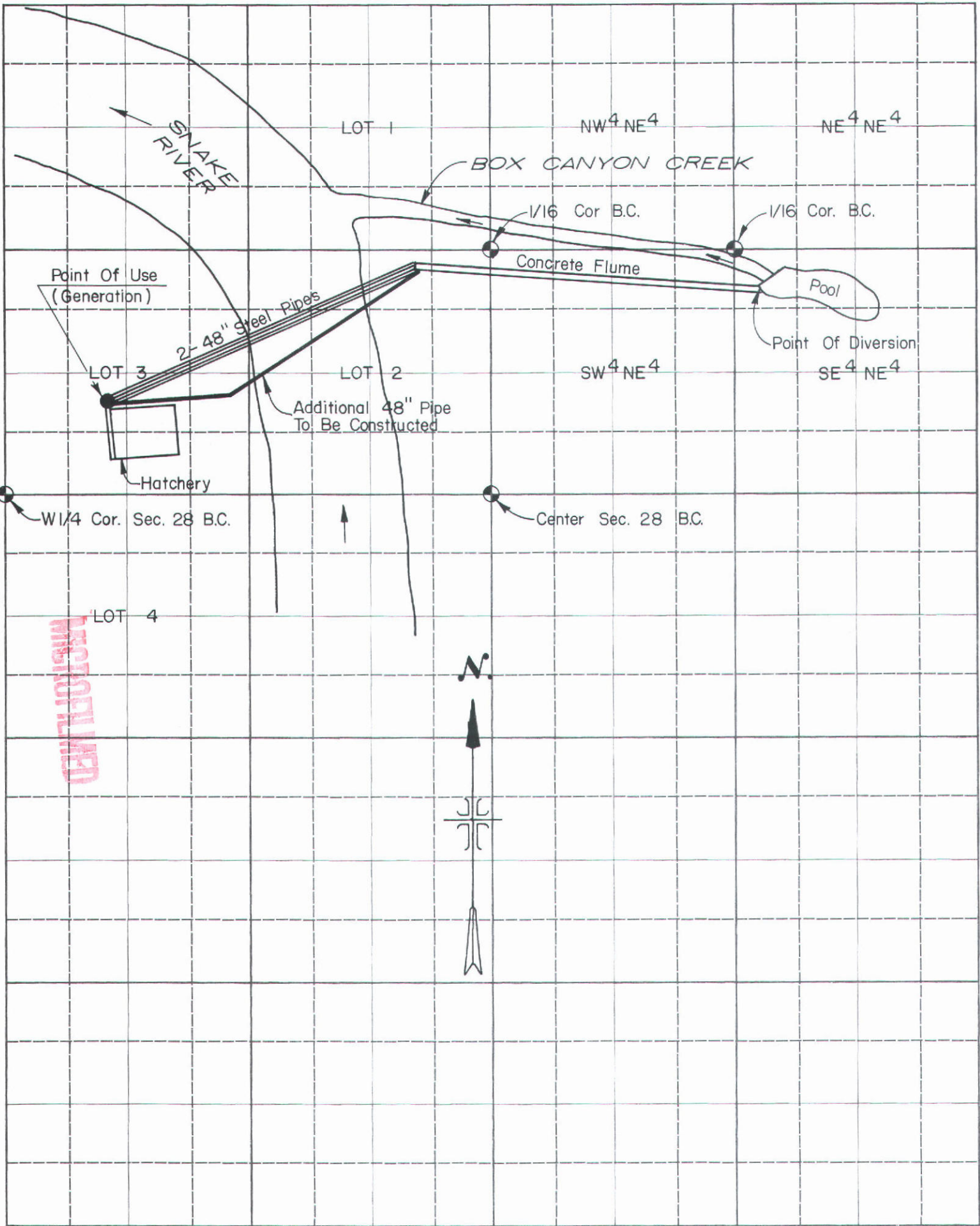


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

*Lawrence C. [Signature]*  
(Applicant)  
President, Clear Springs Trout Company

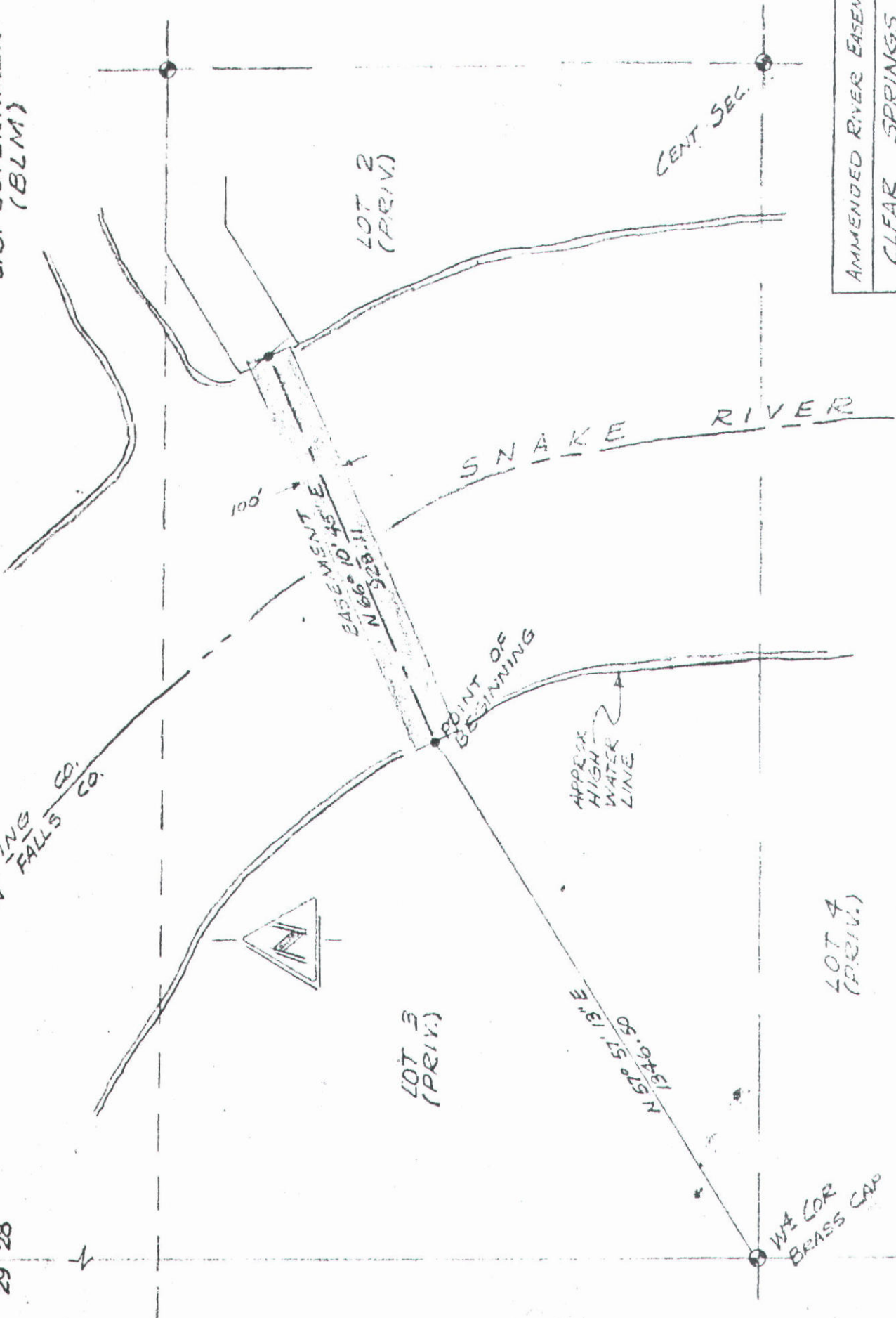
T.8S R.14E B.M.  
SEC 28

RECEIVED

U.S. GOVERNMENT  
(BLM)

GODDING CO.  
TWIN FALLS CO.

20 21  
29 28



|                           |         |         |          |
|---------------------------|---------|---------|----------|
| AMENDED RIVER EASEMENT    |         |         |          |
| CLEAR SPRINGS TROUT FARMS |         |         |          |
| SCL.                      | 1 = 300 | DRW/CHK | RJS      |
| DATE                      | 7/75    | SCALE   | 1" = 10' |

# AFFIDAVIT of PUBLICATION

State of Idaho, }  
County of Gooding } SS.

Gary Grook, 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 28 day of April

19 82, and the date of the last publication was on the 5

day of May, 19 82.

Subscribed and sworn to before me this 5

day of May, 19 82.

(SEAL)

Cindy Adams  
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

## COST OF PUBLICATION

Number of Lines in Notice ..... 20

Number of Insertions ..... 2

Lines tabular at 142 315c

Lines straight at 20 32 21c 6.40

Subsequent lines at 20 21 15c 4.20

TOTAL COST .... 10.60

## COPY OF NOTICE

(Paste Here)

Application for Water  
TITLE OF NOTICE

36-8080

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water  
BILL TO

36-8080

### CLEAR SPRINGS TROUT

CO.  
P.O. BOX 548, BUHL, ID 83316

Source: BOX CANYON CREEK tributary to SNAKE RIVER

Date Filed: 04/20/1982

Amount: 300.00 CFS

Diversion Point: SENE Sec 28 T 08S R 14E, GOODING Co.

Use: POWER (300.00 CFS) from 01/01 to 12/31

Place of Use: LOT 03 Sec 28 T 08S R 14E

Diversion Means: DIVER-SION DAM, CONVEYANCE FLUME, SIPHONS

### PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight ..... 21c

7 pt. per line, tabular ..... 315c

7 pt. per line, successive insertions ..... 15c

RECEIVED

MAY 7 1982

Department of Water Resources  
Water Rights Division

N: 2812

40809

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

**A. GENERAL INFORMATION**

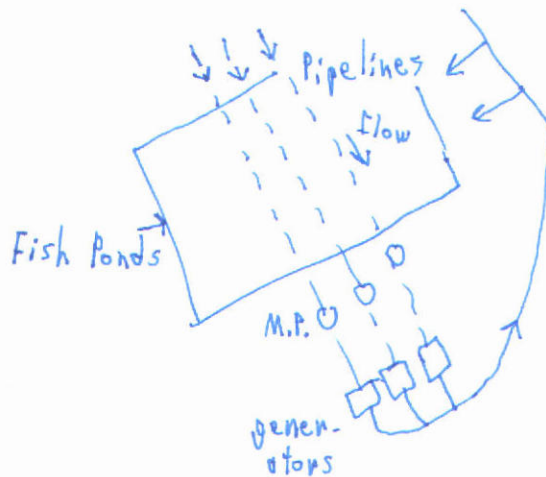
1. Owner: Clear Springs Trout Co. Permit No. 36-08080  
Current Address: P.O. Box 712, Puhl, ID 83316 Phone No. 543-4316  
2. Accompanied by: Keith Quigley EXAM. DATE: 3-28-90  
Address: Same Phone No. 543-4316  
Relationship to Permit Holder: Controller  
3. Source: Box Canyon Cr. tributary to Snake R.

**B. OVERLAP REVIEW**

1. Other water rights with same place of use: 36-7040 (Fish Propagation)  
☐ Copies Attached  
2. Other water rights with same point of diversion: 36-7040  
☐ Copies Attached ☐ Copies of Field Exam's Attached

**C. SYSTEM DESCRIPTION**

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

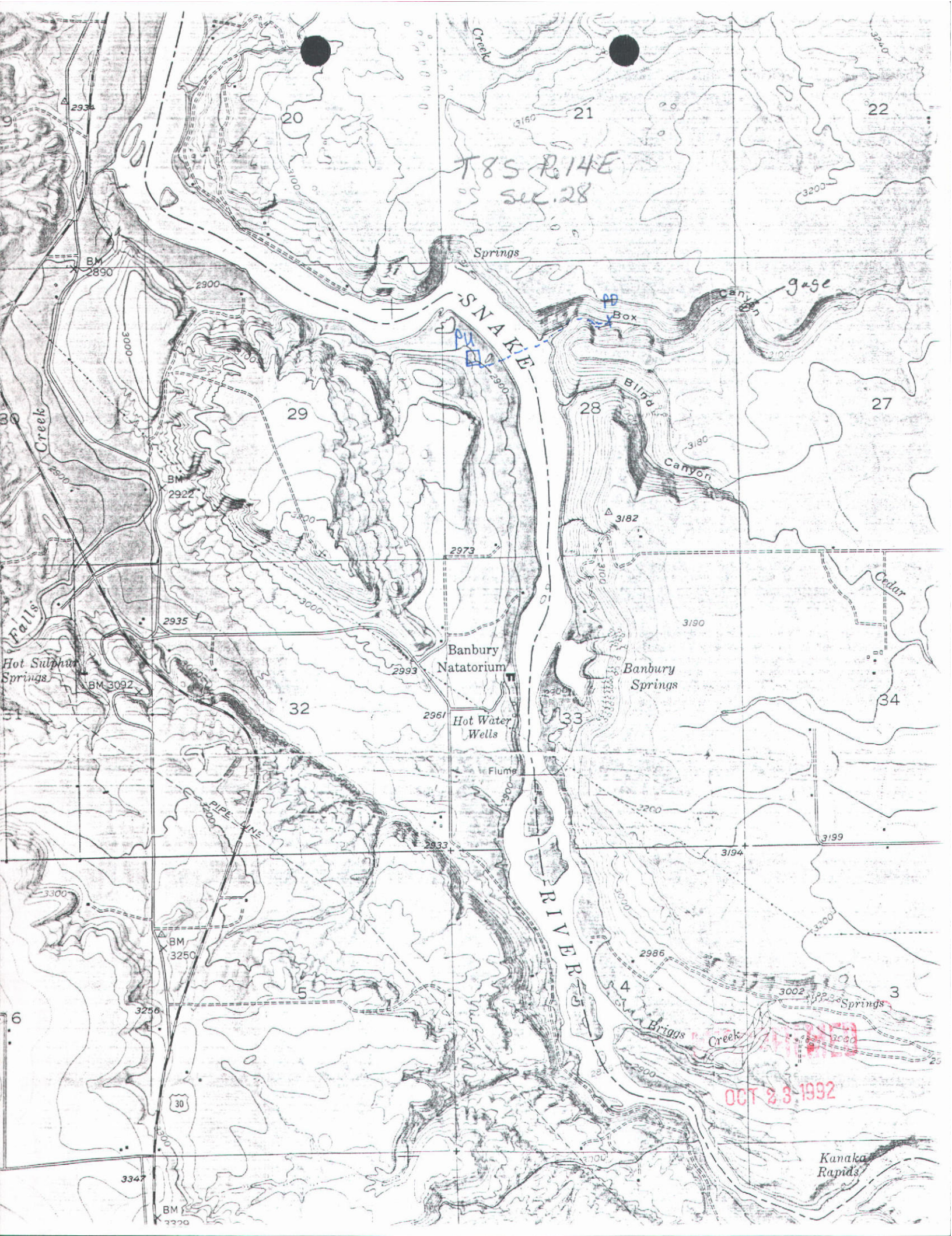


Scale: 1" = \_\_\_\_\_

2. ☒ Copy of U.S.G.S. Quadrangle Attached  
Showing location(s) of point(s) of diversion and  
place(s) of use (required). ☐ Aerial Photo Attached  
(required for irrigation of 10 acres or more).  
☒ Photo of Diversion and System Attached  
(required for all but single household domestic groundwater, and stockwater).

RECEIVED

OCT 23 1992



T85 R14E  
SEC. 28

Springs

Box  
PU

Snake

Billie

Canyon

Banbury  
Natatorium

Banbury  
Springs

Hot Water  
Wells

Flume

RIVER

Briggs Creek

Kanaka  
Rapids

OCT 23 1992

36-8080

Diversion Work  
In Box Canyon



Same.  
Overflow back into  
Box Canyon Cr.



Covered canal looking  
toward Snake R.



MICROFILMED  
OCT 23 1992

36-8080

Measuring  
Device



Installation of  
Measuring Device

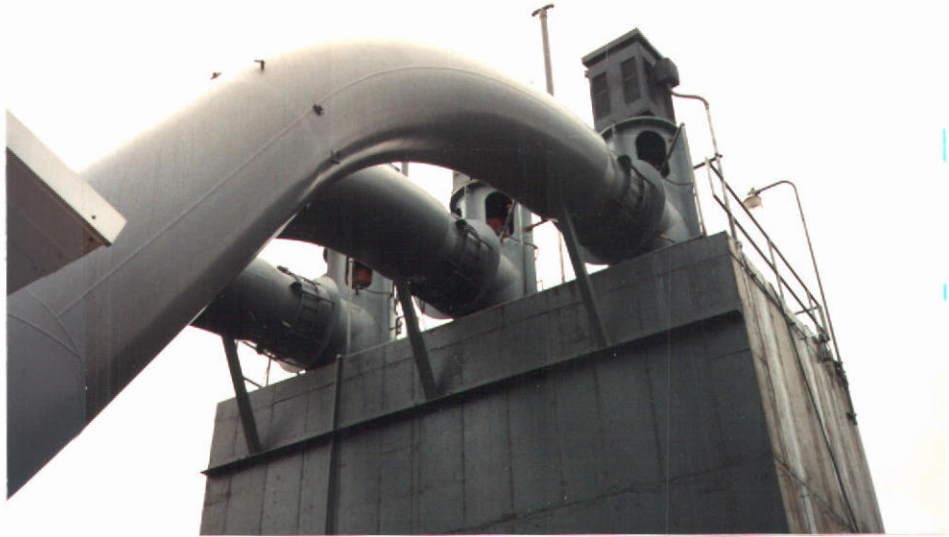


MICROFILMED

OCT 23 1992

36-8080

Inlet pipes  
to generators



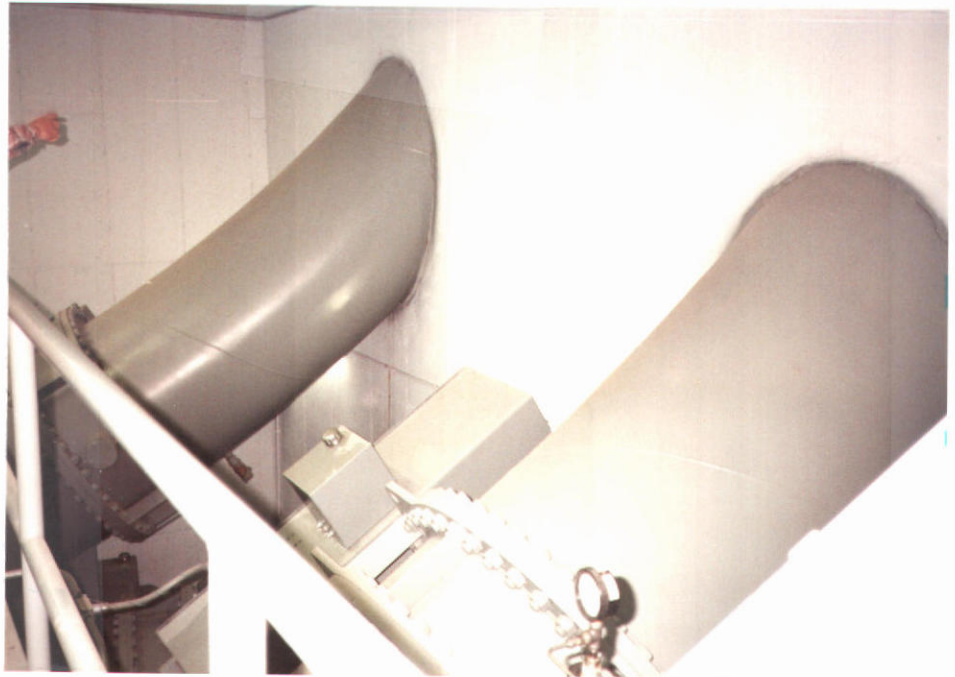
Generator Outlet



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OCT 23 1992

86-8

Pipelines Inside  
Powerhouse



Control Panel  
for generators



RECEIVED  
OCT 23 1992

# **FLOW RESEARCH CORPORATION** INDUSTRIAL FLOW INSTRUMENTATION

## **CALIBRATION DATA - F.R.C. # 51812**

Flow Range: 0-75,000 GPM

Pipe Size: 46.125"

☒ Given  
☐ Assumed

Minimum-Measurable Quantity:

5,208 GPM

Reynolds Number @ Minimum Velocity:

356,819

Proper Insertion Depth: 5 1/2"

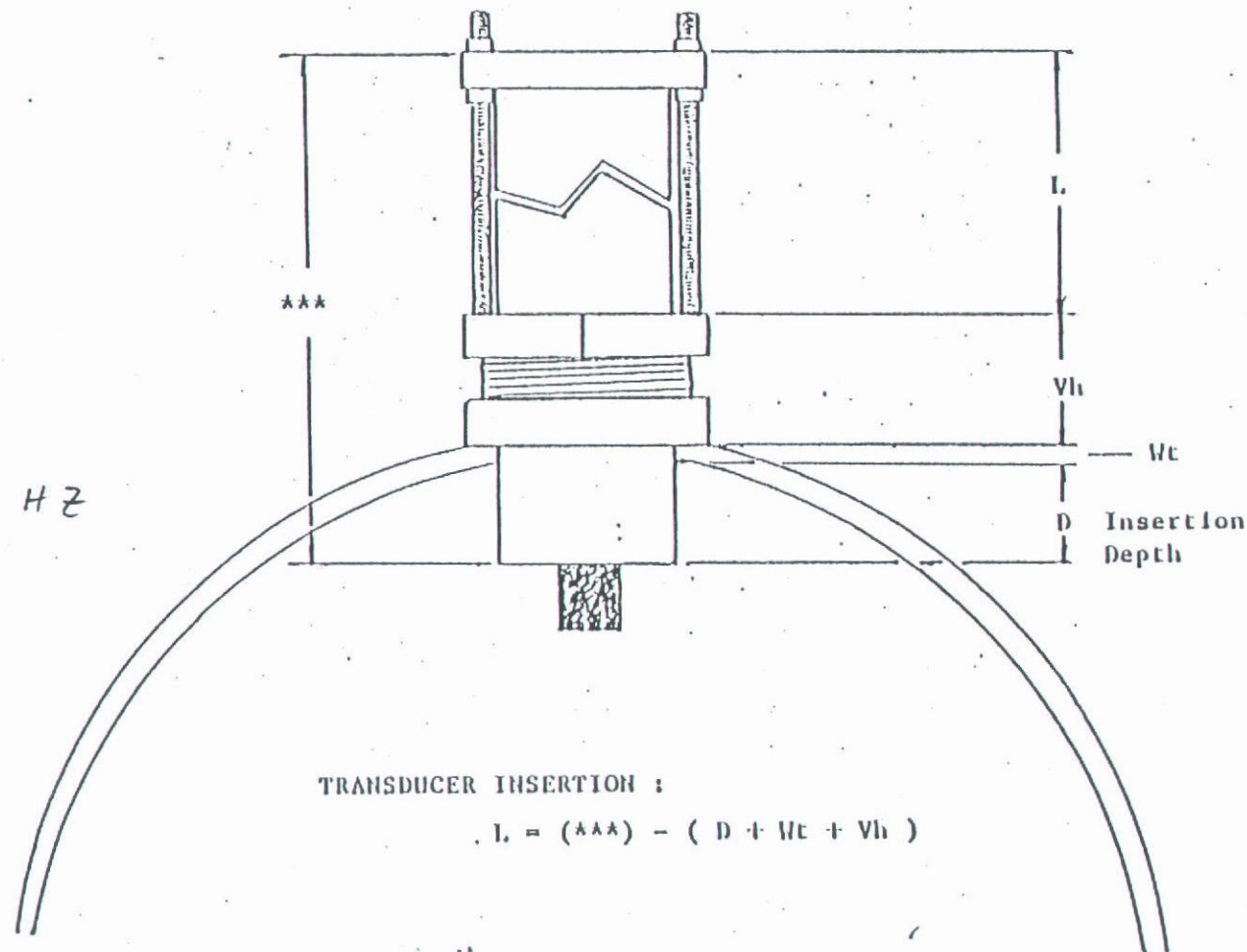
Calibration Frequency: 79,49 HZ

Switch Settings @ Rx =

S1 \_\_\_\_\_ S2 \_\_\_\_\_ S3 \_\_\_\_\_

S4 \_\_\_\_\_ S5 \_\_\_\_\_ S6 \_\_\_\_\_

\*\*\* - TR400 Series = 6-3/8"  
 TR500 Series = 15-3/8"



State of Idaho  
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

CLEAR SPRINGS TROUT CO.

INITIAL REVIEW BY: ADM

APPLICATION NUMBER: 36-8080

CHECK:

- ☒ Source.  
☒ Point of diversion.  
☒ County.  
☒ Quantity of water and period of use.  
☒ 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:

1. Plan  
2. Cost Est.  
3. Financial Statement  
4. Affid. of Res.

SEND COPIES TO:

- ☐ Idaho State Health Department.  
☒ Idaho Fish and Game Department.  
☐ Idaho Department of Lands.  
☐ U.S. Bureau of Land Management.  
☐ U.S. Forest Service.  
☐ Other \_\_\_\_\_

Copies sent by: \_\_\_\_\_

Date: \_\_\_\_\_

M.A.

5/19/82

PROCESSING:

- ☐ Yes ☒ No  
☐ Yes ☒ No

Platted by: ADM

Map No. BB-20

Other rights on same place of use. No other power filings.

- ☒ Yes ☐ No\*

In form for advertising.

Final date for protests: 5/17/82

- ☐ Yes ☒ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 5/1/82  
☒ 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? \_\_\_\_\_

- ☒ Yes ☐ No

Date of priority recommended. 4/20/82

Special conditions of approval or cover letter. 08A, 17, 25,

01A on 01C 01B

By: ADM

Date: 5/27/82

STATE OFFICE REVIEW:

SW/LC2, L14 01, 04, 08A, 17B25

- ☐ See attached sheet for more information.

By: \_\_\_\_\_

Date: 6/16/82

Do NOT approve until FERC approval is received

SEND FERC LETTER Jim 6-15-82

RECEIVED

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 36-08080

Priority: April 20, 1982

Maximum Diversion Rate: 300.00 CFS

Maximum Diversion Volume: 217193.3 AF

This is to certify, that CLEAR SPRINGS TROUT CO

PO BOX 712

BUHL ID 83316

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 20, 1982; and has submitted Proof of Beneficial Use on January 25, 1989. An examination indicates that the works have a diversion capacity of 300.000 cfs of water from:

BOX CANYON CREEK

tributary to SNAKE RIVER

source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| POWER                 | 01/01 to 12/31       | 300.00 CFS               | 217193.3 AF          |

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 28, Township 08S, Range 14E  
GOODING County

PLACE OF USE: POWER

TWN RGE SEC

08S 14E 28 Lot 3(SWNW)

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. The issuance of this right in no way grants any right-of-way or easement across the land of another.

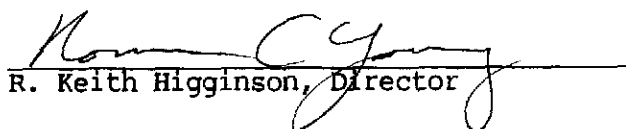
State of Idaho  
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 36-08080

CONDITIONS/REMARKS:

7. The diversion and use of water under this license is subject to review by the Director 26 years from the date of issuance. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
8. The water right confirmed in this license 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 license 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 license.
9. This right when combined with Right 36-07040 shall not exceed a diversion rate of 300.0 cfs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.  
Witness the seal and signature of the Director, affixed at Boise, this 28<sup>TH</sup>  
day of SEPTEMBER, 1992.

  
R. Keith Higginson, Director

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

For Office Use Only  
\$15 FEE Received by             
Date             
Receipt #           

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof  
of beneficial use for a water right permit

NOV 27 1988

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 36-8080

Name(s) of Permit Holder: Clear Springs Trout Co.

Post Office Address: P. O. Box 712 Buhl, Idaho 83316

Telephone No. (208) 543-4316

Date Proof is Due: July 1, 1988

Describe what work has been completed toward the development of this water right:             
(This must be filled out! If no work has been completed, show "none".)

The development to date includes a fully operational hydroelectric facility. Work completed  
to date includes minor revisions to the existing diversion dam and flume, installation of  
an additional 48" diameter siphon under the Snake River, installation of three turbine/generator  
units, construction of a control building, installation of all Costing \$ \$786,275.00  
associated piping and valving, and all electrical/mechanical work.

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

All required work has been completed with the exception of the permanent installation  
of a IDWR approved measuring device. The permanent installation of the measuring device is a  
condition of the approved permit. The permit holder plans to install a measuring device  
during the summer of 1988.

Permit holder(s) request an extension to July 1, 19 89.  
(1 yr. minimum)

[Signature]  
ASSAISEE (Signature)  
\*IF OTHER THAN PERMIT HOLDER,  
POWER OF ATTORNEY MUST BE SUPPLIED.

FEE: \$15.00

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to July 1, 1989.

Signed this 19<sup>th</sup> day of October, 19 88.

[Signature]  
Chief, Operations Bureau

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Clear Springs Trout Co. Phone 543-4316

Post office address P. O. Box 548, Buhl, Idaho 83316

2. Source of water supply Box Canyon Creek which is a tributary of Snake River

3. Location of point of diversion is SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 28 Township 8S

Range 14E B.M. Gooding County, additional points of diversion if any: -

4. Water will be used for the following purposes:

Amount 300cfs for Power purposes from Jan. 1 to Dec. 31 (both dates inclusive)  
(cfs or acre-feet per annum) Generation

Amount          for          purposes from          to          (both dates inclusive)  
(cfs or acre-feet per annum)

Amount          for          purposes from          to          (both dates inclusive)  
(cfs or acre-feet per annum)

Amount          for          purposes from          to          (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 300 cubic feet per second and/or b. N/A acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. existing diversion dam, conveyance flume, siphons under Snake River to existing Trout Hatchery and new power plant. Additional 48" diameter siphon under the Snake River will be installed.

b. Height of storage dam N/A feet, active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet, materials used in storage dam: N/A

Period of year when water will be diverted to storage - to - inclusive.  
(Month/Day) (Month/Day)

c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 <sup>00</sup> years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation: Lots 3 <sup>400</sup>  
(1) Give the place of use of water:           $\frac{1}{4}$  of           $\frac{1}{4}$  of Section 28 Township 8S

Range 14E B.M.

(2) Amount of power to be generated: 515 kw or 690 horsepower under 26 feet of head.

(3) List number of each kind of livestock to be watered N/A

(4) Name of municipality to be served N/A, or number of families to be supplied with domestic water N/A.

(5) If water is to be used for other purposes describe: existing Water Right License 36-7040 for fish propagation is the same water.

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

| TWP | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SE¼ | SW¼ |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated \_\_\_\_\_

c. Describe any other water rights used for the same purposes as described above. Existing Water  
License 36-7040 for fish propagation is the same water.

9. a. Who owns the property at the point of diversion Box Canyon Trout Co. owns land at point of  
diversion on Gooding County property.

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

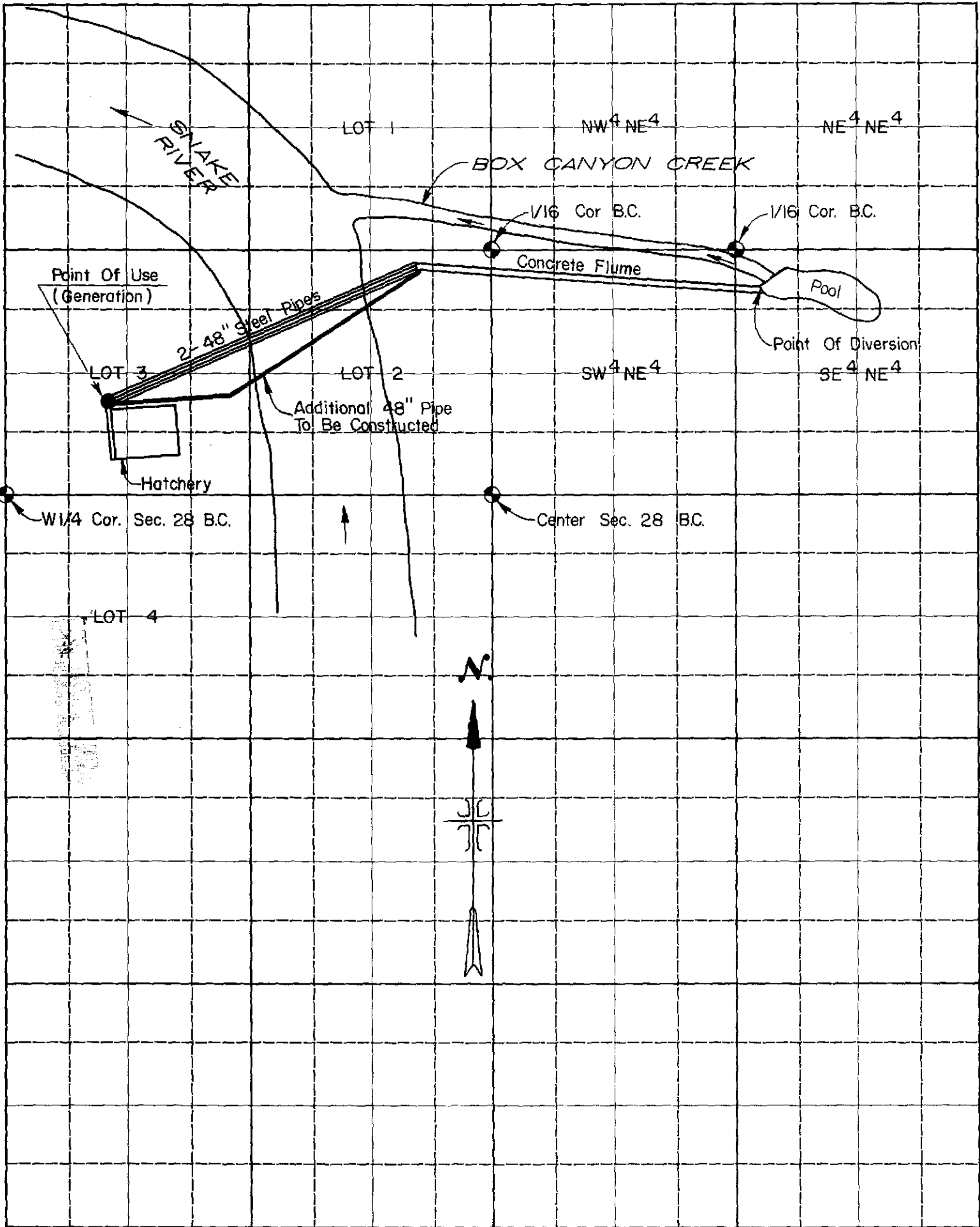
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the  
applicant to make this filing easement from Box Canyon Trout Co. for facilities from point  
of diversion to Snake River.

10. Remarks This application will not increase the amount of water diverted from Box  
Canyon Creek under license 36-7040.

Points of diversion are the same points as shown under Water Right No. 36-  
~~7040~~ <sup>1999</sup> owned by applicant.

Applicant seeks pre-use of that water now available under Water Right No.  
36-7040 for fish propagation in power generation. No additional water is requested  
and all water will continue to return to the Snake River.

11. 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.

[Signature]  
(Applicant)  
President, Clear Springs Trout Company

Proposed Priority 4/20/82  
Received by JP Date 4-20-82 Time 11:05 am  
Preliminary check by ADM Fee \$ 2225.00  
Receipted by JP Date 4-20-82 # 22144  
Publication prepared by manga Date 4/2/82  
Published in Grading Co. Leader  
Publication dates 4/28 + 5/5/82  
Publication approved manga Date 4/29/82  
Protests filed by: None  
  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by ADM RC

**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. 36-8080, and said application is hereby Approved.

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 July 1, 1988.
- 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. Other: A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

The issuance of this permit in no way grants any right-of-way or easement across the land of another.

This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.

This project shall be operated in a manner that will not conflict or interfere with the future diversion of water for irrigation or other beneficial consumption.

This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

The rate of diversion under this permit and license No. 36-7040 shall not exceed 300 cfs.

Witness my hand this 24<sup>th</sup> day of June, 1983.

A. Glen Saxton  
Chief, Operations Bureau

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 36-7040 Priority Sept. 4, 1968 Amount 300 cfs

THIS IS TO CERTIFY, that CLEAR SPRINGS TROUT CO.

of Buhl, Idaho has complied with the terms and conditions of Permit No. 36-7040 issued pursuant to Application for Permit dated September 4, 1968, and has submitted proof to the Department of Water Administration on April 8, 1974, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 320 cfs of water from Box Canyon Creek, tributary to the Snake River, and that the permit holder has applied to a beneficial use & established a right to use water as follows:

| Beneficial Use     | Period of Use                                                  | Rate of Diversion                                             | Annual Volume |
|--------------------|----------------------------------------------------------------|---------------------------------------------------------------|---------------|
| <u>Fish</u>        |                                                                |                                                               |               |
| <u>Propagation</u> | from <u>Jan. 1</u> to <u>Dec. 31</u>                           | at <u>300.00</u> cfs and <u>n/a</u>                           |               |
| <u>Recreation</u>  | from <u>Jan. 1</u> to <u>Dec. 31</u>                           | at <u>300.00</u> cfs and <u>n/a</u>                           |               |
| <u>Irrigation</u>  | from <u>April 1</u> to <u>Nov. 1</u><br>(both dates inclusive) | at <u>0.20</u> cfs and <u>40 acre feet or 4.0 af per acre</u> |               |

Subject, however, to the condition that no more than 300 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 40 acre feet per year <sup>for irrigation purposes</sup> said waters to be diverted within the SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Sec. 28,  
Twp. 8 S, Rge. 14 E, B. M. in the County of Gooding

Description and location of place of use:

| Twp.                           | Range | Sec. | NE <sup>1</sup> / <sub>4</sub> |                                |                                |                                | NW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SE <sup>1</sup> / <sub>4</sub> |                                |                                |                                | Totals |
|--------------------------------|-------|------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------|
|                                |       |      | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> |        |
| 8 S                            | 14 E  | 28   |                                |                                |                                |                                |                                |                                | 10                             |                                |                                |                                |                                |                                |                                |                                |                                |                                | 10     |
| Fish Propagation & Recreation: |       |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
| 8 S                            | 14 E  | 28   |                                |                                |                                |                                |                                |                                | X                              |                                | X                              |                                |                                |                                |                                |                                |                                |                                |        |

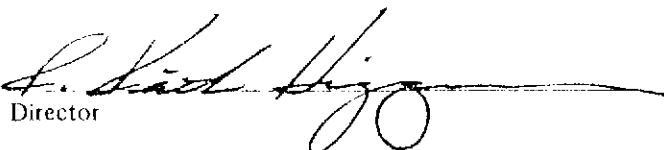
Total number of acres irrigated 10

A measuring device of a type approved by this Department shall be permanently maintained as part of the diverting works.

**NOTE:** Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 12 day of August, 19 74.

  
Director



Assignment to Clear Springs Trout Co.  
of Buhl Idaho  
Recorded July 19 1973

CORRECTED

STATE OF IDAHO EASEMENT

NO. 4093

THIS INDENTURE, made this 17th day of July, 1973, by and between the STATE OF IDAHO, acting by and through the State Board of Land Commissioners, as party of the first part, and RICHARD KASTER, Route 4, Buhl, Idaho, as party of the second part;

WITNESSETH: That for and in consideration of the sum of TWO HUNDRED and no/100 DOLLARS (\$200.00), lawful money of the United States of America, receipt whereof is hereby acknowledged, the party of the first part does hereby grant to the party of the second part an easement for the purpose of constructing and maintaining a pipe line over and across the following described lands situated in Gooding and Twin Falls Counties, State of Idaho, to-wit: so much of the following described lands that were below the ordinary or natural high water mark on the date the State of Idaho was admitted to the Union with the right of additions thereto and subject to deletions therefrom that have occurred causing the boundary of the State's ownership to change:

A parcel of land being on both sides of the following described line as shown on the attached survey plat and being a portion of the Snake River stream bed adjacent to Lots 1, 2 & 3 of Section Twenty-Eight (28), Township Eight (8) South, Range Fourteen (14) East, Boise Meridian, Gooding and Twin Falls County, Idaho; more particularly described as follows:

Commencing at the west one-quarter corner of said Section Twenty-Eight (28); thence running North 57° 57' 13" East a distance of 1346.50 feet to the westerly highwater line of the Snake River and being the REAL POINT OF BEGINNING; thence describing a strip of land one hundred feet (100') in width and being fifty feet (50') on each side of the following described line; North 66° 10' 45" East, a distance of 928.11 feet, more or less, to the easterly highwater line of the Snake River.

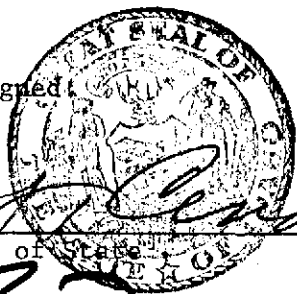
The area described contains 2.13 acres, more or less.

It is further understood and agreed that the pipe line is to be constructed and maintained in such a manner that will not obstruct the river channel or hinder or affect navigation, recreation or other authorized and customary use of the river. The State Board of Land Commissioners reserves the right to terminate this easement for failure to construct and maintain the pipe line as herein provided, upon 30 days written notice to the party of the second part.

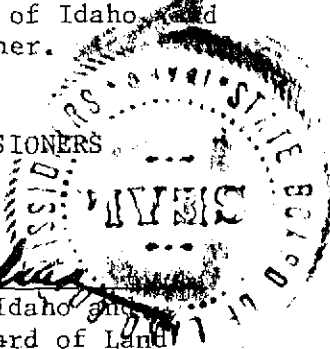
It is further understood and agreed that in the event the lands hereinabove described are not used for the purposes herein specified for any five year period, the State Board of Land Commissioners may declare such right-of-way forfeited and the use of the lands will revert back to the State of Idaho or to the record owner of the lands.

IN WITNESS WHEREOF, the State Board of Land Commissioners has caused these presents to be executed by its President, the Governor of the State of Idaho, and countersigned by the Secretary of State and the State Land Commissioner.

Countersigned:

  
John H. Lawrence  
Secretary of State  
W. J. M.  
State Land Commissioner

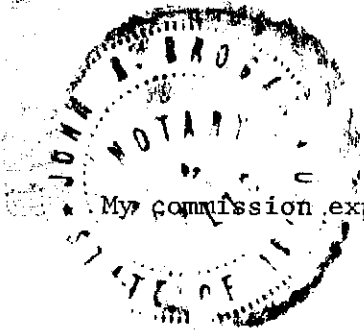
STATE BOARD OF LAND COMMISSIONERS

  
David D. Baker  
Governor of the State of Idaho and  
President of the State Board of Land  
Commissioners

State of Idaho )  
                  ) ss  
County of Ada )

On this 18 day of July, 1973, before me, a notary public in and for the said State, personally appeared Cecil D. Andrus, known to me to be the Governor of the State of Idaho and President of the State Board of Land Commissioners, Pete T. Cenarrusa, known to me to be the Secretary of State of Idaho, and G. C. Trombley, known to me to be the State Land Commissioner of the State of Idaho, that executed the said instrument and acknowledged to me that such State of Idaho and State Board of Land Commissioners executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above.



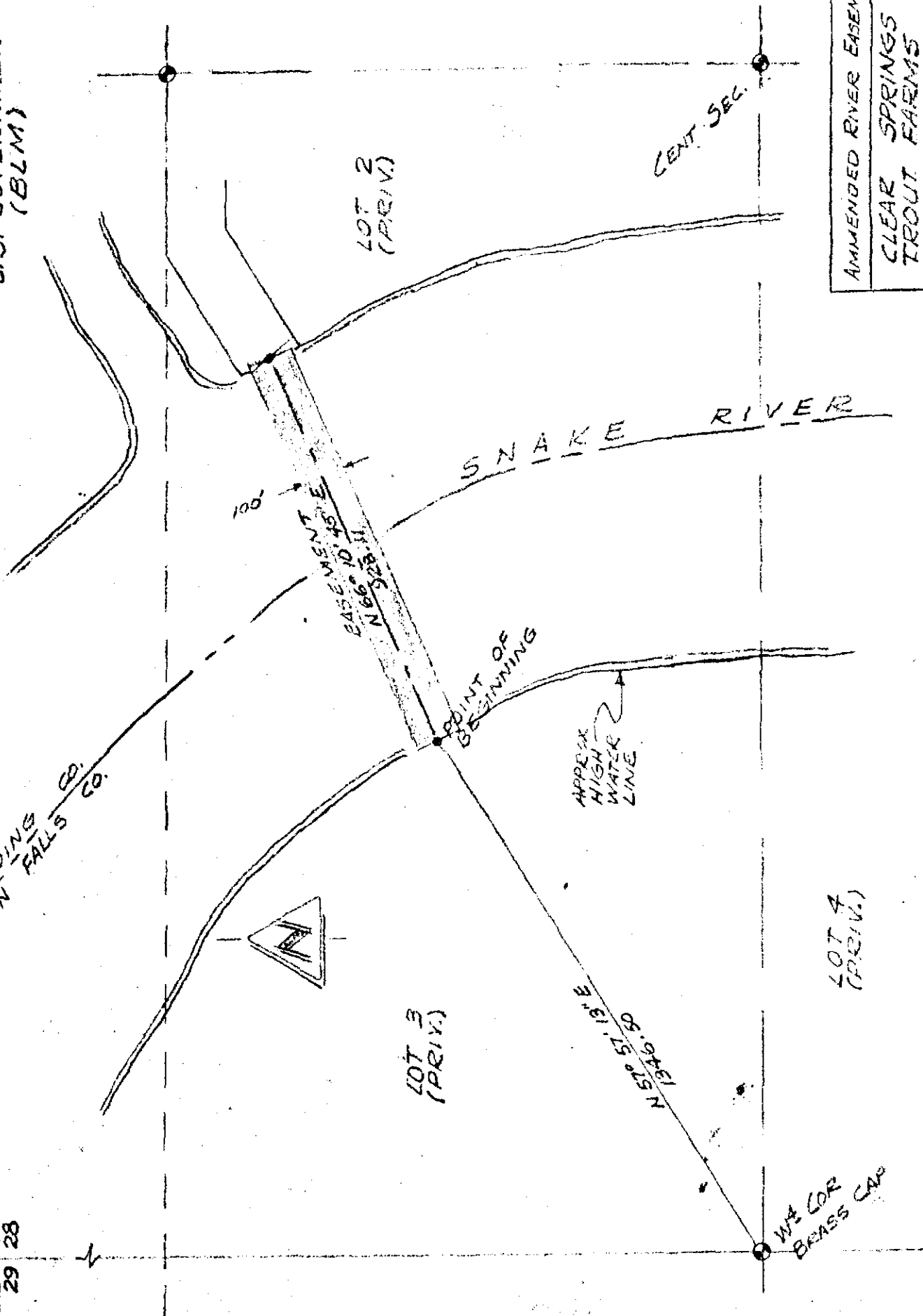
John D. Broome  
Notary Public residing at Idaho City, Idaho

T.8S R.14E B.M.  
SEC 28

U.S. GOVERNMENT  
(BLM)

GOODING CO.  
TWIN FALLS CO.

20 21  
29 28



|                           |       |         |      |
|---------------------------|-------|---------|------|
| AMENDED RIVER EASEMENT    |       |         |      |
| CLEAR SPRINGS TROUT FARMS |       |         |      |
| SCL.                      | 1-300 | DRW/CHK | 2/85 |
| DATE 7/99                 |       |         |      |

State of Idaho Easement No. 4093 (Richard Kaster)

67944

INDEXED

Direct

Indirect

FILED

STATE OF IDAHO, COUNTY OF GOODING, ss. .

Filed for record at the request of *Paul J. H.*

*04* min. past *9* o'clock *A.* M. this *28* day  
of *December*, 19 *77*.

MARGARET F. CLEMENTS Recorder

By *Don Seatt*, Deputy

STATE OF IDAHO EASEMENT

No. 4093

THIS INDENTURE, made this 25th day of November, 1969, by and between the STATE OF IDAHO, acting by and through the State Board of Land Commissioners, as party of the first part, and RICHARD KASTER, Route 4, Buhl, Idaho, as party of the second part;

WITNESSETH: That for and in consideration of the sum of TWO HUNDRED and no/100 DOLLARS (\$200.00), lawful money of the United States of America, receipt whereof is hereby acknowledged, the party of the first part does hereby grant to the party of the second part an easement for the purpose of constructing and maintaining a pipe line over and across the following described lands situated in Gooding and Twin Falls Counties, State of Idaho, to-wit: so much of the following described lands that were below the ordinary or natural high water mark on the date the State of Idaho was admitted to the Union with the right of additions thereto and subject to deletions therefrom that have occurred causing the boundary of the State's ownership to change:

A parcel of land being on both sides of the following described line as shown on the attached survey plat and being a portion of the Snake River stream bed adjacent to Lots 1, 2 & 3 of Section Twenty Eight (28), Township Eight (8) South, Range Fourteen (14) East, Boise Meridian, Gooding and Twin Falls County, Idaho; more particularly described as follows:

Commencing at the West one quarter corner of said Section Twenty Eight (28); thence running North fifty six degrees fifty six minutes East (N56°56'E) for one thousand two hundred ninety three and seven tenths (1293.7) feet; thence South twenty nine degrees four minutes East (S29°04'E) for three hundred forty eight and one tenth (348.1) feet; thence North forty six degrees fifty nine minutes East (N46°59'E) for one hundred and no tenths (100.0) feet, more or less, to the Westerly high water line of the Snake River, and being the REAL POINT OF BEGINNING; thence describing a strip of land one hundred and no tenths (100.0) feet in width and being fifty and no tenths (50.0) feet right and fifty and no tenths (50.0) feet left of the following described line; thence North forty six degrees fifty nine minutes East (N46°59'E) for eight hundred and no tenths (800.0) feet, more or less to the Easterly high water line of the Snake River.

The area described above contains approximately one and eight tenths (1.8) acres.

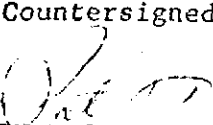
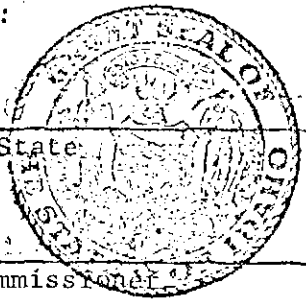
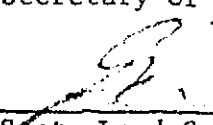
It is further understood and agreed that the pipe line is to be constructed and maintained in such a manner that will not obstruct the river channel or hinder or affect navigation, recreation or other authorized and customary use of the river. The State Board of Land Commissioners reserves the right to terminate this easement for failure to construct and maintain the pipeline as herein provided, upon 30 days written notice to the party of the second part.

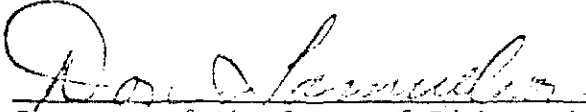
It is further understood and agreed that in the event the lands hereinabove described are not used for the purposes herein specified for any five year period, the State Board of Land Commissioners may declare such right-of-way forfeited and the use of the lands will revert back to the State of Idaho or to the record owner of the lands.

IN WITNESS WHEREOF, the State Board of Land Commissioners has caused these presents to be executed by its President, the Governor of the State of Idaho, and countersigned by the Secretary of State and the State Land Commissioner.

STATE BOARD OF LAND COMMISSIONERS

Countersigned:

  
Secretary of State  
  
  
State Land Commissioner  
W.J.M.

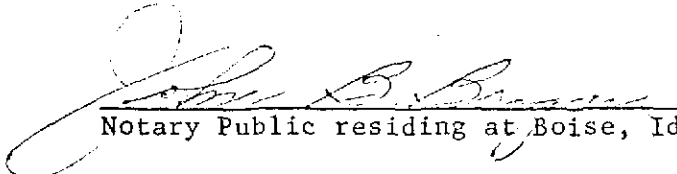
  
Governor of the State of Idaho and  
President of the State Board of Land  
Commissioners

\*\*\*\*\*

State of Idaho )  
                  ) ss  
County of Ada )

On this 9<sup>th</sup> day of September, 1969, before me, a notary public in and for the said State, personally appeared Don Samuelson, known to me to be the Governor of the State of Idaho and President of the State Board of Land Commissioners, Pete T. Cenarrusa, known to me to be the Secretary of State of Idaho, and G. C. Trombley, known to me to be the State Land Commissioner of the State of Idaho, that executed the said instrument and acknowledged to me that such State of Idaho and State Board of Land Commissioners executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above.

  
Notary Public residing at Boise, Idaho

My commission expires 8-25-70

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1 Said easement and right-of-way to be used for an open  
2 ditch and/or pipeline to convey water across said land. The  
3 grantee shall have full responsibility for the construction,  
4 maintenance and repair of the ditch and/or pipeline which they  
5 construct across said right-of-way and for any damages which  
6 might result to the grantors from failure to so construct, main-  
7 tain and repair said ditches and/or pipeline.

8 It is further understood and agreed that the grantors  
9 are hereby given the right of ingress and egress over the lands  
10 adjacent to said right-of-way for all purposes necessary and  
11 convenient to the exercise of the grantee's right and easements  
12 herein granted.

13 It is further understood that nothing herein shall  
14 limit the right of the grantors from using the area encompassed  
15 in said right-of-way for any purpose so long as it does not  
16 interfere with or damage the ditch and/or pipeline being used by  
17 grantee.

18 This instrument shall be binding upon the heirs, adminis-  
19 trators, personal representatives, assigns and successors of the  
20 parties hereto.

21 DATED this 6<sup>th</sup> day of June, 1973.

22 Richard Kaster  
23 Richard Kaster

24 Edith Kaster  
25 Edith Kaster

26 CLEAR SPRINGS TROUT CO.

27 ATTEST:

28 John C. Hengworth  
Secretary

James C. Eastman Jr.  
President

1 STATE OF IDAHO )  
2 ) ss.  
3 County of Twin Falls )

4 On this 6th day of June, 1973, before me, the under-  
5 signed, a Notary Public in and for the said County and State,  
6 personally appeared Richard Kaster and Edith Kaster, husband and  
7 wife, and Jess O. Eastman, Jr., President, and John C. Hepworth,  
8 Secretary, of Clear Springs Trout Co., known to me to be the persons  
9 whose names are subscribed to the foregoing instrument and acknowl-  
10 edged to me that they executed the same.

11 IN WITNESS WHEREOF, I have hereunto set my hand and  
12 affirmed my official seal the day and year in this certificate  
13 first above written.  
14

*Allen Gannon*  
Notary Public for Idaho  
Residing at Buhl, Idaho

04615 46155

STATE OF IDAHO, COUNTY OF GOODING, ss.

Filed for record at the request of *Hepworth, Nungester & Felton*  
05 min. past 9 o'clock A.M. this 11th day  
of July, 1973.

VIVIAN M. BURDEN, Recorder

By *Ann Scott*, Deputy

-3-

INDEXED  
Direct  
Indirect

16708 ✓

INSTRUMENT No.

14/172

## QUITCLAIM DEED

For Value Received HAROLD E. THOMAS and PHYLLIS THOMAS, husband and wife, of 5727 Hill Road, Boise, Idaho,

do hereby convey, release, remise and forever quit claim

unto CLEAR SPRINGS TROUT CO., an Idaho Corporation, whose address is Route #4, P. O. Box 548, Buhl, Idaho 83316

All interest I/we now have, or may hereafter acquire in the following described premises, to-wit:

A parcel of land in Lot 3 of Section 28, Township 8 South, Range 14 E., B.M., Twin Falls County, Idaho, more particularly described as follows:

Parcel No. 1: Commencing at the Southwest Corner of said Lot 3; thence along the Westerly boundary of said Lot 3 North  $0^{\circ} 03'$  West 587.00 feet; thence South  $89^{\circ} 55' 37''$  East 676.53 feet to the True Point of Beginning; thence continuing South  $89^{\circ} 55' 37''$  East 525.84 feet to the approximate high water mark of the Snake River; thence Northerly along the approximate high water mark of the Snake River North  $30^{\circ} 16' 32''$  West 449.09 feet; thence South  $79^{\circ} 05' 26''$  West 353.31 feet; thence South  $8^{\circ} 26' 05''$  East 323.80 feet to the True Point of Beginning; and

Parcel No. 2: Beginning at the Southwest Corner of said Lot 3; thence North  $00^{\circ} 03' 00''$  West 587.00 feet, along the West boundary of said Lot 3; thence South  $89^{\circ} 55' 37''$  East 631.23 feet, to the Real Point of Beginning; thence North  $09^{\circ} 30' 07''$  West 324.61 feet; thence North  $80^{\circ} 29' 53''$  East 392.46 feet; thence South  $79^{\circ} 05' 26''$  West 341.86 feet; thence South  $08^{\circ} 26' 05''$  East 323.80 feet; thence North  $89^{\circ} 55' 37''$  West 45.30 feet to the Real Point of Beginning,

Containing 4.04 acres more or less.

together with their appurtenances.

Dated: January 12, 1978.

x Harold E. Thomas  
Phyllis S. Thomas

## STATE OF IDAHO, COUNTY OF

On this 12<sup>th</sup> day of January, 1978, before me, a notary public in and for said State, personally appeared Harold E. Thomas and Phyllis Thomas, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Jackie Lindall  
Notary Public

Residing at Twin Falls, Idaho

## STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of TITLEFACT, Inc.

at 30 minutes past 3 o'clock pm.,  
this JAN 17 1978 day of  
1978, in my office, and duly recorded in Book 228  
of Deeds at page 1552

GARY WHITWELL

Ex-Officio Recorder

By Genevieve Crawford Deputy

Fees \$ 1.00

Mail to: Land Title & Escrow, Inc.

P.O. Box 36 Jerome 83338

729176

WARRANTY DEE

For Value Received Richard Kaster and Edith Kaster, husband and wife, of Hagerman, County of Gooding, State of Idaho,

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto Clear Springs Trout Co., an Idaho corporation with its principal place of business at Buhl, County of Twin Falls, State of Idaho,

Hereinafter called the grantee, the following described premises, in Twin Falls County, Idaho, to-wit:

A tract of land being the South 587.0 feet of Lot 3 and the North 1020 feet of Lot 4 of Section 28, Township 8 South, Range 14 East, of the Boise Meridian, Twin Falls County, Idaho, as shown on the records of the County Recorder for Twin Falls County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's        its        heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: July 9, 1973.

Richard Koster

Edith Koster

STATE OF IDAHO, COUNTY OF

On this 9th day of July, 1973,  
before me, a notary public in and for said State, per-  
sonally appeared Richard Kaster and  
Edith Kaster, husband and wife,

known to me to be the personS whose nameS are  
subscribed to the within instrument, and acknowledged to  
me that they executed the same.

Alta Gannon

**Notary Public**

Residing at Buhl , Idaho  
Comm. Expires

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of [redacted]

at <sup>10</sup> minutes past <sup>4</sup> o'clock m.,  
this <sup>JUL 2</sup> 1973 day of  
19, in my office, and duly recorded in Book 224  
of Deeds at page 409.

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

**Ex-Officio Recorder**

By Helen Thorne

Deputy.

Fees \$ /  
Mail to:

INSTRUMENT NO.

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1 appurtenances unto the said grantee and to the grantee's heirs  
2 and assigns forever. And the said grantors do hereby covenant  
3 to and with the said grantee, that the grantors are the owners  
4 in fee simple of said premises; that they are free from all en-  
5 cumbrances except as described above and that grantors will  
6 warrant and defend the same from all lawful claims whatsoever.

7 DATED this 20 day of December, 1977.

8  
9 Richard Kaster  
Richard Kaster

10  
11 Edith Kaster  
Edith Kaster

12  
13  
14 STATE OF IDAHO )  
15 ) ss.  
County of Twin Falls )

16 On this 20<sup>th</sup> day of December, 1977, before me,  
17 the undersigned, a Notary Public in and for said County and State,  
18 personally appeared Richard Kaster and Edith Kaster, husband and  
19 wife, known to me to be the persons whose names are subscribed  
20 to the foregoing instrument and acknowledged to me that they  
21 executed the same.

22 IN WITNESS WHEREOF, I have hereunto set my hand and  
23 affixed my official seal the day and year last above written.

24  
25 D. Brent Marten  
26 Notary Public for Idaho  
Residing at Buhl, Idaho

728134

RECORDED  
INDEXED

Richard Kaster

&

Clear Springs Trout Co

STATE OF IDAHO }  
County of Twin Falls }

I hereby certify that this instrument

filed for record at the request of

Hepworth, Nungester & Felton

8:32 o'clock, am this DEC 29 1977

In my office and duly recorded in book

228 of Woods page 1954

GARY WHITWELL

Ex-Officio Recorder

Genevieve Crawford  
Deputy

Fee \$ 2.00

Return to

Hepworth Nungester & Felton

Buhl, Ida

Presented to and Platted by me  
GEO. W. (Bill) CLARK  
Assessor, Twin Falls County  
Date 1/3/78

# AFFIDAVIT of PUBLICATION

State of Idaho, }  
County of Gooding } SS.

Gary Gross, 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 28 day of April 1982, and the date of the last publication was on the 5 day of May 1982

Subscribed and sworn to before me this 5 day of May, 1982  
(SEAL)

Cindy Davis  
NOTARY PUBLIC

GOODING COUNTY LEADER  
Gooding, Idaho

## COST OF PUBLICATION

|                                 |                                               |
|---------------------------------|-----------------------------------------------|
| Number of Lines in Notice ..... | <u>20</u>                                     |
| Number of Insertions .....      | <u>2</u>                                      |
| Lines tabular at .....          | <u>142</u><br><u>315c</u>                     |
| Lines straight at .....         | <u>20</u> <u>32</u><br><u>21c</u> <u>6.40</u> |
| Subsequent lines at .....       | <u>20</u> <u>21</u><br><u>15c</u> <u>4.20</u> |
| TOTAL COST ....                 | <u>10.60</u>                                  |

## COPY OF NOTICE

(Paste Here)

Application for water  
TITLE OF NOTICE

36-8080

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water  
BILL TO

36-8080

CLEAR SPRINGS TROUT CO.

P.O. BOX 548, BUHL, ID 83316

Source: BOX CANYON CREEK tributary to SNAKE RIVER

Date Filed: 04/20/1982

Amount: 300.00 CFS

Diversion Point: SENE Sec 28 T 08S R 14E, GOODING Co.

Use: POWER (300.00 CFS) from 01/01 to 12/31

Place of Use: LOT 03 Sec 28 T 08S R 14E

Diversion Means: DIVER-SION DAM, CONVEYANCE FLUME, SIPHONS

## PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

|                                  |      |
|----------------------------------|------|
| 7 pt. per line, straight .....   | 21c  |
| 7 pt. per line, tabular .....    | 315c |
| 7 pt. per line, successive ..... | 15c  |

MAY 7 1982

Department of Water Resources  
Northern District Office  
Nº 2872

40809

| ADVERTISING                                                                                                                                                     |                | PRINTING   |                                                                                                                                                                                                                                                                                                    | OFFICE SUPPLIES |              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------|
| PHONE 934-4449                                                                                                                                                  |                |            |                                                                                                                                                                                                                                                                                                    | BOX 56          |              |
| GOODING, IDAHO 83330                                                                                                                                            |                |            |                                                                                                                                                                                                                                                                                                    |                 |              |
| <b>GOODING COUNTY LEADER</b>                                                                                                                                    |                |            |                                                                                                                                                                                                                                                                                                    |                 |              |
| ONE MEDIUM • ONE COVERAGE • ONE COST                                                                                                                            |                |            |                                                                                                                                                                                                                                                                                                    |                 |              |
| ACCOUNT NO.                                                                                                                                                     |                |            | DATE                                                                                                                                                                                                                                                                                               |                 |              |
| M <i>Dept. 2</i>                                                                                                                                                |                |            | <i>5-5-82</i>                                                                                                                                                                                                                                                                                      |                 |              |
|                                                                                                                                                                 |                |            | <i>Utah</i>                                                                                                                                                                                                                                                                                        |                 |              |
|                                                                                                                                                                 |                |            |                                                                                                                                                                                                                                                                                                    |                 |              |
|                                                                                                                                                                 |                |            |                                                                                                                                                                                                                                                                                                    |                 |              |
|                                                                                                                                                                 |                |            | CASH <input type="checkbox"/><br>CHARGE <input checked="" type="checkbox"/><br>ON ACCT. <input type="checkbox"/><br>PAID OUT <input type="checkbox"/><br>DISPLAY <input type="checkbox"/><br>CLASS <input type="checkbox"/><br>SUPPLIES <input type="checkbox"/><br>MISC. <input type="checkbox"/> |                 |              |
| QUAN.                                                                                                                                                           | DESCRIPTION    |            |                                                                                                                                                                                                                                                                                                    |                 | AMOUNT       |
|                                                                                                                                                                 |                |            |                                                                                                                                                                                                                                                                                                    |                 |              |
|                                                                                                                                                                 |                |            |                                                                                                                                                                                                                                                                                                    |                 |              |
|                                                                                                                                                                 | <i>36-8080</i> |            |                                                                                                                                                                                                                                                                                                    |                 | <i>10.60</i> |
|                                                                                                                                                                 |                |            |                                                                                                                                                                                                                                                                                                    |                 |              |
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|                                                                                                                                                                 |                |            |                                                                                                                                                                                                                                                                                                    |                 |              |
| JE                                                                                                                                                              | SPECIAL RATE   | START DATE | EXPIRE DATE                                                                                                                                                                                                                                                                                        |                 |              |
|                                                                                                                                                                 |                |            |                                                                                                                                                                                                                                                                                                    |                 |              |
| NEW ACCT.                                                                                                                                                       | RENEWAL        | PZ         | STATE                                                                                                                                                                                                                                                                                              | BILL            | CYCLE        |
|                                                                                                                                                                 |                |            |                                                                                                                                                                                                                                                                                                    |                 |              |
| PSA                                                                                                                                                             | NO. PAP.       | RATE       | SORT KEY                                                                                                                                                                                                                                                                                           |                 | SACK         |
|                                                                                                                                                                 |                |            |                                                                                                                                                                                                                                                                                                    |                 |              |
|                                                                                                                                                                 |                |            |                                                                                                                                                                                                                                                                                                    |                 | LEGAL NO.    |
|                                                                                                                                                                 |                |            |                                                                                                                                                                                                                                                                                                    |                 | <i>2872</i>  |
|                                                                                                                                                                 |                |            |                                                                                                                                                                                                                                                                                                    |                 | PRINTING NO. |
|                                                                                                                                                                 |                |            |                                                                                                                                                                                                                                                                                                    |                 |              |
| <div style="display: flex; justify-content: space-between; align-items: center;"> <span style="font-size: 1.5em;">40809</span> <span>BY <i>RL</i></span> </div> |                |            |                                                                                                                                                                                                                                                                                                    |                 |              |

PLEASE RETAIN THIS TICKET FOR YOUR RECORDS  
MOORE DEALER - GOODING COUNTY LEADER

CLEAR SPRINGS TROUT CO  
PO BOX 712  
BUHL ID 83316

September 29, 1992

RE: WATER RIGHT NO. 36-08080

Dear Water Right Holder(s):

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

Sincerely,

PAMELA SKAGGS  
Water Resource Agent

PS:cz

Enclosure

**MEMORANDUM**

**TO: File 36-08080**  
**FROM: Sharla**  
**DATE: September 21, 1992**  
**RE: License Review**

The point of diversion shown on the field examination report is the NWNE, Sec. 28. However, this is the same point of diversion as licensed under 36-07040 and proposed for licensing under 36-07824.

Documentation is found in the above two files which verifies the correct legal description as the SWNE, Sec. 28.

Telephone conversations with Mr. Quigley and a representative from IPUC on 9/18 confirmed that the term of the power purchase contract is 35 years and started in 1983.

*Handwritten:* 36-08080  
9/21/92

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

**A. GENERAL INFORMATION**

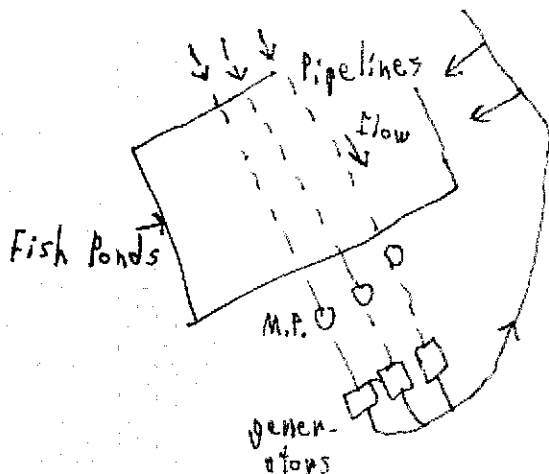
1. Owner: Clear Springs Trout Co. Permit No. 36-08080  
Current Address: P.O. Box 712, Buhl, ID 83316 Phone No. 543-4316  
2. Accompanied by: Keith Quigley EXAM. DATE: 3-28-90  
Address: Same Phone No. 543-4316  
Relationship to Permit Holder: Controller  
3. Source: Box Canyon Cr. tributary to Snake R.

**B. OVERLAP REVIEW**

1. Other water rights with same place of use: 36-7040 (Fish Propagation)  
☐ Copies Attached  
2. Other water rights with same point of diversion: 36-7040  
☐ Copies Attached ☐ Copies of Field Exam's Attached

**C. SYSTEM DESCRIPTION**

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = \_\_\_\_\_

2. ☒ Copy of U.S.G.S. Quadrangle Attached  
Showing location(s) of point(s) of diversion and  
place(s) of use (required). ☐ Aerial Photo Attached  
(required for irrigation of 10 acres or more).  
☒ Photo of Diversion and System Attached  
(required for all but single household domestic groundwater, and stockwater).

**System Description (continued)**

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Existing check dam & headgate to covered ditch & pipeline under Snake R. to fish hatchery. 3 generators at upper end of head ditch serving fish hatchery.

3 Westinghouse 188 KW generators.

Access port in each pipeline serving each generator. Water comes together in head ditch for use in existing ponds.

☐ See Remarks on page 4 for continuation

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

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

| Ident. No. | Gov't. Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Method of Determination/Remarks |
|------------|------------|-----|-----|-----|------|------|------|---------|---------------------------------|
|            |            | SW  | NW  | NE  | 28   | 8S   | 14E  | Gooding | Quadr map, site inspection      |
|            |            |     |     |     |      |      |      |         |                                 |
|            |            |     |     |     |      |      |      |         |                                 |
|            |            |     |     |     |      |      |      |         |                                 |

6. **Place(s) of Use:**

Indicate Method of Determination

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 8S   | 14E  | 28   |        |        |        |        |        |        | P      |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        | LT3    |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Do not use this space

## D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

| Measurement Equipment | Type     | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|----------|------|-----------|------------|------|-------------|
| Flow Research Corp.   | Impeller |      |           |            |      |             |
|                       |          |      |           |            |      |             |
|                       |          |      |           |            |      |             |
|                       |          |      |           |            |      |             |

2. Measurements:

Pipe #1 - 200,000 gal/248.5 sec. about 42,500 gpm. = 48290 gpm  
 Pipe #2 - 150,000 gal/211.7 sec. about 41,500 gpm. = 42515 gpm  
 Pipe #3 - 150,000 gal/207.8 sec. about 42,000 gpm. = 43311 gpm  
 Total = 298.83 cfs.

## E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

## F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: \_\_\_\_\_ psi x 2.31 = \_\_\_\_\_ ft (1); Dynamic pumping level: \_\_\_\_\_ ft (2)

Total Head: (1) + (2) = \_\_\_\_\_ (3) ; Flow rate: \_\_\_\_\_ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = \_\_\_\_\_ (5)

Meter Input KW: 3.6 x \_\_\_\_\_ KH x \_\_\_\_\_ CTR or \_\_\_\_\_ MULT x \_\_\_\_\_ PTR x \_\_\_\_\_ N/ \_\_\_\_\_ T = \_\_\_\_\_ (6)

Meter Input HP: (6) x 1.34 = \_\_\_\_\_ (7)

Panel Input KW: \_\_\_\_\_ Ave PF x \_\_\_\_\_ Ave Volts x \_\_\_\_\_ Ave Amps x .001732 = \_\_\_\_\_ (6)

Panel Input HP: (6) x 1.34 = \_\_\_\_\_ (7) Efficiency: (5)/(7) x 100 = \_\_\_\_\_ %

## G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$  \_\_\_\_\_

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$  \_\_\_\_\_

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$  \_\_\_\_\_

2. Volume Calculations for Other Uses:

#### H. REMARKS AND OVERLAP REVIEW ANALYSIS

Generators produce about  $\frac{1}{2}$  MW of power under 21' of effective head (28' actual head - 7' friction loss).

Same diversion system is licensed for 300 cfs for fish propagation (36-7040) at same location. Measuring device claims accuracy of  $\pm 2\%$ . Measured amount is within  $\frac{1}{2}\%$  of 300 cfs. Therefore, I recommend license be issued for 300,0 cfs. Lorne Holmes agrees.

P/D shown on permit is clearly incorrect. Quad map shows pool created by diversion works.

#### I. RECOMMENDATIONS

##### 1. Recommended Amounts

| Beneficial Use | Period of Use |       | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|----------------|---------------|-------|------------------------------|--------------------------|
|                | From          | To    |                              |                          |
| Hydropower     | 1-1           | 12-31 | <del>298,83</del> 300,0      |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
| Totals:        |               |       | <del>298,83</del> 300,0      |                          |

##### 2. Recommended Amendments

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

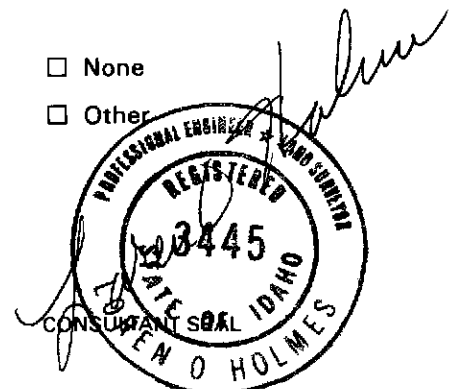
☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

#### J. AUTHENTICATION

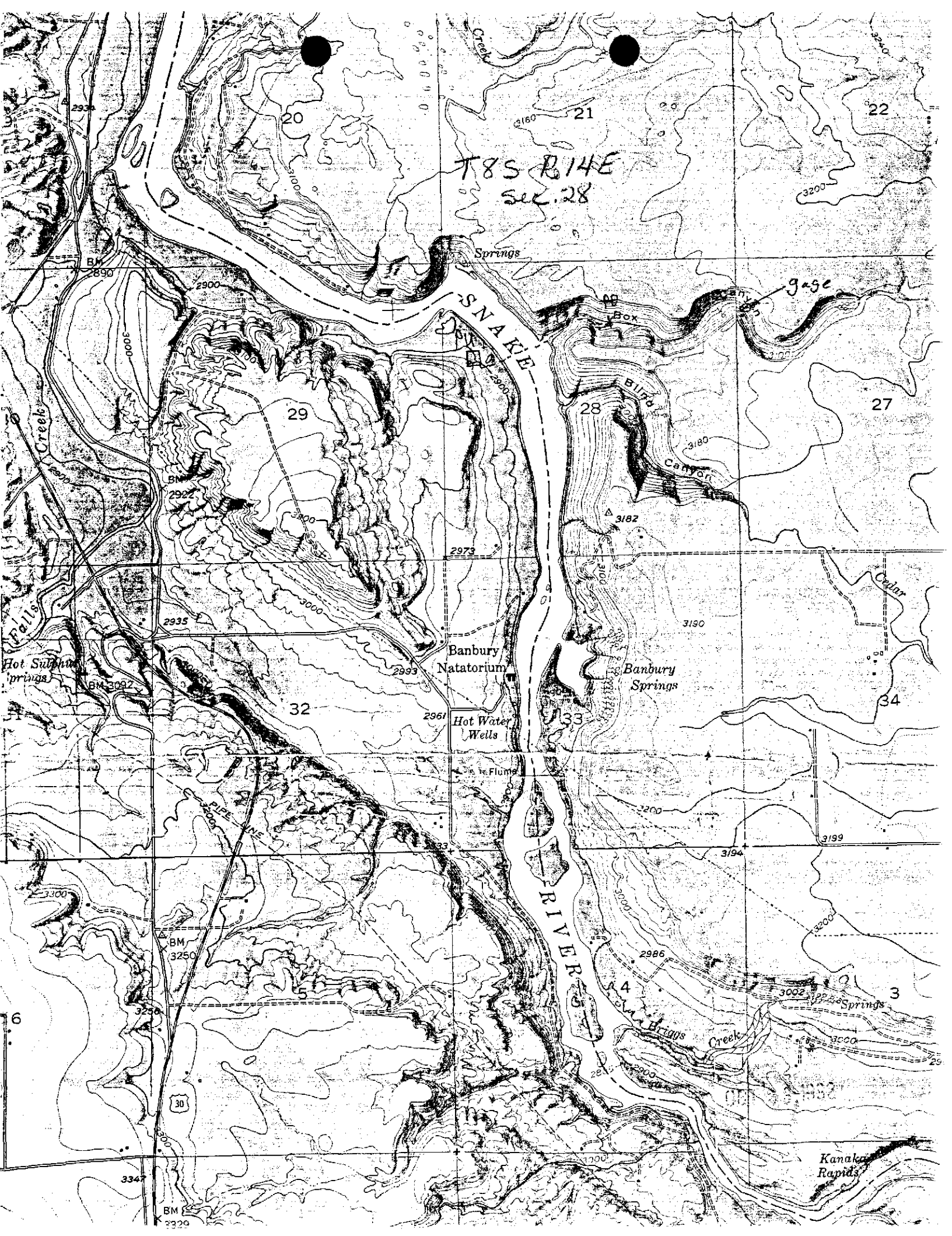
Field Examiner's Name J.E. Stanton  
Signature J.E. Stanton  
Certification Date 4/10/91  
Field Report Preparation Date 5-2-90



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

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OCT 23 1992



T8S R14E  
Sec. 28

Springs

Snake River

gage

Box

Blind

Canyon

Banbury Natatorium

Banbury Springs

Hot Water Wells

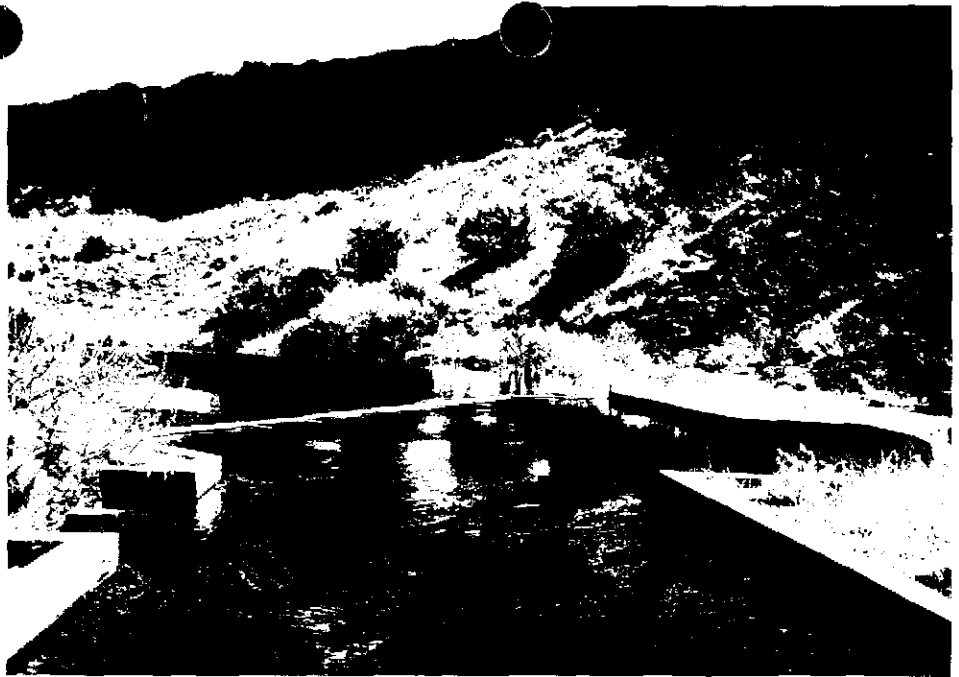
Flume

Briggs Creek

Kanaka Rapids

36-8080

Diversion Work  
In Box Canyon



Same.  
Overflow back into  
Box Canyon Cr.



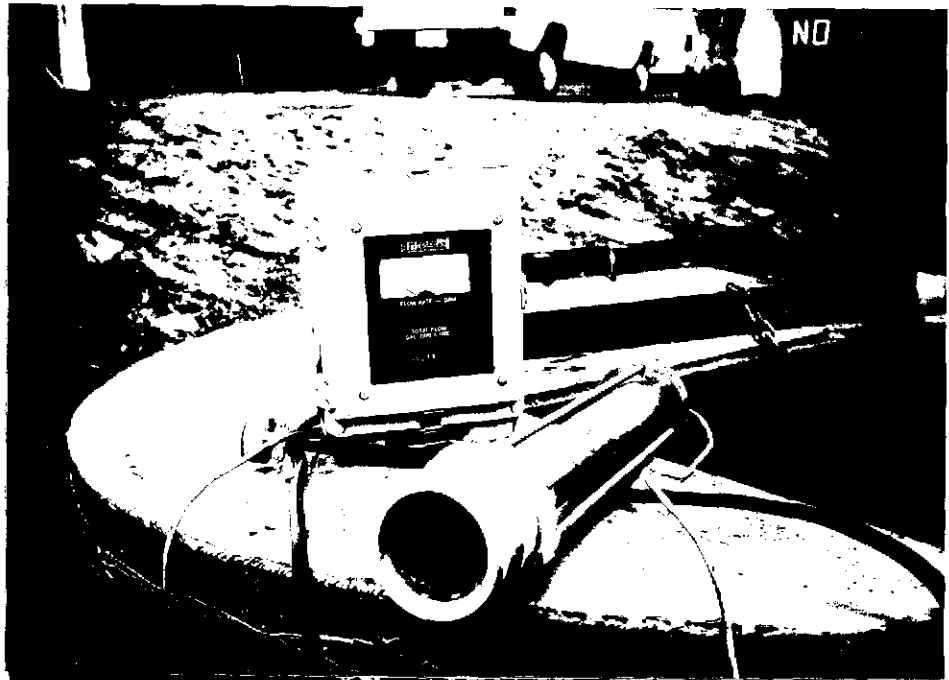
Covered canal looking  
toward Snake R.



UNRECORDED  
OCT 23 1992

36-8080

Measuring  
Device



Installation of  
Measuring Device

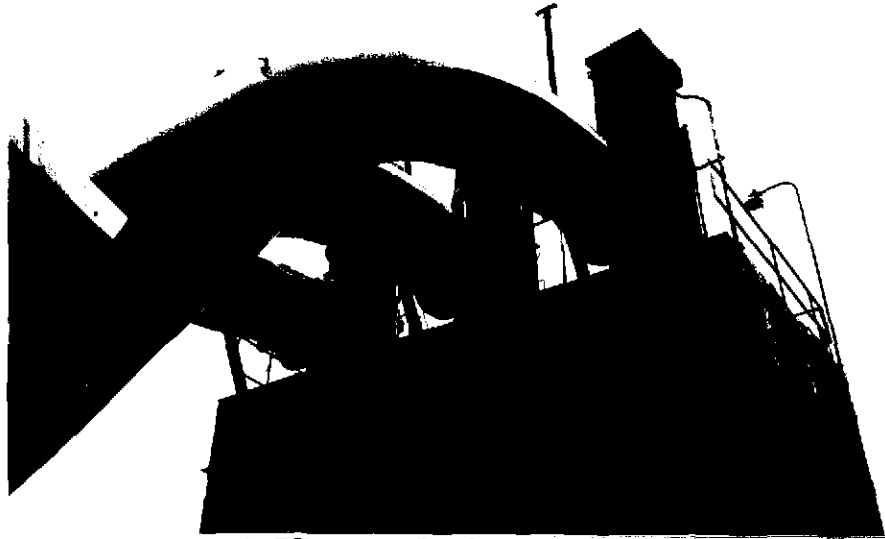


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U.S. AIR FORCE  
RESEARCH AND DEVELOPMENT  
DIVISION

NOV 8 8 1962

36-8080

Inlet pipes  
to generators



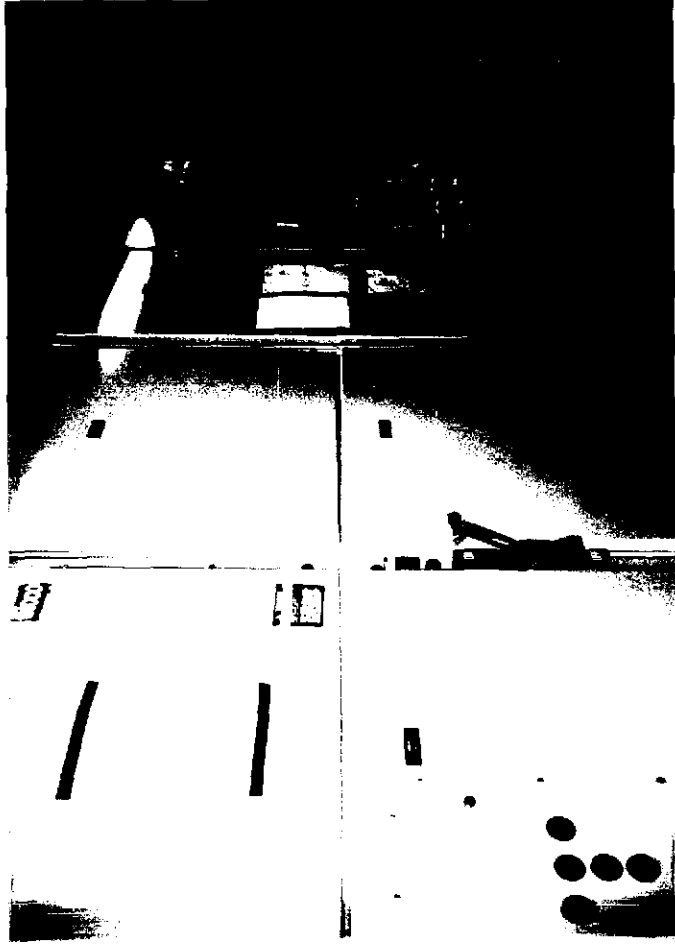
Generator Outlet



Pipelines Inside  
Powerhouse



Control Panel  
for generators





May 9, 1991

Mr. James E. Stanton  
Sr. Water Resource Agent  
State of Idaho  
Department of Water Resources  
222 Shoshone St. E.  
Twin Falls, ID 83301

RECEIVED

MAY 10 1991

Department of Water Resources  
Southern Region Office

Re: License 36-8080

Dear Jim:

I am writing to follow up on the status of the captioned water license for our hydroelectric facility at Box Canyon. My file indicates that the last time we spoke was April 19, 1990 with the result of that conversation being that you had discussed the matter of the results of the field examination with Loren Holmes and determined that the license would be issued for 300 cfs. Jim, can you give me an update as to what the current status is? I look forward to hearing from you soon. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith E. Quigley".

Keith E. Quigley  
Controller

KEQ:cjp  
Power\Stanton.591



RECEIVED

APR 2 1990

Department of Water Resources  
Southern Region Office

March 29, 1990

Mr. James E. Stanton  
Sr. Water Resource Agent  
State of Idaho  
Department of Water Resources  
222 Shoshone St. E.  
Twin Falls, Idaho 83301

Re: Field Examination 36-8080

Dear Jim:

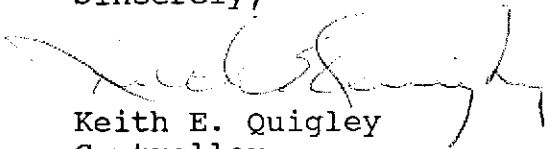
As follow-up to the captioned field exam which you conducted on Wednesday March 28th I have enclosed the following per your request:

1. Specifications and description of the flow meter used to measure the flow through the penstocks.
2. Description and identification of turbine/generator units.

Jim, I would also confirm that our measurement reflected a total flow through the three turbines of 297.8 cfs. I understood you to say that your calculation was similar. Given the accuracy parameters of the flow meter it is my understanding, therefore, that we will be licensed for the 300 cfs per our application. Please let me know if this is not correct.

If you have questions or require any additional information please feel free to give me a call. Thank you.

Sincerely,

  
Keith E. Quigley  
Controller

Encl (2)  
CC: Terry Huddleston  
Duwayne Wilson

APR 4 1990

CLEAR SPRINGS TROUT COMPANY  
Box Canyon Hydroelectric Plant

Turbine/Generator units: Description

| <u>ID No.</u> | <u>Type</u> | <u>Description</u>                                              |
|---------------|-------------|-----------------------------------------------------------------|
| #1            | Turbine     | Allis Chalmers<br>Vertical/Mini-tube<br>188 HP/fixed 28" runner |
| #2            | Turbine     | Allis Chalmers<br>Vertical/Mini-tube<br>188 HP/fixed 28" runner |
| #3            | Turbine     | Allis Chalmers<br>Vertical/Mini-tube<br>188 HP/fixed 28" runner |
| 1S-83-06      | Generator   | Westinghouse/188 KW                                             |
| 2S-83-06      | Generator   | Westinghouse/188 KW                                             |
| 3S-83-06      | Generator   | Westinghouse/188 KW                                             |

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 07-13-03 BY 6032

FLOW RESEARCH CORPORATION

Houston, Texas

OPERATION AND INSTRUCTION MANUAL

MODEL FL1000 FLOW TRANSMITTER

Rev. 12/86

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## I. GENERAL

### 1.1 About FLOW RESEARCH CORPORATION

FLOW RESEARCH CORPORATION was established in 1981. Since its inception, the Company has been dedicated to manufacturing cost-effective, high performance flow metering devices for industrial, commercial and municipal applications.

Our new facilities in Houston, Texas include computerized order entry and inventory control. Our production personnel are capable of giving your order individual attention whether that order be large or small.

Product development, testing and high standards of quality control are reasons why the products of FLOW RESEARCH CORPORATION are considered to be of the highest caliber and are designed to meet your demanding requirements.

### 1.2 Theory of Operation

The products of FLOW RESEARCH CORPORATION utilize widely accepted technology for measuring flow with proven accuracy and repeatability.

FLOW RESEARCH CORPORATION has developed a simple design which offers optimum performance with minimum maintenance.

A six-bladed impeller containing magnets is suspended in the flow stream. As the tangential impeller rotates, the magnets energize a coil which produces a low level signal. This signal is amplified and converted to a square wave, the frequency of which is proportional to the flow rate. When the flow meter is properly calibrated the output can be used for direct flow rate indication, totalizing, telemetering or recording.

### 1.3 General Description

The FLOW RESEARCH Series FL1000 flowmeters are a group of A/C or battery powered, self-contained flow monitoring devices designed to meet the requirements of a wide range of liquid flow measurement applications.

Housed in a weatherproof fiberglass case, the FL1000 meters can be provided with analog rate indication in customer engineering units; reset or non-reset totalizer; 4-20 mA, pulse, or direct voltage outputs; battery backup; and features like panel mounting as well.

All series FL1000 flowmeters are designed and calibrated to operate in conjunction with the FLOW RESEARCH Models TR400, TR475, or TR500 flow transducers. Following is a discussion of both the transducers and the flowmeter transmitter model FL1000-RT, which encompasses all the available options.

#### 1.3.1 Model TR-400 Transducer

The Model TR400 is an insertion type impeller transducer, consisting of a specially designed 1.5 inch impeller mounted in a sturdy cylindrical fixture. The transducer is normally installed in a pipe so that the impeller is inserted about 1.5" into the flow stream.

Our other flow transducers, Models TR500, and TR475 operate on the same principle; their difference being that they are designed for Hot-Tap or in line installations. The Model TR475 is a Tee-Type transducer and is designed for line sizes below 2". For general discussion, the Model TR400 will be referred to as it is the unit used in the majority of applications. For more specific information on Models TR500 or TR475, please request our technical bulletin regarding this matter.

In operation, liquid flowing past the transducer causes the impeller to rotate with frequency directly proportional to the linear velocity of the flow. This rotation is magnetically coupled to a pickup in the transducer body by six (6) magnets encapsulated in the impeller, producing an A.C. signal whose frequency is again directly proportional to the flow rate. This is the output of the transducer.

In actuality, the output frequency of the transducer is not a perfect proportionality, but a linear function with a small negative offset. In effect, this means that there is a small, but measureable flow rate, below which there is no output from the transducer. Also, there is a non-linear region in the transducer characteristic for very low output frequencies.

#### 4-20 mA CIRCUIT BOARD (30005)

The 4-20 mA circuit card consists of a frequency to DC converter IC and an output transistor.

The 4-20 mA output from the collector of Q1 can be used to drive long cables without concern for cable resistance as long as total voltage drop in the system is not excessive. The collector of Q1 returns to a 30V DC power supply. Q1 will operate with as little as 3V DC on its collector, so the total resistance in the current leads can be:

$$R = \frac{E}{I} = \frac{27}{20 \text{ mA}} = 1350 \text{ ohms}$$

The ZERO control allows adjustment of the off-set to zero as well as 4 mA. This allows a resistor to be used in the collector of Q1 to develop standard voltage signals such as 0 to 1V, 0 to 5V, or 0 to 10V or a meter can be used with a normal 0 scale.

The 4 - 20 mA circuit is not isolated from the balance of the flowmeter circuitry, but the entire flowmeter circuit floats. Therefore, either terminal of the 4 - 20 mA output can be connected to a system common. When installing and connecting the 4 - 20 mA signal cable DO NOT connect a shield to the mother board terminal strip. Leave the shield disconnected at this end and connect it only to the circuit ground of the device the 4 to 20 mA is driving.

#### TOTALIZER CIRCUIT BOARD SCHEMATIC (30007)

The totalizer board is a digital divider chain that can be set to count various numbers of pulses from the transducer and advance the count of the counter once for each set of pulses counted. It is intended for use to count total engineering units of fluid flow in 10, 100, 1000, or 10,000 volume increments.

The card can be set for various pipe sizes without the need for test equipment, and thus allows easy field re-calibration of the unit.

Switches S1 through S4 are set to count the required number of pulses for a given pipe size. Once the switches are set, S5 can be used to provide a multiplier of X1, X10, X100, or X1000.

A back-up 12V battery can be connected to the motherboard through the BAT terminal strip. Diode CR1 isolates the battery as long as line voltage is present. If AC power is lost, the battery automatically provides necessary power. When AC power resumes, CR1 automatically isolates the battery again.

Thus, the output of the transducer in any given installation can be characterized as follows over its linear range:

$F_{out}$  = output frequency of transducer in HZ

$K_O$  = slope constant (HZ/GPM), dependent on pipe size

$Q$  = flow rate (GPM) of liquid through pipe

$B$  = offset frequency (HZ), dependent on pipe size

This equation applies for flow velocities of 1 fps to 30 fps. The slope constants and offsets have been experimentally determined for all standard pipe sizes (with given insertion depths) 2" and larger. With proper installation, these constants are highly repeatable using the Model TR400 transducer.

### 1.3.2 Model FL1000RT Flowmeter

The Model FL1000-RT consists of a small motherboard (SMB), a 4-20 mA board, a totalizer board and a meter shunt card. The function of each of these is outlined as follows:

#### SMALL MOTHER BOARD (SMB)

The SMB is used as the basic chassis in the instrument case. It contains the system power supply, input/output connection, and connections for various circuit cards available for use in the system.

TBI is the strip used to terminate the transducer leads, AC power, and the 4-20 mA output.

TI provides +32V DC for use with the 4-20 mA output. Approximately 15V DC is taken from TI center-tap and regulated through U2 to provide +8V DC regulated for all circuits.

A 60 HZ signal from TI is amplified and squared by U3 for use as a 60 HZ test signal on some circuit cards.

The F.R.C. impeller transducer produces a low level signal which is amplified by the transducer preamp U4, producing a square wave whose frequency changes linearly with flow rate. This signal is amplified and squared by U3A and C. The output at pin 8 of U3C is the transducer signal input to all circuit cards.

U3A drives the peak voltage detector CR2 and CR3 to sense the presence or absence of flow. U3D and U3E amplify the DC signal to provide a FLOW/NO FLOW signal for the circuit cards. This signal at U3E pin 4 is high (+8V DC) with the presence of flow and goes to 0V DC when flow ceases.

### METER SHUNT BOARD SCHEMATIC (33006)

The meter shunt board is used to drive the rate display from a 4 - 20 mA signal and allows the meter to read from zero to full scale.

The card is calibrated by first adjusting the 4 - 20 mA card and then setting the ZERO and SPAN controls on the meter shunt card for zero on the meter with no signal input, and for full scale with a 20 mA signal.

The meter shunt board is connected in series with the 4 - 20 mA signal at the mother board. To allow the meter to read correctly, the instrument is shipped with a red jumper on the terminal strip to complete the 4 - 20 mA circuit. When it is desired to use the 4 - 20 mA signal to drive an external load, remove the red jumper and connect the load to the same terminals.

#### 1.4 Specifications

|                           |                                                                           |
|---------------------------|---------------------------------------------------------------------------|
| OUTPUT                    | 0 - 20 mA for signals from 30 HZ to 150 HZ. Can be offset from 0 to 5 mA. |
| OUTPUT VOLTAGE COMPLIANCE | At least 28VDC.                                                           |
| ACCURACY                  | +/- 2% of rate with FRC transducer                                        |
| TEMPERATURE               | operating -20°C to +65°C<br>(-4°F to +150°F)                              |
| POWER                     | +12VDC (external power supply)<br>120V or 240 VAC; 50/60 HZ               |

## II. INSTALLATION

### 2.1 Unit Installation

Before installation, thoroughly examine the meter and transducer for any evidence of shipping damage. Check the appearance of the impeller and verify that it spins freely. Open the meter case by loosening the four (4) large screws on the corners of the cover and verify the following:

1. All circuit boards secure and free from damage.
2. Totalizer Board and 4-20 mA board connector properly connected to mother board.
3. Terminal Strip connections secure.

Re-secure the cover firmly.

Power-up the unit by applying the appropriate voltage, 115VAC or otherwise. If the impeller is spun, a non-zero display should occur on the analog rate indicator, and given enough time, the totalizer should register counts.

Disconnect the transducer. If the meter or transducer fails this test, see Section IV.

The standard Model FL1000 installation consists of the following components:

1. Model FL1000 Flowmeter (battery backup installed, if required).
2. Model TR400 transducer with twenty foot (20') cable terminated with spade connectors.

### 2.2 Transducer Installation

The proper installation of the transducer is critically important if the specified accuracy of this flowmeter is to be realized. Please follow these instructions carefully.

## 2.2 Transducer Installation - Cont'd

The Model TR400 transducer can be installed in any pipe two inches (2") or larger. For proper operation, the following requirements must be met:

1. **Location** - The transducer must be located at least ten (10) pipe diameters (up or downstream) from pumps, valves, elbows, etc.)
  - There should be no deformation or obstruction of the pipe at, or near the transducer. For example, the inside surface of the pipe around the transducer clearance should be clean and free of any lip or ridge.
  - The pipe in which the transducer is placed should always be full when measurements are being taken.
2. **Mounting** - The transducer should be aligned with the impeller parallel to the liquid flow and facing the proper direction.
  - The insertion depth (defined later in this section) must be precisely and correctly set. Correct insertion depths for all size pipes are supplied with each meter provided.

Following is a description of the installation procedure for the Model TR400 transducer.

### 1. Service Saddle or Welded Fitting Transducer Adjustment

Install the service saddle or welded fitting according to the manufacturer's instructions over a 2" hole in the pipe. Remove the transducer and positioning collar from the hex adapter after removing the three captive nuts.

Dope the hex adapter threads with teflon tape and screw into the service saddle until seated. Measure and record the distance (D1) from the nearest point of the pipe inner surface to the top of the hex adapter.

### III. CALIBRATION PROCEDURE

#### 3.1 mA Board

All FLOW RESEARCH CORPORATION flow transmitters are calibrated to exact customer specified flow rates and ranges. This is done using precise frequency generating and counting equipment to assure the lowest possible margin of error.

If re-calibration should be required in the field, please contact FLOW RESEARCH CORPORATION and request our Technical Bulletin. Re-calibration is only necessary when changing pipe diameters.

The FLOW RESEARCH CORPORATION rotary impeller transducer, like all turbine sensors, has a slight non-linearity in the form of an offset. To compensate for this non-linearity, the offset is set slightly higher than 4 mA according to pipe size, and then the SPAN setting is made with a signal of the proper frequency.

Again, should this adjustment be required in the field, please consult the factory at (713) 623-2143, and request the FL1000 calibration instructions.

#### 3.2 Totalizer Board

Again, this board has been pre-calibrated at the factory. If a change need be made, please use the information in the following chart according to pipe size.

Reference: See Chart next Page

FL1000 TOTALIZER CALIBRATION SETTINGS

- Notes: 1) All switch positions shown are in the "closed" or "on" position.
- 2) These settings apply to FRC flow transducers only. For pipe sizes not listed, please consult factory.

| PIPE<br>SIZE | PIPE<br>I.D. | S1    | S2    | S3    | S4    | S6                    | SET S5            |       |        |         |
|--------------|--------------|-------|-------|-------|-------|-----------------------|-------------------|-------|--------|---------|
|              |              |       |       |       |       |                       | RESOLUTION - GAL. |       |        |         |
|              |              |       |       |       |       |                       | 1                 | 2     | 3      | 4       |
| 1/2"         | --           | 3     | 2,4   | --    | 2,3,4 | 2,3,5                 | 10                | 100   | 1,000  | 10,000  |
| 3/4"         | --           | 4     | 2,3   | 3     | 3     | ALL                   | 1                 | 10    | 100    | 1,000   |
| 1"           | --           | 1     | 1,4   | 2,3   | 2,3,4 | --                    | 1                 | 10    | 100    | 1,000   |
| 1-1/4"       | --           | 2,4   | --    | --    | 2,3   | --                    | 1                 | 10    | 100    | 1,000   |
| 1-1/2"       | --           | 3,4   | 2,3,4 | 1,4   | 3     | R12 Adj.<br>Necessary | 1                 | 10    | 100    | 1,000   |
| 2"           | 2.067"       | 3,4   | --    | 2,4   | 2,3   | 2,5,6                 | 1                 | 10    | 100    | 1,000   |
| 2-1/2"       | 2.469"       | 3     | 4     | 2,3   | 3,4   | 2,3,4,5               | 1                 | 10    | 100    | 1,000   |
| 3"           | 3.068"       | 4     | 3,4   | 2     | 1     | ALL                   | 1                 | 10    | 100    | 1,000   |
| 4"           | 4.026        | 4     | --    | 2     | --    | 1,2                   | 1                 | 10    | 100    | 1,000   |
| 5"           | 5.047        | 2,3   | --    | 2,3   | 2,3   | 1,4,6                 | N/A               | 100   | 1,000  | 10,000  |
| 6"           | 6.065        | 2     | --    | 1     | 2,3   | 1,5                   | N/A               | 100   | 1,000  | 10,000  |
| 8"           | 7.981        | 3     | 3     | 2,3   | 1     | 2,3,4,5               | N/A               | 100   | 1,000  | 10,000  |
| 10"          | 10.02        | 4     | 3,4   | 1,4   | 3     | 2,3,5,6               | N/A               | 100   | 1,000  | 10,000  |
|              | 9.75         | 4     | 2     | 2,3,4 | 2,3,4 | 2,3,4                 | N/A               | 100   | 1,000  | 10,000  |
|              | 9.50         | 4     | 2,4   | 2,3   | --    | 2,3,6                 | N/A               | 100   | 1,000  | 10,000  |
| 12"          | 12.00        | 1,4   | 2     | 1     | --    | 2,3,6                 | 100               | 1,000 | 10,000 | 100,000 |
|              | 11.938       | 1,4   | 2,4   | 2     | --    | 2,3,6                 | 100               | 1,000 | 10,000 | 100,000 |
|              | 11.75        | 1,4   | 1,4   | --    | --    | 2,3,6                 | 100               | 1,000 | 10,000 | 100,000 |
|              | 11.50        | 4     | --    | 3,4   | 1     | 2,3,6                 | N/A               | 100   | 1,000  | 10,000  |
| 14"          | 13.25        | 2,3,4 | 2,3   | 1     | --    | 2,4,5,6               | N/A               | 1,000 | 10,000 | 100,000 |
|              | 13.124       | 2,3,4 | 1,4   | 1     | --    | 2,4,5,6               | 100               | 1,000 | 10,000 | 100,000 |
| 16"          | 15.00        | 2,3   | 4     | 3     | --    | 2,4,6                 | 100               | 1,000 | 10,000 | 100,000 |
|              | 15.25        | 2,4   | 2,3   | 2,3   | 2     | 2,4,6                 | N/A               | 1,000 | 10,000 | 100,000 |
| 18"          | 17.18        | 2     | 3,4   | 1     | --    | 2,4                   | N/A               | 1,000 | 10,000 | 100,000 |
|              | 16.876       | 2     | 2,3,4 | 2     | --    | 2,4                   | 100               | 1,000 | 10,000 | 100,000 |
| 20"          | 19.18        | 3,4   | 2     | 2,3   | 3     | 2,5,6                 | N/A               | 1,000 | 10,000 | 100,000 |
|              | 18.814       | 3,4   | 1     | 3     | 3     | 2,5,6                 | N/A               | 1,000 | 10,000 | 100,000 |
| 24"          | 24.00        | 3     | 4     | 2     | 3     | 2                     | N/A               | 1,000 | 10,000 | 100,000 |
|              | 23.56        | 3     | 3     | 2     | 2     | 2                     | N/A               | 1,000 | 10,000 | 100,000 |
|              | 22.626       | 3     | 2,3   | 2     | 2,3   | 2                     | N/A               | 1,000 | 10,000 | 100,000 |
| 30"          | 30.00        | 4     | 3,4   | 3     | 2,3   | 3,4,5,6               | N/A               | 1,000 | 10,000 | 100,000 |
|              | 29.25        | 4     | 2,4   | 1     | 2     | 3,4,5,6               | N/A               | 1,000 | 10,000 | 100,000 |
| 36"          | 36.00        | 1,4   | --    | --    | --    | 3,4,5                 | N/A               | 10K   | 100K   | 1M      |
|              | 35.25        | 4     | --    | 1,4   | 3     | 3,4,5                 | N/A               | 1,000 | 10,000 | 100,000 |
| 42"          | 42.00        | 2,3,4 | 2,3   | 1     | --    | ALL                   | N/A               | 10K   | 100K   | 1M      |

CALIBRATION DATA - F.R.C. 151812

Flow Range: 0-75,000 GPM

Pipe Size: 4.6125"

(☒) Given  
( ) Assumed

Minimum Measureable Quantity:

5,208 GPM

Reynolds Number @ Minimum Velocity:

356,819

Proper Insertion Depth: 5 1/2"

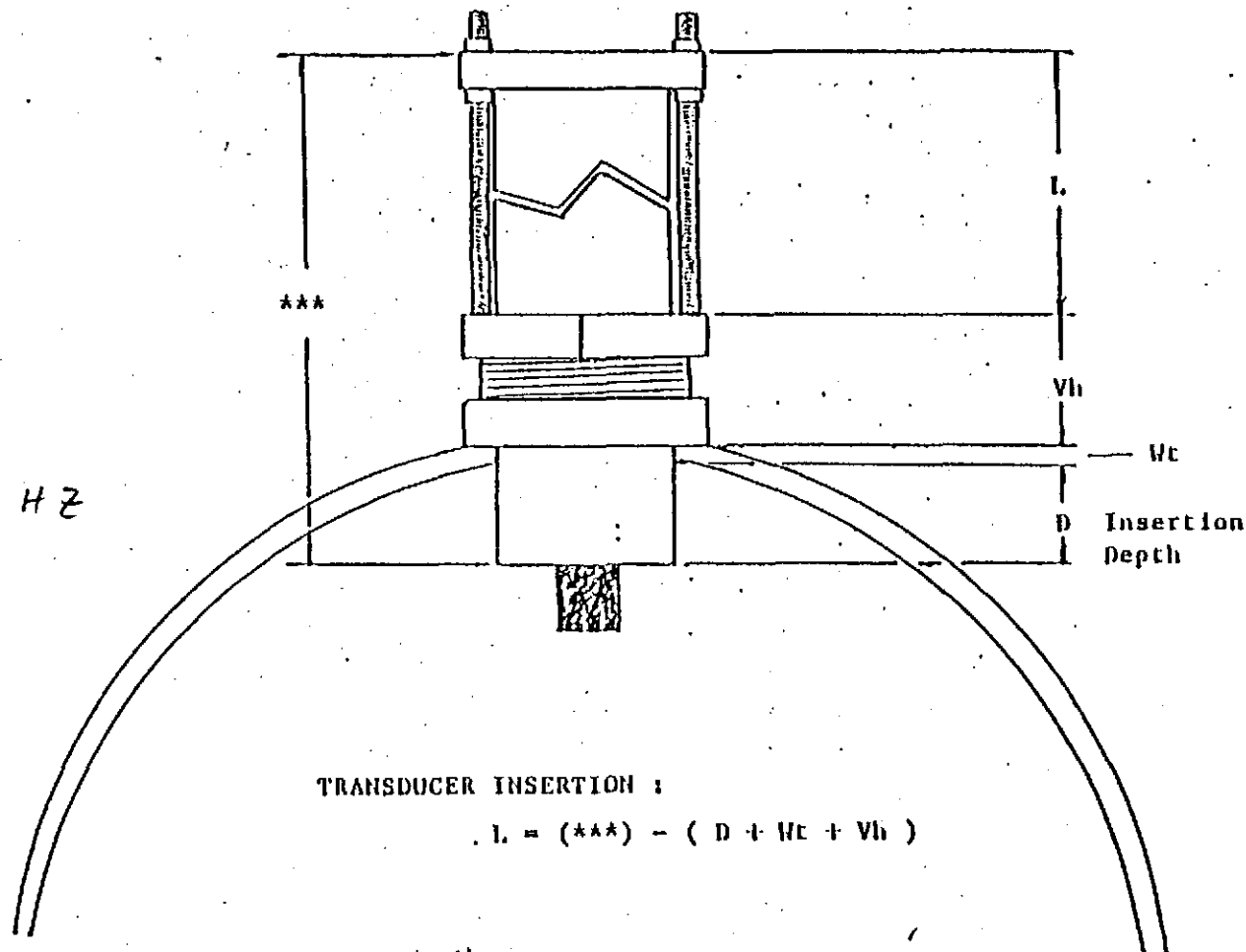
Calibration Frequency: 79.49 HZ

Switch Settings @ Rx =

S1 \_\_\_\_\_ S2 \_\_\_\_\_ S3 \_\_\_\_\_

S4 \_\_\_\_\_ S5 \_\_\_\_\_ S6 \_\_\_\_\_

\*\*\* - TR400 Series = 6-3/8"  
TR500 Series = 15-3/8"





March 15, 1990

Mr. James E. Stanton  
Sr. Water Resource Agent  
State of Idaho  
Department of Water Resources  
2148 4th Ave. East  
Twin Falls, Idaho 83301

RECEIVED

MAR 19 1990

Department of Water Resources  
Southern Region Office

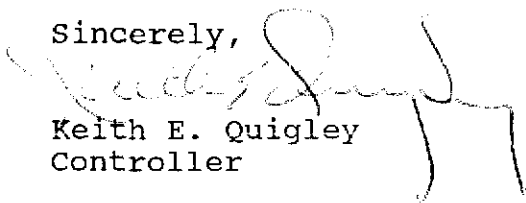
Re: Field Examination 36-8080

Dear Jim:

In reviewing my file on the captioned matter I noticed that in your letter of May 24, 1989 you indicated that if we did not hear from you we should contact you whenever we wished to have the licensing examination done. Given the source of our water the seasonality of the flows should not be a factor. In addition I would suggest that the weather has improved substantially and should be an incentive to conduct the exam before the heat of summer. Jim, give me a call and let's setup a convenient date and time for the field work.

I look forward to hearing from you soon. Thank you.

Sincerely,

  
Keith E. Quigley  
Controller



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

Keith E. Quigley, Controller  
Clear Springs Trout Co.  
P. O. Box 712  
Buhl, ID  
83316

May 24, 1989

RE: Your letter of 5-12-89 Concerning Licensing of Permit 36-08080

Dear Mr. Quigley;

Regarding the above-referenced letter, you need not be concerned that this permit will lapse due to the field examination not being completed by July 1. By filing proof of beneficial use and paying the examination fee, your permit is protected until the required field work and licensing procedure can be completed by this Department. The July 1 date no longer has any relevance to your permit. Although we try to do the licensing examination as soon as possible after proof of beneficial use is received, there is a large backlog of other permits that also need exams. And in the case of surface-water permits, flows may vary enough during the year so that the exam should be done during some particular month in order to measure the greatest amount of water that can be diverted under the permit. Since the license cannot be granted for more water than we measure during the exam, it is to your advantage to have the exam done under high-flow conditions. If we do not contact you first, please feel free to contact us whenever you wish to have the exam done.

If you have further questions, please feel free to contact this office.

Sincerely,

*James E. Stanton*

James E. Stanton  
Sr. Water Resource Agent

STANTON

001 881062

# Clear Springs

TROUT COUNTRY

RECEIVED  
MAY 15 1989

Department of Water Resources

May 12, 1989

State of Idaho  
Department of Water Resources  
1301 North Orchard St  
Statehouse Mail  
Boise, Idaho 83720

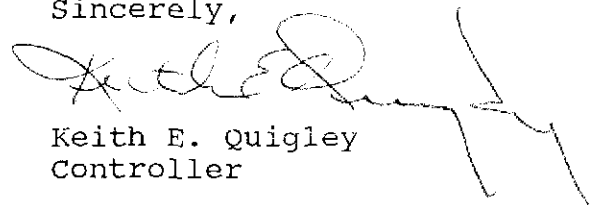
Re: Field Examination 36-8080

Gentlemen:

I am writing to inquire as to when we might expect to be contacted relative to the captioned matter. I have enclosed a copy of our Proof of Beneficial Use and receipt of same by the Department of Water Resources.

Since our extension expires on July 1, 1989 we would like to finalize this matter as soon as possible. Thank you.

Sincerely,



Keith E. Quigley  
Controller

enclosure

RECEIVED

MAY 23 1989

Department of Water Resources  
Southern Region Office

OCT 22 1982

RECEIPT  
For Monies Paid  
to the  
Idaho Department of Water Resource

RECEIVED

MAY 23 1989

Department of Water Resources 05307  
Southern Region Office

Date: 01/26/89  
Time: 09:26:58

Received From: CLEAR SPRINGS TROUT CO.

| Type of Payment                 | Program Acct      | Amount   |
|---------------------------------|-------------------|----------|
| PROOF OF BENEFICIAL USE 36-B080 | 0640122 1238 6490 | \$600.00 |
| Total                           |                   | \$600.00 |

CHECK 176690

Idaho Department of Water Resources

Region: STATE

Signature: Christa Poncia

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Clear Springs Trout Company

Project No. 6543-001  
Idaho

## ORDER AMENDING EXEMPTION FROM LICENSING

( Issued August 17, 1990 )

The Box Canyon Hydroelectric Project has a total installed capacity of 564 kW, which is higher than the authorized capacity of 546 kW in the exemption. <sup>1/</sup> The increase in the generating capacity has minimal effects on the project's hydraulic capacity causing no additional environmental impacts. Therefore, the exemption will be amended to show the project's total authorized installed capacity to be 564 kW.

The Director orders:

(A) The total authorized installed capacity of the Box Canyon Hydroelectric Project, FERC No. 6543, is 564 kW.

(B) This order is issued under authority delegated to the Director pursuant to section 375.314 of the Commission's regulations. Section 385.1902 of the Commission's regulations provides 30 days from the date of this order for an appeal to the Commission of this action. Filing an appeal does not stay the effective date of this order or any date specified herein.

*Joseph B. Morgan*  
J. Mark Robinson  
Director, Division of Project  
Compliance and Administration

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AUG 20 1990

Department of Water Resources

DC-A-5

<sup>1/</sup> The order granting exemption from licensing was issued on November 5, 1982, 21 FERC ¶ 62,191.

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE \$300



POSTAGE AND FEES PAID  
FEDERAL ENERGY  
REGULATORY COMMISSION  
FERC-361

P-6543 104302  
R. KEITH HENNINGSEN, DIRECTOR  
IDAHO DEPARTMENT OF ENERGY  
1801 NORTH GLENN ROAD  
STATEHOUSE  
BOISE, ID 83726



FEB 20 1990

Reply To  
Attn Of: WD-136

Lois D. Cashell, Secretary  
Federal Energy Regulatory Commission  
835 North Capitol Way Northeast  
Washington, D.C. 20426

RECEIVED  
FEB 26 1990

RECEIVED  
FEB 22 1990

Department of Water Resources  
Western Regional Office

Department of Water Resources

Re: Hardy Box Canyon, FERC #9452, Minor License Application

Dear Ms. Cashell:

The Environmental Protection Agency (EPA) has reviewed the minor license application for the Hardy Box Canyon Project, Idaho (FERC #9452). This document is not adequate for informed decision-making affecting such an exceptional and irreplaceable ecosystem as Box Canyon. Our comments on the information provided follow.

Box Canyon is a unique and essentially self-sustaining ecosystem. Situated off the Snake River in a canyon approximately 1.5 miles long, 200 feet deep, and 100 to 300 feet wide at the canyon bottom, the area has had limited disturbance. As a result, the ecosystem remains diverse and complex. Box Canyon Creek consists of numerous springs originating throughout the canyon. With an estimated cumulative volume of 720 cubic feet per second (cfs), Box Canyon Creek is reportedly the eleventh largest natural spring in the United States. This flow of water is a critical factor in the Box Canyon ecosystem. The water in this spring system provides the aquatic habitat for native fish and federal candidate threatened species. The exceptionally high quality aquatic and riparian plant communities are likewise dependent on this water flow. The Box Canyon complex is recognized as one of the few remaining undisturbed alcove ecosystems in the Snake River system.

The exceptional and unique values of Box Canyon are the reason for designation by the U.S. Bureau of Land Management (BLM) of public lands within the canyon as an Area of Critical Environmental Concern. The canyon has also been identified as an important potential Research Natural Area. Both the state of Idaho and the Nature Conservancy have had negotiations with the major landowner, Mr. Earl M. Hardy, regarding preservation of the unique features of Box Canyon.

Construction of the project as proposed would cause significant adverse impacts to the Box Canyon ecosystem. Adverse impacts would occur to water quantity, water quality, riparian and wetland habitat, aquatic habitat, raptors, stream flow integrity, and federal candidate threatened species. The license application fails to adequately describe the existing resources in the

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FEB 22 1990

OCT 23 1992

project area and, consequently, fails to adequately describe the impacts to these resources. Cumulative impacts to the Box Canyon ecosystem from existing and proposed projects are not addressed.

The applicant has relied extensively upon information included in BLM's Environmental Assessment (EA) on Mr. Hardy's right-of-way application (I-2880) for his proposed diversion structure for fish production facilities. The adequacy of this information and analyses was recently challenged in U.S. District Court (Randall Morgan et al. vs. Lt. Col. James A. Walter et al.). The court found "that substantial questions have been raised which have not been addressed by the government in preparation of its environmental assessments" and therefore issued a preliminary injunction pending a further and more detailed examination of the merits of the case. The applicant for the proposed hydroelectric project needs to independently examine the issues raised in the lawsuit and not rely on BLM's EA. The need for additional information was discussed in the U.S. Army Corps of Engineers decision document for Mr. Hardy's diversion structure. The Corps anticipated that future environmental studies of Box Canyon Creek would be needed for evaluation of the hydroelectric project. The Corps also stated that such studies may eliminate or limit the scope of hydropower development due to cumulative impacts in the canyon.

The preservation of the upper portion of the canyon has already been established in approvals by BLM and the Corps of Engineers for Mr. Hardy's proposed diversion for trout production facilities. Use of this preservation zone as mitigation for another project in Box Canyon Creek is unacceptable.

The features of Box Canyon are unique and irreplaceable. The documentation prepared for this project pursuant to the National Environmental Policy Act (NEPA) must fully address these features. The NEPA documentation must consider impacts to water quality (and quantity), wetland resources, wildlife habitat, aquatic habitat, and federal candidate threatened species, as well as alternatives to the project and cumulative impacts in the canyon. We recommend that the NEPA document be prepared in conjunction with the Corps of Engineers because of the Corps' involvement in the project pursuant to Section 404 of the Clean Water Act.

If additional information is not to be provided, then we recommend that the license application be denied because of the significant degradation which will occur to Box Canyon Creek and because all appropriate and practicable steps to minimize potential adverse impacts on the aquatic ecosystem have not been taken.

We look forward to participating in the identification of the issues which need to be addressed in evaluating this project and to reviewing the NEPA document. Thank you for the opportunity to review the Hardy Box Canyon

minor license application. - If you have any questions concerning our comments, please contact John Olson of our Idaho Operation Office in Boise at (208) 334-9488 or FTS 554-9488.

Sincerely,

*Ronald A. Kreizenbeck*

*R*Ronald A. Kreizenbeck  
Acting Director, Water Division

cc: EPA, Boise - Olson  
USFWS, Boise  
IDFG, Boise  
NMFS, Portland  
IDWR, Twin Falls  
IDHW, Boise  
IDPR, Boise  
Corps of Engineers, Walla Walla

138 1092

RECEIVED

DEC 6 1989

P-9452-001

P  
a

36-08080  
36-08336

Best  
WR ?

Department of Water Resources

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission

(November 28, 1989)

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection.

- a. Type of Application: Minor License
- b. Project No.: 9452-001
- c. Date Filed: February 3, 1989
- d. Applicant: Anita Kay Hardy, Barbara J. Harker and Earl M. Hardy
- e. Name of Project: Hardy Box Canyon
- f. Location: On Box Canyon Creek, a tributary of the Snake River, in Sec. 27 and 28, T8S, R14E, Boise Meridian near Wendell in Gooding County, Idaho.
- g. Filed Pursuant to: Federal Power Act, 16 U.S.C. §781(a)-825(r).
- h. Applicant Contact: Mr. Vernon F. Ravenscroft  
1843 Broadway Avenue, Suite 102  
Boise, ID 83705  
(208) 345-2670
- i. FERC Contact: Julie Bernt, (202) 357-0839
- j. Comment Date: FEB 12 1990
- k. Description of Project: The proposed run-of-the-river project would consist of: (1) a 5-foot-high, concrete diversion structure at elevation 2.961 feet; (2) a 1,250-foot-long, 76-inch-diameter penstock; (3) a powerhouse containing one generating unit with a rated capacity of 645 kW; and (4) a 3,000-foot-long transmission line. The average annual energy production is estimated to be 5,000,000 KWh and the estimated cost of the project is \$1,420,000.
- l. Purpose of Project: The power produced will be sold to area power companies.
- m. This notice also consists of the following standard paragraphs: A3, A9, B, C and D1.

001 2 9 1990

REPORT  
RMG

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHTS SUMMARY REPORT

DATE: 12/13/89  
PAGE: 1

WR-NUMBER:  
36-08080

CURRENT OWNER:  
CLEAR SPRINGS TROUT CO.  
P.O. BOX 712  
BUHL, ID 83316

PRIORITY DATE:  
04-20-1982

STAGE:  
PERMIT

COUNTY: GOODING  
SOURCE: BOX CANYON CREEK

TRIBUTARY: SNAKE RIVER

WATER USE:  
POWER

DIVERSION RATE:  
300.000  
TOTAL: 300.000

DIVERSION VOLUME:

PERIOD FROM: 01/01  
PERIOD TO: 12/31

REMARKS: FEET OF HEAD = 26 HORSEPOWER = 690

| POINT OF DIVERSION: | Twp | Rge | Sec | Tract | Lot |
|---------------------|-----|-----|-----|-------|-----|
|                     | 08S | 14E | 28  | SE NE |     |

| PLACE OF USE: | Twp | Rge | Sec | Tract | Lot | Acres |
|---------------|-----|-----|-----|-------|-----|-------|
|               | 08S | 14E | 28  |       | 3   |       |

WR-NUMBER:  
36-08336

CURRENT OWNER:  
EARL M. HARDY  
ANITA KAY HARDY  
BARBARA J. HARKER  
1301 VISTA AVENUE  
BOISE, ID 837050000

PRIORITY DATE:  
10-05-1987

STAGE:  
APPLICATION

COUNTY: GOODING  
SOURCE: BOX CANYON CREEK

TRIBUTARY: SNAKE RIVER

WATER USE:  
POWER

DIVERSION RATE:  
425.000  
TOTAL: 425.000

DIVERSION VOLUME:

PERIOD FROM: 01/01  
PERIOD TO: 12/31

| POINT OF DIVERSION: | Twp | Rge | Sec | Tract | Lot |
|---------------------|-----|-----|-----|-------|-----|
|                     | 08S | 14E | 27  | NW NW |     |
|                     | 08S | 14E | 27  | SW SW |     |

| PLACE OF USE: | Twp | Rge | Sec | Tract | Lot | Acres |
|---------------|-----|-----|-----|-------|-----|-------|
|               | 08S | 14E | 28  | SW NE |     |       |
|               | 08S | 14E | 28  | SE NE |     |       |

END OF REPORT



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

Keith E. Quigley, Controller  
Clear Springs Trout Co.  
P. O. Box 712  
Buhl, ID  
83316

May 24, 1989

RE: Your letter of 5-12-89 Concerning Licensing of Permit 36-08080

Dear Mr. Quigley;

Regarding the above-referenced letter, you need not be concerned that this permit will lapse due to the field examination not being completed by July 1. By filing proof of beneficial use and paying the examination fee, your permit is protected until the required field work and licensing procedure can be completed by this Department. The July 1 date no longer has any relevance to your permit.

Although we try to do the licensing examination as soon as possible after proof of beneficial use is received, there is a large backlog of other permits that also need exams. And in the case of surface-water permits, flows may vary enough during the year so that the exam should be done during some particular month in order to measure the greatest amount of water that can be diverted under the permit. Since the license cannot be granted for more water than we measure during the exam, it is to your advantage to have the exam done under high-flow conditions. If we do not contact you first, please feel free to contact us whenever you wish to have the exam done.

If you have further questions, please feel free to contact this office.

Sincerely,

*James E. Stanton*

James E. Stanton  
Sr. Water Resource Agent

APPROVED  
JUN 1 1989  
00. 3 102



TROUT COMPANY

RECEIVED

MAY 15 1989

Department of Water Resources

May 12, 1989

State of Idaho  
Department of Water Resources  
1301 North Orchard St  
Statehouse Mail  
Boise, Idaho 83720

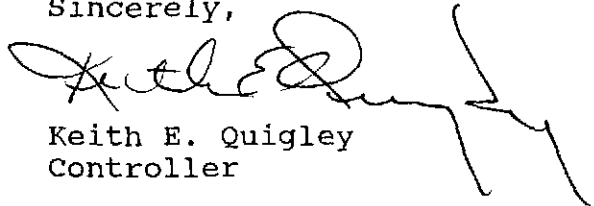
Re: Field Examination 36-8080

Gentlemen:

I am writing to inquire as to when we might expect to be contacted relative to the captioned matter. I have enclosed a copy of our Proof of Beneficial Use and receipt of same by the Department of Water Resources.

Since our extension expires on July 1, 1989 we would like to finalize this matter as soon as possible. Thank you.

Sincerely,



Keith E. Quigley  
Controller

enclosure

*Sent to S. Region for  
a response  
5-17-1989*  
OCT 23 1992

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 36-8080

Date: 1-30-89

General Considerations:

Y Name same as permit  
Y Signature the same as permit holder  
N Address change \_\_\_\_\_ If yes, prepare a data entry  
Y Proof received timely \_\_\_\_\_  
\_\_\_\_\_ Reinstated

Source of Water:

Y Surface water  
\_\_\_\_\_ Groundwater  
\_\_\_\_\_ 1. well log in file  
\_\_\_\_\_ 2. drilling permit  
\_\_\_\_\_ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

Y Rate of diversion appropriate for uses  
Y Is rate or volume and fee appropriate?  
Y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

Y Is a measuring device or access port required?  
Y Has one been installed?  
N/A Waiver or modification of measuring device requested

Remarks:

Proof acceptable

N/A Priority Calculation:  
Date proof received \_\_\_\_\_

Date proof due \_\_\_\_\_

No. of days late \_\_\_\_\_

Priority date \_\_\_\_\_

NEW PRIORITY DATE \_\_\_\_\_

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

Form 217  
03/86

**RECEIVED**  
JAN 25 1989

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only

Fee Received 4000.00

Date 1/26/89

Receipt # 1005307

Receipt by RP

Reviewed by JS

Sent to region     

## PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 36-8080

Name(s) of Permit Holder: Clear Springs Trout Company

Post Office Address: P.O. Box 712

Buhl, ID 83316

Telephone No. 208-543-4316

Source of Water: Box Canyon Creek

Extent of Use:

Domestic                      (number of households) Stockwater                      (number and type of stock)

Irrigation                      (acres) Other/Remark Power Generation

Total rate and/or volume for which proof is submitted 300 cfs                      acre-feet

Show the date water was first diverted and beneficially used under this permit: August 1983

Measuring Device: Required? ☒ Yes ☐ No  
Installed? ☒ Yes ☐ No

Fee enclosed \$600.00  
(See License Examination Fee Schedule)

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

Person to contact to accompany the Department representative during the field examination:

Terry Huddleston or Keith Quigley

208-543-4316

(Name)

(Telephone Number)

P.O. Box 712, Buhl, Idaho 83316

(Address)

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

JANUARY 23 1989  
Date

Keith Quigley  
Signature of Permit Holder (and title, if appropriate)  
Assistant Secretary, Clear Springs Trout Company

**MICROFILMED**

FEB 08 1989

# CLEAR SPRINGS TROUT COMPANY

CORPORATE  
BUHL, IDAHO 83316

42685

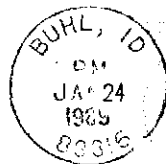
| INVOICE NO.            | INVOICE DATE      | DESCRIPTION                             | GROSS AMOUNT | DISCOUNT              | NET AMOUNT |
|------------------------|-------------------|-----------------------------------------|--------------|-----------------------|------------|
| 000000<br>36 8080      | VENDOR<br>1/17/89 | ST. OF ID. DEPT OF<br>LICENSE EXAM. FEE | 600.00       | CHECK DATE<br>1/19/89 | 600.00     |
| CHECK NUMBER<br>176690 | TOTALS >          |                                         | 600.00       |                       | 600.00     |

**MICROFILMED**  
FEB 08 1989



---

P.O. Box 548 Buhl, Idaho 83316



State of Idaho  
Department of Water Resources  
1301 North Orchard Street  
Statehouse Mail  
Boise, Idaho 83720

October 18, 1988

Keith E. Quigley  
Clear Springs Trout Co.  
P. O. Box 712  
Buhl, ID 83316

Dear Mr. Quigley:

Re: Permit No. 36-8080

Enclosed is a copy of the approved request for extension of time. The time within which to submit the proof of beneficial use form is extended to July 1, 1989.

If you have any questions or concerns regarding the permit, please contact this office.

Sincerely,

RITA I. FLECK  
Secretary/Records Manager

Enclosure



NOV 23 1988

## STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 36-8080Reviewed by [signature]Date 10-18-1988

## BASIC INFORMATION

y Date stamp received  
y Extension received timely  
 (not prior to 6 month before proof due date or after reinstatement period)  
y Fee received and receipted  
y Name and signature same as permit  
y Address change (indicate on coding sheet)

## BASIS FOR EXTENSION REQUEST

y Has adequate work been completed to demonstrate due diligence?  
y Has the cost incurred been adequate to demonstrate an intent to complete the project?

N/A Has the permit been involved in litigation?

a. Swan Falls \_\_\_\_\_ Dismissed from Swan Falls \_\_\_\_\_  
 Other \_\_\_\_\_ Identify \_\_\_\_\_

b. Is supporting documentation needed to complete the file? \_\_\_\_\_  
 Requested \_\_\_\_\_

c. Calculate the period of delay

Date litigation completed \_\_\_\_\_

Date litigation began \_\_\_\_\_

Total period of delay = \_\_\_\_\_

Present proof due date + \_\_\_\_\_

NEW PROOF DUE DATE = \_\_\_\_\_

N/A Is delay by a government agency?

Is supporting documentation needed to complete the file? \_\_\_\_\_  
 Requested? \_\_\_\_\_

## ACTION TAKEN

*Recommend approval based on due diligence for one year*

Special conditions or remarks:

N/A Reinstatement Date extension received \_\_\_\_\_ = \_\_\_\_\_  
 Proof due date \_\_\_\_\_ = \_\_\_\_\_  
 No. of days late \_\_\_\_\_ = \_\_\_\_\_  
 Priority date \_\_\_\_\_ = + \_\_\_\_\_  
 ADJUSTED PRIORITY DATE \_\_\_\_\_ = \_\_\_\_\_

Prepare coding sheet

Change rolodex cardf



TROUT COMPANY

JUN 27 1988

Department of Water Resources

June 23, 1988

**CERTIFIED MAIL**

Return Receipt Requested

State of Idaho  
Department of Water Resources  
1301 North Orchard Street  
Statehouse Mail  
Boise, Idaho 83720

Re: Permit No. 36-8080  
Proof Due Notice

Gentlemen:

Pursuant to your letter of April 30, 1988 please find enclosed our Request for Extension of Time. As noted in your letter we are requesting this extension as provided in Section 42-204, Idaho Code.

Should you have questions or require any additional information please feel free to contact me. Thank you for your consideration.

Sincerely,

Keith E. Quigley  
Controller

enclosure

NOV 28 1988

138502  
CERTIFIED MAIL  
April 30, 1988

CLEAR SPRINGS TROUT CO.  
P.O. BOX 548  
BUHL, ID 83316

**PROOF DUE NOTICE**

RE: Permit No. 36-8080

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 July 1, 1988. (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 completed 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, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK  
Secretary/Records Manager

Enclosures

RECEIVED  
MAY 24 1988



State of Idaho

## DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON  
CHIEF, OPERATIONS BUREAU

NOV 24 1985

August 3, 1983

RE: Permit No. 36-8080

Clear Springs Trout Co.  
P.O. Box 548  
Buhl, ID 83316

Dear Permit Holders:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

Be sure to note the special condition requiring you to install and maintain a measuring device at your point of diversion. We have enclosed a description of the different types of measuring devices accepted by this office.

Please be advised that prior applications for permit have been filed to appropriate water from your source which may impact the availability of water to be used under this permit. Therefore, you should be sure to analyze the impact of these rights before making a major investment into your water use project.

Sincerely,

DAVID R. TUTHILL, JR., P.E.  
Supervisor, Water Allocation Section

DRT:kw  
Enclosures

POWER CALCULATIONS FOR APPLICATION NO. 36-8080

P = Kilowatts .74 x hp (690)

Q = cfs

H = feet

e = efficiency

proposed

510.6 KW

300 cfs

26 ft

?

$$e = \frac{P(11.8)}{QH} = \frac{510.6(11.8)}{300 \times 26} = \frac{6025.08}{7800} = .77$$

Based on the above calculations the proposed project must have an 77 % efficiency.

\*\*\*\*\*

OVERLAP REVIEW

P/D SENE Sec. 28 T8S R14E

36-7091 Fish

36-7334 Fish

36-7797 Fish

Applicant Roster — 36-7824 Fish & Power

36-7175 Fish

(SWNW)  
P/U Lot 3 Sec 28 T8S R14E

By Lot  
36-7797 Fish

36-2038 IM

36-7824 Fish

36-4160

4161 IM

4162

By Tract  
36-7040 Rec

36-7040 IM

36-2038 "

36-4060 "

4061 "

4062 "

BYPASSED AREA NWNE Sec 28

Lot 2 (SENW) Sec 28

→ none  
→ 36-7334 Fish  
→ 36-7091 Fish

Recommend PL14

525-7168

Mischkin

31-2423

32-7005  
32-7034

INTER-DEPARTMENT MEMO — 1

FROM

Dave T

DATE

6/1/83

TO

~~Glen~~

Jim - Robyn

Please process - Then return to me  
Jim

SUBJECT

36-8080

This outfit merely wants to place a generator  
on their existing system. Shall we prepare for approval?

yes DTT

Dave

SIGNATURE

Draft



RECEIVED

JUN 6 1983

® / Clear Springs, Inc. Boise, Idaho

June 2, 1983

Mr. L. Glen Saxton  
Chief Operations Bureau  
Department of Water Resources  
Statehouse  
Boise, ID 83720

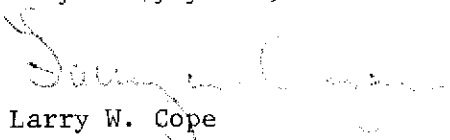
Re: Application for Permit No 36-8080.

Dear Mr. Saxton:

Pursuant to your letter of June 22, 1982 I have enclosed a copy of the order granting exemption from licensing for a conduit hydroelectric project (Project No. 6543.000) which was issued November 5, 1982 by the Federal Energy Regulatory Commission on our Box Canyon Hydroelectric Project.

If additional information is needed to consummate the Permit for this project, please feel free to contact me.

Very truly yours,

  
Larry W. Cope  
President

LWC/br

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Clear Springs Trout Company ) project No. 6543-000

ORDER GRANTING EXEMPTION FROM LICENSING FOR  
A CONDUIT HYDROELECTRIC PROJECT

( Issued November 5, 1982 )

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act pursuant to 18 C.F.R. Part 4 Subpart J (1980) implementing Section 30 of the Federal Power Act (Act) for a project as described in the attached public notice. 2/

Notice of the application was published and comments were requested from interested Federal and State agencies including the U. S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and petitions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

Standard Article 2 included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and conditions referred to in Article 2 are contained in any letters of comment by these agencies which have been forwarded to the Applicant in conjunction with this exemption.

1/ Clear Springs Trout Company, Project No. 6543, filed on July 19, 1982.

2/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 18 C.F.R. §375.308 (1981), FERC Statutes and Regulations §30,238. This order may be appealed to the Commission by any party within 30 days of its issuance pursuant to Rule 1902, 18 C.F.R. 385.1902, FERC Statutes and Regulations §20.052, 47 Fed. Reg. 19014 (1982). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 313(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this order, except as specifically directed by the Commission.

Should the Applicant contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment as being outside the scope of Article 2, the Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

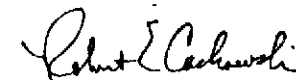
Based on the terms and conditions required by Federal and State fish and wildlife agencies, the environmental information in the application for exemption, other public comments, and staff's independent analysis, issuance of this order is not a major Federal action affecting the quality of the human environment.

It is ordered that:

(A) Box Canyon Hydroelectric Project No. 6543 as described and designated in Clear Springs Trout Company's application filed on July 19, 1982, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.94 of the Commission's regulations attached hereto as Form E-1, 18 C.F.R. §4.94 (1981), and the following Special Article:

Article 3. The construction, operation, and maintenance of the exempt project may be reviewed by the Commission and subjected to further requirements for consistency with the terms and conditions of the regional fish and wildlife plan developed pursuant to the Pacific Northwest Electric Power Planning and Conservation Act. Inconsistencies between the regional plan and the mandatory conditions under Article 2 will be resolved by the Commission.

(B) The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of the proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which this exemption was granted. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the revocation.



Robert E. Cackowski  
Deputy Director, Office of  
Electric Power Regulation



P.O. Box 712 Buhl, Idaho 83316

Mr. L. Glen Saxton  
Chief Operations Bureau  
Department of Water Resources  
Statehouse  
Boise, ID 83720



State of Idaho

## DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-4440

June 22, 1982

RE: Application for Permit No. 36-8080

Clear Springs Trout Co.  
P.O. Box 548  
Buhl, ID 83316

Gentlemen:

We have completed a preliminary review of the above referenced application. This review has included advertising by the regional office and a verification that all required preliminary information has been provided.

For power projects that are under the jurisdiction of the Federal Energy Regulatory Commission (FERC), we withhold final action on the application pending FERC approval of (1) a preliminary permit, or (2) an exemption. If you have not yet contacted FERC, the address below is a good starting point:

Regional Engineer  
San Francisco Regional Office  
Federal Energy Regulatory Commission  
333 Market Street, Sixth Floor  
San Francisco, CA 94105-2195  
Telephone No. (415) 974-7177

The continued validity of this application is contingent on your proceeding with due diligence toward obtaining an approval or an exemption from FERC. Please keep this office informed of progress in this regard.

Sincerely,

L. GLEN SAXTON  
Chief, Operations Bureau

LGS:kw

State of Idaho  
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

CLEAR SPRINGS TROUT CO.

INITIAL REVIEW BY: ADM

APPLICATION NUMBER: 36-8080

CHECK:

- ☒ Source.  
☒ Point of diversion.  
☒ County.  
☒ Quantity of water and period of use.  
☒ 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:

1. Plan  
2. Cost Est.  
3. Financial Statement  
4. Affid. of Res.

SEND COPIES TO:

- ☐ Idaho State Health Department.  
☒ Idaho Fish and Game Department.  
☐ Idaho Department of Lands.  
☐ U.S. Bureau of Land Management.  
☐ U.S. Forest Service.  
☐ Other \_\_\_\_\_

Copies sent by: \_\_\_\_\_

Date: \_\_\_\_\_

M.A.

5/19/82

PROCESSING:

- ☐ Yes ☒ No  
☐ Yes ☒ No

Platted by: ADM

Map No. BB-20

Other rights on same place of use. No other power filings.

- ☒ Yes ☐ No\*  
☐ Yes ☒ No

In form for advertising.

Final date for protests: 5/17/82

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 5/17/82  
☒ 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  
☒ Yes ☐ No  
☐ Yes ☒ No

Measuring device required.

Access port required.

Will water be delivered by watermaster? If yes, what district? \_\_\_\_\_

Date of priority recommended. 4/20/82

Special conditions of approval or cover letter. 08A, 17, 25,

01A or 01B 01B

By: ADM

Date: 5/27/82

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information

By: \_\_\_\_\_

Date: 6/16/82

Do NOT Approve until FERC  
Approval is received

SEND FERC LETTER Jim 6-15-82

POINT OF DIVERSION AND STREAM INDEX INFORMATION

| TRACT | SEC | TWP | RGE | gov't<br>lot | rediv.<br>(R) | REACH |
|-------|-----|-----|-----|--------------|---------------|-------|
|-------|-----|-----|-----|--------------|---------------|-------|

IDAHO STREAM CODE INDEX

| TRACT | SEC | TWP | RGE | gov't<br>lot | rediv.<br>(R) | REACH |
|-------|-----|-----|-----|--------------|---------------|-------|
|-------|-----|-----|-----|--------------|---------------|-------|

IDAHO STREAM CODE INDEX

| TRACT | SEC | TWP | RGE | gov't<br>lot | rediv.<br>(R) | REACH |
|-------|-----|-----|-----|--------------|---------------|-------|
|-------|-----|-----|-----|--------------|---------------|-------|

IDAHO STREAM CODE INDEX

| TRACT | SEC | TWP | RGE | gov't<br>lot | rediv.<br>(R) | REACH |
|-------|-----|-----|-----|--------------|---------------|-------|
|-------|-----|-----|-----|--------------|---------------|-------|

IDAHO STREAM CODE INDEX

| TRACT | SEC | TWP | RGE | gov't<br>lot | rediv.<br>(R) | REACH |
|-------|-----|-----|-----|--------------|---------------|-------|
|-------|-----|-----|-----|--------------|---------------|-------|

IDAHO STREAM CODE INDEX

POWER CALCULATIONS FOR APPLICATION NO.

36-8080

P = Kilowatts .74 X hp

Q = cfs

H = feet

e = efficiency

proposed

515.0 KW

300.0 cfs

26 ft

?

$$e = \frac{P(11.8)}{QH} = \frac{515(11.8)}{300 \times 26} = \frac{6077}{7800} = .8$$

Reasonable

Based on the above calculations the proposed project must have an 80 % efficiency.

RC 6/9  
82

~~THE APPLICATION~~

Do not approve Application  
until FERC APPROVAL IS  
RECEIVED

JIM  
6-15-82



May 26, 1982

RECEIVED

MAY 27 1982

Department of Water Resources  
Southern District Office

Department of Water Resources  
Southern Region  
1041 Blue Lakes Blvd. N.  
Twin Falls, ID 83301

Attn: Mr. Allen D. Merritt  
Senior Water Resource Analyst

RE: Application for Permit No. 36-8080

Dear Mr. Merritt:

Pursuant to your request of May 18, 1982, I have enclosed the following documents:

1. A plan of the facility including scale drawings with locations, dimensions and elevations of all major components of the facility.
2. Estimate of construction costs.
3. Letter from Clyde N. Carlson of the Idaho First National Bank indicative of financial resources available to us for completion of the project.
4. Executed and notarized affidavit of residency.

I hope this will provide you with the information you require to begin processing our application. If you should require additional information or wish to discuss this further, please feel free to contact me. Your most prompt attention is appreciated. Thank you.

Sincerely,

Keith E. Quigley  
Controller

KEQ:df

Encl.

RECEIVED

MAY 27 1982

Department of Water Resources  
Southern District Office

CLEAR SPRINGS TROUT CO.  
BOX CANYON HYDRO-ELECTRIC PROJECT  
ESTIMATED CAPITAL COSTS

| <u>Description</u>                                            | <u>Estimated Cost</u> |
|---------------------------------------------------------------|-----------------------|
| Flume & Headworks Construction                                | \$ 572,500            |
| Additional 48-inch Penstock, Manifolds & Valves               | 671,250               |
| Power House, Controls, Switchgear                             | 166,250               |
| Turbines, Generators, Transformers, Powerline<br>and Intertie | <u>600,000</u>        |
| TOTAL ESTIMATED COST                                          | <u>\$2,010,000</u>    |



TWIN FALLS OFFICE

May 17, 1982

RECEIVED

MAY 17 1982

Department of Water Resources  
State of Idaho  
450 West State  
Boise, Idaho 83702

Department of Water Resources  
Twin Falls District Office

Re: Clear Springs Trout Co.  
Permit #36-8080

Gentlemen:

It is my understanding that Clear Springs Trout Co. has made application for a water use permit to allow them to construct a hydroelectric generation project using land and water that is currently in use by them for fish propagation.

The Idaho First National Bank is currently their lead bank and we are involved in financing all of the operations of the Clear Springs Trout Co. This is to assure you that Clear Springs Trout does have financial resources available for them to complete the proposed project with an approximate cost of \$2,000,000. Should you have any further questions, I will be happy to discuss them with you.

Sincerely,

A handwritten signature in cursive script, reading "Clyde N. Carlson".

Clyde N. Carlson  
Vice President and Manager

CNC:jk

cc: Larry Cope, President  
Clear Springs Trout Co.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
AFFIDAVIT FOR WATER RIGHTS TO BE USED  
FOR POWER PURPOSES

A. Establishment of Residency: (Complete either 1, or 2).

1. Individual Applicant or Individual Members of a Partnership:

I, \_\_\_\_\_ of \_\_\_\_\_  
(name) (city)

county of \_\_\_\_\_, State of Idaho, being duly sworn, do  
hereby certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, John C. Hepworth of Twin Falls,  
(name) (city)

County of Twin Falls, State of Idaho, being duly sworn, depose  
and say: That I am the designated registered agent of the \_\_\_\_\_

Clear Springs Trout Company: that as such I am in charge of the registered  
(name of corporation)

office of the said corporation as required by Section 30-1-12, Idaho Code, at  
Buhl Idaho, wherein are kept the corporate records required  
(city)

by Section 30-1-52, Idaho Code: and that Clear Springs Trout Company  
(name of corporation)

is a corporation qualified to do business in the State of Idaho under the laws of  
the State of Idaho.

3. Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for  
Permit:

- ☐ Will not utilize existing man-made irrigation facilities such as a dam or a  
canal.
- ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal,  
and permission of the owner is documented in an affidavit attached hereto.
- ☒ Will utilize existing man-made irrigation facilities such as a dam or a canal  
and the owner of the facilities is the signer of this affidavit.

State of Idaho )  
County of Twin Falls ) ss.

John C. Hepworth  
Applicant

On this 26<sup>th</sup> day of MAY, 1982, personally  
appeared before me the signer(s) of the above instrument, who duly acknowledged  
to me that he (she) (they) executed the same.

seal

Kathleen E. Quigley  
Notary Public residing at  
Buhl Idaho

My commission expires:

7-15-82

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

---

36-8080-

CLEAR SPRINGS TROUT CO.

P.O. BOX 548, BUHL, ID 83316

Source: BOX CANYON CREEK tributary to SNAKE RIVER

Date Filed: 04/20/1982

Amount: 300.00 CFS

Diversion Point: SENE Sec 28 T 08S R 14E, GOODING Co.

Use: POWER (300.00 CFS) from 01/01 to 12/31

Place of Use: LOT 03 Sec 28 T 08S R 14E

Diversion Means: DIVERSION DAM, CONVEYANCE FLUME, SIPHONS

---

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before MAY 17, 1982.

A. KENNETH DUNN

Director

Published 4/28 & 5/5/82.

36-8089

CLEAR SPRINGS TROUT  
CO.

P.O. BOX 548, BUHL, ID  
83316

Source: BOX CANYON  
CREEK tributary to SNAKE  
RIVER

Date Filed: 04/29/1982

Amount: 300.00 CFS

Diversion Point: SENE Sec  
28 T 08S R 14E, GOODING  
Co.

Use: POWER (300.00 CFS)  
from 01/01 to 12/31

Place of Use: LOT 63 Sec 28  
T 08S R 14E

Diversion Means: DIVER-  
SION DAM, CONVEYANCE  
FLUME, SIPHONS

ok  
may  
4/29/82

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Southern Region

JOHN V. EVANS  
Governor  
R. KENNETH DUNN  
Director  
May 18, 1982  
Clear Springs Trout Company  
P.O. Box 548  
Buhl, Idaho 83316  
RE: Application for Permit No. 36-8880  
Gentlemen:

This office is currently processing your Application for Permit No. 36-8880 filed on April 20, 1982.

Since the application seeks to establish a water right for power generating purposes, and it appears that a commercially marketable amount of power may be produced, the following information must be submitted for inclusion with your application in accordance with Section 42-202 of the IDAHO CODE:

A plan for the facility. This must include a scale drawing showing the proposed layout of the plant on the property, and must give approximate locations, dimensions, and elevations of all major components of the facility.

An itemized estimate of the cost of constructing the facility.

A statement of the financial resources of the applicant and the means by which funds are to be provided for construction of the project. This information will be reviewed in confidence and returned to you.

Please find enclosed an affidavit which must also be included with your application. Please complete the affidavit, sign it before a notary, and return it to this office.

Advertising and regional office review of your application should be completed by May 28, 1982. If the above requested information is received by that date, no additional delay in processing in this office will be incurred before we forward your application to the IDWR State Office for final review. If you have questions regarding these requirements, please contact our office.

Sincerely,

*Allen D. Merrill*

Allen D. Merrill  
Senior Water Resource Analyst



# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES SOUTHERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

1041 Blue Lakes Blvd. North  
Twin Falls, Idaho 83301  
(208) 734-3578

May 19, 1982

Mr. Bob Bell, Regional Fisheries Biologist  
Idaho Fish & Game Department  
Region #4  
P. O. Box 428  
Jerome, Idaho 83338

Re: Application for Permit No. 02-7376 and 36-8080

Dear Mr. Bell:

Please find enclosed a copy of the above referenced application for permit for your information and files.

Sincerely,

Mary A. Hill  
Secretary

for

Loren O. Holmes  
Southern Region Supervisor

Encl:

04/28/82

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
NEW WATER RIGHT FILINGS

\*INDICATES TOTAL\*

| RIGHT<br>NUMBER | NAME AND<br>ADDRESS                                                                                                                                          | PRIORITY<br>DATE | USE            | USE PERIOD<br>FROM TO | MAX AMOUNT<br>MAX RATE | DIVERSION<br>POINT                                                                                                      | PLACE OF USE<br>AND ACREAGE | BASIS FOR<br>RIGHT |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------|-----------------------|------------------------|-------------------------------------------------------------------------------------------------------------------------|-----------------------------|--------------------|
| 36-8078         | SOURCE: GROUNDWATER                                                                                                                                          |                  | TRIBUTARY:     |                       |                        |                                                                                                                         | * 1 ACRES*                  |                    |
|                 |                                                                                                                                                              |                  | STOCKWATER     | 01-01 12-31           | .02 CFS                |                                                                                                                         | SAME AS OTHER USE           |                    |
|                 |                                                                                                                                                              |                  | DOMESTIC       | 01-01 12-31           | .08 CFS                |                                                                                                                         | SAME AS OTHER USE           |                    |
|                 |                                                                                                                                                              |                  | FIRE PROTECTIO | 01-01 12-31           | .08 CFS                |                                                                                                                         | SAME AS OTHER USE           |                    |
|                 |                                                                                                                                                              |                  |                |                       | * ---*AFA              |                                                                                                                         |                             |                    |
|                 |                                                                                                                                                              |                  |                |                       | * .08*CFS              |                                                                                                                         |                             |                    |
| 36-8079         | TAYLOR, RONALD C.<br>TAYLOR, GLEN A.<br>RT. 1<br>WENDELL ID 83355<br>SOURCE: GROUNDWATER<br>OTHER USES: S/200 RANGE                                          | 04-15-1982       | STOCKWATER     | 01-01 12-31           | .05 CFS                | NENE S26 NENE<br>T07S R14E S26 T07S R14E                                                                                | APPLICATION                 |                    |
|                 |                                                                                                                                                              |                  | TRIBUTARY:     |                       |                        |                                                                                                                         |                             |                    |
|                 |                                                                                                                                                              |                  | COMMERCIAL     | 01-01 12-31           | .06 CFS                |                                                                                                                         | SAME AS OTHER USE           |                    |
|                 |                                                                                                                                                              |                  | DOMESTIC       | 01-01 12-31           | .04 CFS                |                                                                                                                         | SAME AS OTHER USE           |                    |
|                 |                                                                                                                                                              |                  |                |                       | * ---*AFA              |                                                                                                                         |                             |                    |
|                 |                                                                                                                                                              |                  |                |                       | * .06*CFS              |                                                                                                                         |                             |                    |
| 36-8080         | CLEAR SPRINGS TROUT CO.<br>P.O. BOX 548<br>BUHL ID 83316<br>SOURCE: BOX CANYON CREEK<br>OTHER RIGHTS: 36-8080<br>REMARKS: FEET OF HEAD = 26 HORSEPOWER = 690 | 04-20-1982       | POWER          | 01-01 12-31           | 300.00 CFS             | SENE S28 LT03<br>T08S R14E S28 T08S R14E                                                                                | APPLICATION                 |                    |
|                 |                                                                                                                                                              |                  | TRIBUTARY:     | SNAKE RIVER           |                        |                                                                                                                         |                             |                    |
| 37-4237         | TEST, MRS. C.<br>2313 TERRACE DRIVE<br>CALDWELL ID 83605                                                                                                     | 05-01-1948       | IRRIGATION     | 05-01 10-15           | 3.00 CFS               | SESE S11 SESW(03) SWSE(01) STATRY CLM<br>T05S R16E S11 T05S R16E<br>NWNW(16) NENW(31)<br>NWNW(39) SWNW(19)<br>SENEW(03) |                             |                    |

WM  
Control

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region

---

1041 Blue Lakes Blvd N.  
Twin Falls, Idaho 83301  
(208) 734-3578

APRIL 21, 1982

Gooding County Reader  
P.O. Box 56  
Gooding, Idaho 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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 MAY MAY 17, 1982.

Yours truly,

Mary A. Hill  
Secretary

Encl.

3/79

IDENT. NO. 36-8080

I D A H O   D E P A R T M E N T   O F   W A T E R   R E S O U R C E S

WATER RIGHT  
DATA ENTRY LOG

[illegible]